



CITY OF WAUWATOSA

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COMMON COUNCIL

Regular Meeting, Tuesday, October 16, 2012

PRESENT: Alds. Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson, Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso -16

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Fire Police Chief Weber; Ms. Enders, Development Director; Mr. Wojcehowicz, Water Utility Supt.; Mr. Wehrley, City Engineer; Ms. Ledesma, City Clerk

Mayor Ehley in the Chair

The Mayor called the meeting to order at 7:33 p.m.

It was moved by Ald. McBride, seconded by Ald. Hanson that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -15

(Ald. Organ present 7:35 p.m.) -16

Representatives of the Committee for Citizens with Disabilities and aldermanic liaison Ald. Birschel acknowledged the following businesses for hiring employees with disabilities: Leff’s Lucky Town, Walgreens Drug Stores, and Pick ‘n Save Grocery Store.

PUBLIC HEARING

The first item of business was a public hearing to consider the proposed 2013 street improvement projects:

Street & Location	Ald. Dist.	Exist & (Prop.) Width	Pavement Construction Type	Assessed Sidewalk Work
Lisbon Ave. from 100 th St. to Capitol Dr.	8	34'	A-Conc	Yes
124 th St. from Watertown Plank Rd. to 200 ft. north of Garfield Ave.	7	24' (24')	C	No
Capitol Drive from 92 nd St. to Mayfair Rd.	8	35-24-35 (Same) 52'	A-Conc	Yes
Center St. from 117 th to 124 th Sts.	6/7	(52')	C	No
Chambers St. from 120 th St. to 124 th Sts.	6/7	30' (30')	C	No

Milwaukee Ave. from Wauwatosa to Underwood Aves.	1	40' (40')	C	No
Milwaukee Ave. from Underwood Ave. to Church St.	1	40' (40')	A-Conc	Yes
Milwaukee Ave. from Church to 83rd Sts.	2	34' (34')	A-Conc	Yes
St. James St. from the east dead end to 71st St.	2	30' (30')	B-Asph	Yes
Alley between Grantosa Dr./Palmetto from 95th St. to Byron Pl.	8	20' (20')	C	No
Alley between Hadley St./Center St. from Lefebor Ave. to 73rd St.	5	20' (20')	A-Conc	No

Proof of publication is in the file.

No one of the public present wished to be heard in favor of, in opposition to, or had any questions concerning the follow proposed improvements: Lisbon Avenue, Center Street, Milwaukee Avenue, St. James Street, and the alley between Grantosa Drive/Palmetto from N. 95th Street to Byron Place.

N. 124th Street from Watertown Plank Road to 200' north of Garfield Avenue

Darrin Dequardo, 1434 N. 124th Street, spoke in opposition, stating that taxes are already high; this assessment could drive residents out of the city. In 2010, the City indicated the assessments would be postponed indefinitely.

Capitol Drive from N. 92nd Street to Mayfair Road

The owner of 10702 W. Capitol Drive stated her proposed assessment is over \$20,000; they can't afford this.

Chambers Street from N. 120th Street to N. 124th Street

The owner of 12209 W. Chambers Street opined that there is nothing wrong with the street; the improvement will not increase his property's value.

Alley between Hadley Street/Center Street from Lefebor Avenue to N. 73rd Street

Bryan Stutzki, 10920 W. Michigan Street and owner of 2701 Lefebor Avenue, stated the proposed assessment is over \$9,600; this alley only carries a few cars and the traffic does not justify the improvement.

Pamela Hensler, owner of 2734 N. 73rd Street, stated that the alley is functional; her assessment would be over \$5,000. The entire cost of these alley improvements would be borne by the property owners. This alley extends into the City of Milwaukee which does not intend to improve its portion. Just fill the potholes.

Ed Buckner, 2672 N. 73rd Street, and Tim Carnahan, 2757 N. Lefebor, both echoed their neighbors' opposition to the proposed improvement. Just repair the cracks.

Mary Temple, 2739 N. Lefebor Avenue, noted that owners are each being assessed about \$5,000; only one-half of the alley would be done. This is ridiculous.

Ron Urbaniak, 2728 N. 73rd Street, stated the alley's condition is not perfect, but it is serviceable. This area has had sidewalk and street assessments over the past ten years already.

The public hearing was declared closed. Ordered held to the next Common Council meeting on November 6, 2012.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of claims: Robert Clemency, 7733 Geralayne Drive; Alicia Bartz, 1421 N. 69th Street
City Attorney
2. Wauwatosa Water Utility Statement of Receipts & Disbursements for the period ended
September 30, 2012
Place on file

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-12-21

AN ORDINANCE AMENDING SECTION 11.36.190 OF THE CODE OF THE CITY OF WAUWATOSA ELIMINATING THE LEFT TURN PROHIBITION AT N. 110TH STREET AND W. CAPITOL DRIVE

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. Section 11.36.190(6) of the Code of the City of Wauwatosa is hereby deleted in its entirety.

Part II. This ordinance shall take effect on and after its date of publication.

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-12-175

WHEREAS, the Common Council, by separate action on this evening, has adopted a Resolution requesting that the DOT reconstruction of Wisconsin Avenue at its intersection with Mayfair Road be performed without the installation of the sidewalk on the south side of Wisconsin Avenue between 106th Street and Mayfair Road; and

WHEREAS, the Common Council has considered numerous options to address the concerns of neighbors regarding the width of Wisconsin Avenue at that location due to the installation of new turn lanes; and

WHEREAS, after considering the options, the Common Council has determined that it would prefer on its street to have a parking lane installed along the south side of Wisconsin Avenue in this location, which can be facilitated by the elimination of one of two left turn lanes previously designed to be installed from westbound Wisconsin Avenue onto southbound Mayfair Road;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Common Council does hereby direct appropriate City officials to provide to the Wisconsin Department of Transportation this determination that the choice of the City of Wauwatosa, in determining the future operation of Wisconsin Avenue, is that the City will allow only one single left turn lane on Wisconsin Avenue from westbound Wisconsin Avenue onto southbound Mayfair Road as part of the Wisconsin DOT reconstruction of said intersection in conjunction with the reconstruction of Mayfair Road;

BE IT FURTHER RESOLVED THAT the additional space provided by the elimination of one of the previously designed left turn lanes would be used to provide space for a parking lane on the south side of Wisconsin Avenue at that location in addition to the two incoming lanes from southbound Mayfair Road onto eastbound Wisconsin Avenue.

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-12-176

WHEREAS, the City of Wauwatosa has entered into an Agreement with the Dept of Transportation to improve Mayfair Road between Watertown Plank Road and 1-94, in the City of Wauwatosa (WisDOT Project No.1060-33-70; and

WHEREAS, the Common Council of the City of Wauwatosa has determined that the proposed highway improvement project meets the conditions outlined in the Wisconsin Administrative Code. Trans 75.06 "Constrained Environment" Exception (WisDOT Exception 4) for pedestrian accommodations (installation of sidewalks);

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa; That the Common Council has determined that the sidewalk on the south side of Wisconsin Ave from Mayfair Rd to 1061h Street meets the conditions outlined in Wisconsin Administrative Code, Trans 75.06 "Constrained Environment" Exception (WisDOT exception 4) for pedestrian accommodations.

It was moved by Ald. Wilke, seconded by Ald. Walz-Chojnacki to adopt the foregoing ordinance and to approve the two foregoing resolutions. -16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-177

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that permission be and the same is hereby granted to Robert Kramer, Plunkett Raysich Architects, and Ann Petrie, Ronald McDonald House, for a Land Division by Certified Survey Map at 8948 Watertown Plank Road. The location of the parcel is more particularly described as follows:

Being a part of the SW ¼ of the SW ¼ of Section 21 and Part of the NW ¼ of the NW ¼ of Section 28, Town 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, Wisconsin

All in accordance with the application attached hereto and made a part of this resolution, and in compliance with Section 24.56.010 of the Code of the City of Wauwatosa and subject to :

1. the payment of all outstanding special assessments on the aforescribed property which is being subdivided and
2. applicant to coordinate with WisDOT the necessary pedestrian bridge right-of-way for dedication, as part of the CSM, subject to Engineering Division approval

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-178

WHEREAS, David Behrens, GreenbergFarrow, has applied for preliminary plan approval of a Business Planned Development at 11123 West Burleigh Street to construct a Meijer store, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the Committee on Community Development and determined to be necessary for the public convenience at that location; located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and was found to be compatible with surrounding uses;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants preliminary plan approval of a Business Planned Development to David Behrens, GreenbergFarrow to construct at Meijer store at 11123 West Burleigh Street, subject to the following:

1. Concurrent application and approval of Change of Zoning and final plans for Business Planned Development
2. Conditional use approval per Chapter 24.25 large retail development standards
3. Hours of operation approved as 24 hours daily
4. Signage as submitted per sheet c501 dated Sept 10, 2012
5. Plans showing adequate sewer capacity, environmental remediation, and stormwater management subject to approval by the City Engineer,
6. Parking lot plan approved with less spaces than required by current code
7. Traffic circulation plans, including a traffic impact study, subject to approval by the City Engineer
8. Plans for water supply to the site subject to approval by the City Water Superintendent
9. Emergency vehicle access and connections subject to approval by Police and Fire departments
10. Final building plans designating design and materials approved by Design Review Board
11. Abandonment of railroad spur subject to approval by the City Attorney and removal from 112th Street
12. Developer's agreement approved by the Common Council
13. Obtaining all other licenses and permits
14. Parking lot landscaping as submitted per plan C600 dated October 4, 2012 with a minimum 10 percent interior parking lot landscaping by including the landscaped portion of the pharmacy drive thru island and eliminating the necessary number of parking spaces or reducing the stall and aisle sized to achieve compliance
15. Continue discussions with staff regarding amount and height of light standards due to LED conditions

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-179

WHEREAS, David Behrens, GreenbergFarrow, has applied for a Conditional Use at 11123 West Burleigh Street for a large retail development - Meijer Store and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the Committee on Community Development and determined to be necessary for the public convenience at that location; located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and was found to be compatible with surrounding uses;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to David Behrens, GreenbergFarrow, for a large retail development - Meijer Store at 11123 West Burleigh Street, subject to the following:

1. Concurrent application and approval of Change of Zoning and final plans for Business Planned Development
2. Execution of a developer's agreement identifying exceptions to Chapter 24.25 Large Retail Developments

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-180

WHEREAS, Kurt Kloba, Echelon Restaurant Group, has applied for a Conditional Use in the AA Business District at 1701 North Mayfair Road to operate a Firehouse Subs restaurant, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the Committee on Community Development and determined to be necessary for the public convenience at that location; located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and was found to be compatible with surrounding uses;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Kurt Kloba, Echelon Restaurant Group, to operate a Firehouse Subs restaurant in the AA Business District at 1701 North Mayfair Road, subject to the following:

1. Hours of operation 11 am to 9 pm daily (7 am to 11 pm daily for employees)
2. Outdoor seating per submitted plans and conformance with City regulations
3. Obtaining any additional permits and licenses

It was moved by Ald. Roznowski, seconded by Ald. Pantuso to approve the four foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-181

WHEREAS, the Purchasing Coordinator reviewed requirements for a black and white digital copier with color scanner and fax capability in the City Clerk's Office; and

WHEREAS, a 60-month contract with Ricoh Business Systems to furnish a new model for a monthly cost of \$294.55;

WHEREAS, in comparison with the one other vendor submitting proposals, the contract with Ricoh is in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into a contract for a new Ricoh black and white digital copier with color scanner and fax capability at a monthly cost of \$294.55.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-182

WHEREAS, the Wauwatosa Water Utility has previously entered into a lease with Voice Stream Wireless, now known as T-Mobile, to install cellular antennas on the Glenview Avenue Water Tower in the City of Wauwatosa; and

WHEREAS, T-Mobile desires to install a new array of antennas to enhance its 4G network technology at that location; and

WHEREAS, the proposed lease with T-Mobile would extend the existing lease for an additional 13 years with rental fees being increased by 4.5% annually;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to execute a lease with T-Mobile for additional cellular antennas to be located on the Glenview Avenue Water Tower consistent with the lease terms described by the Water Superintendent at the meeting of the Committee on Budget and Finance dated October 9, 2012.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-183

WHEREAS, the City of Wauwatosa's contract for solid waste transfer station operation, recycling collection and processing, and yard waste collection all expire at the end of calendar year 2012; and

WHEREAS, the City staff have recognized a good opportunity to reevaluate and streamline the collection and disposal processes or potentially utilizing City crews and new time and labor saving methodologies; and

WHEREAS, the City of Wauwatosa solicited proposals for vendors to perform all of the above described functions, while submitting proposals itself for a number of these collection functions utilizing new or existing City staff and resources, providing fully allocated and variable cost analyses for the possibility of performing some of these functions utilizing City staff and resources through a managed competition process; and

WHEREAS, consultant AECOM was retained to analyze the responses from private vendors as compared to the City's fully allocated and variable cost analysis for providing many of the same services; and

WHEREAS, following the analysis by AECOM, it was determined that it would be in the best interest of the City to authorize staff to perform recycling and collection, solid waste and to take over yard waste collection, while executing a contract with Veolia pursuant to their response to the Request for Proposals for operation of the transfer station, hauling recyclable materials collected to the Muskego facility on an interim basis, and participating in exploration of the possibility of dual use of the solid waste transfer station as permitted by the Wisconsin Department of Natural Resources;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into a contract with Veolia pursuant to the proposals submitted during the RFP process which has recently been completed for the purpose of operation of the solid waste transfer station, with the provisions to explore and cooperate during dual use experiments of said transfer station, and to haul recyclables from the Wauwatosa Public Works yard to Veolia's Muskego Recycling Facility for processing on an interim basis during the dual use experiment, as such contractors feel it is in the best interest of the City;

BE IT FURTHER RESOLVED THAT the appropriate City staff is authorized to pursue the collection of solid waste, recycling and yard waste throughout the City consistent with major provisions, and to explore the regulatory and operational necessities of seeking dual use approval for the transfer station from Wisconsin Department of Natural Resources.

It was moved by Ald. Wilson, seconded by Ald. Birschel
to approve the three foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 10/03/12 – 10/16/12 --

The Committee on Budget and Finance hereby reports to the Common Council that it has examined the accounts of bills and claims and hereby certifies the same as correct and recommends that each of said accounts be allowed and paid.

Total bills and claims for 10/03/12 – 10/16/12: \$6,509,521.10

It was moved by Ald. Causier, seconded by Ald. Hanson
that each and every account of bills and claims be allowed
and ordered paid. Roll call vote, Ayes 15, Present 1 (Donegan)

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-184

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Gary and Laura Ruesch, 6208 W. Washington Blvd., Wauwatosa, WI, to encroach onto City right-of-way with a cement walk with imbedded decorative pavers, subject to the applicant executing unto the City of Wauwatosa an indenture setting forth the terms, provisions, and conditions relating to the granting of the aforesaid permission by said City to said applicant.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-185

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT permission be and the same is hereby granted to Chris and Carrie Rozek, 1510 Underwood Avenue, Wauwatosa, WI, to encroach onto City right-of-way with an overhead sign, subject to the applicants executing onto the City of Wauwatosa an indenture setting forth the terms, provisions, and conditions relating to the granting of the aforesaid permission by said City to said applicant and also subject to BID approval.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-186

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper city officials be and they are hereby authorized and directed to enter into a contract with American Sewer Services, Inc., for the work of Ravenswood sanitary sewer improvements and work incidental thereto under Contract 12-07/project 3003 at and for their bid price of \$978,632.00, this being the lowest and best bid.

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-187

WHEREAS, the Board of Public Works has accepted the work of Safe Routes to School in the City of Wauwatosa under Contract 10-42 and the same is ready for final payment.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin as follows:

Section 1. That the Safe Routes to School under Contract 10-42 is hereby accepted.

Section 2. That the proper City officers be and they are hereby authorized and directed to draw and sign a City order in the sum of fifty-four thousand five hundred sixteen dollars and fifty cents (\$54,516.50) in favor of Marvin Gleason Contractor, Inc. as the final payment under said contract, upon receipt of waivers of lien and for labor and materials furnished under said contract, and upon receipt of an affidavit stipulating compliance with wage rate requirements.

It was moved by Ald. McBride, seconded by Ald. Wilson
to approve the four foregoing resolutions. -16

There being no further business, the meeting adjourned at 8:12 p.m.

cal

Carla A. Ledesma
Carla A. Ledesma, CMC, City Clerk