

38.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2008-0101	Resolution	In Committee
	Resolution Allowing the Director of Public Works to Enter into a Tree Removal Agreement with American Transmission Company.	
	Introduced: 5/6/2008	Controlling Body: Public Works Committee
		Sponsor(s): James W. Sengstock

COMMITTEE RECOMMENDATION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>5-6-08</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin				
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic				
	<input type="checkbox"/>	<input type="checkbox"/>	Narlock				
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke				
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale				
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>5</u>			

SIGNATURE OF COMMITTEE MEMBER

James W. Sengstock _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>MAY 06 2008</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Narlock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>10</u>	<u>1</u>		

Resolution

File Number: R-2008-0101

Final Action:

Sponsor(s): James W. Sengstock

MAY 06 2008

Resolution Allowing the Director of Public Works to Enter into a Tree Removal Agreement with American Transmission Company.

WHEREAS, American Transmission Company (hereinafter "ATC") owns, operates and maintains 230,000 volt transmission lines located in the City of West Allis at the following sites (hereinafter the "Property"): between 3166 South 112th Street and 3306 South 112th Street, on the West end of the strip mall on 11112 West National Avenue, and running North from National Avenue to West Mequanigo Drive; and,

WHEREAS, said transmission lines are required to be operated in compliance with regulations issued by both the Public Service Commission of Wisconsin ("PSCW") and the U.S. Federal Energy Regulation Commission ("FERC"); that pursuant to said regulations, ATC is required to identify trees and tree parts that constitute "potential power line natural hazards", which, when identified, ATC is further required to make a reasonable effort to trim or remove the tree or otherwise minimize or remove the hazard; and,

WHEREAS, ATC has identified various trees growing at the Property in the City of West Allis that present a potential power line hazard according to Wisconsin and Federal regulations; and,

WHEREAS, ATC has been assigned the legal rights to cut down, remove and dispose of all trees and bushes at the Property in the City of West Allis as a result of a legal document that was signed by the Milwaukee Electric Railway and Light Company and the owners of the Property dating back to May of 1925; and,


WHEREAS, as a result of ATC's legal right to remove said trees, ATC and the Superintendent of Forestry and Grounds for the City of West Allis with the assistance of the City Attorney have been working together in an effort to minimize the negative affect of removing trees and bushes at the Property during the summer of 2008, as well as, the planting of new trees and vegetation that are aesthetically pleasing to the Property and that meet the criteria of both Federal and State regulations which ATC is required to follow and wish to enter into a legal Agreement regarding said negotiations and discussions.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the Director of Public Works is hereby authorized to enter into the attached Tree Removal Agreement with the American Transmission Company for the removal and replanting of various trees and other vegetation in the areas described as between 3166 South 112th Street and 3306

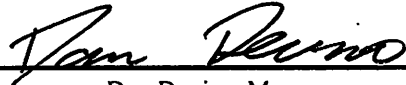
South 112th Street, and the West end of the strip mall on 11112 West National Avenue, running North from National Avenue to West Mequanigo Drive in the City of West Allis.

BE IT FURTHER RESOLVED that the City Attorney is authorized to make such substantive changes to the Tree Removal Agreement as are needed to protect the City's best interests.

ATTR-Tree Removal Agrmnt-PW&ATC

ADOPTED MAY 06 2008


Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 5/9/2008


Dan Devine, Mayor



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April 11, 2008

Mr. Jeff Warchol
Assistant City Attorney
City of West Allis
7525 West Greenfield Avenue
West Allis, WI 53214-4648

Re: Trees between 3166 So. 112th and 3306 So. 112th; and on the west end of the strip mall on 11112 West National Avenue, running north from National to West Mequanigo Dr.

Dear Jeff,

This letter will confirm our discussions since December 19, 2007 with respect to the trees growing in the above-referenced locations in the City of West Allis ("City"). We have agreed that American Transmission Company LLC ("ATC")'s easement rights in these areas include the right to cut down and remove all trees, and you understand that the tall growing trees in the easement must be removed. However, we discussed species and locations for substitute plantings that will not interfere with ATC's lines. The City has offered to remove the existing trees and then replace them with low growing species spaced so that they will not interfere with the operation of the transmission line. ATC is willing to agree to the following:

1. ATC will meet with City personnel on site to identify and mark the trees that require removal. ATC's cost to remove 33 trees in the area north of National Avenue would be \$8,980.00, and \$3,538.00 to remove all trees within ATC's easement area between 3166 So. 112th and 3306 So. 112th St. The trees marked for removal will be referred to in this letter as the "Trees." ATC agrees not to clear the Trees at this time, and will de-mobilize its crews in the area to give the City time to clear and replace the Trees in the spring of 2008.
2. The City agrees to cut and remove the Trees no later than July 1, 2008.
3. On completion of the removal of the Trees, the City will contact ATC Senior Engineer, Transmission Line Specialist, Chris Dailey. Mr. Dailey will inspect and confirm the removal of the Trees.
4. On confirmation that the Trees have been removed in a manner satisfactory to ATC, ATC will pay the City ATC's avoided clearing costs in the amount of \$12,518.00.
5. ATC further consents to the placement of certain low growing vegetation, at the City's expense, in the ROW. Replacement plantings in the ROW may include Thuja Occidentalis Techny, Techny Arborvitae in the area North of National Avenue and South of Mequanigo Dr;

and Syringa Meyeri, Dwarf Korean Lilac on a four foot standard along the East side of South 112th St. between 3166 So. 112th St. and 3066 So. 112th St. All plantings must be placed in the locations specified by ATC. Replacement plantings may never grow to a height greater than fifteen feet, and may never interfere with the maintenance and operation ATC's transmission facilities.

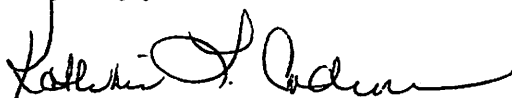
6. In the event that the City fails to complete the removal on or before July 1, 2008, ATC will be forced to re-mobilize tree clearing crews into the area. ATC will then remove all Trees within the ROW to ensure that the clearing operations are complete in advance of summer loading conditions. ATC will invoice the City, and the City agrees to immediately reimburse all ATC's extra expenses incurred in de-mobilizing and re-mobilizing crews into the area.

7. The City agrees not to plant or cause tall growing species to be planted in ATC's transmission line ROWs in the future, nor to otherwise plant vegetation in transmission ROWs without contacting ATC.

8. The City agrees to maintain and prune all replacement plantings so that they will not interfere with ATC's transmission facilities, or access to the transmission facilities. So long as the City maintains and prunes the replacement plantings, ATC will not cut or prune the replacement plantings. ATC reserves and retains its rights to fully exercise its easement rights to the extent necessary to protect the transmission facilities or comply with regulations applicable to the transmission facilities and ATC's rights-of-way.

If this letter accurately reflects our discussions and agreement, I would appreciate it if you would execute one copy of this letter, and return it to my attention in the enclosed, self-addressed envelope. We thank the City for its cooperation and assistance in supporting ATC's efforts in providing a reliable and safe transmission system for the benefit of the City and its residents.

Very truly yours,



Katherine L. Andersen – Managing Attorney
ATC Management Inc., Corporate Manager for
American Transmission Company LLC

KLA:sie
cc: Chris Dailey

Agreed to by The City of West Allis, this 12 day of May, 2008.

By: Michael F. Perlmutter

Name: MICHAEL F. PERLMUTTER

Title: DIRECTOR OF PUBLIC WORKS