



CITY OF WAUWATOSA  
MEMORIAL CIVIC CENTER  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
Telephone: (414) 479-8917  
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**COMMON COUNCIL**  
**Regular Meeting, Tuesday, June 21, 2005**

PRESENT: Alds. Krill, Krol, Maher, Purins, Stepaniak, Sullivan, Treis, Bruderle-Baran, Birschel, Casey, Grimm, Herzog, Jenkins, Kopischke -14

EXCUSED: Alds. Becker and Subotich

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner, City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Chief Weber; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:35 p.m.

It was moved by Ald. Grimm, seconded by Ald. Kopischke that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -14

**OLD BUSINESS**

The following item was held after the public hearing on June 7, 2005:

**ORDINANCE** O-05-20

**AN ORDINANCE CREATING CHAPTER 24.22 TRADE DISTRICTS**

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

Part 1. Chapter 24.22 Trade Districts is hereby created to read as follows:

**Chapter 24.22 TRADE DISTRICT**

Purpose of the District:

The purpose of this district is to encourage and support the development of areas of small businesses and retail stores that are compatible in scale and type with the surrounding residential neighborhoods. These are uses that do not generate large amounts of traffic and primarily serve the needs of local residents.

24.010 Permitted Uses:

Offices and retail businesses, except those requiring a conditional use or prohibited herein.

24.015 Conditional uses

For provisions regarding conditional uses, see Chapter 24.51 of this code.

Conditional uses permitted in this district are as follows:

Amusement places

Automobile Repair and Service

Bed and breakfast (number of units to be determined by the common council--minimum distance of 1,500 feet between bed and breakfast operations)

Cigarettes and tobacco products

Drive-through facilities

Eating Places

Drinking Places

Groceries

Liquor Sales

Massage therapy

Recording studio

Residential units

Uses over 5,000 square feet

24.020 Special Uses

For provisions regarding special uses, see Chapter 24.48 of this code.

Special uses permitted in this district are as follows:

Antiques or secondhand merchandise

Classes accessory to permitted or other approved use in the District

Laundering, dry cleaning and dyeing services

Pet Grooming Facilities

Recreation Centers

Theaters or other places of assembly

Government Offices or Facilities

24.27.030 Accessory uses.

Storage accessory to a principal use; provided, however, that such floor space used for accessory storage shall not exceed forty percent of the gross floor area of each principal use.

24.27.040 Prohibited Uses

The following uses are not considered to be appropriate uses within the Trade District:

Automobile Sales and Leasing  
Automobile storage services  
Check Cashing establishments  
Gun Shops  
Outdoor storage of materials  
Pawnbrokers

24.27.050 Front building line setbacks.

Front building line setbacks shall be reviewed and established by the city plan commission and approved by the common council. (Ord. O-77-128 § 1 (part), 1977)

24.27.060 Rear yard setbacks.

Rear yard setbacks shall be reviewed and established by the city plan commission and approved by the common council. (Ord. O-77-128 § 1 (part), 1977)

24.27.070 Side yard setbacks.

Side yard setbacks shall be reviewed and established by the city plan commission and approved by the common council. (Ord. O-77-128 § 1 (part), 1977)

24.27.080 Height.

Building height shall be as follows:

Principal buildings: maximum three stories but not to exceed thirty-five feet.

Accessory buildings: maximum twenty feet.

Special Height Regulations: Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, scenery lofts, ornamental towers and spires, radio and TV towers or necessary mechanical appurtenances incidental to principal or special uses may be erected to any height, or to such height as permitted by hereinafter adopted ordinances of the city.

24.27.090 Special Restrictions on Hours of Operation

A. Business hours within the Trade District shall be restricted to 6:00 a.m. until 11:00 p.m. Additional hours of operation may be designated through the conditional use permit process, provided that the Common Council finds as follows:

1. Additional hours fall within times that are reasonable and customary for that type of business, and
2. Additional hours should not have a negative impact on adjacent residential, commercial or other properties.

B. For businesses having hours of operation outside the above-described restrictions, if such hours have been approved as part of conditional use or special use permits granted prior to the effective date of this ordinance, such hours of operation may remain in effect so long as the conditional use or special use permit is in force.

Signs -- See Sections 15.42.010 through 15.42.270 of the City Code.

24.27.100 Parking Standards

A. Required Parking

1. Any building located within the Trade District zone which is constructed, reconstructed, structurally altered or subject to a change of occupancy or use shall be provided with permanently maintained on-site automobile parking facilities as described in this subsection by Table I. Such parking facilities shall be made permanently available and maintained for parking purposes.

2. Handicapped parking shall be provided in accordance with Chapter 24.44

Table I	
Use	Parking Requirement (spaces/gross sq. ft)
All Commercial and office uses not specified below	1/500
Eating and Drinking Establishments	1/200
Theaters and Places of Assembly	1/200
Groceries	1/200

C. Mixed-use occupancies and joint use of parking

1. A Conditional Use Permit may be granted to reduce the required parking for mixed-use occupancies or businesses sharing parking areas based upon submission of enforceable documents guaranteeing that the uses will be operating during mutually exclusive hours, and upon such other circumstances or criteria as the Planning Commission, or City Council on appeal, may require.

2. The Planning Commission or City Council shall consider the following when evaluating joint use parking applications:

- a. The nature and location of the proposed uses, as well as their size compared to that of overall development within the district.
- b. Assurances as to the non-overlapping nature of the non-retail and retail peak-activity periods.
- c. The provision of peak-hour parking beyond the property boundaries.
- d. The location and adequacy of the parking in the particular portion of the street wherein joint use of parking is proposed.
- e. Any special provisions for off-site employee parking.

E. Proposed use unable to meet parking requirement

In the case of a proposed change of use for an existing building where the parking does not meet current standards for the proposed use, the owner may apply for a Conditional Use Permit to permit such use. In considering the request, the Planning Commission shall weigh the evidence presented as to the projected parking needs in relation to the parking available and any other factors that justify the issuance of the Conditional Use Permit.

Part 2. This ordinance shall take effect and be in force from and after its passage and publication.

**OLD BUSINESS**

The following item was held after the public hearing on June 7, 2005:

**ORDINANCE** O-05-21

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING NORTH AVENUE FROM N. 60<sup>TH</sup> STREET TO N. 74<sup>TH</sup> STREET ON THE NORTH SIDE OF NORTH AVENUE AND FROM N. 60<sup>TH</sup> STREET TO N. 73<sup>RD</sup> STREET ON THE SOUTH SIDE OF NORTH AVENUE FROM AA BUSINESS DISTRICT OR BUSINESS PLANNED DEVELOPMENT TO TRADE DISTRICT

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

Part 1. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect the following change:

All properties along North Avenue between N. 60<sup>th</sup> Street and N. 74<sup>th</sup> Street on the north side of North Avenue and properties along the south side of North Avenue between N. 60<sup>th</sup> Street and N. 73<sup>rd</sup> Street in Township 7 North, Range 21 East, City of Wauwatosa, County of Milwaukee, State of Wisconsin, is Rezoned from AA Business and Business Planned Development to Trade District.

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

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

It was moved by Ald. Kopischke, seconded by Ald. Stepaniak to adopt the two foregoing ordinances. -14

**APPOINTMENTS BY THE MAYOR**

Board of Examiners and Appeals

Robert Ornst, Jr., 6526 Hillcrest Drive (reappointment)  
(Term ends 5/30/07)

Foregoing appointment ordered held as this was the first reading.

Board of Examiners and Appeals

J. Travers Price, 8626 Jackson Park Boulevard (reappointment)  
Charles E. Millman, 2250 N. 72nd Street (reappointment)  
(Terms end 5/30/07)

Library Board

Mark Carlson, 4292 Raymir Place (reappointment)  
(Term ends 6/30/07)

It was moved by Ald. Krill, seconded by Ald. Casey  
to concur with the foregoing appointments. -14

### **APPLICATIONS AND COMMUNICATIONS**

1. Notice of Claim: Attorney Steven C. Gabert for Angela Caston, 3344 Marina Rd., South Milwaukee; Atty. Sander D. Friedman for Archonix Systems, LLC, Mt. Laurel, New Jersey  
**City Attorney**
2. Letter from Peter Northard, Gen. Mgr. of Radisson Hotel Milwaukee West, regarding a proposed hotel/water park at the Milwaukee County Zoo  
**Director of Community Development**
3. City of Wauwatosa Statement of Financial Condition as of 5/31/05  
**Place on file**
4. Donation: \$10 donated anonymously to the Fire Department Donations for equipment account  
**Place on file**
5. Conditional Use application to construct a parking structure and new surface parking lot at 8701 Watertown Plank Road  
**Plan Commission, Community Development Committee**
6. Land Division application to divide property at the northeast corner of N. 124th Street and W. Burleigh Street  
**Plan Commission, Community Development Committee**
7. Conditional Use application to operate a Quiznos Sub restaurant at 12132 W. Capitol Drive  
**Plan Commission, Community Development Committee**
8. Letter from Kathy Dallen, 4454 N. 105th Street, expressing neighbors' concerns regarding the proposed community based residential facility at 4473 N. 105th Street  
**Add to existing file**

### **FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS FOR INTRODUCTION**

1. Ordinance amending Section 6.08.390 B. of the City Code pertaining to Class "B" wine sales  
**Re-refer to originating committee**

### **FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION**

1. Ordinance amending Section 11.32.080 of the City Code by restricting parking in the 1200 block of N. 85th Street  
**Re-refer to originating committee**
2. Ordinance amending Section 11.32.320 by restricting the bus loading zone at the northeast corner of Blue Mound Road and Robertson Street to school days  
**Re-refer to originating committee**

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION**

1. Ordinance amending the Zoning Code by rezoning 1215 N. 62nd Street from AA Light Manufacturing District to AA Business District  
**Re-refer to originating committee**

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-05-147**

WHEREAS, resolution of the current difficulties of the Wauwatosa Public Library have been assisted in part by proposals to increase library funding in the next biannual budget of the State of Wisconsin;

NOW, THEREFORE, BE IT RESOLVED THAT the attached letter to officials of the State of Wisconsin regarding funding of the library system is hereby approved.

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-05-148**

WHEREAS, the Wauwatosa Civic Celebration Commission has requested that the Wauwatosa Lions Club be permitted to sell beer in Hart Park during the 4<sup>th</sup> of July celebration on July 4, 2005;

NOW, THEREFORE, BE IT RESOLVED THAT permission be and the same is hereby granted to the Wauwatosa Lion's Club to sell beer in Hart Park during the 4<sup>th</sup> of July celebration in the City of Wauwatosa between the hours of 10:30 AM – 9:30 PM on July 4, 2005;

BE IT FURTHER RESOLVED THAT a member of the Civic Celebration Commission be present during the hours of beer sales.

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-05-149**

WHEREAS, Perfecto Restaurant Group 2, Inc., d/b/a Habanero's Mexican Kitchen, 869 N. Mayfair Road, Wauwatosa, WI, has applied for a Class B liquor license for its new location;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B liquor license be awarded to Perfecto Restaurant Group 2, Inc., d/b/a Habanero's Mexican Kitchen, 869 N. Mayfair Road, Wauwatosa, WI, for the period ending June 30, 2006.

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-05-150**

WHEREAS, Arbed Tosa 100 LLC, d/b/a Mo's Irish Pub, 10842 W. Blue Mound Road, Wauwatosa, WI, has applied for a Class B liquor license for its new location;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B liquor license be awarded to Arbed Tosa 100 LLC, d/b/a Mo's Irish Pub, 10842 W. Blue Mound Road, Wauwatosa, WI, for the period ending June 30, 2006.

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-05-152**

WHEREAS, Aaron Perez, 2011 Division Street, East Troy, WI, applied for a direct sellers permit in Wauwatosa which was denied by the police department following a background check; and

WHEREAS, Mr. Perez filed an appeal to the Committee of Legislation, Licensing & Communications; and

WHEREAS, the Committee on Legislation, Licensing and Communications has twice scheduled Mr. Perez's appearance before the Committee to explain the circumstances involving his appeal from the Department's denial of his direct seller's permit and Mr. Perez failed to appear at either requested meeting; and

WHEREAS, the circumstances surrounding the previous convictions, the seriousness of his previous convictions, and his failure to appear before the Committee, are factors substantially related to the responsibilities of persons holding a direct sellers permit in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the appeal of the denial of the direct seller's permit of Aaron Perez is hereby denied;

BE IT FURTHER RESOLVED THAT the Clerk shall notify Mr. Perez in writing of this decision and the reasons for the denial.

It was moved by Ald. Treis, seconded by Ald. Krill  
to approve the five foregoing resolutions. -14

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION**

WHEREAS, Douglas Rimmel, 232 S. 2<sup>nd</sup> Street, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at the Cheesecake Factory on Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Douglas Remmel is hereby issued an operator's license for the period ending June 30, 2006;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Mr. Remmel's record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

It was moved by Ald. Treis, seconded by Ald. Grimm  
to deny the foregoing application. Roll call vote, Ayes 14

The resolution denying the application is as follows:

**RESOLUTION** R-05-151

WHEREAS, Douglas R. Remmel, 233 S. 2<sup>nd</sup> Street, Milwaukee, WI, applied for an operator's license in conjunction with his employment at the Cheesecake Factory on Mayfair Road, Wauwatosa; and

WHEREAS, on the police form accompanying his application for an operator's license he failed to disclose all of his previous convictions; and

WHEREAS, a background investigation revealed numerous previous convictions; and

WHEREAS, the lack of integrity and honesty reflected in this omission of information regarding previous convictions is substantially related to the responsibilities in the City of Wauwatosa;

NOW, THEREFORE BE IT RESOLVED THAT the operator's license application of Douglas R. Remmel is hereby denied;

BE IT FURTHER RESOLVED THAT the Clerk shall notify Mr. Remmel in writing of this decision and the reasons for the denial.

**FROM THE COMMITTEE ON TRAFFIC AND SAFETY**

**ORDINANCE** O-05-22

AN ORDINANCE CREATING A THREE HOUR PARKING ZONE ALONG THE SOUTH SIDE OF NORTH AVENUE BETWEEN 68<sup>TH</sup> AND 69<sup>TH</sup> STREETS

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

Part I. The "North Avenue – south side" portion of the "Schedule of Streets, and portions" subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following language:

(m) from North 68<sup>th</sup> Street to North 69<sup>th</sup> Street

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

It was moved by Ald. Herzog, seconded by Ald. Purins to adopt the foregoing ordinance. -14

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-05-153**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Thomas Hickey to combine the parcels located at 8131 W. North Avenue, Wauwatosa. These parcels are more particularly described as follows:

West 20 Ft of Lot 5 and all of Lots 6 and 7, Block 1, in the Alamo Park Subdivision in the Southwest ¼ of Section 21, in Township 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of 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 the payment of all outstanding special assessments on the aforescribed property which is being subdivided.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-05-154**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, August 2, 2005 in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed vacation of the north-south portion of the alley in the AAA Residence District and AA Business District between N. 122<sup>nd</sup> and N. 124<sup>th</sup> Streets north of W. Chambers Street.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-05-155**

WHEREAS, John A. Vassallo has applied for a Conditional Use in the AA Business District at 10842 W. Blue Mound Road for a restaurant with seasonal outdoor seating 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 John A. Vassallo for a restaurant with seasonal

outdoor seating in the AA Business District at 10842 W. Blue Mound Road subject to the following conditions:

- 1) hours of operation from 10:00 a.m. to 2:30 a.m. daily,
- 2) obtaining any required licenses and permits.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-05-157**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, July 19, 2005 in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed rezoning of 1215 N. 62nd Street from AA Light Manufacturing District to AA Business District.

BE IF FURTHER RESOLVED THAT the City Clerk be and is hereby directed to publish the proper notices of said hearing as required by law.

It was moved by Ald. Kopischke, seconded by Ald. Purins to approve the four foregoing resolutions. -14

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-05-156**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Brian Cummings for a land division by certified survey map in the AA Light Manufacturing District located at 1215 N. 62<sup>nd</sup> Street, Wauwatosa. These parcels are more particularly described as follows:

A redivision of Parcel 1 of Certified Survey Map No. 1731, Part of Lot 7, Lot 9, Lot 15 and all of Lots 16 and 19, Block 2 of Assessor's Plat No. 11, being a part of the Southwest ¼ and the Southeast ¼ of the Southeast ¼ of Section 22 and the Northwest ¼ and the Northeast ¼ of the Northeast ¼ of Section 27, 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 the payment of all outstanding special assessments on the aforescribed property which is being subdivided.

It was moved by Ald. Kopischke, seconded by Ald. Purins to approve the foregoing resolution. Roll call, Ayes 13, Noes 1 (Grimm)

RECESS 8 P.M. – 8:05 P.M.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-05- 158**

WHEREAS, Dawn Kennison and Naomi Kennison have applied for a Conditional Use in the AA Single Family Residence District to locate a Community Based Residential Facility at 4473 N. 105<sup>th</sup> Street 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 Dawn Kennison and Naomi Kennison for a Conditional Use in the AA Single Family Residence District to locate a Community Based Residential Facility at 4473 N. 105<sup>th</sup> Street subject to the following conditions:

- 1) maintaining state licensing and comply with all state and federal requirements,
- 2) seeking additional Conditional Use approval if any modifications to the garage or other increase in the size of the facility are proposed,
- 3) maintaining community input.

It was moved by Ald. Kopischke, seconded by Ald. Stepaniak to approve the foregoing resolution. Roll call, Ayes 9, Noes 5 (Krol, Sullivan, Treis, Grimm, Herzog)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-05-159**

WHEREAS, the proposed 2005-2007 Milwaukee County Federated Library System Member Agreement makes no provision regarding compensation for reciprocal borrowing; and

WHEREAS, the Wauwatosa Public Library, as the largest net lending institution within the Milwaukee County Federated Library System, would suffer a decrease in revenue of more than \$300,000.00 per year in the absence of funding for reciprocal borrowing, which would require service reductions so severe that the City would be unable to meet its obligations for service in the Milwaukee County Federated Library System Member Agreement; and

WHEREAS, in light of potential revenue losses, the Wauwatosa Library Board had previously recommended that the Common Council consider withdrawing its membership in the Milwaukee County Federated Library System due to the insufficient funding; and

WHEREAS, subsequent reallocations of funds within the Milwaukee County Federated Library System for the years 2006-2008, in addition to separate compensation agreements from other entities, have increased available funding to the City of Wauwatosa during the term of the Member Agreement to an amount which, with some supplementary funds budgeted by the City of

Wauwatosa, could provide for continued service at the levels required by the Milwaukee County Federal Library System Member Agreement; and

WHEREAS, if increased funds are available from outside sources and the Wauwatosa Common Council, the Wauwatosa Library Board has recommended that membership in the Milwaukee County Federated Library System could be continued under the terms of the 2005-2007 Member Agreement;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Common Council hereby indicates its intention, during the 2006 and subsequent budget preparation processes, to provide sufficient funding such that the Wauwatosa Public Library will be able to continue to provide the services required under the Milwaukee County Federated Library System Member Agreement for the years 2005-2007;

BE IT FURTHER RESOLVED THAT the Common Council of the City of Wauwatosa supports the intent of the Wauwatosa Library Board to sign the 2005-2007 Milwaukee County Federated Library System Member Agreement;

BE IT FURTHER RESOLVED THAT the City of Wauwatosa Common Council hereby takes no action to recommend that the City withdraw from the Milwaukee County Federated Library System;

BE IT FURTHER RESOLVED THAT the Wauwatosa Common Council recommends that the Milwaukee County Federated Library System, the Intergovernmental Cooperation Council, the City of Milwaukee and/or other parties establish a body with net lending communities being fairly represented, to closely review the current method of providing library services to the residents of Milwaukee County and that such body should recommend changes to more closely link financial support for reciprocal borrowing with the cost of providing such services;

BE IT FINALLY RESOLVED THAT the Wauwatosa Common Council expresses its gratitude to the Wauwatosa Library Board and the Wauwatosa Library Director for their efforts in pursuing a resolution to this matter.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Grimm to approve the foregoing resolution. Roll call, Ayes 13, Noes 1 (Herzog)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-05-160**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Patricia Handel for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City;

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-05-161**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Kimberly Burr for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City;

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Grimm to approve the two foregoing resolutions. -14

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-05- 162**

INITIAL RESOLUTION AUTHORIZING THE BORROWING OF AMOUNTS NOT TO EXCEED LEGAL LIMITS; PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION SECURITIES THEREFOR; AND AUTHORIZING THE LEVYING OF A TAX IN CONNECTION THEREWITH

BE IT RESOLVED by the City of Wauwatosa, Milwaukee County, Wisconsin (the "Issuer") that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation promissory notes (the "Notes") in an amount not to exceed such amount as shall be permitted within the limits provided by Wisconsin law at the time of issuance, for public purposes including paying the cost of Projects described more particularly in the previously-approved City of Wauwatosa Five-year Capital Improvement Program, subject to annual budget appropriations by the Wauwatosa Common Council (collectively, the "Projects"), and general obligation bonds or promissory notes (collectively with the Notes, the "Securities") in an amount not to exceed such amount as shall be permitted within the limits provided by Wisconsin law at the time of issuance, for the purpose of paying the cost of refunding the Notes, any outstanding obligations of the Issuer or any interim financing undertaken to pay the cost of the Projects; and there shall be levied on all the taxable property of the Issuer a direct, annual, irrevocable tax sufficient to pay the interest on said Securities as it becomes due, and also to pay and discharge the principal thereof within twenty years of the date of issuance of the Securities or such shorter period required by law.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Grimm to approve the foregoing resolution. -14

It was moved by Ald. Sullivan, seconded by Ald. Maher to refer to the Committee on Legislation, Licensing and Communications the issue of fiscal controls on property tax increases. -14

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 6/8/05 – 6/21/05 --

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 6/8/05 – 6/21/05: \$1,536,693.08

It was moved by Ald. Casey, seconded by Ald. Bruderle -  
Baran that each and every one of the accounts of bills and  
claims be allowed and ordered paid. Roll call vote, Ayes 14

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-05-163**

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 sanitary sewer, storm sewer and water main relay, repair and extension and work incidental thereto in portions of N. 115th Street, N. Park Drive, Fairwood Court, and Meadow Court under Contract 05-02A, at and for their bid price of \$873,484.50, 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-05-164**

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 Visu-Sewer Clean & Seal, Inc., for the work of reconstruction of fully deteriorated sewers using a structural C.I.P.P. relining process and work incidental thereto under Contract 05-02B at and for their bid price of \$37,428.43, this being the lowest and best bid.

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

It was moved by Ald. Herzog, seconded by Ald. Kopischke  
to approve the two foregoing resolutions. -14

There being no further business, the meeting adjourned at 8:52 p.m.