



CITY OF WAUWATOSA  
MEMORIAL CIVIC CENTER  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
Telephone: (414) 479-8917  
Fax: (414) 479-8989

**COMMON COUNCIL**  
**Regular Meeting, Tuesday, February 20, 2007**

PRESENT: Alds. Grimm, Hanson, Herzog, Krill, Maher, Minear, Purins, Stepaniak, Treis, Becker, Birschel, Didier, Donegan -13

EXCUSED: Alds. Ewerdt, Krol, Meaux

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Kappel, Public Works Director; Ms. Welch, Community Development Director; Police Chief Weber; Ms. Aldana, Asst. City Attorney/Personnel Admin.; Mr. Wojcehowicz, Water Utility Supt.; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:30 p.m.

Mayor Estness, Common Council President Becker, and Police Chief Weber presented Citizen Service Awards to Teresa Sommers and Darcella Bell for their brave actions during an incident at a city hospice.

It was moved by Ald. Grimm, seconded by Ald. Didier that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -13

**PUBLIC HEARING**

The first item of business was a public hearing to consider the following proposed ordinance:

**ORDINANCE**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE PROPERTIES LOCATED AT 11221 AND 11333 WEST BURLEIGH STREET FROM AA LIGHT MANUFACTURING DISTRICT TO BUSINESS PLANNED DEVELOPMENT 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:

NE QUAR SEC 18 7 21 BEG IN N LI 993.21 FT E OF NW COR OF SD QUAR SEC TH S 389.82 FT TH E PAR TO S QUAR SEC LI 331.03 FT TH N 389.82 FT TH W 330.94 FT TO PL OF BEG EXC N 55 FT & E 30 FT FOR ST and N 557.82 FT OF W HALF OF E HALF OF W HALF OF NE QUAR SEC 18 7 21 EXC W 30 FT THEREOF & EXC N 55 FT FOR STREET in the NE ¼ of Section 18, Town 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin are Rezoned from AA Light Manufacturing District to Business Planned Development 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.

Proof of publication is in the file.

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI,

The City Plan Commission, to whom was referred the request by Michael Krill for Preliminary Plan approval and Change of Zoning from AA Light Manufacturing to Business Planned Development at 11221 and 11333 W. Burleigh Street for a medical office building, parking structure, retail space, luxury hotel, and 118 residential units, recommends that the request be approved.

Dated this 8th day of January 2007.

Nancy L. Welch, Secretary  
City Plan Commission

No one of the public present wished to be heard in favor of the proposed ordinance.

No one of the public present wished to be heard in opposition to the proposed ordinance.

No one of the public present wished to be heard either for or against the proposed ordinance or had any comments or questions.

The public hearing was declared closed. Ordered held to the next Common Council meeting on March 6, 2007.

### **PUBLIC HEARING**

The next item of business was a public hearing to consider the following proposed ordinance:

### **ORDINANCE**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING THE PROPERTIES LOCATED AT 2717, 2747 AND 2767

NORTH MAYFAIR ROAD FROM AA COMMERCIAL DISTRICT TO BUSINESS PLANNED DEVELOPMENT 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:

NE QUAR SEC 18 7 21 BEG AT SE COR OF SD QUAR SEC TH N 89D12M W 411.70 FT TH N 2D13M E ON E ROW LI OF C & NW RR 271.84 FT TH S 66D52M E 44.04 FT TO PT TH E 366.33 FT TO A PT IN E QUAR SEC LI WH IS 2402.90 FT S OF NE COR OF SD QUAR SEC TH S ALG E QUAR SEC LI 256 FT TO PL OF BEG EX E 60 FT & S 33 FT THEREOF FOR ST and NE QUAR SEC 18 7 21 BEG IN E LI & 2222.9 FT S OF NE COR OF SD QUAR SEC TH W PAR TO N QUAR SEC LI 404.51 FT TH SLY ALG E LI OF CHI & NW ROW 163.14 FT TH S 66D52M E 44.04 FT TH ELY PAR TO N QUAR SEC LI 366.33 FT TH NLY 180 FT TO BEG EXC E 60 FT FOR STREET and NE QUAR SEC 18 7 21 S 121.68 FT OF N 2222.90 FT LYING E OF RR ROW OF NE QUAR SEC 18 EXC E 60 FT THEREOF FOR ST in the NE ¼ of Section 18, Town 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin are Rezoned from AA Commercial District to Business Planned Development 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.

Proof of publication is in the file.

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI,

The City Plan Commission, to whom was referred the request by Ned Brickman, Midland 3521 LLC, for Preliminary Plan approval and Change of Zoning from AA Commercial District to Business Planned Development at 2717, 2747, and 2767 N. Mayfair Road for a retail development, recommends that the request be approved.

Dated this 8th day of January 2007.

Nancy L. Welch, Secretary  
City Plan Commission

The Mayor inquired if anyone of the public present wished to be heard in favor of the proposed ordinance.

Atty. Brian Randall, 330 E. Kilbourn Avenue, Milwaukee, spoke in favor of the mixed use retail and office complex proposed for the site.

Ursula Twombly, 228, S. First Street, Milwaukee, architect for the project, explained components of the three proposed buildings. Building A will sit forward on the site and will feature a two-story façade; the second floor will not have an active user, however. The 16,500 square foot building will have retail and food space. Building B will also have a two-story façade, with 10,600 square feet of retail and food space on the first floor and an equal amount of square footage on the second floor for office uses. The corner building (C) at the intersection of Mayfair Road and Center Street will be one and one-half stories, necessary to preserve the sight lines for Building B. There will be 8,400 square feet of retail and food space. Landscaping will wrap around the building. A total of 220 parking stalls will be provided.

The retail and food uses will complement those already existing in the vicinity and should appeal to retailers who can't or don't want to be located in Mayfair Mall, but do want to be in close proximity. Certain uses will be prohibited from the development, such as arcades, loan agencies, Laundromats, taverns, tobacco product depots, tattoo parlors, etc. Three curb cuts on Mayfair Road will be eliminated.

The present uses are assessed at \$5 million dollars; it is projected that this new development will result in an assessment close to \$16 million dollars.

No one of the public present wished to be heard in opposition to the proposed ordinance.

No one of the public present wished to be heard either for or against the proposed ordinance or had any comments or questions.

The public hearing was declared closed. Ordered held to the next Common Council meeting on March 6, 2007.

**OLD BUSINESS**

The following resolution was held after a public hearing before the Common Council:

**RESOLUTION R-07-35**

WHEREAS, the Common Council of the City of Wauwatosa, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 7:30 p.m. Local Time, on the 6<sup>th</sup> day of February, 2007 for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Board of Public Works on the proposed improvement by repaving of the following streets. Sidewalk replacement cost, on those streets so indicated, is included in the assessment rate for the paving work.

| <u>Street &amp; Location</u>  | <u>Ald. Dist.</u> | <u>Exist &amp; (Prop.) Width</u> | <u>Pavement Construction Type</u> | <u>Assessed Sidewalk Work</u> |
|---|-------------------|----------------------------------|-----------------------------------|-------------------------------|
| N. 97 <sup>th</sup> Street – Sarasota Place to Fiebrantz Avenue               | 8                 | 30                               | C                                 | No                            |
| W. Congress Street – N. 92 <sup>nd</sup> Street to N. 94 <sup>th</sup> Street | 8                 | 30-30-30                         | C                                 | No                            |
| W. Congress Street – N. Mayfair Road to Menomonee River Parkway               | 8                 | 30                               | C                                 | No                            |
| Maple Lane – N. Mayfair Road to East End                                      | 8                 | 30                               | C                                 | No                            |

|   |   |    |   |    |
|---|---|----|---|----|
| W. Sarasota Place – N. 95 <sup>th</sup> Street to N. 100 <sup>th</sup> Street | 8 | 30 | C | No |
| Alley-Hill St to Hawthorne Ave., Glenview to N. 85th St.                      | 3 | 15 | C | No |
| *Alley-Marion St to Grantosa Dr/99th to 100th St                              | 8 | 20 | C | No |
| Alley-Meinecke Ave to North Ave/114th to 115th St                             | 7 | 20 | C | No |
| *Joint project with the City of Milwaukee                                     |   |    |   |    |

Original Construction: New (Conc.) or (Asph.) Grading, placing new concrete curb and gutter, and concrete or asphalt pavement surface (as indicated) on a new stone or asphalt base.

Reconstruction: Type “A” (Asph.) or (Conc.) Completely removing existing curb and gutter and existing pavement, placing new concrete curb and gutter (excluding alleys), and asphalt or concrete pavement surface on a new base.

The above repaving type also includes placing necessary water and sewer service pipes and storm sewer and appurtenances; relaying sanitary sewer and storm sewer as required; relocating existing street lighting system where necessary; constructing new concrete driveway approaches and replacing concrete sidewalks which are disturbed by other construction, which are defective, or which have a hazard potential.

Repaving: Type “B” (Asph.) Completely removing existing curb and gutter, milling the existing asphalt pavement as required, and placing new concrete curb and gutter and asphalt pavement surface on the existing road base.

The above repaving type also includes placing necessary water and sewer service pipes and storm sewer and appurtenances; relaying sanitary sewer and storm sewer as required; relocating existing street lighting system where necessary; constructing new concrete driveway approaches and replacing concrete sidewalks which are disturbed by other construction, which are defective, or which have a hazard potential.

Repaving: Type “C” (Asph.) Milling the existing pavement as required, repairing curbs (and abutting approaches and sidewalks where necessary), and surfacing with asphalt pavement. Also included is the placing of necessary water and sewer service pipes and storm sewer and appurtenances, and relaying sanitary sewer and storm sewer as required.

and has heard all persons desiring audience at such hearing;

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

Section 1. That the report of the Board of Public Works in connection with the construction of the above-described permanent public improvement, including preliminary plans and specifications therefor, is hereby adopted and approved.

Section 2. That the Board of Public Works is directed to carry out the work of such permanent improvement in accordance with the report of the Board of Public Works.

Section 3. That payment for said permanent improvement be made by assessing the cost to the property improved as indicated in said report.

Section 4. That the assessments shown on the report, are true and correct and are hereby confirmed.

Section 5. That the owners of the respective parcels of land fronting or abutting the street improvements, on which a public hearing has been held and preliminary assessments have been confirmed, shall have payment of the special assessments scheduled as follows:

(a) Each special assessment and special charge, pursuant to Section 66.0627 of the Wisconsin Statutes, levied in an amount of \$200 or less against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in one installment.

(b) All assessments will be collected in installments as provided below, except such assessments on property where the owner of the same shall file with the City Clerk within 30 days from date of billing, a written notice that he elects to pay the special assessment on his property to the City Treasurer on or before the next succeeding November 1, unless the election is revoked in writing 30 days prior to November 1. If, after making such election, said property owner fails to make the payment to the City Treasurer, the City Clerk shall place the entire assessment, and applicable interest, on the next succeeding tax roll.

(c) Each special assessment for improvements levied in an amount exceeding \$200 against any parcel of land in the City of Wauwatosa shall be entered in the tax rolls in five equal annual installments of principal together with interest at the rate of twelve percent (12%) per year or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the sale of corporate purpose bonds, which include the project which is the subject of the special assessment, whichever figure is less, on the unpaid balance of said assessment. Individual assessments shall run concurrently except as provided under Section 3.08.040 of the City Code.

(d) Each special assessment levied against any parcel of land in the City of Wauwatosa for the installation of sanitary sewer main or water main or construction of permanent street pavement shall not be entered in the tax roll until all installments of special assessments for sanitary sewer or water main or construction of permanent street pavement levied previously against the same parcel of land have been entered into the tax rolls and have been paid. Such subsequent special assessment shall be deferred and only interest at the rate of twelve percent (12%) per year, or the percentage rounded out to the next highest whole percentage number above the interest rate paid by the City for the issuance of General Obligation Debt, which include the project which is the subject of the special assessment, whichever figure is less, on such subsequent special assessment shall be carried into the tax rolls in addition to the scheduled installments of such prior assessments. After the last installment of such prior special assessment has been entered in the tax rolls, installments of the subsequent special assessment shall, beginning with the next subsequent tax roll, be entered in the tax rolls pursuant to Section 3.08.030 of the City Code.

(e) Whenever special assessments are levied against the frontage and side of a corner parcel of land in the City of Wauwatosa for the installation of sanitary sewers or water mains or construction of permanent pavements arising out of the same public works project, such special assessments levied against a corner parcel of land shall be deemed to be two separate special assessments, and the special assessment levied against the frontage of the corner parcel of land shall first be scheduled on the tax rolls for payment as provided in Section 3.08.030 of the City Code and the special assessment levied against the side of the corner parcel of land shall be scheduled on the tax rolls pursuant to (c)

above, following such scheduling of the special assessment levied against the frontage of the corner parcel of land.

(f) Notwithstanding the provisions of (c) and (d) above, any owners of parcels of land assessed may at their option elect to pay both the scheduled installments of prior assessments as well as scheduled installments of subsequent special assessments on the same tax rolls as entered on those tax rolls pursuant to Section 3.08.030 of the City Code.

(g) If, after special assessments have been placed on the tax rolls in installments or otherwise, the taxpayer fails to pay the same within the time allowed for payment of general taxes, the same shall become delinquent and shall be treated in the same manner and subject to the same laws as delinquent general property taxes.

Section 6. The properties against which the assessments are proposed are benefited. Such benefits may include, but are not necessarily limited to, enhancement of value or marketability, improved drainage, improved pedestrian safety (walks), improved vehicular access, improved skid resistance and cross sectional elements.

Section 7. The City Clerk is directed to publish this resolution in the Wauwatosa News Times, official paper of the City of Wauwatosa.

Section 8. The City Clerk is further directed to mail a copy of this resolution to every property owner within the limits of the assessment district whose name appears on the assessment roll and whose post office address is known, or can with reasonable diligence be ascertained.

It was moved by Ald. Herzog, seconded by Ald. Stepaniak to approve all but #7 on the above list. -13

It was moved by Ald. Herzog, seconded by Ald. Stepaniak to approve #7 on the above list. 12-1 (Grimm)

## **APPOINTMENTS BY THE MAYOR**

### Library Board

Maureen Klein, 1816 Alta Vista Avenue  
(Term ends 6/30/09)

### Design Review Board A (reappointments)

Kent Ehley, 7437 Kenwood Avenue  
Peter Muller, 8120 W. Woodland Avenue  
(Terms end 12/31/08)

### Design Review Board B (reappointment)

Carmen Bolger-Linna, 12030 W. Hadley Street  
(Term ends 12/31/08)

Design Review Board C (reappointments)

Dennis Scherr, 2380 N. 100th Street  
Mark Weseloh, 6407 Powell Place  
John Kissinger, 1829 N. 68th Street  
(Terms end 12/31/08)  
Gary Woodward, 6934 Cedar Street  
Edward Haydin III, 2568 N. 71st Street  
(Terms end 12/31/09)

Historic Preservation Commission (reappointments)

Carolyn Edwards, 1850 N. 74th Street  
(Term ends 11/30/07)  
Dan Jones, 7623 Livingston Avenue  
Kathleen Ehley, 7437 Kenwood Avenue  
Sharon Eiff, 1417 Lombard Court  
(Terms end 11/30/09)

Civic Celebration Commission (reappointments)

Kevin Mullen, 1937 N. 73rd Street  
(Term ends 12/31/10)  
Cheryl Berdan, 2049 N. 114th Street  
(Term ends 12/31/11)

It was moved by Ald. Birschel, seconded by Ald. Krill  
to concur with the foregoing appointments. -13

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. City of Wauwautosa Investment Summary as of January 31, 2007; and Statement of Financial Condition as of December 31, 2006  
**Place on file**
2. Letter from Celeste Flynn, Time Warner Cable, informing the city of programming changes  
**Place on file**
3. Letter from John Rosenow, The National Arbor Day Foundation, congratulating the city on being named as a 2006 Tree City USA  
**Place on file**
4. Letter from Ald. Birschel requesting stop signs be placed on Elmhurst Street at N. 118th Street  
**Director of Public Works**
5. Wauwautosa Water Utility Statement of Receipts & Disbursements as of January 31, 2007  
**Place on file**
6. Land combination application to combine 2401, 2421, and 2433 N. Mayfair Road  
**Plan Commission, Committee on Community Development**
7. Conditional Use application for outdoor lumber storage at 2900 N. 112th Street  
**Plan Commission, Committee on Community Development**

8. Letter from Atty. John Finerty forwarding a Memorandum of Understanding between WI DOT, Best Buy Stores, Mayfair Mall, and the city relative to the relocated south driveway on Mayfair Road, just north of North Avenue  
**Community Development Director, City Engineer**
9. Conditional Use application to construct a new Taco Bell Restaurant at 510 N. Mayfair Road  
**City Plan Commission; Committee on Community Development**

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

**RESOLUTION R-07-36**

WHEREAS, Kimberly A. Clapper, 3056 N. Maryland Avenue, Milwaukee, WI, has applied for an operator's license in conjunction with her employment at Applebee's, Wauwatosa; and

WHEREAS, a background investigation revealed two previous convictions which were not reported in her application form; and

WHEREAS, Ms. Clapper did not appear in person before the Legislation, Licensing & Communications Committee after having been notified that her presence was required; and

WHEREAS, the circumstances surrounding her previous convictions and her failure to appear before the Committee are substantially related to the responsibilities of persons holding operators licenses in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator's license application of Kimberly A. Clapper is hereby denied;

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

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

**RESOLUTION R-07-37**

WHEREAS, Kevin T. Lantz, 4158 N. 89<sup>th</sup> Street, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at the Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT Kevin T. Lantz is hereby issued an operator's license for the period ending June 30, 2007.

It was moved by Ald. Birschel, seconded by Ald. Donegan  
to approve the two foregoing resolutions. -13

**FROM THE COMMITTEE ON TRAFFIC AND SAFETY**

**ORDINANCE O-07-3**

AN ORDINANCE PROHIBITING LEFT TURNS FOR WESTBOUND TRAFFIC ON W. WATERTOWN PLANK ROAD AT N. 86<sup>TH</sup> STREET

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

Part I. A new subparagraph is hereby added to Section 11.36.190 of the Wauwatosa Code to read as follows:

- 19. For westbound traffic on W. Watertown Plank Road through the median opening adjacent to N. 86<sup>th</sup> Street

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

**FROM THE COMMITTEE ON TRAFFIC AND SAFETY**

**ORDINANCE O-07-4**

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO ADD PARKING RESTRICTIONS ON W. MEINECKE AVENUE

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

Part I. The subsection entitled “West Meinecke Avenue – both sides” shall be added to the “schedule of streets, and portions” of Section 11.32.080 of the Wauwatosa Municipal Code followed by the following restriction:

- (c ) Between N. 86<sup>th</sup> Street and N. 88<sup>th</sup> Street

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

**FROM THE COMMITTEE ON TRAFFIC AND SAFETY**

**ORDINANCE O-07-5**

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO ADD PARKING RESTRICTIONS IN THE AREA OF ROOSEVELT SCHOOL

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

Part I. Two new subportions shall be added to the opening subsection of Wauwatosa Code Section 11.32.080 as follows:

(xx) No standing, stopping or parking on school days from 8:00 a.m. to 9:00 a.m. and 3:00 p.m. to 4:00 p.m.

(yy) For more than 3 hours between 9:00 a.m. and 3:00 p.m.

Part II. The “W. 73<sup>rd</sup> Street east side” - portion of the “schedule of streets, and portions” subsection of the Wauwatosa Municipal Code Section 11.32.080 is hereby amended by deleting the section which reads as follows:

“(m) from W. Wright Street to W. Clarke Street”

and adding the following:

(xx) from W. Wright Street to W. Clarke Street

(yy) from W. Wright Street to W. Clarke Street

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

It was moved by Ald. Grimm, seconded by Ald. Donegan to adopt the three foregoing ordinances. -13

## **FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

### **RESOLUTION**

WHEREAS, the Committee has reviewed a proposed Purchase and Sale Agreement for the development of the vacant land at the Wauwatosa Public Works yard by Cobalt Partners; and

WHEREAS, the proposed Purchase and Sale Agreement requires additional terms upon the advice of the City Attorney in order to be made complete and acceptable in the interests of the City; and

WHEREAS, a copy of the draft of the proposed Purchase and Sale Agreement is attached to this resolution and incorporated herein;

NOW, THEREFORE, BE IT RESOLVED THAT the City Attorney of the City of Wauwatosa is hereby authorized to finalize a Purchase and Sale Agreement with Cobalt Partners for the purchase and use of the land at the City Public Works yard, as more particularly described in the attached document;

BE IT FINALLY RESOLVED THAT upon concluding such discussions for the draft that is acceptable to the City Attorney, appropriate City officials are hereby authorized to execute said Agreement.

It was moved by Ald. Herzog, seconded by Ald. Donegan to approve the foregoing resolution. --

It was moved by Ald. Birschel, seconded by Ald. Maher to refer the matter back to committee for the meeting on March 13, 2007. -13

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-07-39**

WHEREAS, the Wauwatosa Village Business Improvement District has begun preparing plans to reconstruct the “Root Commons” area at the corner of Harwood and Wauwatosa Avenues in the City of Wauwatosa; and

WHEREAS, reconstruction of the “Root Commons” area would require demolition of the existing fountain at that location; and

WHEREAS, the Director of Public Works has indicated that City crews would be available to demolish the existing fountain and perform the other necessary demolition tasks in order to prepare the site for reconstruction; and

WHEREAS, demolition of the existing cement wall cannot be accomplished in its entirety due to potential damage to a 110 year old water main at that location;

NOW, THEREFORE, BE IT RESOLVED THAT City crews under the direction of the Director of Public Works are hereby authorized to demolish the existing fountain and perform other necessary demolition tasks at the “Root Commons” portion of the Village area of Wauwatosa in preparation for future reconstruction of the park upon approval of the Wauwatosa Common Council.

It was moved by Ald. Treis, seconded by Ald. Herzog to approve the foregoing resolution. -13

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-07-40**

WHEREAS, the Wauwatosa Water Utility has applied for and received an Office of Justice Assistance (OJA) Infrastructure Protection grant in the amount of \$152,736.00 intended to improve the ability to deter and detect malicious actions or threats against the utility’s critical assets; and

WHEREAS, the Wauwatosa Water Utility has identified \$30,000.00 in its 2007 Capital budget to be targeted towards water system security improvement in conjunction with the grant funds;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Water Utility is hereby authorized to accept the Office of Justice Assistance (OJA) Infrastructure Protection grant in the amount of \$152,736.00.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-07-42**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Jeff Gehrke 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-07-43**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the claim of Wheaton Franciscan Healthcare-Southeast Wisconsin, Inc. and Wheaton Franciscan Healthcare-St. Joseph, Inc. for excessive assessment for 201 N. Mayfair Road pursuant to their claim of January 31, 2007, is hereby denied.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-07-44**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the claim of Wheaton Franciscan Healthcare-Southeast Wisconsin, Inc. and Wheaton Franciscan Healthcare-St. Joseph, Inc. for unlawful taxes for 201 N. Mayfair Road, Parcel No. 411-9976-05, N. Mayfair Road, Parcel No. 411-9994-03, N. 110<sup>th</sup> Street, Parcel No. 411-9978-06, and 201 N. Mayfair Road, Account No. 060212 pursuant to their claim of January 31, 2007, is hereby denied.

It was moved by Ald. Stepaniak, seconded by Ald. Maher  
to approve the four foregoing resolutions. -13

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-07-41**

RESOLUTION AUTHORIZING THE BORROWING OF \$3,500,000;  
AND PROVIDING FOR THE ISSUANCE AND SALE OF  
GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2007 THEREFOR

WHEREAS, the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of various public improvements included in the City's 2007 Capital Project Plan, including repairing and upgrading streets, storm and sanitary sewers (the "Project"), and there are insufficient funds on hand to pay said costs;

WHEREAS, the general nature and location of each element of the Project is set forth in the City's Capital Project Plan which is incorporated herein by this reference;

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes;

WHEREAS, cities are authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and to issue general obligation promissory notes for such public purposes;

WHEREAS, the Common Council of the City hereby finds and determines that general obligation promissory notes in the amount of \$3,500,000 should be issued, and it is now necessary and desirable to authorize their issuance and sale; and

WHEREAS, the Common Council of the City hereby finds and determines that the issuance of the general obligation promissory notes complies with Section 20.13 of the Charter Ordinances of the City in all respects.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, the principal sum of THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) from a purchaser to be determined by subsequent resolution of the Common Council (the "Purchaser").

Section 2. Sale of the Notes. To evidence such indebtedness, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, general obligation promissory notes aggregating the principal amount of THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) (the "Notes").

Section 3. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2007"; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall be dated, and shall mature in the years and principal amounts as specified by subsequent resolution of the Common Council.

Section 4. Award of the Notes. At a subsequent meeting, the Common Council shall consider taking further action to provide the details of the Notes; to award the Notes to the Purchaser; and to levy a direct annual irrevocable tax sufficient to pay the principal of and interest on the Notes as the same becomes due as required by law.

Section 5. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

BE IT FURTHER RESOLVED THAT \$1,400,000 of the existing fund balance in the Capital Projects fund is hereby applied toward future infrastructure improvements at Hart Park in the City of Wauwatosa.

It was moved by Ald. Stepaniak, seconded by Ald. Maher to approve the foregoing resolution. -13

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 2/7/07 – 2/20/07 --

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 2/7/07 – 2/20/07: \$1,312,326.38

It was moved by Ald. Krill, seconded by Ald. Hanson that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 13

**FROM THE BOARD OF PUBLIC WORKS**

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI –

The Board of Public Works, to whom was referred the Annual Report of the Board of Public Works for 2006 as compiled by the Engineering and Operations, Water, and Community Development staffs, recommends that the Report be accepted and placed on file.

Dated this 19th day of February 2007.

Board of Public Works

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION** R-07-45

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 and storm sewer relay, repair, extension and relining of portions of W. Blue Mound Road, N. 68th Street and work incidental thereto under Contract 07-01 at and for their bid price of \$283,820.30, 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. Maher to approve the foregoing resolution and to place the foregoing report on file. -13

There being no further business, the meeting adjourned at 8:15 p.m.

cal

---

Carla A. Ledesma, CMC, City Clerk