



CITY OF WAUWATOSA

MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL

Regular Meeting, Tuesday, October 16, 2007

PRESENT: Alds. Donegan, Ewerdt, Grimm, Hanson, Herzog, Krill, Krol, Maher, Meaux, Minear, Stepaniak, Treis, Becker, Birschel, Didier -15

EXCUSED: Ald. Purins

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 Capt. Weiss; Fire Chief Redman; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Estness in the Chair

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

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. -15

APPOINTMENTS BY THE MAYOR

Youth Commission

Regina Dale, 2454 N. 73rd Street
Barb Haines Melkovitz, 8127 Currie Avenue
Kay Lorenzen, 1517 N. 60th Street
(Terms end 8/31/10)

Library Board

Mark Carlson, 11031 W. Hope Avenue
Christopher Lowe, 6274 Upper Parkway North
Tom Miller, 12130 Meadow Court
(Terms end 6/30/10)

It was moved by Ald. Birschel, seconded by Ald. Krill to approve the foregoing appointments. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ended
Place on file
2. Letters from Emil C. Mater, Elizabeth D. Barr, Margaret Patchett, Mary Ann Conroy, Karl L. Barth, Joseph and Anita Los, and Betty J. Gronowski, 8220 Harwood Avenue, requesting that Harwood Place senior apartments remain tax exempt
City Assessor
3. Letter from Ken and Janine Wittig, 4535 N. 92nd Street requesting that Luther Manor remain tax exempt
City Assessor
4. Letter from John Doherty, 10200 W. Blue Mound Road requesting that San Camillo remain tax exempt
City Assessor
5. Statement of Financial Condition as of September 30, 2007
Place on file
6. Memorandum dated October 2nd from Rick Johnson, David Keller, Bob Pieters, CEOs of St. Camillus, Luther Manor and Harwood Place, regarding inclusion of older adult retirement facilities on the tax roll and requesting Council action to challenge assessment of their facilities in 2007
City Assessor
7. Letter from Karl Thiele, Time Warner Cable, enclosing FCC rate forms for rate adjustments to take effect December 1, 2007
Place on file
8. Letter from Richard P. Vogel, 600 N. 103rd Street, requesting that Kathy's House remain tax exempt
City Assessor
9. E-mail from Christopher Tyre, PhD, 2034 N. 81st Street, regarding proposed sex offender ordinance
City Attorney, add to existing file

FROM THE COMMITTEE ON EMPLOYEE RELATIONS FOR INTRODUCTION

1. Ordinance amending Section 2.52.240 of the City Code to change the residency and take-home vehicle requirements for fire department command staff to allow residency within 3 miles of the city border or demonstrated equivalent response time and use of take-home vehicles within those restrictions when within residency requirement
Re-refer to the originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance creating Chapter 7.18 of the City Code regarding prohibition of public nuisances in the City of Wauwatosa
Re-refer to the originating committee
2. Ordinance creating Chapter 7.32 of the City Code regulating the residence locations for sex offenders in the City of Wauwatosa
Re-refer to the originating committee

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-07-17

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO ADD PARKING RESTRICTIONS ON SWAN BOULEVARD BETWEEN WATERTOWN PLANK ROAD AND MENOMONEE RIVER PARKWAY

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

Part I. The “Swan Boulevard – east side” portion of the “Schedule of Streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

“(a) from Watertown Plank Road to Menomonee River Parkway”

Part II. The “Swan Boulevard – west side” portion of the “Schedule of Streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

“(a) from Watertown Plank Road to Menomonee River Parkway”

Part III. The “Swan Boulevard Extension – south side” portion of the “Schedule of Street, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby deleted along with this subsection:

“(k) from the railroad tracks to 100 feet west of the boulevard”

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-07-18

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO ADD PARKING RESTRICTIONS IN THE HART PARK AREA

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

Part I. The “North 63rd Street – east side” portion of the “Schedule of Streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

- (a) from 110 feet south of the south railroad track to W. State Street
- (a) from the south side of River Parkway to 300 feet south of the south railroad track

Part II. The “North 63rd Street – east side” portion of the “Schedule of Streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following:

- (a) from the driveway south of the railroad to W. State Street

Part III. The “North 63rd Street – west side” portion of the “Schedule of Streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

- (a) from 130 feet south of the south railroad track to W. State Street

and deleting the words “W. State Street” from (a) and adding the following:

230 feet south of the south railroad track

Part IV. The North 68th Street – east side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

- (a) from Honey Creek Parkway to the south lot line of 1262 N. 68th Street

Part V. The “North 68th Street – east side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following:

- (u) from Honey Creek Parkway to 30 feet north of W. State Street
- (k) from Honey Creek Parkway to 30 feet north of W. State Street
- (a) from 30 feet north of W. State Street to W. State Street
- (a) from W. State Street to a point 211 feet south of W. State Street

Part VI. The “North 68th Street – west side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

- (a) from Honey Creek Parkway to the south lot line of 1245 N. 68th Street

Part VII. The “North 68th Street – west side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following:

- (c) from Honey Creek Parkway to the driveway of 1187 N. 68th Street
- (a) from 30 feet south of the railroad tracks to W. State Street

Part VIII. The “North 69th Street – east side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

- (a) from 56 feet north of the north lot line of 1118 N. 69th Street to the north side of Harvey Avenue

Part IX. The “North 70th Street – east side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended as follows:

- (k) from 50 feet north of Maple Terrace to W. State Street to read as follows:
- (k) from 50 feet north of Maple Terrace to the north lot line of 1114 N. 70th Street
- (a) from the north lot line of 1204 N. 70th Street to W. State Street to read as follows:

(a) from the north lot line of 1114 N. 70th Street to W. State Street

Part X. The “North 70th Street – east side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following:

(a) from Honey Creek Parkway to the north end of the bridge north thereof

Part XI. The “North 70th Street – west side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended as follows:

(n) from the south city limits to W. State Street to read as follows:

(n) from the south city limits to 130 feet north of Auburn Avenue

(j) from Aetna Court to Honey Creek Parkway should read as follows:

(j) from Aetna Court 130 feet north of Auburn Avenue

Part XII. The “North 70th Street – west side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following:

(a) from Honey Creek Parkway to the north end of the bridge north thereof

Part XIII. The “North 70th Street – west side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

(a) from 130 feet north of Auburn Avenue to W. State Street

Part XIV. The “North 72nd Street – east side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended as follows:

(a) from the dead end, north to Auburn Avenue should read

(a) from the dead end, north to Honey Creek Parkway

Part XV. The “North 72nd Street – west side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended as follows:

(a) from the dead end, north to Honey Creek

by adding:

(a) from the dead end, north to Honey Creek Parkway

Part XVI. The “Chestnut Street – south side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by deleting (a).

Part XVII. The “Chestnut Street – north side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by deleting:

- (a) from N. 70th Street to N. 72nd Street and
- (a) from the dead end to a point approximately 30 feet west of the dead end

Part XVIII. The “Harvey Avenue – north side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by adding:

- (a) from 30 feet west of N. 69th Street to the east side of N. 69th Street

Part XIX. The “River Parkway – south side” portion of the “Schedule of Streets, and portions” section of Wauwatosa code Section 11.32.080 is hereby amended by adding:

- (a) from N. 68th Street to a point 530 feet east
- (zz) from 80 feet west of the driveway of 6410 River Parkway to 70 feet east of said drive
- (a) from N. 63rd Street to 200 feet west thereof

Part XX. The “River Parkway – south side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by deleting:

- (a) from 25 feet west of the west drive to 6445 River Parkway to 70 feet west thereof
- (c) from a point 506 feet east of N. 68th Street to the east drive of 6619 River Parkway
- (a) from the east drive of 6619 River Parkway to N. 68th Street

Part XXI. The “River Parkway – north side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

- (zz) in front of 6442 River Parkway
- (a) from the driveway of 6450 River Parkway to the west lot line of 6442 River Parkway
- (a) from the west lot line of 6600 River Parkway to N. 68th Street
- (a) from North 63rd Street to a point 160 feet west thereof
- (a) from 12 feet east of the drive to 6526 River Parkway to said driveway
- (c) from the west edge of the drive to 6526 River Parkway to 78 feet west thereof
- (zz) from 90 feet east of the drive to 6410 River Parkway to said drive

Part XXII. The “River Parkway – north side” portion of the “Schedule of Streets, and portions” section of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following:

- (a) from 90 feet east of the drive to 6410 River Parkway to said drive
- (a) from 12 feet east of the drive to 6450 River Parkway to 12 feet east of the drive to 6510 River Parkway
- (a) from 78 feet west of the drive to 6526 River Parkway to N. 68th Street
- (a) a 10 foot zone in front of 6411 River Parkway

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-07-19

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO ADD PARKING RESTRICTIONS ON N. 124TH STREET

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

Part I. The “North 124th Street – east side” portion of the “Schedule of Streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

“(a) from a point 200 feet south of Burleigh to the north city limits”

Part II. The “North 124th Street – east side” portion of the “Schedule of Streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by deleting the following:

- (1) from the south edge of the drive at 4710 N. 124th Street to a point 456 feet north thereof at the north lot line of 4750
- (a) from W. Capitol Drive to a point 100 feet north of the north entrance to 4320 North 124th Street
- (a) from W. Burleigh Street to a point 200 feet south thereof

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. -15

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-242

WHEREAS, Richard Steavpack, agent for McCormick & Schmick Restaurant Corporation, d/b/a McCormick & Schmick’s Seafood Restaurant, 2550 N. Mayfair Road, Wauwatosa, WI, has applied for a Class B beer/liquor license for its new location;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer/liquor license be awarded to Richard Steavpack, agent for McCormick & Schmick Restaurant Corporation, d/b/a McCormick & Schmick’s Seafood Restaurant, 2550 N. Mayfair Road, Wauwatosa, WI, for the period ending June 30, 2008.

It was moved by Ald. Krol, seconded by Ald. Becker to approve the foregoing resolution. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-243

WHEREAS, Christian Kramer has applied for a Conditional Use in the AA Business District at 10849 West Blue Mound Road for a restaurant expansions 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 THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Christian Kramer for a restaurant expansion in the AA Business District at 10849 West Blue Mound Road subject to the following conditions:

- 1) hours of operation from 10:00 a.m. to 2:00 a.m. daily,
- 2) retaining current seating of approximately forty seats,
- 3) obtaining any required licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-244

WHEREAS, Allen Kinn has applied for a Conditional Use in the AA Institutions District at 10100 West Blue Mound Road for an outpatient medical clinic 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 THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Allen Kinn for an outpatient medical clinic in the AA Institutions District at 10100 West Blue Mound Road.

It was moved by Ald. Treis, seconded by Ald. Meaux to approve the two foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-245

RESOLUTION APPROVING AN AMENDED AND RESTATED LEASE AGREEMENT, APPROVING THE ISSUANCE OF \$6,200,000 REDEVELOPMENT REFUNDING LEASE REVENUE BONDS, SERIES 2007, BY THE REDEVELOPMENT AUTHORITY AND RELATED DOCUMENTS AND TRANSACTIONS

WHEREAS, the Redevelopment Authority of the City of Wauwatosa (the "Authority") has determined certain property located in Tax Incremental District No. 2 (the "Blighted Property") to be blighted within the meaning of Section 66.1333, Wisconsin Statutes;

WHEREAS, the Authority and the Common Council of the City of Wauwatosa, Wisconsin (the "Municipality") have, after a duly-noticed and held public hearing, created a redevelopment project area under Section 66.1333, Wisconsin Statutes (the "Redevelopment Project Area") with respect to such blighted property, coterminous with the boundaries of Tax Incremental District No. 2 (the "TID No. 2"), and have approved and adopted a redevelopment plan within the meaning of the Act in connection with the Redevelopment Project Area (the "Redevelopment Plan");

WHEREAS, the Authority has heretofore acquired the property in the Redevelopment Project Area described on Exhibit A hereto (the "Property") from the Municipality, and is carrying out a program of blight elimination, community development and urban renewal in the Redevelopment Project Area as described in the Redevelopment Plan, consisting of projects included in the Project Plan for Tax Incremental District No. 2, as amended, and related costs (collectively, the "Project") and proposes to lease the Property and the public improvements thereon and thereunder (collectively, the "Leased Property") to the Municipality pursuant to an Amended and Restated Lease Agreement dated October 30, 2007 in substantially the form set forth on Exhibit B (the "Lease");

WHEREAS, the Authority has previously issued its Redevelopment Lease Revenue Bonds, Series 1997, dated May 1, 1997 (the "1997 Bonds") and Taxable Redevelopment Lease Revenue Bonds, Series 2004, dated August 15, 2004 (the "2004 Bonds");

WHEREAS, TID No. 2 was created to facilitate development of a research and technology park on certain lands owned by Milwaukee County (the "County") and located within the boundaries of the Municipality (the "Research Park");

WHEREAS, the Authority has now authorized the issuance and sale of \$6,200,000 Redevelopment Refunding Lease Revenue Bonds, Series 2007, dated October 15, 2007 (the "Bonds"), the proceeds of which are to be used to refund the 1997 Bonds on their December 1, 2007 redemption date;

WHEREAS, the Authority has submitted a report on the Lease to this Common Council, has duly noticed and conducted public hearings on the Lease, and has approved the Lease;

WHEREAS, Section 66.1333(13), Wisconsin Statutes, authorizes the Municipality to lend or contribute funds to assist a redevelopment project, Section 66.1105(2)(f)1.h., Wisconsin Statutes, provides that the amount of contributions made under Section 66.1333(13) in connection with implementation of the project plan is an eligible tax increment project cost and Section 66.1105(2)(f)1.b. permits the Municipality to recover "financing costs" related to tax increment projects from tax increment revenues;

WHEREAS, the development of the Project is included in the Project Plan for TID No. 2;

WHEREAS, pursuant to an agreement entered into by and among the Municipality, the County and the Milwaukee County Research Park Corporation ("MCRPC"), as amended, (the "Agreement") the County agreed to guarantee certain obligations issued by or on behalf of the Municipality to pay certain costs of the Project (the "Project Bonds") (the "County Guarantee"); and

WHEREAS, the Bonds will constitute "Project Bonds" within the meaning of the Agreement to which the County Guarantee applies.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Municipality as follows:

Section 1. Approval of the Lease. The Lease, in substantially the form attached hereto as Exhibit B and incorporated herein by this reference, is hereby approved and the Mayor and City Clerk are hereby authorized to execute and deliver the Lease for and on behalf of the Municipality. The rentals paid under the Lease shall be "financing costs" under Section 66.1105(2)(f)1.b., Wisconsin Statutes, to the extent they constitute the payment of principal or interest on the Bonds. The Common Council covenants for the benefit of the owners of the Bonds that, subject to annual appropriation of the Lease rental payments, all funds in the special fund of TID No. 2 will be used first to make the rental payments due under the Lease and only after the rental payments have been paid in full for any particular year shall funds in said special fund be used to pay any other project costs of TID No. 2. The Common Council finds that the rental payments due under the Lease are at the fair market value for the Leased Property and the improvements to be leased pursuant to the Lease. The transfer to the Authority of the Property is ratified and affirmed, and the Mayor and Clerk are authorized to execute a deed or other document of conveyance if necessary to effect and record such transfer.

Section 2. Statement of Intent to Appropriate. The Common Council acknowledges that the projected tax increment to be derived from TID No. 2 may not be realized and that the increment may therefore be insufficient to make payments under the Lease sufficient to pay all debt service on the 2004 Bonds and Bonds as it becomes due, to replenish the Reserve Accounts for the 2004 Bonds and Bonds and to replenish the Capitalized Interest/Tax Increment Reserve Fund for the 2004 Bonds. The Municipality hereby declares that it fully expects and anticipates that, if such a shortfall occurs, it will appropriate funds from other available revenues of the Municipality sufficient to fund any such shortfall in order to meet its obligation to make rental payments under the Lease sufficient to pay when due all principal of and interest on the 2004 Bonds and Bonds, to replenish the Reserve Accounts for the 2004 Bonds and Bonds and to replenish the Capitalized Interest/Tax Increment Reserve Fund for the 2004 Bonds, provided however, that such payment shall be subject to annual appropriation by the Common Council and shall be subject to the Municipality's quiet enjoyment of the property and improvements leased pursuant to the Lease.

Section 3. Approval of the Bonds; County Guarantee Agreement. The terms of the Bonds authorized by the Authority at its meeting duly noticed, held and conducted on October 16, 2007 are ratified and approved. The Municipality covenants that it will not dissolve the Authority until all of the Bonds have been paid or discharged within the meaning of the resolution authorizing their issuance. The Municipality designates the Bonds to be "qualified tax-exempt obligations" pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended.

The Municipality covenants to take all actions necessary to ensure that the Agreement remains in full force and effect while the Bonds remain outstanding.

Section 4. Undertaking to Provide Continuing Disclosure. The Municipality, as the obligated person with respect to the Bonds within the meaning of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"), hereby covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain

events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Bonds or by the original purchaser of the Bonds on behalf of such holders (provided that the holders' and purchaser's right to enforce the provisions of the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the Municipality to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The City Clerk shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the Municipality's Undertaking.

Section 5. Execution and Delivery of Documents. The Mayor, City Clerk and other Officers of the Municipality are hereby authorized for and in the name of the Municipality to execute and deliver a deed and the Lease and the Commitment for the municipal bond insurance with respect to the Bonds and any and all additional documents as may be necessary or desirable to effectuate the sale of the Bonds and the completion of the transactions contemplated hereby.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-246

WHEREAS, by the provisions of Sec. 24.66 of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed, and,

WHEREAS, by the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes. (Municipality is defined by Sec. 24.60(2) of the Wisconsin Statutes means a town, village, city, county, public inland lake protection and rehabilitation district, town sanitary district created under Sec. 60.71 or 60.72, metropolitan sewerage district created under Sec. 200.05 or 200.23, joint sewerage system created under Sec. 281.43(4), school district or technical college district.)

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa in the County of Milwaukee, Wisconsin borrow from the Trust Funds of the State of Wisconsin the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) for the purpose of purchasing recycling carts for the city and for no other purpose. The loan is to be payable within 5 years from the 15th day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 4.75 percent per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by law.

BE IT FURTHER RESOLVED THAT there shall be raised and there is levied upon all taxable property, within the City of Wauwatosa, in the County of Milwaukee, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

BE IT FURTHER RESOLVED THAT no money obtained by the City of Wauwatosa by such loan from the state be applied or paid out for any purpose except purchasing recycling carts for the city without the consent of the Board of Commissioners of Public Lands.

BE IT FURTHER RESOLVED THAT in the case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the mayor and clerk of the City of Wauwatosa, in the County of Milwaukee, Wisconsin, are authorized and empowered, in the name of the city to execute and

deliver to the Commission, certificates of indebtedness, in such form as required by the Commission, for an sum of money that may be loaned to the city pursuant to this resolution. The mayor and clerk of the city will perform all necessary actions to fully carry out the provisions of Chapter 24, Wisconsin Statutes, and these resolutions.

BE IT FINALLY RESOLVED THAT this preamble and these resolutions and the aye and no vote by which they were adopted, be recorded, and that the clerk of this city forward this certified record, along with application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-248

WHEREAS, the Fire Department has previously performed underground flammable liquid storage tank inspections on behalf of the State of Wisconsin under contract with the State of Wisconsin Department of Commerce; and

WHEREAS, the Chief of the Wauwatosa Fire Department has recommended entering into up to three additional one-year contracts for such services;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to execute extensions to the State contract for underground storage tank inspections for three one-year periods contingent upon no significant changes impacting estimated revenues or the ability to conduct inspections, as described in the September 18, 2007, memorandum of the Fire Chief to the Committee on Budget & Finance.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-249

WHEREAS, the V.A.L.U.E. Purchasing Cooperative issued a Request for Proposals for an electronic patient care record system to be used for recording EMS billing and collection matters as part of the Milwaukee County Emergency Medical Services and Wisconsin WARDS data systems; and

WHEREAS, the proposal of Advanced Data Processing, Inc. for EMS billing and collection services was selected as the proposal in the best interest of the participating agencies, although each agency's participation in the system was optional based on its own needs and capabilities; and

WHEREAS, after reviewing a number of options for implementation of the electronic patient care records systems utilizing tablet style computers, and after such consideration has determined that 5 portable units at a total expense of \$46,590.00 will provide a nearly identical amount in re-estimated new revenues, such that net cost of implementing five computer units will be zero;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into a contract with Advanced Data Processing, Inc. for EMS billing and collection services and to implement electronic patient care record software, along with five portable tablet computers for frontline EMS units, at a total cost of \$46,590.00, which cost will be offset by an equal revenue number for a net expense of zero.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-251

WHEREAS, in August, 2007, the Common Council approved the allocation of \$50,000.00 from the Reserve for Contingencies to the Office of the Assessor for purposes of professional services contracts to complete the review of tax exempt properties in the City of Wauwatosa; and

WHEREAS, the expenditure of professional services via purchase order for this purpose exceeds the amount which staff would be authorized to purchase without Council approval;

NOW, THEREFORE, BE IT RESOLVED THAT the Office of the City Assessor is hereby authorized to utilize previously approved funding for professional services contract with outside professionals for purposes of consulting in regards to the review of tax exempt properties in amounts up to the amount of funding available within the appropriate account for this purpose.

It was moved by Ald. Stepaniak, seconded by Ald. Maher
to approve the five foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-247

WHEREAS, the Village of Wauwatosa Business Improvement District submitted to the Committee on Budget & Finance its 2008 budget and work plan; and

WHEREAS, Committee members and representatives of the BID Board agreed that the budget and work plan are accurate and do reflect the intentions of the entire BID Board;

NOW, THEREFORE, BE IT RESOLVED THAT the 2008 budget and work plan for the Village of Wauwatosa Business Improvement District as provided to the Committee on Budget & Finance on October 9, 2007, are hereby approved and, upon completion of the tax roll, assessments shall be included on the property tax bills of affected properties in a manner consistent with those documents.

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

It was moved by Ald. Treis, seconded by Ald. Birschel
to refer the matter back to committee for further discussion.
Roll call vote, Ayes 4 (Ewerdt, Krill, Treis, Birschel), Noes 11.
--Motion failed.

Roll call vote on original motion, Ayes 14, Present 1 (Treis)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-250

WHEREAS, the newly created “Friends of Hart Park” organization intends to accept and process charitable donations for the purposes of improvements in Hart Park in the future, but has not yet obtained its tax exempt status such that donations can be received; and

WHEREAS, the Glenview Heights Neighborhood Association has donated \$300.00 toward Hart Park; and

WHEREAS, acceptance of such donations by the City of Wauwatosa provide similar tax exempt benefits to the donors,

NOW, THEREFORE, BE IT RESOLVED THAT the donation of Glenview Heights Neighborhood Association of \$300.00 for purposes of Hart Park improvements is hereby accepted by the City of Wauwatosa and non-lapsing expenditure and revenue accounts for future donations of this type shall be created.

It was moved by Ald. Stepaniak, seconded by Ald. Maher to approve the foregoing resolution. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 10/3/07 – 10/16/07 --

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 10/03/07 – 10/16/07, \$1,860,974.38

It was moved by Ald. Meaux, seconded by Ald. Maher that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-07-252

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Kate Wilfer of Juxt Home and Baby, 1504 Underwood Avenue, Wauwatosa, WI, to encroach onto City right-of-way with an awning, 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.

It was moved by Ald. Maher, seconded by Ald. Birschel
to approve the foregoing resolution. -15

There being no further business, the meeting adjourned at 7:50 p.m.

cal

Carla A. Ledesma, CMC, City Clerk