



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, March 21, 2006**

PRESENT: Alds. Maher, Meaux, Purins, Subotich, Sullivan, Treis, Bruderle -Baran, Becker, Birschel, Grimm, Herzog, Jenkins, Kopischke, Krill, Krol -15

EXCUSED: Ald. Stepaniak

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; Fire Chief Redman; Dr. Kreuser, Health Officer; Ms. Jacobsen, Admin. Asst.; 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.

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. -15

**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 PROPERTY LOCATED AT 9125 W. NORTH AVENUE FROM BUSINESS PLANNED DEVELOPMENT AND AA SINGLE FAMILY RESIDENCE DISTRICT TO AA BUSINESS 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:

*CSM Number*, Ridge Lawn Subdivision No. 2 in the Northwest ¼ of Section 21, Town 7 North, Range 21 East, in the City of Wauwatosa, County of

Milwaukee, State of Wisconsin is Rezoned from Business Planned Development and AA Single Family District to AA Business 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 Ed Boesen for a change of zoning at 9125 W. North Avenue from Business Planned Development District and AA Single Family Residence District to AA Business District, recommends that the request be approved.

Dated this 13th day of February 2006.

Nancy L. Welch, Secretary  
City Plan Commission

The following spoke in favor of the proposed ordinance:

Alan Silverstein, 8837 Jackson Park Boulevard, stated that approval of the rezoning request will create consistent zoning in the area. Properties across the street and east along North Avenue are zoned AA Business. This zoning district creates specific setbacks and limits density for the residential units.

Gene Guskowski, AG Architects, 1035 Laurel Court, noted that before Swan Boulevard and Jackson Park Boulevard, before Mayfair, and Hoyt Park, there was Locker's. The floral business that used to be operated on this property and the floral business itself has changed. A development must take its place that will minimize impact on surrounding properties and maximize the economic development potential for the city. These two needs must be balanced. Efforts have been made to maintain open dialog with surrounding property owners. In September 2005 a preliminary plan was submitted at a neighborhood meeting. This plan drew 800 signatures on petitions in opposition. That plan did not minimize impact to the neighbors as it called for commercial development of the entire parcel, with parking on the south part.

A second plan was presented to a core group of neighbors, and with the feedback received, established a line that would divide the northern commercial parcel from two residential lots proposed to be created on Jackson Park Boulevard. The depth of the residential lots would be 115 feet, with a 5-foot buffer. Twenty feet south of the platted alley would be used for parking for the commercial parcel. These residential parcels meet minimum requirements for size.

Early in 2006 another plan was submitted, driven by the developer's need to protect himself since additional compromise with the neighbors could not be found. There will be one building on the northern commercial parcel with two entrance points. There will be no connection to the alley. Two residential lots larger than minimum size will be created on the south portion of the property.

Mr. Silverstein added that the owner has two options – seek the rezoning as proposed, or develop the property with the existing zoning. If that were to occur, the southern portion is already zoned to permit a greenhouse use. A second building would then be constructed on the northern parcel. He noted that the petition submitted in response to the original plan states that the residents “...support development of one or two single family houses on that property. Further we feel that this residential use (single family homes) is in the best interest of the neighborhood and the City of Wauwatosa, and is the use that would best maintain the residential integrity of the neighborhood.” Mr. Silverstein emphasized that the developer has responded to this petition by creating two residential lots as requested.

Mr. Silverstein referenced a black binder and letter to Mayor Estness submitted by Ilija Potkonjak. Contained therein was an article from the *Des Moines Register* from September 2005 which presented owner Ed Boesen in a favorable light by people who have already done business with him in Iowa.

Russ Drover, 9116 Jackson Park Boulevard, an adjacent property owner, voiced support for the zoning as it will establish uniform AA Business zoning along this portion of North Avenue. The proposal will create two residential lots and end business uses on Jackson Park Boulevard. This is a reasonable compromise for both sides. Noting the concern by some residents that the proposed lots will not be as deep as others on the block, Mr. Drover opined that lot lines block-to-block are not uniform between residential and commercial uses. The scale and visual impact of this development depends on the architectural design, and something other than what was preliminarily proposed may be more appropriate. The residential lots should be made available sooner, rather than later and it is hoped that all existing buildings can be demolished at one time.

Carl Lomonaco, 9226 Jackson Park Boulevard, registered in favor of the proposal.

Matthew Mikolajewski, Wauwatosa Economic Development Corporation, 1414 Underwood Avenue, appeared on behalf of the WEDC Board of Directors who supports the project. The taxable value of the property will increase and provide much needed condos and retail space along this important corridor. The creation of two single family home sites is significant. There are acknowledged concerns about the proposal and it is the Common Council’s duty to examine legitimate concerns.

Tim Casey, 8102 Jackson Park Boulevard, former district 2 alderman, stated that he was briefed by the developer months ago about the proposal, as was Ald. Jim Krol. At that time, the developer was urged to approach the area residents, and involve them in the planning process early on. He has done this. The development of the two residential lots is a result of the petition circulated last fall in opposition to an earlier plan. The creation of two single family lots is good for Jackson Park Boulevard and consistent with existing development. The proposed lots will be at variance in depth with nearby lots by just 14.29%. These new lots will enjoy the same front yards, setbacks, and rear yards as existing lots and will have a buffer in the rear from the adjacent commercial use.

The following members of the public present spoke in opposition to the proposed ordinance:

Betty O’Sullivan, 9204 Jackson Park Boulevard, purchased her property in 1954 before Swan Boulevard cut through between North Avenue and Jackson Park Boulevard. She opposes the rezoning because it will extend commercial zoning 20 feet south of the alley. No other businesses cross the alley and encroach into residential uses. Keep the property south of the alley residential. Commercial development should stop at the south side of the alley. The city’s early planners’ desires

should be honored. The Plan Commission members did not listen to the residents on February 13, but to an out-of-state developer. How can the city be sure buildings will be constructed as promised?

Debra Tritschler, 8330 Jackson Park Boulevard, a 20-year resident, referenced three residential lots created on N. 83rd Street after a green house closed some years ago. Those lots are shorter in order to accommodate a third house. Who will want to buy one of these residential lots if the adjacent property is commercial? The fence separating the two uses can only be four feet high (inaccurate statement; can be up to six feet high with permission). The integrity of the alley must be maintained. The petition signed last fall was signed by many more people than just Jackson Park Boulevard residents; the city's residents are concerned that commercial uses could be allowed to encroach into their residential areas if this proposal is approved. City Market would likely appreciate more parking, as would Sendik's. Commercial development is needed on the north side of the property, but it should not encroach into the residential use; it should be built in scale to the commercial property.

Vicki Spiering, 9117 Jackson Park Boulevard, was amazed at the number of people who came forward once she had voiced opposition to the project. In September 2005 she received over 200 phone calls in support of her position. People volunteered to circulate petitions. The calls and e-mails of support continue today. There is genuine concern about moving the commercial property line 20 feet south into the residential area. What impact will this development have on traffic at this intersection? Her son was hit by a car at this corner some years ago; it was a busy intersection then. If a coffee shop opens at this corner, how many quick trips into and out of the parking lot will there be? How much more dangerous will the intersection be for children attempting to cross the street? Officers are already posted at this intersection to catch motorists running red lights.

Doug Volland, 233 N. 63rd Street, stated the developer should work within the confines of the commercially-zoned property. The city must enforce the zoning laws equally. People do not live in Wauwatosa just because the businesses pay lots of taxes. The two lots proposed for Jackson Park Boulevard are 15% smaller than their counterparts. The commercial use should not come south of the alley. What assurances are there that quality contractors will be used on the project? Will out-of-state contractors be used to building the residences? The traffic pattern is a concern.

Matt Wey, 9212 Jackson Park Boulevard, was part of the core group that met with Mr. Silverstein and the architect. The developer now understands that residents will not tolerate a parking lot or green house on Jackson Park Boulevard, and that two single family homes are acceptable. It does not mean, however that surrounding property owners are pleased overall. They don't want to see 20 feet of residential zoning disappear. The residents are willing to concede the alley for commercial purposes, but no farther than that. Residential zoning should not be sacrificed for commercial purposes. It is precedent-setting thinking. Approving the rezoning without assurances that the project will be completed only results in a profit for the developer. It seemed that the Plan Commission had made up its mind in advance, despite residents' concerns.

Bill Schultz and Marilyn McCullough, 9001 Jackson Park Boulevard, opined that the property owner needs a bigger lot for his proposal. No cost analysis was done to support the proposed encroachment into residential zoning. Allow the redevelopment to occur without rezoning. How can residents feel confident the owner will follow through since he is an absentee landlord?

Kurt Spiering, 9117 Jackson Park Boulevard, stated he is in the development business; he opined that dealing with developers is like dealing with teens. In both instances, limits must be imposed by others as these two groups do not self-regulate well. The city must tell the developer what is

appropriate and allowed. The alley provides a barrier between commercial and residential uses. Without rezoning, 3,500 square feet of retail use and four apartments could be constructed, along with required parking and a greenhouse. Granted, parking would occur on residentially zoned property, which may not be permitted. The 'compromise' is now 5,400 square feet of retail use and seven residential units. It is a slight increase over what is permitted with existing zoning. Residents are willing to surrender the alley to commercial use, but not more.

Joe Pfaff, 9004 Jackson Park Boulevard, opined that the current owner wants to maximize development at the expense of the neighbors. He should live within the zoning ordinance. Redevelopment should be within the confines of existing zoning. The Locker's property has declined over the past number of years and nearby residents don't trust the owner as a result. Mr. Pfaff stated he was unaware of any other businesses in the vicinity that cross the alley and extend into residential areas. The 140-foot lot depth for the residential parcels should be maintained.

BREAK 8:35 – 8:40 p.m.

John Regnery, 9021 Jackson Park Boulevard, a 28-year resident, spoke in favor of North Avenue commercial development. There is a nice mix of businesses that can be visited on foot. He voiced opposition to rezoning the alley and 20 feet of the residential property for commercial uses. It is a dangerous precedent. The mix of residential and commercial uses should be maintained as it is.

Eli Potkonjak, 8905 Jackson Park Boulevard, stated the existing building has been neglected for the past 2 ½ years. He referenced his bound handout and discussed nine properties Mr. Boesen owns in Iowa. Three have values of less than \$70,000. A commercial property purchased in 2001 has a \$55,000 value and its condition is below what is normally expected. The residents are examining this project with common sense and logic. The owner's track record is not in development, so care must be exercised. Once this property is rezoned, it can be sold for a variety of uses and the city can't deny the use. Rezoning it makes the property more valuable.

Tim Morton, 9032 Jackson Park Boulevard, a 13-year resident, stated that encroaching on residential property for commercial purposes is wrong. Don't allow the rezoning over the concerns of the residents. The re-development of the property can still occur with the existing zoning. How serious is the developer since he hasn't appeared at any of these meetings? The property has deteriorated in the past 2 ½ years.

Noelle Booth, 9024 Stickney, stated that the intersection of Swan Boulevard and North Avenue does not have a crossing guard. Don't further endanger the neighborhood with more traffic.

John O'Brien, 9028 Stickney Avenue, stated that even if this development generates 200 more cars, it is still 200 more turning into and out of the property and crossing the sidewalks. Make every effort to favor safety – bargain in the citizens' behalf. There is no return for the residents for the rezoning.

The following registered in opposition to the proposed ordinance:

Kathy O'Sullivan, 2462 N. 64th Street  
Lawrence & Marion Lopina, 2134 N. 93rd Street  
Rev. Dr. Steven & Julie Peay, 8513 Jackson Park Blvd.

John Young, 2462 N. 64th Street  
Kit Slawski, 2651 N. 88th Street

Eric O'Sullivan, 9204 Jackson Park Blvd.  
Dorothy & Paul Gaus, 9040 Jackson park Blvd.  
Suzanne Kropidowski, 9024 Jackson Park Blvd.  
Monica & James Collum, 2271 Ludington Avenue  
Diane Rineck, 2263 Ludington Avenue  
Molly O'Sullivan, 2563 N. Farwell Ave., Milw.

William O'Sullivan, 8114 Hillcrest

The mayor reported receipt of e-mails from the following by 4:30 p.m. on March 21st:

John & Beth Schumacher, 9110 Jackson Park Blvd.  
Chris and Denise Lindberg, 6222 Washington Circle  
JoAnne Taylor, 9413 Beverly Place  
Gail Anshus, 9305 Jackson Park Boulevard  
Dan and Ellen Laubusch, 9316 Jackson Park Blvd.

Julie and Bill Rettko, 2477 N. Pasadena Blvd.  
Kris and Terry Tugel, 3338 Knoll Terrace  
George and Carol Weiland, 2113 Swan Blvd.  
Geri Seidenstricker, 2405 Pasadena Blvd.  
David and Judy Eklund, 2273 N. 83rd Street

The chair inquired whether any members of the public present had any comments or questions.

Kurt Spiering inquired whether a legal interpretation had been done concerning the precedential nature of this decision. Mr. Kesner replied that no specific opinion has been rendered, but generally from a legal standpoint it would not be considered precedential. It may be from a policy standpoint, however.

In response to a request, Ms. Welch provided some history on the subject property dating back to 1897 when the Ridge Lawn Subdivision (which covered both sides of Swan Boulevard) was created. The Locker's floral shop was developed in 1911 from a farm site. In 1927, part of the Locker property was divided and the existing residential subdivision was created. In 1929, a zoning code was adopted as part of the city's municipal code; the north part of the Locker's property was zoned business district and south, residential (which allowed "Farming, Truck Gardening and Nurseries.")

Per the Locker family, the property's zoning was changed during World War II to residential; this cannot be verified. In 1956, Lockers petitioned to rezone the North Avenue portion to business zoning; this was withdrawn because of the potential northward extension of Swan Boulevard. The extension of Swan Boulevard to North Avenue occurred in 1958. In 1960 a zoning change was requested from D Residential to E Residential (which permitted "stores and greenhouses for the wholesale and retail sale of cut flowered and nursery stock.")

In 1972, the current city zoning ordinance was adopted and the north half of the site was rezoned for Business Planned Development, allowing a florist operation. A 1980 ordinance created greenhouses and nurseries as a conditional use in the AA Single Family Residence District. In 1996 conditional use zoning was approved for alterations to existing greenhouses in the AA Single Family Residence District. At the time of the most recent purchase, the northern portion of the property was zoned Business Planned Development District and the south was zoned AA Single Family Residence District with the conditional use approval for greenhouses.

In response to another query, Ms. Welch verified that the two proposed residential lots (60' x 120' and 50' x 120') will meet minimum lot size requirements for the AA Single Family Residence District. There is precedence for lots of this size. Going west on Jackson Park Boulevard, for example, the lots get shorter because of the curve of Menomonee River Parkway. Lots on Stickney range from 123 – 125 feet deep.

In addressing concerns regarding the existing Business Planned Development District and AA Business District, Ms. Welch explained that rezoning will create consistent zoning along the North Avenue strip. The AA Business District spells out specific setbacks and limits the amount of residential use above a first floor business. Business Planned Development District, by contrast, is much more flexible; it allows a much greater variety of uses.

Ms. Welch next addressed traffic issues, pointing out that an existing commercial operation is already on the site which generates in/out traffic. Adding seven residential units will not generate much additional traffic. Mr. Kappel added that concerns were raised that a coffee shop could generate 200 trips per day into and out of the parking lot. While this sounds significant, it should not create a safety problem. Responsibilities still lie with the developer (regarding types of uses), pedestrians and motorists.

When asked about the issue of extending commercial zoning south past the alley, Ms. Welch noted that this is a unique property that *pre-dates* the surrounding residential uses. Currently there are no residential uses on the site. Ms. Welch acknowledged the concerns expressed by the residents to create a definite zoning 'line,' and added that the Common Council has not traditionally allowed encroachment beyond a line. In the case of Sendik's and McDonalds on North Avenue, for example, the Council did not permit additional encroachment.

Mr. Silverstein was asked to address concerns that the proposed condos may become apartments. The intention is to seek approval for condominiums under the conditional use process. He stated that the units will be 'first class,' which should help to keep them owner-occupied. People do sometimes purchase condos as income property, though. With respect to quality of construction, Mr. Silverstein stated that both he and Mr. Guskowski are Wauwatosa residents. All they can give is their word. There has been no indication by the owner that he intends to deliver anything less than promised. In speaking to the issue of a 'drive-through' business on the site, Mr. Silverstein responded that this is not the intent. He further noted that if it were, another conditional use would have to be sought.

Mr. Guskowski further attempted to allay concerns about quality of construction, noting that it makes no economic sense to bring in out-of-state contractors. There are a number of local firms in the greater Milwaukee area that are well suited for this project. Furthermore, building inspections and state law will ensure compliance.

Mr. Silverstein was asked to comment on the owner's commitment to the project, given his non-appearances at meetings and deterioration of the property over the past 2 ½ years, and his real estate holdings in Iowa. He replied that Mr. Boesen is not at this meeting because of a family commitment; he has, however, attended a number of meetings in the past with residents and with city staff. Mr. Silverstein stated he is unfamiliar with the Iowa real estate market and thus cannot comment on Mr. Boesen's holding there. He added that it is Mr. Boesen's intent to continue to have a flower shop on the site, as this is his family's business.

In answering questions about the ownership of this project, Mr. Silverstein stated that it is not unusual for a limited liability company or corporation to hold ownership. Since he did not form this corporation for Mr. Boesen, he is unsure of the make-up of the organization, but can find out and share this information. He added that he knows of no intent by the ownership to turn around and sell the property if the rezoning is approved. Mr. Guskowski added that even if this were to occur, the worst that would happen is that two single family lots would have been created.

Mr. Silverstein next discussed alley concerns. He noted that it had never been constructed and actually lies four feet lower than the property. Research indicates the alley may be zoned DD (multi-family) and not AA Residential. There are multi-family uses on the south side of North Avenue and the zoning for the alley is DD.

Mr. Guskowski noted that the zoning district map shows mixed AA Business and DD Residential zoning. Their interpretation is that the DD zoning appears to extend to the north side of the AA residential lots.

Mr. Silverstein then reviewed the issue of developing within the 'land that is available.' This is the entire property from North Avenue to Jackson Park Boulevard. If the rezoning is not approved, the option becomes commercial use on the front of the property and likely a continued greenhouse use on the south end of the property, either new construction or the existing building. He opined that the rezoning is not precedent-setting for several reasons: It is generally agreed this is a unique property; any change has to be approved by the Common Council and the Council will not take a change lightly.

Mr. Guskowski added that each case must be evaluated by the Council on its own merits. Because of its history, this property is different from 90th Street and North Avenue, or Ludington and North Avenues.

In addressing the question of demolition, Mr. Silverstein stated that no schedule has yet been determined. He noted that Locker's wants to continue to operate in the interim so far as possible. Assuming approval is granted by the end of April, the construction timeline is likely 12-18 months.

Mr. Kesner also corrected a statement made erroneously earlier in the public hearing, noting that Wauwatosa's code allows fences up to six feet in height if occurring between different zoning districts on two properties. Mr. Silverstein added that the AA Business district also has a buffer requirement.

The public hearing was declared closed. Ordered held to the next Common Council meeting, April 4, 2006.

BREAK 9:25 – 9:33 p.m.

### **APPOINTMENTS BY THE MAYOR**

#### **Police & Fire Commission**

Terry P. Wolfe, 7839 W. North Avenue (reappointment)  
(Term ends 4/30/11)

#### **Design Review Board B**

Michael Murray, 2626 N. 94th Street (reappointment)  
Michael Goetz, 8400 Stickney Avenue  
(Terms end 12/31/07)

#### **Senior Commission**

Sue Braden, 1934 N. 69th Street  
(Term ends 4/30/09)

Foregoing appointments ordered held as this was the first reading.

## APPLICATIONS, COMMUNICATIONS, ETC.

1. Conditional Use application to operate a restaurant with outdoor dining, culinary school and demo kitchen at 6913-17 W. North Avenue  
**Plan Commission, Community Development Committee**
2. City of Wauwatosa Statement of Financial Condition as of January 31, 2005; and Investment Summary as of February 28, 2006  
**Place on file**
3. Wauwatosa Water Utility Statement of Receipts and Disbursements for month ended February 28, 2006  
**Place on file**
4. Special Use application to construct a garage with a height of 19.5 ft. at 6707 Maple Terrace  
**Plan Commission**
5. Letter from Robert B. Eckert and Michael L. Zeimet, Jr., Eckert Door Company, 6510 W. State Street, objecting to the installation of trees and shrubs along the wall of the Walgreens project  
**Add to existing file**
6. Annual report of the Board of Public Debt Commissioners for year ended December 31, 2005  
**Place on file**
7. Wauwatosa Village Business Improvement District 2006 revised budget  
**Budget & Finance Committee**
8. Notice of Claim: Suzette Chern, 7217 Maple Terrace; Donna Heebner, 6020 W. Wells Street  
Caesar Prospero, 7738 Geralayne Drive  
**City Attorney**
9. Application to amend a Business Planned Development at 10900 W. Blue Mound Road to convert multi-family housing to condominiums  
**Plan Commission, Community Development Committee**
10. Conditional Use application to operate a spa at 6230 W. North Avenue  
**Plan Commission, Community Development Committee**
- 11-20. E-mails opposing the proposed rezoning and development at 9125 W. North Avenue from:  
John and Beth Schumacher, 9110 Jackson Park Boulevard  
Chris and Denise Lindberg, 6222 Washington Circle  
JoAnne Taylor, 9413 Beverly Place  
Gail Anshus, 9305 Jackson Park Boulevard  
Dan and Ellen Laubusch, 9316 Jackson Park Boulevard  
Julie and Bill Rettko, 2477 N. Pasadena Boulevard  
Kris and Terry Tugel, 3338 Knoll Terrace  
George and Carol Weiland, 2113 Swan Boulevard  
Geri Seidenstricker, 2405 Pasadena Boulevard  
David and Judy Eklund, 2273 N. 83rd Street  
**Add to existing file**
21. Letter from John A. Balzer and Matthew Mikolajewski, Wauwatosa Economic Development Corporation, outlining the benefits of the proposed zoning change and development at 9125 W. North Avenue  
**Add to existing file**

## FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance creating Section 8.03 and amending Section 8.02.010 of the City Code regarding the regulation of food and beverage handling

**Re-refer to originating committee**

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

**RESOLUTION R-06-62**

WHEREAS, Rob Messinger of Hector's, 7118 W. State Street, Wauwatosa, WI has requested a temporary extension of the licensed premises for May 5, 2006, from 3:00 p.m. until 9:00 p.m.; and

WHEREAS, the extension would allow service and consumption in the parking lot of Hector's in conjunction with Cinco de Mayo;

NOW, THEREFORE, BE IT RESOLVED THAT an extension to the licensed premises for Hector's, 7118 W. State Street into the parking lot for purposes of Cinco de Mayo on May 5, 2006, between the hours of 3:00 p.m. and 9:00 p.m. is hereby granted;

BE IT FURTHER RESOLVED THAT the proprietors of Hector's shall perform garbage cleanup on neighboring properties resulting from the outdoor event and will cooperate with any requested noise abatement.

It was moved by Ald. Treis, seconded by Ald. Krill  
to approve the foregoing resolution. -15

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

**RESOLUTION R-06-63**

WHEREAS, members of the State of Wisconsin legislature have introduced joint resolutions in each House of the legislature proposing a constitutional amendment entitled the Taxpayer Protection Amendment ("TP Amendment") (2005 Senate Joint Resolution 63/Assembly Joint Resolution 77); and

WHEREAS, the proposed TP Amendment purports to limit the growth of property taxes throughout the State of Wisconsin by constitutionally establishing defined revenue limits on the State and local governments; and

WHEREAS, the proposed constitutional amendment limits a local government's annual growth in revenue through a formula that is significantly lower than the anticipated increases in costs of providing current services to existing taxpayers and areas of new growth, which will result in reductions of services, jeopardize future economic development, and reduce local control over spending and taxation decisions; and

WHEREAS, the proposed amendment would not address the true causes of high taxation in Wisconsin, which have been shown to be the result of the overall system of taxation, limited scope of revenue collections, and lack of Federal revenues, among others, none of which are addressed in the proposal; and

WHEREAS, the proposed TP Amendment's formula for calculating revenue based upon current receipts and taxes levied for the purpose of debt service is likely to result in reduction of local municipalities' ability to issue general obligation and revenue bonds, and will likely result in higher costs for such bonds and reductions in bond ratings for municipalities which have obtained highly favorable ratings for past bond issues; and

WHEREAS, the language of the proposed amendment would limit local governments' ability to institute new or improved programs as a service to taxpayers, even if those programs were entirely self-funding, provided unquestionable benefit to the citizens of the municipality, and did not have the effect of adding to the tax burden on local communities; and

WHEREAS, the proposed amendment's provision to exempt over 1,000 small communities throughout the State of Wisconsin from its restrictions would violate a long-standing pillar of the State of Wisconsin's constitutionally defined revenue system, the uniformity clause expressed in Article VIII, Section 1 of the Wisconsin Constitution, resulting in unequal and unfair treatment of taxpayers in the State of Wisconsin, dependent upon the particular community in which they reside; and

WHEREAS, the future limit based upon present activities would unfairly penalize those communities which have already acted in particularly efficient manners in recent years by controlling spending, limiting levy increases and implementing operational efficiencies; and

WHEREAS, the detailed 12-page amendment proposal would be an unprecedented legislative act through the constitutional process, as such details are most appropriately addressed through legislative rather than constitutional means;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa hereby expresses its opposition to the Taxpayer Protection Amendment, 2005 SJR63/AJR77, as it:

- will not result in reduction of property taxes,
- will not address major expenditure reform necessary to control spending such as healthcare costs, collective bargaining requirements, and retirement benefits,
- places over 70% of the burden of such reductions in service on private homeowners,
- exempts over 1,000 local communities throughout the State of Wisconsin from its provisions,
- inhibits future economic development spending while at the same time increasing costs for such initiatives,
- would prevent local governments from being able to respond quickly to local emergencies and security or safety needs of their citizens, and
- is an inappropriate use of the constitutional process to accomplish legislative goals;

BE IT FURTHER RESOLVED THAT the Clerk of the City of Wauwatosa is hereby directed to transmit this Resolution to legislative representatives whose districts include the City of Wauwatosa,

legislative leadership, appropriate statewide organizations and all others who may be interested in its contents.

It was moved by Ald. Treis, seconded by Ald. Sullivan to approve the foregoing resolution. Roll call vote, Ayes 14, Noes 1 (Herzog)

**FROM THE COMMITTEE ON TRAFFIC AND SAFETY**

**RESOLUTION R-06-64**

WHEREAS, the Committee on Traffic & Safety previously authorized a 90 day trial placing a four-way stop sign at the intersection of N. 65<sup>th</sup> and W. Lloyd Streets in the City of Wauwatosa; and

WHEREAS, upon completion of the 90 day trial, the Committee has determined that placement of the stop sign is advantageous to the safety of the streets and the surrounding neighborhood;

NOW, THEREFORE, BE IT RESOLVED THAT the official stop sign map as described in Section 11.16.025 of the Wauwatosa Municipal Code is hereby amended by the permanent addition of a four-way stop sign at the corner of N. 65<sup>th</sup> Street and W. Lloyd Streets in the City of Wauwatosa.

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

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-06-65**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Brian and Karen Olson and Jill and Paul Sanchez to divide 1600 sq. ft. of the parcel located at 2409 N. 65<sup>th</sup> Street, Wauwatosa and combine that 1600 sq. ft. with the parcel located at 2405 N. 65<sup>th</sup> Street, Wauwatosa. These parcels are more particularly described as follows:

North 40 feet of South 80 feet of East 149 feet and the West 39.2 feet of East 149 feet and the East 109 feet of the South 40 feet of Lot 5, Block 6 of JF La Boule Subdivision No. 2, being a subdivision of a part of the Southeast ¼ of Section 15, 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-06-66**

WHEREAS, Susan F. Brkich has applied for a Conditional Use in the Trade District at 6901-05 W. North Avenue for a coffee shop/bakery/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 Susan F. Brkich for a coffee shop/bakery/restaurant with seasonal outdoor seating in the Trade District at 6901-05 W. North Avenue subject to the following conditions:

- 1) hours of operation from 6:00 a.m. to 11:00 p.m. daily and 6:00 p.m. to 9:00 p.m. for the outdoor seating area,
- 2) no outdoor music, live entertainment, or bright lights spilling onto residential properties, and
- 3) obtaining any required licenses and permits.

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

**FROM THE COMMITTEES ON EMPLOYEE RELATIONS AND BUDGET & FINANCE**

**RESOLUTION R-06-67**

WHEREAS, the Fire Chief anticipates several retirements in the department within the next several months; and

WHEREAS, the Fire Chief has determined that the City can benefit from the early hiring of one firefighter, prior to the actual retirement of the personnel he or she will replace, by reducing overtime costs and creating efficiencies in training;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the Fire Chief be authorized to hire one firefighter prior to the actual retirement of the personnel he or she will replace;

BE IT FURTHER RESOLVED THAT the staffing level in the fire department be temporarily increased from 60 to 61 firefighters.

It was moved by Ald. Jenkins, seconded by Ald. Bruderle -  
Baran to approve the foregoing resolution. Roll call vote,  
Ayes 15

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-06-68**

WHEREAS, the Department of Agriculture, Trade and Consumer Protection has proposed a State agent contract to provide that the Wauwatosa Health Department shall be the State agent for the retail food establishments; and

WHEREAS, the 2006 City of Wauwatosa budget anticipated this contract and provided the addition of a position to conduct the necessary inspections as well as anticipating the revenue to fund a portion of the services;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa is hereby authorized to enter into the proposed State agent contract for retail food establishment inspections with the Wisconsin Department of Agriculture, Trade and Consumer Protection;

BE IT FURTHER RESOLVED THAT the consolidated fee schedule of the City of Wauwatosa is hereby amended to reflect the additional fees anticipated in conjunction with this contract, which fees are more particularly described as follows:

<u>DATCP Category</u>	<u>Wauwatosa City Food License Fee</u>
R55	\$100.00
R44	\$125.00
R33	\$250.00
R22	\$350.00
R11	\$600.00

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-06-69**

WHEREAS, the Wauwatosa Fire Department has previously identified the need for a decontamination tent with water heater and showers at a cost of approximately \$26,000.00, but City budgets did not provide sufficient funds for such purchase; and

WHEREAS, the Department of Homeland Security Preparedness Equipment grant to fund the actual cost of such equipment up to \$26,000.00 has been made available to the City of Wauwatosa Fire Department with no requirement of matching funds from the City;

NOW, THEREFORE, BE IT RESOLVED THAT the Department of Homeland Security Preparedness Equipment grant for the purchase of a decontamination tent with water heater and showers in an amount up to \$26,000.00 shall hereby be accepted by the City of Wauwatosa;

BE IT FURTHER RESOLVED THAT City officials are hereby authorized to purchase the above-described equipment utilizing available grant funds for this purchase.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-06-70**

WHEREAS, the Wauwatosa Fire Department has identified a need for Self Contained Breathing Apparatus upgrades at a cost of approximately \$60,000.00; and

WHEREAS, the Wauwatosa Fire Department has additionally identified communication upgrades for front-line apparatus; and

WHEREAS, the 2006 Assistance to Firefighters Grant from the Federal Emergency Management Agency may be available to fund such upgrades with 10% of costs being provided through matching funds from the City;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Fire Department is hereby authorized to apply for a 2006 Assistance to Firefighters Grant from the Federal Emergency Management Agency in an amount up to \$90,000.00 to fund the above-described equipment upgrades.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-06-71**

WHEREAS, the City of Wauwatosa entered into a three year agreement with Graef, Anhalt, Schloemer & Associates in 2003 to provide construction inspection services; and

WHEREAS, Graef, Anhalt, Schloemer & Associates have agreed to provide for an additional one year extension of the existing contract with no more than a 3% increase over 2005 rates;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into a one year extension of the existing Graef, Anhalt, Schloemer & Associates contract for construction inspection services as more particularly described in the March 9, 2006, memorandum of the City Engineer.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-06-76**

WHEREAS, pursuant to a resolution adopted on March 7, 2006 (the "Authorizing Resolution"), the Common Council has heretofore found and determined that it is necessary, desirable and in the best interest of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") to raise funds for the purpose of paying the cost of various public improvements included in the City's 2006 Capital Project Plan, including repairing and upgrading streets, storm and sanitary sewers; replacing the telephone system and voting equipment; acquiring a fire pumper; and paying engineering and design costs for Hart Park (the "Project");

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 has heretofore found and determined that the Project is within the City's power to undertake and 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; and

WHEREAS, the Common Council now deems it to be necessary, desirable and in the best interest of the City to authorize the issuance of and to award the sale of its general obligation promissory notes to Hutchinson, Shockey, Erley & Co., Milwaukee, Wisconsin.

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 FOUR MILLION DOLLARS (\$4,000,000) from Hutchinson, Shockey, Erley & Co., Milwaukee, Wisconsin (the "Purchaser") in accordance with the terms and conditions of its purchase proposal (the "Proposal") attached hereto as Exhibit A and incorporated herein by this reference.

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, Series 2006 aggregating the principal amount of FOUR MILLION DOLLARS (\$4,000,000) (the "Notes") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 3. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2006"; shall be dated April 1, 2006; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall bear interest at the rates and shall mature on December 1 of each year, in the years and principal amounts as set forth on the schedule prepared by the Purchaser and attached hereto as Exhibit B (the "Schedule"). Interest is payable semi-annually on June 1 and December 1 of each year commencing on December 1, 2006.

Section 4. Redemption Provisions. At the option of the City, the Notes maturing on December 1, 2014 and thereafter shall be subject to redemption prior to maturity on December 1, 2013 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 5. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2006 through 2014 for the payments due in the years 2007 through 2015 in the amounts set forth on the Schedule.

The direct annual irrepealable tax hereby levied shall be carried onto the tax roll and collected in addition to all other taxes and in the same manner and at the same time as other taxes of

the City for said years are collected. So long as any part of the principal of or interest on the Notes remains unpaid, the tax hereinabove levied shall be and continues irrevocable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created below.

The City has heretofore levied a direct annual irrevocable ad valorem debt service tax in anticipation of the sale of the Notes. Upon receipt, a sufficient sum shall be irrevocably deposited in the Debt Service Fund Account for the Notes and, together with the accrued interest and premium received from the purchases shall be used to pay the interest on the Notes coming due on December 1, 2006 as set forth on the Schedule.

Section 7. Segregated Debt Service Fund Account. There is hereby established in the City treasury a fund account separate and distinct from all other funds or accounts of the City designated "Debt Service Fund Account for \$4,000,000 City of Wauwatosa General Obligation Promissory Notes, Series 2006, dated April 1, 2006", which fund account shall be used solely for the purpose of paying the principal of and interest on the Notes. There shall be deposited in said fund account all accrued interest paid on the Notes at the time the Notes are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay principal of and interest on the Notes as the same becomes due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

Section 8. Borrowed Money Fund; Reimbursement. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Notes.

The City declares its reasonable expectation to reimburse itself from the Note Proceeds for expenditures relating to the Project which it pays from other funds of the City prior to receipt of the Note Proceeds no more than 60 days prior to the date the Authorizing Resolution was adopted. The City may also reimburse itself for preliminary expenditures relating to the Project (such as architectural, engineering, surveying, soil testing, costs of issuance and similar costs but not including land acquisition, site preparation and similar costs incident to the commencement of construction) which are in an amount which is less than 20% of the issue price of the Notes. This declaration and the Resolution of which it is a part, shall be publicly available in the official books, records or proceedings of the Common Council.

Section 9. Arbitrage Covenant. The City shall not take any action with respect to the Note Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Notes (the "Closing"), would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Note Proceeds may be temporarily invested in legal investments until needed, provided however, that the City hereby covenants and agrees that so long as the Notes remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Notes, whether such moneys were derived from the Note Proceeds or from any other source, will not be

used or invested in a manner which would cause the Notes to be "arbitrage bonds" within the meaning of the Code or Regulations. The City covenants that it will not invest in any obligation if such investment would violate the "prohibited payment" requirement of Section 148 of the Code.

The City Clerk, or other officer of the City charged with responsibility for issuing the Notes, shall provide an appropriate certificate of the City, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the City regarding the amount and use of the Note Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants; Two Year Expenditure Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The City hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Notes) to assure that the Notes are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes, shall provide an appropriate certificate of the City as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the City to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Notes will continue to be obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes throughout their term.

The City covenants that it is a governmental unit with general taxing powers and that the Notes are not "private activity bonds" as defined in Section 141 of the Code.

In accordance with Section 148(f)(4)(C) of the Code, the City covenants that at least 75% of the available construction proceeds of the Notes shall be used for construction expenditures with respect to property owned by the City as provided in Section 148(f)(4)(C)(iv) of the Code. If at least 10% of the available construction proceeds of the Notes (including investment earnings thereon) are expended for the governmental purposes of the issue within six months of the Closing; at least 45% are expended for such purposes within one year; at least 75% are expended for such purposes within eighteen months; and 100% are expended for such purposes within two years, the Notes will qualify for the two year expenditure exception from the rebate requirements of the Code. If for any reason the City did not qualify for the two year expenditure exemption from the rebate requirements of the Code, the City covenants that it would take all necessary steps to comply with such requirements.

The Common Council hereby designates the Notes to be "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the City Clerk or other officer of the City charged with the responsibility for issuing the Notes, shall provide an appropriate certificate of the City, all as of the Closing.

Section 11. Execution of the Notes. The Notes shall be issued in typewritten or printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the delivery of the Notes, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the Closing.

Section 12. Payment of the Notes. The principal of and interest on the Notes shall be paid in lawful money of the United States of America by the City Clerk or City Treasurer.

Section 12A. Persons Treated as Owners; Transfer of Notes. The City shall keep books for the registration and for the transfer of the Notes. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the City Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the City Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The City Clerk shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes. Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the corresponding record date.

Section 13. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 14. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the holders of the Notes, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (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. This Undertaking shall be enforceable by the holders of the Notes or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations hereunder and any failure by the City to comply with the provision of this Undertaking shall not be an event of default with respect to the Notes).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 15. 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.

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

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-06-73**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the claim of Covenant Healthcare Systems, Inc. for a refund of their 2005 real and personal property taxes for 201 N. Mayfair Road, 251 N. Mayfair Road, & N. 100<sup>th</sup> Street, pursuant to their claim of January 31, 2006, is hereby denied.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-06-74**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the claim of Covenant Healthcare Systems, Inc. for a refund of their 2005 personal property taxes for 4500 N. 119<sup>th</sup> Street, a/k/a 4500 Harley Davidson Avenue, pursuant to their claim of January 31, 2006, is hereby denied.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-06-75**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the claim of Milwaukee Regional Medical Center, Inc. for a refund of their 2005 personal property taxes for 8624 Watertown Plank Road, pursuant to their claim of January 25, 2006, is hereby denied.

It was moved by Ald. Herzog, seconded by Ald. Maher to approve the three foregoing resolutions. Ayes 14, Present 1 (Bruderle -Baran)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-06-72**

WHEREAS, the 2004 Community Development Block Grant Administration Account currently has a balance of funds available of \$91,254.00; and

WHEREAS, completion of the existing 2005 CDBG-funded storm sewer project requires an additional \$75,000.00 to be made available from the current balance;

NOW, THEREFORE, BE IT RESOLVED THAT the 2004 Community Development Block Grant Administration Account fund in the amount of \$75,000.00 shall be reallocated to provide funding for the CDBG-funded 2005 storm sewer project.

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

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**BILLS AND CLAIMS FOR THE PERIOD 3/8/06 – 3/21/06**

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 3/8/06 – 3/21/06: \$1,669,936.75

It was moved by Ald. Meaux, seconded by Ald. Sullivan 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-06-77**

WHEREAS, the Special Projects Engineer and the Purchasing Manager have solicited proposals for boiler and HVAC preventative maintenance services at all City buildings requiring such service; and

WHEREAS, the proposal of Iron Fireman of Milwaukee for a three year agreement at a total cost of \$18,827.01 provides the best value and is in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to enter into an Agreement with Iron Fireman of Milwaukee for a three year agreement to provide boiler and HVAC preventative maintenance services at City facilities, beginning April 1, 2006;

BE IT FURTHER RESOLVED THAT the qualifications and service rates of the other submitting contractors shall be retained on file for three years and these companies shall be considered pre-qualified to perform repair work as necessary on an as-needed basis based on cost and availability.

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

There being no further business, the meeting adjourned at 10:05 p.m.

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Carla A. Ledesma, CMC, City Clerk