



CITY OF WAUWATOSA  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
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<http://www.wauwatosa.net>

**COMMON COUNCIL**  
**Regular Meeting, Tuesday, July 20, 2010**

PRESENT: Alds. Nikcevich, Pantuso, Walsh, Wilke, Wilson, Berdan, Birschel, Causier, Donegan, Ewerdt, Hanson, Jay, McBride, Meaux -14

EXCUSED: Alds. Herzog, Organ

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Wehrley, City Engineer; Ms. Welch, Community Development Director; Police Chief Weber; Ms. Enders, Economic Development Director; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:32 p.m.

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

**RESOLUTION** R-10-143

WHEREAS, the annual Tosa's Night Out celebration takes place after sundown on August 3, 2010; and

WHEREAS, numerous members of the Common Council and City staff will wish to participate in the post-sundown activities on that evening, but may not be able to do so if the meeting of the Common Council begins at 7:30 p.m.;

NOW, THEREFORE, BE IT RESOLVED THAT the meeting of the Wauwatosa Common Council on August 3, 2010, shall begin at 6:30 p.m.

It was moved by Ald. Meaux, seconded by Ald. Causier to approve the foregoing resolution. -14

**APPOINTMENTS BY THE MAYOR**

Visit Milwaukee Board

Paulette Enders, 7725 W. North Avenue, Economic Development Department Director

Economic Development Advisory Committee

Dan Druml, 2450 Swan Boulevard

(Term ends 8/31/11)

Foregoing appointments ordered held as this was the first reading.

Standing TIF Review Board

Thomas Herzog, 2444 N. 93<sup>rd</sup> Street

Senior Commission

Diane Euting, 1529 Wauwatosa Avenue

(Term ends 4/30/13)

Civil Service Commission

John Schapekahm, 653 N. 77<sup>th</sup> Street

(Term ends 9/30/13)

Board of Building and Fire Code Appeals

Richard Bachman, 229 N. 115<sup>th</sup> Street

Steve Jung, 844 N. 73<sup>rd</sup> Street

Robert Lex, 7420 W. State Street

Pat Nook, 2615 N. 111<sup>th</sup> Street

(Terms end 5/30/13)

Library Board

Bill Andrae, 2521 N. 94<sup>th</sup> Street

Thomas Miller, 12130 Meadow Court

David Marheine, 2027 Sunset Court

(Terms end 6/30/13)

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

Civic Celebration Commission:

Bobby Pantuso, 2414 N. 67<sup>th</sup> Street

Cheryl Berdan, 2049 N. 114<sup>th</sup> Street

Don Birschel, 1225 N. 122<sup>nd</sup> Street

(Terms end 12/31/14)

It was moved by Ald. Walsh, seconded by Ald. Ewerdt  
to concur with the foregoing appointments. 11-0-3  
(Berdan, Birschel, Pantuso)

## **APPLICATIONS, COMMUNICATIONS, ETC.**

1. Notice of Claim: Kelly Ann Kolata, 2778 N. 86<sup>th</sup> Street, Milwaukee  
**City Attorney**
2. Donation of \$32.00 from Russell Kozlownic to be used toward future expenditures by the Police Department Community Support Division  
**Police Department**
3. Milwaukee Metropolitan Sewerage District 2009 Comprehensive Annual Financial Report and Proceedings of the 2009 Commission meetings  
**Place on file**
4. Summons and Complaint: Bonstores Realty One, LLC, 2801 E. Market Street, York, PA; General Electric Company, 3135 Easton Turnpike, Fairfield, CT  
**City Attorney**
5. Letter from Hristo Hristev, Mayfair Liquor, 3122 N. Mayfair Road, objecting to liquor licenses granted to large retail stores  
**Committee on Legislation, Licensing & Communications**
6. Wauwatosa Water Utility Statement of Receipts and Disbursements for the month ended June 30, 2010  
**Place on file**
7. City of Wauwatosa financial statements for the month ended June 30, 2010  
**Place on file**
8. Request by Robert Messinger, Hector's – A Mexican Restaurant, 7118 W. State Street, for temporary extension of the liquor license to include the parking lot on September 18, 2010  
**Board of Public Works, Comm. on Legislation, Licensing & Communications**
9. E-mails from Jerry and Patricia Styberg, 6804 W. Wisconsin Avenue; Chris Schmit, 6730 W. Wisconsin Avenue; and Louis Corrao, 6742 W. Wisconsin Avenue, in opposition to the Preliminary Planned Development at 6745 W. Wells Street  
**Add to existing file**
10. Letter and signed petition from Teri Janz, 2431 N. 84<sup>th</sup> Street, requesting a stop sign at N. 84<sup>th</sup> and Wright Streets  
**Engineering Department**

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

1. Ordinance amending Chapter 24 of the Zoning Code to rezone property at 6900 W. State Street from AA Light Manufacturing District to AA Business District  
**Re-refer to originating committee**
2. Ordinance repealing and recreating Chapter 24.59 of the Wauwatosa Municipal Code pertaining to stormwater management and illicit discharges and connections  
**Re-refer to originating committee**
3. Ordinance repealing and recreating Chapter 24.57 of the Wauwatosa Municipal Code pertaining to construction site erosion control  
**Re-refer to originating committee**

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

**RESOLUTION R-10-132**

WHEREAS, DeAngelo Lawson, 6614 North 43<sup>rd</sup> Street, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at Dave & Buster's, 2201 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT DeAngelo Lawson, 6614 North 43<sup>rd</sup> Street, Milwaukee, WI, is hereby issued an operator's license for the period ending June 30, 2011;

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

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

**RESOLUTION R-10-133**

WHEREAS, Casey A. Wilke, 4831 North 126<sup>th</sup> Street, Butler, WI, has applied for a renewal of his operator's license for the period ending June 30, 2011;

NOW, THEREFORE, BE IT RESOLVED THAT Casey A. Wilke, 4831 North 126<sup>th</sup> Street, Butler,, WI, is hereby issued a renewed operator's license for the period ending June 30, 2011;

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

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

**FROM THE COMMITTEE ON TRAFFIC AND SAFETY**

**ORDINANCE O-10-11**

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO ALLOW THREE-HOUR PARKING ON A PORTION OF UNDERWOOD AVENUE AND CREATE RELATED CHANGES IN PARKING REGULATIONS ON OTHER PORTIONS OF UNDERWOOD AVENUE

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

Part I. The “Underwood Avenue – 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 sections:

- (a) from a point 180 feet north of Harmonee Avenue to a point 200 feet north of Harmonee Avenue
- (m) from Harmonee Avenue to a point 180 feet north thereof
- (m) from a point 200 feet north of Harmonee Avenue to Milwaukee Avenue
- (a) from Harmonee Avenue to the north edge of the fire department parking lot
- (m) from the fire department parking lot to Milwaukee Avenue

And replacing them with the following:

- (m) from Harmonee Avenue to a point 175 feet north thereof
- (a) from a point 175 feet north of Harmonee Avenue to a point 320 feet north of Harmonee Avenue
- (m) from a point 320 feet north of Harmonee Avenue to Milwaukee Avenue

Part II. The “Underwood Avenue – west side” portion of the “schedule of streets, and portions” subsection of Wauwatosa Code section 11.32.080 is hereby created to read as follows:

- (m) from Milwaukee Avenue to Harmonee Avenue, with the exception of one 15-minute parking space adjacent to the Fire Administration Offices at 1601 Underwood Avenue.

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

It was moved by Ald. Meaux, seconded by Ald. Jay  
to adopt the foregoing ordinance. -14

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-10-134**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Keith Trafton, Bartolotta Management Group and Brett Haney, HSI Development Partners, LLC, for a Land Combination by Certified Survey Map at 6005 W. Martin Drive. A Certified Survey Map to be filed with Milwaukee County Register of Deeds described as follows:

Part of Lots 3 and 4 in Block 1 in Assessor’s Plat No. 11, being a part of the Southeast quarter of Section 22 and the Northeast quarter Section 27, in Township 7 North, Range 21 East, City of Wauwatosa, County of Milwaukee, State of Wisconsin, more accurately described on the attached map.

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 and final transfer of property to common ownership.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-10-135**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, September 7, 2010 in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning the proposed rezoning of the property located at 6900 W. State Street from AA Light Manufacturing District to AA Business District.

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

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-10-136**

E IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m. Local Time, on Tuesday, September 7, 2010 in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning the proposed ordinance repealing and recreating Chapter 24.59 of the Wauwatosa Municipal Code pertaining to Stormwater Management and Illicit Discharges and Connections and Chapter 24.57 Construction Site Erosion Control.

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

It was moved by Ald. Ewerdt, seconded by Ald. Donegan to approve the three foregoing resolutions. -14

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION**

WHEREAS, William Ibach has applied for a preliminary approval of an 8-unit townhouse condominium development with potential for home office in the Business Planned Development District at 6745 W. Wells Street, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the Committee on Community Development and determined to be necessary for the public convenience at that location; located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and was found to be compatible with surrounding uses;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a preliminary approval to William Ibach for an 8-unit townhouse

condominium development with the potential for home office in the Business Planned Development District at 6745 W. Wells Street subject to the following conditions:

- 1) Provision of adequate space for garbage carts and recycling within the building; and
- 2) Planting grass in the ROW area between the curb and sidewalk on 68<sup>th</sup> Street up to the bus stop; and
- 3) Copies of condominium declaration documents provided to staff; and
- 4) Approval of an encroachment agreement for the use of the public ROW; and
- 5) Final approval of stormwater plans by City Engineer; and
- 6) Final plans specifying construction materials approved by staff; and
- 7) Obtaining all necessary permits.

It was moved by Ald. Ewerdt, seconded by Ald. Donegan to approve the foregoing resolution. –

It was moved by Ald. Nikcevich, seconded by Ald. Birschel to amend the motion to provide that no encroachment into right-of-way by this project shall occur. –

It was moved by Ald. Donegan, seconded by Ald. Hanson to refer the matter back to Committee for further discussion.  
Roll call vote, Ayes 12, Noes 2 (Birschel, Jay)

**FROM THE COMM. ON BUDGET AND FINANCE & COMMUNITY DEVELOPMENT**

**RESOLUTION R-10-138**

WHEREAS, Jim Wojcehowicz, Wauwatosa Water Utility, has applied for a Conditional Use in the AA Single Family Residence District at 2630 N. 64th Street for the installation of a 100-foot tall free-standing communication tower, 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 Jim Wojcehowicz, Wauwatosa Water Utility, for the installation of a 100-foot tall free-standing communication tower in the AA Single Family Residence District at 2630 N. 64th Street.

BE IT FURTHER RESOLVED that the 2010 Water Utility capital budget shall not be amended for this project.

It was moved by Ald. Ewerdt, seconded by Ald. Donegan to approve the foregoing resolution. Roll call vote, Ayes 10 Noes 4 (Pantuso, Walsh, Wilke, Meaux)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-10-147**

**RESOLUTION AUTHORIZING THE ISSUANCE AND AWARDING THE SALE OF  
\$8,450,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010A**

WHEREAS, on June 1, 2010, the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") adopted a resolution entitled: "Resolution Authorizing the Borrowing of \$8,410,000; and Providing for the Issuance and Sale of Taxable General Obligation Refunding Bonds Therefor" (the "Initial Resolution") authorizing the issuance of \$8,410,000 taxable general obligation refunding bonds for the public purpose of refunding certain outstanding obligations of the City, to wit: a State Trust Fund Loan, dated January 25, 2005 issued to pay the cost of financing the City's unfunded prior service liability contributions under the Wisconsin Retirement System (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such general obligation refunding bonds on a taxable rather than tax-exempt basis; and

WHEREAS, it is the finding of the Common Council that it is now necessary, desirable and in the best interest of the City to authorize the issuance of and to sell the taxable general obligation refunding bonds in the aggregate principal amount of \$8,450,000 to Hutchinson, Shockey, Erley & Co. (the "Purchaser"), pursuant to the terms and conditions of its bond purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

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

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of EIGHT MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$8,450,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, 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, Taxable General Obligation Refunding Bonds, Series 2010A aggregating the principal amount of EIGHT MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$8,450,000) (the "Bonds") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds, Series 2010A"; shall be issued in the aggregate principal amount of \$8,450,000; shall be dated their date of issuance; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum; and mature on March 1 of each year, in the years and principal amounts as set forth on the Proposal. Interest is payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2011. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of

principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on March 1, 2022 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on March 1, 2020 or on any date thereafter. Said Bonds 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. The Proposal specifies that certain of the Bonds are subject to mandatory redemption. The terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

Section 4. Form of the Bonds. The Bonds 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 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds 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 2010 through 2023 for the payments due in the years 2011 through 2024 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City 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, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$8,450,000 Taxable General Obligation Refunding Bonds, Series 2010A, dated August 3, 2010" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium

not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account.

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), 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 (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf,

agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 9. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit D and incorporated herein by this reference.

Section 10. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond 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 Bond 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 Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, 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 Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

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

Section 11. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds 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 13. Redemption of the Refunded Obligations. The City hereby calls the Refunded Obligations due on and after March 15, 2011 for redemption on August 3, 2010. The City hereby directs the City Clerk to work with the Purchaser to cause timely notice of redemption to be sent to the Board of Commissioners of Public Lands by registered or certified mail at least 30 days prior to the date of redemption of the Refunded Obligations.

Section 14. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange

Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 15. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners 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 owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, 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 16. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 17. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 18. 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.

## **FROM THE COMMITTEE ON BUDGET AND FINANCE**

### **RESOLUTION R-10-139**

WHEREAS, the City of Wauwatosa has previously contract with AECOM Technical Services, Inc., for sanitary sewer investigations in the Meinecke and Watertown Plank Road sewer study areas; and

WHEREAS, additional sanitary sewer investigation work currently anticipated, which includes rerouting pump station force mains, install sewer level sensors and upgrading to a SCADA system which provides real-time monitoring, will benefit from the knowledge and expertise gained by AECOM in its prior work with the City; and

WHEREAS, this work could be funded by payments in part from both the Capital Projects Fund and CDBG allocations, both of which are sufficient to fund this proposed work;

NOW, THEREFORE, BE IT RESOLVED THAT, appropriate city staff are hereby authorized to enter into a professional services agreement with AECOM Technical Services, Inc., for purposes of conducting additional sanitary investigation services prior to the end of calendar year 2010, in an amount not to exceed \$89,000, with \$70,000 to be funded from the Capital Project Fund and up to \$19,000 to be funded by CDBG in CDBG-eligible areas..

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-10-140**

WHEREAS, the project plan for Wauwatosa Tax Incremental Finance District #2 calls for numerous capital expenditures prior to closing, which is currently anticipated to occur before the originally-anticipated closing date in 2017; and

WHEREAS, in order to facilitate the early closing of TIF #2 it is necessary to accelerate the activities necessary to complete capital projects in said district; and

WHEREAS, in order to facilitate the project, certain expenditures for said capital projects, amounts up to \$5,000,000.00 should begin in calendar year 2010, expenditures which have not previously been included in the 2010 City of Wauwatosa Capital Budget; and

WHEREAS, TIF #2 contains sufficient funds in its current balance to fund the necessary capital projects while remaining on track to close early;

NOW, THEREFORE, BE IT RESOLVED THAT, the 2010 Capital Budget for the City of Wauwatosa shall be amended to reflect up to \$5,000,000.00 in additional capital expenditures for capital projects as part of the TIF #2 project plan, with specific projects requiring individual approval as appropriate, and that any unexpended funds from this portion of the 2010 Capital Budget shall be carried over into future budget years as necessary to assure completion of the projects.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-10-141**

WHEREAS, as a CDBG Entitlement Community, the City of Wauwatosa receives funding from HUD for the purpose of providing programs that benefit low and moderate income individuals; and

WHEREAS, funding for planning studies may be provided from funds set aside to cover administrative expenses related to the CDBG Grant; and; and

WHEREAS, funding for a Village of Wauwatosa planning study as part of the 2010 CDBG plan has previously been approved by the Common Council; and

WHEREAS, staff in the Community Development Department previously worked with representatives of the Village of Wauwatosa Business Improvement District, the North Avenue Alliance and other associated business and neighborhood groups to define review consultants who would be capable of conducting planning studies in the City of Wauwatosa; and

WHEREAS, it was previously determined that the firm of RDG Planning and Design provided the best blend of planning expertise and knowledge of streetscaping and urban design as well as a very practical approach to creating a successful business corridor, and that firm was approved to conduct the North Avenue planning study, which has been progressing successfully to date; and

WHEREAS, City staff have recommended that RDG would also be the appropriate firm to conduct the Village of Wauwatosa planning study without the need for an additional RFP;

NOW, THEREFORE, BE IT RESOLVED THAT, appropriate city officials are hereby authorized to amend the existing contract with the firm of RDG Planning and Design for purposes of preparing the Village of Wauwatosa/State Street Corridor Planning Study, at an additional cost not to exceed \$38,500.00 plus additional reimbursable expenses, to be funded with 2010 CDBG administrative funds.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-10-142**

WHEREAS, the 2010 Sanitary Sewer Operating budget includes only \$500,000 for sanitary sewer investigations, which was a reduction from the \$1,000,000 for this purpose which had been budgeted for this purpose in 2009; and

WHEREAS, recent dye water testing has provided valuable insight in locating the sources of clear water entering the sanitary sewer system, and additional testing in the area of Meinecke Avenue at this time could provide additional insight without the commitment of staff time associated with previous methods of sanitary sewer investigations, in preparation for design or repair preceding construction in 2011, which testing is anticipated to cost up to \$325,000 in 2010; and

WHEREAS, \$136,600 in sanitary sewer reserve funds had previously been approved for new position to be filled mid-year in 2010, which position will not be filled at this time, thus making the funds available for other uses; and

WHEREAS, additional funds are available from the budgeted sanitary reserve surplus to cover the additional costs of such testing;

NOW, THEREFORE, BE IT RESOLVED THAT, the 2010 Sanitary Sewer Operations budget is hereby amended by providing an additional \$325,000 for sanitary sewer investigation in the Meinecke Avenue area of the City of Wauwatosa, with \$136,600 of said funds coming from the reduction of wages and benefits in that account in the 2010 budget, and the balance being provided from the 2010 budgeted surplus in the sanitary sewer reserve account.

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

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 7/7/10 – 7/20/10 --

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 7/7/10 – 7/20/10: \$2,107,450.78

It was moved by Ald. Meaux, seconded by Ald. Jay  
that each and every account of bills and claims be  
allowed and ordered paid. Roll call vote, Ayes 14

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-10-144**

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper city officials be and they are hereby authorized and directed to enter into a contract with Rawson Contractors, Inc., for the work of N. 108th Street and N. 117th Street water main relay and work incidental thereto under Contract 10-53, this being the lowest and best bid.

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

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-10-145**

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper city officials be and they are hereby authorized and directed to enter into a contract with Willkomm Excavating & Grading, Inc., for the work of sanitary sewer, storm sewer and water main relay, repair and extension and work incidental thereto under Contract 10-02A at and for their bid price of \$414,761.82, this being the lowest and best bid.

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

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-10-146**

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper city officials be and they are hereby authorized and directed to enter into a contract with Michels Corporation for the work of reconstruction of fully deteriorated sewers using a fully structural CIPP relining process and work incidental thereto on portions of various streets under Contract 10-02B.

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

It was moved by Ald. Hanson, seconded by Ald. Causier  
to approve the three foregoing resolutions. -14

There being no further business, the meeting adjourned at 8:33 p.m.

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Carla A. Ledesma, CMC, City Clerk