



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, October 5, 2010

PRESENT: Alds. Berdan, Birschel, Causier, Donegan, Ewerdt, Jay, McBride, Meaux, Nikcevich, Organ, Pantuso, Roznowski, Walsh, Wilke, Wilson -15

EXCUSED: Ald. Hanson

ALSO Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Kappel,
 PRESENT: Public Works Director; Ms. Welch, Community Development Director;
 Police Chief Weber; Mr. Wojcehowicz, Water Utility Supt.; Mr. Tschudy,
 Water Acct. Mgr.; Ms. Ledesma, City Clerk

Mayor Didier in the Chair

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

APPOINTMENT OF 6TH DISTRICT ALDERMAN

RESOLUTION R-10-192

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the rules of the Common Council be suspended for the purpose of appointing Jeffrey J. Roznowski as Alderman of the Sixth Aldermanic District of the City of Wauwatosa for a term ending in April, 2011.

It was moved by Ald. Ewerdt, seconded by Ald. Meaux to appoint Jeffrey Roznowski as 6th District Alderman, replacing Tom Herzog. -14

City Clerk Carla Ledesma swore in Mr. Roznowski, who assumed his place on the Council. -15

The next order of business was presentation of certificates to the Beautification Committee's 2010 Yards of Distinction aware recipients. Mayor Didier and Mary Johnson of the Beautification Committee made presentations to the following:

Dist. 1	Debbie & Pat Fisher 1403 N.64th Street	Jeff Bogart 1850 N.68th Street	Elizabeth & Mike Baron 7004 W. Garfield Avenue
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Dist. 2	Suzanne & Adam Beckett 8036 Milwaukee Avenue	Emily & Tom Wanezek 2151 Ludington Avenue	Shane & Andrea Fell 1949 N. 81st Street
Dist. 3	Tim & Ruth Bultman 115 N. 87th Street	Jonathan & Debra Van Eyck 156 N. 85th Street	June Carlson 8028 Red Arrow Court
Dist. 4	Kathryn E. Garvey 6839 Auburn Avenue	Kathy Jirovec 7509 W. Portland Avenue	Lynn Cornwell & Brad Glock 616 N. 60th Street
Dist. 5	Kathie Obermann & George Schultz 2544 N. 63rd Street	Karoline & Bruce Ailey 7637 Livingston Avenue	Rhonda & Bill Quirnbach 2324 N. 69th Street
Dist. 6	Brent & Paige Brown 2513 N. 90th Street	Stephanie & Dave Honan 2355 N. 90th Street	Rob & Traci Elliott 2415 N. Pasadena Boulevard
Dist. 7	Laura Leonard & Randy Nohl 1245 N. 121st Street	Mary Kohanowski 2821 N. Park Drive	Clifford & Linda Schulz 2500 N. 114th Street
Dist. 8	Pat Logan 3248 Menomonee River Pkwy	Carole McCarthy & Lyle Verette 10418 W. Woodward Avenue	Martha & Gunther Gensecke 9815 Argonne Drive
Businesses	Leff's Lucky Town 7208 W. State Street	Waterstone Bank SSB 7500 W. State Street	Vino 100 - Wauwatosa 1442 Underwood Avenue

Slides were shown of the award-winning properties.

It was moved by Ald. McBride, seconded by Ald. Organ that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -15

APPOINTMENTS BY THE MAYOR

Citizens Advisory Capital Improvements Committee
Matthew Bednarski, 3226 Menomonee River Parkway
(term ends 6/30/2015)

It was moved by Ald. Walsh, seconded by Ald. Pantuso to concur with the foregoing appointment under suspension of the rules. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Email from Vicky Ostry, 1409 N. 64th Street, opposing a high speed rail station in the city

Place in existing file

2. Letter from Daniel J. Schooff, Secretary, WI Dept. of Admin., regarding the 2010 Wisconsin Great Lakes Chronicle
Place on file
3. Special Use application in the Trade District for a tutoring service at 6410 W. North Avenue, Alia T. Williams-Ashley, The Arbor Collaboration for Education, Inc. and Marshal Henricks, applicants
City Plan Commission
4. Conditional Use application in the AA Business District for a clothing store featuring retail and resale at 801 N. Mayfair Road, Allison Phillips, Hollywood Threadz, and Brandon V. Bergman, The Promenade, LLC, applicants
City Plan Commission, Community Development Committee
5. Conditional Use application in the AA Business District for a fitness center at 8839 W. North Avenue, John Mathie, Anytime Fitness, and James J. Callan, James L. Callan, Inc., applicants
City Plan Commission, Community Development Committee
6. Land Combination application in the AA Single Family Residence District for property at 2363 N. 100th Street, Linda Krueger, applicant
City Plan Commission, Community Development Committee
7. Memo from the Police Capt. requesting an ordinance change pertaining to Second Hand Dealers
City Attorney
8. Letter from Menomonee Falls Fire Chief Jeffrey S. Hevey, thanking the Common Council for \$100 donation to the Menomonee Falls Fire Department in memory of David Wheaton
Place on file
9. Notice of Claim: Mary Horne, Canon & Dunphy, 595 N. Barker Road, Brookfield; William and Ann Scallon, 1945 Wauwatosa Avenue; Andrew Burgireho Quality Floors, 4001 W. Greenfield Avenue, Milwaukee
City Attorney
10. Summons and Complaint: Wheaton Franciscan Healthcare Southeast Wisconsin, Inc., (2 filings); Gregory Stano, 4430 N. 108th Street
City Attorney

FROM THE COMMITTEE ON TRAFFIC & SAFETY FOR INTRODUCTION

1. Ordinance amending Chapter 11.32 of the city code changing two 30-minute parking spaces to 15 minutes on the west side of Underwood Avenue immediately north of Menomonee River Parkway
Re-refer to originating committee

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-10-16

AN ORDINANCE CREATING WAUWATOSA CODE SECTION 11.34.110 OF THE WAUWATOSA MUNICIPAL CODE PLACING PARKING SPACES IN THE LITTLE RED STORE MUNICIPAL PARKING LOT

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

Part I. Section 11.34.110 of the Wauwatosa Municipal Code is hereby created to read as follows:

11.34.110 – Little Red Store Lot.

In the “Little Red Store Lot” on Harwood Avenue, the following specific restrictions shall apply:

A. Thirty-minute parking only, in the three parking stalls immediately west of the bicycle racks on the south border of the parking lot

B. Three-hour parking only, in the three stalls immediately west of the thirty-minute stalls described in paragraph A, above.

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-10-17

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.40.300 OF THE WAUWATOSA MUNICIPAL CODE TO PROHIBIT TRUCKING ON A PORTION OF NORTH 68TH STREET

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

Part I. Section 11.40.300 of the Wauwatosa Municipal Code is hereby amended by the addition of the following designated street:

North 68th Street between West Blue Mound Road and the south City limits.

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-10-18

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO PROHIBIT PARKING ON KEEFE AVENUE NORTH OF MENOMONEE RIVER PARKWAY

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

Part I. The “Keefe Avenue” portion of the “Schedule of Streets, and Portions” subsection of Wauwatosa Code Section 11.3.2080 is hereby amended to read as follows:

“Keefe Avenue – North Side

(a) from Menomonee River Parkway to city limits.”

Part II. 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 three foregoing ordinances. -15

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS
RESOLUTION R-10-164

WHEREAS, Rebecca L. Maddison, 1724 E. Racine Avenue, Waukesha, WI, has applied for an operator's license in conjunction with her employment at Bluemound Gardens, 11703 W. Blue Mound Road, Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT Rebecca L. Maddison, 1724 E. Racine Avenue, Waukesha, WI, is hereby issued an operator's license for the period ending June 30, 2011.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT
RESOLUTION R-10-176

WHEREAS, George Grbich, Walters on North, and Mike Reinemann, Reinemann Construction, have applied for a Conditional Use in the Trade District at 6930 W. North Avenue to install an outdoor smoking patio, 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 George Grbich, Walters on North, and Mike Reinemann, Reinemann Construction, to install an outdoor smoking patio in the Trade District at 6930 W. North Avenue subject to the following conditions:

- 1) no music or entertainment in the patio, and
- 2) a six-month review of the patio use, and
- 3) revision of the description of their licensed premises for their Class B liquor license,
and
- 4) hours of operation from 11:00 a.m. to 9:00 p.m. Sunday through Wednesday and
11:00 a.m. to 11:00 p.m. Thursday through Saturday, and
- 5) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-178

WHEREAS, Marlon Patawaran, Kicks N Sticks Dojo, and David Carter, Cedarbrook Investments, have applied for a Conditional Use in the AA Business District at 11757 North Avenue to operate a martial arts studio, 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 Marlon Patawaran, Kicks N Sticks Dojo, and David Carter, Cedarbrook Investments, to operate a martial arts studio in the AA Business District at 11757 North Avenue subject to the following conditions:

- 1) hours of operation 9:00 a.m. to 8:00 p.m. Monday through Friday and 9:00 a.m. to 3:00 p.m. on Saturday and closed on Sunday, and
- 2) obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-179

WHEREAS, Daniel Knapp, GRAEF, and Jack Takerian, Milwaukee County, have applied for a Conditional Use in the Medical Center and Institutions District at 9455 Watertown Plank Road to construct a water 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 Daniel Knapp, GRAEF, and Jack Takerian, Milwaukee County, to construct a water tower in the Medical Center and Institutions District at 9455 Watertown Plank Road subject to obtaining all necessary licenses and permits.

It was moved by Ald. Organ, seconded by Ald. Pantuso
to approve the three foregoing resolutions. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-177

WHEREAS, Cary Bilicki, Briohn Building Corp., and Ned Brickman, Midland 3521 LLC, have applied for a Conditional Use in the Business Planned Development District at 2751 Mayfair Road to provide massage therapy services within a hair salon, 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 Cary Bilicki, Briohn Building Corp., and Ned Brickman, Midland 3521 LLC, to provide massage therapy services within a hair salon in the Business Planned Development District at 2751 Mayfair Road subject to the following conditions:

- 1) hours of operation 10:00 a.m. to 8:00 p.m. Monday through Friday and 10:00 a.m. to 6:00 p.m. on Saturday and closed on Sunday, and
- 2) obtaining all necessary licenses and permits.

It was moved by Ald. Organ, seconded by Ald. Pantuso to approve the foregoing resolution. 14-1 (Birschel)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-180

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 68th 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. Organ, seconded by Ald. Pantuso to approve the foregoing resolution. Roll call vote, 13-2 (McBride, Walsh)

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-10-181

WHEREAS, in December, 2009, the Common Council approved a Development Agreement with Toldt Development for the property at the corner of North 113th Street and Walnut Road in the City of Wauwatosa; and

WHEREAS, changes in economic conditions have required amendments to the terms of that Development Agreement; and

WHEREAS, the terms and conditions of an Amended and Restated Development Agreement were presented to the Committee on Community Development at its meeting of September 28, 2010;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to execute and enter into the provisions of the Amended and Restated Development Agreement with Toldt Development, a copy of which is attached hereto and incorporated herein.

It was moved by Ald. Organ, seconded by Ald. Pantuso to approve the foregoing resolution. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-183

RESOLUTION SUPPLEMENTING RESOLUTION NO. R-86-252; AWARDING THE SALE OF \$7,750,000 WATERWORKS SYSTEM REVENUE BONDS, SERIES 2010 AND PROVIDING FOR THE PAYMENT OF THE BONDS AND OTHER DETAILS AND COVENANTS WITH RESPECT THERETO

WHEREAS, the City of Wauwatosa, Milwaukee County, Wisconsin (the "Municipality") owns and operates a waterworks system (the "System") which is operated for a public purpose as a public utility by the Municipality;

WHEREAS, under the provisions of Chapter 66 of the Wisconsin Statutes, any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, conducting, controlling, operating and managing a public utility from the proceeds

of revenue bonds ("System Costs"), and refunding outstanding obligations issued for the above purposes, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees;

WHEREAS, the Municipality has heretofore issued revenue bonds which pledge the income and revenues of, and constitute a lien on, the System, pursuant to Resolution No. R-86-252 adopted by the Common Council of the Municipality (the "Governing Body") on June 3, 1986 (the "Bond Resolution"), to wit: Waterworks System Revenue Bonds, Series 1986, dated June 1, 1986 (the "1986 Bonds"), which are no longer outstanding;

WHEREAS, Section 9 of the Bond Resolution provides that additional revenue bonds may be issued on a parity with the 1986 Bonds or any parity bonds to pay System Costs or to refund revenue bonds issued for System Costs with respect to the lien and claim to the income and revenues of the System provided certain conditions are met;

WHEREAS, pursuant to the Bond Resolution, as amended, the Municipality heretofore has issued and has outstanding the Waterworks System Revenue Bonds listed on the attached Exhibit A which were issued on a parity and equality of rank with each other with respect to the lien and claim to the income and revenues of the System, as permitted by and in compliance with the conditions of Section 9 of the Bond Resolution (the bonds defined on the attached Exhibit A shall be referred to herein as the "Prior Bonds") (the resolutions defined on the attached Exhibit A shall be referred to herein as the "Prior Resolutions");

WHEREAS, on September 21, 2010, the Governing Body adopted a resolution authorizing the borrowing and providing for the issuance and sale of waterworks system revenue bonds to pay the cost of various water system improvements and acquisitions set forth in the capital improvement plan including replacing water mains and meters (the "Project") and to refund the callable portion of the Waterworks System Revenue Bonds, Series 1998, dated June 1, 1998 (the "1998 Bonds");

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

WHEREAS, the Governing Body of the Municipality hereby determines it to be necessary, desirable, and in the best interest of the Municipality to issue additional revenue bonds to pay the cost of the Project and to refund the callable portion of the 1998 Bonds (hereinafter the refinancing of the 1998 Bonds shall be referred to as the "Refunding") for the purpose of achieving debt service cost savings;

WHEREAS, such additional revenue bonds shall be issued pursuant to Section 66.0621, Wisconsin Statutes on a parity with the Prior Bonds in accordance with the provisions of Section 9 of the Bond Resolution, as amended;

WHEREAS, the Prior Bonds pledge the income and revenues of and constitute a lien upon the System;

WHEREAS, for the purpose of paying the cost of the Project and the Refunding (including paying legal, financing and other professional fees in connection therewith and increasing the amount on deposit in the Reserve Account created and established pursuant to the Bond Resolution, as amended by the Prior Resolutions), the Governing Body deems it to be necessary, desirable and in the best interest of the Municipality to authorize and sell waterworks system revenue bonds of the

Municipality on a parity with the Prior Bonds, which revenue bonds are to be authorized and issued pursuant to the provisions of Section 66.0621, Wisconsin Statutes and Section 9 of the Bond Resolution, as amended;

WHEREAS, the revenue bonds will mature, in accordance herewith, commencing not later than three years after the date of the issuance thereof in such amounts that the requirement each year to pay both principal and interest thereon (the latter being payable not less than annually from the date of issuance of the revenue bonds) will, it is hereby found by this Governing Body, be reasonable in accordance with prudent municipal utility management practices;

WHEREAS, to the best of its knowledge, information and belief, and in reliance upon the Additional Bonds Certificate to be executed and delivered in substantially the form attached hereto as Exhibit B and incorporated herein by this reference, the Municipality complies with the conditions precedent to the issuance of additional revenue bonds on parity with the Prior Bonds;

WHEREAS, other than the Prior Bonds, no other bonds or obligations payable from the revenues of the System are now outstanding;

WHEREAS, the Municipality has directed its financial advisor, Hutchinson, Shockey, Erley & Co. ("HSE") to take the steps necessary to sell the Bonds;

WHEREAS, HSE, in consultation with the officials of the Municipality, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit C and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on October 5, 2010;

WHEREAS, the City Clerk (in consultation with HSE) caused a form of notice of the sale to be published and/or announced and caused the Official Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on October 5, 2010;

WHEREAS, the Municipality has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit D and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the Municipality. HSE has recommended that the Municipality accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit E and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Municipality that:

Section 1A. Definitions. The definitions in the Bond Resolution, as amended by the Prior Resolutions, apply to and are incorporated into this Resolution except as expressly amended below or unless the context expressly or by necessary implication requires otherwise. References in the Bond Resolution, as amended by the Prior Resolutions, to "Bonds", "Parity Bonds" or "Additional Bonds" shall apply to the bonds being issued pursuant to this Resolution. All references to specific sections in the Bond Resolution, as amended by the Prior Resolutions also apply to the Bonds being issued pursuant to this Resolution unless otherwise amended herein.

Section 1B. Restated, Additional and/or Amended Definitions. In addition to and/or in amendment of the terms defined in the Bond Resolution, as amended by the Prior Resolutions, the following terms shall have the following meanings in this Resolution unless the context expressly or by implication requires otherwise:

"Bonds" means the Waterworks System Revenue Bonds, Series 2010 of the Municipality dated October 25, 2010, authorized to be issued by this Resolution on a parity with the Prior Bonds;

"Bond Resolution" means Resolution No. R-86-252 adopted by the Governing Body of the Municipality on June 3, 1986;

"Bond Year" means the one-year period ending on a principal payment date for the Bonds;

"Code" means the Internal Revenue Code of 1986, as amended;

"DTC" or "Depository" means The Depository Trust Company, New York, New York, or its nominee or its successor which shall act as securities depository for the Bonds;

"1998 Bonds" means the Waterworks System Revenue Bonds, Series 1998, dated June 1, 1998;

"Original Purchaser" or "Purchaser" means the financial institution listed first on the Bid Tabulation;

"Parity Bonds" means bonds payable from the revenues of the System other than the Prior Bonds and the Bonds but issued on a parity and equality of rank with the Bonds and Prior Bonds pursuant to the restrictive provisions of Section 9 of the Bond Resolution;

"Paying Agent" means the Finance Director of the Municipality;

"Prior Bonds" means the bonds described on Exhibit A, collectively;

"Prior Resolutions" means the resolution described on Exhibit A, collectively;

"Project" means paying the cost of various water system improvements and acquisitions set forth in the capital improvement plan including replacing water mains and meters;

"Refunding" means paying the cost of refunding the callable portion of the 1998 Bonds;

"Regulations" means the income tax regulations promulgated under the Code;

"Reserve Requirement" means an amount which at no time exceeds an amount equal to the lesser of the combined maximum amount of principal and interest due on the Prior Bonds and the Bonds or any Parity Bonds in any Bond Year or an amount not greater than 125% of combined average annual debt service on the Prior Bonds, the Bonds or any Parity Bonds; and

"Resolution" means this Resolution entitled: "Resolution Supplementing Resolution No. R-86-252; Awarding the Sale of \$7,750,000 Waterworks System Revenue Bonds, Series 2010, and Providing for the Payment of the Bonds and Other Details and Covenants With Respect Thereto" adopted by the Governing Body on October 5, 2010.

Section 2A. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal is hereby accepted. The Mayor and City Clerk or other appropriate officers of the Municipality are authorized and directed to execute an acceptance of the Proposal on behalf of the Municipality. The good faith deposit of the Purchaser shall be retained by the Finance Director and applied in accordance with the Official Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds shall bear interest at the rates set forth on the Proposal.

Section 2B. Ratification of the Official Notice of Sale and Offering Materials. The Governing Body of the Municipality hereby ratifies and approves the details of the Bonds set forth in Exhibit C attached hereto as and for the details of the Bonds. The Official Notice of Sale and other offering materials prepared and circulated by HSE are hereby ratified and approved in all respects. All actions taken by officers of the Municipality and HSE in connection with the preparation and distribution of the Official Notice of Sale are hereby ratified and approved in all respects.

Section 3A. Terms of the Bonds. The revenue bonds shall be designated "Waterworks System Revenue Bonds, Series 2010" (the "Bonds"); shall be dated October 25, 2010; 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 January 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit F-1 and incorporated herein by this reference. Interest is payable semi-annually on January 1 and July 1 of each year commencing on January 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 F-2 and incorporated herein by this reference (the "Schedule").

It is hereby determined and declared that:

(a) the above schedule of maturities of the Bonds is such that the requirement each year to pay both the principal of and interest on the Bonds is reasonable in accordance with prudent municipal utility management practices;

(b) the refunding of the 1998 Bonds is advantageous to the Municipality;

(c) the aggregate amount of Bonds, which shall encompass sums sufficient to provide for the costs hereinabove set forth, is necessary; and,

(d) the proceeds of the Bonds and other monies deposited in the Refunding Fund (referenced in Section 11(c) below) shall provide an amount sufficient to pay when due the principal and redemption price of and interest on the callable portion of the 1998 Bonds as the same becomes due upon prior redemption.

Section 3B. Redemption Provisions. At the option of the Municipality, the Bonds maturing on January 1, 2021 and thereafter shall be subject to redemption prior to maturity on January 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 Municipality 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. Parity with the Prior Bonds. The Bonds shall be "additional bonds" or "parity bonds" within the meaning of Section 9 of the Bond Resolution; are issued on a parity with the Prior Bonds; and are secured by an equal lien and claim to the revenues of the System and the moneys on deposit in the Special Redemption Fund all as set forth in the Bond Resolution, as amended by the Prior Resolutions and this Resolution.

Section 5A. Form, Execution Registration and Payment 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 G and incorporated herein by this reference.

Section 5B. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the Finance Director (the "Fiscal Agent").

Section 5C. 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 Municipality agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the Municipality and on file in the City Clerk's office.

Section 5D. Persons Treated as Owners; Transfer of Bonds. The Municipality 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 Municipality 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 6. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund created and established pursuant to the Bond Resolution, as amended by the

Prior Resolutions and this Resolution, and shall be a valid claim of any holder thereof only against said Special Redemption Fund and the revenues of the System pledged to such fund on a parity with the Prior Bonds. Sufficient revenues are hereby pledged to said Special Redemption Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due. It is the express intent and determination of the Governing Body that the amounts transferred from the Revenue Fund and deposited in the Special Redemption Fund shall be sufficient in any event to pay the interest on the Prior Bonds, the Bonds and any Parity Bonds as the same accrues and the principal amount thereof as the same matures, and to provide any amounts required to be paid monthly into the Reserve Account to maintain the Reserve Requirement.

Section 7. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the Prior Bonds, the Bonds and any Parity Bonds, certain funds of the System have been created and established pursuant to Section 6 of the Bond Resolution, as amended by the Prior Resolutions and this Resolution, which shall be used solely for the purposes set forth in the Bond Resolution, as amended by the Prior Resolutions and as further amended by this Resolution as follows:

Subparagraph (c) of Section 6 of the Bond Resolution is hereby amended and supplemented to read as follows:

"(c) Waterworks System Special Redemption Fund, which shall be divided into two separate accounts to be known as the "Interest and Principal Account" and the "Reserve Account".

(i) There shall be deposited in the Interest and Principal Account from Bond and any Parity Bond proceeds all accrued interest and any premium. In addition, there shall be deposited in said account in the manner specified in Section 7 of the Bond Resolution, an amount sufficient (after giving effect to available amounts in said account from accrued interest, any premium, investment earnings and any other source) to pay the principal of and interest on the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due. The Interest and Principal Account shall be used solely for the purposes of paying principal of and interest on the Prior Bonds, the Bonds and any Parity Bonds in accordance with the provisions of the Bond Resolution, the Prior Resolutions and this Resolution. The minimum amounts to be so deposited in the Interest and Principal Account for the debt service on the Bonds are set forth on Exhibit F-2 and incorporated herein by this reference.

(ii) There heretofore has been deposited into the Reserve Account \$539,015.00 from proceeds of prior issues of bonds. Upon issuance of the Bonds, \$_____ of proceeds of the Bonds will be added to the Reserve Account so that the amount on deposit in the Reserve Account is equal to the Reserve Requirement as set forth on Exhibit H. The Reserve Account shall be used solely for the purpose of paying principal of or interest on the Prior Bonds, the Bonds or any Parity Bonds at any time when there shall be insufficient money in the Interest and Principal Account.

The Reserve Account shall be funded and replenished in the manner specified in Section 7(c) of the Bond Resolution, except that it shall be funded until the amount accumulated in the Reserve Account equals the Reserve Requirement by an amount equal to the total Reserve Requirement divided by twelve. The Municipality intends that at all times the Reserve Account constitutes a "reasonably required reserve fund" under Section 148 of the Code and any applicable

Regulations and therefore, at no time shall the amounts in the Reserve Account exceed the Reserve Requirement. The amounts in the Reserve Fund up to such amount may be invested without regard to yield limitation and any amount over such amount shall be invested in conformity with the Code and any applicable Regulations.

Section 8. Application of Revenues. After the delivery of any of the Bonds or any Parity Bonds, the entire gross earnings of the System shall continue to be deposited as collected in the Revenue Fund and shall be transferred monthly to the funds listed in the Bond Resolution, as amended by the Prior Resolutions and this Resolution, in the order of priority set forth in the Bond Resolution, as amended by the Prior Resolutions and this Resolution.

Section 9. Service to the Municipality. The provisions of the Bond Resolution, as amended and supplemented by the Prior Resolutions are hereby further amended and supplemented to clarify that the reasonable cost and value of services rendered to the Municipality by the System by furnishing water services for public purposes, shall be charged against the Municipality and shall be paid by it in quarterly installments as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System, and out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. It is hereby found and determined that the reasonable cost and value of such service to the Municipality in each year shall be an amount which, together with the other revenues of the System, will produce in each Bond Year Net Revenues equivalent to not less than one and one-quarter (1.25) times annual principal and interest requirements on the Prior Bonds, the Bonds and any Parity Bonds then outstanding after deduction of all operation and maintenance expenses of the System but before deduction of depreciation charges and local tax equivalents. However such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if necessary, (b) yearly appropriations therefor and (c) applicable levy limitations, if any; but neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of services rendered to the Municipality and its inhabitants or make any subsequent payment over and above such reasonable cost and value. Such compensation for such service rendered to the Municipality shall, in the manner hereinabove provided, be paid into the Revenue Fund created by the Bond Resolution.

Section 10. Sale of the Bonds. The Bonds shall be sold to the Purchaser for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 11. Application of Bond Proceeds. The proceeds of the sale of the Bonds (including any premium and accrued interest from their date to the date of delivery) shall be deposited and applied as follows:

(a) to the Interest and Principal Account of the Special Redemption Fund, the amount of any accrued interest received from the sale of the Bonds;

(b) to the Reserve Account of the Special Redemption Fund, a sum sufficient from the proceeds of the Bonds so that, together with additional System funds on hand deposited therein, the amount in the Reserve Account equals the Reserve Requirement and is in compliance with Section 7 above;

(c) to the Refunding Fund, a special fund hereby created and established, a portion of the proceeds of the Bonds in an amount sufficient to refund the 1998 Bonds. Said Refunding Fund shall be adequately secured and shall be used solely for the purpose of paying the cost of refunding the 1998 Bonds, as more fully described in the preamble hereof (including paying legal, financing, and other professional fees). Any balance remaining in said Refunding Fund after paying the cost of the Refunding shall be transferred to the Special Redemption Fund for use in payment of principal of or interest on the Prior Bonds, the Bonds, and any Parity Bonds; and

(d) to the Waterworks System Improvement Fund, a special construction fund hereby created and established, the balance of the proceeds of the Bonds. Said Improvement Fund shall be adequately secured and shall be used solely for the purpose of meeting costs of purchasing, acquiring, constructing, extending, adding to, improving, operating and managing the System, as more fully described in the preamble hereof as the Project and paying the Issuance Expenses in connection with the issuance of the Bonds. Any balance remaining in said Improvement Fund after paying the costs of the Project and the Issuance Expenses shall be transferred to the Special Redemption Fund for use in payment of principal of or interest on the Prior Bonds, the Bonds, and any Parity Bonds.

Section 12. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the Municipality, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 13. Compliance with Federal Tax Laws. (a) The Municipality represents and covenants that the projects financed by the Bonds and by the 1998 Bonds and their ownership, management and use will not cause the Bonds or the 1998 Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The Municipality further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The Municipality 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 Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the Municipality charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the Municipality certifying that the Municipality can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The Municipality also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the Municipality will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 14. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating

to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 15. Execution of the Bonds; Professional Services. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the Municipality by the manual or facsimile signatures of the Mayor and City Clerk, authenticated 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 Municipality 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 Bonds shall cease to be such officers before the delivery of the Bonds, 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 all documents as may be necessary and convenient for effectuating the Closing. The Municipality hereby authorizes the officers and agents of the Municipality 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 16. Official Statement. The Governing Body 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 Municipality 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 Municipality 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 17. Undertaking to Provide Continuing Disclosure. The Municipality 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. This 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 hereunder and any failure by the Municipality to comply with the provision of this Undertaking shall not be an event of default with respect to the Bonds).

The City Clerk, or other officer of the Municipality 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 Municipality's Undertaking.

Section 18. Redemption of the 1998 Bonds. The Governing Body hereby calls the 1998 Bonds due on January 1, 2013 and thereafter which will be outstanding after January 1, 2011 for redemption on January 1, 2011 at a price of par plus accrued interest to the date of redemption. The Municipality hereby directs the City Clerk to work with HSE, to cause timely notice of redemption, in substantially the form attached hereto as Exhibit I to be provided at the times, to the parties and in the manner provided thereon.

Section 19. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the holder or holders of the Bonds and any Parity Bonds, and after issuance of any Bond or any Parity Bond no change or alteration of any kind in the provisions of this Resolution may be made except as provided hereof, until all of the Bonds and any Parity Bonds have been paid in full as to both principal and interest. The holder or holders of any Bond or any Parity Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce his or their rights against the Municipality, the Governing Body thereof, and any and all officers and agents thereof, including, but without limitation, the right to require the Municipality, its Governing Body and other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 20. 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 21. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the Municipality 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 22. Ratification; Conflicting Resolutions, Ordinances, Severability, Closing and Effective Date. Except as amended and supplemented herein and in the Prior Resolutions, the terms of the Bond Resolution are hereby reaffirmed and ratified in all respects. Any other prior ordinances, resolutions, rules or other actions of the Governing Body or any parts thereof in conflict with the provisions hereof shall be and the same are hereby rescinded insofar as they 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 appropriate officers and agents of the Municipality are hereby directed and authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the closing of this transaction. 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-10-182

**RESOLUTION AWARDING THE SALE OF \$10,200,000 TAXABLE GENERAL
OBLIGATION REFUNDING AND STREET IMPROVEMENT BONDS, SERIES 2010B
(BUILD AMERICA BONDS - DIRECT PAYMENT)**

WHEREAS, on September 21, 2010, the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") adopted an initial resolution (the "Initial Resolution") authorizing the issuance of general obligation bonds in an amount not to exceed \$610,000 for the public purpose of paying the cost of street improvement projects (the "Project");

WHEREAS, pursuant to the provisions of Section 67.05, Wisconsin Statutes, within 15 days following the adoption of the Initial Resolution, the City Clerk caused a notice to electors to be published in the Wauwatosa NOW, stating the purpose and maximum principal amount of the bond issue authorized by the Initial Resolution and describing the opportunity and procedure for submitting a petition requesting a referendum on the bond issue authorized by the Initial Resolution;

WHEREAS, to date, no petition for referendum has been filed with the City Clerk, and the time to file such a petition shall expire on October 21, 2010;

WHEREAS, on September 21, 2010, the Common Council of the City also adopted a resolution (the "Authorizing Resolution") authorizing the issuance and sale of, among other things, \$9,590,000 for the purpose of paying the cost of refinancing certain outstanding obligations of the City, to wit: Note Anticipation Notes, Series 2009, dated July 1, 2009 (the "Refunded Obligations") issued to pay the cost of constructing and equipping a new fire station (the "Fire Station Project") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

WHEREAS, none of the costs of the Fire Station Project or the Project were incurred prior to the effective date of the American Recovery and Reinvestment Act of 2009 (February 17, 2009);

WHEREAS, the Refunded Obligations were issued to provide interim financing for the Fire Station Project and were intended to be "temporary short term financing" issued in anticipation of the Bonds;

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of providing permanent financing for the Fire Station Project;

WHEREAS, pursuant to the Authorizing Resolution, the Common Council of the City has heretofore found determined that the \$610,000 authorized by the Initial Resolution and the \$9,590,000 authorized by the Authorizing Resolution shall be combined as one issue designated: Taxable General Obligation Refunding and Street Improvement Bonds, Series 2010B (Build America Bonds - Direct Payment) (the "Bonds");

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City (provided no petition for a referendum is filed within the period set forth in Section 67.05(7)(b), Wisconsin Statutes in connection with the bond issue authorized by the Initial Resolution) that the Bonds be combined and issued in the aggregate principal amount of \$10,200,000;

WHEREAS, the City has directed its financial advisor, Hutchinson, Shockey, Erley & Co., Milwaukee, Wisconsin ("HSE") to take the steps necessary to sell the Bonds;

WHEREAS, HSE, in consultation with the officials of the City, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on October 5, 2010;

WHEREAS, the City Clerk (in consultation with HSE) caused a form of notice of the sale to be published and/or announced and caused the Official Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on October 5, 2010;

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation");

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the City. HSE has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference;

WHEREAS, it is the finding of the Common Council that it is desirable and in the best interest of the City to take the steps necessary to irrevocably designate the Bonds to be qualified "Build America Bonds" within the meaning of Subsection 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations promulgated thereunder by the U.S. Department of Treasury (the "Regulations") so that the City may claim refundable credits with respect to each interest payment on the Bonds, payable to the City by the Secretary of the United States Department of the Treasury ("Treasury"); and

WHEREAS, because the Common Council will designate the Bonds to be qualified Build America Bonds, the interest on the Bonds will be includible in gross income for federal income tax purposes under Subsection 54AA(f)(1) of the Code.

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

Section 1A. Ratification of the Official Notice of Sale and Offering Materials. The Common Council of the City hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Official Notice of Sale and any other offering materials prepared and circulated by HSE are hereby ratified and approved in all respects. All actions taken by officers of the City and HSE in connection with the preparation and distribution of the Official Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Proposal of the Purchaser (subject to the condition that no valid petition for a referendum is filed by October 21, 2010 in connection with the Initial Resolution), offering to purchase the Bonds for the sum set forth on the Proposal [(as modified on the Bid Tabulation)], plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal [(as modified on the Bid Tabulation)] is hereby accepted. 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. The good faith deposit of the Purchaser shall be retained by the Finance Director and applied in accordance with the Official Notice of Sale, and

any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding and Street Improvement Bonds, Series 2010B (Build America Bonds - Direct Payment)"; shall be issued in the aggregate principal amount of \$10,200,000; shall be dated October 25, 2010 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 October 1 of each year, in the years and principal amounts as set forth on the Proposal. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 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 D and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. (a) Optional Redemption: The Bonds maturing on October 1, 2021 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on October 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.

(b) Extraordinary Redemption: The Bonds shall be subject to redemption prior to maturity, in whole or in part, at the option of the City, on any day, at a redemption price equal to 100% of the principal amount redeemed plus accrued interest to the date of redemption, in the event that an Extraordinary Event occurs.

An "Extraordinary Event" will have occurred if either (a) Section 54AA or 6431 of the Code is repealed, amended or modified in a manner which results in a reduction or elimination of the City's 35% cash subsidy payment from the United States Treasury or (b) the United States Treasury fails to make a cash subsidy payment to which the City is entitled and such failure is not caused by any action or inaction by the City.

(c) Mandatory Redemption: If the Proposal specifies that any 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 E 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 2029 for the payments due in the years 2011 through 2030 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 \$10,200,000 Taxable General Obligation Refunding and Street Improvement Bonds, Series 2010B (Build America Bonds - Direct Payment), dated October 25, 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 Finance Director 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) all Direct Payments (defined below) received by the City; 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. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Code and any applicable Regulations.

(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 purposes for which borrowed. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments.

Section 8. Qualified Build America Bond Designation; Irrevocable Election; Compliance with Federal Tax Laws. (a) The Bonds are hereby irrevocably designated qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code, and the City hereby irrevocably elects to apply Subsection 54AA(g) of the Code to the Bonds. The City represents that all Bond Proceeds, less costs of issuance financed with such Bond Proceeds (which costs shall be in an amount not to exceed 2% of such Bond Proceeds) plus all income from temporary Permitted Investments with respect to such Bond Proceeds ("Available Project Proceeds") shall be used only for capital expenditures. The City acknowledges that among the requirements for the Bonds to qualify and continue to qualify as qualified Build America Bonds is that the Bonds, but for their qualified Build America Bond designation, would be tax-exempt for federal income tax purposes, and hence that the requirements of the Code and Regulations regarding tax-exempt obligations apply to the Bonds. The City hereby covenants to comply with such requirements.

(b) The City thus further represents and covenants that the projects financed by the Bonds and their ownership, management and use will not cause the Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the qualified Build America Bond status of the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. 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 Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause the Bonds to lose their status as qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code and the Regulations. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(c) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

(d) All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the

Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Qualified Build America Bonds - Application for Direct Payments to the City. The City shall claim available refundable credits from the Treasury with respect to each interest payment on the Bonds as provided under Subsection 54AA(g)(1) of the Code ("Direct Payments"). The Fiscal Agent (defined below) is hereby authorized and directed to take all necessary actions on behalf of the City to apply for the receipt by the City of such Direct Payments, including the timely filing of necessary Internal Revenue Service forms and information returns for that purpose and/or submitting requests electronically if and as the Treasury establishes an electronic platform in connection with its direct payment procedures. All Direct Payments received by the City shall be promptly deposited in the Debt Service Fund Account and used for no other purpose than as provided in Section 6 of this Resolution.

Section 10. 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 11. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the Finance Director (the "Fiscal Agent").

Section 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. 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 19. 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-10-184

WHEREAS, the City of Wauwatosa Fire Department is required to replace its obsolete VHF radios due to the adoption of new technologies; and

WHEREAS, the 2012 Capital Improvement Program anticipates \$100,000.00 to be budgeted for this purpose; and

WHEREAS, the Office of Justice Assistance is accepting grant applications for funds to be used for the purchase of the necessary radios prior to 2012; and

WHEREAS, the purchase of all necessary equipment would cost \$130,100.00, of which the OJA grant, if awarded, would pay \$97,575.00, leaving a required local share of \$35,525.00 during 2010 or 2011 if awarded;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa Fire Department is hereby authorized to apply for a grant from the Wisconsin Office of Justice Assistance to replace obsolete VHF radios, and if awarded said grant, the Department shall be authorized to expend \$35,525.00 in 2010 with 2011 as the City's 25% match for the purchase of the necessary radios.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-186

WHEREAS, the Wauwatosa Curling Club has requested an extension of the current lease for the Muellner Building in Hart Park in the City of Wauwatosa, and order that it may determine in a timely fashion whether it needs to seek new facilities; and

WHEREAS, the Wauwatosa Curling Club has a historic relationship with the City of Wauwatosa and has used the Muellner Building as its curling facility and clubhouse; and

WHEREAS, the curling rink was created with WPA labor beginning in 1938 and was completed the following year at a total cost of \$6,000.00; and

WHEREAS, the recreation building was completed under the WPA Work Program in 1941 at a cost of \$17,000.00 to the City of Wauwatosa for materials with refrigeration machinery and piping costing an additional \$8,500.00; and

WHEREAS, the ice was first prepared January 23, 1941, for skating and curling and the Wauwatosa Curling Club has occupied the premises since that time; and

WHEREAS, the Agreement entered into on October 1, 2002, provides for up to four additional ten year extensions of terms upon mutual agreement of the parties; and

WHEREAS, the City of Wauwatosa is requesting two substantive changes to the lease, which require that scheduled public skating dates to be established by February 15 of each year, and that a nondiscrimination provision shall be extended to encompass, "any other basis prohibited by state or federal law;"

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to exercise the optional ten year extension of the lease between the City of Wauwatosa and the Wauwatosa Curling Club contained in the lease originally entered into on October 1, 2002, with the two amendments described above.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-187

WHEREAS, the City of Wauwatosa Water Utility has requested permission to file a Simplified Rate Case Application with the Wisconsin Public Service Commission to provide a 3% rate increase during 2011, in order to improve the Utility's rate of return and to maintain adequate coverage for outstanding debt obligations; and

WHEREAS, the proposed Simplified Rate Application, which would not include any separate rate change which may become necessary due to the proposed rate increase from the Milwaukee Water Works, would cost the average household in Wauwatosa \$8.20 during 2011;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Water Utility is hereby authorized to file a Simplified Rate Case Application with the Wisconsin Public Service Commission, and is further authorized to implement the rate increase if granted by the Public Service Commission.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-188

WHEREAS, the Purchasing Manager has solicited bids for professional services for water main replacement design and contract administration; and

WHEREAS, seven bids were received for this proposal, of which Graef was the low bidder;

NOW, THEREFORE, BE IT RESOLVED THAT a purchase order be issued to Graef pursuant to bids received by the Purchasing Department as outlined in the September 22, 2010, memorandum of the Purchasing Manager to the Committee on Budget & Finance in the amount of \$43,900.00.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-189

WHEREAS, the Metropolitan Sewerage District (MMSD) has created a private property infiltration and inflow reduction program capable of implementation by member communities; and

WHEREAS, MMSD has proposed to fund the program at a cost of approximately \$151,000,000.00 over the next several years, including \$1,000,000.00 in 2010, which would be divided among participating communities based upon equalized value, providing \$64,642.00 to the City of Wauwatosa in 2010, and requiring a 25% cost share which may be a combination of City dollars, private dollars or eligible staff time; and

WHEREAS, municipalities may also request that stormwater BMP funding approved separately may be transferred into the private property infiltration and inflow reduction program to fund additional projects;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to create and administer a private property infiltration and inflow reduction program in accordance with the MMSD program guidelines and the Director of Public Works, or his designee, are authorized to execute agreements for the program on behalf of the City of Wauwatosa.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-190

WHEREAS, the Milwaukee Metropolitan Sewerage District (MMSD) has created a Municipal Stormwater Best Management (BMP) Program to reduce the stormwater runoff and improve water quality through the implementation of stormwater best management practices on a regional basis; and

WHEREAS, MMSD intends to fund the program in an amount of \$1,000,000.00 per year for five years, with funds to be allocated annually based upon the equalized value of participating communities, which in 2010 will provide to Wauwatosa \$64,642.00, requiring a 25% municipal cost share to be provided by City money, private money, or eligible staff time; and

WHEREAS, one option for use of the funds is to transfer the funding into a private property inflow and infiltration reduction program which is being discussed in a separate item concurrent with this resolution;

NOW, THEREFORE, BE IT RESOLVED THAT City of Wauwatosa staff are hereby authorized to create and administer a Municipal Stormwater Best Management Practices Program in

accordance with MMSD Stormwater Best Management Practices Program guidelines, and to enter into an agreement with MMSD for execution of the program and appropriate City staff shall be authorized to request that MMSD transfer a portion or all of the available BMP funds into the private property infiltration and inflow program if such additional funds are desired for such program.

It was moved by Ald. Ewerdt, seconded by Ald. Walsh
to approve the eight foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-10-185

WHEREAS, former Alderman Richard Bachman has begun the process of seeking donations for automated external defibrillators (AED) to be placed in each of twelve Wauwatosa Police Department squad cars, and has begun this process by offering his own donation of \$1,000.00 in memory of his late wife, Gloria Bachman; and

WHEREAS, the City of Wauwatosa Finance Department has created a fund to receive such donations on a tax deductible basis, which are to be utilized only for the purchase of said defibrillators; and

WHEREAS, the City of Wauwatosa Police Department and the City of Wauwatosa Fire Department strongly support this effort, and research has shown that the fastest possible use of automated external defibrillators by first responders can save lives of individuals suffering significant cardiac events;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to accept donations into a special non-lapsing account for purposes of purchasing and maintaining automated external defibrillators to be placed in City of Wauwatosa Police squad cars;

BE IT FURTHER RESOLVED THAT, when sufficient funds have been deposited into that account, appropriate City officials are hereby authorized to expend the funds necessary to purchase the AED equipment for the City of Wauwatosa Police squad cars, and to utilize any additional non-lapsing funds donated for this purpose in order to maintain and possibly replace the AED's in future years;

BE IT FINALLY RESOLVED THAT the City of Wauwatosa does hereby acknowledge and thank former Alderman Richard Bachman for his efforts which will greatly improve the safety of residents and visitors to the City of Wauwatosa, which effort he has undertaken in memory of his wife, Gloria Bachman.

It was moved by Ald. Ewerdt, seconded by Ald. Walsh
to approve the foregoing resolution. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 9/22/10 – 10/05/10 --

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 9/22/10 – 10/05/10:

\$2,041,877.82

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-10-191

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 United Sewer & Water, Inc., for the work of Contract 10-54, N. 119th Street Extended Water Main, at and for their bid price of \$551,426.00, this being the lowest and best bid.

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

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

There being no further business, the meeting adjourned at 8:25 p.m.

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Carla A. Ledesma, CMC, City Clerk