



CITY OF WAUWATOSA
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COMMON COUNCIL

Regular Meeting, Tuesday, December 6, 2011 – 7:30 p.m.

PRESENT: Alds. Hanson, Jay, McBride, Meaux, Nikceovich (7:35 p.m.), Organ, Pantuso, Roznowski, Walsh, Wilke, Wilson, Berdan, Birschel, Causier, Donegan, Ewerdt -16

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Fire Chief Ugaste; Police Chief Weber; Ms. Enders, Economic Development Director/Interim Community Development Director; Mr. Wehrley, City Engineer; Mr. Wojcehowicz, Water Utility Supt.; Ms. Ledesma, City Clerk

Mayor Didier in the Chair

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

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

PUBLIC HEARING

The first item of business was a public hearing concerning streets proposed for improvement in 2012:

<u>Street & Location</u>	<u>Ald. Dist.</u>	<u>Exist & (Prop.) Width</u>	<u>Pavement Construction Type</u>	<u>Assessed Sidewalk Work</u>
90 th Street (Menomonee River Pkwy. to North Ave.)	2	30'	A-Conc	Yes
101 st Street (Ruby Ave. to Courtland Ave.)	8	30'	C-Asph	No
Capitol Drive (Mayfair Rd. to West City Limit)	8	26'-28'-36'	C-Asph	Yes
Mayfair Road (Walnut Rd. to Burleigh St.)	6, 7	36'-28'-36'	C-Asph	Yes
Park Drive (Center St. to Locust St.)	6, 7	30'	C-Asph	No

Proof of publication is in the file.

N. 90th Street, Menomonee River Parkway to North Avenue

Sarah Lerand, 2125 N. 90th Street, stated that she coordinates a walking school bus program and would appreciate notice just before the project begins, as the work may affect the walk route.

Jim Smith, 2145 N. 90th Street, asked about the criteria used when designating a street for improvement. The street appears to be in very good condition. In response to Mr. Smith’s query, Mr. Porter reviewed the street’s construction and repair history; extensive sewer and water main work will virtually destroy the street surface, thereby necessitating reconstruction.

N. 101st Street, Ruby Avenue to Courtland Avenue

No one appeared concerning this street.

Capitol Drive, Mayfair Road to west city limits

No one appeared concerning this street.

Mayfair Road, Walnut Road to Burleigh Street

No one appeared concerning this street.

Park Drive, Center Street to Locust Street

No one appeared concerning this street.

The public hearing was declared closed. Ordered held for two weeks.

APPOINTMENTS BY THE MAYOR

Youth Commission:

Terms ending 8/31/2012

Ald. Jeff Roznowski, 2609 N. 82nd Street
Lois Weber, 2320 N. 69th Street

Terms ending 8/31/2013

Kay Lorenzen, 1517 N. 60th Street
Laura Browne, 611 N. 76th Street
Janet Blair, 2326 N. 89th Street
Andrea Gaines, 969 N. 123rd Street
Andrea Harris, 6931 Cedar Street
Tom Stepp, 2611 N. 86th Street
Sam Benedict, 831 N. 66th Street
Michelle Rotgers, 2527 N. 63rd Street
Anne Vossler Bresnahan, 2545 N. 96th Street

Terms ending 8/31/2014

Peg Broker, 6707 Revere Avenue
Beth Brown, 1949 Forest Street
Bill Brown, 1949 Forest Street
Debbie Dubinski, 7921 Milwaukee Avenue
Ginny Dubinski, 4257 N. 100th Street
Robert Dubinski, 7500 Milwaukee Avenue
Regina Erickson, 2650 North 81st Street
Mary Pat Foley, 7500 Milwaukee Avenue
John Stolte, 2530 Lefebber Avenue
Off. Marty Keck, 1700 N. 116th Street
Sgt. Paul Leist, 1700 N. 116th Street
Off. Doug Braun, 1700 N. 116th Street
Chief Barry Weber, 1700 N. 116th Street

It was moved by Ald. McBride, seconded by Ald. Birschel
to concur with the foregoing appointments. -16

Design Review Board A

Term ending 12/31/2012

Christine Westfall, 6171 Washington Circle

Terms ending 12/31/2013

Mike Stanislaus, 2629 N. 67th Street

Design Review Board C

Terms ending 12/31/2012

Dennis Scherr, 2380 N. 100th Street
Tom DiSalvo, 2234 N. 115th Street
Fouad Saab, 1630 Church Street
Tom Olejniczak, 1752 N. 83rd Street

Steve Pape, 7030 Maple Terrace

Design Review Board B

Terms ending 12/31/2012

Gilbert Garcia, 10109 W. Nash
Robert Sebastian, 2431 N. 115th Street

Terms ending 12/31/2013

Michael Schlitz, 7425 Watson Avenue
Gary Woodward, 6934 Cedar Street
Edward Haydin, III, 2568 N. 71st Street

*If proposed changes to the Design Review Boards are adopted by the Common Council, Design Review Boards A and B will be combined into a single Board. Members appointed to Design Review Boards A and B will continue to serve their terms on Design Review Board – Residential.

Historic Preservation Commission

Terms ending 11/30/2014

Janel Ruzicka, 2127 N. 74th Street
Brian Faltinson, 2209 N. 62nd Street
Gene Guzkowski, 1035 Laurel Court
Charlie Mitchell, 7525 Oakhill Avenue

Civil Service Commission

Term ending 9/30/2014

Gary Reusch, 6208 W. Washington Blvd.

Board of Building and Fire Code Appeals

Terms ending 5/30/2014

J. Travers Price, 8626 Jackson Park Blvd.
Charles Millman, 2250 N. 72nd Street

Economic Devel. Advisory Comm

Term ending 8/31/2014

Dan Druml, 2450 Swan Blvd.

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Letter from the Milwaukee Metropolitan Sewerage District regarding notice of district boundary amendment in the City of Franklin
Place on file
2. Notice of Claim: Hairong Sang, 12320 Bard Lane, Brookfield; Aurora Bautz, 4430 N. Woodburn Street, Shorewood
City Attorney
3. Letter from Dick Bachman, N78 W17261 Wildwood Drive, Menomonee Falls, regarding downsizing the County Board and placing a referendum on the Wauwatosa ballot in April pertaining to that issue
Place on file

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-11-185

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the Mayor's salary be increased to \$30,000.00 annually effective following the Mayoral election in April, 2012.

It was moved by Ald. Donegan, seconded by Ald. Organ to approve the foregoing resolution. Roll call vote, Ayes 12, Noes 4 (Jay, Roznowski, Wilke, Wilson)

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-11-186

WHEREAS, Connie Kelly, 2014 S. East Avenue, Waukesha, WI, has applied for an operator's license in conjunction with her employment at the Radisson Hotel – Milwaukee West, 2303 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Connie L. Kelly is hereby issued an operator's license for the period ending June 30, 2012, contingent upon a review of her record in six months;

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Ms. Kelly'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.

It was moved by Ald. Birschel, seconded by Ald. Causier to approve the foregoing resolution. -16

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-187

WHEREAS, Sean Phelan, Phelan Development, and William Ibach, Hyde Park LLC, has applied for final approval of a Business Planned Development at 6745 West Wells Street for an Alterra Cafe including outdoor seating; and

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby approves the final plans for a Business Planned Development for an Alterra Café including outdoor seating submitted by Sean Phelan, Phelan Development, and William Ibach, Hyde Park LLC, at 6745 West Wells Street subject to the following conditions:

- 1) Hours of operation Monday through Friday 6:30 a.m. to 10:00 p.m. and Saturday and Sunday 7:00 a.m. to 10:00 p.m.; and
- 2) Changes as outlined by the Design Review Board; and
- 3) Submitting a storm water plan; and
- 4) Execution of an agreement regarding signage; and
- 5) Obtaining necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-188

WHEREAS, Timothy Blum, HSA Commercial, Inc., has requested an extension of the Business Planned Development Preliminary Approval at 11500 West Burleigh Street, and

WHEREAS, this request was reviewed and recommended by the Committee on Community Development; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a six month extension of the original preliminary Business Planned Development Approval at 11500 West Burleigh Street to Timothy Blum, HSA Commercial, Inc. in order to complete financial aspects of the project.

It was moved by Ald. Organ, seconded by Ald. Roznowski to approve the two foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-189

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission is hereby granted for the Public Works Director to enter into a contract with GRAEF, USA, for water main engineering design in the estimated cost ranges from \$55,200 to \$85,400 for the 2013 water main improvements associated with the Wisconsin Department of Transportation projects within the City as outlined in the November 21, 2011, memorandum of the Water Superintendent.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-190

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT, approval is hereby given for the transfer of \$310.00 from the Comptroller's budget #01-151-5900-000 to the Treasurer's budget #01-156-5200-000 for the purpose of purchasing an impact printer for tax collection.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-191

WHEREAS, a previously-approved purchase of computer assisted mass appraisal ("CAMA") software was not completed, leaving funds available and an existing need for such software upgrades for the City of Wauwatosa Assessor; and

WHEREAS, the Assessor has had discussions with other similarly-sized jurisdictions in Wisconsin in order to form a consortium for the purchase of CAMA software to leverage the expertise, knowledge and buying power of the various cities; and

WHEREAS, following solicitations for the purchase of new CAMA software in conjunction with the Cities of Brookfield, Waukesha and Lacrosse, the City Assessor received proposals and reviewed demonstrations from several vendors and indicated that the proposal of Vision Government Solutions is in the best interest of the City; and

WHEREAS, the vendor has provided a number of funding and discount options which reduce the price from the original proposal, and have the potential for further reductions based upon the actions of the other participating cities, as well as additional services or training and travel deemed necessary for the City of Wauwatosa as the process proceeds; and

WHEREAS, the most likely scenario of price reductions and discounts would result in a total cost for licensing, installation, data conversion and training of \$123,307, with annual maintenance of \$15,000.00, pursuant to the breakdown of costs more particularly described by the Assessor in his memorandum to the Budget & Finance Committee for its meeting of November 29, 2011, although additional price reductions are possible; and

WHEREAS, additional funds in the amount of \$13,307 would be necessary for this purpose, and if needed, could be made available for this project from retained earnings available in the Information Technology Department accounts;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into an Agreement consistent with the revised proposal received from Vision Government Solutions for the purchase of computer assisted mass appraisal software, as well as other related costs in 2012, with terms as more particularly described in the memorandum of the City Assessor presented at the meeting of the Budget & Finance Committee on November 29, 2011.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-192

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$4,600,000 TAXABLE GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2011**

WHEREAS, the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") has been required to refund property tax payments to Covenant Healthcare System, Inc.;

WHEREAS, the City is presently in need of funds to pay or reimburse the City for the payment of such property tax refund;

WHEREAS, the Common Council, pursuant to Resolution R-11-165 adopted on November 1, 2011, determined that it is necessary, desirable and in the best interest of the City to issue general obligation promissory notes pursuant to Section 67.12(12), Wisconsin Statutes, for the purpose of raising the funds needed to pay or reimburse the City for the payment of such property tax refund;

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

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary that the notes issued for this purpose be issued on a taxable rather than tax-exempt basis; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to sell the general obligation promissory notes to BOSC, Inc. (the "Purchaser"), pursuant to the terms and conditions of its note 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 Notes. For the purpose of paying or reimbursing the City for the payment of the property tax refund to Covenant Healthcare System, Inc., and paying related costs, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of FOUR MILLION SIX HUNDRED THOUSAND DOLLARS (\$4,600,000) 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, general obligation promissory notes aggregating the principal amount of FOUR MILLION SIX HUNDRED THOUSAND DOLLARS (\$4,600,000) (the "Notes") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Notes. The Notes shall be designated "Taxable General Obligation Promissory Notes, Series 2011"; shall be issued in the aggregate principal amount of \$4,600,000; shall be dated December 20, 2011; 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 rate per annum and mature on June 1, 2016 as set forth on the Proposal. Interest is payable semi-annually on June 1 and December 1 of each year, commencing on June 1, 2012. 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 Notes 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 Notes shall be subject to redemption prior to maturity, at the option of the City, on June 1, 2015 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 4. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2012 through 2015 for the payments due in the years 2012 through 2016 in the amounts set forth on the Schedule. The amount of tax levied in the year 2012

shall be the total amount of debt service due on the Notes in the years 2012 and 2013; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of interest on the Notes in the year 2012.

(B) Tax Collection. So long as any part of the principal of or interest on the Notes 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 Notes, 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 Notes 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.

(D) Appropriation. The City hereby appropriates from proceeds of the Notes or other funds of the City on hand a sum sufficient to be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay the interest on the Notes coming due on June 1, 2012 and December 1, 2012 as set forth on the Schedule.

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 \$4,600,000 Taxable General Obligation Promissory Notes, Series 2011, dated December 20, 2011" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes 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 Notes; (ii) any premium which may be received by the City above the par value of the Notes 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 Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes 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 Notes until all such principal and interest has been paid in full and the Notes canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes 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 Notes may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Notes 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 Notes 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 Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Notes. 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 purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Fund Account.

Section 8. Execution of the Notes; Closing; Professional Services. The Notes 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 Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes 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 Notes 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 Notes, 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 Notes is hereby ratified and approved in all respects.

Section 9. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by the Finance Director (the "Fiscal Agent").

Section 10. Persons Treated as Owners; Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered

owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the 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 Note or Notes 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 Note surrendered for transfer.

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

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

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 13. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Notes 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 14. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if 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 Notes 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 Notes).

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

Section 15. 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 Notes in the Record Book.

Section 16. Bond Insurance. If the Purchaser of the Notes determines to obtain municipal bond insurance with respect to the Notes, 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 Note 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 Notes 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 Note provided herein.

Section 17. 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-11-193

WHEREAS, one component of the financing plan for the property tax refund due to Covenant Healthcare includes a transfer of surplus funds from the Health/Life Fund to the General Fund; and

WHEREAS, the Finance Director of the City of Wauwatosa has determined that the appropriate amount to be transferred is \$2 million dollars, which would allow the City to maintain appropriate amounts in the fund pursuant to the City's benchmarks;

NOW, THEREFORE, BE IT RESOLVED THAT a transfer of \$2 million dollars from the Health/Life Fund to the General Fund for purposes of replenishing an equal amount of cash which was previously expended as part of the Covenant Healthcare property tax refund settlement is hereby approved.

It was moved by Ald. Walsh, seconded by Ald. Causier
to approve the five foregoing resolutions. -16

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 11/16/11 – 12/06/11 --

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 11/16/11 – 12/06/11,

\$2,655,016

It was moved by Ald. Meaux, seconded by Ald. Hanson that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15-0-1 (Donegan)

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-11-194

BE IT RESOLVED by the Common Council of the City of Wauwatosa, that the proper city officials be and they are hereby authorized and directed to enter into a contract with American Sewer Services, Inc., for the work of Courtland Avenue relief storm sewer and work incidental thereto under Contract 12-01, Project 4002-02, at and for their bid price of \$636,830, 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. Hanson, seconded by Ald. Wilson to approve the foregoing resolution. -16

There being no further business, the meeting adjourned at 8:55 p.m.

cal

Carla A. Ledesma, CMC, City Clerk