



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

COMMON COUNCIL
Regular Meeting, Tuesday, August 7, 2012

PRESENT: Alds. Wilson, Berdan, Birschel, Causier, Dubinski, Ewerdt, McBride, Moldenhauer, Organ, Pantuso, Tilleson, Walz-Chojnacki, Wilke -13

EXCUSED: Alds. Donegan, Hanson, Roznowski

ALSO PRESENT: Mr. Kesner, City Attorney; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Fire Chief Ugaste; Ms. Enders, Development Director; Ms. Ledesma, City Clerk

Mayor Ehley in the Chair

The Mayor called the meeting to order at 6:30 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. -13

OLD BUSINESS

The following were held after public hearings before the Council on July 17, 2012:

ORDINANCE O-12-17

AN ORDINANCE AMENDING CHAPTER 24.08.015 BY ADDING FUNERAL & INTERMENT SERVICES – FUNERAL ASSEMBLY AS A CONDITIONAL USE IN THE AAA SINGLE FAMILY RESIDENCE DISTRICT

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

Part 1. That Section 24.08.015 is amended to include the following as a conditional use:

Funeral & Interment Services – Funeral Assembly.....6241

Part II. This Ordinance shall take effect and be in force from and after its passage and publication.

ORDINANCE O-12-18

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING 6005 WEST MARTIN DRIVE FROM AA LIGHT MANUFACTURING DISTRICT TO BUSINESS PLANNED DEVELOPMENT DISTRICT

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

Part I. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect the following change:

Lot 1 of Certified Survey Map No. 8319

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

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

It was moved by Ald. Pantuso, seconded by Ald. Causier to adopt the two foregoing ordinances. -13

APPOINTMENTS BY THE MAYOR

City Plan Commission

Gloria Stearns, 1815 N. 116th Street, term ending 4/30/2015

Library Board

Peter Holtz, 2650 N. 89th Street, term ending 6/30/2015

Ann Marie Perhach, 11637 W. Clarke Street, term ending 6/30/2015

Maureen Klein, 1816 Alta Vista Avenue, term ending 6/30/2015

Board of Review

James Benz, 2504 N 83rd Street, term ending 6/30/2015

It was moved by Ald. Causier, seconded by Ald. Birschel to concur with the foregoing appointments. -13

APPOINTMENT BY THE COMMON COUNCIL PRESIDENT

VISIT Milwaukee

Ald. Bobby Pantuso, 5th District, 2365 N. Lefebber Avenue

It was moved by Ald. McBride, seconded by Ald. Tilleson to concur with the foregoing appointment. Ayes 11, Noes 1 (Ewerdt), Present 1 (Pantuso)

APPLICATIONS, COMMUNICATIONS, ETC.

1. Donation of \$1,000 from Wal-Mart, 702 S.W. Eighth Street, Bentonville, AR to the Police Community Support Division
Place on file
2. Conditional Use application in the AA Business District for a gas station with convenience store at 10605 W. North Avenue, Ajit S. Walia, Spring North Corp., applicant
Plan Commission, Community Development Committee
3. Conditional Use application in the Village Trade District for outdoor dining at the Firefly restaurant, 7754 Harwood Avenue, Chris Prissel, Firefly, and Rod Schmidt, GDR Partnership, applicants
Plan Commission, Community Development Committee
4. Summons and Complaint: Bonstores Realty One, LLC, 2801 E. Market Street York, PA
City Attorney
5. Conditional Use application in the AA Business District for a massage and yoga studio at 824 N. 68th Street, Jody Janus, Janus Massage and Yoga, and Joe Fuchs, applicants
Plan Commission, Community Development Committee
6. Email from Kelley Ruzicka, Tosa East Towne Neighborhood Assoc., advising of a date change for the annual charity run from September 22 to September 29, 2012
Place in existing file
7. Notice of Claim: Lynnanne Huber, 2848 N. 117th Street, Milwaukee
City Attorney

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-128

WHEREAS, Lee R. Barczak, d/b/a Neighborhood Theater Group, 6823 W. North Avenue, Wauwatosa, WI, has applied for a Class “B” Beer/”B Liquor” license;

NOW, THEREFORE, BE IT RESOLVED THAT a Class “B” Beer/”B Liquor” license be granted to Lee R. Barczak, d/b/a Neighborhood Theater Group, 6823 W. North Avenue, Wauwatosa, WI, for the period ending June 30, 2013.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-12-129

WHEREAS, Michael Laus of Jimmy’s Island Grill, 2303 N. Mayfair Road, has requested a temporary extension of their Class “B” Beer/”B Liquor” license to include the parking lot of the business on August 26, 2012, for a first anniversary party;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of Jimmy’s Island Grill be extended to include the parking area on August 26, 2012, between the hours of 3:00 PM to 9:00 PM with music from 4:00 PM – 8:00 PM, with all trash being removed from the parking lot after the event.

It was moved by Ald. Ewerdt, seconded by Ald. Moldenhauer to approve the two foregoing resolutions. -13

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-12-19

AN ORDINANCE AMENDING SECTION 11.32.080 OF THE CODE OF THE CITY OF WAUWATOSA PERTAINING TO PARKING ON THE WEST SIDE OF NORTH 85TH STREET AT WEST NORTH AVENUE

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

Part I. “North 85th Street – west side” portion of the schedule of streets, and portions, subsection of Section 11.32.080 of the Wauwatosa Municipal Code is hereby amended by adding the following:

(m) from the north corner of North Avenue to a point 110 feet north of the corner of North Avenue

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-12-20

AN ORDINANCE CREATING WAUWATOSA CODE SECTION 11.32.490(6) TO ADD AMERICANS WITH DISABILITIES ACT ON-STREET PARKING

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

Part I. Section 11.32.490(6) of the Wauwatosa Municipal Code is hereby created to read as follows:

6. “In the marked area adjacent to the property at 1853 N. 75th Street.”

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-12-140

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the official stop sign map of the City of Wauwatosa is hereby amended by adding four-way stop signs at the intersection of Cedar Street, Maple Terrace, and N. 67th Street.

It was moved by Ald. Wilke, seconded by Ald. Walz-Chojnacki to adopt the two foregoing ordinances and to approve the foregoing resolution -13

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-130

WHEREAS, the Wauwatosa Historic Preservation Commission met and held a public hearing on July 12, 2012 to review the qualifications of the cemetery chapel located in the Wauwatosa Cemetery, 2435 Wauwatosa Avenue, for designation as a Wauwatosa Historic Property, and;

WHEREAS, the building is potentially eligible for listing on the National Register of Historic Places under criterion A - History and complies with Chapter 24.55.040 of the Wauwatosa Municipal Code by reflecting the broad cultural, political, economic or social history of Wauwatosa;

NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Wauwatosa, upon recommendation of the Wauwatosa Historic Preservation Commission and the findings of fact, hereby designate the cemetery chapel located the Wauwatosa Cemetery, 2435 Wauwatosa Avenue, as a Wauwatosa Historic Property.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-131

WHEREAS, Ted Larsen, Church and Chapel Real Estate LLC, and Russell Gnant, Unity West, Inc., have applied for a Conditional Use in the AAA Single Family Residence District at 4750 North Mayfair Road to operate a funeral home for funeral services only 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 Ted Larsen, Church and Chapel Real Estate LLC, and Russell Gnant, Unity West, Inc., to operate a funeral home for funeral services only in the AAA Single Family Residence District at 4750 North Mayfair Road, subject to the following:

1. Daily hours of operation: 24 hours for staff and family and 10 a.m. to 10 p.m. for funeral services
2. reuse of the existing monument sign
3. obtaining any additional permits and licenses

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-12-132

WHEREAS, Brett Haney, HSI Properties, Inc., and Keith Trafton, Martin Real Estate LLC., have applied for preliminary approval of a Business Planned Development at 6005 West Martin Drive to construct a 40-unit apartment building, 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 preliminary approval of a Business Planned Development to Brett Haney, HSI Properties, Inc., and Keith Trafton, Martin Real Estate LLC., to construct a 40-unit apartment building at 6005 West Martin Drive, subject to the following:

- 1) approval by appropriate city staff related to utilities, engineering, fire and building codes
- 2) approval by the Design Review board
- 3) obtaining all necessary licenses and permits

It was moved by Ald. Pantuso, seconded by Ald. Berdan to approve the three foregoing resolutions. -13

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-133

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the proper City officials are hereby authorized to enter into a new two-year contract with U. S. Cellular for mobile phone service consistent with that presented to the Committee on Budget and Finance at its July 31, 2012, meeting.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-135

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the City of Wauwatosa hereby authorizes the City Attorney to settle the matter of Mary Horne v. City of Wauwatosa, Milwaukee County Case No. 12CV000132, by payment of \$75,000.00.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-136

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$12,400,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2012**

WHEREAS, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") to raise funds for public purposes, including paying the cost of street improvement projects, bridge repairs, park projects, storm and sanitary sewer improvements, police and fire equipment, automated refuse vehicles, projects in the North Avenue Strategic Plan and the Village Strategic Plan and other public

improvements included in the City's Capital Improvement Plan (collectively, the "Project"), and there are insufficient funds on hand to pay said cost;

WHEREAS, cities are authorized by the provisions of Section 67.12(12), Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purposes;

WHEREAS, the Common Council adopted a resolution on July 17, 2012, directing Hutchinson, Shockey, Erley & Co., Milwaukee, Wisconsin ("HSE") to take the steps necessary to sell general obligation promissory notes designated "General Obligation Promissory Notes, Series 2012" (the "Notes") to pay the cost of the Project;

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 Notes and indicating that the Notes would be offered for public sale on August 7, 2012;

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 Notes for public sale on August 7, 2012;

WHEREAS, the City has duly received bids for the Notes as described on the Bid Tabulation attached hereto as Exhibit B 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 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.

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 Notes set forth in Exhibit A attached hereto as and for the details of the Notes. 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. Authorization and Award of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of TWELVE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$12,400,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Notes 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 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 Notes bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2012"; shall be issued in the aggregate principal amount of \$12,400,000; shall be dated August 21, 2012; 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 June 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2013. 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 D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on June 1, 2021 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on June 1, 2020 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 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 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 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 2021 for the payments due in the years 2013 through 2022 in the amounts set forth on the Schedule.

(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.

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 \$12,400,000 General Obligation Promissory Notes, Series 2012, dated August 21, 2012" (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. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(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. 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 Notes 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 Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the

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

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes 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 tax-exempt status of the interest on the Notes 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 Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) 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 Notes provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Notes 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 10. 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 11. 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 12. 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 13. 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 14. 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 15. Official Statement. The Common Council hereby approves the Near Final Official Statement with respect to the Notes and deems the Near Final 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 Near Final 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 Near Final Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Near Final 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 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 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 Notes in the Record Book.

Section 18. Bond Insurance. If the Purchaser 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 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.

It was moved by Ald. Wilson, seconded by Ald. Ewerdt
to approve the three foregoing resolutions. -13

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-12-134

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the appropriate City officials are hereby authorized to execute a proposed State/Municipal agreement with the Wisconsin Department of Transportation for the improvement of State Highway 100 between I-94 and Watertown Plank Road; and

BE IT FURTHER RESOLVED that city staff be directed to pursue a Community Sensitive Solution with the Department of Transportation to address community impacts for the road work planned for Mayfair Road between Walnut Road and Burleigh Street, and between Burleigh Street and Hampton Avenue.

It was moved by Ald. Wilson, seconded by Ald. Wilke
to approve the foregoing resolution with the modification
that city staff be directed to pursue a Community Sensitive
Solution process with the Department of Transportation to
address community impacts for the road work planned for
Mayfair Road between Walnut Road and Burleigh Street,
and between Burleigh Street and Hampton Avenue. -13

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 7/18/12 – 08/07/12 --

The Committee on Budget and Finance hereby reports to the Common Council that it has examined the accounts of bills and claims and hereby certifies the same as correct and recommends that each of said accounts be allowed and paid.

Total bills and claims for 7/18/12 – 08/07/12: \$2,199,964.49

It was moved by Ald. Causier, seconded by Ald. Wilson that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 13

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-137

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to the Firefly Urban Bar & Grill, 7754 Harwood Avenue, Wauwatosa, WI, to encroach onto City right-of-way with outdoor seating, subject to applicants executing unto the City an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicants, and, also, with the stipulation that no rugs be placed on the ground and some type of border or permanent fixture be placed at the border line to show limits of the encroachment space.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-138

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 Winding Roofing Co., Inc., for the base bid work of the west roof on the municipal complex, and the roof on the Muellner Building at Hart Park, and work incidental thereto under Contract 12-25 2012 Roof Replacement, this being the lowest and best bid.

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

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-12-139

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper city officials be and they are hereby authorized and directed to enter into a contract with Rawson Contractors, Inc., for the work of 2012 lift station improvements (N. 98th Street from Palmetto Avenue to Grantosa Drive, Grantosa Drive from Palmetto Avenue to 500 feet west of N. 100th Street, Fisher Parkway at

N. 104th Street), and work incidental thereto under Contract 12-98/Project 3004 at and for their bid price of \$543,550.00, 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. Birschel, seconded by Ald. Wilson to approve the three foregoing resolutions. -13

There being no further business, the meeting adjourned at 6:52 p.m.

cal

Carla A. Ledesma
Carla A. Ledesma, CMC, City Clerk