



# CITY OF WAUWATOSA

## COMMON COUNCIL

AGENDA • JULY 16, 2013

**Regular Meeting**

**Common Council Chambers**

**7:30 PM**

7725 West North Avenue, Wauwatosa, WI 53213

PLEASE NOTE: The items on this agenda may be revised before the time of the Common Council meeting, some items may be removed and others added prior to the completion of the final Common Council agenda. The final agenda will be available in the City Clerk's office and on the city website at [www.wauwatosa.net](http://www.wauwatosa.net). It is anticipated that each item listed on the agenda may be discussed, referred or acted upon unless it is noted in the specific agenda item that no action is contemplated.

### ROLL CALL

Approval of minutes of previous meeting

### APPOINTMENTS BY THE MAYOR

1. Board of Review (appointment, first reading)

**Pamela Stokke-Ceci, 6420 Betsy Ross Place (Dist. 1)**  
(Filling vacancy; Term expires 6/30/14)

2. Board of Public Debt Commissioners (reappointment, first reading)

**Marilyn Spear, 2335 North 89th Street (Dist. 6)**  
(Term expires 4/30/15)

3. Senior Commission (appointment, first reading)

**Randall L. Daut, 2420 North 84th Street (Dist. 6)**  
(Term expires 4/30/15)

4. Visit Milwaukee (reappointment, first reading)

**Paulette Enders, 7725 West North Ave (Administration Representative)**  
(Term expires 7/20/14)

### APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claim: Joseph Schleicher, 225 Glenview Ave

**City Attorney**

2. Letter from Time Warner Cable regarding conversion of analog channels to digital format

**Place on file**

3. Statement of Financial Condition for the month ending June 30, 2013

**Place on file**

4. Notice of Claim: Rodriguez Construction Company, 2208 Badger Court, Waukesha

**City Attorney**

5. Environmental Assessment by the Public Service Commission of Western Milwaukee County Electric Reliability Project

**Add to existing file**

**ORDINANCES FOR INTRODUCTION**

1. Ordinance amending Chapter 1.04.110 pertaining to polling locations in Wauwatosa

**Re-refer to originating committee**

**FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS**

1. Resolution approving the Operator License application by Katerina Dorshak, 2341 N. 85th Street, for the period ending June 30, 2014

**Committee recommended approval 5-0**

2. Resolution approving the Operator License application by Paul S. Kennedy, Jr., 6433 N. 55th Street, Milwaukee, for the period ending June 30, 2014

**Committee recommended approval 5-0**

3. Resolution approving a Reserve "Class B" Liquor License for Innovative Frameworks, LLC, d/b/a Bridgetowne Framing Gallery, 7734 Harwood Avenue, for the period ending June 30, 2014, Peter K. Haise, agent, and approving an economic development grant

**Committee recommended approval 5-0**

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

1. Resolution approving a Land Division by Certified Survey Map at 2500 North Mayfair Road, Stephen Smith, Mayfair Mall, LLC., and Brian Randall, Friebert, Finerty & St. John S.C., applicants

**Committee recommended approval 8-0**

2. Resolution approving a Conditional Use in the C2 District at 3720 North 124th Street for a retail store selling new and refurbished merchandise, Scott Lubert, Independence First, Inc., and Stephen Lauenstein, KL 124th Partners, LLC., applicants

**Committee recommended approval 8-0**

3. Resolution approving a Conditional Use in the C1 District at 7700 Harwood Avenue for a bar/restaurant with outdoor seating, Michael Eitel, The Lowlands Group, and Sean Phelan, 7700 Harwood LLC.

**Committee recommended approval 8-0**

**FROM THE COMMITTEE ON BUDGET & FINANCE**

1. Resolution providing for the sale of \$4,100,000 General Obligation Refunding Bonds, Series 2013

**Committee recommended approval 8-0**

2. Resolution providing for the sale of \$6,250,000 General Obligation Promissory Notes, Series 2013

**Committee recommended approval 8-0**

3. Ordinance amending portions of Section 3.20.040 of the Wauwatosa Municipal Code to raise the purchase order threshold to five thousand dollars (for adoption)

**Committee recommended approval 8-0**

4. Bills and claims

**FROM THE BOARD OF PUBLIC WORKS**

1. Resolution authorizing the encroachment for an in-ground irrigation system at 507 N. 70th Street, subject to the execution of a hold harmless agreement, John Hammond, applicant

**Board recommended approval 4-0**

2. Resolution authorizing the encroachment for a fence at 2017 N. 113th Street, subject to the execution of a hold harmless agreement, Kyle Stuppan and Katy Miernow, applicants

**Board recommended approval 3-0**

3. Resolution authorizing the encroachment for outdoor seating, a trash enclosure, a planter, the front vestibule, entry and exit door along Menomonee River Parkway, a roof overhang, and a bay window at 7700 Harwood Avenue, subject to the execution of a hold harmless agreement, 7700 Harwood LLC, applicant

**Board recommended approval 4-0**

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires the meeting or materials at the meeting to be in an accessible location or format, must contact the City Clerk at voice telephone 479-8917 or TTY 471-8484 (City Hall, 7725 W. North Avenue, Wauwatosa, Wisconsin 53213) for accommodations. Requests for accommodations for meetings should be made at least three (3) business days prior to the meeting. Every effort will be made to arrange accommodations for all meetings; so please give the City Clerk as much advance notice as possible.

CITY OF WAUWATOSA  
Resolution

By: Legislation, Licensing & Communications

WHEREAS, Katerina Dorshak, 2341 N. 85th Street, Wauwatosa, WI, has applied for an operator's license in conjunction with her employment at Dave & Busters on Mayfair Road in Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT Katerina Dorshak is hereby issued an operator's license for the period ending June 30, 2014.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

By: Legislation, Licensing and Communications

WHEREAS, Paul Kennedy, 6443 N. 55th Street, Milwaukee, WI, has applied for an operator's license in conjunction with his employment at the Innovation Restaurant, 10499 Innovation Drive, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Paul Kennedy is hereby issued an operator's license for the period ending June 30, 2014.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

By: Legislation, Licensing and Communications

WHEREAS, Peter Haise, agent for Innovative Frameworks, LLC, d/b/a Bridgetowne Framing Gallery, 7734 Harwood Avenue, Wauwatosa, WI, has applied for a Class B Beer and Reserve Class B Liquor licenses;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B Beer and Reserve Class B Liquor license be awarded to Peter Haise, agent for Innovative Frameworks, LLC, d/b/a Bridgetowne Framing Gallery, 7734 Harwood Avenue, Wauwatosa, WI, for the period ending June 30, 2014;

BE IT FURTHER RESOLVED THAT an economic development grant in the sum of \$9,500.00 pursuant to Section 6.08.475 of the Wauwatosa Municipal Code be and hereby is granted.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

By: Community Development Committee

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that permission be and the same is hereby granted to Stephen Smith, Mayfair Mall, LLC., and Brian Randall, Friebert, Finerty & St. John S.C., for a Land Division by Certified Survey Map at 2500 North Mayfair Road. The location of the parcels is more particularly described as follows:

Being a division of Lot 1 of Certified Survey Map No. 8311 and Parcel 3 of Certified Survey Map No. 5460, being a part of the Northwest ¼, Northeast ¼, Southwest ¼, and Southeast ¼ of the Southwest ¼ and the Southwest ¼ of the Northwest ¼ of Section 17, Town 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, Wisconsin.

All in accordance with the application attached hereto and made a part of this resolution, and in compliance with Section 24.56.010 of the Code of the City of Wauwatosa and subject to the payment of all outstanding special assessments on the aforescribed property which is being subdivided and a variance approval by the Board of Zoning Appeals.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

By: Community Development Committee

WHEREAS, Scott Luber, Independence First, Inc., and Stephen Lauenstein, KL 124th Partners, LLC., applied for a Conditional Use in the C2 District at 3720 North 124th Street for a retail store selling new and refurbished merchandise, 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 Scott Luber, Independence First, Inc., and Stephen Lauenstein, KL 124th Partners, LLC., for a retail store selling new and refurbished merchandise in the C2 District at 3720 North 124th Street , contingent upon:

1. hours of operation Monday 9:30 a.m. to 5:30 p.m; Tuesday 9:30 a.m. to 5 p.m.; Wednesday and Thursday 9:30 a.m. to 4 p.m; Saturday 10 a.m. to 2 p.m.; and closed Friday and Sunday
2. obtaining the necessary licenses and permits

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

By: Community Development Committee

WHEREAS, Michael Eitel, The Lowlands Group, and Sean Phelan, 7700 Harwood LLC., applied for a Conditional Use in the C1 District at 7700 Harwood Avenue for a bar/restaurant with outdoor seating, and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Michael Eitel, The Lowlands Group, and Sean Phelan, to operate a bar/restaurant in the C1 District at 7700 Harwood Avenue, contingent upon:

1. hours of operation Monday through Friday 11:00 a.m. to 2:00 a.m. and Saturday and Sunday 9:00 a.m. to 2:00 a.m.
2. execution of encroachment and lease agreements for use of public space
3. construction of an aesthetically pleasing and functional garbage enclosure
4. obtaining any other licenses and permits.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

By: Budget and Finance Committee

WHEREAS, the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") heretofore issued its Taxable General Obligation Promissory Notes, Series 2009 (Build America Bonds - Direct Payment), dated July 1, 2009 (the "Refunded Obligations") and irrevocably designated such issue to be a qualified "Build America Bond" 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 is eligible to claim refundable credits with respect to each interest payment on the Refunded Obligations, payable to the City by the Secretary of the United States Department of the Treasury ("Treasury");

WHEREAS, on May 20, 2013, the City was notified by the Treasury that the credit payment it requested with respect to the June 1, 2013, interest payment on the Refunded Obligations was reduced by 8.7%, pursuant to the requirements of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, as evidenced by the letter attached hereto as Exhibit A and incorporated herein by this reference, and the City subsequently received the reduced credit payment;

WHEREAS, the Refunded Obligations are 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 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 Treasury or (b) the 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;

WHEREAS, the Common Council hereby finds and determines that the Treasury's reduction in the credit payment with respect to the June 1, 2013, interest payment was not due to any action or inaction by the City, and as a result, the extraordinary redemption provision referred to above was triggered, and the Refunded Obligations are eligible to be redeemed on any day;

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations due to Treasury's failure to make the full cash subsidy payment provided that tax-exempt interest rates permit the City to achieve debt service cost savings as a result of the refunding; and

WHEREAS it is desirable to borrow the funds needed for such purpose through the issuance of general obligation bonds pursuant to Section 67.04, Wis. Stats.

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

Section 1. Issuance of the Bonds. The City shall issue General Obligation Refunding Bonds, Series 2013 (the "Bonds") in the amount of \$4,100,000 for the purpose above specified.

Section 2. Sale of the Bonds. The Common Council hereby authorizes and directs that the Bonds be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Bonds as may have been received and take action thereon.

Section 3. Notice of Sale. The City Clerk (in consultation with Hutchinson, Shockey, Erley & Co. ("HSE")) is hereby authorized and directed to cause the sale of the Bonds to be publicized at such times and in such manner as the City Clerk may determine and to cause copies of a complete, official Notice of Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may

CITY OF WAUWATOSA  
Resolution

By: Budget and Finance Committee

determine.

Section 4. Official Statement. The City Clerk (in consultation with HSE) shall also cause an Official Statement to be prepared and distributed. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Section 5. Material Event Notice. Notice with respect to the triggering of the extraordinary redemption provision and the City's intent to redeem the Refunded Obligations has been provided in the manner required by the undertakings entered into by the City with respect to the Refunded Obligations pursuant to SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934. Such notice (which is in the form attached hereto as Exhibit B) is hereby ratified and confirmed.

Section 6. Award of the Bonds. Following receipt of bids for the Bonds, the Common Council shall consider taking further action to provide the details of the Bonds; to award the Bonds to the lowest responsible bidder therefor; and to levy a direct annual irrevocable tax sufficient to pay the principal of and interest on the Bonds as the same becomes due as required by law.

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

CITY OF WAUWATOSA  
Resolution

By: Budget and Finance Committee

WHEREAS, the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") is presently in need of \$6,250,000 for public purposes, including paying the cost of street improvement projects, bridge repairs, park projects, storm and sanitary sewer improvements, police, fire and public works equipment, park improvements and other public improvements included in the City's Capital Improvement Plan (the "Projects");

WHEREAS, the Common Council hereby finds and determines that the Projects are within the City's power to undertake and therefore serve a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes; and

WHEREAS, the Common Council of the City hereby finds and determines that general obligation promissory notes in the amount of \$6,250,000 should be issued pursuant to Section 67.12(12), Wisconsin Statutes, to finance the Projects.

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

Section 1. Issuance of the Notes. The City shall issue General Obligation Promissory Notes, Series 2013 (the "Notes") in the amount of \$6,250,000 for the purposes above specified.

Section 2. Sale of the Notes. The Common Council hereby authorizes and directs that the Notes be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Notes as may have been received and take action thereon.

Section 3. Notice of Sale. The City Clerk (in consultation with Hutchinson, Shockey, Erley & Co. ("HSE")) is hereby authorized and directed to cause the sale of the Notes to be publicized at such times and in such manner as the City Clerk may determine and to cause copies of a complete, official Notice of Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk (in consultation with HSE) shall also cause an Official Statement to be prepared and distributed. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Section 5. Award of the Notes. Following receipt of bids for the Notes, the Common Council shall consider taking further action to provide the details of the Notes; to award the Notes to the lowest responsible bidder therefor; and to levy a direct annual irrevocable tax sufficient to pay the principal of and interest on the Notes as the same becomes due as required by law.

Section 6. 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.

CITY OF WAUWATOSA  
Resolution

By: Budget and Finance Committee

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

## Ordinance

ORDINANCE AMENDING PORTIONS OF SECTION 3.20.040 OF THE WAUWATOSA MUNICIPAL CODE TO RAISE THE PURCHASE ORDER THRESHOLD TO FIVE THOUSAND DOLLARS (FOR ADOPTION)

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

Part I. Section 3.20.040A2 of the Wauwatosa Municipal Code is hereby amended by changing the term "One Thousand Dollars" to "Five Thousand Dollars"

Part II. Section 3.20.040A3 shall be amended to read in its entirety as follows:

When any single purchase or group of related purchases shall be less than five thousand dollars, the purchase may be authorized without the taking of quotations or bids as described in Section 3.20.050 or 3.20.060 of the chapter, subject to the Common Council's approval of the payment for such purchase

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

Passed and Dated \_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor