

CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, July 2, 2002

PRESENT: Alds. Ecks, Grimm, Herzog, Kopischke, Krol, Matthews, McCarthy, Stepaniak, Sullivan, Treis, Bruderle -Baran, Becker, Casey -13

EXCUSED: Alds. Heins, Jenkins, and Subotich

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Comptroller/Treasurer; Ms. Aldana, Asst. City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Dir. of Community Development; Police Capt. Bozicevich; Fire Chief Redman; Mr. Brown, Personnel Dir.; Mr. Wojcehowicz, Water Utility Supt.; Mr. Coffaro, Asst. to the Admin.; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

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

A moment of silence was held in observance of the deaths of former Alds. Ralph Stevens and Arthur Matthias.

It was moved by Ald. Grimm, seconded by Ald. Kopischke that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -13

OLD BUSINESS

RESOLUTION R-02-176

WHEREAS, appeals of the Carlson Dettmann salary study have been completed and the Committee has implemented numerous changes to the original study; and

WHEREAS, implementation of the new pay structures and processes pursuant to the Carlson Dettmann study prepared for the City of Wauwatosa will create a more equitable pay system for nonrepresented employees at the City of Wauwatosa, encouraging them to remain in the employment of the City;

NOW, THEREFORE, BE IT RESOLVED THAT the recommendations of the Carlson Dettmann Compensation and Classification Study, as amended pursuant to appeals processes and approved by the Committee on Employee Relations, a summary of which is attached, will be implemented with an effective date of December 15, 2002.

Successful Appeals to Carlson Dettmann Pay Study

<u>Position</u>	<u>Issue</u>	<u>From</u>	<u>To</u>
Administrative Asst.	Title	Admin. Asst.	Asst. to the City Adminis.
Executive Secretary	Additional functions, title	Exec. Sec., Grade 5	Exec. Asst., Grade 6
Operations Capt.	Shared duties & responsibilities	Grade 15	Grade 16
Lieutenant	Compression	Grade 13	Grade 14
Asst. Fire Chief	Responsibilities, compression	Grade 14	Grade 15
Property Maint. Insp.	Education and preparation	Grade 7	Grade 8
Deputy Fire Chief	Compression	Grade 12	Grade 13
City Clerk	Additional responsibilities	Grade 13, Step 7	Grade 13, Step 8
Deputy City Clerk	Additional responsibilities	Grade 8, Step 5	Grade 8, Step 6

It was moved by Ald. Casey, seconded by Ald. McCarthy to approve the foregoing resolution. Upon roll call vote, the vote was Ayes 12, Noes 1 (Sullivan).

OLD BUSINESS

RESOLUTION R-02-177

WHEREAS, the Fire Chief anticipates several retirements in the department within the next several months; and

WHEREAS, the Fire Chief has determined that the City can benefit from the early hiring of one firefighter, prior to the actual retirement of the personnel he or she will replace, by reducing overtime costs and creating efficiencies in training;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the Fire Chief be authorized to hire one firefighter prior to the actual retirement of the personnel he or she will replace;

BE IT FURTHER RESOLVED THAT the staffing level in the fire department be temporarily increased from 57 to 58 firefighters.

It was moved by Ald. McCarthy, seconded by Ald. Casey to approve the foregoing resolution. - 13

APPOINTMENTS BY THE MAYOR

Library Board

Joanne Petersen, School Board Representative (reappointment)
Randal Brotherhood, 1665 Mountain Avenue (reappointment)
(Terms end 6/30/05)

Citizens' Advisory Capital Improvements Committee

Randal Brotherhood, 1665 Mountain Avenue (reappointment)
William Seeman, 6230 Upper Parkway North (reappointment)
Nancy Krebs, 2571 N. 88th Street (reappointment)
(Terms end 6/30/05)

Foregoing appointments ordered held as this was the first reading.

Civic Celebration Commission

Mike and Nanette Gaffrey, 1018 N. 121st Street
(Terms end 12/31/06)

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

APPLICATIONS, COMMUNICATIONS, ETC.

1. Conditional Use application to install 6 additional antennas on the city water tower at 108 N. Glenview Avenue
Plan Commission, Committee on Community Development
2. Conditional Use application to add second floor living space to the building at 1511 N. 68th Street
Plan Commission, Committee on Community Development
3. Application for amendment to the Zoning Code making medical clinic as a special use only when accessory to a permitted use in the AA Light Manufacturing and AA Industrial districts
Plan Commission, Committee on Community Development
4. Special Use application to operate a Mexican restaurant at 7225 W. North Avenue
Plan Commission, Board of Zoning Appeals
5. Donation: \$200 from Roosevelt School PTA for police community
Place on file
6. City of Wauwatosa Investment Summary, Bank Reconciliation of Depository Accounts, and Statement of Financial Condition as of May 31, 2002
Place on file
7. Notices of Claim: Daniel Faustmann, 6108 W. Stevenson Street, Milwaukee
Sherrie G. Harmon, 6600 N. 89th Street, Milwaukee
Sentry Insurance for John Stanczak, W204 N5988 Lannon Road
Attorney Joan Beck for Thomas Genack, Dr. Ravi Misra, Jo Durnin, Mike Owens, John Movroydis, Mary, Steve & Theresa Movroydis, James & Angela Sisk, Earl Kreckel, Robert & Elizabeth D. Petrovick & others
City Attorney

8. Special Use application to operate a restaurant/supper club at 6030 W. North Avenue
Plan Commission, Board of Zoning Appeals
9. Letters from Robert T. Teske, Milwaukee County Historical Society, and Kathleen Dohearty Mintner, 1869 N. 71st Street requesting a variance to retain the existing sign at the Lowell Damon House at 2107 Wauwatosa Avenue
Building Department
10. Letter from Judge Richard J. Baker requesting a review of elected officials' salaries
Committee on Budget & Finance
11. Letter from Robert Berlan, Director, US Dept. of Housing & Urban Development Office of Community Planning & Development, reporting an assessment of the city's planning and management of CDBG funds was determined satisfactory
Place on file

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending Section 15.14 of the Sign Code pertaining to the Village Business Improvement District
Re-refer to originating committee
2. Ordinance amending the Zoning Code by rezoning property at 11728 W. North Avenue from AAA Single Family Residence District to AA Business District
Re-refer to originating committee
3. Ordinance rezoning property at 1060 N. 115th Street from Light Manufacturing District to Business Planned Development
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-178

WHEREAS, Carl Templer, Manager of the Village of Wauwatosa Business Improvement District, has applied for a street festival permit to utilize Harwood Avenue between Wauwatosa Avenue and State Street on August 17, 2002, for purposes of the Hot Times/Cool Village Art Fair; and

WHEREAS, the Community Development Committee has reviewed the request and believes the issuance of the permit to be in the public interest; and

NOW, THEREFORE, BE IT RESOLVED THAT, upon payment of the prescribed \$100.00 permit fee, a street festival permit shall be granted for the Hot Times/Cool Village Art Fair to utilize Harwood Avenue between Wauwatosa Avenue and State Street on August 17, 2002, between the hours of 8:00 a.m. and 8:00 p.m. consistent with the terms and conditions reflected in the attached Street Festival Permit which is incorporated as though fully set forth herein.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-179

WHEREAS, Carl Leummer of WE Energies and Peter Stergiades, has applied for a Conditional Use in the Estate Residence District at 11825 W. Center Street for a gateway device on a precast slab at the base of an existing transmission tower and two antennas on the 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 Carl Leummer of WE Energies and Peter Stergiades for a Conditional Use in the Estate Residence District at 11825 W. Center Street for a gateway device on a precast slab at the base of an existing transmission tower and two antennas on the tower.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-180

WHEREAS, Patricia Guzman, has applied for a Conditional Use in the AA Business District at 10616 W. Blue Mound Road to operate a massage therapy establishment 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 Patricia Guzman for a Conditional Use in the AA Business District at 10616 W. Blue Mound Road to operate a massage therapy establishment.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-181

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m., local time, on Tuesday, August 6, 2002 in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed ordinance rezoning property at 11728 W. North Avenue from AAA Single Family Residence District to AA Business District.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-182

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that a public hearing be held before the Common Council in the Council Chambers at 7:30 p.m., local time, on Tuesday, August 6, 2002 in the City Hall of the City of Wauwatosa, Wisconsin at which time all persons interested, or their agents or attorneys, will be heard concerning a proposed ordinance rezoning property at 1060 N. 115th Street from AA Light Manufacturing District to Business Planned Development District.

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

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-02-183

WHEREAS, the Wauwatosa Water Utility, in consultation with the City’s Engineering Services Division, has indicated a need to install a water main and related appurtenances across the northeast corner of the property located at 2275 North Mayfair Road, Tax Key Number 339-9999-00 (currently utilized for purposes of a Walgreen’s Drug Store); and

WHEREAS, installation of the water main in a utility easement across a portion of the aforementioned property will appropriately serve the purposes of the City of Wauwatosa; and

WHEREAS, the owner of the property, MRED (Mayfair/North) Associates, has agreed to grant the utility easement to the City of Wauwatosa pursuant to the terms of the attached Easement Agreement;

NOW, THEREFORE, BE IT RESOLVED THAT staff of the City of Wauwatosa are hereby authorized to obtain an easement, on terms consistent with the attached Easement Agreement, from MRED (Mayfair/North) Associates, across a portion of the property at 2275 North Mayfair Road in the City of Wauwatosa, Tax Key Number 339-9999-00, for purposes of installing a water main.

It was moved by Ald. Ecks, seconded by Ald. Becker to approve the six foregoing resolutions. -13

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-184

RESOLUTION SUPPLEMENTING RESOLUTIONS
NO. R-86-252, R-89-355, R-92-330, R-95-259, R-98-151 AND
R-98-354; PROVIDING FOR THE ISSUANCE AND SALE OF \$4,000,000 WATERWORKS
SYSTEM REVENUE BONDS, SERIES 2002 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, 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 four issues of mortgage revenue bonds which pledged the income and revenues of, and constituted a lien on, the System: (i) Waterworks Mortgage Revenue Bonds, Series 1960 dated May 1, 1960 (the "1960 Bonds"), (ii) Waterworks Mortgage Revenue Bonds, Series 1962 dated July 1, 1962 (the "1962 Bonds"), (iii) Waterworks Mortgage Revenue Bonds, Series 1963 dated July 1, 1963 (the "1963 Bonds") and (iv) Waterworks Mortgage Revenue Bonds, Series 1978 dated October 1, 1978 (the "1978 Bonds");

WHEREAS, the 1960 Bonds, the 1962 Bonds, the 1963 Bonds and the 1978 Bonds (hereinafter referred to collectively as the "Refunded Bonds") were refunded by the \$3,930,000 Waterworks System Revenue Bonds, Series 1986 dated June 1, 1986 (the "1986 Bonds");

WHEREAS, since the payment of the Refunded Bonds has been provided for by the escrow agent, the pledge and lien of the Refunded Bonds upon the income and revenues of the System has been discharged and satisfied;

WHEREAS, in 1988, it was necessary in order to improve the water pressure in the Municipality, to make certain additional improvements to the System, including: constructing, improving and installing pump and control stations, constructing a reservoir and paying the cost of related improvements in connection therewith (the "1988 Project");

WHEREAS, the Common Council of the Municipality (the "Governing Body") deemed it necessary, desirable and in the best interest of the Municipality to pay the cost of the 1988 Project from the proceeds of revenue bonds payable from the income and revenues of the System (the "Revenue Bonds");

WHEREAS, Resolution No. R-86-252, which authorized the 1986 Bonds (the "1986 Resolution"), provided that additional bonds could be issued to pay the cost of constructing, extending, adding to, improving, replacing, operating or managing the System on a parity and equality of rank with the 1986 Bonds with respect to the lien and claim to the income and revenues of the System provided certain conditions were met;

WHEREAS, contracts were let for the 1988 Project and the financial officer of the Municipality certified to the Governing Body that proceeds of bond anticipation notes were required for the payment of said contracts, as well as other costs including paying engineering, legal, financing and other professional fees;

WHEREAS, it was the finding of the Governing Body that it was necessary, desirable and in the best interest of the Municipality to provide for the issuance and sale of bond anticipation notes pursuant to Section 66.066(2)(m), Wisconsin Statutes (now Section 66.0621(4)(L)), to pay the cost of the 1988 Project in anticipation of the issuance and sale of revenue bonds, and on February 8, 1988, the

Municipality issued \$1,800,000 Waterworks System Revenue Bond Anticipation Notes, dated February 1, 1988 (the "1988 Notes");

WHEREAS, the Governing Body deemed it to be necessary, desirable and in the best interest of the Municipality to call the 1988 Notes prior to their maturity (the "1989 Refunding");

WHEREAS, certain improvements and extensions to the System were necessary to adequately meet the needs of the Municipality and the residents thereof, consisting of installing and replacing water mains and making other improvements, repairs, renovations and replacements to the System (the "1989 Project");

WHEREAS, for the purpose of paying the cost of the 1989 Refunding and the 1989 Project, the Municipality authorized, issued and sold \$2,700,000 Waterworks System Revenue Bonds, Series 1989, dated October 1, 1989 (the "1989 Bonds") pursuant to Resolution No. R-89-355 (the "1989 Resolution") on a parity with the 1986 Bonds, which 1989 Bonds were issued pursuant to the provisions of Section 66.066, Wisconsin Statutes (now Section 66.0621), the 1986 Resolution and the 1989 Resolution;

WHEREAS, certain additional improvements and extensions to the System were necessary to adequately meet the needs of the Municipality and the residents thereof, consisting of installing and replacing water mains and making other improvements, repairs, renovations and replacements to the System including purchasing equipment (the "1992 Project");

WHEREAS, for the purpose of paying the cost of the 1992 Project, the Municipality authorized, issued and sold \$2,200,000 Waterworks System Revenue Bonds, Series 1992, dated November 15, 1992 (the "1992 Bonds") pursuant to Resolution No. R-92-330 (the "1992 Resolution") on a parity with the 1986 Bonds and the 1989 Bonds, which 1992 Bonds were issued pursuant to the provisions of Section 66.066, Wisconsin Statutes (now Section 66.0621), the 1986 Resolution, the 1989 Resolution and the 1992 Resolution;

WHEREAS, certain additional improvements and extensions to the System were necessary to adequately meet the needs of the Municipality and the residents thereof, consisting of installing and replacing water mains and related improvements (the "1995 Project");

WHEREAS, the Governing Body of the Municipality also deemed it necessary, desirable and in the best interest of the Municipality to refund the 1986 Bonds maturing on January 1, 1997 and 1998 with a portion of the proceeds of the 1995 Bonds (defined below) from the revenues of the System for the purpose of achieving debt service cost savings (the "1995 Refunding");

WHEREAS, for the purpose of paying the costs of the 1995 Project and 1995 Refunding, the Municipality authorized, issued and sold \$1,300,000 Waterworks System Revenue Bonds, Series 1995, dated November 1, 1995 (the "1995 Bonds") pursuant to Resolution No. R-95-259 (the "1995 Resolution") on a parity with the 1989 Bonds and the 1992 Bonds, which 1995 Bonds were issued pursuant to the provisions of Section 66.066, Wisconsin Statutes (now Section 66.0621), the 1986 Resolution, the 1989 Resolution, the 1992 Resolution and the 1995 Resolution;

WHEREAS, by the 1995 Refunding, the Municipality redeemed the 1986 Bonds maturing on January 1, 1996, 1997 and 1998, thereby discharging and defeasing all outstanding 1986 Bonds within the meaning of Section 13 of the 1986 Resolution;

WHEREAS, certain additional improvements and extensions to the System were necessary to adequately meet the needs of the Municipality and the residents thereof, consisting of installing and improving water mains, repairing and painting an elevated storage tank and building a pump station (the "1998 Project");

WHEREAS, for the purpose of paying the cost of the 1998 Project, the Municipality authorized, issued and sold \$2,000,000 Waterworks System Revenue Bonds, Series 1998, dated June 1, 1998 (the "1998 Bonds") pursuant to Resolution No. R-98-151 (the "1998 Resolution") on a parity with the 1989 Bonds, 1992 Bonds, and the 1995 Bonds;

WHEREAS, the Governing Body of the Municipality deemed it necessary, desirable and in the best interest of the Municipality to refund the 1989 Bonds with the proceeds of the \$1,840,000 Waterworks System Revenue Bonds, Series 1999, dated January 1, 1999 (the "1999 Bonds") pursuant to Resolution No. R-98-354 (the "1999 Resolution") on a parity with the 1992 Bonds, 1995 Bonds, 1998 Bonds and the 1999 Bonds;

WHEREAS, certain additional improvements and extensions to the System are necessary to adequately meet the needs of the Municipality and the residents thereof, consisting of various water system improvements set forth in the capital improvement plan including replacing water mains and repairing and repainting a water tower (the "Project");

WHEREAS, on June 4, 2002, the Governing Body of the Municipality adopted Resolution No. R-02-162 authorizing the issuance and sale of waterworks system revenue bonds to pay the cost of the Project;

WHEREAS, the provisions of the 1986 Resolution permit additional revenue bonds to be issued on a parity and equality of rank with the 1992 Bonds, the 1995 Bonds, the 1998 Bonds and the 1999 Bonds (the 1992 Bonds, the 1995 Bonds, the 1998 Bonds and the 1999 Bonds shall be referred to collectively herein as the "Outstanding Bonds"), if certain provisions are complied with;

WHEREAS, the Outstanding 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 (including paying legal, financing and other professional fees in connection therewith), 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 Outstanding 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 1986 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 A and incorporated herein by this reference, the Municipality complies with the conditions precedent to the issuance of additional bonds on parity with the Outstanding Bonds;

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

WHEREAS, the Governing Body now deems it to be necessary, desirable and in the best interest of the Municipality to supplement the 1986 Resolution, as amended by the 1989 Resolution, the 1992 Resolution, the 1995 Resolution, the 1998 Resolution and the 1999 Resolution (collectively, the "Outstanding Resolutions"), to provide for the issuance and sale of waterworks system revenue bonds on a parity with the Outstanding Bonds and to award the sale of such bonds to Hutchinson, Shockey, Erley & Co., Milwaukee, Wisconsin.

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

Section 1(a). Definitions. The definitions in the 1986 Resolution, as amended by the Outstanding 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 1986 Resolution, as amended by the Outstanding Resolutions, to "Bonds", "Parity Bonds" or "Additional Bonds" shall apply to the bonds being issued pursuant to this Resolution.

Section 1(b). Restated, Additional and/or Amended Definitions. In addition to and/or in amendment of the terms defined in the 1986 Resolution, as amended by the Outstanding Resolutions, the following terms shall have the following meanings in this Resolution unless the context expressly or by implication requires otherwise:

"Bonds" means \$4,000,000 Waterworks System Revenue Bonds, Series 2002 of the Municipality dated July 15, 2002, authorized to be issued by this Resolution on a parity with the Outstanding Bonds;

"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" means The Depository Trust Company, New York, New York and any successors or assigns;

"Fiscal Agent" means Associated Trust Company, National Association, Green Bay, Wisconsin, or any successor thereto;

"1992 Bonds" means the outstanding balance of the \$2,200,000 Waterworks System Revenue Bonds, Series 1992, dated November 15, 1992;

"1995 Bonds" means the outstanding balance of the \$1,300,000 Waterworks System Revenue Bonds, Series 1995, dated November 1, 1995;

"1998 Bonds" means the outstanding balance of the \$2,000,000 Waterworks System Revenue Bonds, Series 1998, dated June 1, 1998;

"1999 Bonds" means the outstanding balance of the \$1,840,000 Waterworks System Revenue Bonds, Series 1999, dated January 1, 1999;

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

"1989 Resolution" means Resolution No. R-89-355 adopted by the Governing Body of the Municipality on September 19, 1989;

"1992 Resolution" means Resolution No. R-92-330 adopted by the Governing Body of the Municipality on November 3, 1992;

"1995 Resolution" means Resolution No. R-95-259 adopted by the Governing Body of the Municipality on October 17, 1995;

"1998 Resolution" means Resolution No. R-98-151 adopted by the Governing Body of the Municipality on May 19, 1998;

"1999 Resolution" means Resolution No. R-98-354 adopted by the Governing Body of the Municipality on December 1, 1998;

"Original Purchaser" or "Purchaser" means Hutchinson, Shockey, Erley & Co., Milwaukee, Wisconsin;

"Outstanding Bonds" means the outstanding balances of the 1992 Bonds, the 1995 Bonds, the 1998 Bonds and the 1999 Bonds;

"Outstanding Resolutions" means the 1989 Resolution, 1992 Resolution, 1995 Resolution, 1998 Resolution and 1999 Resolution, collectively;

"Parity Bonds" means bonds payable from the revenues of the System other than the Outstanding Bonds and the Bonds but issued on a parity and equality of rank with the Bonds and Outstanding Bonds pursuant to the restrictive provisions of Section 9 of the 1986 Resolution;

"Paying Agent" means Associated Trust Company, National Association, Green Bay, Wisconsin, or any successor thereto;

"Project" means various water system improvements set forth in the capital improvement plan including replacing water mains and repairing and repainting a water tower. All elements of the Project are to be owned and operated by the Municipality as a part of the System as described in the preamble hereto;

"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 combined maximum amount of principal and interest due on the Outstanding 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 Outstanding Bonds, the Bonds or any Parity Bonds;

"Resolution" means this Resolution entitled: "Resolution Supplementing Resolutions No. R-86-252, R-89-355, R-92-330, R-95-259, R-98-151 and R-98-354; Providing for the Issuance and Sale of \$4,000,000 Waterworks System Revenue Bonds, Series 2002 and Providing for the Payment of the Bonds and Other Details and Covenants with Respect Thereto" adopted by the Governing Body on July 2, 2002.

Section 2. Authorization of the Bonds. For the purpose of paying the cost of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the System the sum of \$4,000,000, and registered revenue bonds of the Municipality are hereby authorized to be issued in evidence thereof to Hutchinson, Shockey, Erley & Co., Milwaukee, Wisconsin (the "Original Purchaser") in accordance with the terms and conditions of its purchase proposal (the "Proposal") attached hereto as Exhibit B and incorporated herein by this reference.

Section 3. Terms of the Bonds. The revenue bonds shall be designated "Waterworks System Revenue Bonds, Series 2002" (the "Bonds"); shall be dated July 15, 2002; 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 schedule prepared by the Purchaser and attached hereto as Exhibit C (the "Schedule"). Interest on the Bonds shall be payable semi-annually on January 1 and July 1 of each year commencing on January 1, 2003.

It is hereby determined and declared that the above schedule of maturities of the Bonds is such that the requirements each year to pay both the principal of and interest on the Bonds is reasonable in accordance with prudent municipal utility management practices.

Section 3A. Call Provisions. At the option of the Municipality, the Bonds maturing on January 1, 2013 and thereafter shall be subject to redemption prior to maturity, as a whole or in part, and if in part, from maturities selected by the Municipality, and within any maturity by lot, on January 1, 2012 or on any date thereafter, at the principal amount redeemed, plus accrued interest to the date of redemption. The Proposal specifies that certain of the Bonds are subject to mandatory redemption and the terms of such mandatory redemption are set forth on Exhibit MRP (the "Mandatory Redemption Provisions") and incorporated herein by this reference.

Section 4. Parity with the Outstanding Bonds. The Bonds shall be "additional bonds" or "parity bonds" within the meaning of Section 9 of the 1986 Resolution; are issued on a parity with the Outstanding 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 1986 Resolution, as amended by the Outstanding Resolutions.

Section 5. Form, Execution Registration and Payment of the Bonds. The Bonds shall be issued in book-entry form only, shall be registered in the name of the Depository and shall be numbered from 1 consecutively upward. If, for any reason, the relationship with the Depository is terminated, the Municipality may at its sole discretion establish a relationship with another depository in order to maintain the Bonds in book-entry form. If the Municipality does not appoint another depository, it shall prepare, authenticate and deliver at its expense fully registered certificated Bonds in the denomination of \$5,000 or any multiple thereof in the aggregate principal amount then outstanding to the beneficial owners of the Bonds, as shown upon the records of the Depository. The book-entry Bonds shall be in the form attached hereto as Exhibit D and incorporated herein by this reference.

The Bonds shall be executed in the name of the Municipality by the manual or facsimile signatures of the Mayor and City Clerk provided that at least one of those signatures shall be a manual signature and shall be sealed with its official or corporate seal or a facsimile thereof, if any.

The principal of and interest on the Bonds shall be paid in lawful money of the United States of America by the Paying Agent.

Section 5A. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the Municipality's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement between the Municipality and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit E and incorporated herein by this reference.

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 1986 Resolution, as amended by the Outstanding Resolutions, 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 Outstanding 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 Outstanding 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 Outstanding 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 Outstanding Bonds, the Bonds and any Parity Bonds, certain funds of the System have been created and established pursuant to Section 6 of the 1986 Resolution, as amended by the Outstanding Resolutions, which shall be used solely for the purposes set forth in the 1986 Resolution, as amended by the Outstanding Resolutions and as further amended by this Resolution 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 1986 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 Outstanding 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 Outstanding Bonds, the Bonds and any Parity Bonds in accordance with the provisions of the 1986 Resolution, the Outstanding 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 C and incorporated herein by this reference.

(ii) There heretofore has been deposited into the Reserve Account from 1986 Bond proceeds and Outstanding Bonds Proceeds and there is currently on deposit the sum of

\$550,200. Upon issuance of the Bonds, there additionally shall be deposited into the Reserve Account the sum of \$269,518 from funds of the Municipality on hand. The Reserve Account shall be used solely for the purpose of paying principal of or interest on the Outstanding 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 1986 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 1986 Resolution, as amended by the Outstanding Resolutions, in the order of priority set forth in the 1986 Resolution, as amended by the Outstanding Resolutions.

Section 9. Service to the Municipality. The provisions of the 1986 Resolution, as amended and supplemented by the Outstanding 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 Outstanding 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 1986 Resolution.

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

Section 11. Application of Bond Proceeds and Certain Other Funds of the Municipality. The proceeds of the sale of the Bonds and any Parity 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 and any Parity Bonds;

(b) to the Interest and Principal Account of the Special Redemption Fund, the amount of any premium received from the sale of the Bonds and any Parity Bonds; and

(c) to the Waterworks System Improvement Fund, a special borrowed money fund hereby created and established, the balance of the proceeds of the Bonds and any Parity 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. Any balance remaining in said Improvement Fund after paying the costs of the Project shall be transferred to the Special Redemption Fund for use in paying principal of or interest on the Bonds and any Parity Bonds.

Section 12. Arbitrage Covenant. The Municipality shall not take any action with respect to the Bond Proceeds which, if said action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of delivery of said payment for the Bonds (the "Closing") would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the Municipality hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds to be "arbitrage bonds" within the meaning of the Code or Regulations.

The City Clerk, or other officer of the Municipality charged with responsibility for issuing the Bonds, shall provide an appropriate certificate of the Municipality, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the Municipality regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 12A. Additional Tax Covenants Including Rebate; Two Year Expenditure Exemption From Rebate. The Municipality hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout their term. 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 as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the Municipality to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes.

The Municipality covenants that it is a governmental unit with general taxing powers and that the Bonds are not "private activity bonds" as defined in Section 141 of the Code.

For purposes of complying with the Regulations, particularly the rebate requirements of the Regulations, the amounts that will be used to fund the Reserve and the portion of the proceeds of the Bonds that will be used for the Project shall be considered proceeds of separate issues, respectively referred to as the "Reserve Portion" and the "New Money Portion".

The Municipality covenants that at least 75% of the available construction proceeds of the New Money Portion of the Bonds shall be used for construction expenditures with respect to property owned by the Municipality as provided in Section 148(f)(4)(C)(iv) of the Code. If at least 10% of the available construction proceeds of the Bonds allocable to the New Money Portion of the Bonds (including investment earnings thereon) are expended for the governmental purposes of the issue within six months of the Closing; at least 45% are expended for such purposes within one year; at least 75% are expended for such purposes within eighteen months; and 100% are expended for such purposes within two years, the New Money Portion of the Bonds will qualify for the two-year expenditure exception from the rebate requirements of the Code. If for any reason the Municipality did not qualify for the two year expenditure exemption from the rebate requirements of the Code, the Municipality covenants that it would take all necessary steps to comply with such requirements.

The Municipality does not anticipate that it will qualify for any exemption from the rebate requirements of the Code for the Reserve Portion of the Bonds. Accordingly, the Municipality hereby covenants and agrees that there shall be paid from time to time all amounts to be rebated to the United States pursuant to Section 148(f) of the Code and any applicable Regulations. This covenant and agreement shall survive payment in full or defeasance of the Bonds. In order to fulfill such covenant and agreement, the Municipality is hereby authorized to employ independent accountants, consultants or attorneys to assist in determining the rebate amounts.

Section 12A. Rebate Fund. If necessary, the Municipality shall establish and maintain, so long as the Bonds are outstanding, a separate account to be known as the "Rebate Fund". The Municipality hereby covenants and agrees that it shall pay from the Rebate Fund the rebate amounts calculated pursuant to the provisions of the Code and Regulations to the United States of America.

Amounts held in the Rebate Fund and the investment income therefrom are not pledged as security for the Bonds and may only be used to pay amounts to the United States.

The Municipality shall maintain or cause to be maintained records of such calculations and shall make such records available upon reasonable request therefor.

The Municipality hereby agrees it will disburse all moneys in the Rebate Fund to the United States of America at the times and in the manner set forth in any applicable Regulations proposed or promulgated thereunder.

Section 13. Execution of the Bonds. 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 Original 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.

Section 14. Undertaking to Provide Continuing Disclosure. The Municipality hereby covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (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 holders of the Bonds or by the Original Purchaser on behalf of such holders (provided that the rights of the holders and the Original 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 15. 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 in Section 17 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 16. Bond Insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as any municipal bond insurer which makes a commitment accepted by the Municipality to insure the Bonds 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, appropriate reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 17. Ratification; Conflicting Resolutions, Ordinances, Severability, Closing and Effective Date. Except as amended and supplemented herein and in the 1989 Resolution, the 1992 Resolution and the 1995 Resolution, the terms of the 1986 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-02-185

WHEREAS, Wauwatosa Tax Incremental Finance District Number 4 (TIF 4) was established to provide \$500,000.00 in money for purposes of site acquisition, demolition and preparation for the property at 10900 West Blue Mound Road, formerly the Camelot Motel, and

WHEREAS, the developer of the new project on the site has received final approval of the necessary rezoning and residential planned development plans to commence construction, and

WHEREAS, payment of the \$500,000.00 in TIF 4 funds to the developer was approved as part of TIF 4 pursuant to the terms and conditions contained in the attached development agreement,

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa does hereby authorize the proper City officials to execute a development agreement with the developer, Bluemound 109, LLC, consistent with the terms reflected in the attached Development Funding Agreement,

BE IT FURTHER RESOLVED THAT the loan of \$600,000.00 from the Fund for Future Capital Improvements to TIF 4 is hereby approved,

BE IT FINALLY RESOLVED THAT the proper City officials are hereby authorized to disburse \$500,000.00 from the proceeds of this loan to TIF 4 to the developer, Bluemound 109, LLC, upon execution of the aforementioned Development Funding Agreement by all necessary parties.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-186

WHEREAS, the City of Wauwatosa Purchasing Department solicited proposals for a five-year copier rental/lease contract for the Wauwatosa Police Department pursuant to State of Wisconsin Contracts, and

WHEREAS, proposals were received from three suppliers; and

WHEREAS, the proposal of Office Copying Equipment Ltd. for a Sharp Model AR-650 copier, reflecting a monthly cost of \$640.75, was determined to be the best solution due to the quality and reliability of the product as compared to the lower-priced Konica model, based upon past experience and testing by the proposed users;

NOW, THEREFORE, BE IT RESOLVED THAT the proposal of Office Copying Equipment Ltd. for a five-year copier rental/lease contract for the Sharp Model AR-650 copier, pursuant to the supplier contract with the State of Wisconsin, is hereby accepted, and the proper city officials are authorized to enter into a contract with Office Copying Equipment Ltd. pursuant to the proposal, at an amount not to exceed \$640.75 per month.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-02-187

WHEREAS, the City of Wauwatosa Public Works Department’s 2002 budget includes funds providing for the attendance of the Operations Superintendent at the American Public Works Association International Congress in Kansas City, Missouri September 22 - 25, 2002; and

WHEREAS, scheduling difficulties have made it impossible for the Public Works Operations Superintendent to attend this event in the year 2002; and

WHEREAS, the Director of Public Works has requested that the funds budgeted to allow the attendance of the Public Works Operations Superintendent at the American Public Works Association International Congress be allocated to fund his attendance at the event;

NOW, THEREFORE, BE IT RESOLVED THAT the Director of Public Works is hereby permitted to utilize funds allocated for the attendance of the Public Works Operations Superintendent at the American Public Works Association International Congress for purposes of funding the expenses of the Public Works Director in attending the same event.

It was moved by Ald. Stepaniak, seconded by Ald. Bruderle -
Baran to approve the four foregoing resolutions. -13

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 6/19/02 – 7/02/02 --

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 6/19/02 – 7/02/02: \$1,241,096.59

It was moved by Ald. McCarthy, seconded by Ald. Ecks that each and every one of the accounts of bills and claims be allowed and ordered paid. Upon roll call vote, the vote was Ayes 13.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-02-188

WHEREAS, the Public Works Department made an emergency purchase of labor and materials necessary to repair the chiller unit that is used for air conditioning for the Tosa Room and the curling ice machine at the Muellner Building;

WHEREAS, there was a wedding reception scheduled for the evening the chiller unit broke down;

WHEREAS, the purchases were made from DualTemp Co. of Brookfield, Wisconsin, in the total amount of \$3,195.22;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the Common Council finds that the need to repair the chiller unit at the Muellner Building constituted an emergency under the purchasing ordinances;

BE IT FURTHER RESOLVED THAT the purchase of labor and materials from the above vendor be and the same is hereby approved and that the competitive bidding procedure is hereby waived.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-02-189

BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the quote of Sewer Equipment Co. of America to furnish one (1) Sewer cleaning easement at a total cost of \$19,898.00 including trade-in of Fleet number T-21 be and the same is hereby accepted.

BE IT FURTHER RESOLVED THAT the purchasing manager is hereby authorized and directed to issue a purchase order therefor as directed by the proper City Officers.

BE IT FURTHER RESOLVED THAT Fleet Truck T-24, tack sprayers T-02, T-62, and X-07 asphalt heater be declared surplus and the purchasing manager be authorized and directed to dispose of this equipment in a manner most advantageous to the City of Wauwatosa.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-02-190

WHEREAS, the Fire Department made an emergency purchase of labor and materials necessary to clean and sanitize carpeting at Fire Station # 3 after the carpet was damaged by a sewer back-up;

WHEREAS, the purchases were made from Service Master of Milwaukee in the total amount of \$3,284.70.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the Common Council finds that the need to clean and sanitize the carpet at Fire Station # 3 after it was damaged by a sewer back-up constituted an emergency under the purchasing ordinances;

BE IT FURTHER RESOLVED THAT the purchase of labor and materials from the above vendor be and the same is hereby approved and that the competitive bidding procedure is hereby waived.

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

There being no further business, the meeting adjourned at 7:55 p.m.

cal

Carla A. Ledesma, CMC, City Clerk