



CITY OF WAUWATOSA  
MEMORIAL CIVIC CENTER  
7725 WEST NORTH AVENUE  
WAUWATOSA, WI 53213  
Telephone: (414) 479-8917  
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**COMMON COUNCIL**  
**Regular Meeting, Tuesday, April 6, 2004**

PRESENT: Alds. Sullivan, Treis, Bruderle-Baran, Becker, Casey, Ecks, Grimm, Heins, Herzog, Jenkins, Kopischke, Krol, Matthews, McCarthy, Stepaniak, Subotich -16

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner; City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Capt. Reit; Fire Chief Redman; Dr. Kreuser, Health Officer; Mr. Zwaska, Admin. Intern; 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.

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. -16

**APPOINTMENTS BY THE MAYOR**

**Library Board**

Christopher Lowe, 6274 Upper Parkway North (13)  
(Term ends 6/30/07)

Foregoing appointment ordered held as this was the first reading.

**APPLICATIONS, COMMUNICATIONS, ETC.**

1. Letter from Michael W. Norris, 2427 N. Harding Blvd., regarding disturbances from a barking dog  
**City Attorney**
2. Conditional Use application to construct a Forestry Education and Awareness Center in the Conservancy District on approximately 68 acres in the northeast quadrant of the Milwaukee County Grounds  
**Plan Commission, Committee on Community Development**
3. Application to amend the Zoning Code to include accredited technical, trade or career colleges as a conditional use in the AA Light Manufacturing District  
**Plan Commission, Committee on Community Development**

4. Application to amend the Zoning Code by making physical fitness, health studio, and/or fitness clubs a Special Use in the AA Commercial District  
**Plan Commission, Committee on Community Development**
5. Notice of Claims: Nida A. Krucky, 2950 N. 58th Street, Milwaukee  
Daniel Schmal, 533 N. 72nd Street  
Forrest Lee Shaffer, Sr., 3425 N. 60th St., Milwaukee  
**City Attorney**
6. Land Division application to divide property at approximately 2426 N. 100th Street  
**Plan Commission, Committee on Community Development**
7. Letter from Stanley Zurawski, Sr., 1930 N. 118th Street, opposing any proposed rezoning, sale, or commercial development of the Wauwatosa School District Administration building and/or Breitlow Field; and submitting copies of a petition with 37 signatures in opposition  
**Director of Community Development**
8. City of Wauwatosa Bank Reconciliation of Depository Accounts as of February 29, 2004  
**Place on file**
9. Special Use application to operate a coffee shop and roastery at 865 N. Mayfair Road  
**Plan Commission, Board of Zoning Appeals**
10. Special Use application to operate a café at 6519 W. North Avenue  
**Plan Commission, Board of Zoning Appeals**
11. Letter from Charles & Carole Zaffiro, 2040 Forest Street requesting the installation of stop signs on Woodland Street between Underwood Avenue and N. 83rd Street  
**Director of Public Works**
12. Letter from Harry A. Kant, 7416 Harwood Avenue, requesting stop signs at the intersection of Wauwatosa and Harwood Avenues  
**Director of Public Works**
13. Letter and petition from Richard Achter and 34 residents of N. 116th Street requesting compensation for unsatisfactory resurfacing of 116th Street  
**Director of Public Works**
14. Letter from Jim Vint, President of the Wauwatosa Historical Society, requesting that specific mention of the Eschweiler Building status on the National Register of Historic Places be made in the proposed Master Plan & Design Guidelines for the Milwaukee County Grounds  
**Director of Community Development**

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION**

1. Ordinance amending Chapter 24 of the Zoning Code by rezoning a portion of the northeast quadrant of the Milwaukee County Grounds south of Underwood Creek Parkway, north and west of Swan Boulevard, and east of State Highway 45 from Parks & Open Space District to Conservancy District  
**Re-refer to originating committee**
2. Ordinance amending Chapter 24 of the Zoning Code by rezoning a portion of the northeast quadrant of the Milwaukee County Grounds south of the railroad tracks and east of Swan Boulevard from Medical Center & Institutions District to Conservancy District  
**Re-refer to originating committee**

**FROM THE COMMITTEE ON TRAFFIC AND SAFETY**

**ORDINANCE O-04-8**

AN ORDINANCE AMENDING SECTION 11.32.080 OF THE CODE OF THE CITY OF WAUWATOSA CREATING A TWO HOUR PARKING RESTRICTION ON SCHOOL DAYS ON WEST MARION STREET

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

Part I. The introductory schedule to Wauwatosa Code Section 11.32.080 is hereby amended by adding the following:

(vv) for more than two hours on school days.

Part II. The “Marion Street” portion of the “schedule of streets, and portions” of Wauwatosa Code Section 11.32.080 is hereby amended to read as follows:

Marion Street – north side

(vv) from North 99<sup>th</sup> to North 100<sup>th</sup> Street

Marion Street – south side

(vv) from City limits east of North 100<sup>th</sup> Street to North 99<sup>th</sup> Street

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

It was moved by Ald. Krol, seconded by Ald. Herzog to adopt the foregoing ordinance. -16

**FROM THE COMMITTEE ON EMPLOYEE RELATIONS**

**RESOLUTION R-04-57**

WHEREAS, the Wauwatosa Health Department presently operates sufficient programming to qualify as a Level II Health Department pursuant to Wisconsin Administrative Code Chapter HFS 140; and

WHEREAS, the Wauwatosa Health Department has completed almost all of the additional requirements to become a Level III Health Department; and

WHEREAS, as a Level III Health Department, the City of Wauwatosa Health Department will be eligible for additional baseline grant funding in addition to being consistently regulated with neighboring municipalities’ health departments in West Allis and the City of Milwaukee; and

WHEREAS, the additional steps necessary to obtain Level III Health Department status are currently in progress;

NOW, THEREFORE, BE IT RESOLVED THAT the request of the Wauwatosa Health Department to transition from a Level II to a Level III Health Department is hereby approved, pending completion of the additional steps necessary for that transition, as appropriate.

It was moved by Ald. Jenkins, seconded by Ald. Heins to approve the foregoing resolution. -16

**FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS**

**RESOLUTION R-04-58**

WHEREAS, the Wauwatosa Civic Celebration Commission has requested that the Wauwatosa Lions Club be permitted to sell beer in Hart Park during the 4<sup>th</sup> of July celebration on July 5, 2004;

NOW, THEREFORE, BE IT RESOLVED THAT permission be and the same is hereby granted to the Wauwatosa Lion’s Club to sell beer in Hart Park during the 4<sup>th</sup> of July celebration in the City of Wauwatosa between the hours of 10:30 AM – 9:30 PM on July 5, 2004;

BE IT FURTHER RESOLVED THAT a member of the Civic Celebration Commission be present during the hours of beer sales.

It was moved by Ald. Treis, seconded by Ald. Matthews to approve the foregoing resolution. -16

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION**

WHEREAS, Constantine George of Sts. Constantine and Helen Greek Orthodox Church at 2160 Wauwatosa Avenue has applied for a street festival permit for the church’s annual festival on June 11-13, 2004; and

WHEREAS, the Committee on Community Development recommends issuance of a permit subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa THAT the City Clerk is authorized to issue a street festival permit to Constantine George of Sts. Constantine and Helen Greek Orthodox Church for the purpose of conducting the church’s proposed festival, subject to the conditions of the permit and further specifically subject to the following:

1. The permit shall be valid only for conduct of Greekfest.
2. The festival shall be conducted on June 11 through 13, 2004. Hours of operation shall be June 11th 4:00 p.m. to 10:00 p.m.; June 12th Noon to 10:00 p.m.; and June 13th Noon to 10:00 p.m.
3. The permittee shall pay all costs incurred by the City for this event. At this time these costs are estimated to be police costs in the amount of \$198.95, public works department charges in the amount of \$90, for an estimated total cost of \$288.95. Actual costs incurred by the City may vary from these estimates and shall be the responsibility of the permittee.

4. Noise associated with music and exhibits shall not be excessive as that term is defined by Section 7.48.040 of the Wauwatosa Municipal Code. The City in its sole discretion shall determine whether noise associated with the festival is excessive and upon request of the City the permittee shall immediately reduce the volume of said noise.
5. The permittee shall be responsible for removing all refuse associated with the event. Failure of the permittee to do so will result in additional charges by the City.
6. No carnival rides will be used.
7. Live music is permitted on Saturday, June 12th and Sunday, June 13th from 3:30 p.m. to 9:30 p.m.
8. The Police Department will develop a plan to eliminate parking on one side of the streets in the immediate area, as appropriate.
9. The church shall be responsible to provide and install signs directing patrons to the City Hall parking lot and to M & I Wauwatosa State Bank; the church parishioners shall be encouraged to park in the City Hall parking lot; a mechanism will be established to make announcements at the festival if a driveway is reported to be blocked.
10. Security will be provided during the event.
11. The church grounds and immediate neighborhood shall be patrolled daily to remove litter.
12. Neighbors will be invited to meet with church officials to review plans and discuss solutions to other potential concerns before the event.
13. The dumpster on the church grounds shall be removed by 5 p.m. on Monday, June 14, 2004. Permittee shall provide a copy of its contract for removal of the garbage dumpster to the Director of Public Works. The semi-trailers shall be removed from the grass by 5 p.m. on June 14, 2004.
14. Beer sales shall end one-half hour before the closing of the festival each evening.
15. Temporary “NO PARKING AT ANY TIME” restrictions will be posted and will be in effect only during the hours of the festival on the north side of Rogers Avenue, between Wauwatosa Avenue and Underwood Avenue, and the west side of North 74th Street, between Kenwood and Garfield Avenues.
16. Officers assigned to this area and adjacent streets are to check the area frequently for traffic congestion and parking violations. No parking permission has been given in any of the “No Parking At Any Time” zones.
17. Barricades will be placed across Garfield Avenue and Wauwatosa Avenue, and at the north driveway to the church parking lot. A barricade and sign will also be placed on Garfield Avenue at North 74th Street indicating that the street is open to local traffic only.

It was moved by Ald. Heins, seconded by Ald. Kopischke to approve the foregoing resolution. –

It was moved by Ald. Becker to refer the matter back to Committee because the applicant has not yet provided contact phone numbers as requested. -16

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-04-61**

WHEREAS, in 1998, the Common Council adopted a resolution expressing its preference with respect to future development at the Milwaukee County Grounds located in the City of Wauwatosa; and

WHEREAS, in 2000, the Common Council adopted a resolution reaffirming these preferences affecting future development at the Milwaukee County Grounds located in the City of Wauwatosa; and

WHEREAS, Milwaukee County and the City of Wauwatosa agreed to a plan for proceeding with development at two public meetings held at Wauwatosa West High School on December 4, 2002 and January 8, 2003; and

WHEREAS, Common Council has stated its desire to support quality, tax-producing development of the frontage area along the Watertown Plank Road, provided that the depth of any such development does not exceed the maximum depth of existing development, and provided that such development is compatible with and protective of the historic integrity of the surrounding buildings and the wish to encourage the preservation, when economically feasible, of historically significant buildings in the area including the Eschweiler buildings; and

WHEREAS, the Common Council authorized hiring Kubala Washatko Architects, Conservation Design Forum and EarthTech to prepare a Master Plan and Design Guidelines for the Milwaukee County Grounds.

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa endorses the concepts expressed in the proposed Master Plan and Design Guidelines for the Milwaukee County Grounds and supports the principals of historic preservation, environmentally sound development and high quality design as appropriate goals for development on the economic development portion of the Milwaukee County Grounds.

It was moved by Ald. Heins, seconded by Ald. Kopischke to approve the foregoing resolution. –

It was moved by Ald. Sullivan, seconded by Ald. Ecks to hold this matter for one month. Upon roll call vote, the vote was Ayes 2 (Sullivan, Ecks), Noes 14. –Motion failed.

Ald. McCarthy called for the question. Ald. Sullivan objected.

Ald. McCarthy moved the question, seconded by Ald. Herzog. Upon roll call vote, the vote was Ayes 13, Noes 3 (Bruderle - Baran, Kopischke, Krol).

Roll call vote on the original motion, Ayes 12, Noes 4 (Sullivan, Bruderle-Baran, Ecks, Krol)

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-04-59**

WHEREAS, Mehran Edalatpour has applied for a Conditional Use in the AA Business District at 6030 W. North Avenue for outdoor dining and a second story residential unit in an existing restaurant 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 THAT the Common Council of the City of Wauwatosa hereby grants to Mehran Edalatpour a Conditional Use in the AA Business District for outdoor dining and a second story residential unit in an existing restaurant at 6030 W. North Avenue.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-04-62**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Milwaukee County to subdivide the parcels located north of Swan Boulevard and south of Underwood Creek Parkway on the northeast quadrant of the Milwaukee County Grounds in Wauwatosa more particularly described as follows:

Commencing at the Southwest corner of the Southeast ¼ of Said Section 20; Township 7 N, Range 21 E; thence North 1°39'21" West along the west line of said Southeast ¼ Section, 2,124.54 feet to the north line of Swan Boulevard and the point of beginning; thence S 74°02'42" W, 54.42 feet along said north line to the beginning of a 803.94 foot radius curve to the left; thence along said north line, 432.58 feet along said curve, whose chord bears S 58°37'49" W, 427.38 feet to a point of a non-tangent line and said north line; thence N 56°57'05" W, 229.71 feet to the east right-of-way of S.T.H. - 45; thence N 1°59'52" W, 1,875.86 feet to the south line of Underwood Creek Parkway and the beginning of a 786.50 foot radius, non-tangent curve to the left; thence the following 9 courses along said South line of Underwood Creek Parkway; thence 544.09 feet along said curve, whose chord bears N 65°59'33" E, 533.30 feet; thence N 46°10'28"E, 210.87 feet to the beginning of a 1,409.50 foot radius curve to the right; thence 445.30 feet along said curve, whose chord bears N 55°13'30" E, 443.45 feet to the beginning of a 750.50 foot radius curve to the right, thence 477.82 feet along said curve, whose chord bears N 82°57'56" E, 469.79 feet to the beginning of a 2,448.50 foot radius curve to the right; thence 1,070.07 feet along said curve, whose chord bears S 66°24'57" E, 1,061.58 feet to the beginning of a 718.50 foot radius curve to the right; thence 586.38 feet along said curve, whose chord bears S 30°31'02" E, 570.24 feet; thence S 7°08'13" E, 61.93 feet to the beginning of a 411.50 foot radius curve to the left; thence 364.15 feet along said curve whose chord bears S 32°29'18" E, 352.38 feet; thence S 57°50'24" E, 52.01 feet to the north line of Swan Boulevard and to the beginning of a 914.93 foot non-tangent radius curve to the right; thence along said north line, 643.92 feet along said curve, whose

chord bears S53°52'58" W, 630.72 feet; thence S 74°02'42"W, 1,860.24 feet along said north line to the point of beginning.

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 to the filing of a certified survey map.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-04-64**

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, May 4, 2004, 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 a portion of the northeast quadrant of the Milwaukee County Grounds south of Underwood Creek Parkway, north and west of Swan Boulevard, and east of State Highway 45 from Parks and Open Space District to Conservancy 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-04-65**

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, May 4, 2004, 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 a portion of the northeast quadrant of the Milwaukee County Grounds south of the railroad tracks and east of Swan Boulevard from Medical Center and Institutions District to Conservancy 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.

It was moved by Ald. Heins, seconded by Ald. Kopischke to approve the four foregoing resolutions. -16\*

\*Ald. Sullivan subsequently changed his vote to "no" for R-04-62.

**FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT**

**RESOLUTION R-04-63**

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin THAT permission be and the same is hereby granted to Milwaukee County to subdivide the parcels located east of Swan Boulevard and south of the railroad tracks on the northeast quadrant of the Milwaukee County Grounds in Wauwatosa more particularly described as follows:

Commencing at the Southeast corner of the Southwest ¼ of Said Section 21; Township 7 N, Range 21 E; thence North 1°09'26" West, along the east line of said Southwest ¼ Section, 1,204.01 feet to the beginning of a 2,233.00 foot radius nontangent curve to the right; thence 346.51 feet along said curve, whose chord bears N 77°02'50" W, 346.17 feet to a point of nontangency and the point of beginning; thence S 31°43'46" W, 215.44 feet; thence N 54°32'29" W, 115.01 feet; thence N 31°43'50"E, 20.00 feet; thence N 59°00'47" West, 439.08 feet; thence North 53° 17'36" West, 31.37 feet; thence S 31°33'39" W, 131.21 feet; thence N 58°26'21" W, 268.15 feet; thence S 32°14'16" W, 264.34 feet; thence N 48°56'35" W, 253.33 feet; thence N 74°55'09" W, 746.12 feet; thence S 81°45'47" W, 184.48 feet to the beginning of a 510.00 foot radius nontangent curve to the right; thence 234.35 feet along said curve, whose chord bears N 14°13'41" E, 232.29 feet to a point of nontangency; thence N 48°43'35" W, 480.95 feet; thence N 75°17'38" W, 788.86 feet to the south line of Swan Boulevard and the beginning of a 994.93 foot radius nontangent curve to the left; thence the following two courses along the southerly line of Swan Boulevard; thence 948.92 feet along said curve, whose chord bears N 46°43'19" E, 913.36 feet to a point of tangency; thence N 19°23'56"E, 366.00 feet to the south right-of-way line of the C.P. railroad; thence the following 7 courses along the southerly line of the C.P. railroad; thence S58°10'27"E, 41.23 feet; thence North 01°18'50" West, 28.59 feet; thence S 58°07'02" E, 164.63 feet to the beginning of a 2,900.00 foot radius curve to the right; thence 983.05 feet along said curve, whose chord bears S 48°24'21" E, 978.35 feet to a point of tangency; thence S 38°41'39" E, 686.29 feet to a 2,233.00 foot radius curve to the left; thence 1,321.48 feet along said curve, whose chord bears S 55°38'53" E, 1,302.28 feet to the point of beginning.

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 to the filing of a certified survey map.

It was moved by Ald. Heins, seconded by Ald. Kopischke to approve the foregoing resolution. - 16

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-04-66**

WHEREAS, the 2003 Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) was to be utilized to upgrade radio systems; and

WHEREAS, the portion of the radio system upgrade relating to field status reporting capability was ultimately excluded from the project due to lack of software compatibility and excessive cost; and

WHEREAS, omission of the radio system field status reporting capability left \$16,495.00 in FEMA-AFG project funds uncommitted; and

WHEREAS, AFG guidelines would allow for inclusion of thermal imaging cameras with FEMA approval; and

WHEREAS, the purchase of a newer thermal imaging camera for the Wauwatosa Fire Department would improve the efficiency and usefulness of the items beyond the present thermal imaging cameras; and

WHEREAS, the purchase of a thermal imaging camera with these FEMA-AFG grant funds could be done at no additional cost to the City;

NOW, THEREFORE, BE IT RESOLVED THAT the 2003 FEMA-AFG expenditures may be amended to include a request to FEMA for the purchase of one thermal imaging camera for the Wauwatosa Fire Department, with the balance of said funds to be utilized for spare radio batteries.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-04-67**

WHEREAS, the Wauwatosa Fire Department has requested approval for additional refurbishing work on pumper #F-211 and has requested that pumper #F-212 be refurbished this year rather than later years as previously planned; and

WHEREAS, American LaFrance North Central was the low bidder for planned work on pumper #F-211, which is already being conducted; and

WHEREAS, American LaFrance North Central has recommended an additional \$950.00 work on pumper #F-211 and quoted at a cost of \$10,500.00 for the necessary refurbishing of pumper #F-212; and

WHEREAS, conducting refurbishing work with American LaFrance North Central would provide for efficient completion of the work and timely retirement of older pumper trucks being held as reserve equipment; and

WHEREAS, the amounts necessary for both refurbishing projects are available during the current year in the Fire Department's Fire Apparatus Reserve Fund;

NOW, THEREFORE, BE IT RESOLVED THAT \$950.00 of additional work on pumper #F-211 for a total cost of \$27,050.00 and refurbishing of pumper #F-212 at a cost of \$10,500.00, to be funded by the Fire Department's Fire Apparatus Reserve Fund, to be conducted by American LaFrance North Central, is hereby approved;

BE IT FURTHER RESOLVED THAT the competitive bidding process is hereby waived for the award of work on pumper #F-212 to American LaFrance North Central.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-04-68**

WHEREAS, the Wauwatosa Health Department copying machine is no longer in good working condition; and

WHEREAS, based upon projected monthly usage of 8,500 copies, the current State of Wisconsin contract for a Konica/Minolta Corporation model 7130 at a monthly fee of \$122.80 with monthly supply costs of \$49.00, is the most advantageous for this purpose, and should provide an annual savings of \$542.40 from current costs over the course of the 48 month contract;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa is hereby authorized to enter into a 48 month rental lease agreement with Konica/Minolta Corporation and United Leasing for a Konica/Minolta Corporation model 7130 copier pursuant to the terms of the State of Wisconsin contract at a total cost of \$122.80 for rental and \$49.00 per month for maintenance and supplies.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-04-69**

WHEREAS, pursuant to previous discussions, the Common Council has recommended that the Wauwatosa Health Department may obtain flu vaccines for the 2004-05 winter season from a vendor other than the approved Tri-State supplier; and

WHEREAS, previous purchases of flu vaccine from Aventis Pasteur, Inc. have been successfully supplied in a timely manner; and

WHEREAS, costs of providing vaccine to individual recipients are primarily reimbursed by Medicare, which will reimburse the costs of the Aventis Pasteur vaccines;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of 200 vials of flu vaccine from Aventis Pasteur, Inc. at a total cost of \$16,307.20 for the 2004-05 winter season is hereby approved;

BE IT FURTHER RESOLVED THAT the competitive bidding process is hereby waived.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-04-71**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Matthew Plummer for damages be and the same is hereby denied and placed on file for the reason that claimant demands excessive and unreasonable damages.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimant of this action of the Common Council as provided by law.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-04-72**

BE IT RESOLVED THAT the claim of Patrick Ciriacks, 12020 Meadow Court, for a partial refund of real property taxes for the years 1991 through 2001, and associated costs, be and the same is denied;

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify claimant of this action of the Common Council as provided by law.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-04-74**

**RESOLUTION AUTHORIZING REDEMPTION OF  
\$2,100,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES A  
DATED APRIL 1, 1995**

WHEREAS, the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") has heretofore issued its \$2,100,000 General Obligation Promissory Notes, Series A, dated April 1, 1995 (the "1995 Notes");

WHEREAS, the City has available funds on hand, and hereby finds and determines that it is in the best interest of the City to repay the 1995 Notes at the next possible redemption date; and

WHEREAS, the City shall deposit sufficient funds to repay the redeemed 1995 Notes into the debt service fund account created by the resolution authorizing the 1995 Notes (the "Debt Service Fund Account") and transfer said funds as set forth below.

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

Section 1. Deposit to Debt Service Fund Account. The City shall deposit sufficient funds into the Debt Service Fund Account for the redemption of the 1995 Notes.

Section 2. Call of the 1995 Notes. The 1995 Notes due on December 1, 2004 shall be called for redemption at the price of par plus accrued interest to the date of redemption on June 1, 2004. The City shall provide sufficient funds from the debt service fund account to The Depository Trust Company, New York, New York (the "Depository").

Section 3. Call Notice to Depository. The City Clerk shall cause timely notice of the call of the 1995 Notes to be redeemed to be given by providing a notice thereof, in substantially the form attached hereto as Exhibit A, by facsimile transmission, registered or certified mail or overnight express delivery to the Depository not less than 30 days nor more than 60 days prior to their redemption date.

Section 4. Additional Call Notices. In addition to the official notice of redemption provided for in Section 3, the City Clerk shall cause further notice of the redemption of the 1995 Notes to be provided to other registered securities depositories in the business of holding substantial amounts of obligations of types such as the 1995 Notes, to the MSRB and to nationally recognized municipal

securities information repositories that disseminate notices of redemption of obligations such as the 1995 Notes. Each further notice of redemption shall be sent by registered or certified mail or overnight delivery service and shall contain the information set forth in the Notice of Call provided on Exhibit A.

Adopted and recorded this 6th day of April, 2004.

It was moved by Ald. Stepaniak, seconded by Ald. Sullivan to approve the seven foregoing resolutions. -16

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-04-73**

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the following claims for refund of real and personal property taxes paid in January, 2004, be and hereby are denied and placed on file:

- FH Healthcare Development, Inc., 9200 W. Wisconsin Ave.
- United Dynacare, LLC, 9200 W. Wisconsin Avenue
- Milwaukee Regional Medical Center, Inc. Day Care, 8624 Watertown Plank Road

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to notify said claimants of this action of the Common Council as provided by law.

It was moved by Ald. Stepaniak, seconded by Ald. Sullivan to approve the foregoing resolution. Ayes 13, Present 3 (Sullivan, Bruderle-Baran, Herzog)

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

**RESOLUTION R-04-70**

WHEREAS, the Wauwatosa Police Department and the Wauwatosa Municipal Court Clerks currently have incompatible software systems requiring the double entry of citation information, which results in a data entry backlog as well as occasional errors in entry; and

WHEREAS, the City of Wauwatosa Information Systems Department has identified a proprietary software solution which would act as an interface between the police department and court clerk computer systems, allowing a reduction of errors and assisting in the elimination of the data entry backlog; and

WHEREAS, the development of the proprietary software interface can be done at a total cost not to exceed \$7,500.00, with \$2,000.00 of that amount being provided by a fund transfer within the Information Systems Department;

NOW, THEREFORE, BE IT RESOLVED THAT the purchase of a proprietary software interface for records transfer between the Wauwatosa Police Department and the Municipal Court Clerk from Henschen & Associates and KRP Consulting, LLC, is hereby approved;

BE IT FURTHER RESOLVED THAT the transfer of \$5,500.00 for purposes of this purchase from the Reserve for Contingencies is hereby approved.

It was moved by Ald. Stepaniak, seconded by Ald. Matthews to approve the foregoing resolution. Upon roll call vote, the vote was Ayes 16.

**FROM THE COMMITTEE ON BUDGET AND FINANCE**

BILLS AND CLAIMS FOR THE PERIOD 3/17/04 -4/06/04 --

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 3/17/04 – 4/06/04: \$1,483,472.45

It was moved by Ald. Casey, seconded by Ald. Grimm 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 16.

**FROM THE BOARD OF PUBLIC WORKS**

**RESOLUTION R-04-60**

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 James Cape & Sons Company of Racine, Wisconsin for the work of repairing sidewalk and work incidental thereto under Contract 04-19, Concrete Sidewalk Repair, at and for their bid price of \$178,713.75, this being the lowest and best base bid.

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

It was moved by Ald. McCarthy, seconded by Ald. Herzog to approve the foregoing resolution. - 16

There being no further business, the meeting adjourned at 8:48 p.m.

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Carla A. Ledesma, CMC, City Clerk