



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989

COMMON COUNCIL
Regular Meeting, Tuesday, October 5, 2004

PRESENT: Alds. Kopischke, Krill, Krol (7:33 p.m.), Maher, Stepaniak, Subotich, Sullivan, Treis, Becker, Casey, Grimm, Heins, Herzog, Jenkins -14

EXCUSED: Alds. McCarthy and Bruderle-Baran

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Ms. Aldana; Asst. City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Capt. Reit; Ms. Nielsen, Nursing Supervisor; 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.

The following individuals were honored by Mayor Estness and Common Council President Stepaniak with 2004 Yard of Distinction awards as selected by the Beautification Committee:

District 1

2169 N. 72nd Street
Larry and Debbie Awe

2169 N. 74th Street
John Nehring and Anne Finch-Nehring

District 2

8222 Milwaukee Avenue
Debra Mickey

1627 Ride Court
Rufus and Janey Brandt

2040 Forest Street
Carole and Charles Zaffiro

District 3

8107 Harwood Avenue
Sue Kraus

558 Elm Spring
Holly and Tony Prospero

8140 W. Wisconsin Avenue
Dr. & Mrs. Michael Phillips

100504CCminutes

District 4

7416 W. Wisconsin Avenue
Settimio and Rose Plastino

6814 W. Wells Street
Sabina Diehr

7032 W. Wells Street
Fred and Nancy Artus

District 5

2572 N. 67th Street
Eugene and Emily Liban

2356 N. 67th Street
Steve and Mary Grosa

6521 W. Wright Street
Eugene and Mary Alice Brown

District 6

2468 Pasadena Boulevard
John and Carol Bannen

100504CCminutes

2551 N. 88th Street
Don and Vicki Wade

2572 N. 95th Street
David and Donna Eft

District 7

1919 N. 121st Street
Gail and John Morgan

1606 N. 122nd Street
Kathy Keidel

2372 N. 116th Street
Jill and Randy Romens

District 8

10243 Park Ridge
Diane Thopson-Frederick

3612 Menomonee River Pkwy.
Cindy Stuckey

10324 W. Vienna
Susan and Jeff Fete

It was moved by Ald. Grimm, seconded by Ald. Kopischke that the reading of the minutes be dispensed with and they be approved as printed. -14

APPLICATIONS, COMMUNICATIONS, ETC.

1. City of Wauwatosa Bank Reconciliation of Depository Accounts as of August 31, 2004
Place on file
2. Letter from Ald. Stepaniak regarding a request to review traffic patterns at the intersection of N. 62nd Street and W. Clarke Street
Director of Public Works
3. Notice of Claims: Sala Townsend, 1520 N. 40th Street, Milwaukee
Cynthia Lofy, 2028 Forest Street
City Attorney
4. Land Division Application to combine property located at 2500 N. Mayfair Road
Plan Commission, Committee on Community Development
5. Letter from Judy Mitchell, Soo Line Railroad Co., regarding a proposed line abandonment
City Attorney, Committee on Community Development

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending the Zoning Code by allowing massage therapy establishments as a conditional use in the AA Commercial District
Re-refer to originating committee
2. Ordinance amending various chapters of the Zoning Code to correct designations of special and conditional uses
Re-refer to originating committee

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-04-24

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO
CREATE NO PARKING RESTRICTIONS ON NORTH 99TH STREET

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

Part I. The “North 99th Street – west side” portion of the “schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by changing the line “from West Blue Mound Road to West 93 feet north thereof” to read as follows:

(a) from West Blue Mound Road to Wisconsin Avenue

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-04-25

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO ELIMINATE PARKING RESTRICTIONS ON A PORTION OF WEST HIBBARD AVENUE

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

Part I. The “Hibbard Avenue – south side” portion of the “schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by changing the address “10627 Hibbard Avenue” to read “10637 Hibbard Avenue;”

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

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-04-26

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO ADD A NO PARKING ZONE ON WATERTOWN PLANK ROAD

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

Part I. The “Watertown Plank Road – south side” portions of the “schedule of streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following line:

“(a) from west of the driveway at 12017 Watertown Plank Road to a point 30 feet west thereof.”

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

It was moved by Ald. Becker, seconded by Ald. Herzog to adopt the three foregoing ordinances. -14

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-04-208

WHEREAS, the Health Officer indicates that the Milwaukee/Waukesha County Emergency Preparedness Consortium has identified the need for the services of an epidemiologist to assist in the development of a regional structure and governance, enhanced epidemiologic surveillance, improved risk communication 24/7, development and annual testing of a regional emergency preparedness and response plan, and development and execution of a workforce development plan through educational sessions and training exercises at the local as well as regional level; and

WHEREAS, the Committee on Employee Relations concurs with the Health Officer's request and recommends approval of the addition of a part-time (less than 40 hours) Consortium Epidemiologist position to support the programs for the Milwaukee/Waukesha County Consortium for Emergency Preparedness;

NOW, THEREFORE, BE IT RESOLVED THAT the addition of a part-time Consortium Epidemiologist position be and hereby is approved and that the position distribution be amended accordingly.

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION R-04-209

WHEREAS, the Personnel Department recommends reclassifying two clerical positions that are represented by OPEIU, Local 35; and

WHEREAS, the City Clerk requests that the Council reclassify a Secretary III position to a new position called Secretary/Website Coordinator at the same pay grade as Computer Operator. The request to reclassify is due to the fact that the City's website management responsibilities have been assigned to the position; and

WHEREAS, the City Clerk requests that the incumbent be placed at step 5, one step higher than called for under the contract due to the particular skills and duties performed by the incumbent; and

WHEREAS, the Library Director requests that the Council reclassify a Municipal Clerk I position to a Municipal Clerk II due to the level of responsibilities assigned to the position including, but not limited to, coordinating library volunteers; and

WHEREAS, the Library Director requests that the incumbent be placed at step 6, one step higher than called for under the contract due to the particular skills and duties performed by the incumbent; and

WHEREAS, the Committee on Employee Relations concurs with the Department Directors' requests and recommends the proposed reclassification of the positions and the placement of both incumbents at one step higher than called for under the contract, subject to the condition that staff negotiate an agreement with the union that placing the incumbents at such step be nonprecedential;

NOW, THEREFORE, BE IT RESOLVED THAT one Secretary III position in the City Clerk's office be reclassified to the same grade as Computer Operator I with a title of Secretary/Website Coordinator and that the incumbent be placed at step 5, subject to the condition that staff negotiate with the union that placing the incumbent higher than called for under the contract is nonprecedential;

BE IT FURTHER RESOLVED THAT one of the Municipal Clerk I positions in the library be reclassified to Municipal Clerk II and that the incumbent be placed at step 6, subject to the condition that staff negotiate with the union that placing the incumbent higher than called for under the contract is nonprecedential.

It was moved by Ald. Casey, seconded by Ald. Kopischke to approve the two foregoing resolutions. - 14

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-04-210

WHEREAS, Bret Cebulla, N75 W23175 Ridgeview Cr., Sussex, WI, applied for an operator's license in conjunction with his employment at Applebee's, 2500 N. Mayfair Road, Wauwatosa; and

WHEREAS, Bret Cebulla was requested twice to appear before the Committee on Legislation, Licensing & Communications in conjunction with that application; and

WHEREAS, Mr. Cebulla failed to appear on September 14, 2004, and September 28, 2004, said failures are conduct which is inconsistent with the activity of responsibly selling alcoholic beverages in the City of Wauwatosa pursuant to the regulations of alcoholic beverage sales by the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator license application for Bret Cebulla is hereby denied.

It was moved by Ald. Treis, seconded by Ald. Krill to approve the foregoing resolution. - 14

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-212

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, November 16, 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 amending Section 24.34.015 of the Code by adding massage therapy as a conditional use in the AA Commercial District.

BE IF 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-04-213

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, November 16, 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 amending Chapters 24.23.015, 24.23.020, 24.24.015, 24.24.020, 24.26.020, 24.26.025, 24.27.015, 24.27.020, 24.34.020, 24.34.025, 24.36.020, 24.36.025, 24.38.020 to correct designations of special and conditional uses.

BE IF 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. Sullivan
to approve the two foregoing resolutions. - 14

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-04-211

WHEREAS, James McGlenn has applied for a Conditional Use for a self-storage center including outside storage, a management apartment, and a multi-tenant office building in the AA Light Manufacturing District at 1215 N. 62nd Street and;

WHEREAS, this request was reviewed and the City Plan Commission recommended denial and;

WHEREAS, the Committee on Community Development determined that the proposed use would be detrimental to the surrounding properties and does not support the overall vision for the area described in the East State Street Land Use and Redevelopment Plan and has recommended denial of the application.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby denies a request for a Conditional Use to James McGlenn for a self-storage center including outside storage, a management apartment, and a multi-tenant office building in the AA Light Manufacturing District at 1215 N. 62nd Street.

It was moved by Ald. Heins, seconded by Ald. Sullivan
to approve the foregoing resolution. Ayes 13, Present 1
(Stepaniak)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-214

**RESOLUTION AUTHORIZING THE BORROWING OF \$2,225,000;
PROVIDING FOR THE ISSUANCE AND SALE OF
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004
THEREFOR; AND LEVYING A TAX IN CONNECTION THEREWITH**

WHEREAS, the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of paying the cost of refunding certain outstanding obligations of the City, to wit: \$3,200,000 General Obligation Police Station Bonds, dated December 15, 1994 (the "1994 Bonds") and its \$4,075,000 General Obligation Promissory Notes, Series 1997, dated March 15, 1997 (the "1997 Notes") (collectively, the 1994 Bonds and the 1997 Notes shall be referred to herein as the "Prior Issues") (hereinafter the refinancing of the City's Prior Issues shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said costs;

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Prior Issues for the purpose of achieving debt service cost savings;

WHEREAS, cities are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to borrow money and to issue general obligation refunding bonds to refinance their outstanding obligations; and

WHEREAS, the Common Council now deems it to be necessary, desirable and in the best interest of the City to authorize the issuance of and to award the sale of its general obligation refunding bonds to Hutchinson, Shockey, Erley & Co., Milwaukee, Wisconsin.

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

Section 1. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of TWO MILLION TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$2,225,000) from Hutchinson, Shockey, Erley & Co., Milwaukee, Wisconsin (the "Purchaser") in accordance with the terms and conditions of its purchase proposal (the "Proposal") attached hereto as Exhibit A and incorporated herein by this reference.

Section 1A. Sale of the Bonds. To evidence such indebtedness, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, General Obligation Refunding Bonds, Series 2004 aggregating the principal amount of TWO MILLION TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$2,225,000) (the "Bonds") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2004"; shall be dated October 15, 2004; 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 October 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 B (the "Schedule"). Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2005.

Section 3. Redemption Provisions. The Bonds shall not be subject to optional redemption.

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

Section 5. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2004 through 2008 for the payments due in the years 2005 through 2009 in the amounts set forth on the Schedule.

The direct annual irrepealable tax hereby levied shall be carried onto the tax roll and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax hereinabove levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account for the Bonds created below.

Section 6. Segregated Debt Service Fund Account. There is hereby established in the City treasury a fund account separate and distinct from all other funds or accounts of the City designated "Debt Service Fund Account for \$2,225,000 City of Wauwatosa General Obligation Refunding Bonds, Series 2004, dated October 15, 2004", which fund account shall be used solely for the purpose of paying the principal of and interest on the Bonds. There shall be deposited in said fund account all accrued interest paid on the Bonds at the time the Bonds are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 5 hereof, and all other sums as may be necessary to pay principal of and interest on the Bonds as the same become due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds, shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

Section 7. Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment for the principal of and the interest on the Bonds.

Section 8. Arbitrage Covenant. The City 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 and 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 City 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 covenants that it will not invest in any obligation if such investment would violate the "prohibited payment" requirement of Section 148 of the Code.

The City Clerk, or other officer of the City charged with responsibility for issuing the Bonds, shall provide an appropriate certificate of the City, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the City 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 9. Additional Tax Covenants; Six Month Expenditure Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The City 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 excludable from gross income for federal income tax purposes, throughout their term. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the City 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 City 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 excludable from gross income for federal income tax purposes throughout their term.

The City 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.

In accordance with Section 148(f)(4)(B) of the Code, the City covenants that ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local governmental activities of the City and that 100% of the proceeds of the Bonds will be expended for the governmental purposes of the issue within six months of the Closing. If for any reason the City did not qualify for the six month exemption from the rebate requirements of the Code, the City covenants that it would take all necessary steps to comply with such requirements.

The Bonds are deemed designated as "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3)(D)(ii) of the Code and in support of such designation, the City Clerk or other officer of the City charged with the responsibility for issuing the Bonds, shall provide an appropriate certificate of the City, all as of the Closing.

Section 10. Execution of the Bonds. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery. 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 11. Payment of the Bonds. The principal of and interest on the Bonds shall be paid in lawful money of the United States of America by the City Clerk or City Treasurer.

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

Section 13. Undertaking to Provide Continuing Disclosure. The City 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 Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations hereunder and any failure by the City 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 City 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 City's Undertaking.

Section 14. Redemption of the 1994 Bonds. The Common Council hereby calls the 1994 Bonds due on and after December 1, 2005 for redemption on December 1, 2004. The City hereby directs the Purchaser to cause a notice of redemption, in substantially the form attached hereto as Exhibit D to be provided at the times, to the parties and in the manner provided thereon.

Section 15. Redemption of the 1997 Notes. The Common Council hereby calls the 1997 Notes due on and after December 1, 2005 for redemption on December 1, 2004. The City hereby directs the Purchaser to cause a notice of redemption, in substantially the form attached hereto as Exhibit E to be provided at the times, to the parties and in the manner provided thereon.

Section 16. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-217

WHEREAS, it is anticipated that additional trips generated by the location of GE Healthcare Information Technology within the Milwaukee County Research Park will warrant a traffic signal at the intersection of Innovation Drive and Watertown Plank Road in the City of Wauwatosa; and

WHEREAS, results of an ongoing traffic study regarding funding for an area-wide traffic impact analysis will not be complete in time for construction of new traffic signals at that intersection; and

WHEREAS, funding is available through Tax Incremental Finance District #2 to design and construct a traffic signal at the Watertown Plank and Innovation Drive intersection; and

WHEREAS, it is estimated that Traffic Analysis and Design, Inc. will be able to analyze and design a new traffic signal at this location at a cost of between \$15,000.00 and \$25,000.00;

NOW, THEREFORE, BE IT RESOLVED THAT a professional services contract with Traffic Analysis and Design, Inc. shall hereby be amended to allow expenditure of up to \$25,000.00 for purposes of analysis and design of a traffic signal and related structures at the corner of Watertown Plank Road and Innovation Drive in the City of Wauwatosa, to be funded by Tax Incremental Finance District #2;

BE IT FURTHER RESOLVED THAT Engineering Services Division is hereby authorized to proceed with preparing plans and specifications for the necessary intersection improvements, such that construction may be conducted and completed during the year 2005.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-218

BE IT RESOLVED, by the Common Council of the City of Wauwatosa THAT the claim filed by Katherine James for damages be and the same is hereby denied and placed on file for the reason that no liability exists on the part of the City;

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.

It was moved by Ald. Grimm, seconded by Ald. Maher
to approve the three foregoing resolutions. -14

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-215

WHEREAS, a special election has been called for October 12, 2004, in the seventh aldermanic district; and

WHEREAS, there are insufficient funds in the Elections budget to cover all costs of an additional election; and

WHEREAS, the City Clerk's office recommended the transfer of \$2,960.00 from the Reserve for Contingencies in to the Elections accounts as follows:

\$1,335.00 into 01-142-5102

\$640.00 into 01-142-5110

\$35.00 into 01-142-5900
\$50.00 into 01-142-5200
\$100.00 into 01-142-5500
\$800.00 into 01-142-5210; and

WHEREAS, the City Clerk also recommends the transfer of \$1,900.00 from Public Works Payroll Account #01-331-5100 into Elections Payroll Account #01-142-5100 to cover the salaries of two election machine custodians;

NOW, THEREFORE, BE IT RESOLVED THAT the transfer of \$2,960.00 from the Reserve for Contingencies into the accounts listed above and a transfer of \$1,900.00 from the Public Works Payroll Account #01-331-5100 into Elections Payroll Account #01-142-5100 to cover the salaries of two election machine custodians is hereby approved.

It was moved by Ald. Stepaniak, seconded by Ald. Maher to approve the foregoing resolution. Roll call vote, Ayes 14

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-04-216

WHEREAS, an employee in the Municipal Court office is on leave for six to 8 weeks and it is necessary to continue to process warrants for the police department during that time; and

WHEREAS, the City Clerk's office and Police Department request authorization to transfer \$650.00 from the Reserve for Contingencies into the Municipal Court Payroll Account to pay for 5 hours of data entry each week for up to 8 weeks for warrant preparation;

NOW THEREFORE, BE IT RESOLVED THAT \$650.00 be transferred from the Reserve for Contingencies into the Municipal Court Payroll Account (01-121-5100) to pay for 5 hours of data entry each week for up to 8 weeks for warrant preparation.

It was moved by Ald. Stepaniak, seconded by Ald. Sullivan to approve the foregoing resolution. Roll call vote, Ayes 14

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 9/22/04 – 10/5/04 --

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 9/22/04 – 10/5/04: \$983,386.91

It was moved by Ald. Casey, seconded by Ald. Maher that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 14

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-04-219

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the bid of Utility Sales and Service to furnish one aluminum step van to be “piggybacked” with a City of Milwaukee purchase at the price of \$59,674.00 without trade-in be and the same is hereby accepted.

BE IT FURTHER RESOLVED THAT Fleet equipment numbers T-71 and S-59 be declared surplus and the Purchasing Manager is hereby authorized to dispose of it in a manner most advantageous to the City.

It was moved by Ald. Herzog, seconded by Ald. Maher to approve the foregoing resolution. -14

There being no further business, the meeting adjourned at 8:10 p.m.

cal

Carla A. Ledesma, CMC, City Clerk