



Wauwatosa, WI

Common Council

Meeting Minutes

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, September 19, 2023

7:30 PM

Council Chambers and Zoom:
<https://servetosa.zoom.us/j/273225010>,
Meeting ID: 273 225 010

Regular Meeting

CALL TO ORDER

Mayor Dennis McBride called the regular Common Council meeting to order at 7:54 PM.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present: 14 Alderperson District 1 Andrew Meindl
Alderperson District 1 James Moldenhauer
Alderperson District 2 Margaret Arney
Alderperson District 2 John Dubinski
Alderperson District 3 Joseph Makhoul II
Alderperson District 3 Robin Brannin
Alderperson District 4 David Lewis
Alderperson District 5 Sean Lowe
Alderperson District 5 Joel Tilleson
Alderperson District 6 Council President Meagan O'Reilly
Alderperson District 6 Joe Phillips
Alderperson District 7 Mike Morgan
Alderperson District 7 Amanda Fuerst
Alderperson District 8 Melissa Dolan
Excused: 1 Alderperson District 8 Jason Wilke
Remote: 1 Alderperson District 4 Ernst Franzen

APPROVAL OF MINUTES

1. Approval of minutes of the September 5, 2023 regular meeting [23-669](#)
RESULT: APPROVED
MOVER: Ernst Franzen
SECONDER: Meagan O'Reilly
Aye: 14 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Lewis, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan
Excused: 2 Ald Franzen, and Ald Wilke

APPOINTMENTS BY THE MAYOR

1. Appointment by Mayor McBride of Josephine Marsho (District 4) as a student member of the Wauwatosa Youth Commission, term expiring May 31, 2025 [23-428](#)

Recommendation: Second Reading

RESULT: APPROVED

MOVER: Meagan O'Reilly

SECONDER: Joseph Makhoul II

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke

2. Reappointment by Mayor McBride of Daniel Finerty (District 4) as a member of the Wauwatosa Civil Service Commission, term expiring September 30, 2026 [23-626](#)

Recommendation: Second Reading

RESULT: APPROVED

MOVER: Meagan O'Reilly

SECONDER: Joseph Makhoul II

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke

3. Reappointment by Mayor McBride of Rosemary Fox (District 1) as a member of the Wauwatosa Equity and Inclusion Commission, term ending October 31, 2026 [23-628](#)

Recommendation: Second Reading

RESULT: HELD

APPLICATIONS, COMMUNICATIONS, ETC.

1. Summons and Complaint - Mayfair Mall, LLC vs. City of Wauwatosa, Case No. 2023CV006336 [23-631](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

2. Summons and Complaint - Target Corporation vs. City of Wauwatosa, Case No. 2023CV005591 [23-632](#)

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

3. Summons and Complaint - Mariah R. Smith vs. City of Wauwatosa, [23-654](#)
Case No. 2023CV006625

Recommendation: Refer to City Attorney

RESULT: REFERRED TO CITY ATTORNEY

ORDINANCES FOR INTRODUCTION

1. Ordinance creating Chapter 7.36 of the Wauwatosa Municipal Code [23-701](#)
relative to discrimination under state law

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

Part I. Chapter 7.36 of the Wauwatosa Municipal Code of Ordinances is created to read in its entirety as follows:

Chapter 7.36 - Anti- Discrimination

Section 7.36.010 - Discrimination Prohibited

Consistent with the State of Wisconsin's Fair Employment Law, contained in Sections 111.31 to 111.395 of the Wisconsin Statutes, the City of Wauwatosa prohibits discrimination in employment on the bases of race (including hair texture and protective hairstyles), color, age, religion, creed, ancestry, national origin, sex or gender, disability, arrest or conviction record, marital status, sexual orientation, military service, or use or non-use of lawful products off the employer's premises during nonworking hours. In addition, consistent with Section 106.52 of the Wisconsin Statutes, the City of Wauwatosa prohibits discrimination in public places of accommodation or amusement.

Section 7.36.020 - State Enforcement

The City of Wauwatosa encourages anyone who believes that they have been discriminated against in violation of the State of Wisconsin prohibitions on discrimination stated in Section A above to file a formal complaint with the State of Wisconsin Equal Rights Division, which has the responsibility under the Wisconsin Statutes to enforce those prohibitions. Instructions on how to file such a complaint are available on the City's website.

Part II. This ordinance shall become effective on and after its dates of passage and publication.

By: Government Affairs Committee

Recommendation: Ready for adoption, Committee recommended adoption 6-0

RESULT: REFERRED TO ORIGINATING COMMITTEE
Enactment No: O-23-22

2. Ordinance amending Section 11.32.080 of the Wauwatosa Municipal Code relative to two-hour parking zone from nine a.m. to six p.m. except Sundays and legal holidays on the west side of Lefebber Avenue from 155-feet south of North Avenue to North Avenue [23-698](#)

Part I. The “Lefebber Avenue - West Side” portion of the “Schedule of Streets, and portions” subsection of Wauwatosa Code Section 11.32.080 is hereby amended by modifying the following subsections:

“(c) from W. Garfield Avenue to 155 feet south of W. North Avenue

to read as follows:

“(c) from W. Garfield to W. North Avenue

Part II. This ordinance shall become effective on and after its date of publication.

By: Transportation Affairs Committee

Recommendation: Ready for adoption, Committee recommended adoption 6-0

RESULT: REFERRED TO ORIGINATING COMMITTEE
Enactment No: O-23-23

3. Ordinance amending Section 11.32.080 of the Wauwatosa Municipal Code to prohibit parking along the west side of Ludington Avenue from Jackson Park Boulevard to approximately 84-feet north of Jackson Park Boulevard [23-699](#)

The Common Council do hereby ordain as follows:

Part I. The “Ludington Avenue - West Side” portion of the “Schedule of Streets, and portions” subsection of Wauwatosa Code 11.32.080 is hereby amended by modifying the following subsections:

“(c) from Jackson Park Boulevard to W. North Avenue”

to read:

“(a) from Jackson Park Boulevard to 84 feet north of Jackson Park Boulevard

(c) from 84 feet north of Jackson Park Boulevard to W. North Avenue”

Part II. This ordinance shall become effective on and after its date of passage.

By: Transportation Affairs Committee

Recommendation: Ready for adoption, Committee recommended adoption 7-0

RESULT: REFERRED TO ORIGINATING COMMITTEE
Enactment No: O-23-24

FROM THE PLAN COMMISSION

1. Resolution approving a Land Division via Certified Survey Map at 11220 W. Burleigh Street, Chris Thomas, TOA, applicant [23-649](#)

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin that permission be and the same is hereby granted to Chris Thomas, TOA, for a Land Division via Certified Survey Map at 11220 W. Burleigh Street. The location of the parcels are more particularly described as follows:

Being a redivision of Lot 1 of Certified Survey Map No. 8859 in the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 7, Township 7 North, Range 21 East, City of Wauwatosa, Milwaukee County, Wisconsin

All in accordance with the application attached hereto and made a part of this resolution, in compliance with Section 17.02.070 of the Code of the City of Wauwatosa and subject to the following conditions:

1. Any technical corrections as identified by the Register of Deeds and City staff.
2. Per State Statute 236.34 (2), the CSM is to be recorded within 12 months of the Common Council approval.

By: Plan Commission

Recommendation: Approve 7-0

RESULT: APPROVED
MOVER: Ernst Franzen
SECONDER: Robin Brannin

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlouf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-159

2. Resolution approving a Conditional Use Permit in the C1/NOR District at 6707 W. North Avenue for an eating establishment, Matt Schroeder, Wings in Wisconsin, applicant [23-650](#)

WHEREAS Matt Schroeder, Wings in Wisconsin, applied for a Conditional Use Permit in the C1/North Avenue Overlay District at 6707 W. North Avenue for an eating establishment, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission 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 Permit to Matt Schroeder, Wings in Wisconsin, subject to:

1. Hours of operation Sunday - Thursday, from 11:00 am to 10:00 pm, and Friday and Saturday from 11:00 am to 12:00 am.
2. Providing detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
3. Design Review Board approval required; plan review and all applicable building permits required. DSPS plan approvals may be required depending on scope of work.
4. Submittal and approval of a Site Plan Parking Lot Permit addressing all comments in the Public Works Department section of the staff report.
5. Under WMC 24.16.040L, a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
6. Obtaining other required licenses, permits, and approvals.
7. Trash enclosure shall be screened and details of the enclosure shall be returned to staff for review.

By: Plan Commission

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Robin Brannin

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-160

3. Resolution approving a Conditional Use Permit in the C2 District at 3122 N. Mayfair Road for a liquor store, Riddhi Patel, Mayfair Inc., applicant

[23-651](#)

WHEREAS Riddhi Patel, Mayfair Inc., applied for a Conditional Use Permit in the 3122 N. Mayfair Road for a liquor store, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission 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 Permit to Riddhi Patel, Mayfair

Inc., subject to:

1. Hours of operation Monday through Sunday from 8:00 am to 9:00 pm.
2. Adding short and long-term bike parking in compliance with City Code prior to occupancy.
3. Providing detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
4. Under WMC 24.16.040I., a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
5. For existing buildings, any building project in excess of \$100,000 is subject to sanitary sewer lateral replacement or repair if the existing lateral does not pass Board of Public Works testing requirements according to City Code 13.30.030.
6. Obtaining other required licenses, permits, and approvals.

By: Plan Commission

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Robin Brannin

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-161

4. Resolution approving a Conditional Use Permit in the C2 District at 12345 W. Capitol Drive for an eating establishment, Enrique Castel, Lingle Design Group, applicant

[23-652](#)

WHEREAS Enrique Castel, Lingle Design Group, applied for a Conditional Use Permit in the C2 District at 12345 W. Capitol Drive for an eating establishment, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission 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 Permit to Enrique Castel, Lingle Design Group, subject to:

1. Hours of operation Monday through Sunday from 10:30 am to 11:00 pm.
2. Providing detailed costs of any alterations and/or new construction, as well as income & expense as requested by the Assessor's office.
3. Compliance with approved landscape plan prior to occupancy.

4. Under WMC 24.16.040I., a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
5. For existing buildings, any building project in excess of \$100,000 is subject to sanitary sewer lateral replacement or repair if the existing lateral does not pass Board of Public Works testing requirements according to City Code 13.30.030.
6. Obtaining other required licenses, permits, and approvals.

By: Plan Commission

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Robin Brannin

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlof II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-162

5. Resolution approving a Conditional Use Permit in the C1/NOR District at 6505 W. North Avenue to expand the operating hours and allow outdoor operations, Abigail Gilman, The Little Village Play Cafe, applicant [23-653](#)

WHEREAS Abigail Gilman, The Little Village Play Cafe, applied for a Conditional Use Permit in the C1/North Avenue Overlay District at 6505 W. North Avenue to expand the operating hours and allow outdoor operations, and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission 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 Permit to Abigail Gilman, The Little Village Play Cafe, subject to:

1. Hours of operation 7:00 am to 10:00 pm daily.
2. Providing short- and long-term bicycle parking in compliance with City Code 24.11.080 prior to occupancy permit issuance.
3. A site plan/parking lot permit must be submitted to the Engineering Department. The site plan should include details on where Code compliant short- and long-term bike parking will be provided. The plan must also address how the proposed outdoor space will be protected from vehicles entering the space from the south drive approach.

4. Under WMC 24.16.040I., a Conditional Use will lapse and have no further effect one year after it is approved by the Common Council, unless a building permit has been issued (if required); the use or structure has been lawfully established; or unless a different lapse of approval period or point of expiration has been expressly established by the Common Council.
5. Obtaining other required licenses, permits, and approvals.

By: Plan Commission

Recommendation: Approve 7-0

RESULT: APPROVED

MOVER: Ernst Franzen

SECONDER: Robin Brannin

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-163

FROM THE GOVERNMENT AFFAIRS COMMITTEE

1. Resolution approving application for temporary extension of licensed premises by Ray's Growler Gallery, LLC d/b/a Ray's Growler Gallery, 8930 W North Avenue for the Ray-toberfest event on October 8, 2023 12:00 PM - 5:00 PM [23-668](#)

WHEREAS, Ray's Growler Gallery, 8930 W. North Avenue, has requested a Special Event Permit and a temporary extension of the licensed premises from 12:00 PM to 5:00 PM for Ray-toberfest on Sunday, October 8, 2023, to include their parking lot and the parcel located at the Northeast corner of 90th Street and North Avenue;

NOW, THEREFORE, BE IT RESOLVED THAT the Special Event permit is hereby approved and the "Class B" Liquor licensed premises of Ray's Growler Gallery be extended from 12:00 PM to 5:00 PM for Ray-toberfest on Sunday, October 8, 2023, to include their parking lot and the parcel located at the Northeast corner of 90th Street and North Avenue.

By: Government Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Margaret Arney

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-164

2. Resolution approving the temporary extension of licensed premises by Ray's Growler Gallery, LLC d/b/a Ray's Growler Gallery, 8930 W North Avenue for the Christkindlmarket event on December 3, 2023 12:00 PM- 4:00 PM [23-672](#)

WHEREAS, Ray's Growler Gallery, 8930 W. North Avenue, has requested a Special Event Permit and a temporary extension of the licensed premises from 12:00 PM to 4:00 PM for the Christkindlmarket event on Sunday, December 3, 2023, to include their parking lot and the parcel located at the Northeast corner of 90th Street and North Avenue;

NOW, THEREFORE, BE IT RESOLVED THAT the Special Event permit is hereby approved and the "Class B" Liquor licensed premises of Ray's Growler Gallery be extended from 12:00 PM to 4:00 PM for Christkindlmarket event on Sunday, December 3, 2023 to include their parking lot and the parcel located at the Northeast corner of 90th Street and North Avenue.

By: Government Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Margaret Arney

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-165

3. Resolution approving application for appointment of successor Agent, Katelyn Kaad, for Walgreens Company, d/b/a Walgreens #04253, 2656 N. Wauwatosa Avenue [23-673](#)

WHEREAS, Walgreens Company, d/b/a Walgreens #04253, 2656 N. Wauwatosa Avenue, has appointed Katelyn Kadd, as successor agent for the Class "A" beer and "Class A" liquor license for the period ending June 30, 2023; and

WHEREAS, Katelyn Kadd meets the qualifications pursuant to Wis. Stat. 125.04(5).

WHEREAS, the Government Affairs Committee reviewed the request and recommends approval.

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa hereby approves the Appointment of Successor Agent submitted by Walgreens Company d/b/a Walgreens #04253, 2656 N. Wauwatosa Avenue, appointing

Katelyn Kadd as the Agent for the Class "A" Beer and "Class A" liquor license for the period ending June 30, 2024.

By: Government Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Margaret Arney

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-166

4. Resolution approving Enhanced Policing Services Contract for Froedtert Emergency Department

[23-700](#)

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wauwatosa that the Agreement for Enhanced Policing Services with Froedtert Memorial Lutheran Hospital, Inc. as more thoroughly described in the September 12, 2023 Government Affairs Committee meeting be approved.

By: Government Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: Joel Tilleson

SECONDER: Margaret Arney

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-167

FROM THE COMMUNITY AFFAIRS COMMITTEE

1. Ordinance amending the Official Zoning Map of Wauwatosa to rezone property along Mayfair Road from North Avenue to the southern City limits to add the Mayfair Corridor Overlay District (/MAY)

[23-574](#)

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

Part 1. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect a Zoning Map Amendment to add the Mayfair Corridor Overlay District on the following parcels in addition to the current zoning classifications:

PARCEL_KEY	ADDRESS	FROM	TO
339-9985-002	1717 N MAYFAIR RD	C2	C2/MAY
339-9987-003	1901 N MAYFAIR RD	M1	M1/MAY
339-9990-000	1935 N MAYFAIR RD	C2	C2/MAY
339-9991-001	2001 N MAYFAIR RD	C2	C2/MAY
339-9992-002	2021 N MAYFAIR RD	C2	C2/MAY
339-9994-002	2111 N MAYFAIR RD	C2	C2/MAY
339-9997-002	2201 N MAYFAIR RD	C2	C2/MAY
339-9999-000	2275 N MAYFAIR RD	C2	C2/MAY
340-0099-001	2200 N MAYFAIR RD	C2	C2/MAY
340-0102-002	2222 N MAYFAIR RD	C2	C2/MAY
340-0121-002	~2000 N MAYFAIR RD	C2, SP-PKG	C2, SP-PKG/MAY
340-0121-003	1900 N MAYFAIR RD	C2	C2/MAY
340-0126-002	2100 N MAYFAIR RD	C2/PUD	C2/PUD/MAY
340-0129-001	2130 N MAYFAIR RD	C2	C2/MAY
340-0188-002	1826 N MAYFAIR RD	C2	C2/MAY
340-0190-000	1810 N MAYFAIR RD	C2	C2/MAY
340-0191-000	1800 N MAYFAIR RD	C2	C2/MAY
340-0192-000	1750 N MAYFAIR RD	C2	C2/MAY
340-9994-001	1728 N MAYFAIR RD	C2	C2/MAY
340-9995-001	2290 N MAYFAIR RD	C2	C2/MAY
374-9999-025	1200 N MAYFAIR RD	SP-POS/PUD	SP-POS/PUD/MAY
375-9992-005	1233 N MAYFAIR RD	R1-9/PUD	R1-9/PUD/MAY
375-9993-002	1501 N MAYFAIR RD	M1	M1/MAY
375-9993-003	1401 N MAYFAIR RD	M1/PUD	M1/PUD/MAY
375-9993-004	1441 N MAYFAIR RD	M1/PUD	M1/PUD/MAY
375-9997-000	1555 N MAYFAIR RD	M1	M1/MAY
375-9999-001	1655 N MAYFAIR RD	M1	M1/MAY
378-0002-006	1155 N MAYFAIR RD	C2,M1/PUD	C2,M1/PUD/MAY
378-0003-002	1055 N MAYFAIR RD	C2	C2/MAY
378-0003-003	1033 N MAYFAIR RD	C2	C2/MAY
378-0003-004	1011 N MAYFAIR RD	C2	C2/MAY
378-0003-006	959 N MAYFAIR RD	C2	C2/MAY
378-0003-010	933 N MAYFAIR RD	C2	C2/MAY
378-0003-011	909 N MAYFAIR RD	C2	C2/MAY
378-9986-003	739 N MAYFAIR RD	C2	C2/MAY
378-9986-008	725 N MAYFAIR RD	C2	C2/MAY
378-9986-009	717 N MAYFAIR RD	C2	C2/MAY
378-9986-010	801 N MAYFAIR RD	C2	C2/MAY

379-1001-000	10701 RESEARCH DR	SP-RP	SP-RP/MAY
379-1002-000	850 N MAYFAIR RD	SP-RP	SP-RP/MAY
379-1003-000	800 N MAYFAIR RD	SP-RP	SP-RP/MAY
379-1004-000	~750 N MAYFAIR RD	SP-RP	SP-RP/MAY
379-9999-059	10499 INNOVATION DR	SP-RP	SP-RP/MAY
379-9999-060	10700 RESEARCH DR	SP-RP	SP-RP/MAY
379-9999-068	1040 N MAYFAIR RD	SP-RP	SP-RP/MAY
410-0061-001	620 N MAYFAIR RD	C2, SP-PKG	C2, SP-PKG/MAY
410-0066-002	510 N MAYFAIR RD	C2	C2/MAY
410-0073-003	418 N MAYFAIR RD	C2	C2/MAY
411-1001-000	301 N MAYFAIR RD	C2	C2/MAY
411-9974-001	115 N MAYFAIR RD	C2	C2/MAY
411-9976-007	201 N MAYFAIR RD	C2	C2/MAY
411-9976-008	151 N MAYFAIR RD	C2	C2/MAY
411-9977-001	251 N MAYFAIR RD	C2	C2/MAY
411-9998-002	611 N MAYFAIR RD	C2	C2/MAY
411-9998-003	~501 N MAYFAIR RD	C2	C2/MAY
411-9999-001	631 N MAYFAIR RD	C2	C2/MAY

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

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

Recommendation: Ready for adoption, Committee recommended adoption 6-1

RESULT: ADOPTED

MOVER: Ernst Franzen

SECONDER: Mike Morgan

Aye: 13 Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Nay: 2 Ald Meindl, and Ald Makhlouf II

Excused: 1 Ald Wilke
Enactment No: O-23-21

FROM THE FINANCIAL AFFAIRS COMMITTEE

2. Resolution approving request for Fund Transfer up to \$70,000 for Hart Park Stadium Improvements

[23-675](#)

BE IT RESOLVED by the Common Council of the City of Wauwatosa that a fund transfer from projects 8023, 8042, and 8046 in the amount of up to \$70,000.00 be approved for projects for improvements to the Hart Park Stadium concessions stand and the installation of electronic access controls for the parks administration building.

By: Financial Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-168

3. Resolution in support of an application for grant funding from the Wisconsin Department of Natural Resources to support development of the 116th Street Park [23-683](#)

WHEREAS, the applicant, City of Wauwatosa, is interested in obtaining a cost-share grant from Wisconsin Department of Natural Resources for the purpose of funding urban and community forestry projects specified in s. 23.097(1g) and (1r), Wis. Stats.;

WHEREAS, the applicant attests to the validity and veracity of the statements and representations contained in the grant application; and

WHEREAS, the applicant requests a grant agreement to carry out the project;

NOW, THEREFORE, BE IT RESOLVED, the applicant, City of Wauwatosa, will comply with all local, state, and federal rules, regulations and ordinances relating to this project and the cost-share agreement;

BE IT FURTHER RESOLVED, the applicant will budget a sum sufficient to fully and satisfactorily complete the project and hereby authorizes and empowers the parks and forestry superintendent, its official or employee, to act on its behalf to:

1. Sign and submit the grant application
2. Sign a grant agreement between applicant and the DNR
3. Submit interim and/or final reports to the DNR to satisfy the grant agreement
4. Submit grant reimbursement request to the DNR
5. Sign and submit other required documentation

By: Financial Affairs Committee

Recommendation: Approved 8-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-169

4. Resolution approving the use of an additional \$61,490 for consulting design services for the 116th Street Park project [23-694](#)

WHEREAS, the City of Wauwatosa has allocated 2 million dollars of the American Rescue Plan Act (ARPA) funds through the City's Capital Improvement Plan (CIP) for the development of a new city park at the intersection of 116th Street and Gilbert Avenue;

WHEREAS, in addition to city funds, staff and consultants have secured closed to \$2 million in grant funding for the park;

WHEREAS, additional design work in the amount of \$61,490, is required due to Army Corp of Engineers unexpectedly asserting jurisdiction over the property;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa that the use of an additional \$61,490 from the City's APRA contingency fund, for the purpose of additional design work related to the development of a new city park at the intersection of 116th Street and Gilbert Avenue, is hereby approved.

By: Financial Affairs Committee

Recommendation: Approved 8-0

RESULT: APPROVED
MOVER: James Moldenhauer
SECONDER: Amanda Fuerst

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-170

5. Initial Resolution Authorizing \$10,810,000 General Obligation Bonds for Street Improvement Projects [23-703](#)

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed \$10,810,000 for the public purpose of paying the cost of street improvement projects.

By: Financial Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-171

6. Initial Resolution Authorizing \$180,000 General Obligation Bonds for Water System Projects [23-739](#)

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed \$180,000 for the public purpose of paying the cost of water system projects.

By: Financial Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-172

7. Initial Resolution Authorizing \$320,000 General Obligation Bonds for Parks and Public Grounds Projects [23-704](#)

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed \$320,000 for the public purpose of paying the cost of parks and public grounds projects.

By: Financial Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-173

8. Initial Resolution Authorizing \$720,000 General Obligation Bonds for Equipment of the Fire Department [23-696](#)

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed \$720,000 for the public purpose of paying the cost of equipment of the fire department.

By: Financial Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-174

9. Initial Resolution Authorizing \$380,000 General Obligation Bonds for Fire Station Projects [23-705](#)

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed \$380,000 for the public purpose of paying the cost of construction of engine houses.

By: Financial Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-175

- 10.** Initial Resolution Authorizing \$30,000 General Obligation Bonds for Construction of Police Facilities [23-706](#)

BE IT RESOLVED by the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed \$30,000 for the public purpose of paying the cost of construction of police facilities.

By: Financial Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED
MOVER: James Moldenhauer
SECONDER: Amanda Fuerst

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-176

- 11.** Resolution Directing Publication of Notice to Electors Relating to Bond Issues [23-707](#)

WHEREAS, initial resolutions authorizing general obligation bonds have been adopted by the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") and it is now necessary that said initial resolutions be published to afford notice to the residents of the City of their adoption;

NOW, THEREFORE, BE IT RESOLVED that the City Clerk shall, within 15 days, publish a notice to the electors in substantially the form attached hereto in the official City newspaper as a class 1 notice under ch. 985, Wis. Stats.

By: Financial Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED
MOVER: James Moldenhauer
SECONDER: Amanda Fuerst

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoul II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-177

12. Resolution Establishing Parameters for the Sale of Not to Exceed [23-708](#)
\$12,440,000 General Obligation Corporate Purpose Bonds, Series 2023A

WHEREAS, the Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") has heretofore adopted initial resolutions (collectively, the "Initial Resolutions") authorizing the issuance of general obligation bonds for the following public purposes and in the following not to exceed amounts:

- (a) \$10,810,000 for street improvement projects;
- (b) \$180,000 for water system projects;
- (c) \$320,000 for parks and public grounds projects;
- (d) \$720,000 for equipment of the fire department;
- (e) \$380,000 for construction of engine houses; and
- (f) \$30,000 for construction of police facilities;

WHEREAS, pursuant to the provisions of Section 67.05, Wisconsin Statutes, within 15 days following the adoption of the Initial Resolutions, the City Clerk shall cause a notice to electors to be published in the MJS-North NOW, stating the purpose and maximum principal amount of the bond issues authorized by the Initial Resolutions and describing the opportunity and procedure for submitting a petition requesting a referendum on the bond issues authorized by the Initial Resolutions;

WHEREAS, the time to file such a petition shall expire on October 19, 2023;

WHEREAS, the Common Council of the City hereby finds that the general obligation bond issues authorized by the Initial Resolutions be combined, issued and sold as a single issue of bonds designated "General Obligation Corporate Purpose Bonds, Series 2023A" (the "Bonds") for the purpose of paying the cost of the projects described in the Initial Resolutions (collectively, the "Project");

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

WHEREAS, the City is authorized by the provisions of Section 67.04, Wisconsin Statutes, to

borrow money and issue general obligation bonds for such public purposes;

WHEREAS, it is the finding of the Common Council that it is in the best interest of the City to direct its financial advisor, Robert W. Baird & Co. Incorporated ("Baird"), to take the steps necessary for the City to offer and sell the Bonds at public sale and to obtain bids for the purchase of the Bonds;

WHEREAS, the City Clerk (in consultation with Baird) is hereby authorized and directed to cause the sale of the Bonds to be publicized at such times and in such manner as the City Clerk may determine and to cause copies of a complete Official Notice of Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine; and WHEREAS, in order to facilitate the sale of the Bonds in a timely manner, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City to delegate to the Finance Director and the City Attorney (collectively, the "Authorized Officers") of the City the authority to accept on behalf of the City the bid for the Bonds that results in the lowest true interest cost for the Bonds (the "Proposal") and meets the terms and conditions provided for in this Resolution by executing a certificate in substantially the form attached hereto as Exhibit A and incorporated herein by reference (the "Approving Certificate").

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

Section 1. Sale of the Bonds; Parameters. For the purpose of paying costs of the Project, the City is authorized to borrow pursuant to Section 67.04, Wisconsin Statutes and the Initial Resolutions, the principal sum of not to exceed TWELVE MILLION FOUR HUNDRED FORTY THOUSAND DOLLARS (\$12,440,000) upon the terms and subject to the conditions set forth in this Resolution. Subject to satisfaction of the conditions set forth in Section 15 of this Resolution, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the financial institution that submitted the Proposal (the "Purchaser") for, on behalf of and in the name of the City, Bonds aggregating the principal amount of not to exceed TWELVE MILLION FOUR HUNDRED FORTY THOUSAND DOLLARS (\$12,440,000). The amount of Bonds to be issued pursuant to each of the Initial Resolutions shall be determined by the Authorized Officers and set forth in the Approving Certificate. The purchase price to be paid to the City for the Bonds shall not be less than 100% of the principal amount of the Bonds.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Corporate Purpose Bonds, Series 2023A"; shall be issued in the aggregate principal amount of up to \$12,440,000; shall be dated as of their date of issuance (which shall not be before December 1, 2023); shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall mature or be subject to mandatory redemption on the dates and in the principal amounts set forth below, provided that the principal amount of each maturity or mandatory redemption amount may be increased or decreased by up to \$500,000 per maturity or mandatory redemption amount; that a maturity or mandatory redemption payment may be eliminated if the amount of such maturity or payment set forth in the schedule below is less than or equal to \$500,000; and that the aggregate principal amount of the Bonds shall not exceed \$12,440,000. The schedule below assumes the Bonds are issued in the aggregate principal amount of \$12,440,000.

<u>Date</u>	<u>Principal Amount</u>
12-01-2024	\$ 570,000
12-01-2025	505,000
12-01-2026	530,000
12-01-2027	560,000
12-01-2028	590,000
12-01-2029	625,000
12-01-2030	655,000
12-01-2031	695,000
12-01-2032	730,000
12-01-2033	775,000
12-01-2034	815,000
12-01-2035	860,000
12-01-2036	910,000
12-01-2037	955,000
12-01-2038	1,005,000
12-01-2039	305,000
12-01-2040	315,000
12-01-2041	330,000
12-01-2042	345,000
12-01-2043	365,000

Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2024. The true interest cost on the Bonds (computed taking the Purchaser's compensation into account) shall not exceed 5.00%. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 3. Redemption Provisions. The Bonds shall not be subject to optional redemption or shall be callable as set forth on the Approving Certificate. If the Proposal specifies that certain of the Bonds shall be subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment to the Approving Certificate labeled as Schedule MRP. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in the Approving Certificate in such manner as the City shall direct.

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 B and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the 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 irrevocable tax in the years 2023 through 2042 for the payments due in the years 2024 through 2043 in the amounts as are sufficient to meet the principal and interest payments when due.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There shall be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Corporate Purpose Bonds, Series 2023A" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the

Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated 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 a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and the ownership, management and use of the projects will not cause the Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and

covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, mandatory redemption, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 11. Payment of the Bonds; Mandatory Redemption Agent or Fiscal Agent. The principal of and interest on the Bonds shall be paid by the Finance Director (the "Fiscal Agent"). If deemed necessary, the City hereby authorizes the Mayor and City Clerk or other appropriate officers of the City to enter into either a mandatory redemption agreement or fiscal agency agreement with a financial institution to be appointed in the Approving Certificate.

Section 12. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the

transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 13. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the 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, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 15. Conditions on Issuance and Sale of the Bonds. The issuance of the Bonds and the sale of the Bonds to the Purchaser are subject to satisfaction of the following conditions:

(a) expiration of the petition period provided for under Section 67.05(7)(b), Wisconsin Statutes, without the filing of a sufficient petition for a referendum with respect to the Initial Resolutions authorizing the issuance of the Bonds to finance the Project;

(b) approval by the Authorized Officers of (i) the bid for the Bonds submitted by the Purchaser and (ii) the principal amount, definitive maturities, redemption provisions, interest rates and purchase price for the Bonds, which approval shall be evidenced by execution by the Authorized Officers of the Approving Certificate.

The Bonds shall not be issued, sold or delivered until these conditions are satisfied. Upon satisfaction of these conditions, the Authorized Officers are authorized to execute a Proposal with the Purchaser providing for the sale of the Bonds to the Purchaser.

Section 16. Official Statement. The Common Council hereby directs the Authorized Officers to approve the Preliminary Official Statement with respect to the Bonds and deem the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by the Authorized Officers or other officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk

shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 17. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Mayor and 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 18. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 19. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of 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, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 20. 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.

By: Financial Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhlouf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke

Enactment No: R-23-178

- 13.** Resolution Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$3,935,000 General Obligation Promissory Notes, Series 2023B [23-709](#)

WHEREAS, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City of Wauwatosa, Milwaukee County, Wisconsin (the "City") to raise funds for public purposes, including paying the cost of storm sewer improvements, acquisition of equipment for the police department and other capital improvement projects (the "Project");

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

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

WHEREAS, it is the finding of the Common Council that it is in the best interest of the City to direct its financial advisor, Robert W. Baird & Co. Incorporated ("Baird"), to take the steps necessary for the City to offer and sell general obligation promissory notes designated as "General Obligation Promissory Notes, Series 2023B" (the "Notes") at public sale and to obtain bids for the purchase of the Notes; and

WHEREAS, in order to facilitate the sale of the Notes in a timely manner, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City to delegate to the Finance Director and the City Attorney (collectively, the "Authorized Officers") of the City the authority to accept on behalf of the City the bid for the Notes that results in the lowest true interest cost for the Notes (the "Proposal") and meets the terms and conditions provided for in this Resolution by executing a certificate in substantially the form attached hereto as Exhibit A and incorporated herein by reference (the "Approving Certificate").

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

Section 1. Authorization and Sale of the Notes; Parameters. For the purpose of

paying costs of the Project, the City is authorized to borrow pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of not to exceed THREE MILLION NINE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$3,935,000) upon the terms and subject to the condition set forth in this Resolution. Subject to satisfaction of the condition set forth in Section 15 of this Resolution, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the financial institution that submitted the Proposal (the "Purchaser") for, on behalf of and in the name of the City, Notes aggregating the principal amount of not to exceed THREE MILLION NINE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$3,935,000). The purchase price to be paid to the City for the Notes shall not be less than 100% of the principal amount of the Notes.

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2023B"; shall be issued in the aggregate principal amount of up to \$3,935,000; shall be dated as of their date of issuance (which shall not be before December 1, 2023); shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall mature or be subject to mandatory redemption on the dates and in the principal amounts set forth below, provided that the principal amount of each maturity or mandatory redemption amount may be increased or decreased by up to \$300,000 per maturity or mandatory redemption amount; that a maturity or mandatory redemption payment may be eliminated if the amount of such maturity or payment set forth in the schedule below is less than or equal to \$300,000; and that the aggregate principal amount of the Notes shall not exceed \$3,935,000. The schedule below assumes the Notes are issued in the aggregate principal amount of \$3,935,000.

<u>Date</u>	<u>Principal Amount</u>
12-01-2024	\$785,000
12-01-2025	285,000
12-01-2026	300,000
12-01-2027	315,000
12-01-2028	325,000
12-01-2029	345,000
12-01-2030	365,000
12-01-2031	380,000
12-01-2032	405,000
12-01-2033	430,000

Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2024. The true interest cost on the Notes (computed taking the Purchaser's compensation into account) shall not exceed 4.50%. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 3. Redemption Provisions. The Notes shall not be subject to optional redemption or shall be callable as set forth on the Approving Certificate. If the Proposal specifies that certain of the Notes shall be subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment to the Approving Certificate labeled as Schedule MRP. Upon the optional redemption of any of the Notes subject to mandatory redemption, the principal amount of such Notes so redeemed shall be credited

against the mandatory redemption payments established in the Approving Certificate in such manner as the City shall direct.

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2023 through 2032 for the payments due in the years 2024 through 2033 in the amounts as are sufficient to meet the principal and interest payments when due.

(B) Tax Collection. So long as any part of the principal of or interest on the Notes remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There shall be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Promissory Notes, Series 2023B" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts

appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, mandatory redemption, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 11. Payment of the Notes; Mandatory Redemption Agent or Fiscal Agent. The principal of and interest on the Notes shall be paid by the Finance Director (the "Fiscal Agent"). If deemed necessary, the City hereby authorizes the Mayor and City Clerk or other appropriate officers of the City to enter into either a mandatory redemption agreement or

fiscal agency agreement with a financial institution to be appointed in the Approving Certificate.

Section 12. Persons Treated as Owners; Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 13. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the Record Date.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 15. Condition on Issuance and Sale of the Notes. The issuance of the Notes and the sale of the Notes to the Purchaser are subject to approval by the Authorized Officers of (i) the bid for the Notes submitted by the Purchaser, and (ii) the principal amount, definitive maturities, redemption provisions, interest rates and purchase price for the Notes, which approval shall be evidenced by execution by the Authorized Officers of the Approving Certificate.

The Notes shall not be issued, sold or delivered until this condition is satisfied. Upon satisfaction of this condition, the Authorized Officers are authorized to execute a Proposal with the Purchaser providing for the sale of the Notes to the Purchaser.

Section 16. Official Statement. The Common Council hereby directs the

Authorized Officers to approve the Preliminary Official Statement with respect to the Notes and deem the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by the Authorized Officers or other officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 17. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 18. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 19. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 20. 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.

By: Financial Affairs Committee

Recommendation: Approve 8-0

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke
Enactment No: R-23-179

1. Resolution creating Tax Incremental District No. 15, approving its project plan and establishing its boundaries City of Wauwatosa, Wisconsin

[23-637](#)

WHEREAS, the City of Wauwatosa (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 15 (the "District") is proposed to be created by the City as district in need of rehabilitation or conservation work in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, a Project Plan for the District has been prepared that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the District promotes the orderly development of the City;
- k. An opinion of the City Attorney or of an attorney retained by the City advising

that the plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Milwaukee County, the Wauwatosa School District, and the Milwaukee Area Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was also sent to the to owners of all property in the proposed District; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the CDA, on August 10, 2023 held a public hearing concerning the project plan and boundaries and proposed creation of the District, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the CDA designated the boundaries of the District, adopted the Project Plan, and recommended to the City Council that it create such District and approve the Project Plan.

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

1. The boundaries of the District that shall be named "Tax Incremental District No. 15, City of Wauwatosa", are hereby established as specified in Exhibit A of this Resolution.
2. The District is created effective as of January 1, 2023.
3. The City Council finds and declares that:
 - (a) Not less than 50% by area of the real property within the District is in need of rehabilitation or conservation work within the meaning of Wisconsin Statutes Section 66.1337(2m)(b).
 - (b) Based upon the finding stated in 3.a. above, the District is declared to be a district in need of rehabilitation or conservation work based on the identification and classification of the property included within the District.
 - (c) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District.
 - (d) The equalized value of the taxable property in the District plus the value increment of all other existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.

- (e) That there are no parcels to be included within the District that were annexed by the City within the preceding three-year period.
 - (f) The City estimates that less than 35% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).
 - (g) The project costs relate directly to promoting the rehabilitation or conservation of the area consistent with the purpose for which the District is created.
4. The Project Plan for "Tax Incremental District No. 15, City of Wauwatosa " (see Exhibit B) is approved, and the City further finds the Plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2023, pursuant to the provisions of Wisconsin Statutes Section 66.1105(5)(b).

BE IT FURTHER RESOLVED THAT pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes that the City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Wisconsin Statutes Section 70.45, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes.

By: Financial Affairs Committee

Recommendation: Approve 7-1

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 12 Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Fuerst, and Ald Dolan

Nay: 3 Ald Meindl, Ald Makhoulf II, and Ald Morgan

Excused: 1 Ald Wilke
Enactment No: R-23-180

15. Ratification of Comptroller's Office bills and claims report, September 6 through September 19, 2023

[23-671](#)

RESULT: RATIFIED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 15 Ald Meindl, Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Makhoulf II, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Morgan, Ald Fuerst, and Ald Dolan

Excused: 1 Ald Wilke

- 14.** Resolution approving term sheet with Barrett-Lo Visionary Development or related entities for residential redevelopment on the south Mayfair district property [23-695](#)

WHEREAS, Barrett-Lo Visionary Development, through related entities BLVD Mayfair I LLC, BLVD Mayfair II LLC, and BLVD Mayfair III LLC, has proposed a development on land located on the south Mayfair district property at 2400 N. Mayfair Road, Wauwatosa, (the "Project") and has requested financial assistance from the City, partly via the use of tax incremental financing ("TIF"), for site preparation, construction, structured parking, developer incentives and related infrastructure costs associated with development of that site; and

WHEREAS, the Financial Affairs Committee has considered the financial viability of providing assistance to promote the development of the Project on this site and has recommended an offer of financial terms for such assistance which are described on the Term Sheet attached hereto and incorporated herein; and

WHEREAS, the Financial Affairs Committee has also recognized the provision of such financial assistance will be consistent with the approved Project Plan for Wauwatosa Tax Incremental District #15, consistent with the Tax Increment Law in the State of Wisconsin, and will promote further development in this area of the City of Wauwatosa; and

WHEREAS the Wauwatosa Common Council, by separate action at its meeting of September 19, 2023, has approved the final TID Project Plan which would provide funding for construction of the Project as described;

NOW, THEREFORE, BE IT RESOLVED THAT the proposal for development assistance described in the attached Term Sheet for Development Agreement for the purpose of site preparation, construction, structured parking, developer incentives and related infrastructure costs associated with development on the site located in the City of Wauwatosa, is hereby approved;

BE IT FINALLY RESOLVED THAT the appropriate City officials are hereby authorized to draft and execute a Development Agreement with Barrett-Lo Visionary Development or a related entity, which incorporates the financial terms and is substantially similar to the attached Term Sheet, as well as approved development plans, including all additional documentation required to transfer ownership of the property as therein described and to effectuate the provision of the assistance described therein.

Recommendation: Approve 6-1

RESULT: APPROVED

MOVER: James Moldenhauer

SECONDER: Amanda Fuerst

Aye: 12 Ald Moldenhauer, Ald Arney, Ald Dubinski, Ald Brannin, Ald Lewis, Ald Franzen, Ald Lowe, Ald Tilleson, Ald O'Reilly, Ald Phillips, Ald Fuerst, and Ald Dolan

Nay: 3 Ald Meindl, Ald Makhoulf II, and Ald Morgan

Excused: 1 Ald Wilke

Enactment No: R-23-181

FUTURE COUNCIL COMMITTEE AGENDA ITEMS

1. Future Council committee agenda items

[23-670](#)

Arney asked to have a discussion on redesigning the City logo. Arney also asked for the discussion on the City's response to a mass shooting event to also be a joint meeting with the School District.

RESULT: INFORMATIONAL ONLY

ADJOURNMENT

Meeting adjourned at 10:19 PM.