



CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, November 6, 2007

PRESENT: Aids. Ewerdt, Grimm, Hanson, Herzog, Krill (7:32 p.m.), Krol, Meaux, Minear, Purins, Stepaniak, Treis, Becker, Birschel, Didier, Donegan -15

EXCUSED: Ald. Maher

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Wehrley, City Engineer; Ms. Welch, Community Development Director; Police Chief Weber; Ms. Aldana, Asst. City Attorney/Personnel Director; Mr. Wojcehowicz, Water Utility Supt.; Fire Chief Redman; Ms. Nielsen, Nursing Supervisor; Mr. Tschudy, Water Utility Business Manager; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Estness in the Chair

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

The Mayor and Common Council President Becker presented Public Works employees Jim Brinkman and Dean Duessler with certificates of achievement for their performance at the American Public Works Association Snow Plow Rodeo on September 19, 2007.

It was moved by Ald. Grimm, seconded by Ald. Didier that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -15

PUBLIC HEARING

The first item of business was a public hearing to consider the proposed 2008 City of Wauwatosa budget.

Proof of publication is in the file.

Mr. Archambo stated that the proposed city budget constitutes 32% of a property owner's tax bill, and represents an increase of 3.7% over the 2007 budget. The property tax levy will increase 2.76%. The tax rate per \$1,000 of assessed valuation is the same as last year, \$6.43. The individual city property tax remains below the consumer price index.

There will be some personnel additions in the 2008 budget: two police officers, a parks custodian, intern and seasonal positions in the Forestry Department, and expanded hours for the property maintenance inspector.

No one of the public present wished to be heard in favor of the proposed resolution.

No one of the public present wished to be heard in opposition to the proposed resolution.

The Mayor inquired whether any one of the public present wished to be heard either for or against the proposed ordinance or had any comments or questions.

Bea Lex, 6030 W. Wells Street, was present on behalf of the Wauwatosa Taxpayer Alliance. She expressed concern about the number of TIF districts being created and whether they create an additional burden on taxpayers. The Alliance is also concerned about the level and expense of employee benefits.

The public hearing was declared closed. Ordered held to the next Common Council meeting on November 20, 2007.

APPOINTMENTS BY THE MAYOR

Village of Wauwatosa Business Improvement District Board of Directors

(Terms end 12/31/10)

Kevin Hardman, 1920 Underwood Avenue

Carol Winkel, 1812 N. 74th Street

Chris Leffler, 7208 W. State Street

Marija Madunic, 7754 Harwood Avenue

Jaime Kristof, 7707 Harwood Avenue

Foregoing appointments submitted for information only.

Youth Commission

(Terms end 8/31/10, all reappointments)

Lynn Ferger, 224 N. 85th Street

Barbara Holtz, 2650 N. 89th Street

Laura Roberts, 8442 Kenyon Avenue

Tom Stepp, 2611 N. 86th Street

Kosta Zervas, 1357 N. 67th Street

Samuel Benedict, 831 N. 66th Street

Tina Schulz, 638 Pleasant View

Pam Matthews, 4139 N. 110th Street

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Conditional Use application for a Starbucks within Macy's department store at 2500 N. Mayfair Road
Plan Commission, Committee on Community Development
2. Application for amendments to Zoning Code regulations to allow churches and other religious assemblies as permitted uses within the Trade District and the Business District
Plan Commission, Committee on Community Development

3. Conditional Use application to place a fiber conversion cabinet at 11104 W. Blue Mound Road
Plan Commission, Committee on Community Development
4. Conditional Use application to place a fiber conversion cabinet at 6950 W. State Street
Plan Commission, Committee on Community Development
5. Conditional Use application for the demolition and rebuilding of the Target store at 3900 N. 124th Street
Plan Commission, Committee on Community Development
6. Notice of Claim: Varick Camron Choice, 5301 N. 29th Street, Milwaukee
City Attorney
7. Letter from Mary A. Havas, 10200 W. Blue Mound Road requesting that San Camillo remain tax exempt
City Assessor
8. City of Wauwatosa Bank Reconciliation of Depository Accounts as of September 30, 2007
Place on file
9. City of Wauwatosa Investment Summary as of October 31, 2007
Place on file
10. Emails from Sandy Krause, 1525 N. 69th Street, Kenneth and Patricia Byrne, 623 N. 75th Street, Warren H. Groff, 2243 N. 61st Street, Barbara J. Brown, 2530 N. 91st Street, Heidi Markes, 1152 Kavanaugh Place, Ann Marie Uselmann and Michael McCrea, 2545 Pasadena Blvd., Karen Larson, 2545 N. 83rd Street, Juli Jensen, 2446 N. 81st Street, and Jennifer Radosevic, 2615 N. 83rd Street in support of residency restrictions for sex offenders
Add to existing file

FROM THE COMMITTEE ON TRAFFIC AND SAFETY FOR INTRODUCTION

1. Ordinance amending Section 11.32.080 of the City Code by restricting parking on N. 70th Street between Blanchard Street and Milwaukee Avenue
Re-refer to originating committee
2. Ordinance amending Section 11.32.080 of the City Code by restricting parking on both sides of Martha Washington under the Washington Blvd bridge
Re-refer to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance amending Chapter 8.25 of the City Code to reflect the upcoming change to the single stream recycling program
Re-refer to originating committee

FROM THE COMMITTEE ON EMPLOYEE RELATIONS

RESOLUTION O-07-20

AN ORDINANCE AMENDING SECTION 252.240 OF THE CODE OF THE CITY OF WAUWATOSA PERTAINING TO THE RESIDENCY REQUIREMENT FOR CERTAIN POSITIONS WITH THE FIRE DEPARTMENT

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

Part I. Section 2.52.240 of the Code of the City of Wauwatosa is hereby amended to read as follows:

A. Except as provided in this section, personnel hereafter employed by the city in the positions of assistant fire chief, deputy fire chief and battalion fire chief shall be required, as a condition of continued employment, to establish and maintain residence within three miles of the nearest border of the City of Wauwatosa within one year of their date of hire or within six months of successful completion of their probationary period, whichever is later. An applicant or employee shall be deemed to satisfy this section if at that time of appointment, in the opinion of the Chief, the location of his or her residence provide an equivalent response time to those residences located within three miles of the nearest border of the City of Wauwatosa.

B. The common council shall consider the recommendation of the city administrator and committee on employee relations and may grant an exception to the residence requirement set forth in subsection A of this section for a fixed or indefinite period of time if it is determined to be necessary to attract a candidate who offers a clear advantage over other candidates willing to become city residents in a more timely manner. However, should any employee granted an exemption pursuant to this subsection change their residence subsequent to their date of hire, then as a condition of continued employment such employee shall establish and maintain residence within three miles of the nearest border of the City of Wauwatosa within six months of such change of residence.

C. Personnel employed in positions set forth in subsection A of this section prior to the effective date of the ordinance codified in this section and who were hired without a residence requirement shall be exempt from the residence requirements set forth in this section; however, nothing herein shall prohibit a department head from establishing reasonable distance requirements with respect to any position when operational reasons so require.

D. Waiver of the requirements of this section for reasons other than those set forth in subsection B of this section shall be granted only in accordance with Section 2.58.320G of this code.

E. Reimbursement of reasonable moving expenses may be authorized by the city administrator in accordance with Section 2.58.320H of this code.

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

It was moved by Ald. Purins, seconded by Ald. Krill
to adopt the foregoing ordinance. -15

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-253

WHEREAS, Sara A. Riggsbee, 217 NW Barstow Street, Apt. B, Waukesha, WI, has applied for an operator's license in conjunction with her employment at Maggiano's, 2600 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Sara A. Riggsbee, 217 NW Barstow Street, Apartment B, Waukesha, WI, is hereby issued an operator's license for the period ending June 30, 2008.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-254

WHEREAS, Amanda L. Engel, 2427 N. 54th Street, Milwaukee, WI applied for an operator's license in conjunction with her employment at Applebee's, 6750 W. State Street, Wauwatosa, WI; and

WHEREAS, a background investigation revealed the applicant had more than one conviction which she failed to disclose; and

WHEREAS, the circumstances surrounding these previous convictions and her failure to disclose them are substantially related to the responsibilities required of persons holding operator's licenses in the City of Wauwatosa;

NOW, THEREFORE, BE IT RESOLVED THAT the operator's license application of Amanda Engel is hereby denied;

BE IT FURTHER RESOLVED THAT the Clerk shall notify Ms. Engel in writing of this decision and the reasons for the denial.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-255

WHEREAS, Ashley D. Pfaff, 2345 S. 107th Street, West Allis, WI, has applied for an operator's license in conjunction with her employment at the Cheesecake Factory, on N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Ashley D. Pfaff, 2345 S. 107th Street, West Allis, WI, is hereby issued an operator's license for the period ending June 30, 2008.

BE IT FURTHER RESOLVED THAT the Wauwatosa Police Department is directed to review Ms. Pfaff's record six months after issuance of this initial license and report back to the Committee on Legislation, Licensing and Communications if any new significant issues or concerns are revealed at that time.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-07-256

WHEREAS, Ron Stokes, agent for Roaring Fork, LLC, d/b/a Qdoba Mexican Grill, 418-B N. Mayfair Road, Wauwatosa, WI, has applied for a Class B beer license for its location;

NOW, THEREFORE, BE IT RESOLVED THAT a Class B beer license be awarded to Roaring Fork, LLC, d/b/a Qdoba Mexican Grill, Ron Stokes, agent, 418-B N. Mayfair Road, Wauwatosa, WI, for the period ending June 30, 2008.

It was moved by Ald. Krol, seconded by Ald. Birschel to approve the four foregoing resolutions. -15

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

RESOLUTION R-07-257

WHEREAS, Potter Road west of Wisconsin State Trunk Highway 100 (STH 100), a public street in the City of Wauwatosa, crosses the tracks of the Union Pacific Railroad at grade; and

WHEREAS, the crossing is not in good condition and repair for public travel due to rotted and missing portions of timbers at the crossing and deteriorated pavement; and

WHEREAS, previous attempts at contacting the Union Pacific Railroad to make repairs at Potter road have not received a response; and

WHEREAS, some temporary repairs were made in July of 2007 but the crossing continues to have rotted timbers and deteriorated pavement; and

WHEREAS, the City of Wauwatosa hereby requires that the Union Pacific Railroad pave and repair or improve the rail highway crossing at Potter Road;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa hereby directs the Wauwatosa staff to serve a copy of this resolution upon the Union Pacific Railroad requiring the railroad to repair the rail-highway crossing Potter Road west of State Trunk Highway 100 with the tracks of the Union Pacific in the City of Wauwatosa, Milwaukee County.

It was moved by Ald. Grimm, seconded by Ald. Stepaniak to approve the foregoing resolution. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-258

WHEREAS, the Director of Public Works has indicated that the City of Wauwatosa, along with the City of Milwaukee and Waukesha County, are currently considering the possibility of building one

large publicly-owned recycling facility at some future date which would increase the efficiency by serving all three entities' recycling needs; and

WHEREAS, the issue of possibly constructing such a facility and determining a potential location for such facility is very early in the development and study stages; and

WHEREAS, if the City of Wauwatosa were willing to participate, a location of such facility at the City of Wauwatosa Public Works yard would be ideally located in the center of all three communities, would provide road access to transportation facilities, and could possibly provide revenues in excess of the cost of running such facility for the City of Wauwatosa; and

WHEREAS, the Director of Public Works has indicated the he will only propose a potential site for such new facility at the Wauwatosa Public Works yard if the Common Council gave preliminary support for the idea of studying that location along with others as this proposal develops;

NOW, THEREFORE, BE IT RESOLVED THAT the Wauwatosa Common Council hereby authorizes the Director of Public Works to continue with the discussion of the Public Works yard as a potential site for the regional recycling facility in the future as such studies develop.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-259

WHEREAS, Joe DeRosa has applied for a Conditional Use in the AA Business District at 8612 Watertown Plank Road for a restaurant expansion and;

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

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Joe DeRosa for a restaurant expansion in the AA Business District at 8612 Watertown Plank Road subject to the following conditions:

- 1) retaining current hours of operation from 11:00 a.m. to 11:00 p.m. daily, with extensions for New Year's Eve and select special occasions, and
- 2) obtaining any required licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-260

WHEREAS, Valerie Richard and Roger Pumphrey have applied for a Conditional Use in the AA Business District at 7327 W. Center Street for daycare facility and;

WHEREAS, this request was reviewed and recommended by the City Plan Commission and the Committee on Community Development and determined to be necessary for the public convenience

at that location; located and proposed to be operated in such manner which will protect the public health, safety, and welfare; and was found to be compatible with surrounding uses;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Valerie Richard and Roger Pumphrey for a daycare facility in the AA Business District at 7327 W. Center Street subject to the following conditions:

- 1) retaining current hours of operation from 6:00 a.m. to midnight Monday through Friday, and
- 2) obtaining any required licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-07-261

WHEREAS, Edward Polito, agent for AT&T, and Brookwood Pool, LLC have applied for a Conditional Use in the Residential Planned Development District at 1244 North 68th Street for a pad mounted fiber conversion cabinet, and;

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

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Edward Polito, agent for AT&T and Brookwood Pool, LLC for a pad mounted fiber conversion cabinet in the Residential Planned Development District at 1244 North 68th Street subject to the following conditions:

- 1) contingent upon AT&T obtaining all permits, licenses, franchises and permissions required under federal, state or local law prior to AT&T's commencement of the use of the facilities to provide any video programming or other programming services, as those terms are defined in 41 U.S.C. Section 522, as amended, to subscribers in the City, and
- 2) AT&T agrees it will not use the facilities described in this Conditional Use Permit as part of a network for the provision to subscribers in the City of video programming or other programming service, as those terms are defined in 47 U.S.C. Section 522, as amended, unless AT&T provides the City Clerk 30 days' prior written notice, with a copy to the City Attorney.
- 3) except for the grant of this Conditional Use Permit by the City of Wauwatosa, this action by the city shall not constitute nor be construed as a grant of any other permit, license, franchise or permission otherwise required under federal, state or local law, and
- 4) screening to the highest degree possible with a mix of fencing and shrubbery; and
- 5) addressing safety of fiber conversion cabinets, and
- 6) resolution of the noise and transformer concerns, and
- 7) changing labels posted on cabinets from orange to a less obtrusive white, and
- 8) obtaining all other necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

TO THE COMMON COUNCIL, CITY OF WAUWATOSA –

The Committee on Community Development, to whom was referred a request by the Milwaukee County Land Information office to route all subdivision and verified survey plats to that office in addition to the Register of Deeds, recommends to the Common Council that the matter be placed on file.

Dated this 30th day of October 2007.

Committee on Community Development

It was moved by Ald. Treis, seconded by Ald. Herzog to approve the four foregoing resolutions and one foregoing report. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE

AN ORDINANCE CREATING CHAPTER 7.32 OF THE WAUWATOSA MUNICIPAL CODE PERTAINING TO SEX OFFENDERS

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

Part I. Chapter 7.32 is hereby created to read as follows:

7.32 Residency Restrictions for Sex Offenders

- 7.32.010** FINDINGS.
- 7.32.020** PURPOSE.
- 7.32.030** DEFINITIONS.
- 7.32.040** RESIDENCY RESTRICTIONS.
- 7.32.050** RESIDENCY RESTRICTION EXCEPTIONS.
- 7.32.060** LOITERING.
- 7.32.070** LOITERING EXCEPTIONS.
- 7.32.080** APPEAL.
- 7.32.090** PENALTY.

7.32.010 FINDINGS.

The Mayor and Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin, do hereby find as follows, and adopt such findings as their legislative history for the provisions hereinafter enacted.

The Wisconsin Statutes provide for the punishment, treatment and supervision of persons convicted or otherwise responsible for sex crimes against children, including their release into the community.

Chapter 980 of the Wisconsin Statutes provides for the civil commitment of sexually violent persons, a more dangerous type of sex offender, and specifically, in §980.08, Stats, following such commitment, under certain conditions, provides for the supervised release of such persons into the community.

The City of Wauwatosa places a high priority on maintaining public safety through highly skilled and trained law enforcement as well as dependency upon laws that deter and punish criminal behavior.

Sex offenders have very high recidivism rates, and according to a 1998 report by the U.S. Department of Justice, sex offenders are the least likely to be cured and the most likely to re-offend and prey on the most innocent members of our society. In addition, more than two-thirds of the victims of rape and sexual assault are under the age of 18, and sex offenders have a dramatically higher recidivism rate for their crimes than any other type of violent felon.

The Common Council has been advised by counsel of the findings of a number of the Municipal governing bodies within the State of Wisconsin as well as numerous Legislatures of these United States, including Wisconsin, and also including, but not limited to Pennsylvania, Alabama, Iowa, Florida, Maine, and Louisiana, as they pertain to laws adopted which relate to and in part impose restrictions upon sex offenders with respect to residency; and

The Common Council having also been advised of the decision of the United States Court of Appeals for the 8th Circuit, in Doe v. Miller, 405 F.3d 700, 716 (8th Cir. 2005), providing in part: “The record does not support a conclusion that the Iowa General Assembly and the Governor acted based merely on negative attitudes toward, fear of, or a bare desire to harm a politically unpopular group. [Citation omitted]. Sex offenders have a high rate of recidivism, and the parties presented expert testimony that reducing opportunity and temptation is important to minimizing the risk of re-offense. Even experts in the field could not predict with confidence whether a particular sex offender will re-offend, whether an offender convicted of an offense against a teenager will be among those who “cross over” to offend against a younger child, or the degree to which regular proximity to a place where children are located enhances the risk of re-offense against children. One expert in the district court opined that it is just “common sense” that limiting the frequency of contact between sex offenders and areas where children are located is likely to reduce the risk of an offense. [Citation omitted]. The policymakers of Iowa are entitled to employ such “common sense,” and we are not persuaded that the means selected to pursue the States legitimate interest are without rational basis.”

The Common Council recognizes that, through 2005 Wisconsin Acts 431 and 434, the Wisconsin Legislature has both created and repealed Statutory Provisions relating to the placement of sexually violent persons as set forth by the Wisconsin Revisor of Statutes in a letter dated September 25, 2006, thereby leaving the location of sex offender residency unregulated.

The Common Council having considered a proposed amendment to the Municipal Code to provide residency restrictions for sex offenders and to prevent loitering by such persons to further protect children, and upon all of the records and files and reports and proceedings pertaining to the subject matter, and all of the prior actions and experience of the City of Wauwatosa in protecting the Community from sexually violent persons, finds the proposed amendments will serve to protect the health, safety and welfare of the Community.

7.32.020 PURPOSE.

This Chapter is a regulatory measure aimed at protecting the health and safety of children in Wauwatosa from the risk that convicted sex offenders may re-offend in locations close to their residences. The City finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders, and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there

is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools, daycare centers and other places children frequent. The City finds and declares that in addition to schools and daycare centers, children congregate or play at public parks.

7.32.030 DEFINITIONS.

As used in this Chapter and unless the context otherwise requires:

- A. A “sexually violent offense” shall have the meaning as set forth in Wis. Stat. §980.01(6), as amended from time to time.

- B. A “crime against children” shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, respectively:
 - §940.225(1) First Degree Sexual Assault;
 - §940.225(2) Second Degree Sexual Assault;
 - §940.125(3) Third Degree Sexual Assault;
 - §940.22(2) Sexual Exploitation by Therapist;
 - §940.30 False Imprisonment, if victim was minor and not the offender’s child;
 - §940.31 Kidnapping, if victim was minor and not the offender’s child;
 - §944.01 Rape (prior statute);
 - §944.06 Incest;
 - §944.10 Sexual Intercourse with a Child (prior statute);
 - §944.11 Indecent Behavior with a Child (prior statute);
 - §944.12 Enticing Child for Immoral Purposes (prior statute);
 - §948.02(1) First Degree Sexual Assault of a Child;
 - §948.02(2) Second Degree Sexual Assault of a Child;
 - §948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child;
 - §948.05 Sexual Exploitation of a Child;
 - §948.055 Causing a Child to View or Listen to Sexual Activity;
 - §948.06 Incest with a Child;
 - §948.07 Child Enticement;
 - §948.075 Use of a Computer to Facilitate a Child Sex Crime;
 - § 948.08 Soliciting a Child for Prostitution;
 - §948.095 Sexual Assault of a Student by School Instructional Staff;
 - §948.11(2)(a) or (am) Exposing Child to Harmful Material felony sections;
 - §948.12 Possession of Child Pornography;
 - §948.13 Convicted Child Sex Offender Working with Children;
 - §948.30 Abduction of Another’s Child;
 - §971.17 Not Guilty by Reason of Mental Disease of an included offense; and
 - §975.06 Sex Crimes Law Commitment.

- C. “Designated Offender” means a person who has been convicted of, or has been found delinquent of, or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.

- D. “Residence” (“reside”) means the place where a person sleeps, or which qualifies as a residence under the holdings of the Wisconsin Supreme Court, and which may include more than one location, and may be mobile or transitory.

7.32.040 RESIDENCY RESTRICTIONS.

- A. In the absence of a court order specifically exempting a Designated Offender from the residency restriction contained in this section, a Designated Offender shall not reside within five hundred (500) feet of the real property comprising any of the following:

1. Any facility for children (which means a public or private school, a group home, as defined in §48.02(7), Stats., a residential care center for children and youth, as defined in §48.02(15d), Stats, a shelter care facility, as defined in §48.02(17), Stats., a foster home, as defined in §48.02(6), Stats., a treatment foster home, as defined in §48.02(17q), Stats, a day care center licensed under §48.65, Stats, a day care program established under §120.13(14), Stats, a day care provider certified under §48.651, Stats, or a youth center, as defined in §961.01(22), Stats.); and/or
2. Any facility used for:
 - (a) a public park, parkway, parkland, park facility;
 - (b) a public swimming pool;
 - (c) a public library;
 - (d) a recreational trail;
 - (e) a public playground;
 - (f) a school for children;
 - (g) athletic fields used by children;
 - (h) a movie theatre;
 - (i) a licensed daycare center;
 - (j) any specialized school for children, including, but not limited to a gymnastics academy, dance academy or music school;
 - (k) a public or private golf course or range; and
 - (l) aquatic facilities open to the public;

The distance shall be measured from the closest boundary line of the real property supporting the residence of a Designated Offender to the closest real property boundary line of the applicable above enumerated use(s).

- B. In addition to and notwithstanding the foregoing, but subject to sec. 7.32.050, below, no Designated Offender shall be permitted to reside in the City of Wauwatosa, unless such person was domiciled in the City of Wauwatosa at the time of the offense resulting in the person’s most recent conviction for committing the sexually violent offense and/or crime against children.

- C. No person shall knowingly sell or rent a residential property to a Designated Offender if the property is located in such a manner that the Designated Offender, by residing at the property, will be in violation of sub. A, above.

7.32.050 RESIDENCY RESTRICTION EXCEPTIONS.

A Designated Offender residing within five hundred (500) feet of the real property comprising any of the uses enumerated in 7.32.040 above, does not commit a violation of this chapter if any of the following apply:

1. The Designated Offender is required to serve a sentence or is otherwise involuntarily required to reside in a jail, prison, juvenile facility, or other correctional institution or mental health facility.
2. The Designated Offender has established a residence prior to the effective date of this Ordinance which is within five hundred (500) feet of any of the uses enumerated in 7.32.040 above, or such use is newly established after such effective date and it is located within such five hundred (500) feet of a residence of a Designated Offender which was established prior to the effective date of this Chapter, or such use is newly -established after the effective date of a determination provided by the Wauwatosa Police Department pursuant to sec. 7.32.080., below.
3. The Designated Offender is a minor or ward under guardianship.

7.32.060 LOITERING.

A. It shall be unlawful for any person defined as a designated offender pursuant to sec. 7.32.030 (c), to loiter or prowl, in the locations enumerated in sec. 7.32.040 A.(2)., in a place, at a time, or a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.

B. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify himself or herself and explain his or her presence and conduct at the locations enumerated in sec. 7.32.040 A.(2). No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

7.32.070 LOITERING EXCEPTIONS.

The previous section shall not apply where the actor was accompanied by his or her parent, guardian, or other adult person having his or her care, custody or control, or where that actor was exercising first amendment rights protected by the United States constitution or Wisconsin constitution, including freedom of speech, the free exercise of religion, and the right of assembly.

7.32.080 APPEAL.

A. Any person who believes that they may (or may not) be subject to the provisions of this chapter may request a determination from the Wauwatosa Police Department regarding whether the

individual is within the definition of a “Designated Offender” pursuant to sub. 7.32.030 C, above, or whether a particular residence is within an area prohibited pursuant to sec. 7.32.040, above.

B. In order to obtain such a determination, the individual must present in writing, under oath, a statement describing all relevant facts which might apply to such determination.

C. If additional facts are discovered at any time subsequent to issuance of such a determination, which facts would change the outcome of the determination, the Wauwatosa Police Department may rescind, withdraw or modify the determination based upon such additional facts.

7.32.090 PENALTY.

A. If a Designated Offender violates any provision of this Chapter, such Designated Offender shall be subject to a forfeiture of not less than \$500 nor more than \$2,500.

B. Each day a violation continues shall constitute a separate offense.

C. In addition to the penalty provided above, if a Designated Offender violates any provision of this Chapter, by establishing a residence or occupying residential premises within five hundred (500) feet of those premises as described therein, without any exception(s) as also set forth above, the City Attorney, upon referral from the Chief of Police and the written determination by the Chief of Police that upon all of the facts and circumstances and the Purpose of this Chapter, such residence occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others, may bring an action in the name of the City in the Circuit Court for Milwaukee County to permanently enjoin such residency as a public nuisance.

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

It was moved by Ald. Herzog, seconded by Ald. Didier to adopt the foregoing ordinance. –

It was moved by Ald. Treis, seconded by Ald. Meaux to refer the matter back to committee. Roll call vote, Ayes 4 (Krill, Krol, Meaux, Treis), Noes 11. –Motion failed.

It was moved by Ald. Donegan, seconded by Ald. Ewerdt to amend the motion to include a sunset provision of June 30, 2008 in the ordinance. Roll call vote, Ayes 15.

Ald. Meaux asked to reserve the right to request reconsideration of the vote at the next meeting.

It was moved by Ald. Herzog, seconded by Ald. Grimm to reconsider at this meeting. Roll call vote, Ayes 3 (Grimm, Herzog, Didier), Noes 12. –Motion failed.

Roll call vote on motion, as amended, Ayes 15

The amended ordinance is as follows:

AMENDED ORDINANCE O-07-21

AN ORDINANCE CREATING CHAPTER 7.32 OF THE WAUWATOSA MUNICIPAL CODE
PERTAINING TO SEX OFFENDERS

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

Part I. Chapter 7.32 is hereby created to read as follows:

7.32 Residency Restrictions for Sex Offenders

7.32.010	FINDINGS.
7.32.020	PURPOSE.
7.32.030	DEFINITIONS.
7.32.040	RESIDENCY RESTRICTIONS.
7.32.050	RESIDENCY RESTRICTION EXCEPTIONS.
7.32.060	LOITERING.
7.32.070	LOITERING EXCEPTIONS.
7.32.080	APPEAL.
7.32.090	PENALTY.
7.32.100	SUNSET

7.32.010 FINDINGS.

The Mayor and Common Council of the City of Wauwatosa, Milwaukee County, Wisconsin, do hereby find as follows, and adopt such findings as their legislative history for the provisions hereinafter enacted.

The Wisconsin Statutes provide for the punishment, treatment and supervision of persons convicted or otherwise responsible for sex crimes against children, including their release into the community.

Chapter 980 of the Wisconsin Statutes provides for the civil commitment of sexually violent persons, a more dangerous type of sex offender, and specifically, in §980.08, Stats, following such commitment, under certain conditions, provides for the supervised release of such persons into the community.

The City of Wauwatosa places a high priority on maintaining public safety through highly skilled and trained law enforcement as well as dependency upon laws that deter and punish criminal behavior.

Sex offenders have very high recidivism rates, and according to a 1998 report by the U.S. Department of Justice, sex offenders are the least likely to be cured and the most likely to re-offend and prey on the most innocent members of our society. In addition, more than two-thirds of the victims of rape and sexual assault are under the age of 18, and sex offenders have a dramatically higher recidivism rate for their crimes than any other type of violent felon.

The Common Council has been advised by counsel of the findings of a number of the Municipal governing bodies within the State of Wisconsin as well as numerous Legislatures of these United States, including Wisconsin, and also including, but not limited to Pennsylvania, Alabama, Iowa, Florida, Maine, and Louisiana, as they pertain to laws adopted which relate to and in part impose restrictions upon sex offenders with respect to residency; and

The Common Council having also been advised of the decision of the United States Court of Appeals for the 8th Circuit, in Doe v. Miller, 405 F.3d 700, 716 (8th Cir. 2005), providing in part:

“The record does not support a conclusion that the Iowa General Assembly and the Governor acted based merely on negative attitudes toward, fear of, or a bare desire to harm a politically unpopular group. [Citation omitted]. Sex offenders have a high rate of recidivism, and the parties presented expert testimony that reducing opportunity and temptation is important to minimizing the risk of re-offense. Even experts in the field could not predict with confidence whether a particular sex offender will re-offend, whether an offender convicted of an offense against a teenager will be among those who “cross over” to offend against a younger child, or the degree to which regular proximity to a place where children are located enhances the risk of re-offense against children. One expert in the district court opined that it is just “common sense” that limiting the frequency of contact between sex offenders and areas where children are located is likely to reduce the risk of an offense. [Citation omitted]. The policymakers of Iowa are entitled to employ such “common sense,” and we are not persuaded that the means selected to pursue the States legitimate interest are without rational basis.”

The Common Council recognizes that, through 2005 Wisconsin Acts 431 and 434, the Wisconsin Legislature has both created and repealed Statutory Provisions relating to the placement of sexually violent persons as set forth by the Wisconsin Revisor of Statutes in a letter dated September 25, 2006, thereby leaving the location of sex offender residency unregulated.

The Common Council having considered a proposed amendment to the Municipal Code to provide residency restrictions for sex offenders and to prevent loitering by such persons to further protect children, and upon all of the records and files and reports and proceedings pertaining to the subject matter, and all of the prior actions and experience of the City of Wauwatosa in protecting the Community from sexually violent persons, finds the proposed amendments will serve to protect the health, safety and welfare of the Community.

7.32.020 PURPOSE.

This Chapter is a regulatory measure aimed at protecting the health and safety of children in Wauwatosa from the risk that convicted sex offenders may re-offend in locations close to their residences. The City finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders, and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools, daycare centers and other places children frequent. The City finds and declares that in addition to schools and daycare centers, children congregate or play at public parks.

7.32.030 DEFINITIONS.

As used in this Chapter and unless the context otherwise requires:

- A. A “sexually violent offense” shall have the meaning as set forth in Wis. Stat. §980.01(6), as amended from time to time.
- B. A “crime against children” shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, respectively:

- §940.225(1) First Degree Sexual Assault;
- §940.225(2) Second Degree Sexual Assault;
- §940.125(3) Third Degree Sexual Assault;

§940.22(2) Sexual Exploitation by Therapist;
 §940.30 False Imprisonment, if victim was minor and not the offender's child;
 §940.31 Kidnapping, if victim was minor and not the offender's child;
 §944.01 Rape (prior statute);
 §944.06 Incest;
 §944.10 Sexual Intercourse with a Child (prior statute);
 §944.11 Indecent Behavior with a Child (prior statute);
 §944.12 Enticing Child for Immoral Purposes (prior statute);
 §948.02(1) First Degree Sexual Assault of a Child;
 §948.02(2) Second Degree Sexual Assault of a Child;
 §948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child;
 §948.05 Sexual Exploitation of a Child;
 §948.055 Causing a Child to View or Listen to Sexual Activity;
 §948.06 Incest with a Child;
 §948.07 Child Enticement;
 §948.075 Use of a Computer to Facilitate a Child Sex Crime;
 § 948.08 Soliciting a Child for Prostitution;
 §948.095 Sexual Assault of a Student by School Instructional Staff;
 §948.11(2)(a) or (am) Exposing Child to Harmful Material felony sections;
 §948.12 Possession of Child Pornography;
 §948.13 Convicted Child Sex Offender Working with Children;
 §948.30 Abduction of Another's Child;
 §971.17 Not Guilty by Reason of Mental Disease of an included offense; and
 §975.06 Sex Crimes Law Commitment.

- C. "Designated Offender" means a person who has been convicted of, or has been found delinquent of, or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.
- D. "Residence" ("reside") means the place where a person sleeps, or which qualifies as a residence under the holdings of the Wisconsin Supreme Court, and which may include more than one location, and may be mobile or transitory.

7.32.040 RESIDENCY RESTRICTIONS.

A. In the absence of a court order specifically exempting a Designated Offender from the residency restriction contained in this section, a Designated Offender shall not reside within five hundred (500) feet of the real property comprising any of the following:

1. Any facility for children (which means a public or private school, a group home, as defined in §48.02(7), Stats., a residential care center for children and youth, as defined in §48.02(15d), Stats, a shelter care facility, as defined in §48.02(17), Stats., a foster home, as defined in §48.02(6), Stats., a treatment foster home, as defined in §48.02(17q), Stats, a day care center licensed under §48.65, Stats, a day care program established under §120.13(14), Stats, a day care provider certified under §48.651, Stats, or a youth center, as defined in §961.01(22), Stats.); and/or
2. Any facility used for:
 - (a) a public park, parkway, parkland, park facility;
 - (b) a public swimming pool;

- (c) a public library;
- (d) a recreational trail;
- (e) a public playground;
- (f) a school for children;
- (g) athletic fields used by children;
- (h) a movie theatre;
- (i) a licensed daycare center;
- (j) any specialized school for children, including, but not limited to a gymnastics academy, dance academy or music school;
- (k) a public or private golf course or range; and
- (l) aquatic facilities open to the public;

The distance shall be measured from the closest boundary line of the real property supporting the residence of a Designated Offender to the closest real property boundary line of the applicable above enumerated use(s).

B. In addition to and notwithstanding the foregoing, but subject to sec. 7.32.050, below, no Designated Offender shall be permitted to reside in the City of Wauwatosa, unless such person was domiciled in the City of Wauwatosa at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense and/or crime against children.

C. No person shall knowingly sell or rent a residential property to a Designated Offender if the property is located in such a manner that the Designated Offender, by residing at the property, will be in violation of sub. A, above.

7.32.050 RESIDENCY RESTRICTION EXCEPTIONS.

A Designated Offender residing within five hundred (500) feet of the real property comprising any of the uses enumerated in 7.32.040 above, does not commit a violation of this chapter if any of the following apply:

1. The Designated Offender is required to serve a sentence or is otherwise involuntarily required to reside in a jail, prison, juvenile facility, or other correctional institution or mental health facility.
2. The Designated Offender has established a residence prior to the effective date of this Ordinance which is within five hundred (500) feet of any of the uses enumerated in 7.32.040 above, or such use is newly established after such effective date and it is located within such five hundred (500) feet of a residence of a Designated Offender which was established prior to the effective date of this Chapter, or such use is newly -established after the effective date of a determination provided by the Wauwatosa Police Department pursuant to sec. 7.32.080., below.
3. The Designated Offender is a minor or ward under guardianship.

7.32.060 LOITERING.

A. It shall be unlawful for any person defined as a designated offender pursuant to sec. 7.32.030 (c), to loiter or prowl, in the locations enumerated in sec. 7.32.040 A.(2)., in a place, at a time, or a

manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.

B. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify himself or herself and explain his or her presence and conduct at the locations enumerated in sec. 7.32.040 A.(2). No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

7.32.070 LOITERING EXCEPTIONS.

The previous section shall not apply where the actor was accompanied by his or her parent, guardian, or other adult person having his or her care, custody or control, or where that actor was exercising first amendment rights protected by the United States constitution or Wisconsin constitution, including freedom of speech, the free exercise of religion, and the right of assembly.

7.32.080 APPEAL.

A. Any person who believes that they may (or may not) be subject to the provisions of this chapter may request a determination from the Wauwatosa Police Department regarding whether the individual is within the definition of a "Designated Offender" pursuant to sub. 7.32.030 C, above, or whether a particular residence is within an area prohibited pursuant to sec. 7.32.040, above.

B. In order to obtain such a determination, the individual must present in writing, under oath, a statement describing all relevant facts which might apply to such determination.

C. If additional facts are discovered at any time subsequent to issuance of such a determination, which facts would change the outcome of the determination, the Wauwatosa Police Department may rescind, withdraw or modify the determination based upon such additional facts.

7.32.090 PENALTY.

A. If a Designated Offender violates any provision of this Chapter, such Designated Offender shall be subject to a forfeiture of not less than \$500 nor more than \$2,500.

B. Each day a violation continues shall constitute a separate offense.

C. In addition to the penalty provided above, if a Designated Offender violates any provision of this Chapter, by establishing a residence or occupying residential premises within five hundred (500) feet of those premises as described therein, without any exception(s) as also set forth above, the City Attorney, upon referral from the Chief of Police and the written determination by the Chief of Police that upon all of the facts and circumstances and the Purpose of this Chapter, such residence occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others, may bring an action in the name of the City in the Circuit Court for Milwaukee County to permanently enjoin such residency as a public nuisance.

7.32.100 SUNSET

This Chapter does not apply after June 30, 2008.

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

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-262

WHEREAS, the Community Development Block Grant Committee reviewed project proposals submitted to the Committee for the year 2008; and

WHEREAS, the recommendations of the CDBG Committee for 2008 funding approvals are specifically described in a memorandum from City Planning staff dated October 18, 2007, a copy of which is on file in the office of the City Clerk and available for public review; and

NOW, THEREFORE, BE IT RESOLVED THAT the 2008 Community Development Block Grant Project request funding in the amounts recommended by the CDBG Committee as reflected in the memorandum from Planning staff dated October 18, 2007 are hereby approved.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-263

WHEREAS, the City of Wauwatosa will change from “blue bag” recycling to “single stream” recycling in the near future; and

WHEREAS, this change in recycling operation will require citizens to take a separate recycling cart to the curb on alternating regular garbage pickup dates; and

WHEREAS, in order to facilitate greater information sharing between the City of Wauwatosa and the citizens regarding new recycling procedures, recycling pickup dates, as well as yard waste collection and other property information, changes to the City of Wauwatosa website could be implemented at a cost of \$6,500.00 to provide greater information to the citizens; and

WHEREAS, the solid waste management budget contains \$7,000.00 which can be made available to cover the cost of such website changes, as well as any contingencies that might occur in this regard;

NOW, THEREFORE, BE IT RESOLVED THAT a change of purpose in the solid waste management budget in the amount of \$7,000.00 is hereby authorized for purposes of adding recycling functionality and information to the City of Wauwatosa website, and appropriate City officials are hereby authorized to proceed with such changes in the City website.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-264

WHEREAS, in moving to the single stream recycling operation, from the current blue bag recycling, certain changes are required to the 2002 Solid Waste Contract entered into with Waste Management, Inc.; and

WHEREAS, the proposed contract amendments to the 2002 contract between the City of Wauwatosa and Waste Management of Wisconsin, Inc., have been presented to the Committee on Budget & Finance as described in the October 23, 2007, memorandum of the Director of Public Works; and

WHEREAS, such contract amendments are in the best interests of the City and would allow a single stream recycling program to begin at the earliest possible date;

NOW, THEREFORE, BE IT RESOLVED THAT the proposed amendments to the 2002 contract between the City of Wauwatosa and Waste Management of Wisconsin, Inc., as described and attached to the October 23, 2007, memorandum of the Director of Public Works, are hereby approved and the appropriate City officials are hereby authorized to implement said contract amendments.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-265

WHEREAS, the 2007 rates for the self insured Choice Plus (PPO) medical plan were \$764.02 single and \$1,909.59 family and the suggested October 1, 2007 rates decreased to \$612.56 single and \$1,530.02 family, and

WHEREAS, the 2007 rates for the self insured Choice (HMO-type) medical plan were \$553.31 single and \$1,537.41 family and the suggested October 1, 2007 rates changed to \$584.65 single and \$1,460.24 family, and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wauwatosa that the following insurance rates are approved:

- (1) Self insured Choice Plus (PPO) medical rates are \$612.56 single and \$1,530.02 family;
- (2) Self insured Choice (HMO-type) medical rates are \$584.65 single and \$1,460.24 family.

It was moved by Ald. Stepaniak, seconded by Ald. Meaux to approve the four foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-07-266

WHEREAS, the Wauwatosa Water Utility has presented its proposed 2008 budget to the Committee on Budget & Finance and the Common Council; and

WHEREAS, the budget is more particularly described in the memorandum of the Water Superintendent dated October 25, 2007, and the accompanying budget documents which were presented to the Committee on Budget & Finance prior to its meeting of October 30, 2007;

NOW, THEREFORE, BE IT RESOLVED THAT the proposed 2008 Wauwatosa Water Utility budget as contained in the budget document and more particularly described in the October 25, 2007, memorandum of the Water Superintendent, is hereby approved.

It was moved by Ald. Stepaniak, seconded by Ald. Meaux to approve the foregoing resolution. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 10/17/07 – 11/06/07 --

The Committee on Budget and Finance hereby reports to the Common Council that it has examined the accounts of bills and claims and hereby certifies the same as correct and recommends that each of said accounts be allowed and paid.

Total bills and claims for 10/17/07 – 11/06/07: \$2,142,480.72

It was moved by Ald. Meaux, seconded by Ald. Krill that each and every one of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-07-267

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to David Carter of Cedarbrook Investments, LP, 11707 W. North Avenue, Wauwatosa, WI, to encroach onto City right-of-way with a sign and planting bed, subject to the applicants executing unto the City of Wauwatosa an indenture setting forth the terms, provisions and conditions relating to the granting of the aforesaid permission by said City to said applicants, and the location of the new sign does not interfere with the vision triangle and maintenance of the sign shall be in accordance with the sign code requirements.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-07-268

WHEREAS, the Wauwatosa purchasing department has received bids for the purchase of stone, sand, and gravel to meet 2008 requirements; and

WHEREAS, it has been past practice to award the bid to multiple bidders for purchases during 2008 on an as needed basis because of price, convenience and availability;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Wauwatosa purchasing department is hereby authorized to purchase stone, sand, and gravel for the year 2008 from any of the eight bidders submitting bids, with individual purchases being evaluated on an as needed basis pursuant to price, convenience, and availability.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-07-269

BE IT RESOLVED THAT the Hewlett Packard plotter formerly used by the Wauwatosa Engineering Department be declared surplus and donated to the Wauwatosa School District.

It was moved by Ald. Birschel, seconded by Ald. Krill
to approve the three foregoing resolutions. -15

There being no further business, the meeting adjourned at 9:33 p.m.

cal

Carla A. Ledesma, CMC, City Clerk