



CITY OF WAUWATOSA

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COMMON COUNCIL

Regular Meeting, Tuesday, June 21, 2011

PRESENT: Alds. Wilson, Berdan, Birschel, Causier, Donegan, Ewerdt, Hanson, Jay, McBride, Nikcevich, Organ, Pantuso, Roznowski, Walsh, Wilke -15

EXCUSED: Ald. Meaux

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Fire Chief Ugaste; Police Chief Weber; Ms. Welch, Community Development Director; Ms. Enders, Economic Development Director; Ms. Ledesma, City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:42 p.m.

It was moved by Ald. McBride, seconded by Ald. Organ 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 a proposed ordinance adding the East Tosa North Avenue Plan as an amendment to the Comprehensive Plan.

Proof of publication is in the file.

In a meeting held on June 14, 2011 the City Plan Commission recommended adoption of the ordinance.

Ms. Welch, Community Development Director, stated that this Plan has been a long time coming. Efforts began with the North Avenue Alliance to identify funding sources for a study of this type and RDG was hired to perform the analysis and create the Plan. Input was sought and received from many sources on how to make North Avenue an even better location as a sustainable business district and how to create an area that is friendly to bicyclists, pedestrians, and families.

Ms. Welch cautioned that adopting the Plan as part of the city's Comprehensive Plan does not guarantee that every recommendation will be implemented; however, it does provide direction such that any portion that is implemented will have the effect of contributing to the vision the Plan creates.

The following members of the public present wished to be heard in favor of the proposed ordinance:

Meg Miller, 2466 N. 72nd Street, opined that the Plan provides a road map that will protect the investments made in North Avenue, promote its desirability, address its challenges, and showcase its gems. She thanked in particular the alderperson of the First and Fifth District for their support.

Susan Brkich, 2408 N. 70th Street, a resident and owner of Cranky Al's, 6901 W. North Avenue, voiced support for the Plan's vision for North Avenue and urged that it move forward. She offered whatever assistance she can provide in this effort.

Katherine Lazarski, 2602 N. 68th Street, asked that North Avenue be made more pedestrian-friendly. It is hard to cross the street now with young children. The Plan will also help address storm water issues.

Jon Anne Willow, 2346 N. 66th Street, acknowledged that parts of North Avenue have been hit hard by business turn-over. Because of the economy, parts of the Plan may have to be revised, but any improvements made create a good start. She pledged to work to bring businesses to the area. There is a lot of citizen support for this Plan. Please take the first step by adopting the Plan.

Mary Perry, 2519 N. 68th Street, thanked the Mayor, Ms. Welch and the alderpersons for their support of this Plan. The businesses and residents know that adoption of the Plan does not mean money will be immediately spent, but the area must have a plan of action in place.

Luke Perry, 2519 N. 68th Street, echoed others' comments, and observed that the status quo on North Avenue is not sustainable. This is a compelling Plan and the city must move forward.

Kelse Kalumbula, 2579 N. 72nd Street, stated there are lots of destinations along North Avenue to walk to, and pedestrians want even more choices. The speaker thanked the city for this Plan.

Ed Haydin, 2568 N. 71st Street, suggested that the existing commercial district along North Avenue does not reflect the immediate wealth of the area. The wealth is leaving the district and the city. North Avenue's business model, in part, is based on low-rent cash operations. Businesses come and go. Residents and businesses are ready to 'put their foot down' to show the wealth of the area. Property values are good where commercial districts are good. Commercial districts immediately adjacent to residential districts must be inter-related. Through easy access for pedestrians and cyclists, and through handy parking that eases traffic concerns, the area's higher economic value can emerge. Higher property values will result. Stable investments will increase. It is important to the city that all these little pieces are implemented.

Juliette Carpenter, representing the Lutheran Home, 7500 W. North Avenue, echoed support for the Plan as it incorporates all aspects of a community – both commercial and residential.

Karri Tait, 2557 N. 71st Street, voiced support for adoption of this Plan as part of the Comprehensive Plan.

Geoff Trenholme, 8103 Richmond Court, stated that the business district does not reflect the surrounding residential neighborhoods. There are lots of cars on North Avenue, but not enough space for cyclists and pedestrians. Mr. Trenholme stated he is locating his business here because he believes in the Plan's vision.

Guy Landgraf, 7911 W. Clarke Street, stated that his business, Tosa Yoga, has been on North Avenue for five years; he is happy with the community and loves the ideas in the Plan.

Marvin Fruchman, 6502 W. North Avenue, stated he is looking forward to great progress on the Avenue.

Kate Knowlton, 2428 N. 72nd Street, voiced her support for the Plan. If North Avenue offers all the goods and services she needs, she will spend all her money there.

Carolyn McCarthy, 2541 N. 71st Street, stated that Wauwatosa is a cohesive, family-friendly community. However, people are choosing to spend their money elsewhere, rather than on North Avenue. The Avenue needs to be made more attractive and safer for pedestrians.

Ted Mackinney, 2502 N. 72nd Street, stated his family are walker s and cyclists, and prefer not to use a car if possible. North Avenue needs to be made safer for cyclists and pedestrians.

David Wacholz, 2610 N. 69th Street, echoed other speakers' remarks, and added that he likes the fact that the Plan allows for spontaneous gathering places along the Avenue. Elements of the plan make it desirable to linger there longer as a destination.

Scott Miller, 2466 N. 72nd Street, commented that everything other speakers have mentioned are what drove him to this area. However, North Avenue currently lacks that 'place' where one can go and meet friends and neighbors. There is a lot of excitement and energy associated with this area and the Plan can make things happen.

Kathy Ehley, 7437 Kenwood Avenue, voiced enthusiastic support for the Plan and the hard work people are putting into North Avenue. Implementation of elements of the Plan will mean a lot to residents and businesses.

The following member of the public present wished to be heard in opposition to the proposed ordinance: Tom Wittke, 3205 N. Menomonee River Parkway, stated that while he doesn't object to improvements being made to North Avenue, he questioned whether the investment will garner the desired results. Mr. Wittke pointed out that the city spent about \$1.8 million in the mid 1990's to improve North Avenue. During the ensuing 10 years, he claimed that 124 new businesses moved in, and 122 businesses were lost. Will the effort produce better results?

The following members of the public present had comments or questions: Ed Haydin observed that his grandfather said 'you can't get home without leaving first base.' He wished those involved good luck.

The public hearing was declared closed. Ordered held to the next Community Development Committee meeting on June 28, 2011.

APPOINTMENTS BY THE MAYOR

Board of Zoning Appeals (approval)
James Bittner, 3260 N. Knoll Terrace

Civil Service Commission (approval)
Scott Nelson, 6191 Washington Circle
Jennifer Rentmeester, 945 N. Robertson

Civic Celebration Commission (approval)

Mike Anich, 6324 Upper Parkway
Wendy Venske, 2517 N. 86th Street
Brit Swisher, 1827 N. 73rd Street
Jamie Swisher, 1827 N. 73rd Street

Library Board (first reading)

Mary Newton, 6548 Washington Circle
Jane Carroll, 251 N. 116th Street

Library Board appointments ordered held as this was the first reading.

It was moved by Ald. Roznowski, seconded by Ald. Causier
to concur with the foregoing appointments. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Summons and Complaint: Deutsche Bank National Trust Company, 2727 N. Harwood, Dallas TX

City Attorney

2. Notice of Claim: David A. Krause, 3020 S. 145th Street, New Berlin

City Attorney

3. Wauwatosa Water Utility Statement of Receipts and Disbursements for the period ending May 31, 2011

Place on file

4. Email from Michael Wolaver, Magellan Promotions, LLC, no address given, in support of raising the mayor’s annual salary

Place on file

5. MMSD Fiscal Condition Report: *Downstream Accomplishments, Upstream Challenges*

Place on file

6. Communications supporting the incorporation of the East Tosa North Avenue Plan into the city’s Comprehensive Plan: Dr. Nancy Kreuser, Wauwatosa Health Department; Meg Miller, 2466 N. 72nd Street; Christine Fulcher, 2141 N. 73rd Street; Sadie Sveum, 2350 N. 80th Street

Add to existing file

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-11-78

WHEREAS, Catherine E. Linscott, 2746 N. 73rd Street, Wauwatosa, WI, has applied for an operator’s license in conjunction with her employment at Leff’s Lucky Town, 7208 W. State Street, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Catherine E. Linscott is hereby issued an operator’s license for the period ending June 30, 2012, contingent upon a review of her record in six months;

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

It was moved by Ald. Birschel, seconded by Ald. Causier to approve the foregoing resolution. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-79

WHEREAS, Oscar Medina and Jeff Moroni have applied for a Conditional Use in the AA Business District at 10848 West Wisconsin Avenue to operate a fitness boxing gym, and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Oscar Medina and Jeff Moroni to operate a fitness boxing gym in the AA Business District at 10848 West Wisconsin Avenue subject to the following conditions:

- 1) Hours of operation from 9:00 a.m. to 9:00 p.m. daily, and
- 2) Obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-80

WHEREAS, Tony Ostry, Northwest Baptist Church has applied for a Conditional Use in the AA Single Family Residence District at 4373 North 92nd Street to construct a garage, and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Tom Ostry, Northwest Baptist Church, to construct a garage in the AA Single Family Residence District at 4373 North 92nd Street subject to obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-81

WHEREAS, Scott Littell, Faulk & Foster, has applied for a Conditional Use in the Cemetery District at 2445 Wauwatosa Avenue for the upgrade of existing wireless antennas, and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Scott Littell, Faulk & Foster, for the upgrade of existing wireless antennas in the Cemetery District at 2445 Wauwatosa Avenue subject to obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-82

WHEREAS, Scott Littell, Faulk & Foster, has applied for a Conditional Use in the AA Industrial District at 1400 North 113th Street for the upgrade of existing wireless antennas and the installation of three new wireless antennas and associated equipment, and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Scott Littell, Faulk & Foster, for the upgrade of existing wireless antennas and the installation of three new wireless antennas and associated equipment in the AA Industrial District at 1400 North 113th Street subject to obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-83

WHEREAS, Scott Littell, Faulk & Foster, has applied for a Conditional Use in the AA Commercial District at 2323 North Mayfair Road for the upgrade of existing wireless antennas, and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Scott Littell, Faulk & Foster, for the upgrade of existing wireless antennas in the AA Commercial District at 2323 North Mayfair Road subject to obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-84

WHEREAS, Scott Littell, Faulk & Foster, has applied for a Conditional Use in the BB Two Family Residence District at 108 North Glenview Avenue for the upgrade of existing wireless antennas and the installation of three new wireless antennas and associated equipment, and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Scott Littell, Faulk & Foster, for the upgrade of existing wireless antennas and the installation of three new wireless antennas and associated equipment in the BB Two Family Residence District at 108 North Glenview Avenue subject to the following items:

- 1) Acceptable lease agreement with the Water Superintendent; and
- 2) Obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

RESOLUTION R-11-85

WHEREAS, Scott Littell, Faulk & Foster, has applied for a Conditional Use in the Village Trade District at 1529 Wauwatosa Avenue for the upgrade of existing wireless antennas, and;

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa, Wisconsin hereby grants a Conditional Use to Scott Littell, Faulk & Foster, for the upgrade of existing wireless antennas in the Village Trade District at 1529 Wauwatosa Avenue subject to obtaining all necessary licenses and permits.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-11-06

AN ORDINANCE REPEALING CHAPTER 2.74 REGARDING THE LANDMARK COMMISSION

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

Part I. Chapter 2.74 entitled Landmark Commission is hereby repealed.

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

It was moved by Ald. Organ, seconded by Ald. Roznowski to approve the seven foregoing resolutions and to adopt the foregoing ordinance. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-11-05

AN ORDINANCE REPEALING WAUWATOSA MUNICIPAL CODE CHAPTERS 6.55 AND 6.57 AND RECREATING CHAPTER 6.55 FOR THE PURPOSE OF LICENSING AND REGULATING SECONDHAND DEALERS

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

Part I. Chapter 6.55 of the Wauwatosa Code of Ordinances is hereby repealed and recreated to read as follows:

Chapter 6.55 SECONDHAND DEALER LICENSE AND REPORTING.

6.55.010 - Definitions.

A. “Dealer” and “Secondhand Dealer” mean any person, firm, partnership, corporation or association operating or owning or leasing a fixed place of business for the in person purchase, sale or exchange of any secondhand merchandise or articles of property within the City of Wauwatosa. This term includes, but is not limited to, a Pawnbroker as defined below, but does not include a consignment business.

B. A “reportable transaction” means a transaction occurring in the City of Wauwatosa that is an acquisition, exchange, purchase or consignment of secondhand merchandise as defined in this section.

C. “Pawnbroker” means a person, firm, corporation, partnership or association engaged in the business of lending money on personal property or goods which are pledged as security for the loan on the condition that if the loan is not repaid within a specified period of time the goods used as security may be sold to compensate for nonpayment.

D. “Secondhand merchandise” means previously owned or used china, crystal, silverware, precious coins, precious metals, precious gems, computers and computer supplies, office equipment, small electrical appliances, electronic equipment, video games and video game systems, compact discs, DVDs, musical instruments and equipment, recreational and sporting equipment, fur coats and fur clothing, tools, snow removal and lawn equipment, ammunition and knives. Secondhand merchandise in the following categories are deemed reportable if the items are valued over \$50.00 individually or as a group: compact discs, DVDs, video games, or sporting equipment. Items may not be divided or regrouped into separate transactions in order to avoid the reporting requirement.

6.55.020 - License required; Exceptions.

A. No person, firm, partnership, corporation or association shall carry on or operate within the City as a secondhand dealer without being duly licensed as herein provided.

B. This section does not apply to parties dealing in motor vehicles, coins, stamps, gold and silver bullion, works of fine art and secondhand industrial machinery and equipment.

C. This section does not apply to parties operating a business as a licensed precious metal and gem dealer, junk collector, junk dealer or auctioneer.

D. This section does not apply to parties operating a business as an online seller of secondhand merchandise provided that the business does not take physical possession of any secondhand merchandise or articles of property within the City of Wauwatosa.

E. This section does not apply to any charitable organization or to any person conducting a sale, the proceeds of which are donated to a charitable organization.

F. In addition to the provisions herein, Pawnbrokers operating within the City must comply with the provisions of Section 138.10, Wisconsin Statutes.

6.55.030 – Application and Fee.

Application for a secondhand dealer's license shall be made to the city clerk on forms furnished by the city clerk, and shall contain the following:

A. The name, place and date of birth and street residence of the applicant;

B. The trade name and address of the business and the name and address of the owner of premises;

C. A statement as to whether within the preceding ten years the applicant has been convicted of any crime, petty misdemeanor or municipal ordinance violation relating to theft, damage or trespass to property or operation of a business, the nature and date of the offense and the penalty assessed;

D. Whether the applicant is a natural person, corporation or partnership:

1. If the applicant is a corporation, the state of incorporation and the names and addresses of all officers and directors,

2. If the applicant is a partnership, the state of establishment and the names and addresses of all partners, officers and directors;

E. The name and address of the manager or proprietor of the business;

F. Such other reasonable and pertinent information as the city clerk may from time to time require.

G. A fee shall be paid at the time of application and annually thereafter as set forth in the consolidated fee schedule.

H. No license shall be transferable.

6.55.040 - Investigation.

The chief of police shall investigate or cause to be investigated each applicant for this license, and shall furnish to the city clerk in writing the information derived from the investigation prior to consideration of the license by the Common Council.

6.55.050 - Issuance.

A. The common council may authorize or deny the license.

B. No license shall be granted to any applicant who is not of good professional character or who has been convicted of any felony, misdemeanor or other offense the circumstances of which

substantially relate to the circumstances of being a secondhand dealer. In this subsection, "applicant" includes any individual or partner, and any officer, director or agent of any corporate applicant.

C. No secondhand dealer's license shall be granted to any applicant whose manager has not resided in the State of Wisconsin continuously for a period of at least one year prior to the filing of the application or who is a natural person who has not resided in the state of Wisconsin continuously for a period of at least one year prior to the filing of his/her application.

6.55.060 - Reporting and Holding of Merchandise.

A. Every secondhand dealer involved in the acquisition, exchange or purchase of secondhand merchandise shall within twenty four hours after acquiring such merchandise, report to the police department the fact that the same has been received, along with the name, address, phone number and description of the person from whom such article was received, together with the description and value of such article.

B. No secondhand dealer shall destroy or alter the condition or form of any such secondhand merchandise, and shall keep such merchandise separate and apart until the reporting requirements under this code have been satisfied, as well as the expiration of thirty (30) days from the time it was received by him, or a shorter time period if specifically authorized by the Wauwatosa Police Department.

C. If the secondhand dealer is utilizing the electronic reporting system in the manner described in subsection 6.55.070 A., below, the time period in sub. B, above, may be reduced to twenty-one (21) days.

D. The police department may order merchandise held for purpose of identification an additional length of time as it deems necessary if it has reason to believe the merchandise has not been presented for sale by its lawful owner.

6.55.070 - Daily Reporting to Police of Transaction.

A. Every secondhand dealer must submit daily a report of every reportable transaction and all required information by transferring such required information electronically to Wauwatosa Police Department via a computer program or similar internet-based service in a manner specifically authorized and designated by the police department. All required records must be transmitted completely and accurately each day in accordance with standards and procedures established by the police department using procedures that address security concerns.

B. The secondhand dealer must display a sign on the premises of sufficient size in a conspicuous location notifying all patrons that all transactions are reported daily to the police department.

C. If a dealer is unable to successfully transfer the required reports electronically, the dealer must provide the police department with printed copies of all reportable transactions by 12:00 noon the next business day. A daily transaction fee shall be assessed for dealers failing to comply with this unless special circumstances as determined by the police department warrant an exception. The amount of such fee shall be included in the Consolidated Fee Schedule.

D. Effective no later than sixty (60) days after the police department provides dealers with the current version of the appropriate software, all required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the police department.

6.55.080 - Photograph.

A. The dealer must take a color, digitized photograph of every seller and consignor, the identification document used and of every item received or acquired that does not have a unique serial or identification number permanently engraved or affixed, subject to the exclusions listed in subsection C of this section. One group photo shall suffice for multiple items or a group of items acquired in one transaction. The photograph must be capable of being printed in a size not less than two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the police department upon request. Digital images must accurately depict the items and be available in a format specified by the police department.

B. At the time of the transaction, the dealer shall require the seller to present to the dealer one of the following types of identification:

1. A valid Wisconsin motor vehicle operator's license;
2. A state identification card;
3. A valid motor vehicle operator's license, containing a picture, issued by another state;
4. A military identification card;
5. A valid passport;
6. An alien registration card;
7. A non-picture identification document issued by a state or the federal government, if the dealer also obtains a clear imprint of the seller's right index finger.

C. This section does not apply to compact discs, DVDs, videogames or sports equipment if such merchandise can be described by make, model, title or other specifying description.

6.55.090 - Reporting Stolen Goods.

It shall be the duty of every secondhand dealer to report to police any article acquired, exchanged, pawned, pledged or purchased by the dealer if he or she has reason to believe that the article was stolen or lost, and found by the person attempting to pledge or sell it.

6.55.100 - Purchases and exchanges off premises.

A. For every article of secondhand personal property purchased or exchanged by the secondhand dealer off the dealer's premises in the City of Wauwatosa, the dealer must keep a written inventory, in which the dealer shall record legibly in English the name and address of the seller. The dealer shall also record the date, time and place of purchase and an accurate and detailed account and description of the articles being purchased which may include any trademark, identification number, serial number, model number, brand name, description by weight and design of such articles, and other identifying marks, identifying inscriptions of a personal nature and, when applicable, whether the articles are male or female items. The seller shall sign his/her name in such written inventory attesting to his/her ownership of the items described. Such written inventory shall be made available to any police officer for inspection at any reasonable time. Any records identifying the items purchased or exchanged shall be retained by the dealer for at least one year from the date of transaction.

B. Within twenty-four (24) hours of returning the items obtained off premises to the dealer's place of business, the dealer must enter the items so obtained into the computer program or web-based system described in sec. 6.55.070, above.

6.55.110 - Prohibited Acts.

A. No person under the age of 18 years may sell, exchange, pawn, pledge or attempt to sell, exchange, pawn or pledge merchandise with any second hand dealer nor may any secondhand dealer receive any merchandise from a person under the age of 18 years, except as permitted below.

B. A secondhand dealer may engage in a transaction with a minor if the minor is accompanied by his or her parent or guardian at the time of the transaction and the parent or guardian signs the transaction form and provides identification as required by this section and files a signed consent form indicating permission for that person to transact business with the dealer. Such written consent may be retained by the dealer and used for subsequent transactions with the minor without the presence of the parent or guardian.

C. No dealer may acquire or receive any merchandise from an intoxicated person or a person of unsound mind.

D. No person seeking to sell, exchange, pawn or pledge any merchandise shall give a false or fictitious name or false date of birth or other identifying information.

E. No person may sell, exchange, pawn or pledge any merchandise that is the property of another, whether with permission or without; nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest with any licensee.

6.55.120 - Penalty.

Any person violating any provision of this chapter shall be subject to the general penalty provision of the Wauwatosa code of ordinances contained in Chapter 1.12 in addition to any other penalties contained in the section of the ordinance and the license may be revoked.

Part II. Chapter 6.57 of the Wauwatosa Code of Ordinances is hereby repealed.

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

It was moved by Ald. Organ, seconded by Ald. Roznowski to adopt the foregoing ordinance. Ayes 14, Noes 1 (Walsh)

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-86

WHEREAS, the Wisconsin Department of Transportation has requested and received approval for the repaving of Mayfair Road between Walnut Road and Burleigh Street; and

WHEREAS, the City of Wauwatosa proposes to replace the street light system, improvements to the turning lane, median closures, and move utilities at a cost of approximately \$600,000.00 from the 2012 Capital Improvement budget;

NOW, THEREFORE, BE IT RESOLVED THAT the appropriate City officials are hereby authorized to enter into the proposed agreement between the City of Wauwatosa and the Wisconsin Department of Transportation in conjunction with the repaving of Mayfair Road between Walnut Road and Burleigh Street, a copy of which agreement is attached hereto and incorporated herein, at a cost of approximately \$600,000.00 from the 2012 Capital Improvement budget.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-11-87

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT the appropriate City officials are hereby authorized to enter into a six-month extension of the Waste Management contract for curbside recycling under the terms stated in the current contract.

FROM THE COMMITTEE ON BUDGET AND FINANCE

The Committee on Budget and Finance, to whom was submitted the response by the Fire Department to the ICMA Report of 2010, recommends to the Common Council that the report be accepted and placed on file.

Dated this 14th day of June 2011.

Committee on Budget and Finance

It was moved by Ald. Walsh, seconded by Ald. Wilson to approve the two foregoing resolutions and one foregoing report. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 06/08/11 – 06/21/11 --

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 06/08/11 – 06/21/11: \$2,835,293.83

It was moved by Ald. Hanson, seconded by Ald. Berdan that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 14, Present 1 (Donegan)

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-11-88

BE IT RESOLVED, by the Common Council of the City of Wauwatosa, THAT permission be and the same is hereby granted to Jennifer Boettcher, 1340 N. 68th Street, Wauwatosa, WI, to encroach onto City right-of-way to build a retaining wall, subject to the applicant(s) 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 applicant(s).

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-11-89

**Wisconsin Department of Natural Resources
NR 208 – 2010 Compliance Maintenance Resolution**

WHEREAS, the City of Wauwatosa is required under its Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater collection system under Wisconsin Administrative Code NR 208 ; and

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report (CMAR); and

WHEREAS, it is necessary to provide recommendations or an action response plan for all individual CMAR section grades of "C" or less and/or an overall grade point average less than 3.00; and

WHEREAS, after receiving an "A" on the one credit financial management section and an "F" on the three credit collection system section, the City of Wauwatosa's overall grade point average is 1.00;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wauwatosa to accept the 2010 Compliance Maintenance Annual Report (CMAR) and that the following recommendations and actions be immediately taken to address and correct problems and deficiencies of the collection system as identified in the Compliance Maintenance Annual Report (CMAR) in order to maintain compliance with effluent limitations and permit conditions and eliminate Sanitary Sewer Overflows (SSO):

- 1) Continue with the City's accelerated Inflow and Infiltration elimination program.
- 2) Continue with its current sanitary sewer collection system operational procedures and make improvements where necessary.
- 3) Initiate additional engineering studies in areas where there may be inadequate capacity.
- 4) Perform orderly and timely repairs and maintenance.
- 5) Add newly identified troubled spots to a monthly maintenance schedule.

BE IT FURTHER RESOLVED THAT the Director of Public Works or his representative is hereby designated to act as the City of Wauwatosa's authorized representative for administering and submitting the Compliance Maintenance Annual Report and that he is hereby directed to make that submittal.

It was moved by Ald. Hanson, seconded by Ald. Walsh
to approve the two foregoing resolutions. -15

There being no further business, the meeting adjourned at 8:25 p.m.

cal

Carla A. Ledesma, CMC, City Clerk