



City of Milwaukee
Common Council Minutes
COMMON COUNCIL

City Hall
200 East Wells Street
Milwaukee, WI 53202

Tuesday, February 10, 2009

9:00 AM

Common Council Chambers

The meeting was called to order at 9:16 a.m.

The roll was called.

Present: 15 -

Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski, Hines Jr.

The Pledge of Allegiance was said, followed by a moment of silent meditation.

The question was put: Are there any corrections to the Common Council Journal of Proceedings for the regular meeting of January 16, 2009?

There being no corrections, the minutes of that meeting were approved without objection.

Various commendatory and condolatory resolutions were read and approved without objection.

THE LICENSES COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [081128](#) An ordinance relating to the residency requirement for a precious metal and gem dealer's license.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:
Part 1. Section 92-10-5-c of the code if repealed and recreated to read:
92-10. Precious Metal and Gem Dealer's License.
5. ISSUANCE; TERMS.
c. No precious metal and gem dealer's license shall be granted to an individual, partnership or a corporate applicant, unless the individual applicant, each of the partners, or the corporate agent has been a resident of Wisconsin continuously for at least 90 days prior to the date of the application.

A motion was made by ALD. BOHL that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

APPROVAL OF THE FOLLOWING:

2. [081062](#) Motion relating to the recommendations of the Licenses Committee relative to various licenses.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:
Part 1. Section 92-10-5-c of the code if repealed and recreated to read:
92-10. Precious Metal and Gem Dealer's License.
5. ISSUANCE; TERMS.
c. No precious metal and gem dealer's license shall be granted to an individual, partnership or a corporate applicant, unless the individual applicant, each of the partners, or the corporate agent has been a resident of Wisconsin continuously for at least 90 days prior to the date of the application.

The question was put: Have the members of the Common Council read the Report and Recommendations of the Licenses Committee and the exceptions filed in this matter?

All members present indicated they had done so.

The question was put: Are any of the following or their counsels present and, if so, do they wish to address the Common Council?

Vickey L. Mendez was present by Attorney Andres Velez.

Devon L. Reid

James Heyden

Ald. Bohl moved that the Common Council resolve itself into a committee of the whole to hear oral arguments on behalf of the licensee in opposition to the report and recommendations of the licenses committee.

There was no objection.

Attorney Andres Velez appeared and addressed the Common Council.

Asst. City Attorney Bruce Schrimpf appeared and addressed the Common Council.

Ald. Bohl moved that the committee rise.

There was no objection.

Ald. Puente moved to change the non-renewal for Vickey L. Mendez to 90 days and return the Tavern Dance license to committee.

Ald. Davis called for the previous question.

Ald. Hamilton objected.

On the motion for the previous question: FAIL, Hamilton, Kovac, Coggs, Wade, Puente, Witkowiak, Witkowski, and Hines.

Ald. Hamilton then moved to return this matter to committee. This was ruled to take precedence over the earlier motion to amend.

Ald. Hamilton withdrew this motion.

AMENDED

Aye: 2 - Puente Witkowiak

No: 12 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

Abstain: 1 - Wade

The Common Council of the City of Milwaukee hereby accepts the recommendations of the Licenses Committee as contained in the listings attached to this file.

Ald. Bohl, Duzik and Puente objected to the approval of the license application of JONAS, Paul U., Agent for "Nevada Productions, LLC", Class "B" Tavern and Instrumental Music applications for "The Tonic Tavern" at 2335 S. Kinnickinnic Avenue.

A motion was made by ALD. BOHL that this Motion be APPROVED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

3. [080723](#) Motion relating to the revocation of the Public Dance Hall license of Thomas Holmes, Agent for T & R Entertainment, LLC for "Amistad Pavilion" at 2342 W. North Avenue.

A motion was made by ALD. BOHL that this Motion be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

4. [080736](#) Motion relating to the revocation of the Class "B" Tavern and Cabaret/Nite Club licenses of Tatia Jackson, Agent for Finesse, LLC for the "Finesse" at 2722 N. Dr. Martin Luther King Jr. Dr.

A motion was made by ALD. BOHL that this Motion be PLACED ON FILE. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

1. [081191](#) Motion relating to the recommendations of the Public Safety Committee relative to various licenses.

The Common Council of the City of Milwaukee hereby accepts the recommendations of the Public Safety Committee as contained in the listings attached to this file.

The question was put: Have the members of the Common Council read the report and recommendations of the Public Safety Committee in these matters?

All members present indicated that they had done so.

A motion was made by ALD. DONOVAN that this Motion be APPROVED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

PASSAGE OF THE FOLLOWING:

2. [081189](#) A substitute ordinance relating to parking controls in various Aldermanic Districts.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-23-3 of the Code relating to No Parking is amended by striking the following:

“On South 1st Street from the North Water Street Bridge to East Seeboth Street at any time”

Part 2. Section 101-23-3 of the Code relating to No Parking is amended by adding the following:

On the south side of West Center Street from a point 110 feet east of North Fratney Street to a point 25 feet east thereof

On the east side of North Commerce Street from a point 70 feet north of East Dock Street to a point 25 feet north thereof

On the West Wheelhouse Road from a point 170 feet west of South 36th Street to a point 120 feet west thereof

On the West Wheelhouse Road from a point 455 feet west of South 36th Street to a point 120 feet west thereof

Part 3. Section 101-23-4-d of the Code relating to Two-Hour Parking is amended by adding the following:

On the east side of South 1st Street from The Milwaukee River to East Seeboth Street

A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

3. [081190](#) A substitute ordinance relating to traffic controls in various Aldermanic Districts.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-15 of the Code relating to Yield signs is amended by striking the following:

“On West Jonen Street at North 101st Street”

Part 2. Section 101-16-1 of the Code relating to Stop signs is amended by adding the following:

On West Jonen Street at North 101st Street

A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

4. [081331](#) An ordinance relating to prohibited excessive noise.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 80-63-1 of the code is created to read:

80-63. Excessive Noise Prohibited. 1. No person shall produce, assist in producing, or cause to be produced noise which exceeds the limitations set forth in s. 80-64 or s.

80-65. It shall be unlawful for any person occupying or having charge or control of any building or premises, or any part thereof, to cause, suffer or allow any loud, excessive or unusual noise in the operation of any radio, stereo or other mechanical or electrical device, instrument or machine, which loud, excessive or unusual noise tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity. It shall be unlawful for any person having charge or control of any vehicle or machinery, or owning a vehicle or machinery, to cause, suffer or allow any loud, excessive or unusual noise in the operation of any radio, stereo or other mechanical or electrical device, instrument or machine upon the highways, which loud, excessive or unusual noise tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity.

A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Coggs

ADOPTION OF THE FOLLOWING:

5. [081247](#) Substitute resolution relating to the installation of a left-turn traffic signal at the intersection of North 107th Street and West Good Hope Road.
- Whereas, Residents of the area in the vicinity of the intersection of North 107th Street and West Good Hope Road have reported difficulties and hazardous conditions when making left turns from northbound 107th Street to westbound Good Hope Road, particularly during hours of peak traffic volumes; and
- Whereas, The traffic signalization currently in place at this intersection does not provide a left-turn signal for northbound 107th Street traffic turning onto westbound Good Hope Road; and
- Whereas, A left-turn signal for northbound 107th Street traffic turning left onto westbound Good Hope Road would improve safety for motorists using this intersection; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works is directed to install a left-turn signal (i.e., green arrow, yellow arrow and, if appropriate, red arrow) for northbound North 107th Street traffic turning left onto westbound West Good Hope Road; and, be it
- Further Resolved, That the Department of Public Works is further directed to program the traffic signals at this intersection such that the left-turn signal for northbound 107th Street traffic is in operation only between 6:30 a.m. and 9:00 a.m.

and between 4:00 p.m. and 6:00 p.m.; and, be it

Further Resolved, That the Department of Public Works shall make these changes to the traffic signalization at the intersection of North 107th Street and West Good Hope Road within 30 days of the date of adoption of this resolution by the Common Council; and, be it

Further Resolved, That this left-turn signal shall operate for a 3-year trial period, unless public safety considerations warrant discontinuation at an earlier date, in which case the Department of Works shall request Common Council permission to remove or deactivate the signal; and, be it

Further Resolved, That the Department of Public Works shall study the impacts of the left-turn signal on public safety during the 3-year trial period and provide a report of its findings to the Common Council at the end of the 3-year period.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

CONFIRMATION OF THE FOLLOWING:

6. [081232](#) Appointment of Keith Holt to the Bicycle and Pedestrian Task Force by the Mayor. (10th Aldermanic District)

A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

7. Appointments/Reappointments to the Safety Commission:

- a. [081360](#) Appointment of Richard Heath to the Safety Commission by the Mayor. (13th Aldermanic District)

A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- b. [081361](#) Appointment of Eric Biernat to the Safety Commission by the Mayor. (13th Aldermanic District)

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.
The motion PREVAILED by the following vote:**

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

- c. [081362](#) Reappointment of James Koleas to the Safety Commission by the Mayor. (11th Aldermanic District)

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.
The motion PREVAILED by the following vote:**

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

- d. [081363](#) Reappointment of Dale Radke to the Safety Commission by the Mayor. (2nd Aldermanic District)

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.
The motion PREVAILED by the following vote:**

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

- e. [081364](#) Reappointment of Craig Hasting to the Safety Commission by the Mayor. (11th Aldermanic District)

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.
The motion PREVAILED by the following vote:**

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

- f. [081365](#) Reappointment of Agnes Stearns to the Safety Commission by the Mayor. (3rd Aldermanic District)

A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.
The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

- g. [081366](#) Reappointment of LaVerne Hermann to the Safety Commission by the Mayor. (4th Aldermanic District)

A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.
The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

8. [080091](#) Communication from the Anti-Graffiti Policy Committee related to its 2008 activities.

A motion was made by ALD. DONOVAN that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

9. Obsolete files:

- a. [060341](#) A substitute ordinance relating to abandonment of shopping carts.

A motion was made by ALD. DONOVAN that this Ordinance be PLACED ON FILE.
This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

- b. [061456](#) Substitute resolution relating to use of the state of Wisconsin Tax Refund Interception Program for unpaid parking tickets.

A motion was made by ALD. DONOVAN that this Resolution be PLACED ON FILE.
This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

THE FINANCE & PERSONNEL COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [081193](#) A substitute ordinance to further amend the 2009 offices and positions in the City Service under control of the Common Council.

Ald. Murphy moved to amend by adding the following footnotes:

Under "Department of Administration, Community Development Grants Administration Division", add one position of "Grant Monitor (B)(X)(Y)" and add footnote "(B)" to read as follows: "To expire 2/1/13 unless the Neighborhood Stabilization Program Grant is extended."

Under "Comptroller Office, Revenue and Cost Division", add one position of "Management Accounting Specialist - Senior (D)" and add footnote "(D)" to read as follows: "To expire 2/1/13 unless the Neighborhood Stabilization Program Grant is extended."

A motion was made by ALD. MURPHY that this Ordinance be AMENDED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- [081193](#) A substitute ordinance to further amend the 2009 offices and positions in the City Service under control of the Common Council.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 1 of ordinance File Number 080522 relative to offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2009 - December 28, 2008):

Under "Department of Administration, Community Development Grants Administration Division", add one position of "Grant Monitor (B)(X)(Y)" and add footnote "(B)" to read as follows: "To expire 2/1/13 unless the Neighborhood Stabilization Program Grant is extended."

Under "Comptroller Office, Revenue and Cost Division", add one position of "Management Accounting Specialist - Senior (D)" and add footnote "(D)" to read as follows: "To expire 2/1/13 unless the Neighborhood Stabilization Program Grant is extended."

Part 2. Section 1 of ordinance File Number 080522 relative to offices and positions in the City Service is hereby amended as follows:

Under “Department of Administration, Homeland Security Division”, amend footnote “(B)” to read as following: “To expire 6/30/11, unless the Urban Areas Security Initiative Program Grant, available from the U.S. Department of Homeland Security, is extended.”

Under “Fire Department, Supporting Services Decision Unit - UASI Grant”, amend footnote “(B)” to read as following: “To expire 6/30/11, unless the Urban Areas Security Initiative Program Grant, available from the U.S. Department of Homeland Security, is extended” and amend footnote “(G)” to read as following: “To expire 6/30/11, unless the Urban Areas Security Initiative Program Grant, available from the U.S. Department of Homeland Security, is extended.”

Under “Health Department”, delete one position of “Public Health Research & Policy Director (X) (Y)” and add one position of “Public Health Research & Policy Director (X) (Y) (FF).”

Under “Health Department, Disease Control and Prevention Division,” amend footnote “(FFF)” to read as following: “To expire 6/30/11, unless the Urban Areas Security Initiate Program Grant”, available from the U.S. Department of Homeland Security, is extended.”

Under, “Health Department, Disease Control and Prevention Division, Immunization Action Plan Grant (DD)”, delete one position of “Health Project Coordinator-Immunizations (A) (DD) (EE) (X) (Y)” and add one position of “Health Project Coordinator-Immunizations (A) (X) (Y) (DD).”

Under “Health Department, Disease Control and Prevention Division, Bioterrorism-CDC Public Health Preparedness Grant (A)”, delete one position of “Infectious Disease Epidemiologist (A) (X) (Y)” and one position of “Telecommunications Analyst - Assoc. (A)(X)(Y)” and add one position of “Infectious Disease Epidemiologist (A) (X) (Y) (EE) (FF)” and one position of “Telecommunications Analyst - Assoc. (A) (X) (Y) (FF)” and amend footnote “(EE)” to read as follows: “To expire 02/28/10 unless the Community Health Improvement in Metcalfe Park and Concordia (CHIMC): Save Lives-Immunize Grant from the Medical College of Wisconsin (MCW) is extended. Partially funds Infectious Disease Epidemiologist position” and add footnote “(FF)” to read as follows: “To expire 05/31/09 unless the NACCHO- Creating Local Community Information Networks Grant is extended. Partially funds one position of Public Health Research & Policy Director, one position of Infectious Disease Epidemiologist and one position of Telecommunications Analyst-Associate.”

Under “Health Department, Disease Control and Environmental Health Services Division, Home Environmental Health”, delete the titled “Lead Hazard Reduction Demonstration Grant - Round 13A (OO)” and one position of “Lead Project Coordinator (X) (OO)”, two positions of “Lead Risk Assessor II (X) (OO)”, one position of “Chemist II (OO)”, one position of “Program Assistant II (OO)” and one position of “Lead Education Assistant (OO) (X)” and add the title “Lead Hazard Reduction Demonstration Grants (HUD) (OO) (QQ)” and one position of “Lead Project Coordinator (X) (Y) (OO) (QQ)”, two position of “Lead Risk Assessor II (X) (OO) (QQ)”, one position of “Program Assistant II (OO) (QQ)”, one position of “Lead Education Assistant (X) (OO) (QQ)” and one position of “Chemist II (OO) (QQ)”; add the title “Lead-Based Paint Hazard Control Grant (HUD) (PP)” and add one position of “Lead Grant Project Manager (X) (Y) (PP) (Z)”, two position of “Lead Risk Assessors II (X) (PP)”, one position of “Office Assistant IV (PP)” and one position of “Chemist II (PP).”

Under “Health Department, Disease Control and Environmental Health Services Division, Home Environmental Health, Childhood Lead Poisoning Prevention Program (W)”, delete three positions of “Lead Risk Assessor II (W) (X)” and add three positions of “Lead Risk Assessor II (X) (W) (QQ)” and add footnote “(QQ)” to read as follows: “To expire 12/31/11 unless the Lead Hazard Reduction Demonstration Grant from the U.S. Department of Housing and Urban Development (HUD) is extended. Also partially funds positions of Lead Risk Assessor II in the Childhood Lead Poisoning Prevention Program”; under “Childhood Lead Poisoning Prevention Program (W)”, delete one position of “Health Services Assistant II (X) (W)” and add one position of “Health Services Assistant II (X) (W) (PP)”; under “Childhood Lead Detection Program (Z)”, delete one position of “Lead Grant Project Manager (X) (Y) (Z)” and add footnote “(PP)” to read as follows: “To expire 12/31/11 unless the Lead-Based Paint Hazard Control Grant from the U.S. Department of Housing and Urban Development (HUD) is extended. Also partially funds one position of Health Services Assistant II within the Childhood Lead Poisoning Prevention Program” and amend footnote “(Z)” to read as follows: “To expire 12/31/09 unless the Childhood Lead Detection Grant, available from the State of Wisconsin Division of Health and Family Services, is extended. Also partially funds one position of Lead Grant Project Manager.”

Under “Police Department, Intelligence Division,” amend footnote “(C)” to read as following: “To expire 6/30/11, unless the Urban Areas Security Initiative Program Grant, available from the U.S. Department of Homeland Security, is extended.”

Part 3. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 4. The provisions of Part 1 of this ordinance are deemed to have been force and effect from and after Pay Period 1, 2009 (December 28, 2008).

The provisions of all other parts of this ordinance are deemed to be in force and effect from and after the first day of the first pay period following passage and publication.

Part 5. This ordinance will take effect and be in force from and after its passage and publication.

A motion was made by ALD. MURPHY that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Donovan

2. [081244](#) An ordinance relating to a parking citation payment plan administration fee.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-34-9 of the code is created to read:

101-34. Stipulation Procedure; Nonmoving Traffic Violations.

9. PARKING CITATION PAYMENT PLAN ADMINISTRATION FEE. The parking citation payment plan fee shall be \$10.

A motion was made by ALD. MURPHY that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

3. [081272](#) A substitute charter ordinance relating to the utilization of the medical panel for duty disability applications based on mental stress for policemen.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 36-02-20 of the charter is amended to read:

20. MEDICAL PANEL as it relates to policemen and firemen shall mean a panel of physicians consisting of one member to be selected by designation of the city; one member to be selected by the certified bargaining agent for the affected policeman or fireman; and the 3rd member to be selected by the other 2 members. In the case of a policeman [[represented by the Milwaukee Police Association]] who becomes a

member of the retirement system after June 28, 2005, or a fireman represented by Local 215, IAFF, who becomes a member of the retirement system after December 13, 2005 and who applies for, or is granted, a duty disability retirement allowance based on a mental injury, "medical panel" shall mean the medical council. In the case of a policeman or fireman who is not represented by a certified bargaining agent, "medical panel" shall mean the medical council. All decisions of the medical panel shall be made by a majority vote.

Part 2. Section 36-05-3-c-1-a of the charter is amended to read:

36-05. Benefits.

3. DUTY DISABILITY RETIREMENT ALLOWANCE.

c. Firemen and Policemen Duty Disability.

c-1-a. Recommendations. Except for policemen [[represented by the Milwaukee Police Association]] who become members after June 28, 2005, and firemen represented by Local 215, IAFF, who become members of the retirement system after December 13, 2005 and apply for duty disability retirement allowance based on a mental injury, such member shall be examined by a medical panel and such medical panel shall make the examination, determination and certification required under this act in accordance with the form prescribed by the board. If the panel recommends that such person is entitled to duty disability retirement allowance provided for in this section, the board shall thereupon grant such allowance. For policemen [[represented by the Milwaukee Police Association]] who become members of the retirement system after June 28, 2005, and firemen represented by Local 215, IAFF, who become members of the retirement system after December 13, 2005 and apply for a duty disability retirement allowance based on a mental injury, the application shall be referred to the medical council established under s. 36-15-12, in lieu of the medical panel, which medical council shall make the determination and certification required under this act. In any reexamination authorized by this act of such retired beneficiary, the beneficiary shall be referred to the medical council, in lieu of the medical panel, for reexamination and such medical council shall make the determination and certification required under this act. Except as otherwise provided in subd. 3-f and g, any fireman or policeman who shall become disabled as the direct result of injury incurred in the performance of one or more specific acts of duty shall have a right to receive duty disability benefit during the period of such disability of an amount equal to 75% of the current annual salary for such position which he held at the time of such injury. Except as otherwise provided in subd. 3-f and g, the surviving spouse of such member after his or her death but only during the period prior to remarriage shall receive 70% of the amount of the duty disability which the member received at the time of his or her death, and such percentage shall thereafter be based upon the salary of the position of such member at the time of his or her death. Prior to such person attaining the minimum service retirement age, periodic medical examinations of such person shall be made at least once each year but the heads of the respective departments may direct

more frequent examinations. Effective January 1, 2000, the annual escalator payable under sub. 1-h-5 shall be extended to the allowance received by the surviving spouse of a retired fireman or policeman who retired on a duty disability retirement allowance under this subpar. prior to January 1, 1993 and died while receiving a duty disability retirement allowance if the member (or the surviving spouse of the member is deceased) participates in the combined fund. Effective January 1, 2000, the annual escalator payable under sub. 1-h-6 shall be extended to the allowance received by the surviving spouse of a retired fireman or policeman who retired on a duty disability allowance under this subpar. on or after January 1, 1993 and dies while receiving a duty disability retirement allowance if the member (or the surviving spouse of the member is deceased) participates in the combined fund. The annual escalator shall be payable to the surviving spouse at the same times and in the same percentages as the increases the member would have received had the member retired on a service retirement allowance on the date of his or her death.

Part 3. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within 60 days a referendum petition is filed as provided in s. 66.0101(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

**A motion was made by ALD. MURPHY that this Charter Ordinance be PASSED.
The motion PREVAILED by the following vote:**

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

ADOPTION OF THE FOLLOWING:

4. [080682](#) Resolution approving and authorizing the settlement of judgment for delinquent taxes entered on behalf of the City of Milwaukee by the Kohn Law Firm against Golden Marina Causeway LLC and appropriating \$107,270.83 from the Common Council Contingent Fund to the Remission of Taxes Fund.

Whereas, The City of Milwaukee ("the City") through the Kohn Law Firm ("Kohn") filed suit against Golden Marina Causeway LLC ("GMC") in January 2008 for real estate taxes for 2006 for the property located at 311 E. Greenfield; and

Whereas, The above referenced property was assessed at \$537,100 for the 2005 tax year; and

Whereas, GMC attempted to sell the above referenced property in 2005 for \$9.5 million; and

Whereas, The above referenced property was subsequently assessed at \$9,290,400

for the 2006 tax year; and

Whereas, East Greenfield Investors LLC ("EGI") bought the property in January 2007 for \$400,000 and the time to request a review of the 2006 assessment had passed; and

Whereas, EGI/GMC requested an assessment review of the 2007 taxes; and

Whereas, The 2007 assessment was lowered from \$9.5 million to \$3,580,700; and

Whereas, Enforcement of the judgment would be difficult due to EGI's nominal assets; and

Whereas, The City would not acquire the property because it is on the do not acquire list; and

Whereas, EGI/GMC is actively taken steps to investigate, remediate and redevelopment the above referenced property; and

Whereas, Kohn has negotiated a proposed settlement of the judgment for a total of \$101,936.51 and that figure represents the principal, interest and penalties that the taxes for 2006 would have been if the property were assessed at the 2007 value of \$3,580,700; and

Whereas, EGI/GMC has already paid the 2007 taxes in full; and

Whereas, The Remission of Taxes Fund is used for the cancellation of taxes; and

Whereas, Existing funding will be insufficient and additional funding is necessary to cancel the taxes as proposed in the 311 E. Greenfield resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Judgment against GMC be settled for \$101,936.51 with the remaining tax principal of \$107,270.83 to be charged to the Remission of Taxes Fund, (Fund 0001-Org 2210-Program 1241-Class S163-Acount 636508), said check to be delivered to the Customer Services Division of the Office of the City Treasurer; and; be it

Further Resolved, That \$107,270.83 be appropriated from the Common Council Contingent Fund No. 0001 9990 C001 006300 to the Remission of Taxes Fund 0001 2210 1241 S163 Account 636508; and, be it

Further Resolved, That the accrued delinquent interest, penalties, fees, and costs for levy year 2006 are hereby cancelled; and, be it

Further Resolved, That the City Comptroller is authorized and directed to make whatever fund transfers are necessary or appropriate to carry out the provision of this resolution.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Bauman

5. [081052](#) Substitute resolution relating to the application for, acceptance and expenditure of FY 2008 Urban Areas Security Initiative Program Grant.

Whereas, The U.S. Department of Homeland Security, National Preparedness Directorate, has awarded an Urban Areas Security Initiative (UASI) grant to the State of Wisconsin Office of Justice Assistance for disbursement to various jurisdictions within the Milwaukee Urban Area; and

Whereas, The Milwaukee Urban Area, identified by the federal government for the UASI grant, includes Milwaukee, Waukesha, Racine, Ozaukee and Washington Counties, with funds distributed directly to those entities as well as the City of Milwaukee by the State of Wisconsin Office of Justice Assistance; and

Whereas, The State of Wisconsin Office of Justice Assistance has notified the City of Milwaukee that the City is eligible to receive an award of \$2,049,965, of which \$130,000 will be used by the Department of Administration; \$703,000 by the Fire Department; \$827,500 by the Police Department; \$100,000 by the Department of Public Works; and \$289,465 by the Health Department; and

Whereas, The grant funds will be used by the various jurisdictions within the Milwaukee Urban Area to address the goals of the Urban Area Security Strategy to enhance the security and overall preparedness to prevent, respond to and recover from acts of terrorism and other critical incidents in a multi-jurisdictional, multi-disciplinary manner; and

Whereas, The operation of this grant project is from 7/01/08 to 6/30/11, and no state or local matching funds are required; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Administration, Fire Department, Police Department, Department of Public Works and Health Department are authorized to accept grant funds of \$2,049,965 from the U.S. Department of Homeland Security, National Preparedness Directorate, FY 2008 Urban Areas Security Initiative (UASI) Program Grant, in accordance with established City policies; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Grant Parent Account of the 2008 Special Revenue Grant and Aid Projects Funds the following amounts for the project/program entitled FY 2008 Urban Areas Security Initiative Program Grant:

Project/Grant	Fund	Org	Program	Budget Year	Subclass	Account
GR0000800000	0150	9990	0001	0000	R999	000600
Project	Amount					
Grantor Share	\$130,000 (Department of Administration)					

Project/Grant	Fund	Org	Program	Budget Year	Subclass	Account
GR0000800000	0150	9990	0001	0000	R999	000600
Project	Amount					
Grantor Share	\$703,000 (Fire Department)					

Project/Grant	Fund	Org	Program	Budget Year	Subclass	Account
GR0000800000	0150	9990	0001	0000	R999	000600
Project	Amount					
Grantor Share	\$827,500 (Police Department)					

Project/Grant	Fund	Org	Program	Budget Year	Subclass	Account
GR0000800000	0150	9990	0001	0000	R999	000600
Project	Amount					
Grantor Share	\$100,000 (Department of Public Works)					

Project/Grant	Fund	Org	Program	Budget Year	Subclass	Account
GR0000800000	0150	9990	0001	0000	R999	000600
Project	Amount					
Grantor Share	\$289,465 (Health Department)					

2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels, budget against these Project/Grant values the amount required under the grant agreement.

; and, be it

Further Resolved, That these funds are budgeted for the Department of Administration, Fire Department, Police Department, Department of Public Works and Health Department, which are authorized to:

1. Expend from the amount budgeted sums for the specified purposes, as indicated in the grant budget, and incur costs consistent with the award date.
2. Expend from the 2008 grant budget funds for specific items of equipment.
3. Enter into subgrants and subcontracts as detailed in the grant budget.

; and, be it

Further Resolved, That the Common Council directs that Common Council File Numbers 060494 and 080522, relative to offices and positions in the City Service, be amended as follows:

Under "Department of Administration, Homeland Security Division", replace the text of footnote "B" with the following: "To expire 6/30/11, unless the Urban Areas Security Initiative Program Grant, available from the U.S. Department of Homeland Security, is extended."

Under "Fire Department, Supporting Services Decision Unit - UASI Grant", replace the text of footnote "B" with the following: "To expire 6/30/11, unless the Urban Areas Security Initiative Program Grant, available from the U.S. Department of Homeland Security, is extended."

Under "Fire Department, Supporting Services Division Unit - UASI Grant", replace the text of footnote "G" with the following: "To expire 6/30/11, unless the Urban Areas Security Initiative Program Grant, available from the U.S. Department of Homeland Security, is extended."

Under "Health Department, Disease Control and Prevention Division," replace the text of the footnote "FFF" with the following: "To expire 6/30/11, unless the Urban Areas Security Initiate Program Grant", available from the U.S. Department of Homeland Security, is extended."

Under "Police Department, Intelligence Division," replace the text of footnote "C" with the following: "To expire 6/30/11, unless the Urban Areas Security Initiative Program Grant, available from the U.S. Department of Homeland Security, is extended."

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Bauman

6. [081160](#) Resolution approving the form of the Preliminary Official Statement used in connection

with the sale of City of Milwaukee debt.

Whereas, The City Comptroller has prepared a Preliminary Official Statement (the form of which is attached hereto), and will prepare an Official Statement, for the purpose of providing comprehensive financial and economic information respecting the City of Milwaukee in connection with the sale of the City of Milwaukee, Wisconsin, General Obligation Bonds, Notes, and/or Revenue Anticipation Notes ("RANs") (individually, an "Offered Obligation", and collectively, the "Offered Obligations"); and

Whereas, Financial and economic information has been compiled by the Office of the Comptroller from its annual financial report, property tax records maintained by the Assessor's Office and from other books and records of the City; and

Whereas, Concurrently with the delivery of the Offered Obligations, the City will deliver its certificates signed by its Comptroller stating that the descriptions and statements, including financial statements, as pertaining to the City contained in the Official Statements as of their dates and the date of sale and delivery of each Offered Obligation, were and are true and correct in all material respects and do not contain an untrue statement of a material fact or omit to state a material fact required to be included therein or necessary to make the statements contained therein in the light of circumstances in which they were made not misleading; and

Whereas, Such certificates will further confirm to the effect that insofar as the descriptions and statements including financial data, contained in the Official Statements of or pertaining to non-governmental bodies and governmental bodies other than the City are concerned, such descriptions, statements and data have been obtained from sources believed by the City to be reliable, and that the City has no reason to believe that they are untrue or incomplete in any material respect; and

Whereas, It is the intention of the Common Council to approve the aforementioned Preliminary Official Statement on the basis of the representations of the Comptroller to be included in the certificates signed by the Comptroller and delivered concurrently with the delivery of each Offered Obligation; and

Whereas, The City desires to use the Master Continuing Disclosure Certificate approved by Common Council File Number 031384 adopted on February 10, 2004 in connection with the issuance of the Offered Obligations; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the form of the Preliminary Official Statement as attached hereto, and to be used in connection with the sale of the City of Milwaukee, Wisconsin, General Obligation Bonds, Notes, and/or RANs, (the "Offered Obligations") be and hereby are approved; and, be it

Further Resolved, That the Preliminary Official Statement was and is true and correct

in all material respects and do not contain an untrue statement of a material fact or omit to state a material fact required to be included therein or necessary to make the statements contained therein in the light of circumstances in which they were made not misleading; and, be it

Further Resolved, That the Comptroller is hereby authorized to prepare an Official Statement, in substantially the same form of the Preliminary Official Statement, after the same have been completed by the insertion of the maturities, interest rates and other details of the debt and by making such other insertions, changes or corrections as the Comptroller, based on the advice of the City's financial advisor and legal counsel (including the City Attorney or Bond Counsel), deem necessary or appropriate; and the Common Council hereby authorizes the Official Statement and the information contained therein to be used by the underwriters of the debt in connection with the sale of the Offered Obligations; and, be it

Further Resolved, That the Comptroller is hereby authorized to execute Supplemental Certificate(s) of the Master Continuing Disclosure Certificate for the Offered Obligations.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

7. [081167](#) Substitute resolution authorizing the acceptance and expenditure of contributions received by the Milwaukee Police Department from federally forfeited tangible property or cash for increased or enhanced law enforcement efforts.

Whereas, The Federal government has established specific guidelines for expending funds received as a result of the Asset Forfeiture Fund Program; and

Whereas, The Police Department currently has funds held in trust (Account No. 0678-2110-9XXX-D33X 662201) to increase or enhance law enforcement efforts in the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Comptroller is authorized to transfer up to \$1,183,045 from the Police Department's Federal Forfeiture Trust Fund (Account Number 0678-2110-9XXX-D33X-662201), to the contribution/revenue account entitled Federal Forfeiture Contribution Revenue (Account Number 0001-3311-985012); and, be it

Further Resolved, That upon transfer of these funds, the City Comptroller is

authorized and directed to transfer \$1,183,045 from the Federal Forfeiture Revenue Contribution Account to the Police Department's budget as follows:

0001-3311-0001-DXXX-6300	\$ 611,000
0001-3311-0001-DXXX-6800	\$ 572,045

; and, be it

Further Resolved, That all funds are to be expended to enhance law enforcement efforts in the City of Milwaukee in the following categories and corresponding amounts:

CATEGORY	AMOUNT
Administrative Fees	\$15,000
Bicycle patrol	\$13,000
Canine Unit	\$5,000
Cellular Phones	\$45,000
Computer Upgrades	\$26,975
Crime analysis tools	\$47,200
Emergency Operations Center Upgrades	\$25,400
Mounted Patrol Equipment	\$38,275
Port Grant Match	\$57,320
Property system Upgrades	\$39,400
Renovation of Old district #3	\$450,000
Technology Services	\$300,000
Surveillance Equipment	\$12,475
Training	\$108,000
Total	\$1,183,045

; and, be it

Further Resolved, That the Milwaukee Police Department is hereby authorized to expend such funds and that a detailed reporting of the expenditure of the funds for these' purposes will be required in the Police Department's annual report to the Common Council, due by February 1, in accordance with Common Council Resolution Number 920252, adopted June 16, 1992; and, be it

Further Resolved, That the balance in the 2006 Asset Forfeiture Special Purpose Accounts (3311-0001-D355-6300 and 3311-0001-D355-6800) be transferred to the Asset Forfeiture Trust Account (0678-2110-XXXX-D3XX-662201) prior to the end of the close of 2008 as part of this resolution.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

8. [081325](#) Substitute resolution relative to application, acceptance and funding of the Community Health Improvement in Metcalfe Park and Concordia (CHIMC): Save Lives-Immunize Grant from the Medical College of Wisconsin (MCW).

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Medical College of Wisconsin (MCW) in this research project; and

Whereas, The operation of this grant project from 03/01/09 to 02/28/10 would cost \$14,044 provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Medical College of Wisconsin (MCW) is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue Grant and Aid Projects Funds, the following amount for the project titled Community Health Improvement in Metcalfe Park and Concordia (CHIMC): Save Lives-Immunize Grant:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$14,044

2. Create the necessary Special Revenue Fund - Grant and Aid Project/Grant and Project Grant Levels; budget against these Project/Grant values the amounts required under the grant agreement; and, be it

Further Resolved, That these funds are budgeted to the Health Department which is

authorized to:

1. Expend from the amount budgeted sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 2009 grant budget funds for training and out-of-town travel by departmental staff;
3. Enter into leases and subcontracts as detailed in the grant budget; and
4. Expend from the 2009 grant funds for equipment as deemed necessary for program operation.

; and, be it

Further resolved, That the Common Council directs that the 2009 Positions Ordinance C.C. File Number 080522, should be amended as follows:

Under

HEALTH DEPARTMENT

Disease Control and Prevention Division

Immunization Action Plan Grant (DD)

DELETE:

Health Project Coordinator-Immunizations (A) (DD) (EE) (X) (Y)

ADD:

Health Project Coordinator-Immunizations (A) (X) (Y) (DD)

Under

HEALTH DEPARTMENT

Disease Control and Prevention Division

Bioterrorism-CDC Public Health Preparedness Grant (A)

DELETE:

Infectious Disease Epidemiologist (A) (X) (Y)

ADD:

Infectious Disease Epidemiologist (A) (X) (Y) (EE)

AMEND footnote (EE) to read as follows:

To expire 02/28/10 unless the Community Health Improvement in Metcalfe Park and Concordia (CHIMC): Save Lives-Immunize Grant from the Medical College of Wisconsin (MCW) is extended. Partially funds Infectious Disease Epidemiologist position.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

9. [081326](#) Substitute resolution relative to application, acceptance and funding of the HUD Lead Hazard Reduction Demonstration Grant from the U.S. Department of Housing and Urban Development (HUD).

Whereas, The City of Milwaukee appears to be eligible for grant funds from the U.S. Department of Housing and Urban Development to make an additional 550 housing units lead-safe and to support housing and community-based primary prevention of childhood lead poisoning in Milwaukee; and

Whereas, The operation of this grant project from 01/01/09 to 12/31/11 would cost \$5,946,202; \$3,997,986 (67%) to be provided by the grantor and \$1,948,216 (33%) in City matching funds; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the U.S. Department of Housing and Urban Development is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81 and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled Lead Hazard Reduction Demonstration Grant:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999

Account	000600
Project	Grantor Share
Amount	\$3,997,986

2. Create the necessary Special Revenue Fund - Grant and Aid Project/Grant and Project/Grant Levels; budget against these Project/Grant values the amounts required under the grant agreement;

3. Establish the necessary City Share project values; and be it

Further Resolved, That these funds are budgeted to the Health Department which is authorized to:

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;

2. Expend from the 2009 grant budget funds for training and out-of-town travel by departmental staff;

3. Expend from the 2009 grant budget funds for specific items of equipment;

4. Enter into subcontracts and leases as detailed in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2009 Positions Ordinance C.C. File Number 080522, should be amended as follows:

Under:

HEALTH DEPARTMENT

Disease Control and Environmental Health Services Division

Home Environmental Health

DELETE entire section of:

Lead Hazard Reduction Demonstration Grant - Round 13A (OO)

(1 position) Lead Project Coordinator (X) (OO)

(2 positions) Lead Risk Assessor II (X) (OO)

(1 position) Chemist II (OO)

(1 position) Program Assistant II (OO)

(1 position) Lead Education Assistant (OO) (X)

ADD:

Lead Hazard Reduction Demonstration Grants (HUD) (OO) (QQ)
(1 position) Lead Project Coordinator (X) (Y) (OO) (QQ)
(2 positions) Lead Risk Assessor II (X) (OO) (QQ)
(1 position) Program Assistant II (OO) (QQ)
(1 position) Lead Education Assistant (X) (OO) (QQ)
(1 position) Chemist II (OO) (QQ)

Under:

HEALTH DEPARTMENT

Disease Control and Environmental Health Services Division
Home Environmental Health
Childhood Lead Poisoning Prevention Program (W)

DELETE:

(3 positions) Lead Risk Assessor II (W) (X)

ADD:

(3 positions) Lead Risk Assessor II (X) (W) (QQ)

ADD Footnote (QQ) to read as follows:

To expire 12/31/11 unless the Lead Hazard Reduction Demonstration Grant from the U.S. Department of Housing and Urban Development (HUD) is extended. Also partially funds positions of Lead Risk Assessor II in the Childhood Lead Poisoning Prevention Program.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

10. [081327](#) Substitute resolution relative to application, acceptance and funding of the HUD Lead-Based Paint Hazard Control Grant from the U.S. Department of Housing and Urban Development (HUD).

Whereas, The City of Milwaukee appears to be eligible for grant funds from the U.S. Department of Housing and Urban Development to make an additional 400 housing units lead-safe and to support housing and community-based primary prevention of childhood lead poisoning in Milwaukee; and

Whereas, The operation of this grant project from 01/01/09 to 12/31/11 would cost

\$4,870,794; \$2,999,580 (62%) to be provided by the grantor and \$1,871,214 (38%) in City matching funds; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the U.S. Department of Housing and Urban Development is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81 and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled Lead-Based Paint Hazard Control Grant:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$2,999,580

2. Create the necessary Special Revenue Fund - Grant and Aid Project/Grant and Project/Grant Levels; budget against these Project/Grant values the amounts required under the grant agreement;

3. Establish the necessary City Share project values; and be it

Further Resolved, That these funds are budgeted to the Health Department which is authorized to:

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;

2. Expend from the 2009 grant budget funds for training and out-of-town travel by departmental staff;

3. Expend from the 2009 grant budget funds for specific items of equipment;

4. Enter into subcontracts and leases as detailed in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2009 Positions Ordinance C.C. File Number 080522, should be amended as follows:

Under:

HEALTH DEPARTMENT

Disease Control and Environmental Health Services Division
Home Environmental Health

ADD:

Lead-Based Paint Hazard Control Grant (HUD) (PP)

(1 position) Lead Grant Project Manager (X) (Y) (PP) (Z)
(2 positions) Lead Risk Assessors II (X) (PP)
(1 position) Office Assistant IV (PP)
(1 position) Chemist II (PP)

Under:

HEALTH DEPARTMENT

Disease Control and Environmental Health Services Division
Childhood Lead Poisoning Prevention Program (W)

DELETE:

Health Services Assistant II (X) (W)

ADD:

Health Services Assistant II (X) (W) (PP)

Under:

HEALTH DEPARTMENT

Disease Control and Environmental Health Services Division
Childhood Lead Detection Program (Z)

DELETE:

Lead Grant Project Manager (X) (Y) (Z)

ADD Footnote (PP) to read as follows:

To expire 12/31/11 unless the Lead-Based Paint Hazard Control Grant from the U.S.

Department of Housing and Urban Development (HUD) is extended. Also partially funds one position of Health Services Assistant II within the Childhood Lead Poisoning Prevention Program.

AMEND Footnote (Z) to read as follows:

To expire 12/31/09 unless the Childhood Lead Detection Grant, available from the State of Wisconsin Division of Health and Family Services, is extended. Also partially funds one position of Lead Grant Project Manager.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

11. [081328](#) Substitute resolution relative to the application, acceptance and funding of the Creating Local Community Information Networks Grant from the National Assoc. of City and County Health Officials (NACCHO).

Whereas, The City of Milwaukee appears to be eligible for grant funds from the National Assoc. of City and County Health Officials (NACCHO) to implement this communicable disease reporting and follow-up project; and

Whereas, The operation of this grant project from 1/07/09 to 5/31/09 would cost \$35,000 entirely provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the National Assoc. of City and County Health Officials (NACCHO) is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81 ; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects Fund, the following amount for the project titled NACCHO-Creating Local Community Information Networks Grant:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999

Account	000600
Project	Grantor Share
Amount	\$35,000

2. Create the necessary Special Revenue Fund - Grant and Aid Project/Grant and Project/Grant Levels; budget against these Project/Grant values the amounts required under the grant agreement; and be it

Further Resolved, That these funds are budgeted to the Health Department which is authorized to:

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Enter into subcontracts and leases as detailed in the grant budget; and
3. Expend from the 2009 grant budget funds for training and out-of-town travel by departmental staff.

; and, be it

Further resolved, That the Common Council directs that the 2009 Positions Ordinance C.C. File Number 080522, should be amended as follows:

Under

HEALTH DEPARTMENT

DELETE:

Public Health Research & Policy Director (X) (Y)

ADD:

Public Health Research & Policy Director (X) (Y) (FF)

HEALTH DEPARTMENT

Disease Control & Prevention Division

Bioterrorism-CDC Public Health Preparedness Grant (A)

DELETE:

Infectious Disease Epidemiologist (A) (X) (Y) (EE)

Telecommunications Analyst - Assoc. (A) (X) (Y)

ADD:

Infectious Disease Epidemiologist (A) (X) (Y) (EE) (FF)
Telecommunications Analyst - Assoc. (A) (X) (Y) (FF)

ADD Footnote (FF) to read as follows:

To expire 05/31/09 unless the NACCHO- Creating Local Community Information Networks Grant is extended. Partially funds one position of Public Health Research & Policy Director, one position of Infectious Disease Epidemiologist and one position of Telecommunications Analyst-Associate.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Dudzik

12. [081335](#) Substitute resolution authorizing the release of funds from the Milwaukee Police Department's 4715 West Vliet Street Renovation 2009 capital account.
- Whereas, Common Council File Number 081006 made the release of funds for the Milwaukee Police Department's renovation of the 4715 West Vliet Street facility contingent on the Common Council review and approval of a renovation plan; and
- Whereas, A phase two renovation plan outlining mechanical and fire safety upgrades necessary for legal occupancy of the second floor of the 4715 West Vliet Street Police facility is attached to this resolution; and
- Whereas, This plan also includes estimated construction costs and a funding source for costs not covered by the 2009 capital budget appropriation; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the renovation plan attached to this resolution is approves and the 2009 capital funds for the further improvement of the 4715 West Vliet Street Police facility are released.
- A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
13. [081374](#) Substitute resolution authorizing the sale and issuance of general obligation promissory notes for contingent borrowing for delinquent taxes.

Whereas, There were unpaid real estate and personal property taxes of

\$24,671,011.96 due in 2008; and

Whereas, The City desires to borrow the unpaid amount in order to pay 2008 expenses pending receipt of the taxes through the normal collection procedure; and

Whereas, The 2009 Budget only authorized \$21,000,000 of borrowing for delinquent taxes, which is less than the amount of delinquent taxes; and

Whereas, The 2009 Budget authorizes \$130,000,000 of borrowing for contingent purposes; and

Whereas, The Common Council is desirous of using 2009 contingent borrowing for issuing and selling promissory notes pursuant to sec. 67.12(12), Stats. for the purpose of paying general and current municipal expenses pending the receipt of uncollected taxes due in 2008; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to use 2009 contingent borrowing purposes to issue general obligation promissory notes pursuant to the provisions of sec. 67.12(12), Stats., in an amount not to exceed \$3,700,000 for the purposes of paying general and current municipal expenses pending the receipt of uncollected taxes due in 2008; and, be it

Further Resolved, The borrowing is an authorized use of Contingent Borrowing as authorized to be issued by resolution File Number 080960 adopted on January 16, 2009.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

14. [081376](#) Substitute resolution authorizing attendance at conventions, seminars and other travel.

Resolved, By the Common Council of the City of Milwaukee, that attendance of the following person(s) at the following convention(s) and/or seminar(s) is approved, to be paid from departmental budgeted funds, such travel and reimbursement to be in accordance with policy guidelines set forth in 350-181 of the Milwaukee Code of Ordinances:

One member of the Common Council; "National League of Cities, 2009 Annual Congressional City Conference"; Washington, DC; March 14-18, 2009; \$480.00.

; and, be it

Further Resolved, That the dollar amount shown for each authorized convention, seminar and other travel listed above is simply an ESTIMATE of the convention, seminar and other travel attendance expenses anticipated to be paid or reimbursed by the city, and is primarily included to facilitate the making of the necessary dollar advances for such purposes; and, be it

Further Resolved, That ACTUAL city payment (or reimbursement) for convention, seminar and other travel expenses incurred and reported by the attendee, reporting requirements, control procedures, etc., shall be in accordance with the Authorized Travel Regulations and Procedures Ordinance of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the Common Council President is authorized to attend any of the above conventions that he deems necessary and advisable, to be paid from funds budgeted under section 304-13, Milwaukee Code.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

15. [071492](#) Communication from the Police Department transmitting 2008 quarterly reports relative to the status of overtime expenditures.

A motion was made by ALD. MURPHY that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

16. [080343](#) An ordinance increasing forfeitures for violations relating to return of garbage and recycling carts to their original location, mowing of grass, and removal of snow and ice from sidewalks.

A motion was made by ALD. MURPHY that this Ordinance be PLACED ON FILE. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

17. [081166](#) Communication from the Police Department relating to the 2009 Asset Forfeiture Plan.

A motion was made by ALD. MURPHY that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

18. [081194](#) Communication from the Department of Administration - Budget and Management Analysis Division regarding various vacancy requests, fund transfers and equipment requests.

A motion was made by ALD. MURPHY that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

19. [081289](#) Resolution appropriating up to \$174,647.95 from the 2009 Common Council Contingent Fund to the Remission of Taxes Fund for settlement of three lawsuits against the City of Milwaukee regarding 2006, 2007 and 2008 tax assessments.

A motion was made by ALD. MURPHY that this Resolution be PLACED ON FILE. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

20. [081290](#) Communication from the Department of Employee Relations relative to classification studies scheduled for City Service Commission action.

A motion was made by ALD. MURPHY that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

21. [081318](#) Communication from the Comptroller's office relating to a report entitled, Comprehensive Annual Financial Report of the City of Milwaukee for the year ended December 31, 2007.

A motion was made by ALD. MURPHY that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [081377](#) A substitute ordinance amending the authority of the administrative review appeals board with respect to jurisdiction.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 308-81-9-g of the code is amended to read:
308-81. Historic Preservation Commission.
9. REGULATION OF CONSTRUCTION, RECONSTRUCTION,
REHABILITATION AND DEMOLITION.
g. Demolition. Notwithstanding the provisions of the preceding paragraphs, if an applicant for a certificate of appropriateness seeks approval for demolition, the commission may by affirmative vote within 30 days after the public hearing defer determination on the application for a period not to exceed one year from the date of application for the demolition permit, and shall provide the applicant with a written report setting forth the reason or reasons for its deferral on the certificate application. An applicant whose application for certification of appropriateness for demolition has been deferred may appeal the deferral to the [[administrative review appeals board pursuant to s. 320-11]]>>common council<<. If the commission determines to defer a demolition on the application, the commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a mutually agreeable method of saving the subject property. Furthermore, during this time, the owner shall take whatever steps are necessary to prevent further deterioration of the building. At the end of the one year period, the commission shall act on the suspended application by either granting or refusing to grant a certificate of appropriateness for the proposed demolition.

Part 2. Section 308-81-14 of the code is repealed.
(Note: the provisions being repealed read as follows:
14. ADMINISTRATIVE REVIEW APPEALS BOARD. Any person or any city officer, department or board aggrieved by any decision of the commission made under the provisions of this section may appeal said decision to the administrative review appeals board pursuant to s. 320-11.)

A motion was made by ALD. HAMILTON that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

ADOPTION OF THE FOLLOWING:

2. [080255](#) Substitute resolution relative to various legislative bills.
- Whereas, The Judiciary and Legislation Committee of the Common Council has recommended the following position on the bills hereinafter listed and the Common Council being advised of said matter; now, therefore, be it
- Resolved That the Common Council of the City of Milwaukee hereby instructs the Division of Intergovernmental Relations to oppose the following, viz:
- LRB 0747/1 Prohibiting discrimination in housing because of arrest or conviction record and making
it a Class1 felony to discriminate based on arrest or conviction record.
- A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.
- No:** 0
3. [081261](#) Resolution canceling a City invoice against Gerald Dietsche for property damage.
- Whereas, A motor vehicle accident occurred on January 25, 2005 at South 27th Street and West Forest Home Avenue between a City of Milwaukee squad car and a vehicle operated by Gerald F. Dietsche; and
- Whereas, The City filed suit against Gerald F. Dietsch for its damages, at which time Gerald F. Dietsche filed a counterclaim against the City; and
- Whereas, Discovery revealed that liability was approximately split between the parties; and
- Whereas, The damages sustained by Gerald F. Dietsche totaled \$11,651.00 and the damages sustained by the City totaled \$10,329.00, now, therefore be it
- Resolved, By the Common Council of the City of Milwaukee that the City Attorney be and hereby is authorized and directed, on behalf of the City, to cancel and release the invoice against Gerald F. Dietsche in the amount of \$10,329.00 and to execute and deliver any necessary stipulations and releases to effectuate this release.
- A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

4. [081281](#) Substitute resolution to settle claims of Cermele & Associates for defense of various police officers.

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the sum of \$7,473.20 payable to Cermele & Associates, 6310 West Bluemound Rd., Suite 200, Milwaukee, WI 53213 to reimburse him for legal fees for defense of the following police officers:

POLICE OFFICERS	AMOUNT
Chuck Libal, Christopher Zimmermann	\$429.00
David Stott, Kurt Meyle, Sr.	\$431.33
Carrie Finley, David Martinez	\$300.87
Ronald Brown	\$946.00
Eric Neitman	\$1,078.00
Brad Westergard	\$242.00
Scott Schmitz, Jeff Lepianka, Robert Lemanczyk	\$495.00
Philyus Pulliam, Fred Terriquez	\$528.00
Chuck Libal, Abner Valcarcel, Christopher Zimmermann, Malcolm McNeil	\$902.00
John Hefley	\$363.00
Adam Zieger, Daniel Robinson	\$1,032.00
Bob Lutzke, James Jekanoski	\$726.00
TOTAL	\$7,473.20

; and, be it

Further Resolved, that the check for \$7,473.20 is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to the Damages and Claims Account -636506- Fund No. 0001 - Organization 1490- Program 2631 - Sub Class S118.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

5. [081308](#) Resolution authorizing settlement of the lawsuit entitled Lovell A. Harris v. City of Milwaukee, et al., for the total amount of \$150,000.
- Whereas, Plaintiff Lovell A. Harris filed a civil rights lawsuit in the United States District Court for the Eastern District of Wisconsin against the City of Milwaukee and certain former and/or current employees thereof; and

Whereas, Lovell A. Harris and the City of Milwaukee have entered into a Settlement Agreement to settle the above referenced lawsuit for a total amount of \$150,000 in full and final settlement of all claims and damages that have been made or could be made by the plaintiff; and

Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it expeditious and just to settle this lawsuit; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Attorney be and hereby is authorized to execute the Settlement Agreement in this matter, and such further documents as may be necessary and related thereto; and, be it

Further Resolved, That upon execution of all of the Settlement Agreement by plaintiff, as approved by the City Attorney, the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$150,000 payable to the order of the Alex Flynn Client Trust Account to be delivered upon plaintiff's proper execution and delivery of the General Release of All Claims; and, be it

Further Resolved, That these funds shall be charged to the Damages and Claims Fund, Account No. 0001 1490 636506 2631 S118.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

6. [081324](#) Resolution approving and authorizing the settlement of a judgment against KSB Construction & Development LLC for property located at 3345 N. 6th Street.

Whereas, KSB was formed in 2005 and operated for approximately 2 years as a general contractor for remodeling and rehabilitation projects; and

Whereas, KSB is no longer in operation and does not have nor does it expect to have any further income; and

Whereas, The City of Milwaukee ("the City") through the Kohn Law Firm ("Kohn") filed suit in 2008 against KSB Construction and Development LLC, for razing, grading, and seeding costs expended by the City for property located at 3345 N. 6th Street; and

Whereas, Kohn obtained a judgment for \$23,109.62; and

Whereas, KSB's only significant asset was the property located at the above referenced address which is now a vacant lot; and

Whereas, Kohn has negotiated a proposed settlement of the judgment in the amount of \$10,000; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Judgment against KSB be settled for \$10,000; and, be it

Further Resolved, That the all accrued interest, penalties, fees, and costs be cancelled.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

7. [081333](#) Substitute resolution to approve settlement agreement in the matter of John M. Kastner v. City of Milwaukee, Case No. CR200602633, Equal Rights Division, Department of Workforce Development for the State of Wisconsin.

Whereas, John M. Kastner filed the above captioned complaint claiming age discrimination in connection with his failure to be hired by the City of Milwaukee as an

Elevator Inspector I; and

Whereas, The parties have agreed to settle this lawsuit in the amount of Twenty Six Thousand Five Hundred and no/100 (\$26,500.00) dollars, for all damages, wage loss, front pay, pension loss or other benefits, attorney fees, costs, compensatory damages, punitive damages and any other claims for damages of any nature that could have been brought, as set for in a written Settlement Agreement and General Release; and

Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it is expeditious and just to settle this lawsuit; now, therefore be it Resolved, By the Common Council of the City of Milwaukee, that the City Attorney be and hereby is authorized to execute the Settlement Agreement and any further documents necessary to fully settle the claim; and, be it

Further Resolved, That upon execution of the general release by the plaintiff, as approved by the City Attorney, the proper City officers be and hereby are authorized and directed to issue City checks as follows: To John M. Kastner, the sum of Ten Thousand and no/100 Dollars (\$10,000) as damages; and to James J. Carrig, Niebler, Pyzak, Roth & Carrig, LLP, the sum of Sixteen Thousand Five Hundred and no/100 Dollars (\$16,500) as attorney fees and costs; and, be it Further Resolved, That these funds shall be charged to the Damages and Claims Fund, Account No. 0001 1490 636506 2631 S118.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

CONFIRMATION OF THE FOLLOWING:

8. [081228](#) Appointment of Genyne Edwards to the Equal Rights Commission by the Mayor. (7th Aldermanic District)

A motion was made by ALD. HAMILTON that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

9. [081359](#) Appointment of Renee Taylor to the Equal Rights Commission by the Mayor. (4th Aldermanic District)

A motion was made by ALD. HAMILTON that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

10. [081380](#) Communication from various city departments relating to the recent court decision, Metropolitan Associates v. City of Milwaukee, concerning appeals of property assessments.

A motion was made by ALD. HAMILTON that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

DISALLOWANCE AND INDEFINITE POSTPONEMENT OF THE FOLLOWING:

11. Claims against the City:

- a. [081011](#) Resolution relating to an appeal from Stephanie Jacocks for property damage.

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- b. [081176](#) Resolution relating to an appeal from Christine Nemeth for property damage. (5th Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- c. [081178](#) Resolution relating to an appeal from Eddie Hawkins for property damage. (5th Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- d. [081238](#) Resolution relating to the claim of Deslie Lawrence for property damage. (2nd Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- e. [081240](#) Resolution relating to the claim of Judy Byrnes for personal injuries. (4th Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- f. [081254](#) Resolution relating to an appeal from Atty. Jacques Mann on behalf of Frankie Barnes for personal injuries and damages. (1st Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- g. [081255](#) Resolution relating to an appeal from Mamie Ward-Wilson for property damage. (9th Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

A motion was made by ALD. HAMILTON that this Resolution be RECONSIDERED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

A motion was made by ALD. HAMILTON that this Resolution be ASSIGNED TO the JUDICIARY & LEGISLATION COMMITTEE . The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- h. [081256](#) Resolution relating to an appeal from William and Margaret Martin for property damage. (1st Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- i. [081257](#) Resolution relating to an appeal from Felecia McIntosh for property damage. (1st Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- j. [081277](#) Resolution relating to the claim of Tom Cravillion for property damage.

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [081078](#) Substitute ordinance relating to a change in zoning from Civic Activity, Local Business, Multi-Family Residential, and Residential and Office, to Institutional, on various lands located generally North and South of West Wisconsin Avenue between North 9th Street and North 20th Street, to permit various Marquette University-related land uses, in the 4th Aldermanic District.

Resolved, That the Mayor and Common Council of the City of Milwaukee, do ordain as follows:

Part 1. There is added to the Milwaukee Code of Ordinances a new section to read as follows:

Section 295-905(2)(c).0002. The zoning map is amended to change the zoning for the areas bounded and described as follows:

The centerline of West Wisconsin Avenue, the centerline of North 17th Street, a line 360 feet South and parallel to the south line of West Wisconsin Avenue, a line 135 feet East and parallel to the east line of North 17th Street, a line 180 feet South and parallel to the south line of West Wisconsin Avenue, a line 150 feet East and parallel to the east line of North 17th Street, the centerline of West Wisconsin Avenue, a line 100 feet East and parallel to the east line of North 17th Street, a line 125 feet North and parallel to the north line of West Wisconsin Avenue, the centerline of North 17th Street, the centerline of West Wells Street, a line 170 feet West and parallel to the west line of North 18th Street, a line 190.52 feet South and parallel to the south line of West Wells Street, the centerline of North 19th Street, a line 150 feet North and parallel to the north line of West Wisconsin Avenue, a line 70 feet East and parallel to the east line of North 19th Street, and the centerline of West Wisconsin Avenue; and

The centerline of West Clybourn Street, the centerline of North 18th Street, a line 180 feet North and parallel to the north line of West Clybourn Street, a line 135 feet West and parallel to the west line of North 18th Street, a line 240 feet North and parallel to the north line of West Clybourn Street, and the centerline of North 19th Street; and

The centerline of West Kilbourn Avenue, the centerline of North 13th Street, the centerline of West Wells Street, and a line 155.05 feet East and parallel to the east line of North 13th Street; and

The centerline of West Wisconsin Avenue, the centerline of North 10th Street, a line 152 feet South and parallel to the south line of West Wisconsin Avenue, a line 100 feet East and parallel to the east line of North 10th Street, the centerline of West

Wisconsin Avenue, a line 290 feet East and parallel to the east line of North 10th Street, a line 195 feet South and parallel to the south line of West Wisconsin Avenue (extended), a line 382 feet East and parallel to the east line of North 10th Street, the centerline of West Michigan Street, the centerline of West Tory Hill, and the centerline of North 11th Street, from Civic Activity (C9D(A)), Local Business (LB2), Multi-Family Residential(RM5), Multi-Family Residential (RM7), and Residential and Office (RO2), to Institutional District (TL).

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

ADOPTION OF THE FOLLOWING:

2. [081370](#) Resolution authorizing the sale of the City-owned vacant lot at 2702-14 North 26th Street to United Christian Church for development of United House, Phase II, an affordable senior and workforce housing initiative, in the 7th Aldermanic District.
- Whereas, United Christian Church, in conjunction with Cardinal Capital Management, Inc., has proposed to develop a senior and workforce housing facility to complement United House, a supportive housing facility at 2500 West Center Street; and
- Whereas, United Christian Church has submitted an unsolicited offer to purchase the City-owned vacant lot at 2702-14 North 26th Street to create a building site for United House, Phase II, as summarized in a Land Disposition Report, a copy of which is attached to this Common Council File; and
- Whereas, Section 304-49-7 of the Milwaukee Code of Ordinances allows the City of Milwaukee ("City") to accept unsolicited offers to purchase property when the City receives fair compensation, whether monetary or non-monetary; and
- Whereas, The Department of City Development ("DCD") has reviewed the offer and the development proposal and has determined that the proposed price and redevelopment represents fair compensation to the City considering the investment in the neighborhood and provision of affordable senior and workforce housing; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of DCD, or designee, is authorized to accept the unsolicited offer to purchase submitted by United Christian Church, or assigns, for the City-owned vacant lot at 2702-14 North 26th Street for development of United House, Phase II, as outlined in the Land Disposition Report; and, be it

Further Resolved, That the Commissioner of DCD or designee is authorized to release any deed restrictions that inhibit development, execute required legal documents on behalf of the City and to close the transaction according to the terms of the Land Disposition Report; and, be it

Further Resolved, That in the event the City acquires additional lots in United Christian Church's target area, the lots may be added or substituted with authorized properties without further action of the Common Council upon recommendation and approval of the Commissioner of DCD and notice to the local alderman; and, be it

Further Resolved, That the sale proceeds, less sale expenses and a 30 percent disposition cost reimbursement to the Redevelopment Authority of the City of Milwaukee, shall be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

3. [081371](#) Resolution authorizing the sale of the City-owned vacant lots in the vicinity of 26th and Center Streets to United Christian Church for development of United Townhomes, a scattered-site, affordable housing development, in the 7th and 15th Aldermanic Districts.

Whereas, United Christian Church desires to develop affordable housing on a scattered site basis in the vicinity of its church at 2535 West Hadley Street and United House at 2500 West Center Street; and

Whereas, United Christian Church has submitted an unsolicited offer to purchase the City-owned vacant lots in the area between Center and Locust Streets from 24th to 28th Streets to create building sites for the proposed United Townhomes Project that will be developed in two phases; and

Whereas, United Christian Church will create a limited liability company to acquire the property and develop United Townhomes as summarized in a Land Disposition Report, a copy of which is attached to this Common Council File; and

Whereas, Section 304-49-7 of the Milwaukee Code of Ordinances allows the City of Milwaukee ("City") to accept unsolicited offers to purchase property when the City receives fair compensation, whether monetary or non-monetary; and

Whereas, The Department of City Development (“DCD”) has reviewed the offer and the development proposal and has determined that the proposed price and redevelopment represents fair compensation to the City considering the investment in the neighborhood and provision of affordable housing; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of DCD, or designee, is authorized to accept the unsolicited offer to purchase submitted by United Christian Church for the City-owned vacant lots in the vicinity of 26th and Center Streets for purchase and development as outlined in the Land Disposition Report; and, be it

Further Resolved, That the Commissioner of DCD or designee is authorized to release any deed restrictions that inhibit development, execute required legal documents on behalf of the City and to close the transaction according to the terms of the Land Disposition Report; and, be it

Further Resolved, That in the event the City acquires additional lots in United Christian Church’s target area, the lots may be added or substituted with authorized properties without further action of the Common Council upon recommendation and approval of the Commissioner of DCD and notice to the local alderman; and, be it

Further Resolved, That the sale proceeds, less sale expenses and a 30 percent disposition cost reimbursement to the Redevelopment Authority of the City of Milwaukee, shall be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

4. [081373](#) Resolution authorizing the sale of the City-owned vacant lot at 3427-29 West Villard Avenue to Villard Square, LLC, for an affordable housing, mixed-use development, in the 1st Aldermanic District.

Whereas, The Northwest Side Community Development Corporation (“NWCDC”) desires to develop a mixed-used project incorporating affordable housing in the 3400 block of West Villard Avenue and has submitted an unsolicited offer to purchase the City-owned vacant lot at 3427-29 West Villard Avenue to create a building site; and

Whereas, NWCDC has created Villard Square, LLC to acquire the property and develop the project as summarized in a Land Disposition Report, a copy of which is attached to this Common Council File; and

Whereas, Section 304-49-7 of the Milwaukee Code of Ordinances allows the City of Milwaukee ("City") to accept unsolicited offers to purchase property when the City receives fair compensation, whether monetary or non-monetary; and

Whereas, After review of the offer and development proposal, the Department of City Development ("DCD") has determined that the proposed price and redevelopment represents fair compensation to the City in terms of investment in the neighborhood; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of DCD, or designee, is authorized to accept the unsolicited offer to purchase submitted by Villard Square, LLC, for the City-owned vacant lot at 3427-29 West Villard Avenue for purchase and development as outlined in the Land Disposition Report; and, be it

Further Resolved, That the Commissioner of DCD or designee is authorized to release any deed restrictions that inhibit development, execute required legal documents on behalf of the City and to close the transaction according to the terms of the Land Disposition Report; and, be it

Further Resolved, That the sale proceeds shall be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

5. [081375](#) Substitute resolution relating to the allocation of funds from the Housing Trust Fund.

Whereas, On November 14, 2006, the City of Milwaukee Common Council adopted File Number 041537, an ordinance relating to the establishment, operation and funding of a City of Milwaukee Housing Trust Fund; and

Whereas, On September 26, 2006, the Common Council adopted File Number 060071, a resolution relating to the recommendations of the Milwaukee Housing Trust Fund Task Force for the operation and funding of a Housing Trust Fund, which included provisions that Housing Trust Fund dollars should be allocated in 3 categories: housing and services for persons who are homeless, development or rehabilitation of affordable rental housing, and creation or maintenance of home ownership activities; and

Whereas, As authorized by the Housing Trust Fund Advisory Board, the Community Development Grants Administration (CDGA) released Request-for-Proposals in September, 2008 for the categories of Homelessness (\$373,250), Rental (\$522,550) and Homeownership (\$373,250) and Other Needs as Identified (\$213,950) for a total amount available of \$1,483,000. CDGA received 26 funding requests by the November 3, 2008 deadline; and

Whereas, CDGA staff and the Housing Trust Fund Advisory Board's Technical Review Subcommittee both reviewed the funding applications, and recommended funding 9 projects totaling \$920,750 to the Advisory Board; and

Whereas, On January 30, 2009, the Advisory Board approved the recommendation to fund the 9 projects totaling \$920,750 as listed in Attachment A; and

Whereas, In accordance with Section 316-5-2-a and b of the Milwaukee Code of Ordinances relating to the duties of the Housing Trust Fund Advisory Board, the Advisory Board is recommending to the Common Council approval of the allocation of \$920,750 for the 9 projects listed in Attachment A; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the award of \$920,750 from the Housing Trust Fund Account (Capital Improvement Fund Account Number 0339 9990 R999 UR04407000A) to the 9 organizations and projects listed in Attachment A is approved, with a remaining balance remain in the Housing Trust Fund account; and, be it

Further Resolved, That each organization so awarded shall comply with the Housing Trust Fund Advisory Board's policies and procedures; and, be it

Further Resolved, That each of these Housing Trust Fund awards are subject to the successful negotiations of the term sheet with the City of Milwaukee; and, be it

Further Resolved, That upon the agreement of the term sheet, CDGA is hereby authorized to execute contracts for the awards as listed on Attachment A.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

CONFIRMATION OF THE FOLLOWING:

6. [081357](#) Reappointment of J. Allen Stokes to the City Plan Commission by the Mayor. (6th Aldermanic District)

A motion was made by ALD. WITKOWIAK that this Appointment be CONFIRMED.
The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

7. [081358](#) Reappointment of Stephanie Bloomingdale to the City Plan Commission by the Mayor. (3rd Aldermanic District)

A motion was made by ALD. WITKOWIAK that this Appointment be CONFIRMED.
The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

8. [081379](#) Appointment of Art Dahlberg as Commissioner of Neighborhood Services by the Mayor.

A motion was made by ALD. WITKOWIAK that this Appointment be CONFIRMED.
The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

9. [080542](#) Resolution authorizing additional funding for Tax Incremental District No. 48 (Park East) and approving the terms of a Development Agreement for the property bounded by McKinley Avenue, 3rd Street, Juneau Avenue and 4th Street, in the 6th Aldermanic District.

A motion was made by ALD. WITKOWIAK that this Resolution be PLACED ON FILE. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. [081295](#) Substitute resolution relating to the transfer of extended HOME funds to the Wisconsin Preservation Fund, Inc.

Whereas, The West Pointe LLC has redeveloped commercial and rental apartments located at 2632 W. Wells Street into a mixed commercial/condominiums project; and

Whereas, The LISC has indicated to the Community Development Grants Administration (CDGA) that the Wisconsin Preservation Fund, Inc. will purchase the West Pointe properties (see attached documents); and

Whereas, The extended HOME funds that were previously awarded to West End Development Corp. neighborhood improvement project, will be used to award funding to the Wisconsin Preservation Fund, Inc. in the amount of \$350,000; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, here by approves the award of extended HOME funds to the Wisconsin Preservation Fund, Inc. in the amount of \$350,000 for the purchase of the West Pointe properties; and, be it

Further Resolved, That CDGA is responsible for awarding a subrecipient contract for this activity; and, be it

Further Resolved, That the Wisconsin Preservation Fund, Inc. shall submit budget and activity reports in amounts and according to any conditions approved by the Common Council and in accordance with File Number 74-92-5v, to the Community Development Grants Administration and the City Comptroller for review and approval; and, be it

Further Resolved, That payments for HOME cost incurred shall be paid in accordance with approved HOME reimbursement policy based on the approval by the Community Development Grants Administration and the City Comptroller; and, be it

Further Resolved, That except as modified by this resolution, the guidelines for handling the Community Development Block Grant Program set forth in Common Council File Number 74-92-5v are fully applicable to the Community Development Entitlement Funding Program.

A motion was made by ALD. DAVIS that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Coggs, Wade, Donovan, Puente, Murphy, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 2 - Bohl Dudzik

2. [081296](#) Substitute resolution relative to the allocation of 2009 Community Development Block Grant funds for Employment Services Foster Care/Aging Out Initiative.

Whereas, The Community Development Grants Administration (CDGA) released a Request-for-Proposal (RFP) in the amount of \$100,000 for the Employment Services Foster Care/Aging Out Initiative; and

Whereas, The following organizations submitted Request-for-Proposals:

Organization Name	Requested Amount	Recommendation
Lad Lake, Inc.	\$ 45,000	\$ 45,000
Lincoln Park Community Center, Inc.	\$ 6,000	\$ 0
Milwaukee Job Development, Inc.	\$100,000	\$ 25,000
Riverworks Development Corp.	\$ 30,000	\$ 30,000
The Rainbow Institute of Learning, Inc.	\$ 63,900	\$ 0
WI Regional Trng Partnership, Inc./BIGSTEP	\$ 40,000	\$ 0
	\$284,900	\$100,000

; and

Whereas, The Community & Economic Development Committee recommends approval of the Employment Services Foster Care/Aging Out Initiative award as stated above; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, hereby approves the above stated award; and, be it

Further Resolved, That CDGA is responsible for awarding a subrecipient contract for this approved activity; and, be it

Further Resolved, That the subrecipient organization shall submit budget and activity reports in amounts and according to any conditions approved by the Common Council and in accordance with File Number 74-92-5v, to the Community Development Grants Administration and the City Comptroller for review and approval; and, be it

Further Resolved, That payments for CDBG cost incurred shall be paid in accordance with approved CDBG reimbursement policy based on the approval by the Community

Development Grants Administration and the City Comptroller; and, be it

Further Resolved, That except as modified by this resolution, the guidelines for handling the Community Development Block Grant Program set forth in Common Council File Number 74-92-5v are fully applicable to the Community Development Entitlement Funding Program.

A motion was made by ALD. DAVIS that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

CONFIRMATION OF THE FOLLOWING:

3. [080992](#) Reappointment of Polly Morris to the Milwaukee Arts Board by the Mayor. (3rd Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

4. [081271](#) Appointment of Elizabeth Nicols to the Main Street Milwaukee Partners Board by the Common Council President.

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

5. Appointments and Reappointments to Business Improvement District Boards:

- a. [080970](#) Appointment of Welford Sanders to the Business Improvement District Board No. 8 (Historic King Drive) by the Mayor. (7th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- b. [081341](#) Appointment of LaMar Franklin to the Business Improvement District Board #8 (Historic King Drive) by the Mayor. (6th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- c. [081342](#) Appointment of Jo Spear, Jr. to the Business Improvement District Board #8 (Historic King Drive) by the Mayor. (6th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- d. [081343](#) Appointment of Larry Roffers to the Business Improvement District Board #8 (Historic King Drive) by the Mayor. (6th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- e. [081344](#) Reappointment of Carla Cross to the Business Improvement District Board #8 (Historic King Drive) by the Mayor. (6th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- f. [081345](#) Reappointment of Luc Monsanto to the Business Improvement District Board #8 (Historic King Drive) by the Mayor. (6th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- g. [081347](#) Appointment of Kevin Kennedy to the Business Improvement District Board #15 (Downtown Riverwalk) by the Mayor. (4th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- h. [081349](#) Reappointment of Paul Miller to the Business Improvement District Board #20 (East North Avenue) by the Mayor. (3rd Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- i. [081350](#) Reappointment of John Sidoff to the Business Improvement District Board #20 (East North Avenue) by the Mayor. (3rd Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- j. [081351](#) Reappointment of Jeff Sherman to the Business Improvement District Board #20 (East North Avenue) by the Mayor. (4th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- k. [081352](#) Reappointment of Peggy Silvestrini to the Business Improvement District Board #20 (East North Avenue) by the Mayor. (3rd Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- L. [081353](#) Reappointment of Robert Domrois to the Business Improvement District Board #20 (East North Avenue) by the Mayor. (13th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- m. [081354](#) Appointment of Kevin Kennedy to the Business Improvement District Board #21 (Downtown Management District) by the Mayor. (4th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- n. [081356](#) Reappointment of Paul Rubitsky to the Business Improvement District Board #27 (West Burleigh Street) by the Mayor. (10th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

6. [081038](#) Communication from the Greater Milwaukee Committee entitled, Cultural Asset

Inventory of the Milwaukee 7 Region.

A motion was made by ALD. DAVIS that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

7. [081082](#) Communication from the Local Initiatives Support Corporation relating to its fundraising efforts for the Main Street Milwaukee Program.

A motion was made by ALD. DAVIS that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

8. [081221](#) Appointment of Marisol Garcia to the Business Improvement District #4 (Mitchell Street) by the Mayor. (12th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

9. [081313](#) Communication from the Department of City Development relating to a report detailing cooperative ventures undertaken by the City of Milwaukee and the Milwaukee Area Workforce Investment Board from July 1, 2008 through December 31, 2008.

A motion was made by ALD. DAVIS that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

10. [081314](#) Communication from the Milwaukee Commission on Supportive Housing relating to its 2008 annual report.

A motion was made by ALD. DAVIS that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

THE PUBLIC WORKS COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [080804](#) A substitute ordinance granting an airspace lease to Terrace Row, LLC for bedroom bays and roof terraces extending over the sidewalk area of East Kilbourn Avenue between North Cass Street and North Van Buren Street for the Terrace Row Condominiums located at 755, 765, 775 and 785 East Kilbourn Avenue.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. FINDINGS. In accordance with the provisions of sec. 66.0915(4), Wis. Stats., (2005-2006), the Common Council of the City of Milwaukee hereby authorizes, directs and agrees that the City of Milwaukee, through the proper city officers, enter into an airspace lease with Terrace Row, LLC for a term of 99 years for the maintenance of bedroom bays and roof terraces extending over the sidewalk area of East Kilbourn Avenue between North Cass Street and North Van Buren Street, as described in the lease, and the Common Council of the City of Milwaukee hereby finds that the area described in the airspace lease is not needed for street, alley or other public purposes and that the public interest will be served by such leasing as the building will continue to aid in the development of the downtown area.

Part 2. Attached and made part of the Common Council File No. 080804 is a copy of such lease in substantially the same form as the lease that will be signed.

Part 3. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 4. The Department of City Development, through its real estate section, shall process, with City department funds, the recording of this ordinance with the Milwaukee County Register of Deeds and shall forward the recording information complete with a final copy of the ordinance and lease to the City Engineer and the City Comptroller.

Part 5. This ordinance shall take effect and be in force from and after its passage and publication.

A motion was made by ALD. BAUMAN that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

ADOPTION OF THE FOLLOWING:

2. Resolutions relating to special privileges:

- a. [080799](#) Substitute resolution amending a special privilege to Eagan's on Water, Inc. for addition of an awning with supports for the premises at 1030 North Water Street, in the 4th Aldermanic District.

Whereas, The applicant requested permission to construct and maintain a covered walk and to install, use and maintain a sidewalk café with moveable planters; and

Whereas, Permission for said items was granted in 1994 under Common Council Resolution File Number 931750; and

Whereas, Sidewalk Cafes are now permitted in the public right-of-way with a permit from the Department of Public Works and no longer require a special privilege; however the moveable planters appear to be permanent fixtures in the public right-of-way so a special privilege will still be required for them; and

Whereas, The applicant is now requesting permission to install and maintain an awning with supports; and

Whereas, Said awning with supports may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 931750 is hereby rescinded; and, be it

Further Resolved, That Eagan's on Water, Inc., 1030 North Water Street, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain an awning with metal supports projecting 2 feet 3 inches into the east, 12-foot wide sidewalk area of North Water Street. Said awning commences at a point approximately 76 feet south of the southline of East Highland Avenue and extends 74 feet to the south. Said awning is supported by the building and by metal supports bolted into the paved public sidewalk.
2. To keep and maintain moveable planters projecting 2 feet 3 inches into the public right-of-way adjacent to a sidewalk café located in the east, 12-foot wide sidewalk area of North Water Street. There are six 3-foot square wooden planters and thirteen 5-foot long and 3-foot wide rectangular wooden planters. All but two of the square planters are located under the awning described above.
3. To keep and maintain a covered walk projecting 10 feet into the east, 12-foot

wide sidewalk area of North Water Street. Said 8-foot wide covered walk is supported by the building and by two posts underlain by concrete pillar foundations. The grantee is required to keep and maintain a "No Parking" status or "Loading Zone" adjacent to this covered walk for as long as the covered walk is in the public right-of-way.

Said covered walks shall be constructed in accordance with the policies set forth under Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frames shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressures of 20 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 7 feet above the sidewalk level. The coverings shall be of approved materials. All fixtures and materials for illumination of covered walks shall be approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walks. The name, street number or character of business may be indicated only on the vertical portions of the awnings.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Eagan's on Water, Inc., shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer an annual fee, which has an initial amount of \$391.98. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- b. [080944](#) Substitute resolution amending a special privilege to A & F Properties LLC for addition of a non-code compliant fixed awning projecting into the public right-of-way for the premises at 518 West Cherry Street, in the 6th Aldermanic District.
- Whereas, A & F Properties LLC requested permission to install a concrete platform with risers and a new planting bed with edging within the public right-of-way; and
- Whereas, Permission for items was granted in 2007 under Common Council Resolution File Number 070626; and
- Whereas, Per the applicant said planting bed has not and will not be constructed; and
- Whereas, The applicant is presently requesting permission to construct and maintain a non-code compliant fixed awning in the public right-of-way; and
- Whereas, Said non-code compliant fixed awning may only legally encroach into the

public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 070626 is hereby rescinded; and, be it

Further Resolved, That A & F Properties, LLC, 1126 South 70th Street, West Allis, Wisconsin 53214, is hereby granted the following special privileges:

1. To construct and maintain a non-code compliant fixed awning projecting 6 feet into the north 15-foot wide sidewalk area of West Cherry Street. Said awning commences at a point approximately 104 feet west of the westline of North 5th Street and extends west 32 feet 8 inches to the west. The awning will be a minimum of 18 feet above the adjacent sidewalk grade. This awning will be flat and does not meet Section 245-7-6-d of the Milwaukee Code of Ordinances, which requires a slope between 30 and 45 degrees from the horizontal.

2. To keep and maintain a concrete platform with risers commencing at a point approximately 105 feet west of the westline of North 5th Street and extending west 17 feet 6 inches. The platform and risers project 4 feet 1 inch into the north 15-foot wide sidewalk area of West Cherry Street.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as it is no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege, the grantee, A & F Properties, LLC, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$3,000 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the

sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer an annual fee, which has an initial amount of \$138.51. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

c. [081041](#)

Substitute resolution granting a special privilege to Calvert Restaurants, Inc. for a storm enclosure and moveable planters in the public right-of-way for the premises at 815 East Brady Street, in the 3rd Aldermanic District.

Whereas, The applicant desires to construct and maintain a storm enclosure at the premises at 815 East Brady Street; and

Whereas, A site visit revealed the presence of one moveable planter and research revealed the presence of up to two moveable planters in the public right-of-way; and

Whereas, Said storm enclosure and moveable planters may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Calvert Restaurants, Inc., 815 East Brady Street, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain a 7-foot wide storm enclosure projecting up to 1 foot 6 inches into the 13-foot wide south sidewalk area of East Brady Street. Said storm enclosure is centered approximately 35 feet 6 inches east of the eastline of North Cass Street. There is a 3-foot wide door attached to the storm enclosure that opens perpendicularly to the sidewalk.
2. To keep and maintain up to two moveable planters in the 13-foot wide south sidewalk area of East Brady Street. Said round planters are 1 foot 6 inches in diameter and are centered about the entrance to 815 East Brady Street.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Calvert Restaurants, Inc., shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer an annual fee, which has an initial amount of \$105.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- d. [081134](#) Substitute resolution to amending a special privilege to Bootlegger's of Milwaukee LLC for addition of a storm enclosure for the premises at 1023-25 North Old World Third Street, in the 4th Aldermanic District.

Whereas, The applicant requested permission to construct and maintain a concrete platform with steps and excess door swing to allow for an additional exit; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 071341 in March 2008; and

Whereas, The current request is to install a storm enclosure which will project partially into the public right-of-way; and

Whereas, Said storm enclosure may only legally encroach into the public right-of-way by the granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 071341 is hereby rescinded; and, be it

Further Resolved, That Bootlegger's of Milwaukee LLC, 6216 Baker Road, Suite 200, Eden Prairie, Minnesota 55346 is hereby granted the following special privileges:

1. To install and maintain a storm enclosure in the north, variable width sidewalk area of Old World Third Street. Said storm enclosure commences at a point approximately 2 feet south of the southline of the east-west alley adjacent to the subject premises and extends 10 feet 6 inches to the south. The storm enclosure, which is designed to be installed and uninstalled seasonally, will project up to 1-foot into the minimally 12-foot wide north sidewalk area of Old World Third Street. There is a door that, when fully open, swings up to 2 feet into the public right-of-way, at the south end of the storm enclosure.
2. To keep and maintain a concrete platform with steps in the public way. Said concrete platform with steps project 4 feet 4 inches into the 20-foot wide east-west public alley in the block bounded by North 4th Street, West Highland Avenue, North Old World Third Street and West State Street. Total length of the platform with steps is 9 feet 11 inches long. Said platform with steps has a metal handrail and is supported by concrete footings.
3. To keep and maintain a door swing that, when fully open, projects up to 3 feet into the 20-foot wide east-west alley in the block bounded by North 4th Street, West Highland Avenue, North Old World Third Street and West State Street. The door swing opens over the platform of Item #2 and projects into the public right-of-way more than the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

Said above-mentioned items shall be used, kept, and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by accepting this special privilege the grantee, Bootlegger's of Milwaukee LLC, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$175.01. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

3. [081245](#) Resolution approving a release and settlement agreement between New Cingular

Wireless PCS, LLC, and the City of Milwaukee for the site at 3000 North Lincoln Memorial Drive.

Whereas, The Common Council adopted Resolution File Number 960170 on June 25, 1996, establishing a policy for the leasing of City facilities for the provision of wireless telecommunications services; and

Whereas, The Common Council further adopted Resolution File Number 991575 on February 18, 2000, amending this wireless communication policy; and

Whereas, These resolutions designated the Department of Administration as the City's sole negotiating agent for marketing City-owned sites to communication services vendors; and

Whereas, On or about December 15, 2000, a lease for use of the Milwaukee Water Works site at 3000 North Lincoln Memorial Drive, also known as the Linwood Water Treatment Facility, was entered between the City and New Cingular Wireless PCS, LLC (successor in interest to AT&T Wireless PCS, Inc., hereafter "Cingular"); and

Whereas, The Department of Administration has been working with the DPW-Water Works and the City Attorney's Office to negotiate the termination of the lease agreement with Cingular; and

Whereas, The proposed release agreement, attached to this file and incorporated by reference, provides that Cingular will pay the City a \$12,000 fee for termination of the lease; and

Whereas, Cingular further agrees to pay the amount of \$10,050.72 to the City as a future rent fee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves the Release and Settlement Agreement negotiated between the City and Cingular within the terms of the above recitals and the documents attached to this file, and authorizes the proper City officials to execute the Release on behalf of the City of Milwaukee.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

4. [081265](#) Substitute resolution approving levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes with the City cost of these projects approved by this resolution is estimated to be \$311,900 for a total estimated cost of \$335,400.

Whereas, The Common Council of the City of Milwaukee adopted preliminary resolutions, determining it necessary and in the public interest to construct and levy special assessments for the following improvements:

2nd Aldermanic District

W. Stark St. - N. 71st St. to N. 76th St. (ST211060169) File Number 051083: Asphalt pavement overlay. (Assessable Reconstruction Paving Fund -- \$100; Nonassessable Reconstruction Paving Fund -- \$60,000). The total estimated cost for this project including the requested amount is \$62,100. This project is anticipated to be completed during the 2009 construction season.

N. 70th St. - W. Hampton Ave. to W. Medford Ave. (ST211060166) File Number 051083: Asphalt pavement overlay. (Assessable Reconstruction Paving Fund -- \$800; Nonassessable Reconstruction Paving Fund -- \$40,000). The total estimated cost for this project including the requested amount is \$42,800. This project is anticipated to be completed during the 2009 construction season.

N. 71st St. - W. Hampton Ave. to W. Medford Ave. (ST211060167) File Number 051083: Asphalt pavement overlay. (Assessable Reconstruction Paving Fund -- \$200; Nonassessable Reconstruction Paving Fund -- \$65,000). The total estimated cost for this project including the requested amount is \$67,200. This project is anticipated to be completed during the 2009 construction season.

N. 72nd St. - W. Hampton Ave. to W. Medford Ave. (ST211060168) File Number 051083: Asphalt pavement overlay. (Assessable Reconstruction Paving Fund -- \$600; Nonassessable Reconstruction Paving Fund -- \$80,000). The total estimated cost for this project including the requested amount is \$82,600. This project is anticipated to be completed during the 2009 construction season.

5th Aldermanic District

N. 83rd St. - A Point south of W. Keefe Ave. to W. Keefe Ave. (ST211030110) File Number 010384: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (4-9 foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$3,200; Nonassessable Reconstruction Paving Fund -- \$50,000). The total estimated cost for this project including the requested amount is \$58,700. This project is anticipated to be completed during the 2009 construction season.

10th Aldermanic District

W. Chambers St. - W. Appleton Ave. to N. 64th St. (ST211080141): Install traffic calming speed humps. (Assessable Reconstruction Paving Fund -- \$2,000; Nonassessable Reconstruction Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$22,000. This project is anticipated to be completed during the 2009 construction season.

; and

Whereas, The report of the Commissioner of Public Works has been filed with the City Clerk; and

Whereas, Notices have been sent to all interested persons and public hearings held; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works' Report, as amended at said Public Hearing, is approved and the properties therein identified are benefited; and, be it

Further Resolved, That said Commissioner of Public Works is authorized and directed to proceed with said work in accordance with said report pursuant to Section 66.0703 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the proper departments take such action as is required of them to assess the abutting or adjacent properties and collect such assessment in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts; and, be it

Further Resolved, That the projects do not involve any parcels of agricultural land which are eligible for deferred special assessments under the provisions of Section 14.30 of the Milwaukee City Charter; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That projects W. Stark St. (ST211060169), N. 70th St. (ST211060166), N. 71st St. (ST211060167), N. 72nd St. (ST211060168), N.

83rd St. (ST211030110), and W. Chambers St. (ST211080141) will be billed after January 1, 2011, but not before 12 months after the project contract has been completed.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

5. [081266](#) Substitute resolution determining it necessary to make various assessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$115,000 for a total estimated cost of these projects being \$1,245,000.

Resolved, By the Common Council of the City of Milwaukee that it is necessary and in the public interest to do the following described work according to City specifications, and that such public improvements and resulting special assessments be made pursuant to Section 66.0703 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances:

3rd Aldermanic District

N. Terrace Ave. - E. North Ave. to E. Bellevue Pl. (ST211100110): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$45,000). The total estimated cost for this project including the requested amount is \$445,000. This project is anticipated to be completed during the 2010 construction season.

7th Aldermanic District

N. 24th St. - W. Hadley St. to W. Locust St. (ST211100108): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$140,000. This project is anticipated to be completed during the 2010 construction season.

10th Aldermanic District

W. Chambers St. - W. Appleton Ave. to N. 64th St. (ST211080141): Install traffic calming devices. The total estimated cost for this project is \$10,000. This project is

anticipated to be completed during the 2009 construction season.

N. 72nd St. - W. Locust St. to W. Burleigh St. (ST211100107): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$165,000. This project is anticipated to be completed during the 2010 construction season.

12th Aldermanic District

W. Maple St. - S. 6th St. to S. 13th St. (including S. 8th St. - W. Windlake Ave. to W. Maple St.) (ST211100109): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$50,000). The total estimated cost for this project including the requested amount is \$485,000. This project is anticipated to be completed during the 2010 construction season.

; and, be it

Further Resolved, That the abutting and adjacent properties be assessed a portion of the cost, said assessment to be recommended by the Commissioner of Public Works in his report; and, be it

Further Resolved, That all assessments and payments be made in accordance with Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That all City departments are authorized to do engineering, surveying, preparing of plans, and estimates of cost thereof, to be utilized in the preparation of said report of the Commissioner of Public Works; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

6. [081267](#) Substitute resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$10,052,000 for a total estimated cost of these projects being \$11,256,000.

Whereas, The Common Council of the City of Milwaukee adopted preliminary resolutions determining it necessary and in the public interest to construct nonassessable improvements; and

Whereas, Plans, specifications and cost estimates have been prepared for the following described improvements:

3rd Aldermanic District

N. Downer Ave. - E. Locust St. to E. Kenwood Blvd. (SM495070103) File Number 071055: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$367,000). The total estimated cost for this project including the requested amount is \$399,000. This project is anticipated to be completed during the 2009 construction season.

E. Linnwood Ave. - N. Farwell Ave. to N. Lake Dr. (SM495070104) File Number 071055: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$383,000). The total estimated cost for this project including the requested amount is \$395,000. This project is anticipated to be completed during the 2009 construction season.

N. Prospect Ave. - 180 feet m/l south of E. Park Pl. to E. Kenwood Blvd. (SM495070063) File Number 070266: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$528,000). The total estimated cost for this project including the requested amount is \$558,000. This project is anticipated to be completed during the 2009 construction season.

4th Aldermanic District

N. Plankinton Ave. - W. Wisconsin Ave. to W. Wells St. (WT410071001) File Number 070081: Relay water main. (Nonassessable Water Fund -- \$145,000). The total estimated cost for this project including the requested amount is \$160,000. This project is anticipated to be completed during the 2009 construction season.

10th Aldermanic District

W. Burleigh St. - N. 57th St. to N. 58th St. (SM495080072) File Number 081268: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$68,000). The total estimated cost for this project including the requested amount is \$68,000.

This project is anticipated to be completed during the 2009 construction season.

N. Story Pkwy. - N. Pinecrest St. to W. Blue Mound Rd. (SM495060053) File Number 070267: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$50,000 Additional Funds). The total estimated cost for this project including the requested amount is \$488,000. This project is anticipated to be completed during the 2009 construction season.

11th Aldermanic District

W. Lakefield Dr. - W. Paine St. to W. Morgan Ave. (WT410081058) File Number 070187: Relay water main. (Nonassessable Water Fund -- \$475,000). The total estimated cost for this project including the requested amount is \$500,000. This project is anticipated to be completed during the 2009 construction season.

W. Morgan Ave. - S. 27th St. to S. 34th St. (WT410071065) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$615,000). The total estimated cost for this project including the requested amount is \$650,000. This project is anticipated to be completed during the 2009 construction season.

W. Oklahoma Ave. - S. 60th St. to 550 feet west of W. Lakefield Dr. (WT410081106) File Number 071264: Water main extension. (Nonassessable Water Fund -- \$3,250,000). The total estimated cost for this project including the requested amount is \$3,300,000. This project is anticipated to be completed during the 2009 construction season.

W. Oklahoma Ave. - S. 70th St. to W. Lakefield Dr. (WT410080018) File Number 071264: Relay water main. (Nonassessable Water Fund -- \$425,000). The total estimated cost for this project including the requested amount is \$440,000. This project is anticipated to be completed during the 2009 construction season.

Area bounded by W. Wilbur Ave., W. Howard Ave., S. 51st St., and S. 53rd St. (SM495090002) File Number 081268: Sanitary Sewer Exams. (Nonassessable Sewer Maintenance Relay Fund -- \$50,000). The total estimated cost for this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2009 construction season.

S. 31st St. - W. Morgan Ave. to 160 feet south of W. Morgan Ave. (WT410091004) File Number 080387: Relay water main. (Nonassessable Water Fund -- \$55,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2009 construction season.

12th Aldermanic District

W. Harrison Ave. - S. 13th St. to S. 14th St. (WT410071070) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$95,000). The total estimated cost for this project including the requested amount is \$110,000. This project is anticipated to be completed during the 2009 construction season.

W. Lincoln Ave. - S. 15th Pl. to S. 16th St. (WT410071047) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$65,000). The total estimated cost for this project including the requested amount is \$80,000. This project is anticipated to be completed during the 2009 construction season.

W. Walker St. - S. 13th St. (Ext'd) to S. 14th St. (SM495070084) File Number 070266: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$78,000). The total estimated cost for this project including the requested amount is \$88,000. This project is anticipated to be completed during the 2009 construction season.

S. 14th St. - 170 feet north of W. Harrison St. to 80 feet south of W. Harrison St. (WT410071071) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$55,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2009 construction season.

S. 14th St. - W. National Ave. to W. Walker St. (SM495070065) File Number 070081: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$117,000). The total estimated cost for this project including the requested amount is \$127,000. This project is anticipated to be completed during the 2009 construction season.

S. 15th St. - W. Becher St. to W. Lincoln Ave. (WT410071051) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$320,000). The total estimated cost for this project including the requested amount is \$340,000. This project is anticipated to be completed during the 2009 construction season.

12th and 14th Aldermanic Districts

S. 9th Pl. - W. Harrison Ave. to W. Cleveland Ave. (SM495070194) File Number 080909: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$133,000). The total estimated cost for this project including the requested amount is \$143,000. This project is anticipated to be completed during the 2009 construction season.

13th Aldermanic District

W. Birchwood Ave. - S. Madeline Ave. to 115 feet southwest of S. Madeline Ave. (WT410091038) File Number 080809: Relay water main. (Nonassessable Water Fund -- \$30,000). The total estimated cost for this project including the requested amount is \$45,000. This project is anticipated to be completed during the 2009 construction season.

S. Madeline Ave. - W. Parnell Ave. to S. 39th St. (WT410071037) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$215,000). The total estimated cost for this project including the requested amount is \$230,000. This project is anticipated to be completed during the 2009 construction season.

W. Mallory Ave. - S. 19th St. to S. 20th St. (WT410071069) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$65,000). The total estimated cost for this project including the requested amount is \$80,000. This project is anticipated to be completed during the 2009 construction season.

W. Parnell Ave. - S. 22nd St. to S. 23rd St. (WT410071077) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$60,000). The total estimated cost for this project including the requested amount is \$75,000. This project is anticipated to be completed during the 2009 construction season.

W. Ramsey Ave. - 290 feet west of S. Madeline Ave. to W. Parnell Ave. (WT410071033) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$100,000). The total estimated cost for this project including the requested amount is \$115,000. This project is anticipated to be completed during the 2009 construction season.

S. 18th St. - W. Hayes St. to W. Arthur Ave. (WT410071072) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$170,000). The total estimated cost for this project including the requested amount is \$185,000. This project is anticipated to be completed during the 2009 construction season.

S. 21st St. - 145 feet south of W. Klein Ave. to W. Birchwood Ave. (WT410091079) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$90,000). The total estimated cost for this project including the requested amount is \$105,000. This project is anticipated to be completed during the 2009 construction season.

S. 22nd St. - W. Parnell Ave. to W. Birchwood Ave. (WT410071078) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$125,000). The total estimated cost for this project including the requested amount is \$140,000. This

project is anticipated to be completed during the 2009 construction season.

S. 39th St. - W. Wanda to S. Madeline Ave. (WT410071034) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$70,000). The total estimated cost for this project including the requested amount is \$85,000. This project is anticipated to be completed during the 2009 construction season.

14th Aldermanic District

W. Manitoba St. - S. 6th St. to S. 7th St. (WT410061048) File Number 041695: Relay water main. (Nonassessable Water Fund -- \$55,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2009 construction season.

S. 1st St. - W. Holt Ave. to W. Warnimont Ave. (WT410071073) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$300,000). The total estimated cost for this project including the requested amount is \$320,000. This project is anticipated to be completed during the 2009 construction season.

S. 10th St. - W. Oklahoma Ave. to W. Holt Ave. (SM495070119) File Number 071055: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$363,000). The total estimated cost for this project including the requested amount is \$375,000. This project is anticipated to be completed during the 2009 construction season.

City Wide

Sanitary Manhole Inspection (SM494090101) File Number 081268: (Nonassessable Sewer Maintenance Relay Fund -- \$250,000). The total estimated cost for this project is \$250,000. This project is anticipated to be completed during the 2009 construction season.

Various Aldermanic Districts

Various locations (ST211090137) File Number 081268: Asphalt overlay of various streets by contract. (Nonassessable Reconstruction Paving Fund -- \$170,000). The total estimated cost for this project including the requested amount is \$170,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations (ST211090133) File Number 080911: Crackfilling of various streets by contract. (Nonassessable Reconstruction Paving Fund -- \$50,000, additional funds). The total estimated cost for this project including the requested amount is \$250,000. This project is anticipated to be completed during the 2009

construction season.

Alterations by Milwaukee Water Works Distribution Section prior to paving. (WT410091300) File Number 080003: Water main alteration. (Nonassessable Water Fund -- \$35,000). The total estimated cost for this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2009 construction season.

Water main alterations by Private Contractors prior to sewer construction. (WT410091700) File Number 080003: Water main alteration. (Nonassessable Water Fund -- \$185,000). The total estimated cost for this project including the requested amount is \$200,000. This project is anticipated to be completed during the 2009 construction season.

Water main alterations by Private Contractors prior to paving. (WT410091500) File Number 080003: Water main alteration. (Nonassessable Water Fund -- \$235,000). The total estimated cost for this project including the requested amount is \$250,000. This project is anticipated to be completed during the 2009 construction season.

City of Wauwatosa

300 feet north of W. Concordia Ave. - N. Argonne Dr. to N. Menomonee River Pkwy. (WT410031000) File Number 020023: Water main extension. (Nonassessable Water Fund -- \$210,000). The total estimated cost for this project including the requested amount is \$225,000. This project is anticipated to be completed during the 2009 construction season.

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is authorized and directed to proceed with said work; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

7. [081268](#) Substitute resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$700,000 for a total estimated cost of these projects being \$3,918,000.

Resolved, By the Common Council of the City of Milwaukee, that it is necessary and in the public interest to do the following described improvements according to City specifications:

2nd, 5th & 9th Aldermanic Districts

N. 92nd St./N. 91st St. - W. Capitol Dr. to W. Good Hope Rd. (SM493090101): Storm rehabilitation. (Converting grass medians into bioretention facilities). (Nonassessable Sewer Maintenance Fund -- \$30,000 TSS Reduction Fund). The total estimated cost for this project including the requested amount is \$500,000. This project is anticipated to be completed during the 2009 construction season.

10th Aldermanic District

W. Burleigh St. - N. 57th St. to N. 58th St. (SM495080072): Relaying sanitary sewer. The total estimated cost for this project is \$68,000. This project is anticipated to be completed during the 2009 construction season.

11th Aldermanic District

Area bounded by W. Wilbur Ave., W. Howard Ave., S. 51st St., and S. 53rd St. (SM495090002): Sanitary sewer exams. The total estimated cost for this project is \$50,000. This project is anticipated to be completed during the 2009 construction season.

13th Aldermanic District

S. 6th St. - W. Grange Ave. to W. Ramsey Ave. (Ext'd) (SW172080103): County project. Relocating existing sewers. (Nonassessable Sewer Maintenance Relay Fund - \$50,000) The total estimated cost for this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2009 construction season.

City Wide

Indirect account/Engineering studies throughout the City of Milwaukee. (SM495090001): (Nonassessable Sewer Maintenance Relay Fund -- \$600,000).

The total estimated cost for this project including the requested amount is \$600,000. This project is anticipated to be completed during the 2009 construction season.

Sanitary Manhole Inspection (SM494090101): The total estimated cost for this project is \$250,000. This project is anticipated to be completed during the 2009 construction season.

Sanitary Manhole Rehabilitation (SM494090102): (Nonassessable Sewer Maintenance Fund -- \$15,000 I & I Reduction Fund). The total estimated cost for this project including the requested amount is \$2,225,000. This project is anticipated to be completed during the 2009 construction season.

Various

Asphalt overlay of various streets by contract. (ST211090137): The total estimated cost for this project including the requested amount is \$170,000. This project is anticipated to be completed during the 2009 construction season.

Post construction guarantee work on water main projects (WT440095000): Inspection. (Nonassessable Water Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$5,000. This project is anticipated to be completed during the 2009 construction season.

; and, be it

Further Resolved, That all City Departments are authorized to perform engineering, surveys, plan preparation, and determine an estimated cost thereof; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

8. [081269](#) Resolution granting the University of Wisconsin-Milwaukee permission to install and maintain street lights with appurtenant facilities and an emergency phone into the public

right-of-way in the 3rd Aldermanic District.

Whereas, The University of Wisconsin-Milwaukee desires to install nine pedestrian level street light poles and an emergency phone along with appurtenant underground conduits and junction boxes in order to maintain a safe environment adjacent to the Downer Woods; and

Whereas, The light poles, emergency phone, underground conduits and junction boxes may only legally encroach in the public right-of-way by the granting of a permissary resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the University of Wisconsin-Milwaukee is granted permission to install and maintain nine street lights, an emergency phone, underground conduit and junction boxes in the east sidewalk area of North Maryland Avenue; and, be it

Further Resolved, That location and method of installation of said items shall be subject to the approval of the Commissioner of Public Works; and, be it

Further Resolved, That the University of Wisconsin-Milwaukee shall obtain all necessary permits for the installation of any of said items placed in the public right-of-way; and, be it

Further Resolved, That University of Wisconsin-Milwaukee shall keep and maintain said items to the satisfaction of the Commissioner of Public Works; and, be it

Further Resolved, That whenever permission for said items is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council, the University of Wisconsin-Milwaukee shall not only remove all items, but shall also restore to its former condition and to the approval of the Commissioner of Public Works the curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting permission for said items. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

9. [081270](#) Resolution granting the University of Wisconsin-Milwaukee permission to install and maintain underground conduit in the public right-of-way for the premises at 2419 East Kenwood Boulevard in the 3rd Aldermanic District in the City of Milwaukee.

Whereas, The University of Wisconsin-Milwaukee desires to install the underground electrical conduit in order to power lighting for an adjacent parking lot; and

Whereas, The conduits may only legally encroach in the public right-of-way by the granting of a permissary resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the University of Wisconsin-Milwaukee is granted permission to install and maintain 4-inch diameter underground conduit as described below:

1. Under and across the 22-foot wide east-west alley in the block bounded by East Kenwood Boulevard, East Linwood Avenue, North Prospect Avenue, and North Stowell Avenue at a point approximately 148 feet east of the eastline of North Prospect Avenue.
2. Under and across the 16-foot wide north-south alley in the block bounded by East Kenwood Boulevard, East Linwood Avenue, North Prospect Avenue, and North Stowell Avenue at a point approximately 193 feet south of the southline of East Kenwood Boulevard.

; and, be it

Further Resolved, That location and method of installation of said conduit shall be subject to the approval of the Commissioner of Public Works; and, be it

Further Resolved, That the University of Wisconsin-Milwaukee shall obtain all necessary permits for the installation of said conduit placed in the public right-of-way; and, be it

Further Resolved, That University of Wisconsin-Milwaukee shall keep and maintain said conduit to the satisfaction of the Commissioner of Public Works; and, be it

Further Resolved, That whenever permission for said conduit is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council, the University of Wisconsin-Milwaukee shall not only remove all conduit, but shall also restore to its former condition and to the approval of the Commissioner of Public Works the curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting permission for said conduit. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

10. [081297](#) Resolution relative to sub-account funding for various portions of the 2009 Capital Improvements Program.

Whereas, A program for the expansion and improvement of Public Safety Communications facilities during 2009 was prepared by the Technical Support Services Section of the Administrative Services Division of the Department of Public Works, within budget and management guidelines; and

Whereas, The funds required for this program were appropriated in the 2009 Capital Improvements Budget of the Department of Public Works, Administrative Services Division; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is authorized and directed to undertake the following capital improvement projects; and, be it

Further Resolved, That the Comptroller's Office is authorized and directed to transfer the following amounts to the following purpose accounts, with said amounts equaling the total funds authorized for the program indicated:

1. City-wide Paving Projects, including temporary facilities and/or permanent expansion and improvements of underground and aerial Public Safety Communications facilities associated with paving projects: \$50,000. Account number ST270090200.

2. General Engineering, including planning, design, estimates, and reports related to the program: \$50,000. Account number ST270090300.

3. Transmission Plant Expansion, with fiber optic and/or copper cables to city facilities: \$200,000. Account number ST270090700.

4. Telephone System Expansion and Improvements: \$50,000. Account number ST270090800.

Total for all accounts \$350,000

; and; be it

Further Resolved, That the City Comptroller is authorized and directed to transfer

additional funds, as required, without further Common Council authorization, the total amount of such additional funds transfer(s) not to exceed the amount authorized in the 2009 Capital Improvement Budget for the Department of Public Works, Administrative Services Division Public Safety Communications program.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

11. [081298](#) Resolution relating to the 2009 Capital Improvement Program to provide funds for underground conduit work at various locations.
- Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works is hereby authorized and directed to modify and/or install underground conduit at various locations; and, be it

Further Resolved, That the Comptroller's office is authorized and directed transfer \$400,000 from the Underground Conduit budget, Account Number ST280090000 to the general purpose sub-accounts indicated below:

General Engineering
Account Number: ST280090100

Major Conduit Installations
Account Number: ST280090200

Conduit Alterations and Adjustments
Account Number: ST280090300

Total 2009 Funds Authorized: \$400,000

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

12. [081300](#) Resolution relating to allocating funds for the 2009 Recreation Facilities Construction Program in various Aldermanic Districts.
- Whereas, An appropriation of \$300,000 for neighborhood recreation facilities is included in the 2009 Permanent Improvement Budget of the City of Milwaukee,

based on a detailed recommendation of the Recreational Facilities Unit of Buildings and Fleet Services; and

Whereas, This recommended report was prepared with the cooperation and advice of the Department of Schools and Community Services of the Board of School Directors; and

Whereas, It is in the best interests of the City to prepare the plans, purchase materials, and do other work necessary for the improvement of these recreation facilities as quickly as possible to ensure early construction during 2009; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works be and hereby is authorized and directed to proceed with the construction of the recreation facilities under the 2009 Capital Improvements Program, using City forces wherever the best interests of the City will be served, or letting contracts for the work if in the best interests of the City, with the cost of such work to be charged to the respective recreation facility fund provided for that purpose; and, be it

Further Resolved, That the City Comptroller be and hereby is authorized and directed to make allocations from Account PR111000000 - Playground Construction 2009, to the recreation facility accounts of the Capitol Improvements Fund in the amounts as hereinafter stated:

2009 Recreational Facilities Capital Improvement Budget

Fund	Description	Estimated Cost
PR11109101	General Engineering Engineering costs for miscellaneous studies, projects, and reports	\$ 52,500
PR11109102	Various Recreation Facility Improvements Minor but necessary improvements to non-programmed recreation facilities	\$ 25,000
PR11109200	DPW Play Area Reconstruction, (ADA) Reiske Park -1640 South 24th Street North 29th and West Meinecke Avenue Play Area -2403 North 29th Street South 13th and West Lapham Boulevard Play Area,	\$117,000

(design only)
1300 West Lapham Boulevard
South 4th and West Mineral Street Play Area,
(design only)
-937 South 4th Street

PR11109400	Tennis Court Reconstruction	\$105,500
Cooper Play Field		
-2236 West Abbott Avenue		
Alcott Play Field		
(design only)		
-3563 South 97th Street		

TOTAL	\$300,000
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A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

13. [081302](#) Resolution approving an amendment to the lease agreement with Kinder Morgan Bulk Terminal.

Whereas, Kinder Morgan Bulk Terminal (KMBT) has been a long term tenant in good standing in the Port of Milwaukee; and

Whereas, KMBT has an existing Master Lease with the Port of Milwaukee dated October 24, 1996, as amended, consisting of six (6) parcels; and

Whereas, The Board of Harbor Commissioners at their meeting of December 11, 2008 acted by vote of the Board to grant such Amendment to Lease for 1 acre of property located at the northwest corner of Bay Street and Harbor Drive for a transload operation to be incorporated in the existing Master Lease dated October 24, 1996 as Parcel 7 under the same terms; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said Common Council hereby ratifies and approves the amendment to the lease agreement with Kinder Morgan Bulk Terminal and the City of Milwaukee, by and through its Board of Harbor Commissioners.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

14. [081303](#) Resolution approving an amendment to the lease agreement with Kinder Morgan Bulk Terminal.

Whereas, Kinder Morgan Bulk Terminal (KMBT) has been a long term tenant in good standing in the Port of Milwaukee; and

Whereas, KMBT has an existing Master Lease with the Port of Milwaukee dated October 24, 1996, as amended, consisting of six (6) parcels; and

Whereas, The Board of Harbor Commissioners at their meeting of December 11, 2008 acted by vote of the Board to grant such Amendment to Lease for Parcel 1A consisting of 1 acre of property to be added to the existing Parcel 1, which currently consists of 2.6 acres and to be incorporated in the existing Master Lease dated October 24, 1996 under the same terms and conditions; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said Common Council hereby ratifies and approves the amendment to lease agreement with Kinder Morgan Bulk Terminal and the City of Milwaukee, by and through its Board of Harbor Commissioners.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

15. [081304](#) Resolution approving a lease agreement with Portland Trucking, Inc.

Resolved, By the Common Council of the City of Milwaukee, that said Common Council hereby ratifies and approves the lease agreement between the City of Milwaukee, by and through its Board of Harbor Commissioners and Portland Trucking, Inc. for the term October 1, 2008 through September 30, 2013; and, be it

Further Resolved, That the designated officers of said government and said Board are hereby authorized and directed to execute an agreement to carry out this purpose as prepared by the City Attorney's office.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

16. [081305](#) Resolution relating to application for, acceptance and funding of, a Wisconsin Department of Natural Resources grant to fund the City of Milwaukee Diesel Retrofit Project with a total cost of \$102,000, grantor share \$102,000 and City share \$0.

Whereas, The City of Milwaukee's waste haulers ("garbage trucks"), because they operate in a stop-and-go pattern in residential areas, with long periods of idling, have a significant air pollution impact on the city and its residents; and

Whereas, The emissions impacts of the City's waste haulers are magnified by the fact that they operate in a densely-populated, ozone non-attainment area with a large population that suffers from or is susceptible to respiratory ailments; and

Whereas, The City of Milwaukee appears to be eligible for CMAQ grant funds from Wisconsin Department of Natural Resources (WDNR) for the Diesel Retrofit Project, File Ref. 4500; and

Whereas, The Department of Public Works-Operations Division would use these grant funds to retrofit City waste haulers with EPA-certified diesel oxidation catalysts intended to reduce vehicle emissions; and

Whereas, The City's participation in this grant program would result in the following benefits to the City:

1. Reduction of emissions from retrofitted waste haulers in the range of 20-30% for particulate matter and 40-90% for carbon monoxide and hydrocarbons. These emissions reductions will increase with both the additional use of biodiesel fuel, and reduced idling.
2. Improvement of air quality in an area with a dense population, among which respiratory ailments and asthma are serious health risks. The American Lung Association's 2004 "State of the Air" report indicates that, in Milwaukee County alone, there are approximately 20,500 children and 59,000 adults suffering from asthma, as well as over 30,000 cases of chronic bronchitis.

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to WDNR is authorized and the Department of Public Works-Operations Division shall accept this grant in the amount of \$102,000 without further approval unless the terms

of the grant change as indicated in Milwaukee Code of Ordinances section 304-81;
and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Encumber in the parent accounts of the 2009 Special Revenue Accounts-Grant & Aid Projects, the following amounts for the project titled Diesel Retrofit:

Project/Grant	GR0000900000
Fund	0150
Organization	9990
Program	0001
Budget Year (BY)	0000
Subclass	R999
Account	000600
Project	Grantor Share
Project/Grant Total	\$102,000

2. Create a Special Revenue Fund-Grant and Aid Projects and the necessary expenditure and revenue accounts, appropriate to these accounts the amounts required under the Grant Agreement;

3. Establish the necessary city share project values;

; and, be it

Further Resolved, That these funds are budgeted to the Department of Public Works-Operations Division (Fleet Services Section) which is authorized to:

1. Expend from the amount budgeted sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;

2. Enter into subcontracts and leases to the extent detailed in the project budget.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

17. [081306](#) Resolution relating to application for, acceptance and funding of, a Wisconsin Department of Transportation grant to fund the City of Milwaukee Clean Fleet Emission Reductions Project with a total cost of \$330,595, grantor share \$264,476

and City share of \$66,119.

Whereas, The City of Milwaukee's waste haulers ("garbage trucks"), and dump trucks, because they operate in a stop-and-go pattern in residential areas, with long periods of idling, have a significant air pollution impact on the city and its residents; and

Whereas, The emissions impacts of the City's waste haulers and dump trucks are magnified by the fact that they operate in a densely-populated, ozone non-attainment area with a large population that suffers from or is susceptible to respiratory ailments; and

Whereas, The City of Milwaukee appears to be eligible for grant funds from Wisconsin Department of Transportation (WisDOT) Clean Fleet Emission Reductions, Project Agreement 1693-47-71; and

Whereas, The Department of Public Works-Operations Division would use these grant funds to retrofit City waste haulers and dump trucks with EPA-certified diesel oxidation catalysts intended to reduce vehicle emissions, reprogram city trucks for idle reduction, and fund the marginal cost of biodiesel fuel; and

Whereas, The City's participation in this grant program would result in the following benefits to the City:

1. Reduction of emissions from retrofitted waste haulers in the range of 20-30% for particulate matter and 40-90% for carbon monoxide and hydrocarbons. These emissions reductions will increase with both the additional use of biodiesel fuel, and reduced idling.
2. Improvement of air quality in an area with a dense population, among which respiratory ailments and asthma are serious health risks. The American Lung Association's 2004 "State of the Air" report indicates that, in Milwaukee County alone, there are approximately 20,500 children and 59,000 adults suffering from asthma, as well as over 30,000 cases of chronic bronchitis.

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to WisDOT is authorized and the Department of Public Works-Operations Division shall accept this grant in the amount of \$330,595 without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Encumber in the parent accounts of the 2009 Special Revenue Accounts-Grant & Aid Projects, the following amounts for the project titled Clean Fleet Emission Reductions:

Project/Grant	GR0000900000
Fund	0150
Organization	9990
Program	0001
Budget Year (BY)	0000
Subclass	R999
Account	000600
Project	Grantor Share
Project/Grant Total	\$264,476

2. Create a Special Revenue Fund-Grant and Aid Projects and the necessary expenditure and revenue accounts, appropriate to these accounts the amounts required under the Grant Agreement;

3. Establish the necessary city share project values;

; and, be it

Further Resolved, That these funds are budgeted to the Department of Public Works-Operations Division (Fleet Services Section) which is authorized to:

1. Expend from the amount budgeted sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;

2. Enter into subcontracts and leases to the extent detailed in the project budget.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

18. [081307](#) Resolution authorizing the proper city officials to execute amended Utility Agreements with the State of Wisconsin, Department of Transportation for work on City of Milwaukee facilities in conjunction with the North-South Mitchell Interchange (South 27th Street; West Grange Avenue; West College Avenue; Bolivar Avenue Realignment) contracts with a total estimated cost of \$1,102,935.93 with an estimated

Grantor's share of \$932,392.34 and an estimated City of Milwaukee share of \$170,543.59.

Whereas, The State of Wisconsin, Department of Transportation (WISDOT) scheduled the rehabilitation of the North-South Mitchell Interchange (NMSI) in the City of Milwaukee; and

Whereas, The Department of Public Works (DPW) has worked with the WISDOT over the past year in planning the design and construction phasing of the project to best meet the needs of the citizens of the City of Milwaukee (CITY) and of the region as a whole; and

Whereas, Work on the NSMI has been phased in four major contracts, being Contract I (South 27th Street; Airport Spur I; West Grange Avenue; West College Avenue) scheduled for 2009, Contract II (North Leg; West Layton Avenue; Walls; Airport Spur II) scheduled for 2010, and Contracts III & IV (Mitchell Interchange) scheduled for 2011 and 2012; and

Whereas, There will be substantial work required on CITY utilities as a result of the design and construction associated with these NSMI contracts; and

Whereas, Wisconsin Statutes 84.295(4m) indicates that the WISDOT will pay 90 percent of the cost alteration, rehabilitation and relocation of municipal utilities with the responsible jurisdiction liable for the remaining 10 percent of the cost; and

Whereas, It has been estimated that for the NSMI project, scheduled for 2009 within the CITY a total of approximately \$5 million in CITY utility alterations will be necessary; and

Whereas, Utility Agreements were executed by the WISDOT and the CITY for work on City of Milwaukee facilities in conjunction with NSMI (South 27th Street; West Grange Avenue; West College Avenue) in accordance with Common Council Resolution File Number 080400, adopted on August 14, 2008; and

Whereas, The WISDOT has presented the City of Milwaukee with new estimates reflecting the costs for the necessary work on City of Milwaukee facilities in conjunction with NSMI contracts; and

Whereas, A revision/amendment to the previously approved and executed Utility Agreement is necessary in order to reflect the new estimates presented to the CITY by WISDOT; and

Whereas, It has been estimated that for the 2009 construction project costs of utility amendments for Water will be \$1,480,000.00 with a Grantor share of \$1,332,000.00

and a CITY share of \$148,000.00; Sewer will be \$679,064.07 with a Grantor share of \$610,657.66 and a CITY share of (\$68,406.41); Cable will be \$302,000.00 with a Grantor share of \$271,800.00 and a CITY share of \$30,200.00; and Conduit will be \$0.00 with a Grantor share of (\$60,750.00) and a CITY share of \$60,750.00; and

Whereas, In order for the CITY to be reimbursed for the 90 percent share of the utility alteration cost on the NSMI contract, the WISDOT requires the entering into Municipal Utility Agreements, in accord with relocation assistance policy; and

Whereas, The WISDOT has provided the CITY with the necessary Municipal Utility Agreements to facilitate reimbursement of the CITY costs in the alteration of CITY water, sewer, cable and conduit facilities for the 2009 construction work; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized and directed to execute the "Utility Agreements" Nos. 65, 66, 68, 69, 71 and 72 for Milwaukee Water Works, Environmental Engineering, City of Milwaukee Cable and City of Milwaukee Conduit, all attached to this resolution by reference as though set forth in full; and, be it

Further Resolved, That the Commissioner of Public Works is hereby authorized and directed to review and/or prepare plans as necessary to accomplish the required utility alterations associated with the NSMI 2009 contract and is authorized to allow the WISDOT to include CITY utility work in the 2009 award contracts for CITY utility work and/or have the necessary utility work associated with the 2009 contract accomplished by CITY forces, whichever is deemed to be in the best interest of the city and NSMI project; and, be it

Further Resolved, That the funding to cover the 10 percent CITY cost of the NSMI contract utility alterations for water, sewer, cable and conduit facilities estimated to be \$148,000.000; (\$68,406.41); \$30,200.00 and \$60,750.00 respectively, are and/or will be placed in Department of Public Works Departmental Accounts as part of the CITY budget process in budget years as necessary to accommodate the projects scheduling and the Local Accounts Receivable (LAR) billings; and, be it

Further Resolved, That the CITY Comptroller is hereby authorized and directed to create within the Capital Improvement Fund, Grant and Aid projects, the necessary Project/Grant Chartfield Values for engineering and construction for the projects (expenditure) and transfer to any of these accounts the amounts required under the grant agreement and City Accounting Policy but not to exceed a 10 percent increase of the total amounts reserved for the grantor's share and local share or \$5,000.00, which ever is greater, as follows:

Water Works Department Account Number

NS/I94 - Grange Ave (1030-20-77)

1030-21-46

Grantor Reimbursable Share

ST320081746

Fund 0333

\$(197,421.30)

NS/I94 - Grange Relocate (1030-21-71)

1030-21-46

Grantor Reimbursable Share

SP032090100

Fund 0306

\$197,421.30

NS/I94 - S 27th Street (1030-20-70)

1030-21-46

WT 410081110

Fund 0420

\$127,500.00

Grantor Reimbursable Share

SP032090100

Fund 0306

\$288,558.00

Grantor Non-Reimbursable Share

\$858,942.00

NS/I94 - Bolivar Ave (1030-21-74)

1030-21-46

WT 410090503

Fund 0420

\$20,500.00

□ Grantor Reimbursable Share

SP032090100

Fund 0306

\$77,000.00

Grantor Non-Reimbursable Share

\$107,500.00

Total Water Utility
\$1,480,000.00

Previously authorized for Water Utility: \$2,175,000.00
Current estimated Water Utility including this resolution: \$3,655,000.00
Original estimated Water Utility: \$2,175,000.00

Environmental Engineering Account Number

NS/I94 - Grange Ave (1030-20-77)
1030-21-47
SM495080018
Fund 0491
\$(83,534.48)

Grantor Reimbursable Share
SP032090100
Fund 0306
\$5,000.00

Grantor Non-Reimbursable Share
\$(751,810.33)

NS/I94 - Bolivar Ave (1030-21-74)
1030-21-47
SM495080071
Fund 0491
\$15,128.07

Grantor Reimbursable Share
SP032090100
Fund 0306
\$5,000.00

Grantor Non-Reimbursable Share
\$131,152.67

Total Estimated Sewer Utility
\$(679,064.07)

Previously authorized for Sewer Utility: \$1,233,000.00
Current estimated Sewer Utility including this resolution: \$553,935.93

Original estimated Sewer Utility: \$1,233,000.00

Cable Account Number

NS/I94 - S. 27th Street (1030-20-70)
1030-21-48
ST270080700 (Phase ST270080701)
Fund 0333
\$16,850.00

Grantor Reimbursable Share

ST320081548
Fund 0306
\$151,650.00

NS/I94 - College Avenue (1030-20-80)
1030-21-48
ST270080700 (Phase ST270080702)
Fund 0333
\$13,350.00

Grantor Reimbursable Share

ST320081848
Fund 0306
\$120,150.00

Total Estimated Cable Utility
\$302,000.00

Previously authorized for Cable Utility: \$300,000.00
Current estimated Cable Utility including this resolution: \$602,000.00
Original estimated Cable Utility: \$300,000.00

Conduit Account Number

NS/I94 - S. 27th Street (1030-20-70)
1030-21-49
ST280080208
Fund 0333
\$(24,730.00)

Grantor Reimbursable Share

ST320081549

Fund 0333
\$(222,570.00)

NS/I94 - College Avenue (1030-20-80)
1030-21-49
ST280080206
Fund 0333
\$24,730.00

Grantor Reimbursable Share
ST320081849
Fund 0333
\$222,570.00

NS/I94 - Grange Avenue (1030-20-77)
1030-21-49
ST280080205
Fund 0333
\$60,750.00

Grantor Reimbursable Share
ST320081749
Fund 0333
\$(60,750.00)

Total Estimated Conduit Utility
\$ -

Previously authorized for authorized for Conduit Utility: \$735,000.00
Current estimated Conduit Utility including this resolution: \$735,000.00
Original estimated Conduit Utility: \$735,000.00
Total Estimated Utility Agreements
\$1,102,935.93

Previously authorized Utility Agreements: \$4,443,000.00
Current estimated Utility Agreements including this resolution: \$5,545,935.93
Original estimated Utility Agreements: \$4,443,000.00

; and, be it

Further Resolved, That the City Engineer is hereby authorized and directed to make periodic payments as necessary to accommodate the work required for the NSMI Contract utility alterations as required under the aforementioned Utility Agreements.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

19. [081338](#) Resolution authorizing and directing the Commissioner of Public Works to enter into an agreement with the Wisconsin Department of Transportation for the development, implementation and funding of traffic control and other safety measures and City staff meeting attendance necessary to mitigate traffic diversion on City streets due to construction activity on the Mitchell Interchange and I-94 North-South Corridor in 2009 and 2010; total cost \$225,000 of which 100% is grantor funded.

Whereas, The Wisconsin Department of Transportation will be starting reconstruction of the Mitchell Interchange and I-94 from the south city limits to West Howard Avenue in 2009 and 2010; and

Whereas, Construction activity on the Mitchell Interchange and the I-94 North/South Corridor is expected to result in the diversion of traffic on the local street system during this project due to long-term local street closures and lane and ramp closures on the freeway; and

Whereas, Preliminary approval has been received from the WisDOT, along with a Project Agreement to be executed by the City of Milwaukee, to provide reimbursement of actual costs for necessary services and items provided by the city for local street vehicular, pedestrian, and bicycle traffic impact mitigation measures and related staff attendance at project meetings in conjunction with the Mitchell Interchange and I-94 North/South Corridor construction; and

Whereas, The total estimated cost of local street vehicular, pedestrian, and bicycle traffic mitigation measures and related staff attendance at project meetings in 2009 and 2010 is \$225,000; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized and directed to execute the Project Agreement to provide reimbursement of the actual costs for necessary services and items provided by the city for local street vehicular, pedestrian, and bicycle traffic mitigation measures and related staff attendance at project meetings in conjunction with the reconstruction of the Mitchell Interchange and I-94 North/South Corridor in 2009 and 2010, copies of which are attached to Common Council Resolution File Number 081338 and is incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That the City Comptroller is hereby authorized to create within the Capital Improvement Fund, Grant and Aid Projects, the necessary Project/Grant Chartfield values for the project (Expenditure) and transfer to these accounts the amount required under the Project Agreement and City Accounting Policy, but not to exceed a 10 percent increase of the total amounts reserved for the grantor's share and local share or \$5,000, whichever is greater, as follows:

Infrastructure Services Division Accounts:

Project I.D. 1030-20-99

2009 and 2010 Traffic Mitigation

Mitchell Interchange and I-94 North/South Corridor Reconstruction

Grantor Share

Fund Number 0306

Project Grant Number SP032090100

\$225,000.00

Previously authorized for Traffic Mitigation: \$0.00

Current estimated cost including this resolution: \$225,000.00

Original estimated cost for Traffic Mitigation: \$225,000.00

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

20. [081339](#) Substitute resolution directing the Commissioner of Public Works to revise and update the City's pavement restoration policy for utility cuts and trenches in the public street right-of-way.

Whereas, Chapter 115 of the Milwaukee Code of Ordinances regulates street construction and work on public ways in the City of Milwaukee; and

Whereas, Section 115-2 authorizes and empowers the Commissioner of Public Works to make and prescribe additional specifications, rules and regulations to implement the intent of Chapter 115; and

Whereas, Section 115-8-6 states that the restoration of all types of pavements in any public way or public place shall be done in accordance with the current rules, regulations or specifications on file in the office of the Commissioner of Public Works; and

Whereas, The office of the Commissioner of Public Works has in place a pavement restoration policy for utility cuts and trenches, dated September 4, 2002, entitled

“Specifications for the Repair and Construction of Utility Cuts In the Public Street Right of Way”; and

Whereas, The Office of the Comptroller released an Audit of the Department of Public Works Residential Street Paving Program in December 2008 which concluded that the condition of Milwaukee’s residential streets are on average in fair condition but getting worse and that the pace of pavement deterioration will likely accelerate should past levels of street maintenance and replacement continue; and

Whereas, Audit observations disclosed that utility cut patching in the City of Milwaukee is not compatible with the surrounding pavement and in many cases is the primary cause of pavement distress, whether such distress takes place within the utility cut itself or in the surrounding pavement; and

Whereas, The audit recommended that Department of Public Works standards for utility cuts should result in a high quality patch and that these standards should include requirements for compaction of the replacement material, and further recommended that public works inspectors periodically receive refresher training so that all aspects of utility cut patching are adhered to in the field; and

Whereas, These audit conclusions and recommendations suggest that current specifications for the repair and construction of utility cuts in the public street right of way not only fall short of sufficiently protecting Milwaukee’s investment in its residential streets, but also are a major cause of pavement degradation; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council directs the Commissioner of Public Works to revise and update the City’s pavement restoration policy for utility cuts and trenches in the public street right-of-way so that this policy adequately addresses all concerns and recommendations made in the December 2008 Audit of the Department of Public Works Residential Street paving Program; and, be it

Further Resolved, That this revised and updated policy be submitted to the Common Council for review within 3 months fo the adoption of this resolution.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

21. [081367](#) Substitute resolution declaring the Department of Public Works facility at 1333 North

33rd Street (4th Aldermanic District) surplus to municipal needs and authorizing acceptance of an unsolicited Offer to Purchase from Tows-R-Us 1, LLC.

Whereas, The Department of Public Works (“DPW”) has notified the Department of City Development (“DCD”) that the former Sanitation District Office at 1333 North 33rd Street is no longer needed for municipal purposes; and

Whereas, DPW has received an unsolicited Offer to Purchase in the amount of \$170,000 from Tows-R-Us 1, LLC; and

Whereas, Section 304-49-7 of the Milwaukee Code of Ordinances allows the City to accept unsolicited offers and convey property to a designated entity for adequate fair market consideration; and

Whereas, DCD, the real estate agent for municipal department, has reviewed the offer price and believes the price represents market value of the property in its “as is, where is” condition and recommends acceptance of the offer as summarized in the attached Land Disposition Report; and

Whereas, The City Plan Commission has determined that the property at 1333 North 33rd Street is surplus to municipal needs; now, therefore; be it

Resolved, By the Common Council of the City of Milwaukee, that the former Sanitation District Office at 1333 North 33rd Street is declared surplus to municipal needs; and, be it

Further Resolved, That the Commissioner of City Development, or the Commissioner’s designee, is authorized to accept, on behalf of the City, the Offer to Purchase in the amount of \$170,000 submitted by Tows-R-Us 1, LLC, and to close the transaction according to the terms summarized in the Land Disposition Report; and, be it

Further Resolved, That this land sale is conditioned upon the buyer re-landscaping the premises, making façade improvements that include replacing all exterior doors and windows, replacing the existing chain-link fencing with wrought-iron-style picket aluminum fencing, and limiting truck-traffic access to the site to North 33rd Street via West Vliet Street; and, be it

Further Resolved, That these conditions constitute the “repairs and modifications to the building and site improvements” referred to in the “Offer Terms and Conditions” section of the Land Disposition report that is attached to this file and which must be completed prior to release of the buyer’s \$5,000 Performance Deposit; and, be it

Further Resolved, That the sale proceeds, less sale expenses and a 30 percent

disposition cost reimbursement to the Redevelopment Authority, shall be deposited in the General Fund.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

22. [070901](#) Resolution to grant a special privilege to BV Prospect III, LLC to construct and maintain an excess door swing and step for the premises at 2045 E. North Avenue, in the 3rd Aldermanic District.

A motion was made by ALD. BAUMAN that this Resolution be PLACED ON FILE. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

THE STEERING & RULES COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. [081332](#) Substitute resolution relative to the application, acceptance and funding for the Housing and Economic Recovery Act of 2008 - Neighborhood Stabilization Program (NSP) funded through the Community Development Block Grant (CDBG) Program from the Wisconsin Department of Commerce, Division of Housing and Community Development (DHCD) through the Community Development Grants Administration (CDGA).

Whereas, The City of Milwaukee is eligible to submit an application to the Wisconsin Department of Commerce, Division of Housing and Community Development for the Neighborhood Stabilization Program (NSP) in the amount of \$10,000,000 (See Attachment A); and

Whereas, The application to the DHCD will consist of similar activities as approved in the plan that was submitted to the U. S. Department of Housing and Urban Development for the City of Milwaukee (See Attachment B); and

Whereas, The projected start date of this grant program is scheduled to begin on April 1, 2009 with a projected end date of July 31, 2013 (funds will be fully obligated by July 31, 2010); now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to DHCD is authorized and that the Community Development Grants Administration shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81, Milwaukee Code of Ordinances; and, be it

Further Resolved, That the Mayor of the City of Milwaukee is designated as the authorized representative of the City of Milwaukee in connection with all matters relating to the Neighborhood Stabilization Program from the State of Wisconsin; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit Funds within the Project/Grant Parent of the 2009 Special Revenue Grant and Aid Projects Fund, the following amounts for the program/projects titled State of Wisconsin Neighborhood Stabilization Program:

Project/Grant	Fund	Org	Program	BY	SubClass	Acct
GR0000900000	0150	9990	0001	0000	R999	000600

Project	Amount
Grantor Share	\$10,000,000

2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels; budget against these Project/Grant values the amounts required under the grant agreement; and, be it

Further Resolved, That these funds are budgeted for the Community Development Grants Administration, which is authorized to:

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Enter into subcontracts and leases as detailed in the grant budget.

; and, be it

Further Resolved, That all departments/agencies are required to submit budget and activity reports in amounts and according to any conditions approved by the Common Council and the Mayor in conformance with File Number 74-92-5v to the Community Development Grants Administration and the City Comptroller for their review and approval; and, be it

Further Resolved, That the Position Ordinance be amended to extend position authority for each City department/agency with 100% Grant and Aid funded positions as identified in the current Position Ordinance; and, be it

Further Resolved, That payments for NSP costs incurred shall be paid in accordance with approved CDBG reimbursement policy based on the approval by the Community Development Grants Administration and City Comptroller of a Budget Forecast (CDA-51); and, be it

Further Resolved, That the Block Grant Director of the Community Development Grants Administration is hereby authorized on behalf of the City and the Community Development Grants Administration, to execute, deliver, publish, file and record such documents, instruments, notices and records and to take such other actions as shall be necessary or desirable to implement the State of Wisconsin Neighborhood Stabilization Program in accordance with the State of Wisconsin Neighborhood Stabilization Program application as to whether funds will be awarded in the form of grant or loans, and determination of payback provisions, interest rates, amortization schedules, collateral security requirements (if any), forgiveness of debt, and release of collateral.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

CONFIRMATION OF THE FOLLOWING:

2. [080916](#) Appointment of Corey Thompson to the Charter School Review Committee by the Common Council President.

A motion was made by ALD. MURPHY that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

3. [081239](#) Communications from the Wisconsin Department of Transportation relative to alternative analysis of the zoo interchange.

A motion was made by ALD. MURPHY that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Various communications from city officers were read and ordered on file without objection.

RESOLUTIONS FOR IMMEDIATE ADOPTION:

1. [081401](#) Resolution approving a final certified survey map for the City of Milwaukee, Real Estate Section.

Resolved, By the Common Council of the City of Milwaukee, that the certified survey map be and hereby is approved for City of Milwaukee, Real Estate Section, Tax Key Numbers 3101947000 and 3101917000 (DCD #2731).

A motion was made by ALD. BOHL that this Resolution-Immediate Adoption be ADOPTED. The motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,
Zielinski Hines Jr.

No: 0

Various announcements were made.

There being no further business to come before the Common Council, the meeting was adjourned at 11:36 a.m.

-- Jim Owczarski, Deputy City Clerk