



City of Milwaukee
Common Council Minutes
COMMON COUNCIL

City Hall
200 East Wells Street
Milwaukee, WI 53202

Tuesday, June 22, 1999

9:00:00 AM

Common Council Chambers

PRESENTATIONS

Present: 15 -

Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy, Hines Jr.

Excused: 2 -

Kalwitz, Gordon

THE FINANCE & PERSONNEL COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [990077](#) Substitute ordinance to further amend the 1999 rates of pay of 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 2 of ordinance File Number 980576 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Salary Grade 003, delete the title "Printing and Stores Supervisor."

Under Salary Grade 005, add the title "Printing and Stores Supervisor 5/" and add the following footnote: "5/ Appointment of Raymond C. Oelke to be at the fourth step of Salary Grade 005."; and add the footnote designation "4/" following the title "Automotive Mechanic Supervisor II" and add the following footnote: "4/ Appointment of Joseph Caputa authorized at the tenth step of the grade."

Under Salary Grade 006, delete the title "Water Customer Services Supervisor" and add the titles "Utilities Services Liaison 4/" and "Water Billing Services Supervisor 5/" and add the following footnotes to read: "4/ One position to be paid at Salary Grade 008 rates while held by William Van Clief." and "5/ One position to be paid at Salary Grade 008 rates while held by Vinod Shah."

Under Salary Grade 008, add the title "Water Revenue Manager" and delete the titles "Utilities Services Liaison" and "Water Billing Services Manager."

Under Salary Grade 010, add the footnote designation "5/" following the title "Electrical Services Supervisor II" and add the following footnote: "5/ The employee in this title who is designated to hold the Type C Contractors Electrical license for the City in the Buildings and Fleet Division shall receive an additional \$120.00 per pay period."

Part 2. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 3. The provisions 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 4. This ordinance will take effect and be in force from and after its passage and publication.

Sponsors: THE CHAIR

A motion was made by Ald. Breier that this matter be PASSED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- 2) [990169](#) Substitute ordinance to further amend the 1999 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 980575 relative to offices and positions in the City Service is hereby amended as follows:

Under "Library, Administrative Services Decision Unit, Technical Services, Teach Educational Technology Training & Technical Assistance Grant", add six positions of "Computer Services Aide (A)."

Under "Police Department, Administration/Services Decision Unit, Technical Services Bureau, Communications Maintenance Division", delete one position of "Office Assistant II" and substitute one position of "Office Assistant IV."

Under "Department of Public Works-Water Works, Business Decision Unit, Customer Services Section", delete one position of "Water Customer Services Supervisor" and add one position of "Water Revenue Manager" and under "Billing Services", delete one position of "Water Billing Services Manager" and add one

position of "Water Billing Services Supervisor"

Part 2. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 3. The provisions 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 4. This ordinance will take effect and be in force from and after its passage and publication.

Sponsors: THE CHAIR

A motion was made by Ald. Breier that this matter be PASSED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

ADOPTION OF THE FOLLOWING:

- 3) [990170](#) Substitute resolution authorizing attendance at various seminars/meetings and authorizing expenditure of funds for this purpose.
- Resolved, By the Common Council of the City of Milwaukee, that the attendance of the following individuals at the following seminars or meetings is approved, and the funds specified are authorized to be allocated from the Seminar Fund, such travel and reimbursement to be in accordance with guidelines established by Section 350-181, Milwaukee Code:

Asst. City Atty. Ellen Tangen (City Atty.) "Employee Retirement and Welfare Plans of Tax-Exempt and Governmental Employers"; Washington, D.C.; 9/16-18/99; \$1,179.78.

2) Asst. City Atty. Gregg Hagopian (City Atty.) "20th Annual Legal Seminar"; Chicago, IL; 11/18-19/99; \$576.36.

and, be it

Further Resolved, That the dollar amount shown for each authorized seminar/meeting listed above is simply an ESTIMATE of the seminar 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 seminar/meeting 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.

Sponsors: THE CHAIR

A motion was made by Ald. Breier that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- 4) [990240](#) Substitute resolution appropriating \$5,000 to the Assessor's Office from the 1999 Special Purpose Account - Reimbursable Services Advance Fund.

Resolved, By the Common Council of the City of Milwaukee, that \$5,000 be and hereby is appropriated from the 1999 Reimbursable Services Advance Fund (Account Number 0007-9990-9901-R999-1999-RM00090000-000600) for the expenses associated with the city innovation awards program; and, be it

Further Resolved, That the procedures for handling and advancing funds in anticipation of reimbursable revenue be in accordance with those set forth in Common Council File 80-1513.

Sponsors: THE CHAIR

A motion was made by Ald. Breier that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- 5) [990349](#) Resolution approving a general contract of indemnity between the city of Milwaukee and the Travelers Casualty and Surety Company of America and authorizing the proper city officers to execute same on behalf of the city of Milwaukee. (City Attorney)

Whereas, In MPA, et al. v. City of Milwaukee, et al., Circuit Court Case No. 97-CV-007996, judgment was entered on the 8th day of March, 1999 in favor of the Milwaukee Employees' Retirement System and against the city in the amount of

\$2,787,231.61; and

Whereas, Under the terms of this judgment the city was required to pay any additional investment expenses that are paid by the Milwaukee Employes' Retirement System prior to the time funding is provided by the city and the city and city agencies shall budget and pay all future investment expenses of the Milwaukee Employes' Retirement System; and

Whereas, Judgment in the total amount of \$2,809,375.91 was entered against the city by the clerk on April 1, 1999; and

Whereas, The city applied for a stay pending appeal and filed a notice of appeal in the matter; and

Whereas, The circuit court has conditioned this stay pending appeal on the posting of a bond; and

Whereas, The city has applied to the Travelers Casualty and Surety Company of America for a bond and as a condition of such bond is required to execute a general contract of indemnity, now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the contract of general indemnity between the Travelers Casualty and Surety Company of America and the city of Milwaukee annexed to the file be and hereby is approved and the proper city officers be and hereby are authorized and directed to execute this contract on behalf of the city of Milwaukee.

Sponsors: THE CHAIR

A motion was made by Ald. Breier that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- 6) [990353](#) Substitute resolution authorizing the transfer of \$5,000 from the Common Council Contingency Fund to the Outside Counsel -- Expert Witness Fund for the purpose of obtaining an expert witness.

Whereas, The Outside Counsel - Expert Witness Fund is to be used by the City Attorney's Office to retain the services of expert witnesses and outside legal counsel; and

Whereas, Any appropriation of funds from this Fund requires approval by the Common Council via resolution; and

Whereas, The City Attorney needs to expend money from the Outside Counsel - Expert Witness Fund for an expert accounting witness to value properly the business loss claim of the group home operator, Oconomowoc Residential Programs, Inc., made within the context of a housing discrimination case, entitled Oconomowoc Residential Programs, Inc., et al. v. City of Milwaukee, United States District Court Case No. 97-C-0251; and

Whereas, An accounting firm contacted by the City Attorney's Office has agreed to provide such services for the sum of approximately \$5,000.00; and

Whereas, A sufficient sum of money is not presently available in the Outside Counsel - Expert Witness Fund to pay the aforementioned amount, but is available from funds which may be transferred from the Contingent Fund; now, therefore, be it

Resolved, By the Common Council that \$5,000.00 be transferred from the Common Council Contingent Fund No. 0001-9990-C001 to the Outside Counsel - Expert Witness Fund, No. 0001-1490-0001-S157-0006300 and the expenditure of \$5,000.00 from the Outside Counsel - Expert Witness Fund is hereby authorized for the purpose of retaining an expert witness as directed herein; and, be it

Further Resolved, That the Office of the City Attorney is hereby authorized and directed to engage an expert witness and to pay expert witness fees incurred by the expert witness upon receipt of an itemized bill, approved to be reasonable and necessary by the Office of the City Attorney; and, be it

Further Resolved, That the City Comptroller is authorized and directed to appropriate the sum of \$5,000.00 to the City Attorney's Office budget for the stated project; and that application of the funds directed herein to a case other than that specifically referred to herein shall be subject to the further direction of the Common Council.

Sponsors: THE CHAIR

A motion was made by Ald. Breier that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

7) [990356](#) Substitute resolution amending the prevailing wage resolution (Laborers, Open Cut,

Tunnel-Free Air, Tunnel-Compressed Air, Electricians, Sound and Communications Workers & Plumbers).

Resolved, By the Common Council of the City of Milwaukee, that the resolution relative to minimum rates of pay and fringe benefits for various construction worker categories employed by the private construction industry engaged in public works contracts with the City of Milwaukee is hereby amended to reflect changes as contained in letter(s) from the Milwaukee Building and Construction Trades Council dated May 28, 1999, and the Department of Employee Relations dated June 9, 1999, and attached to Common Council File Number 990356; and, be it

Further Resolved, That a copy of the aforesaid letter(s) be included with all certified copies of this resolution as part thereof.

Sponsors: THE CHAIR

A motion was made by Ald. Breier that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

PLACING ON FILE THE FOLLOWING:

- 8) [981533](#) Communication from the Department of Employee Relations transmitting a communication relative to classification studies scheduled for Fire and Police Commission action.

Sponsors: THE CHAIR

A motion was made by Ald. Breier that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- 9) [990327](#) Communication from the Department of Employee Relations transmitting a communication relative to classification studies scheduled for City Service Commission action.

Sponsors: THE CHAIR

A motion was made by Ald. Breier that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- 10) [990337](#) Communication from the Information Systems Division transmitting a report relative to internal service agency charges.

Sponsors: THE CHAIR

A motion was made by Ald. Breier that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- 11) [990362](#) Communication from the Comptroller's transmitting three departmental audits conducted by KPMG LLP: "Electrical Bill Processing and Payment, City Records - Safekeeping of Vital Records and Update of FY '94 Internal Audit Department Inventory Audit Recommendations".

Sponsors: THE CHAIR

A motion was made by Ald. Breier that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

THE UTILITIES AND LICENSES COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [981588](#) A substitute ordinance relating to prohibited conduct on class "B" premises.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:
Part 1. Section 90-22-1 of the code is repealed.

Part 2. Section 90-22-2 to 4 of the code is renumbered 90-22-1 to 3.

Part 3. Section 90-22-1-b of the code is amended to read:

90-22. Certain Conduct on Class "B" Premises Prohibited.

1. CERTAIN PERFORMANCES AND COSTUMES PROHIBITED.

b. The top portion of the costume worn by a female dancer, performer or entertainer or a female impersonator shall be so conformed, fabricated, and affixed to the body so as to keep the areola >>and the nipple<< of the breast completely covered at all times.

Sponsors: THE CHAIR

A motion was made by Ald. Witkowiak that this matter be PASSED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

2) [990343](#)

A substitute ordinance relating to licensing and regulation of tattooing and body-piercing establishments and tattooists and body piercers.

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

Part 1. Section 75-51 of the code is created to read:

75-51. Tattooing and Body-Piercing. 1. STATE ADMINISTRATIVE CODE ADOPTED. The city of Milwaukee adopts ch. HFS 173, Wis. Adm. Code, as amended, as part of this code.

2. DEPARTMENT AS AGENT OF STATE. The health department is authorized to act as an agent of the Wisconsin department of health and family services, as authorized under ss. 252.23, 252.24 and 252.245, Wis. Stats., and chapter HFS 173, Wis. Admin. Code. The department is authorized, as agent of the state, to enforce the tattooing and body-piercing regulations of ss. 252.23, 252.24 and 252.245, Wis. Stats., and ch. HFS 173, Wis. Adm. Code.

3. LICENSE REQUIRED. a. Except as provided in par b, no person may tattoo or attempt to tattoo another, designate or represent himself or herself as a tattooist or use or assume the title "tattooist" and no tattoo establishment may be operated unless the

person and the establishment are licensed under this section. No person may pierce the body of or attempt to pierce the body of another, designate or represent himself or herself as a body piercer or use or assume the title "body piercer" and no body-piercing establishment may be operated unless the person and the establishment is licensed under this section.

b. The licensure requirement of par. a does not apply to a dentist who is licensed under s. 447.03(1), Wis. Stats., or to a physician who, in the course of the dentist's or physician's professional practice, tattoos or offers to tattoo an individual or who pierces the body of or offers to pierce the body of an individual.

c. A person seeking a license under this section shall apply to the health department and shall comply with the requirements established under Wisconsin statutes and the Wisconsin administrative code for that license.

4. FEE. a. Each license applicant shall pay the appropriate license fee or fees provided in ch. HFS 173, Wis. Adm. Code.

b. In addition, each applicant shall pay the state of Wisconsin administrative fee, the amount of which is on file with the health department.

Sponsors: THE CHAIR

A motion was made by Ald. Witkowiak that this matter be PASSED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

ADOPTION OF THE FOLLOWING:

- 3) [990328](#) Resolution relating to the Water Works' outsourcing of its lock box services for payment of customer water bills. (Water Works)

Whereas, On April 20, 1999, the Common Council adopted File Number 990089, a resolution relative to outsourcing or privatizing of City services; and

Whereas, On April 5, 1999, prior to the adoption of the aforesaid resolution, the Water Works released a requisition for lock box services, with a bid opening scheduled for June 8, 1999; and

Whereas, The Water Works has determined that the outsourcing of lock box services for payment of water bills is most economical and cost-efficient, in part due to the fact

that the City's current lock box system is not Y2K compliant; and

Whereas, The two positions of Water Teller II affected by this outsourcing would be trained to become Customer Service Representatives; and

Whereas, In order to meet the September 9, 1999 ("9/9/99") deadline for implementation and Y2K compliance testing of this new lock box system, it is necessary to expedite Common Council review and approval of this request to outsource lock box services; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council herewith approves the Water Works' request to outsource its lock box services for payment of customer water bills, as specified in the request and report from the Water Works attached to this file; and, be it

Further Resolved, That approval of the lock box contract shall require Common Council approval by resolution.

Sponsors: THE CHAIR

A motion was made by Ald. Witkowiak that this matter be ADOPTED. The motion carried by the following vote:

Aye: 9 - Pratt, D'Amato, Schramm, Johnson-Odom, Scherbert, Witkowiak, Pawlinski, Breier Hines Jr.

No: 6 - Henningsen, Frank, Richards, Butler, Nardelli Murphy

Excused: 2 - Kalwitz Gordon

- 4) [990329](#) Resolution authorizing the Milwaukee Water Works to transfer funds from its Retained Earnings account to its Automatic Meter Reading project account. (Water Works)

Whereas, The Milwaukee Water Works has accelerated the conversion of water meters as part of its Automatic Reading project; and

Whereas, Additional meters and components need to be purchased to support this accelerated effort; and

Whereas, File 981671 granted the Water Works \$3,000,000 of accelerated authority, which has been fully used for the purchase and installation of water meters; and

Whereas, Future funding authorization will be requested as necessary to ensure a timely and phased completion of this project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Milwaukee

Water Works is authorized to incur the following additional expenditures:

AMR water meters \$9,000,000

and, be it

Further Resolved, That the Comptroller is hereby authorized and directed to transfer an additional \$9,000,000 from the Water Works Retained Earnings account, 0410 6410 312101, to the Water Works' AMR account: 0410 6410 006300 R645.

Sponsors: THE CHAIR

A motion was made by Ald. Witkowiak that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

APPROVAL OF THE FOLLOWING:

5) Approval of various Rooming House /Hotel Licenses in the 4th Aldermanic District:

a) [981472](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to granting of the rooming house license issued to Eleanor A. Petersen for the premises located at 845 N. 22nd Street, in the 4th Aldermanic District.

Whereas, The Utilities and Licenses Committee held an evidentiary hearing on June 8, 1999 relative to the granting of the rooming house license of Eleanor A. Petersen for the premises located at 845 N. 22nd Street; and

Whereas, The Utilities and Licenses Committee, after hearing all of the testimony of the Milwaukee Police Department, voted unanimously (5 ayes, 0 noes) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the rooming house license of Eleanor A. Petersen for the premises located at 845 N. 22nd Street, despite police objection.

Sponsors: THE CHAIR

A motion was made by Ald. Witkowiak that this matter be APPROVED. The motion carried by the following vote:

Aye: 14 - Pratt, D'Amato, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 1 - Henningsen

Excused: 2 - Kalwitz Gordon

b) [981475](#)

Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to granting of the hotel house license issued to Ambassador Enterprise LLC (Executive Inn) for the premises located at 2301 W. Wisconsin Avenue, in the 4th Aldermanic District.

Whereas, The Utilities and Licenses Committee held an evidentiary hearing on June 8, 1999 relative to the granting of the hotel license of Ambassador Enterprise LLC (Executive Inn) for the premises located at 2301 W. Wisconsin Avenue; and

Whereas, The Utilities and Licenses Committee, after hearing all of the testimony of the Milwaukee Police Department, voted unanimously (5 ayes, 0 noes) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the hotel license of Ambassador Enterprise LLC (Executive Inn) for the premises located at 2301 W. Wisconsin Avenue, despite police objection.

Sponsors: THE CHAIR

A motion was made by Ald. Witkowiak that this matter be APPROVED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

c) [981476](#)

Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to granting of the hotel license issued to Ambassador Enterprise LLC (Ambassador Hotel) for the premises located at 2308 W. Wisconsin Avenue, in the 4th Aldermanic District.

Whereas, The Utilities and Licenses Committee held an evidentiary hearing on June 8, 1999 relative to the granting of the hotel license of Ambassador Enterprise LLC (Ambassador Hotel) for the premises located at 2308 W. Wisconsin Avenue; and

Whereas, The Utilities and Licenses Committee, after hearing all of the testimony of the Milwaukee Police Department, voted unanimously (5 ayes, 0 noes) to recommend

granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the hotel license of Ambassador Enterprise LLC (Ambassador Hotel) for the premises located at 2308 W. Wisconsin Avenue, despite police objection.

Sponsors: THE CHAIR

A motion was made by Ald. Witkowiak that this matter be APPROVED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- 6) [990061](#) Motion to approve recommendations of the Utilities and Licenses Committee relative to issuance, denial, renewal, nonrenewal, suspension or revocation of licenses and extension of premises.

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

Sponsors: THE CHAIR

Ald. Henningsen voted against Joe Natoli , for "Variety Club Children's Charities" July 3rd at Veterans Park.

A motion was made by Ald. Witkowiak that this matter be APPROVED. The motion carried by the following vote:

Aye: 14 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 1 - Butler

Excused: 2 - Kalwitz Gordon

PLACING ON FILE THE FOLLOWING:

- 7) [990354](#) Communication from the Public Service Commission transmitting a notice of investigation relative to compliance by Wisconsin Electric Utilities with the U.S. Environmental Protection Agency's New Nitrogen Oxide Emissions Requirements.

Sponsors: THE CHAIR

A motion was made by Ald. Witkowiak that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

THE UTILITIES AND LICENSES COMMITTEE FURTHER RECOMMENDS APPROVAL OF THE FOLLOWING:

- 8) [990062](#) Motion to approve recommendations of the Utilities and Licenses Committee relative to issuance, denial, renewal, nonrenewal, suspension or revocation of licenses and extension of premises.

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

Sponsors: THE CHAIR

THE CLERK swore

in the Court Reporter--

Recommendation of renewal with a 30-day suspension of the Class "B" Tavern and Tavern Dance License of James C. White for the premises at 1727-33 W. Atkinson Avenue ("J & J's Tap") in the 1st Ald. Dist. Written objections have been filed by the licensee. (Committee Vote: 3 Ayes; 2 Noes; Expiration Date: 6-30-99).

Recommendation of nonrenewal of the Class "B" Tavern and Cabaret License of Earl L. Benion for the premises at 3762 N. Dr. Martin Luther King, Jr. Drive ("Syrus Club") in the 6th Ald. Dist. Written objections have not been filed by the licensee. (Committee Vote: 5 Ayes; 0 Noes; Expiration Date 6-24-99).

Recommendation of renewal with a 30-day suspension of the Class "B" Tavern and Tavern Dance License of Ralph E. Neely for the premises at 4538 W. Lisbon Avenue ("Ralph's Lounge") in the 17th Ald. Dist. Written objections have not been filed by the licensee. (Committee Vote: 3 Ayes; 2 Noes; Expiration Date: 6-30-99).

The Chair questioned whether all the members of the Common Council read the Report and Recommendations of the Utilities and Licenses Committee in these matters and any written exceptions, if filed by the licensee(s).

Ayes: 15 - Ald. Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank,

Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy and Hines.

Excused: 2 - Ald. Gordon and President Kalwitz.

The Chair questioned whether the applicants or their counsel was present.

James C. White

Attorney for the applicant James Toran was present and wished to address the Council.

ALD. JOHNSON-ODOM moved that the Common Council do now resolve itself into a Committee of the Whole for the purpose of hearing from Attorney James Toran relative to the foregoing matter.

PROCEEDINGS OF THE COMMITTEE OF THE WHOLE

Attorney James Toran and Assistant City Attorney Bruce Schrimpf appeared and addressed the Council.

ALD. JOHNSON-ODOM moved that the Committee do now rise.

The motion prevailed.

ALD. WITKOWIAK moved to change suspension from a 30-day to a 20-day suspension.

The motion failed.

Ayes: 4 - Ald. Pratt, Henningsen, Johnson-Odom, Witkowiak.

Noes: 11 - Ald. D'Amato, Schramm, Frank, Richards, Butler, Scherbert, Pawlinski, Breier, Nardelli, Murphy and Hines.

Excused: 2 - Ald. Gordon and President Kalwitz.

ALD. NARDELLI requested separate action on the 30-day suspension.

The motion prevailed.

Ayes: 12 - Ald. Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Scherbert, Witkowiak, Breier, Murphy and Hines.

Noes: 3 - Ald. Butler, Pawlinski and Nardelli.

Excused: 2 - Ald. Gordon and President Kalwitz.

Earl L. Benion was present and wished to address the Council.

ALD. WITKOWIAK moved that the Council do now resolve itself into a Committee of the Whole for the purpose of hearing from Mr. Benion relative to the foregoing matter.

PROCEEDINGS OF THE COMMITTEE OF THE WHOLE

Mr. Earl Benion and Assistant City Attorney Bruce Schrimpf appeared and addressed the Committee relative to the foregoing matter.

ALD. WITKOWIAK moved that the Committee do now rise.

The motion prevailed.

ALD. HINES indicated Mr. Neely would not appear and accepts the Committees ruling.

ALD. WITKOWIAK moved to approve the Committee's Report.

Ayes: 15 - Ald. Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy and Hines.

Noes: 0.

Excused: 2 - Ald. Gordon and President Kalwitz.

ALD. HENNINGSEN voted against Joh

A motion was made by Ald. Witkowiak that this matter be APPROVED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [990085](#) A substitute ordinance relating to licensing of private waste collectors and removal of graffiti on private waste containers.
- The Mayor and Common Council of the City of Milwaukee do ordain as follows:
- Part 1. Section 79-9-2 of the code is repealed and recreated to read:
- 79-9. Private Waste Collector Regulations.
2. PRIVATE COLLECTOR'S LICENSE.
- a. No person, except employes of the department in the regular performance of duty, shall collect or transport waste materials on any street or alley, except those acting under the authority of a licensed private waste collector. Each vehicle used by a collector shall bear a license sticker corresponding to the authorized licensed private waste collector. The sticker shall be prominently displayed on each vehicle.
- b. See ch. 81 for the required license fee.
- Part 2. Section 79-9-3 and 4 of the code is created to read:
3. GRAFFITI CONTROL. a. In this subsection, "graffiti" has the definition provided in s. 275-35-1.
- b. Each licensed private waste collector or applicant for a private waste collector's license shall submit a plan for ongoing and scheduled removal of graffiti on waste containers. The plan shall be attached to the application for a new license or license renewal filed with the city clerk's office. The plan shall include a fax number and the name of the administrator responsible for maintenance for the applicant or licensee and the plan shall be forwarded to the department of neighborhood services.
- c. Each private waste container shall be clearly marked or have signage noting the name and phone number of the company responsible for maintenance of the waste container.
- d. Graffiti on private waste containers shall be removed within 3 working days following notification by the department of neighborhood services or within 3 working days of the last time the container was emptied, irrespective of any plan submitted under par. b.
4. PENALTY.

- a. Any licensed private waste collector who violates any provision of this section shall forfeit not less than \$250 nor more than \$1,000 for each offense, and the costs and disbursements of such action, and in default thereof, shall be imprisoned in the county jail or house of correction for not less than 10 days nor more than 40 days, until such forfeiture costs are paid.
- b. Each day of violation shall be a separate offense.
- c. Every private waste collector's license may be suspended or revoked by the commissioner of the department of neighborhood services for failure to comply with s. 79-9-3.
- d. Every private waste collector's license may be suspended or revoked by the commissioner of public works for failure to comply with any of the rules of the commissioner or if the licensee is convicted of illegal dumping of waste within the city or outside the city under any applicable state statute or code provision.

Part 3. This ordinance shall take effect 90 days after passage and publication.

Sponsors: Ald. Breier, Ald. Witkowiak, Ald. Frank, Ald. D'Amato and Ald. Pawlinski

A motion was made by Ald. Frank that this matter be PASSED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- 2) [990226](#) A substitute ordinance relating to loading zone permits for disabled persons.
- The Mayor and Common Council of the City of Milwaukee do ordain as follows:
- Part 1. Section 81-70-1-b of the code is amended to read:
- 81-70. Loading Zone Permit.
- 1.
- b. The common council may grant a late renewal of a loading zone permit to a disabled person as defined in s. 101-23.7-1-b, at no charge, if evidence is submitted that [[medical or mental incapacitation prevented the filing of a timely renewal application]] >>the medical condition that qualifies the person as disabled under that section still exists<<.

Part 2. Section 81-70-2 of the code is amended to read:

2. The fee for each original loading zone permit >>, except a permit issued to a disabled person as defined in s. 101-23.7-1-b,<< shall be computed at the rate of \$150 for every 30 feet of curb space or fraction thereof. >>The fee for each original loading zone permit issued to a disabled person shall be \$50, with all such permits being for 30-foot loading zones.<<

Part 3. Section 81-70-5 and 6 of the code is created to read:

5. A loading zone permit issued to a disabled person may be transferred to another member of the person's household at no charge. Such transfer may occur only if the permittee or the person to whom the permit is being transferred submits to the common council evidence that the person to whom the permit is being transferred is a disabled person as defined in s. 101-23.7-1-b.

6. The common council may approve the transfer of a loading zone permit issued to a disabled person to another location in the city at no charge if the permittee moves to a different residence during the period for which the permit was issued and the permittee submits a new loading zone permit application to the city clerk.

Part 4. Section 101-23.7-1-b-4 of the code is created to read:

101-23.7. Loading Zone Permits; Special Privilege Areas. 1. DEFINITIONS.

b-4. The individual has a disability, such as but not limited to Alzheimer's disease, delayed mental development or brain injury, which compromises the individual's problem-solving or reasoning skills and which makes it necessary for the individual to receive assistance in moving safely between the individual's residence and any vehicle that transports the individual. (If this condition is temporary, the statement shall indicate the approximate date on which the disability will end.)

Part 5. Section 101-23.7-2 of the code is amended to read:

2. LOADING-UNLOADING PRIVILEGE. Area privileges setting aside curb space for loading and unloading zones in front of residences, stores, theaters, hotels and other places of business may be granted to the owners of such property upon application therefor and proper cause for the same being shown to the common council. Residential loading zone permits may only be issued to households containing disabled persons >>and shall be for 30-foot loading zones only<<.

Part 6. Section 101-23.7-3-b of the code is amended to read:

3. APPLICATION.

b. Copy for Council Member. It shall be the duty of the city clerk, upon receiving a written application for a loading zone permit, to serve a copy of the application to the common council member in whose district the privilege is sought. >>If a disabled person is applying for the transfer of a loading zone permit to a new location pursuant to s. 81-70-6, the city clerk shall serve a copy of the application to the common council member in whose district the new loading zone would be located.<<

Sponsors: Ald. Richards

A motion was made by Ald. Frank that this matter be PASSED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

ADOPTION OF THE FOLLOWING:

- 3) [990192](#) Substitute resolution relative to various legislative bills.

Whereas, The Judiciary and Legislation Committee of the Common Council has recommended the following positions on the bills hereinafter listed and the Common Council being advised of said matters; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby approves the following legislative bill and instructs the Division of Intergovernmental Relations to appear before the proper committees to support such bill and use its best endeavors to have the same enacted into law, viz:

335-A, relating to Municipal Court; Refusal Hearings. (Support with amendments.)
;and, be it

Further Resolved, That the Common Council of the City of Milwaukee is opposed to the following legislative bill and hereby instructs the Division of Intergovernmental Relations to appear before the proper committees in opposition to said bill and use its best endeavors in opposition to the same viz:

25-S, relating to Civil Actions.

164-S, relating to Sexually Violent Persons.

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- 4) [990300](#) Substitute resolution approving a settlement agreement in a discrimination charge entitled Gerald L. Weathersby v. Milwaukee Fire Department, ERD Case No. 199803019, EEOC Charge No. 260-98-1138, to be paid from the City Attorney's Damages and Claims Fund.

Whereas, The charging party, Gerald L. Weathersby, filed a fair employment charge with the Equal Employment Opportunity Commission, claiming discrimination regarding retaliation against him; and

Whereas, The parties have agreed to settle this matter in the amount of \$2,000.00, which represents attorneys fees and costs; \$2,908.48, which represents back pay, less interim earnings, from which all appropriate payroll deductions will be made, including state and federal taxes, and City pension contributions; \$1,380.00, which represents compensatory damages for sums incurred for psychotherapy; and \$3,000.00 which represents pain and suffering; and

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

Resolved, By the Common Council of the City of Milwaukee that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$2,000.00, payable to Hall, Charney, Burce & Olson, S.C. which represents attorney's fees and costs, and \$1,380.00 payable to Mr. Gerald Weathersby, which represents compensatory damages for sums incurred for psychotherapy; and \$3,000.00 payable to Mr. Gerald Weathersby, which represents pain and suffering; and that these funds shall be appropriated from the Damages and Claims Fund 0001 1490 0001 S118 006300; and, be it.

Further Resolved, By the Common Council of the City of Milwaukee that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$2,908.48, payable to Mr. Gerald L. Weathersby, which represents back pay, less interim earnings, and from which all necessary and appropriate deductions will be made including all federal and state taxes and City pension contributions, in full and final settlement of this lawsuit, upon receipt of a release of claims, approved as to form and execution by the City Attorney, and that these funds shall be appropriated

from the City Attorney's Damages and Claims Fund 0001 1490 0001 S118 006300;
and, be it

Further Resolved, That the Common Council of the City of Milwaukee approves the expenditure of funds by the proper City Officers of the specific amounts necessary to implement the settlement; and, be it

Further Resolved, That the appropriate City officials are hereby authorized and directed to execute all instruments and documents and to take any other actions as may be necessary to implement the provisions of this resolution.

Sponsors: THE CHAIR

ALD. BUTLER requested an explanation of the file and separate action on the file and spoke to the matter.

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 1 - Butler

Excused: 2 - Kalwitz Gordon

- 5) [990301](#) Resolution to settle claims of Attorney Kenneth Murray for defense of various Police Officers. (City Attorney)

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 total sum of \$10,347.36 payable to Attorney Kenneth Murray, Murray & Cross, to reimburse them for legal fees for defense of the following Police Officers.

NAME AMOUNT

Karl Zuberbier and Sammy Jackson \$ 226.00

Daniel Wesolowski, George Suvaka and Anthony Edwards 5,442.16

David Zibolski 2,222.65

Kurt Drezek 242.00

Joseph Seitz and Paul Gossett 319.00

Brenda Del Valle 539.00

Jeremy Sullivan, Michael Meade and Brian Pinter 715.00

Richard Jack 641.55

TOTAL \$10,347.36

; and, be it

Further Resolved, That the check 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 No. 636505, Fund - 0001, Organization - 1490, Program - 263, Sub Class S118.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- 6) [990322](#) Resolution to cancel real estate taxes levied against a certain parcel identified by Tax Key Number 365-1488-000-4 on the 1998 tax roll, plus interest applicable to date of repayment, if appropriate. (Brian M. Czerwinski & Julie A. Czerwinski). (Assessor's Office)

Whereas, An assessment in the amount of \$44,300 (Land: \$2,400 - Improvements: \$41,900) was made against the property known as Tax Key Number 365-1488-000-4 for the year 1998; and

Whereas, The Board of Review has decreased this assessment to \$41,500 (Land: \$2,400 - Improvements: \$39,100), for a reduction of \$2,800; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, That the proper city officers are authorized and directed to issue a city check in the amount of \$79.20 payable to the City Treasurer or taxpayer as applicable, to be refunded to the taxpayer where appropriate, plus interest at the rate of 9.6% applicable from date of payment to date of repayment, said amount to be charged to the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300 and said check to be delivered to the Tax Billing and Collection Division of the Treasurer's Office for disbursement; and, be it

Further Resolved, That the proper city officers are authorized and directed to reflect

the reduction in State Tax Credits as follows:

Section 79.10 (2) \$5.71 (City: \$4.27 County: \$1.44) by means of journal entries, charging the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and crediting the State Tax Credit Fund; and, be it

Further Resolved, That interest for Key No. 365-1488-000-4 shall be applicable from date of payment to January 19, 1999 for the year 1998; and be it

Further Resolved, That delinquent interest and penalties on this account are hereby canceled.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- 7) [990365](#) Substitute resolution authorizing the Office of the City Attorney to resolve various Milwaukee Municipal Court cases, either through permanent stay of the forfeiture or dismissal. (City Attorney)

Whereas, The City of Milwaukee has obtained judgment in a number of Milwaukee Municipal Court cases, as identified by case number, defendant's name, offense and amount of judgment in Appendix A attached to Common Council File Number 990365 and incorporated herein by reference, and

Whereas, The City of Milwaukee, through the Office of the City Attorney, has been unable to enforce collection of said judgments and recommends no further action at this time, and

Whereas, The City of Milwaukee has, in addition, a number of other pending Milwaukee Municipal Court cases, as identified by case number, defendant's name, and offense in Appendix B, incorporated herein by reference, wherein no judgments have been obtained and warrants have been issued for said defendants, and

Whereas, With respect to such cases listed in Appendix B, the Office of the City Attorney recommends no further prosecution; now, therefore be it

Resolved, By the Common Council of the City of Milwaukee, that the Office of the City Attorney, be and hereby is authorized to move the Milwaukee Municipal Court

to permanently stay the forfeiture portion of the judgments in all of those cases listed in Appendix A, and, be it

Further Resolved, That the Office of the City Attorney be and hereby is further authorized to move the Milwaukee Municipal Court to dismiss all of those cases listed in Appendix B.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

DISALLOW AND INDEFINITELY POSTPONE THE FOLLOWING:

8) Various claims against the City:

a) [990272](#) Appeal of Rudolf Stemplinger relative to claim for property damage. (16th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

b) [990274](#) Appeal of Gloria Gilmer relative to claim for property damage. (15th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- c) [990278](#) Appeal of Brian Michels relative to claim for personal injuries. (10th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- d) [990279](#) Appeal of Kathleen Johnson relative to claim for personal injuries. (12th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- e) [990284](#) Communication from the City Attorney's Office transmitting a communication from Jerome Thornton relative to claim for property loss.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- f) [990285](#) Communication from the City Attorney's Office transmitting a communication from Thomas A. Mason Company, Inc. relative to claim for damages due to a breach of agreement with the City of Milwaukee.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- g) [990357](#) Appeal of Mark Paschal relative to claim for property damage. (14th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [990259](#) 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 the west side of N. 4th Street from the south curb line of W. Reservoir Avenue to a point 250 feet north thereof at any time"

"On the east side of N. Van Buren Street from E. Kilbourn Avenue to E. Brady Street from 4:00 PM to 6:00 PM except Saturday, Sunday and Holidays"

"On the south side of W. State Street between 50th and N. 51st Streets from 7:00 AM to 6:00 PM"

"On the north side of W. Wisconsin Avenue from N. 37th Street west to the Wisconsin Avenue Viaduct for the duration of one hour before events at the Milwaukee County Stadium"

"On the west side of N. Arlington Place from E. Kane Place to N. Warren Avenue at any time"

"On the south side of W. Townsend Street between W. Fond du Lac Avenue and N. 35th Street (during the period of street construction activities along W. Capitol Drive between N. 27th and N. 35th Streets)"

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

On the east side of N. Frederick Avenue from E. Newport Avenue to E. Edgewood Avenue

On the west side of N. Arlington Place from E. Brady Street to N. Warren Avenue

Part 3. Section 101-23-4-b of the Code relating to 15 Minute Parking is amended by striking the following:

"On the east side of N. Water Street from E. Menomonee Street to E. Clybourn Street from 7:00 AM to 6:00 PM"

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

"On the north side of E. St. Paul Avenue from the west curb line of N. Plankinton Avenue west to a point 70 feet east of the railroad tracks"

"On the south side of W. Vliet Street between N. 43rd Street and N. 44th Street"

"On W. Vienna Avenue from N. 35th Street to the first north/south alley west thereof from 7:00 AM to 10:00 PM except Sunday"

"On N. 64th Street from W. Capitol Drive to N. Melvina Street from 7:00 AM to 5:00 PM except Saturday and Sunday"

Part 5. Section 101-23-4-e of the Code relating to Three Hour Parking is amended by striking the following:

"On the west side of N. Teutonia Avenue between W. Nash Street and W. Finn Place"

Part 6. Section 101-23-6 of the Code relating to Angle Parking is amended by

striking the following:

"On the east side of N. Arlington Place from E. Kane Place to N. Warren Avenue"

Part 7. Section 101-23-6 of the Code relating to Angle Parking is amended by adding the following:

On the east side of N. Arlington Place from E. Brady Street to N. Warren Avenue

Part 8. Section 101-26.5 of the Code relating to No Parking When Snow Fall 2 Inches or More is amended by adding the following:

On N. Arlington Place from E. Brady Street to E. Kane Place

On N. Astor Street from E. Kilbourn Avenue to E. Ogden Street

On N. Cass Street from E. Kilbourn Avenue to E. Knapp Street

On N. Marshall Street from E. Wells Street to E. Ogden Street

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be PASSED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

2) [990260](#) 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 101-10-2 the Code relating to No Turn On Red is amended by adding the following:

On N. Teutonia Avenue at W. Locust Street Southbound

Part 2. Section 101-12-4-a of the Code relating to Mandatory Turns is amended by striking the following:

"On N. Broadway at E. Kilbourn Avenue left lane must turn left northbound"

"On N. Broadway at E. State Street right lane must turn right southbound"

"On N. Broadway at E. Juneau Avenue option left or right turn northbound"

Part 3. Section 101-12-4-a of the Code relating to Mandatory Turns is amended by adding the following:

On N. Broadway at E. Juneau Avenue left lane must turn left northbound

On N. Broadway at E. Juneau Avenue left lane must turn left southbound

On N. Broadway at E. Juneau Avenue right lane must turn right northbound

Part 4. Section 101-22-1 of the Code relating to one-way streets is amended by striking the following:

"On N. Arlington Place from E. Kane Place to E. Hamilton Street southbound"

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be PASSED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

ADOPTION OF THE FOLLOWING:

- 3) [990340](#) Resolution relative to application of a Local Law Enforcement Block Grant. (Police Dept.)

Whereas, The City of Milwaukee appears to be eligible for grant funds from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for a Local Law Enforcement Block Grant; and

Whereas, It is appropriate for the City of Milwaukee to apply for such grant funds in the amount of approximately \$1,145,000, provided that no funds will be accepted or expended without express Common Council approval by resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application by the Milwaukee Police Department to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance is authorized; and, be it

Further Resolved, That acceptance and expenditure of these funds by the Milwaukee Police Department is not authorized herein and any such acceptance and expenditure shall require express Common Council approval by adoption of a separate resolution.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

- 4) [990342](#) Substitute resolution relative to application, acceptance and funding of the State of Wisconsin Department of Justice Weed and Seed Grant for 1999 in the amount of \$175,000.

Whereas, The City of Milwaukee is eligible for grant funds for the Weed and Seed Grant programs, under State appropriation number 455.209 from the State of Wisconsin Department of Justice; and

Whereas, The Common Council in CCFN 980248 has approved the administrative and supervisory function of the Community Relations - Social Development Commission for the Weed and Seed Program; and

Whereas, The operation of this grant program from July 1, 1999 through June 30, 2000 would be provided for by the grantor in the amount of \$175,000; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin Department of Justice is authorized and the Community Block Grant Administration shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 940843 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

- 1. Commit Funds within the Project/Grant Parent of the 1999 Special Revenue Grant and Aid Projects Fund, the following amounts for the program/project titled State of Wisconsin Department of Justice Weed and Seed Program:

| Project/Grant | Fund | Org | Program | BY | SubClass | Acct |
|---------------|------|------|---------|------|----------|--------|
| GR0009000000 | 0150 | 9990 | 0001 | 0000 | R999 | 000600 |

| Project | Amount |
|---------------|-----------|
| Grantor Share | \$175,000 |

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;

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

Further Resolved, That these funds are budgeted for the Community Block Grant 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 a subcontract with SDC 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 Block Grant Administration and the City Comptroller for their review and approval; and, be it

Further Resolved, That payments for the State of Wisconsin Weed and Seed costs incurred shall be paid in accordance with approved CDBG reimbursement policy based on the approval by the Community Block Grant Administration and City Comptroller of a Budget Forecast (CDA-51); 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 is fully applicable to the 1999 Community Development Entitlement funding Program.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [970421](#) Substitute ordinance relating to the amendment of the Flood Plain District boundary along a portion of the Menomonee River watershed, in the 15th Aldermanic District. 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 295-710.0033. The zoning map is amended to revise a portion of the Flood Plain District boundary along the Menomonee River watershed as shown on the FEMA Flood Insurance Rate Map ("FIRM") Panel Number 550278 0025B and Panel Number 550278 0033B. The revision includes the new profile table titled: Little Menomonee River 100-Year Flood Plain Delineation, Run: April 2, 1999, ENCL 2, 3, and 4 and Topographic Maps titled Northeast 1/4, Section 08, Township 08 North, Range 21 East, Milwaukee County, Wisconsin; Northwest 1/4, Section 08, Township 08 North, Range 21 East, Milwaukee County, Wisconsin; and Southeast 1/4, Section 08, Township 08 North, Range 21 East, Milwaukee County, Wisconsin; prepared for the Southeastern Wisconsin Regional Planning Commission by Aero-Metric Engineering, Inc., Sheboygan, Wisconsin, during April, 1989, copies of which are attached to this Common Council File, as it pertains to property located at 9221 West Heather Avenue, and on file in the Office of the City Clerk.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

- 2) [981436](#) Ordinance relating to the change in zoning from Local Business (L/D/40) to Detailed Planned Development (DPD) for a planned development, on land located West of South 27th Street and North of West Morgan Avenue, in the 11th Aldermanic District. (DCD)

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

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

Section 295-810(2)(b).0115.

(1) In accordance with the provisions of Section 295-810(1) of the Code relating to the establishment of planned development districts, the Common Council approves the subject Detailed Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the Office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for the area bounded by the centerline of South 27th Street, the centerline of West Morgan Avenue, the centerline of West Lakefield Drive, the centerline of South 30th Street, a line 120 feet South and parallel to the south line of West Euclid Avenue, the centerline of South 29th Street extended, a line 237 feet South and parallel to the south line of West Euclid Avenue.

(3) The requirements set forth in said detailed plan attached to this Common Council File as Exhibit A, constitute the zoning regulations for the area contained in such planned development district described, provided further, that the effect of the approval of such detailed plan is that such plan shall limit and control construction, location, use and operation of all land and structures included within the detailed plan to all conditions and limitations set forth in such detailed plan.

Part 2. Any persons, firm, company or corporation owning, controlling, or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved by the Commissioner of the Department of City Development, or any person, firm, company or corporation who shall omit, neglect or refuse to do any act required in this ordinance shall be subject to the penalties provided in Section 200-19 of the Code.

Part 3. In accord with the provisions of Section 295-815 of the Code, the City Clerk shall transmit a certified copy of the action taken by the Common Council to the Department of City Development.

Part 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 14 - Pratt, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 2 - D'Amato Richards

Excused: 1 - Kalwitz

- 3) [981538](#) Ordinance relating to the change in zoning from Local Business (L/D/40) to General Planned Development (GPD) for a planned development, on land located West of South 27th Street and North of West Morgan Avenue, in the 11th Aldermanic District. (DCD)

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

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

Section 295-810(2)(a).0048.

(1) In accordance with the provisions of Section 295-810(1) of the Code relating to the establishment of planned development districts, the Common Council approves the subject General Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the Office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for the area bounded by the centerline of South 27th Street, the centerline of West Morgan Avenue, the centerline of West Lakefield Drive, the centerline of South 30th Street, a line 120 feet South and parallel to the south line of West Euclid Avenue, the centerline of South 29th Street extended, a line 237 feet South and parallel to the south line of West Euclid Avenue.

(3) The requirements set forth in said general plan attached to this Common Council File as Exhibit A, constitute the zoning regulations for the area contained in such planned development district described, provided further, that the effect of the approval of such general plan is that such plan shall limit and control construction, location, use and operation of all land and structures included within the general plan to all conditions and limitations set forth in such general plan.

Part 2. Any persons, firm, company or corporation owning, controlling, or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved by the Commissioner of the Department of City Development, or any person, firm, company or corporation who

shall omit, neglect or refuse to do any act required in this ordinance shall be subject to the penalties provided in Section 200-19 of the Code.

Part 3. In accord with the provisions of Section 295-815 of the Code, the City Clerk shall transmit a certified copy of the action taken by the Common Council to the Department of City Development.

Part 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 14 - Pratt, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 2 - D'Amato Richards

Excused: 1 - Kalwitz

- 4) [981706](#) Ordinance relating to the approval of a 9th Amendment to the general plan for a General Planned Development known as Park Place, located North of West Good Hope Road and West of North 107th Street, in the 15th Aldermanic District. (DCD) The Mayor and Common Council of the City of Milwaukee ("Common Council") do ordain as follows:

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

Section 295-810(2)(a).0049.

(1) In accordance with the provisions of Section 295-810(1) of the Code relating to the establishment of planned development districts, the Common Council approves a 9th Amendment for the General Planned Development known as Park Place, a copy of which is attached to this Common Council File as Exhibit "A" which is on file in the Office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map as previously approved to include in a General Planned

Development (GPD) district the area bounded and described as follows:

Commencing at the Southeast corner of the Southeast 1/4 of Section 18, T8N, R21E; thence South 86 deg. 46 min. 45 sec. West along the south line of said 1/4 Section 416.50 feet to a point of curve; thence Southwesterly along a curve to the left (having a radius of 1637.02 feet and chord that measures 611.94 feet and bears South 76 deg. 00 min. 24.5 sec. West) an arc distance of 615.56 feet to a point; thence South 65 deg. 14 min. 04 sec. West 434.16 feet to a point; thence North 33 deg. 20 min. 44 sec. West 1241.57 feet to a point; thence North 23 deg. 47 min. 53 sec. West 1346.85 feet to a point on the west line of the South 1/4 of said Section 18; thence North 00 deg. 28 min. 27 sec. East along said west line 37.00 feet to a point; thence North 40 deg. 31 min. 25 sec. West 684.59 feet to a point on the south line of the Northwest 1/4 of said Section 18; thence North 45 deg. 41 min. 37 sec. West 2203.81 feet to a point; thence North 44 deg. 18 min. 23 sec. East 206.23 feet to a point; thence North 86 deg. 43 min. 12 sec. East and parallel to the north line of said 1/4 Section 415.92 feet to a point; thence South 00 deg. 32 min. 33 sec. West 75.68 feet to a point; thence North 86 deg. 43 min. 12 sec. East 247.50 feet to a point; thence North 00 deg. 32 min. 33 sec. East 14.65 feet to a point; thence North 86 deg. 43 min. 12 sec. East 1238.82 feet to a point in the east line of the Northwest 1/4 of said Section 18; thence North 00 deg. 32 min. 33 sec. East along the east line of said 1/4 Section 936.38 feet to the Northwest corner of the Northeast 1/4 of Section 18, T8N, R21E; thence North 86 deg. 45 min. 18 sec. East along the north line of said 1/4 Section 2650.69 feet to the Northeast corner of the Northeast 1/4 of Section 18; thence South 00 deg. 29 min. 01 sec. West along the east line of said 1/4 Section 1324.87 feet to a point; thence South 86 deg. 48 min. 00 sec. West 287.19 feet to a point; thence South 03 deg. 09 min. 15 sec. East 255.24 feet to a point; thence North 86 deg. 50 min. 45 sec. East 270.96 feet to a point on the east line of said 1/4 Section; thence South 00 deg. 29 min. 01 sec. West 450.48 feet to a point; thence South 86 deg. 50 min. 45 sec. West 380.19 feet to a point; thence South 00 deg. 29 min. 01 sec. West 188.64 feet to a point; thence North 86 deg. 50 min. 45 sec. East 380.19 feet to a point on the east line of said 1/4 Section; thence South 00 deg. 29 min. 01 sec. West along the east line of said 1/4 Section 110.00 feet to a point; thence South 86 deg. 50 min. 45 sec. West 350.28 feet to a point; thence North 03 deg. 09 min. 15 sec. West 10.00 feet to a point; thence South 86 deg. 50 min. 45 sec. 2301.90 feet to a point on the west line of said 1/4 Section; thence South 00 deg. 32 min. 33 sec. West along the west line of said 1/4 Section 330.68 feet to the Southwest corner of said 1/4 Section, said point also being the Northwest corner of the Southeast 1/4 of Section 18, T8N, R21E; thence North 86 deg. 50 min. 45 sec. East along the north line of said Southeast 1/4 370.10 feet to a point; thence South 34 deg. 10 min. 06 sec. East 212.51 feet to a point; thence North 45 deg. 58 min. 20 sec. East 85.19 feet to a point; thence North 14 deg. 51 min. 23 sec. West 129.07 feet to a point; thence North 86 deg. 50 min. 45 sec. East 1771.56 feet to a point; thence South 00 deg. 31 min. 23 sec. West 1021.67 feet to a point; thence North 89

deg. 28 min. 37 sec. West 283.00 feet to a point; thence South 00 deg. 31 min. 23 sec. West 478.65 feet to a point; thence North 73 deg. 10 min. 52 sec. East 296.48 feet to a point; thence South 00 deg. 31 min. 23 sec. West 203.39 feet to a point; thence North 81 deg. 51 min. 23 sec. East 367.19 feet to a point on the east line of said Southeast 1/4 of Section 18; thence South 00 deg. 31 min. 23 sec. West along said east line 1061.00 feet to the point of commencement. Excepting there from those parts of the above-described area that have been previously designated by Common Council action as Detailed Planned Development (DPD).

(3) The requirements set forth in said general plan attached to this Common Council File as Exhibit "A" constitute the zoning regulations for the area contained in such planned development district herein described, except that construction shall not be permitted in any segment of said tract until a detailed plan prepared in accordance with Section 295-813(3) of the Code has been approved by the Common Council and the zoning ordinance is amended; except that improvements may be permitted to the extent that such improvements are shown in detail and included in the approved general plan.

Part 2. Any persons, firm, company or corporation owning, controlling, or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved by the Commissioner of the Department of City Development, or any person, firm, company or corporation who shall omit, neglect or refuse to do any act required in this ordinance shall be subject to the penalties provided in Section 200-19 of the Code.

Part 3. In accord with the provisions of Section 295-815 of the Code, the City Clerk shall transmit a certified copy of the action taken by the Common Council to the Department of City Development.

Part 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

- 5) [981713](#) Ordinance relating to the change in zoning from Multi-Family Residence (R/B/60) to Parking (P/D/40), on land located on the North side of West Capitol Drive and East of North 7th Street, in the 6th Aldermanic District. (DCD)

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 295-610(4).0006. The zoning map is amended to change the zoning for the area bounded by the centerline of North 7th Street, the section line of West Capitol Drive, the centerline of North 6th Street, and a line 120.00 feet North and parallel to the north line of West Capitol Drive, from Multi-Family Residence (R/B/60) to Parking (P/D/40).

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

- 6) Various ordinances establishing Site Plan Review Overlay District in the 7th and 15th Aldermanic Districts:

- a) [981712](#) Ordinance to establish a Site Plan Review Overlay District for land located on the North side of West Capitol Drive and East of North 7th Street, in the 6th Aldermanic District. (DCD)

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 295-91.0035. The zoning map is amended to establish a Site Plan Review Overlay District for land bounded by the centerline of North 7th Street, the section

line of West Capitol Drive, the centerline of North 6th Street, and a line 120.00 feet North and parallel to the north line of West Capitol Drive.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

- b) [981714](#) Ordinance to establish a Site Plan Review Overlay District for land located on the South side of West Brown Deer Road and West of North 91st Street, in the 15th Aldermanic District. (DCD)

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 295-91.0034. The zoning map is amended to establish a Site Plan Review Overlay District for land bounded by the area of the centerline of West Brown Deer Road, the Northwest quarter section line of Town 08 North, Range 21 East, Section 08, the north line of the railroad right-of-way, and a line 309.87 feet West and parallel to the West line of the Northwest quarter section line of Town 08 North, Range 21 East, Section 08.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

- 7) [981715](#) Ordinance relating to the change in zoning from Residential and Office (RO/D/40) to Industrial (I/D/40), on land located on the South side of West Brown Deer Road and West of North 91st Street, in the 15th Aldermanic District. (DCD)

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 295-520(4).0009. The zoning map is amended to change the zoning for the area bounded by the centerline of West Brown Deer Road, the Northwest quarter section line of Town 08 North, Range 21 East, Section 08, the north line of the railroad right-of-way, and a line 309.87 feet West and parallel to the west line of the Northwest quarter section line of Town 08 North, Range 21 East, Section 08, from Residential and Office (RO/D/40) to Industrial (I/D/40).

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

ADOPTION OF THE FOLLOWING:

- 8) Various resolutions declaring as surplus vacant tax deed lots/accepting an unsolicited Offer to Purchase Improved tax deed property located in various Aldermanic Districts:
- a) [990306](#) Resolution declaring as surplus the vacant, tax deed lot located at 2123 East Holt Avenue and accepting an Offer to Purchase from the adjoining owner, Horkan Properties, LLC, for use as green space, in the 14th Aldermanic District. (DCD-Real Estate)
- Whereas, The adjoining owner, Horkan Properties, LLC, with their property located at 2129-29A East Holt Avenue, has offered to purchase the vacant, tax deed lot located at 2123 East Holt Avenue, Tax Roll Key No. 540-1333-2, containing 3,750 square feet for the amount of \$937.50 for use as green space; and
- Whereas, The other adjoining owner was informed of the availability of this lot and was not interested in purchasing a portion of it; and
- Whereas, This vacant, tax deed lot is being sold in an "as is" condition; and
- Whereas, The City Plan Commission has approved the acceptance of said Offer, the sale of said lot to be consummated in the manner provided for in the sale of other tax deed lots pursuant to Section 304-49 of the Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said vacant lot is

declared surplus, that said Offer is accepted, and that the proper City officials are authorized and directed to perform such acts as may be required to consummate the sale of said lot and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 02-211-2700.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

- b) [990307](#) Resolution declaring as surplus the vacant, tax deed lot located at 6751 North 57th Street (part) and accepting an Offer to Purchase from the adjoining owner, William J. Hibl, for use as green space, in the 9th Aldermanic District. (DCD-Real Estate)
Whereas, City vacant lots on this portion of a proposed North 57th Street were held for continuation of North 57th Street to meet West Green Tree Road; and

Whereas, This proposed street is no longer viable and many of the City lots have already been sold to the adjoining owners on North 58th Street; and

Whereas, The adjoining owner, William J. Hibl, with his property located at 6750 North 58th Street, has offered to purchase part of the vacant, tax deed lot located at 6751 North 57th Street, Tax Roll Key No. 139-9957-210-8, containing approximately 6,130 square feet for the amount of \$300 for use as green space; and

Whereas, This vacant, tax deed lot (part) is being sold in an "as is" condition; and

Whereas, The City Plan Commission has approved the acceptance of said Offer, the sale of said lot to be consummated in the manner provided for in the sale of other tax deed lots pursuant to Section 304-49 of the Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said vacant lot is declared surplus, said Offer is accepted, and that the proper City officials are authorized and directed to perform such acts as may be required to consummate the sale of said lot and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 02-211-2700.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

- c) [990308](#) Resolution declaring as surplus and accepting an unsolicited Offer to Purchase the improved, tax deed property located at 2469 North Holton Street, in the 6th Aldermanic District. (DCD-Real Estate)

Whereas, Gloria Oliver, the current tenant residing at 2469 North Holton Street, has offered to purchase said property for \$15,000 and will become an owner-occupant; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that 2469 North Holton Street, Tax Roll Key No. 321-1335-7, is declared surplus and that the Department of City Development is authorized and directed to sell said property and accept the unsolicited Offer to Purchase from Gloria Oliver at a fixed price of \$15,000; and, be it

Further Resolved, That the proper City officials are authorized and directed to perform such acts as may be required to consummate the sale of said property and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 02-211-2700; and, be it

Further Resolved, That as a condition of the sale of surplus property, purchaser is required to bring property into compliance with applicable building codes within the time specified by the Department of Neighborhood Services or said property may revert back to the ownership of the City of Milwaukee upon action by the Common Council.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

- d) [990309](#) Resolution declaring as surplus a 150,656 square foot tax deed parcel located at 9704 West Darnel Avenue and authorizing the Department of City Development to subdivide the parcel and market the lots for construction of owner-occupied residential homes in the 15th Aldermanic District. (DCD-Real Estate)

Whereas, The Department of City Development ("DCD") has received numerous inquiries regarding purchase of tax deed land at 9704 West Darnel Avenue, Tax Key No. 072-0408-8, for new home construction; and

Whereas, The area surrounding this parcel is fully developed and DCD recommends subdivision of the land into nine lots for new home construction; and

Whereas, DCD recommends marketing the land for single-family, owner-occupied homes, with lot prices ranging from \$19,000 to \$26,000, dependent upon size and location; and

Whereas, One unsolicited Offer to Purchase from Ms. Toni Greer and Mr. Larry Goodlow was submitted to DCD, and DCD recommends acceptance of said Offer and the marketing of the remaining lots via the open-listing method; and

Whereas, DCD recommends that all lots be sold in an "as is" condition, after final survey, with closing subject to site and building plan approval and receipt of financing commitments; and

Whereas, The City Plan Commission has approved the disposition of said tax deed parcel, to be consummated in the manner provided for in Section 304-49 of the Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the tax deed parcel located at 9704 West Darnel Avenue is declared surplus; and, be it

Further Resolved, That the Commissioner of DCD or designee are authorized to accept the above-mentioned unsolicited Offer to Purchase; and, be it

Further Resolved, That the Commissioner of DCD or designee are authorized and directed to market the remaining lots via the open listing method and to accept Offers to Purchase in accordance with special closing terms and conditions as set forth above; and, be it

Further Resolved, That the revenue derived from the sale of these lots shall be credited to the Reserve For Tax Deficit Fund Account No. 02-211-2700, less a 15 percent marketing and development fee to be credited to the Redevelopment Authority of the City of Milwaukee for its technical and financial support to this project.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

- e) [990310](#) Resolution declaring as surplus and authorizing the sale of improved, tax deed properties located in various aldermanic districts. (DCD-Real Estate)
Whereas, The Commissioner of the Department of City Development recommends the sale of the following tax deed properties in "as is" condition via the open listing method:

PROPERTY ADDRESS, LISTING PRICE, ALDERMANIC DISTRICT

3433 North 5th Street, TK #282-0212-X \$18,000 6th

3201 North 20th Street, TK #285-0130-6 \$22,000 10th

2434-36 North 28th Street, TK #326-1187-X \$10,000 7th

3919 North 63rd Street, TK #265-0074-X \$68,800 2nd

; and

Whereas, Any adjoining tax deed vacant lot may be sold with an improved property to enhance its disposition and by this resolution is declared surplus; and

Whereas, The City Plan Commission and the Public Improvements Committee have determined that said properties have no possible municipal use and are surplus to the City's needs and recommends sale of them to the highest acceptable offer; and

Whereas, The Zoning, Neighborhoods and Development Committee has determined that said properties should be sold via the open listing method pursuant to Section 304-49 of the Milwaukee Code of Ordinances under the following terms and conditions:

- A. The Offer conforms in all respects with the sales procedure.
- B. The net offer (offer less sale's commission) is greater than 75 percent of the listing price.
- C. The buyer is not delinquent in the payment of real estate taxes on any properties

that he/she may own in the City of Milwaukee.

D. The buyer has not been convicted, within 12 months preceding the date of the Offer, of failure to comply with an order from the Commissioner of the Department of Neighborhood Services of the City of Milwaukee to correct code violations; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said properties are declared surplus and that the Commissioner of the Department of City Development or designee are authorized and directed to advertise and list said properties for sale to the highest acceptable offer; and, be it

Further Resolved, That the Commissioner of the Department of City Development or designee are authorized and directed to accept Offers to Purchase on behalf of the City of Milwaukee and to perform such acts as are necessary to close the transactions under the terms and conditions as set forth above; and, be it

Further Resolved, That if no offer is received for any property after advertising it on two occasions, the asking price will be reduced by up to 25 percent; and, be it

Further Resolved, That as a condition of the sale of surplus property, purchasers are required to bring property into compliance with applicable building codes within the time specified by the Department of Neighborhood Services or said property may revert back to the ownership of the City of Milwaukee upon action by the Common Council; and, be it

Further Resolved, That the proceeds remaining from the sale of surplus property after payment of commissions and other closing related expenses be credited to the Reserve For Tax Deficit Fund Account No. 02-211-2700.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

- 9) [990115](#) Substitute resolution approving an amendment to the Project Plan for Tax Incremental District Number Thirty-Seven (Grand Avenue) in the 4th Aldermanic District. Whereas, Section 66.46(4)(h)1, Wisconsin Statutes, permits the City Plan Commission, subject to the approval of the Common Council, to amend the Project

Plan for a Tax Incremental District; and

Whereas, The Common Council of the City of Milwaukee ("Common Council") on June 16, 1998 passed File No. 971894 approving a Project Plan and creating Tax Incremental District Number Thirty-Seven (Grand Avenue); and

Whereas, On May 17, 1999, pursuant to Section 66.46(4)(h)1, Wisconsin Statutes, and following the required notice and public hearing, the City Plan Commission adopted an amendment to the Project Plan for Tax Incremental District Number Thirty-Seven ("Amendment"), a copy of which is attached to this Common Council File; and

Whereas, The City Plan Commission has submitted the Amendment to the Common Council for its approval; and

Whereas, Section 66.46(4)(g) and (h)1, Wisconsin Statutes, provides that an amendment to a Project Plan for a Tax Incremental District shall be approved by the Common Council prior to or concurrent with the adoption of a resolution by the Common Council which contains findings that such amendment is feasible and in conformity with the master plan of the city; and

Whereas, The Amendment was duly reviewed and considered by the Zoning, Neighborhoods and Development Committee and determined to be feasible; by the City Plan Commission and determined to be sufficiently complete in detail to establish that the public works and improvements and the land uses proposed conform with the Master Plan for the City of Milwaukee, as amended to date; and by the City Attorney and determined to be complete and compliant with Section 66.46(4)(f), Wisconsin Statutes; and

Whereas, Pursuant to Section 66.46(4)(h)1, Wisconsin Statutes, the Amendment is further subject to review by the Joint Review Board and will be submitted to the Board for review upon passage of this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee regarding the Amendment to the Project Plan for Tax Incremental District Number Thirty-Seven, City of Milwaukee, that it finds and determines as follows:

1. The Project Plan for the District as originally adopted anticipated that the Plan would be amended during the seven-year expenditure period for such districts to address new redevelopment opportunities.
2. The Amendment retains the existing boundaries of the District and does not alter the number of properties within the District. Therefore, the findings made in Common

Council File No. 971894, pursuant to Section 66.46(4)(gm)1 and 4, Wisconsin Statutes, are unchanged.

3. The Amendment retains the existing seven-year expenditure period for the District.

4. The Amendment revises the Economic Feasibility Study that is a part of the Plan, adds projects to be supported by the District, and makes related changes regarding project costs and financing; and, be it

Further Resolved, That the Amendment to the Project Plan for Tax Incremental District Number Thirty-Seven is approved by the Common Council and that the Project Plan for said District as amended is feasible, in conformity with the Master Plan for the City of Milwaukee, and will promote the orderly development of the City of Milwaukee; and, be it

Further Resolved, That:

1. The City Clerk is authorized and directed to notify the Wisconsin Department of Revenue in such form as may be prescribed by said Department of the approval of this Amendment pursuant to the provisions of Section 66.46(5)(cm), Wisconsin Statutes.

2. The Commissioner of the Department of City Development or her designee(s), is authorized and directed to act on behalf of the Common Council as coordinator of all Tax Incremental District ("TID") related activities which, in her judgment, are necessary to carry out the Plan and intent of this resolution.

3. The City Comptroller is authorized and directed to increase Tax Incremental District Number Thirty-Seven by the amount of \$9.4 million plus capitalized interest from the Parent TID Account No. 32-937-0001, such funds shall be approved by the Common Council through usual budgetary procedures and made available upon request by the Commissioner of the Department of City Development.

4. The Commissioners of the Department of City Development and Public Works and the City Engineer are authorized and directed to take such actions as are necessary, including execution of contracts to finance, design, engineer and construct the proposed improvements in accordance with the objectives of the approved Plan.

5. The City Comptroller, in conjunction with the Commissioner of the Department of City Development, is authorized and directed to perform such acts and to create such Subaccounts as are necessary to maintain the fiscal control required to carry out the Plan and the intent of this resolution.

6. The Redevelopment Authority of the City of Milwaukee and all other City officials, departments, boards, authorities and commissions are also requested, authorized and directed to take all necessary actions and to provide all necessary assistance as may be needed by the above-identified officials to carry out the Plan and intent of this resolution.

7. The City Clerk is directed to transmit a certified copy of this resolution, along with a copy of the Amendment, to the Commissioner of Public Works, the Commissioner of the Department of Neighborhood Services, the Commissioner of the Department of City Development, the Assessment Commissioner, and the City Engineer for administrative and/or informational purposes and to the Joint Review Board established by the Common Council through File No. 84-202, adopted June 12, 1984, for review in accordance with the procedures and criteria set forth in Section 66.46(4m), Wisconsin Statutes.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

- 10) [990156](#) Substitute resolution approving a plan specifying design of a database system for the Department of Neighborhood Services and authorizing the expenditure of \$100,000 to develop a common database to track multiple types of property complaints and violations.

Whereas, The 1999 Adopted City Budget includes \$100,000 for the Department of Neighborhood Services (DNS) to develop a common database to track multiple types of property complaints and violations; and

Whereas, The Common Council adopted Common Council File Number 981249 on December 18, 1998, providing that the \$100,000 not be released until the Common Council approves a DNS plan specifying the design of the database system including, but not limited to, decisions regarding access to the data and expansion of the database; and

Whereas, DNS has provided the Common Council with a plan for the design of the database and has requested that the Common Council approve that plan and authorize release of the funds; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common

Council approves the Department of Neighborhood Services (DNS) plan specifying the design of the property database system, as submitted to the Common Council and attached to this resolution; and, be it

Further Resolved, That the Common Council authorizes release of the \$100,000 funds in Account 01-3600-R364, which was appropriated for the DNS database in the 1999 Adopted City Budget.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

11) Resolutions establishing design guidelines for the Site Plan Review Overlay District located in the 15th and 6th Aldermanic Districts:

a) [990249](#) Substitute resolution establishing design guidelines for the Site Plan Review Overlay District as established by Section 295-91.0034 of the Milwaukee Code of Ordinances and located at 9903 West Brown Deer Road, in the 15th Aldermanic District.

Whereas, The Alderman for the 15th Aldermanic District has requested the establishment of a Site Plan Review Overlay District located at 9903 West Brown Deer Road; and

Whereas, Section 295-83-3-c of the Milwaukee Code of Ordinances ("Code") requires the establishment of design guidelines for such an Overlay District; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the following design guidelines are established which will apply to the property at 9903 West Brown Deer Road:

1. The design of all parking areas shall be consistent with established traffic engineering standards.

2. Parking facing West Brown Deer Road shall be set back at least 5 feet. This setback area shall incorporate street edge elements such as a masonry wall or architectural fencing with landscaping per Code, that combines trees and coniferous and deciduous shrubs.

3. Fencing which faces West Brown Deer Road must be of decorative metal or masonry. Fencing that does not face a street may be of another material, except wood.
4. Site illumination shall meet Code requirements and be designed and located in a manner that will not cause glare. Interior lighting poles in parking areas shall not exceed 20 feet in height.
5. Both ground mounted and attached signs shall be architecturally compatible in scale and materials to the building. The maximum size for a ground mounted sign is 50 square feet.
6. Any building additions or outdoor storage areas shall be developed using like building materials and colors of the existing building.
7. Site access shall not exceed two driveways and must receive all appropriate municipal approvals.
8. Trash dumpsters, service areas, and mechanical equipment must be screened with like building materials and colors.
9. All physical improvements and alterations required to meet these guidelines shall be completed within six months of the issuance of an occupancy permit.

Sponsors: Ald. Nardelli

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

- b) [990250](#) Substitute resolution establishing design guidelines for the Site Plan Review Overlay District as established by Section 295-91.0035 of the Milwaukee Code of Ordinances and located on the North Side of West Capitol Drive and East of North 7th Street, in the 6th Aldermanic District.
- Whereas, Section 295-83-3-c of the Milwaukee Code of Ordinances ("Code") requires the establishment of design guidelines for such an Overlay District; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the following design

guidelines are established which will apply to the parking lot for Messmer High School:

1. The design of all parking lots for Messmer High School shall be consistent with established traffic engineering standards.
2. A combination of decorative metal fencing and landscaping shall be provided along Capitol Drive to screen the parking lot; and as a minimum shall provide trees and shrubs meeting Code size requirements, and ground cover.
3. The parking lot shall provide areas devoted to interior landscaping with trees, shrubs, and ground cover. At least one tree per every eleven parking spaces on interior landscape islands shall be provided.
4. Site illumination shall meet Code requirements and be designed and located in a manner that will not cause glare. Interior lighting poles in parking areas shall not exceed 20 feet in height.
5. Site access shall not exceed three driveways and must receive all appropriate municipal approvals.
6. All physical improvements and alterations required to meet these guidelines shall be completed within six months of the issuance of an occupancy permit.

Sponsors: Ald. Johnson-Odom

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

- 12) [990311](#) Resolution amending the disposition of the surplus, improved, tax deed properties located at 3225-27 West Lisbon Avenue and 3231-33 West Lisbon Avenue, in the 17th Aldermanic District. (DCD-Real Estate)
- Whereas, Common Council File No. 981157, adopted on February 9, 1999, declared surplus and directed that the Department of City Development sell 3225-27 West Lisbon Avenue and the adjoining vacant lot at 3231-33 West Lisbon Avenue via the open listing method; and
- Whereas, Acts Community Development Corporation, a nonprofit organization, has offered to purchase said properties for \$500 for commercial development purposes;

now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Department of City Development is authorized and directed to sell the surplus, improved tax deed properties located at 3225-27 West Lisbon Avenue and 3231-33 West Lisbon Avenue, Tax Roll Key Nos. 349-2329-3 and 349-2328-8, to Acts Community Development Corporation at a fixed price of \$500; and, be it

Further Resolved, That the proper City officials are authorized and directed to perform such acts as may be required to consummate the sale and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 02-211-2700; and, be it

Further Resolved, That as a condition of the sale of surplus property, purchaser is required to bring property into compliance with applicable building codes within the time specified by the Department of Neighborhood Services or said property may revert back to the ownership of the City of Milwaukee upon action by the Common Council.

Sponsors: THE CHAIR

ALD. HENNINGSEN moved to present a substitute resolution in lieu of the resolution recommended for adoption by the Zoning, Neighborhoods and Development Committee and moved for its acceptance.

The motion prevailed.

ALD. HENNINGSEN moved for adoption of the foregoing substitute resolution.

The motion prevailed by the following vote:

Ayes: 15 - Ald. Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy, and Hines.

Noes: -0-

Excused: 2 - Ald. Richards and President Kalwitz.

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

- 13) [990347](#) Resolution permitting a minor modification to the Detailed Planned Development known as St. Michael's Hospital, located South of West Lawn Avenue and West of North 24th Street, in the 1st Aldermanic District. (DCD)
- Whereas, Section 295-814(5) of the Milwaukee Code of Ordinances permits variation to planned developments after approval of the Common Council; and
- Whereas, The detailed plan for a planned development known as St. Michael's Hospital was approved by the Common Council of the City of Milwaukee on July 28, 1992, under File No. 911730; and
- Whereas, The developer proposes to erect two smoking shelters for staff; and
- Whereas, The proposed use is consistent with the spirit and intent of the approved plan and will not adversely affect surrounding development; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the minor modification to the approved plan permitting the erection of two smoking shelters is approved.

Sponsors: Ald. Pratt

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

CONFIRMATION OF THE FOLLOWING:

- 14) [990320](#) Reappointment of Filiberto Murguia to the Housing Authority by the Mayor. (2nd Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be CONFIRMED. The motion carried by the following vote:

Aye: 16 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Kalwitz

THE PUBLIC IMPROVEMENTS COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [990338](#) An ordinance eliminating the 8-year sunset provision relating to the city's residents preference program for participation of city residents in public works contracts. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 309-41-4 is amended to read:

309-41. Participation of City Residents in Public Works Contracts

4. ~~[[DURATION]]~~ >>ANNUAL REVIEW<<. The residents preference program established by this section shall be ~~[[of a duration of 8 years from passage, provided, however, that]]~~ >>reviewed by<< the common council, in consultation with the mayor, ~~[[shall,]]~~ on or before October 1 of each year, >>to<< review the necessity for the continuation of the program and, if necessary, adjust the requirements of the program in an attempt to reduce the disparity between the unemployment statistics for the CDBG area and the rest of the city and the Milwaukee metropolitan area.

Sponsors: Ald. Pratt, Ald. Hines Jr. and Ald. Henningsen

A motion was made by Ald. Scherbert that this matter be PASSED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

ADOPTION OF THE FOLLOWING:

[981425](#) Substitute resolution relative to subaccount funding for the 1999 Capital Improvement Program - Communications and Control, for Paving Related Projects, City-Wide Telephone System Expansion and Improvements, General Engineering, and Transmission Plan Expansion, within various Aldermanic Districts.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be SUBSTITUTED. The motion carried by the following vote:

Aye: 14 - Pratt, D'Amato, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Kalwitz, Henningsen Richards

Whereas, A program for the expansion and improvement of communications facilities during 1999 was prepared by the Communications Engineering Unit of the Buildings and Fleet Division, within budget and management guidelines; and

Whereas, The funds required for this program were appropriated in the 1999 Capital Improvements Budget of the Buildings and Fleet Division; and

Whereas, Four accounts are part of the total Buildings and Fleet Division's Communication's Unit 1999 budget program; 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 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 from the Buildings and Fleet Division's budget to the corrected subaccounts authorized for the purpose indicated; and

1999 Capital Improvements Program Buildings & Fleet Division/Communications Unit

Account 1998 Funds Project No. Authorized

1. Paving projects, temporary facilities, and/or ST27090200 \$ 25,000
2. permanent expansion and improvements of underground and aerial communications facilities on paving projects
3. Telephone Systems, City-Wide Expansion ST27090900 \$ 50,000 and Improvement a. Expand switches with circuit cards, test, repair and/or replace KSU's software and services to manage records (\$35,000) b. Upgrade small telephone systems (\$15,000)
4. General Engineering ST27090300 \$ 75,000 Engineering function includes: Planning, design, estimates, and reports related to the Capital Improvements Program
5. Transmission Plant Expansion Using Fiber Optic and/or Copper Cable ST27090700 \$350,000

TOTAL \$500,000

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) shall not exceed the amount authorized in the 1999 Buildings and Fleet Division's budget.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, D'Amato, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Kalwitz, Henningsen Richards

3) Resolutions to vacate various streets and alleys:

a) [990018](#) Resolution to vacate a portion of right-of-way on the East side of South Herman Street, located North of East Oklahoma Avenue, in the 14th Aldermanic District. (DCD)

Whereas, It is proposed that a portion of right-of-way on the East side of South Herman Street, located North of East Oklahoma Avenue, be vacated pursuant to the provisions of Section 66.297 of the Wisconsin Statutes; and

Whereas, This proposed right-of-way vacation has been reviewed in accordance with Section 81-308-28 of the Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said public right-of-way, as indicated by Exhibit "A", is vacated; and, be it

Further Resolved, That as provided by Section 80.32(4) of the Wisconsin Statutes, such vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said public right-of-way and in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair of entrance, maintenance, construction and repair with reference thereto shall continue as if such public right-of-way had not been vacated.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

- b) [990148](#) Resolution to vacate a portion of North 16th Street from West Lloyd Street to a point 340 feet South, in the 17th Aldermanic District. (DCD)

Whereas, It is proposed that a portion of North 16th Street from West Lloyd Street to a point 340 feet South be vacated pursuant to the provisions of Section 66.297 of the Wisconsin Statutes; and

Whereas, This proposed vacation has been reviewed in accordance with Section 81-308-28 of the Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said portion of public street, as indicated by Exhibit "A", is vacated; and, be it

Further Resolved, That as provided by Section 80.32(4) of the Wisconsin Statutes, such vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said portion of public street and in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair of entrance, maintenance, construction and repair with reference thereto shall continue as if such portion of public street had not been vacated.

Sponsors: Ald. Hines Jr.

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

- c) [990217](#) Resolution to vacate the Northerly dead-end alley in the block bounded by South Kinnickinnic Avenue, East Becher Street, South Robinson Avenue and East Ward Street, in the 14th Aldermanic District. (DCD)

Whereas, It is proposed that the Northerly dead-end alley in the block bounded by

South Kinnickinnic Avenue, East Becher Street, South Robinson Avenue and East Ward Street be vacated pursuant to the provisions of Section 66.297, Wisconsin Statutes; and

Whereas, This proposed vacation has been reviewed in accordance with Section 81-308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said dead-end alley, as indicated by Exhibit "A", is vacated; and, be it

Further Resolved, That as provided by Section 80.32(4), Wisconsin Statutes, such vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair of entrance, maintenance, construction and repair with reference thereto shall continue as if such public alley had not been vacated.

Sponsors: Ald. Breier

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

- 4) [990271](#) Resolution authorizing and directing the Commissioner of Public Works to execute a "State/Municipal Agreement for a Highway Improvement Project" with the Wisconsin Department of Transportation for the programming and construction of East Oklahoma Avenue between South Chase Avenue and South Clement Avenue with Federal and/or State aid under the National Highway System Program. (Infrastructure Services Div.)

Whereas, Preliminary approval has been requested and received from the Wisconsin Department of Transportation (WISDOT) along with an agreement to be executed by the City of Milwaukee for the programming and construction of East Oklahoma Avenue between South Chase Avenue and South Clement Avenue with Federal and/or State aid under the National Highway System Program; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works (CPW) is hereby authorized and directed to execute an agreement for the programming and construction of East Oklahoma Avenue between South

Chase Avenue and South Clement Avenue with Federal and/or State aid under the National Highway System Program, a copy of which is attached to Common Council Resolution File Number 990271, and is incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That the CPW is hereby authorized and directed to undertake or engage a consultant to undertake preliminary engineering for the improvement of the aforementioned project and to reimburse the WISDOT for preliminary engineering costs they incur for the improvement; and, be it

Further Resolved, That the CPW is hereby authorized and directed to enter into an agreement with the WISDOT pertaining to the cost participation for the installation and/or modification of traffic control facilities in conjunction with the improvement of the aforementioned project; and, be it

Further Resolved, That the CPW is hereby authorized and directed to install the traffic control facilities necessary in conjunction with the aforementioned project following the execution of the traffic control agreement the cost of which will be included in a future resolution; 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 preliminary engineering for the project (Expenditure) and transfer to any of these accounts the amount 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, whichever is greater, as follows:

Infrastructure Services Division Accounts

East Oklahoma Avenue South Chase Avenue to South Clement Avenue

City Share ST32090000 Fund 0333 \$37,400

Grantor Share ST03290100 Fund 0306 \$128,000

Grantor Share (Non-Reimbursable) ST03290100 Fund 0306 \$21,600

Estimated Total \$187,000

and, be it

Further Resolved, That the City Engineer is hereby authorized and directed to

approve and make periodic payments to the WISDOT upon receipt of invoices for the City's share of costs of the above project.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

- 5) [990314](#) Resolution determining it necessary to make various nonassessable public improvements at various locations. (Infrastructure Services Div.)
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:

1st Aldermanic District

W. Atkinson Ave. - N. 27th St. to N. 28th St. WT41001036: Relay water main.
(Nonassessable Water Fund -- \$5,000)

W. Derby Pl. - N. 42nd St. to N. Sherman Blvd. WT41001042: Relay water main.
(Nonassessable Water Fund -- \$5,000)

N. 41st St. - 300 feet m/l north of W. Glendale Ave. to W. Courtland Ave.
WT41001023: Relay water main. (Nonassessable Water Fund -- \$5,000)

N. 50th St. - W. Luscher Ave. to W. Fairmount Ave. WT41001025: Relay water main. (Nonassessable Water Fund -- \$5,000)

2nd Aldermanic District

W. Arden Pl. - N. 78th St. to W. Beckett Ave. WT41001035: Relay water main.
(Nonassessable Water Fund -- \$5,000)

W. Beckett Ave. - W. Vienna Ave. to W. Melvina St. WT41001038: Relay water main. (Nonassessable Water Fund -- \$5,000)

W. Fond du Lac Ave. - W. Fiebrantz Ave. to W. Maxwell Pl. WT41001047: Relay water main. (Nonassessable Water Fund -- \$5,000)

W. Glendale Ave. - West Line of N. 68th St. to N. 69th St. WT41001048: Relay water main. (Nonassessable Water Fund -- \$5,000)

W. Hope Ave. - N. 51st Blvd. to N. 52nd St. WT41001051: Relay water main. (Nonassessable Water Fund -- \$5,000)

W. Marion St. - N. 66th St. to N. 67th St. WT41001053: Relay water main. (Nonassessable Water Fund -- \$5,000)

N. 68th St. - W. Hampton Ave. to W. Fond du Lac Ave. WT41001028: Relay water main. (Nonassessable Water Fund -- \$5,000)

2nd and 5th Aldermanic Districts

N. 72nd St. - W. Capitol Dr. to W. Fiebrantz Ave. WT41001014: Relay water main. (Nonassessable Water Fund -- \$5,000)

4th Aldermanic District

N. Edison St. - E. Highland Ave. to E. Juneau Ave. WT41001045: Relay water main. (Nonassessable Water Fund -- \$5,000)

N. Edison St. - E. Juneau Ave. to 280 feet m/l north of E. Juneau Ave. WT41001044: Relay water main. (Nonassessable Water Fund -- \$5,000)

5th Aldermanic District

W. Auer Ave. - N. 86th St. to N. 87th St. WT41001037: Relay water main. (Nonassessable Water Fund -- \$5,000)

W. Fiebrantz Ave. - N. 77th St. to N. 79th St. WT41001046: Relay water main. (Nonassessable Water Fund -- \$5,000)

W. Grantosa Dr. (South Side) - W. Hampton Ave. to N. 86th St. WT41001049: Relay water main. (Nonassessable Water Fund -- \$5,000)

W. Melvina St. - N. 86th St. to N. 87th St. WT41001055: Relay water main. (Nonassessable Water Fund -- \$5,000)

N. 78th St. - W. Hope Ave. to W. Marion St. WT41001018: Relay water main. (Nonassessable Water Fund -- \$5,000)

N. 79th St. - W. Townsend St. to W. Keefe Ave. WT41001020: Relay water main.

(Nonassessable Water Fund -- \$5,000)

N. 82nd St. - W. Carmen Ave. to W. Bobolink Ave. WT41001031: Relay water main. (Nonassessable Water Fund -- \$5,000)

N. 82nd St. - W. Keefe Ave. to W. Capitol Dr. WT41001009: Relay water main. (Nonassessable Water Fund -- \$5,000)

N. 86th St. - W. Burleigh St. to W. Auer Ave. WT41001032: Relay water main. (Nonassessable Water Fund -- \$5,000)

N. 86th St. - W. Concordia Ave. to W. Lisbon Ave. WT41001033: Relay water main. (Nonassessable Water Fund -- \$5,000)

N. 87th St. - W. Burleigh St. to W. Concordia Ave. WT41001062: Relay water main. (Nonassessable Water Fund -- \$5,000)

N. 92nd St. - W. Lisbon Ave. to W. Melvina St. WT41001021: Relay water main. (Nonassessable Water Fund -- \$5,000)

6th Aldermanic District

N. Palmer St. - E. Wright St. to E. Clarke St. WT41001015: Relay water main. (Nonassessable Water Fund -- \$5,000)

E. Wright St. - N. Palmer St. to N. Hubbard St. WT41001016: Relay water main. (Nonassessable Water Fund -- \$5,000)

7th Aldermanic District

W. Hadley St. - N. 18th St. to N. 19th St. WT41001003: Relay water main. (Nonassessable Water Fund -- \$5,000)

N. Sherman Blvd. - W. Center St. to 250 feet m/l south of W. Hadley St. WT41001060: Relay water main. (Nonassessable Water Fund -- \$5,000)

N. 41st St. - W. Clarke St. to 300 feet m/l south of W. Center St. WT41001024: Relay water main. (Nonassessable Water Fund -- \$5,000)

8th Aldermanic District

W. Montana St. - S. 29th St. to S. 31st St. WT41001057: Relay water main. (Nonassessable Water Fund -- \$5,000)

8th and 11th Aldermanic Districts

S. 51st St. - W. Forest Home Ave. to W. Cleveland Ave. WT41001008: Relay water main. (Nonassessable Water Fund -- \$5,000)

8th and 13th Aldermanic Districts

W. Ohio Ave. - S. 21st St. to S. 27th St. WT41001005: Relay water main. (Nonassessable Water Fund -- \$5,000)

9th Aldermanic District

W. Bobolink Ave. - N. 63rd St. to N. 64th St. WT41001039: Relay water main. (Nonassessable Water Fund -- \$5,000)

N. 41st St. - W. Vera Ave. to W. Cheyenne St. WT41001022: Relay water main. (Nonassessable Water Fund -- \$5,000)

11th Aldermanic District

W. Eden Pl. - S. 77th St. to S. 79th St. WT41001043: Relay water main. (Nonassessable Water Fund -- \$5,000)

W. Morgan Ave. - S. 93rd St. to S. 95th St. WT41001004: Relay water main. (Nonassessable Water Fund -- \$5,000)

S. 54th St. - W. Wilbur Ave. to 300 feet m/l north of W. Crawford Ave. WT41001026: Relay water main. (Nonassessable Water Fund -- \$5,000)

S. 58th St. - S. Honey Creek Dr. to W. Plainfield Ave. WT41001027: Relay water main. (Nonassessable Water Fund -- \$5,000)

S. 77th St. - W. Eden Pl. to W. Warnimont Ave. WT41001029: Relay water main. (Nonassessable Water Fund -- \$5,000)

12th Aldermanic District

W. Greenfield Ave. - S. 1st St. to S. 2nd St. WT41001050: Relay water main. (Nonassessable Water Fund -- \$5,000)

W. Scott St. - S. 7th St. to S. 8th St. WT41001058: Relay water main. (Nonassessable Water Fund -- \$5,000)

W. Scott St. - S. 22nd St. to S. 23rd St. WT41001059: Relay water main.
(Nonassessable Water Fund -- \$5,000)

S. 8th St. - A point north of W. Washington St. to W. Greenfield Ave.
WT41001006: Relay water main. (Nonassessable Water Fund -- \$5,000)

13th Aldermanic District

W. Clayton Crest Ave. - S. 26th St. to S. 27th St. WT41001040: Relay water main.
(Nonassessable Water Fund -- \$5,000)

W. Iona Tr. - W. Green Ave. to S. 31st St. WT41001052: Relay water main.
(Nonassessable Water Fund -- \$5,000)

W. Van Beck Ave. - S. 20th Pl. to S. 22nd St. WT41001061: Relay water main.
(Nonassessable Water Fund -- \$5,000)

15th Aldermanic District

W. Carmen Ave. - N. 94th St. to N. 99th St. WT41001001: Relay water main.
(Nonassessable Water Fund -- \$5,000)

W. Clovernook St. - N. 82nd Ct. to N. 83rd St. WT41001041: Relay water main.
(Nonassessable Water Fund -- \$5,000)

W. Mill Rd. - N. 84th St. to 400 feet m/l east of N. 87th St. WT41001056: Relay
water main. (Nonassessable Water Fund -- \$5,000)

N. 81st St. - W. Acacia St. to W. Clovernook St. WT41001030: Relay water main.
(Nonassessable Water Fund -- \$5,000)

N. 83rd St. - W. Acacia St. to W. Kiehna Ave. WT41001017: Relay water main.
(Nonassessable Water Fund -- \$5,000)

N. 105th St. - 300 feet m/l north of W. Lancaster Ave. to W. Villard Ave.
WT41001034: Relay water main. (Nonassessable Water Fund -- \$5,000)

17th Aldermanic District

W. Fond du Lac Ave. (North Side) at N. 14th St. WT41001002: Relay water main.
(Nonassessable Water Fund -- \$5,000)

N. 14th St. - W. Fond du Lac Ave. to W. Brown St. WT41001007: Relay water main. (Nonassessable Water Fund -- \$5,000)

Various Aldermanic Districts

Various Locations - Paving related alterations done by Milwaukee Water Works
WT41001400: Water main alteration. (Nonassessable Water Fund -- \$5,000)

Various Locations - Paving related alterations done under contractor work
WT41001600: Water main alteration. (Nonassessable Water Fund -- \$5,000)

;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 City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital purpose subaccounts.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

[990315](#)

Substitute resolution approving levying of assessments and construction of assessable public improvement projects at various locations.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be SUBSTITUTED. The motion carried by the following vote:

Aye: 14 - Pratt, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Kalwitz, D'Amato Richards

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:

3rd Aldermanic District

E. Geneva Pl. - N. Oakland Ave. to N. Bartlett Ave. ST21190171 (871-0797-0)
File Number 961351: Widen the roadway to the south from 30 feet to 40 feet: asphalt pavement reconstruction, replace all curb and gutter, replace driveway approaches, sodding and tree removal as necessary, and grading. (Nonassessable Reconstruction Paving Fund -- \$60,385; Assessable Reconstruction Paving Fund -- \$5,665)

11th Aldermanic District

S. 92nd St. - W. Howard Ave. to W. Oklahoma Ave. ST30884101 (896-0018-3)
File Number 981419: Concrete pavement construction, place curb and gutter and driveways, replace sidewalk where necessary, sodding and grading. (County Funds -- \$1,548,555; Nonassessable County Paving Fund -- \$500,820; Assessable County Paving Fund -- \$189,300)

S. 92nd St. - 150 feet m/l south of W. Holt Ave. to 550 feet m/l north of W. Holt Ave. (SW17090126) File Number 981419: Install storm sewer. (County Funds -- \$17,800; Nonassessable New Sewer Fund -- \$65,030; Assessable New Sewer Fund -- \$6,170)

;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 benefitted; 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 66.60 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 purpose subaccounts; 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 upon request of the property owners (tax key numbers 525-0703-9, 525-1333-6, 525-1373-4, 525-1383-9, 525-1392-8, 525-9907-215-2, 525-9910-122-5, 525-9911-3, 525-9912-100-5, 525-9915-5, 525-9916-110-4, 526-0303-1, and 526-0307-3) the special assessments for storm sewer in S. 92nd St. be deferred until application for connection to said storm sewer is made. Cost for deferred charges shall be in accordance with City Charter 12-10; and, be it

Further Resolved, That due to Milwaukee County's fast-tracking of this project, that City funds for the City's share of the S. 92nd St. projects are not currently available, but will be included in the City's 2000 budget; and, be it

Further Resolved, That the City Engineer is authorized and directed to approve and make periodic payments to Milwaukee County after receipt of invoices from said County, no sooner than January, 2000 as agreed to by Milwaukee County, for the City's share of the costs for said projects: S. 92nd St. ST30884101 (H201N01C): (Nonassessable Fund ST30884101 -- \$500,820; Assessable Fund ST30884101 -- \$189,300): S. 92nd St. SW17090126 (H201N01C): (Nonassessable New Sewer Fund -- \$65,030; Assessable New Sewer Fund -- \$6,170); and, be it

Further Resolved, That upon the completion of project: S. 92nd St. ST30884101 and a determination of the actual cost, it is understood that if the City of Milwaukee's share is less than the amount previously paid, the difference will be refunded to said City; and, be it

Further Resolved, That projects E. Geneva Pl. ST21190171, S. 92nd St. ST30884101 and S. 92nd St. SW17090126 will be billed after January 1, 2001, but not before 12 months after the project contract has been completed.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Kalwitz, D'Amato Richards

- 7) [990316](#) Substitute resolution determining it necessary to make various assessable public improvements at various locations.
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 66.60 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances:

15th Aldermanic District

N. 124th St. - Dretzka Park to W. Brown Deer Rd. WT41001010: Water main extension for reinforcement. (Nonassessable Water Fund -- \$5,000)

N. 124th St. - W. Bradley Rd. to Dretzka Park WT41001011: Water main extension for reinforcement. (Nonassessable Water Fund -- \$5,000)

W. Brown Deer Rd. (South Side) - 1290 feet m/l east of N. 124th St. to N. 124th St. WT41001063: Water main extension for reinforcement. (Nonassessable Water Fund -- \$5,000)

17th Aldermanic District

W. Brown St. - 140 feet m/l west of N. 14th St. to N. 15th St. ST21190250 (870-0859-X): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000)

;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 City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital purpose subaccounts.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

- 8) [990317](#) Substitute resolution approving construction of nonassessable public improvement projects at various locations.

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 and 4th Aldermanic Districts

N. Franklin Pl. - E. Ogden Ave. to 250 feet m/l north of E. Ogden Ave. (Curb Set Back on the east and west sides) TD02984508 (879-0905-4) File Number 981612: Replacing all concrete curb and gutter, concrete sidewalk and driveway approaches where needed, sodding, and grading. (TID-29 Fund -- \$64,805; Assessable Reconstruction Paving Fund -- \$10)

4th Aldermanic District

N. Front St. - E. Mason St. to W. Wells St. ST21190203 (878-0732-7) File Number 961479: Concrete pavement reconstruction, replace sidewalk where needed, special treatment, and grading. (Nonassessable Reconstruction Paving Fund -- \$62,045; TID-23 Fund TD02384000 --\$89,210; Assessable Reconstruction Paving Fund -- \$10)

5th Aldermanic District

W. Hope Ave. - N. 82nd St. to N. 83rd St. WT41091300 (821-4636-5) File Number 980034: Relay water main. (Nonassessable Water Fund -- \$60,000)

N. 79th St. - W. Keefe Ave. to W. Nash St. WT41091357 (821-4694-1) File Number 981176: Relay water main. (Nonassessable Water Fund -- \$125,000)

N. 81st St. - W. Marion St. to 270 feet m/l north of W. Marion St. WT41091337 (821-4673-7) File Number 980034: Relay water main. (Nonassessable Water Fund -- \$60,000)

N. 82nd St. - 300 feet m/l north of W. Nash St. to W. Vienna Ave. WT41091339 (821-4675-8) File Number 980034: Relay water main. (Nonassessable Water Fund -- \$75,000)

N. 89th St. - W. Marion St. to 300 feet m/l south of W. Congress St. WT41091342 (821-4678-4) File Number 980034: Relay water main. (Nonassessable Water Fund -- \$90,000)

10th Aldermanic District

W. Nash St. - N. 37th St. to N. 38th St. WT41091311 (821-4647-5) File Number 980034: Relay water main. (Nonassessable Water Fund -- \$70,000)

12th Aldermanic District

S. Barclay St. (Ext'd) - 850 feet m/l south of E. Florida St. to E. National Ave. TD02184000 (982-1477-8) File Number 950579: Water main extension. (TID-21 Fund -- \$170,000)

14th Aldermanic District

E. Jones St. - S. Lincoln Memorial Dr. to S. Harbor Dr. ST32090810 (879-0789-5) File Number 880823: Concrete pavement reconstruction, replace all curb and gutter and sidewalk and driveway approaches, sodding, and grading. (Harbor Assistance Grant Fund SP03290100 (Fund 0306) -- \$64,000; State/Federal Paving Fund ST32090000 (Fund 0333) -- \$16,000; Assessable Reconstruction Paving Fund -- \$10) (Funds for Harbor Assistance Grant and State/Federal Paving Fund previously appropriated under File Number 981479)

S. Lincoln Memorial Dr. - 2000 feet m/l south of E. Jones St. to 450 feet m/l north of E. Jones St. ST32090910 (874-0756-9) File Number 980790: Concrete pavement reconstruction, replace all curb and gutter and sidewalk and driveway approaches, spur tracks, sodding, and grading. (Harbor Assistance Grant SP03290100 Paving Fund (Fund 0306) -- \$520,000; State/Federal Paving Fund ST32090000 (Fund 0333) -- \$130,000; Assessable Reconstruction Paving Fund -- \$10) (Funds for

Harbor Assistance Grant and State/Federal Paving Fund previously appropriated under File Number 981479)

;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 City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital purpose subaccounts.; and, be it

Further Resolved, That the City Comptroller is authorized and directed to submit invoices to the State of Wisconsin, Department of Transportation throughout the project to obtain reimbursement of the Harbor Assistance Grant funds for E. Jones St. (ST21190209) and N. Lincoln Memorial Dr. (ST21190180).

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

- 9) [990323](#) Substitute resolution authorizing and directing the proper City officers to execute Sewer Easement Release SER-2472, Water Easement Release WER-643 and Quit Claim Deed document, located in South 16th Street (Extended) from West Pittsburgh Avenue to 520± South of West Pittsburgh Avenue.

Whereas, In June, 1988, the City of Milwaukee was granted sewer and water easements located in South 16th Street (Extended) from West Pittsburgh Avenue to 520± South of West Pittsburgh Avenue, having the Tax Key Numbers 426-0071-110 and 426-9940-100; and

Whereas, The owner has deposited \$25,109 for the cost of abandoning the water main and relocating a fire hydrant outside the limits of the easement area; and

Whereas, There is no remaining useful life for the combined sewer in said easement, and it can be conveyed to the owner; and

Whereas, The City can release said sewer and water easements, with the sewers therein conveyed to the owner and the water main abandoned and the fire hydrant

relocated outside of the limits of the easement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officers are hereby authorized and directed to execute Sewer Easement Release SER-2472, Water Easement Release WER-643 and sewer conveyance, a copy of which is attached to the Common Council Resolution File Number 990323 and incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That after said Sewer Easement Release, Water Easement Release and sewer conveyance document has been executed by the proper City officers, it shall be forwarded to the office of the City Attorney for approval as to execution and then to the office of City Real Estate for recording and proper distribution.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

- 10) [990331](#) Resolution to authorize acceptance and expenditure of a Flood Mitigation Assistance Grant from the Federal Emergency Management Agency. (DPW)
- Whereas, The Department of Public Works has applied for and received two Flood Hazard Mitigation Grants from the Federal Emergency Management Agency (FEMA) for the acquisition of flood damaged properties and for floodproofing homes, and
- Whereas, One of the requirements of accepting these grants is that the City of Milwaukee must prepare a Flood Hazard Mitigation Plan, and
- Whereas, Funding is available for mitigation activities through the Flood Mitigation Assistance Grant Program and as authorized by Resolution 990019 the Commissioner of Public Works submitted a formal application for flood mitigation assistance funds to the Federal Emergency Management Agency (FEMA), and
- Whereas, The grant application has now been approved by FEMA in the amount of \$6,000 (as detailed below):
- FEMA \$4,500 Local Share \$1,500; and
- Whereas, Milwaukee County has by resolution File No. 98-657 allocated funds which it received from Housing and Urban Development (HUD) to the City of

Milwaukee in the amount of \$320,000 (\$47,500 to the Valley Park neighborhood and \$272,500 to the Lincoln Creek Neighborhood) to be used for the local share of flood proofing in the Valley Park area and to be used to supplement the City of Milwaukee's flood proofing and mitigation efforts in the Lincoln Creek Neighborhood; and

Whereas, The City of Milwaukee has already accepted these Milwaukee County funds by Resolution 981262 for the purposes designated by Milwaukee County and the funds are sufficient to fund the local share of this grant; and

Whereas, The operation of this 1999 Flood Mitigation Assistance Grant would cost \$6,000 of which 100% would be provided by the grantors as follows:

FEMA \$4,500 Milwaukee County HUD \$1,500

Now, Therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized to accept from the Federal Emergency Management Agency the Flood Mitigation Assistance Grant funds, designated to provide for the preparation of a Flood Hazard Mitigation Plan; and, be it

Further Resolved, That the Department of Public Works is authorized to expend the FEMA Flood Mitigation Assistance Grant funding (\$6,000) for the preparation of a Flood Hazard Mitigation Plan; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit Funds within the Project/Grant Parent of the 1999 Special Revenue Grant and Aid Projects Fund the following amounts for the program/project titled 1999 Flood Mitigation Assistance Grant

Project/Grant Parent Grantor Share Project Grant GR000-9-000000 Fund 0150
Organization 9990 Program 0001 Budget Year (BY) 0000 Subclass R999 Account
000600 Project/Grant Total \$4,500

2. Establish the necessary City Share Project Values; and, be it

Further Resolved, That the City Comptroller is authorized to create a Special Revenue Fund - Grant and Aid Projects and the necessary Project/Grant ChartField Values at the Project, Segment Phase and/or Activity Levels; and to budget to the Project, Segment, Phase or Activity Level the amount(s) required under the grant agreement(s); and, be it

Further Resolved, That these funds are budgeted for the Department of Public Works 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 contracts as may be required.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

- 11) [990336](#) Resolution authorizing the execution of an agreement between the City of Milwaukee and the City of Wauwatosa for the operation and maintenance of the new pedestrian warning signals at 10000 West Bluemound Road in the 16th Aldermanic District. (Infrastructure Services Div.)

Whereas, Pedestrian warning signals have been installed at this location to enhance the crossing of West Bluemound Road by residents of the San Camillo complex and the general public at this location; and

Whereas, The operation and maintenance of the pedestrian warning signals is a matter to be shared by the City of Milwaukee and the City of Wauwatosa; and, 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 execute an agreement between the City of Milwaukee and the City of Wauwatosa for the operation and maintenance of these pedestrian warning signals.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

- 12) [990344](#) Substitute resolution directing the Commissioner of Public Works to enter into a Professional Services Agreement regarding sewer system evaluation surveys.
- Whereas, Flow monitoring studies have been conducted in various sanitary sewer systems in the City of Milwaukee since 1994; and
- Whereas, One of the objectives of flow monitoring studies is to identify systems that require a sewer system evaluation survey (SSES); and
- Whereas, The flow monitoring studies that were performed in 1996 and 1997 identified five systems requiring SSES studies that have not yet been completed; and
- Whereas, There are funds available in the Sewer Maintenance Fund 634001-0490-6831-0100 to conduct the SSES studies; 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 enter into a contract for professional services to perform the sewer system evaluation survey studies of said five selected sanitary sewer systems; and, be it
- Further Resolved, That money has been budgeted in the appropriate sewer maintenance fund.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

- [990346](#) Substitute resolution relative to acceptance of a Wisconsin Nonpoint Source Water Pollution Abatement Program/Local Assistance Grant.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be SUBSTITUTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

Whereas, Common Council File Number 911954 was adopted on 12/20/91 and approved the application and acceptance of the Nonpoint Source Water Pollution Abatement Local Assistance Grant for the period from 9/30/91 through 12/31/92 from the Department of Natural Resources under the terms of Section 144.25 of the Wisconsin Statutes and Chapter NR 120.08 of the Wisconsin Administrative Code for the purpose of reducing the amount of pollution in storm water runoff, with an original Grantor share total of \$101,100; and

Whereas, Common Council File Number 921296 was adopted on 12/18/92 and approved total grant project funding of \$139,493 of which the Grantor share was \$139,065 and the Out-of-Pocket City share was \$428 for the period from 1/1/93 through 12/31/93; and

Whereas, Common Council File 931321 was adopted on 12/22/93 and approved total grant project funding of \$358,094 of which the Grantor share was \$356,509 and the Out-of-Pocket City share was \$1,585 for the period from 1/1/94 through 12/31/94; and

Whereas, Common Council File Number 931583 was adopted on 2/15/94 and approved a revised total grant funding of \$843,688 of which the Grantor share was \$841,675 and the Out-of-Pocket City share was \$2,013; and

Whereas, Common Council File Number 941451 was adopted on January 24, 1995 and approved total grant project funding of \$659,644 of which the Grantor share was \$628,359 and the Out-of-Pocket City share was \$31,285 for the period from 1/1/95 through 12/31/95; and

Whereas, Common Council File Number 941451 was amended on 3/21/95 and approved total grant project funding of \$959,644 of which the total Grantor Share was \$928,359 and the total Out-of-Pocket City Share was \$31,285 for the period of 1/1/95 to 12/31/95; and

Whereas, Common Council File Number 951649 was adopted on 3/5/96 and approved total grant project funding of \$394,142 of which the Grantor share was \$392,000 and the Out-of-Pocket City share was \$2,142 for the period from 1/1/96 through 12/31/96; and

Whereas, No new grant funds were available from the Grantor in 1997 and 1998; and

Whereas, Under the terms of Section 144.25 of the Wisconsin Statutes and Chapter NR 120.08 of the Wisconsin Administrative Code, the City of Milwaukee appears to be eligible for additional grant funds from the Department of Natural Resources for a Nonpoint Source Water Pollution Abatement Local Assistance Grant; and

Whereas, The Grantor would provide \$94,500 to the City for Project Administration of the City's Nonpoint Source Pollution Abatement Program; and

Whereas, There is no local Out-of-Pocket City Share required to receive the grant; and

Whereas, It would appear that City involvement in a grant and aid project involving the abatement of nonpoint source water pollution would result in the following major benefit to the City:

--Reducing the amount of pollution in storm water runoff; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officials and/or the herein named department head are hereby authorized to accept such a grant without further Common Council approval; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit Funds within the Project/Grant Parent of the 1999 Capital Revenue Grant and Aid Projects, Fund the following amounts for the program/project titled Wisconsin Nonpoint Source Water Pollution Abatement Grant Project:

Project/Grant Parent Grantor Share Project/Grant Chartfield SP03290100 Fund 0306 Organization 9990 Program 0001 Budget Year (BY) 0000 Subclass R999 Account 000600 Project/Grant Total \$94,500

2. Create a Capital Revenue Fund - Grant and Aid Projects and the necessary Project/Grant Chartfield Values at the Project, Segment, Phase and/or Activity Levels; and to budget to the Project, Segment, Phase or Activity level the amount required under the grant agreement; and

3. Establish the necessary City Share Project Values; and, be it

Further Resolved, That these funds are budgeted for the Department of Public Works, which is authorized to:

1. Expend from the amount budgeted for specific purposes as indicated in the grant budget and incur costs consistent with the grant award; and, be it

Further Resolved, That the funds received from the Department of Natural Resources be deposited in accordance with procedures established by the City Comptroller.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

- 14) [990351](#) Resolution authorizing the City Engineer to enter into an agreement with the Southeastern Wisconsin Regional Planning Commission for acceptance and funding of digital cadastral mapping services. (Infrastructure Services Div.)
- Whereas, The City of Milwaukee is an active participant in the Milwaukee County Automated Mapping and Land Information System (MCAMLIS), a public-private partnership created by the Milwaukee County Board of Supervisors to implement an automated mapping and land information system within Milwaukee County; and
- Whereas, The City of Milwaukee has proposed to digitally recompile a portion of the City's cadastral maps to fully integrate the City's existing digital cadastral mapping files into the Milwaukee County automated mapping and land information system data base format; and
- Whereas, The City Engineer has sought the financial support of the MCAMLIS Steering Committee for the aforementioned digital, cadastral mapping services; and
- Whereas, The Southeastern Wisconsin Regional Planning Commission (SEWRPC), acting as project manager for the MCAMLIS Steering Committee has applied for and been awarded a grant in the amount of \$95,000.00 from the Wisconsin Land Information Board for a portion of the aforementioned mapping services; and
- Whereas, The MCAMLIS Steering Committee has taken formal action to provide the remaining funding needed to carry out this work effort in an amount not to exceed \$17,000.00; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the City Engineer shall enter into an agreement with the Southeastern Wisconsin Regional Planning commission to provide digital cadastral mapping services without further approval, unless the terms of the agreement change as indicated in Common Council File No. 940843 (Grant Ordinance); and, be it
- Further Resolved, That the City Comptroller is authorized to:
1. Commit Funds within the Project/Grant Parent of the 1999 Special Revenue Grant

and Aid Projects, fund the following amounts for the program/project titled Digital Cadastral Mapping Services:

Project/Grant Parent: Grantor Share Project/Grant Chartfield: GR000-9-000000
Fund: 0150 Organization: 9990 Program: 0001 Budget Year: (BY) 0000 Subclass:
R999 Account: 000600 Project/Grant: Total \$112,000

2. Create a Special Revenue Fund - Grant and Aid Projects and the necessary Project/Grant Chartfield Values at the Project, Segment, Phase and/or Activity Levels; and to budget to the Project, Segment, Phase or Activity level the amount required under the grant agreement.

3. Establish the necessary City Share Project Values; and, be it

Further Resolved, That these funds are budgeted for the Department of Public Works which is authorized to:

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

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

15) [990355](#) Resolution relating to acceptance of an engraved, free standing limestone sign for the Nature Center at the Hawthorn Glen Environmental Center. (Buildings and Fleet Division)

Whereas, The Common Council of the City of Milwaukee, through the adoption of Resolution 970474, authorized the renaming of the Nature Center at the Hawthorn Glen Environmental Center located at 1130 North 60th Street as the Martin E. Schreiber Nature Center; and

Whereas, The City of Milwaukee, as part of the renaming, will be installing a plaque in the Nature Center Assembly Room, and a limestone sign over the north entrance of the Nature Center; and

Whereas, The family of Martin E. Schreiber wishes to donate to the City as part of the renaming of the Nature Center, a free standing limestone sign engraved to read

"Martin E. Schreiber Nature Center", to be placed at the west entrance to the Nature Center, at no cost to the City of Milwaukee; and

Whereas, Presently, the Department of Public Works-Buildings & Fleet Division is not authorized to accept private contributions for improvements to the Hawthorn Glen Environmental Center; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works-Buildings and Fleet Division, is authorized to accept an engraved, free standing limestone sign as part of the renaming of the Nature Center at the Hawthorn Glen Environmental Center in accordance with established City policies and procedures for acceptance of contributions.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

16) [990361](#) Substitute resolution authorizing the proper City officials to enter into a Streetscape Agreement with the Old World Third Street Organization.

Whereas, The Old World Third Street Organization is a nonprofit organization dedicated to the betterment of the Old World Third Street area; and

Whereas, The Old World Third Street Organization is prepared to spend up to \$15,000 to fund 50 percent of the cost of acquiring and installing streetscape improvements throughout their area; and

Whereas, The City of Milwaukee will benefit from these streetscape improvements by enhancing the pedestrian environment of this historic and popular area; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officials are authorized and directed to enter into a Streetscape Agreement subject to the terms outlined in Exhibit A, a copy of which is attached to this Common Council File; and, be it

Further Resolved, That the City Comptroller is directed to transfer \$15,000 from the Downtown Riverfront & Other Downtown Planning and Improvement Fund Account No. PR01880000 to Subaccount No. PR01881200 for the purposes of funding this

activity; and, be it

Further Resolved, That the City Attorney is directed to draft a Streetscape Agreement consistent with the terms outlined in Exhibit A.

Sponsors: Ald. Henningsen

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Richards

CONFIRMATION OF THE FOLLOWING:

- 17) [981457](#) Reappointment of Stanley Gwiazdowski to the Citizens' Advisory Committee on Naming Public Buildings and Streets by the Mayor. (14th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be CONFIRMED. The motion carried by the following vote:

Aye: 15 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Kalwitz Gordon

THE STEERING & RULES COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

- 1) [990334](#) Substitute resolution authorizing and directing the City Clerk to execute a Restated Intergovernmental Cooperation Agreement between the City of Milwaukee, County of Milwaukee, and the Forest County Potawatomi Community of Wisconsin.

Whereas, The Forest County Potawatomi Community of Wisconsin ("Tribe") operates Potawatomi Bingo and Casino ("Casino") on land within the exterior boundaries of the City and County that is held in trust for the benefit of the Tribe by the United States of America ("Menomonee Valley Land"); and

Whereas, The Tribe and the State of Wisconsin ("State") have entered into the Forest County Potawatomi Community of Wisconsin and the State of Wisconsin Gaming Compact of 1992 ("Compact"); and

Whereas, The Tribe and the State have entered into an amendment to the Compact, executed on December 3, 1998, ("Compact Amendments") that extended its term and will increase the economic activity within the City and County; and

Whereas, The Compact Amendments provide for the payment of monies by the Tribe to the State on account of gaming on the Menomonee Valley Land ("State Payments"); and

Whereas, The Compact Amendments include a Memorandum of Understanding Regarding Government to Government Matters in which the Governor of Wisconsin agreed to undertake his best efforts within the scope of his authority to assure that the State Payments will be expended to benefit the City and County for:

1. Economic development initiatives to benefit Tribes and/or American Indians within Wisconsin,
2. Economic development initiatives in regions around casinos,
3. Promotion of tourism within the State of Wisconsin,
4. Support of programs and services within the County in which the Casino is located; and

Whereas, The Compact Amendments allow the Tribe to offer additional Class III gaming on the Menomonee Valley Land; and

Whereas, The Tribe will benefit from government services provided by the City and County; and

Whereas, In accordance with 25 U.S.C. sec. 2710(b)(2)(B)(v) and 2710(d)(1)(A)(ii) and sec. 66.30(2), Stats., the Tribe has agreed to make certain payments to help fund the operations of the City and County in recognition of the increased governmental services that the City and County will provide as a result of the Casino operations; and

Whereas, Despite the parties' express intention to qualify all Tribal payments under the Intergovernmental Cooperation Agreement ("Original Agreement"), approved under Common Council File No. 981393, as payments to help fund the operations of City and County governmental agencies in accordance with 25 U.S.C. sec. 2710(b)(2)(B)(v) and sec. 2710(d)(1)(A)(ii) and sec. 66.60(2), Stats., the Assistant Secretary of the United States Department of Interior concluded in a May 14, 1999 communication to the Tribe's legal counsel, that the Tribal payments to be made under the Original Agreement constituted a local tax impermissible under 25 U.S.C. sec. 2710(d)(4);

and

Whereas, The parties have entered into the Restated Intergovernmental Cooperation Agreement to clarify their intent to qualify all Tribal payments hereunder under the provisions of 25 U.S.C. sec. 2710(b)(2)(B)(v) and 2710(d)(1)(A)(ii); and

Whereas, The corporate authorities of the City and County are of the opinion that it is in the best interest of the City and County to enter into the Restated Agreement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that subject to the execution of the Restated Intergovernmental Cooperation Agreement attached to this file by the Tribe and Milwaukee County, the Common Council approves the removal of existing limitations on Class III games the Tribe may operate on the Menomonee Valley site; and, be it

Further Resolved, That the City Clerk is authorized and directed to execute the attached Restated Intergovernmental Cooperation Agreement with the Tribe, the City of Milwaukee and Milwaukee County for funding of City and County operations.

Sponsors: Ald. Kalwitz, Ald. Frank, Ald. Pratt, Mr. Schramm, Ald. Johnson-Odom, Ald. Gordon, Ms. Scherbert, Ald. Witkowiak, Ald. Pawlinski, Ald. Breier, Ald. Nardelli and Ald. Hines Jr.

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 13 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 1 - Butler

Excused: 3 - Kalwitz, Gordon Scherbert

- 2) [990363](#) Substitute resolution creating a special committee to conduct negotiations with Milwaukee World Festivals, Inc., (Summerfest) to the extent legally permissible, and to make recommendations to the Common Council, the Mayor and the Board of Harbor Commissioners, relative to a successor lease agreement for Henry W. Maier Festival Park (Summerfest grounds).

Whereas, On April 29, 1999, the board of directors of Milwaukee World Festivals, Inc. (Summerfest), requested, in a communication to the Mayor and Common Council President, the commencement of negotiations for a successor lease for Henry W. Maier Festival Park (the Summerfest grounds); and

Whereas, The Common Council desires to provide for the creation of a special committee to address issues and, to the extent legally permissible, assume

responsibility relating to the conduct of lease negotiations with representatives of Milwaukee World Festivals, Inc.; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that there is created a special committee to conduct lease negotiations with Milwaukee World Festivals, Inc., to the extent legally permissible; and, be it

Further Resolved, That this committee shall consist of the Mayor or his designee, 2 appointees of the Mayor, the Common Council President or his designee, and 2 appointees of the Common Council President; and, be it

Further Resolved, That the Mayor and Common Council President shall jointly appoint a 7th member to serve as chair of the special committee; and, be it

Further Resolved, That the special committee is charged with researching and commencing, to the extent legally permissible, lease negotiations on such issues as, but not limited to, permanent lakefront access, implementation and financing of the Millennium Momentum Plan, long-range strategic planning, terms of the lease, rental payments and governance; and, be it

Further Resolved, That the special committee is directed to make recommendations to the Common Council, the Mayor and the Board of Harbor Commissioners relating to an extension of the current lease agreement, or creation of a new lease agreement, for Henry W. Maier Festival Park; and, be it

Further Resolved, That all City departments are authorized and directed to provide such assistance as may be required by the special committee in carrying out its responsibilities pursuant to this resolution; and, be it

Further Resolved, That staff for this special committee shall be provided by the Port of Milwaukee and the City Clerk.

Sponsors: Ald. Kalwitz

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Kalwitz, Gordon Scherbert

CONFIRMATION OF THE FOLLOWING:

- 3) [990319](#) Reappointment of Pilar Gonzalez to the Charter School Review Committee by the Mayor. (16th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be CONFIRMED. The motion carried by the following vote:

Aye: 14 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Kalwitz, Gordon Scherbert

RESOLUTIONS PRESENTED FOR IMMEDIATE ADOPTION

[990390](#) Resolution approving various final certified survey maps.

Resolved, By the Common Council of the City of Milwaukee, that the following final certified survey maps be and hereby are approved:

| NAME | TAX KEY NUMBER(s) |
|------|-------------------|
|------|-------------------|

| | |
|----------------------------------|-----------|
| Forsythe Real Estate Partnership | 41-0012-9 |
|----------------------------------|-----------|

| | |
|---------------|------------|
| Edward Kaiser | 001-0012-3 |
|---------------|------------|

Sponsors: ZONING and NEIGHBORHOODS & DEVELOPMENT COMMITTEE

A motion was made by Ald. Frank that this matter be ADOPTED to the MAYOR. The motion carried by the following vote:

Aye: 13 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 4 - Kalwitz, Richards, Butler Scherbert

[990414](#) Resolution granting permission to a single property owner in the Village of West Milwaukee to connect to City of Milwaukee sanitary and storm sewers. (Infrastructure Services Div.)

Whereas, On July 20, 1998, the Village of West Milwaukee (VILLAGE) adopted Resolution No. 16-R-98 requesting permission for connection of properties located along the south side of West Burnham Street from South 37th Street to 1450 feet west of South 37th Street, and along the west side of South 37th Street from West Burnham Street to 1000 feet south of West Burnham Street to the City of Milwaukee

(CITY) sanitary and storm sewer facilities for the Kubenik Industrial Park Development which is located at the southwest corner of South 37th Street and West Burnham Street; and

Whereas, On September 23, 1998, per Common Council File No. 980705, the CITY granted permission for a sanitary lateral to be connected to CITY sewer facilities from a proposed building, the MADACC facility, to be constructed at 3909 West Burnham Street in the VILLAGE; and

Whereas, Said facility is not going to be built at 3909 West Burnham Street, but will instead be built at 3839 West Burnham Street; and

Whereas, The VILLAGE has submitted and received approval of a final storm water management plan for the Kubenik Industrial Park Development; and

Whereas, MADACC has submitted a final storm water management plan for 3839 West Burnham Street that complies with the Storm Water Management Plan for the Kubenik Industrial Park Development; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that permission is hereby granted to allow; 1) the connection of a six inch sanitary sewer lateral at 467 feet plus or minus west of the west line of South 37th Street; and 2) the connection of a ten inch storm sewer lateral in West Burnham Street at 361 feet plus or minus west of the west line of South 37th Street, from the Milwaukee Area Domestic Animal Control Commission facility at 3839 West Burnham Street to CITY sanitary and storm sewers under the following conditions:

1. That all work shall be done at no cost or expense to the CITY.
2. That the VILLAGE shall require the contractor to obtain a permit for excavating in a public right-of-way and other applicable permits from the Commissioner of Public Works of the CITY before commencing work within the limits of the CITY.
3. That all work done in connection with sanitary and storm sewer laterals must be done in conformance with the rules and regulations of the Milwaukee Sewerage Commission, CITY Plumbing Code and State of Wisconsin Plumbing Code.
4. That written notice shall be given by the plumbing contractor to the CITY Sewer Maintenance Field Section three (3) days prior to making connections to CITY sewers.
5. That MADACC shall be responsible for the maintenance of their sanitary and storm sewers and their connections to CITY facilities in the CITY right-of-way.

;and, be it

Further Resolved, That the permission granted by Common Council File No. 980705 to connect a six inch sanitary lateral from 3909 West Burnham Street to CITY sanitary sewers is null and void.

Sponsors: THE CHAIR

**A motion was made by Ald. Frank that this matter be ADOPTED to the MAYOR.
The motion carried by the following vote:**

Aye: 13 - Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom,
Gordon, Frank, Witkowiak, Pawlinski, Breier, Nardelli, Murphy
Hines Jr.

No: 0

Excused: 4 - Kalwitz, Richards, Butler Scherbert