

COMMON COUNCIL

AGENDA ITEM NO	
COMMITTEE	COUNCIL
4	2

Communication from:

CITY DEPARTMENT BOARD OR COMMISSION



Resolution from Member(s) of the Common Council

Petition, Claim or other communication from the public, etc.

FILE NUMBER 81-1295

Presented BY

Re: Request of Miller Brewing Co. for amendment to special privilege to construct and maintain steam line over N. 41st St. betw. 2 bldgs. on SS of W. State St.

THE CHAIR (By request) --

Communication Only
Introduced on NOV 3 - 1981
and referred to the Committee on

Utilities and Licenses

COMMITTEE ACTIONS

DATE	MOTION ADOPTED	ROLL CALL VOTE / P NOT UNANIMOUS			
		AYES		NOES	
		WARD NO.	TOTAL	WARD NO.	TOTAL
FEB 2 1982	Recommend adoption		14		0

COMMITTEE REPORT

FEB 9 - 1982

To the Honorable, the Common Council:

Your committee to which was referred the above described matter, reports thereon by recommending that it be

- Adopted
- Confirmed
- Ploced on File
- Indefinitely Postponed
- Adoption of Substitute Resolution
- Disallowed & indefinitely Postponed

CHAIRMAN

Countersigned:

COMPTROLLER

ACTION OF THE COMMON COUNCIL

- Adopted Under Suspension of Rules
- Committee Report Adopted
-

FEB 9 1982

DATE

Ayes 14 Noes 0

- APPROVAL OF THE MAYOR -

Submitted to His Honor the Mayor on:

FEB 9 1982

DATE

Allen R. Calhoun
CITY CLERK

Approved on:

FEB 11 1982

DATE

Henry W. Haas
MAYOR

NOTICES SENT TO:

0 0 0 4 2 4 7 0 0 0 1

NAME	ADDRESS	2/7	MEETING DATES		
CPW		✓			
City Engineer		✓			
(100)		✓			
James Keeton - Miller Brewing Co.		✓			
	3939 W. Highland Blvd	✓			

MICROFILM CROSS REFERENCE FOR LARGE DOCUMENTS

183342470003
Dept. CITY CLERK Record Title COMMON COUNCIL FILES
Roll No. 804 Record No. 60-0330
Document No. and/or Description 81-1295 MILLER BREWING
CO. - PASTEURIZER STEAM SYSTEM PLANS (4)

Large size documents or drawings from this file have been microfilmed separately, and will be found on "City Records Over-Sized Drawings."

Roll # 4, Item # 149.

This microfilm is available in the City Records Center.

183342470003

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Department of Public Works
Bureau of Engineers

Herbert A. Goetsch
Commissioner of Public Works
Donald D. Roehrig
Deputy Commissioner of Public Works
Edwin J. Laszewski, P.E.
City Engineer
Charles E. Joers
Assistant City Engineer

January 26, 1982

To the Utilities and Licenses Committee

Dear Honorable Members:

Returned herewith is Common Council File Number 81-1295, being a request of Miller Brewing Company for an amendment to an existing special privilege adopted November 12, 1935, under Common Council File Number 57095.

The existing special privilege granted permission to Miller Brewing Company to construct and maintain an underground conduit system under and across North 41st Street, approximately 10 feet south of West State Street.

The present request is for the installation and maintenance of an overhead steam system over and across North 41st Street, approximately 79 feet south of West State Street. The steam system, composed of a steel truss supporting two steam lines, will have a minimum vertical clearance of approximately 38 feet.

We do not believe that the installation of the overhead truss system, with the two steam lines, will have an adverse effect on the general use of the public way. We have, therefore, prepared the attached special privilege resolution for your consideration that, if adopted, would grant Miller Brewing Company permission for both the underground and overhead systems to be located in the public way.

Very truly yours:

Edwin J. Laszewski, P.E.
City Engineer

Commissioner of Public Works

Commissioner of Buildings

EJL: OAS: CAW: fw
Attachments

0042470004



MILLER BREWING COMPANY

October 30, 1981

City of Milwaukee Common Council
Office of the City Clerk
Attn: Mr. Richard Lynne
200 East Wells Street
Milwaukee, Wisconsin 53202

Dear Mr. Lynne:

Re: Amendment to Existing Special Privilege

Enclosed are a site plan and drawings for a pasturizer steam system to be installed in our Milwaukee brewery. This system includes the construction of elevated steam lines over North 41st Street between two buildings on the south side of West State Street as indicated in the enclosed drawings.

Please consider this as our request for an amendment to Special Privilege #57095 to construct and maintain this steam line. Should you have any questions or require further information, please contact me.

Very truly yours,

James A. Koester
James A. Koester
Senior Counsel

JAK/je
Enclosures

RECEIVED
MILWAUKEE COMMON COUNCIL
NOV 2 1981
OFFICE OF THE CLERK

B 0 4 2 4 7 0 0 0 5

File Number/81-1295

1 Resolution granting a special privilege to Miller Brewing Company to
2 maintain an existing underground conduit system and to install
3 and maintain an overhead steam line and truss system crossing
4 North 41st Street, south of West State Street, in the 10th
5 Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution rescinds a previous special privilege resolution and grants a new special privilege to maintain an underground conduit system and to install and maintain an overhead steam system crossing North 41st Street, south of West State Street.

6 Whereas, Miller Brewing Company was granted a special privilege
7 under Common Council File Number 57095 on November 12, 1935, to con-
8 struct and maintain an underground conduit system in the public way
9 of North 41st Street, south of West State Street; and

10 Whereas, The grantee is desirous to install an overhead steam
11 line over the public way of North 41st Street, south of West State
12 Street; and

13 Whereas, Said underground and overhead systems may only be
14 permitted by the adoption of a special privilege resolution; now,
15 therefore, be it

16 Resolved, By the Common Council of the City of Milwaukee, that
17 Common Council File Number 57095, granted to Miller Brewing Company,
18 is hereby rescinded; and, be it

19 Further Resolved, By the Common Council of the City of Milwaukee,
20 that Miller Brewing Company is hereby granted the following special
21 privilege:

- 22 1. To maintain an existing underground conduit containing a
23 3-inch steam pipe, a 2 $\frac{1}{2}$ -inch return pipe and a 1-inch water
24 pipe and a conduit containing electrical wires, all located
25 2 feet below and crossing North 41st Street, centered
26 approximately 10 feet south of the south line of West
27 State Street.
- 28 2. To construct and maintain a steel truss system supporting
29 2 steam lines over and crossing North 41st Street. Said
30 truss system with steam lines shall be centered approximately

1 79 feet south of the south line of West State Street, as
2 measured along the east line of North 41st Street. There
3 shall be a minimum vertical clearance of 38 feet from the
4 bottom of the truss to the roadway. Said truss system's
5 outer dimensions are approximately 5 feet wide by 5 feet
6 high and is supported at each end, outside the public way,
7 by the grantee's buildings.

8 The underground and overhead systems shall be designed, constructed
9 and maintained to the approval of the Commissioner of Public Works
10 and the Commissioner of Buildings. The grantee shall procure the
11 necessary permits from the Commissioner of Buildings and shall
12 also procure the necessary permits from the Commissioner of Public
13 Works for work in the public way.

14 and, be it

15 Further Resolved, That this special privilege is granted only on
16 condition that by acceptance of this special privilege the grantee,
17 Miller Brewing Company, a Wisconsin corporation, shall:

- 18 1. Become primarily liable for damages to persons or property
19 by reason of the granting of this special privilege.
- 20 2. File with the City Clerk a bond of a surety company duly
21 incorporated in the State of Wisconsin, or duly licensed
22 to do business in this State, in the sum of \$5,000, such
23 bond to be approved by the City Attorney. The applicant
24 shall also file with the City Clerk a certificate of
25 insurance indicating applicant holds a public liability
26 policy in the sum of at least \$100,000 covering bodily
27 injury to any one person and \$300,000 covering bodily injury
28 to more than one person in any one accident and \$50,000
29 covering property damage to any one owner on the area or
30 areas included within the special privilege and naming the
31 City of Milwaukee as an insured. Both bond and insurance
32 policy shall provide that they shall not be cancelled until
33 after at least thirty days' notice in writing to the City
34 Clerk.
- 35 3. Pay to the City Treasurer the annual fee of \$826.10 as long
36 as such special privilege is maintained.
- 37 4. Whenever this special privilege is discontinued for any reason
38 whatsoever, not only remove all construction work executed
39 pursuant to this special privilege, but shall also restore to
40 its former condition and to the approval of the Commissioner of
41 Public Works any curb, pavement or other public improvement which
42 was removed, changed or disturbed by reason of the granting of
43 this special privilege.

0 0 1 2 4 7 0 0 0 7

- 1 5. Waive the right to contest in any manner the validity of
- 2 Section 66.045 of the Wisconsin Statutes (1977), or the
- 3 amount of the annual fixed fee amounting to the sum of
- 4 \$826.10 per annum payable on or before July 1st of each
- 5 year.

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

Bureau of Engineers
EJL:OAS:CAW:fw
January 26, 1982

FILE NO. 81-1295

CITY OF MILWAUKEE - OFFICE OF THE CITY CLERK

CC-170

FISCAL NOTE

Resolution granting a special privilege to Miller Brewing Co. to maintain an existing underground conduit system and to install and maintain an overhead steam line and truss system crossing N. 41st St., south of W. State St.

	NECESSARY EXPENDITURES		ANTICIPATED SAVINGS		
	CURRENT YEAR	NEXT YEAR	CURRENT YEAR	NEXT YEAR	
I DEPARTMENTAL ACCOUNTS	SALARIES & WAGES				
	SUPPLIES, MATERIALS & SERVICES				
	EQUIPMENT (Additional & Replacement)				
	OTHER				
II NON- DEPARTMENTAL ACCOUNTS	PERMANENT IMPROVEMENT				
	CONTINGENT FUND				
	PENSION FUNDS				
	CITY DEBT				
	OTHER				
TOTAL (I and II above)		\$6.81	\$4.04	None	None

	DECREASES		INCREASES		
	CURRENT YEAR	NEXT YEAR	CURRENT YEAR	NEXT YEAR	
III REVENUES	GENERAL				
	OTHER				
TOTAL (III)		None	None	\$826.10	\$826.10

IV A. CAN THE EXPENDITURES (EXCEPT FOR CONTINGENT FUND ITEMS) SHOWN FOR CURRENT YEAR UNDER II ABOVE BE ABSORBED BY EXISTING BUDGET ACCOUNTS? YES NO NOT APPLICABLE

B. CAN THE EXPENDITURES SHOWN FOR CURRENT YEAR ABOVE BE MADE BY ADOPTION OF THE ATTACHED RESOLUTION OR ORDINANCE WITHOUT THE NEED FOR FURTHER COMMON COUNCIL OR BOARD OF ESTIMATES APPROVAL? YES NO NOT APPLICABLE

V LONG RANGE EFFECT (INCLUDE ANY FISCAL IMPACT EXTENDING BEYOND THE YEARS COVERED IN I THROUGH III ABOVE)
 CHECK HERE IF NOT APPLICABLE

There will be an annual cost to the department for the annual billing of this special privilege. There will be an initial inspection to see if the installation was made. There will be an annual fee of \$826.10 until this special privilege no longer exists.

VI COMMENTS
 (INCLUDE ANY ASSUMPTIONS UPON WHICH THE ABOVE FISCAL ESTIMATES ARE BASED AND ANY OTHER APPLICABLE EXPLANATIONS)

CHECK HERE IF NOT APPLICABLE

Average cost of inspection, includes administrative costs \$6.81
 Average cost of inspection, less administrative cost 4.04
 Administration Cost \$2.77

VII ESTIMATE MADE BY DEPT. OR BUREAU
 Dept. of Bldg. Insp. and Safety Engineering

SIGNATURE & TITLE
James J. Dawson
 Administrator - Building Code Appeals

DATE
 1-26-32

Attach communications, reports, etc. here

3 0 4 2 4 7 0 0 0 9

Attach resolution and fiscal note here

JK

JK

Attach resolution and fiscal note here

FISCAL NOTE NOT REQUIRED. SPECIFIC EXEMPTION IS PROVIDED BY COMMON COUNCIL RESOLUTION

Signature:

Date:

Tally Sheet Numbers

62

Petitioner

BT 113

Certified Copy of Resolution

FILE NUMBER 81-1296

Resolution granting a special privilege to Miller Brewing Company to maintain an existing underground conduit system and to install and maintain an overhead steam line and truss system crossing North 41st Street, south of West State Street, in the 10th Aldermanic District of the City of Milwaukee.

Whereas, Miller Brewing Company was granted a special privilege under Common Council File Number 57095 on November 12, 1935, to construct and maintain an underground conduit system in the public way of North 41st Street, south of West State Street; and

Whereas, The grantee is desirous to install an overhead steam line over the public way of North 41st Street, south of West State Street; and

Whereas, Said underground and overhead systems may only be permitted by the adoption of a special privilege resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 57095, granted to Miller Brewing Company, is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Miller Brewing Company is hereby granted the following special privilege:

1. To maintain an existing underground conduit containing a 3-inch steam pipe, a 2½-inch return pipe and a 1-inch water pipe and a conduit containing electrical wires, all located 2 feet below and crossing North 41st Street, centered approximately 10 feet south of the south line of West State Street.

2. To construct and maintain a steel truss system supporting 2 steam lines over and crossing North 41st Street. Said truss system with steam lines shall be centered approximately 79 feet south of the south line of West State Street, as measured along the east line of North 41st Street. There shall be a minimum vertical clearance of 38 feet from the bottom of the truss to the roadway. Said truss system's outer dimensions are approximately 5 feet wide by 5 feet high and is supported at each end, outside the public way, by the grantee's buildings.

The underground and overhead systems shall be designed, constructed and maintained to the approval of the Commissioner of Public Works and the Commissioner of Buildings. The grantee shall procure the necessary permits from the Commissioner of Buildings and shall also procure the necessary permits from the Commissioner of Public Works for work in the public way.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Miller Brewing Company, a Wisconsin corporation, shall:

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

2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$5,000; such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$100,000 covering bodily injury to any one person and \$300,000 covering bodily injury to more than one person in any one accident and \$50,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer the annual fee of \$826.10 as long as such special privilege is maintained.

4. Whenever this special privilege is discontinued for any reason whatsoever, not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works any curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege.

5. Waive the right to contest in any manner the validity of Section 66.045 of the Wisconsin Statutes (1977), or the amount of the annual fixed fee amounting to the sum of \$826.10 per annum payable on or before July 1st of each year.

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

Adopted