



City of Milwaukee
Common Council Minutes
COMMON COUNCIL

City Hall
200 East Wells Street
Milwaukee, WI 53202

Wednesday, November 21, 2007

9:00 AM

Common Council Chambers

AMENDED 11/20/07

The meeting was called to order 9:27 a.m.

The roll was called.

Present: 14 -

Hamilton, Davis, D'Amato, Bauman, Bohl, Wade, Donovan,
Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski, Hines
Jr.

Excused: 1 -

McGee Jr.

The Pledge of Allegiance was said followed by an invocation offered by Reverend Larry Hauser of Berea Lutheran Church.

The question was put: Are there any corrections to the Common Council Journal of Proceedings for the regular meetings of either October 23, 2007 or November 9, 2007?

There being none, the minutes of both meetings were approved as printed.

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

Ald. Terry Witkowski requested unanimous consent for the preparation and issuance of a resolution of condolence for the family of Henry J. Wantoch.

There were no objections.

Ald. Joe Davis, Sr., asked for unanimous consent for the resolution congratulating Senator Russell Finegold on the 25th anniversary of his career in public service.

There were no objections.

UNFINISHED BUSINESS:

1. [070856](#) Communication from the Mayor relating to the proposed 2008 budget.

Sponsors: THE CHAIR

Ald. Murphy moved to dispense with the reading of the Mayor's veto message.

There was no objection.

Veto of budget items affected by Common Council amendment #4, Department of Administration – Common Council City Clerk - Mayor - Move Intergovernmental Relations Division staff from DOA to the City Clerk's Office, move the IRD Director position from DOA to the Mayor's Office.

The question was put: Shall the foregoing measure be adopted notwithstanding the objection of the Mayor?

A motion was made by ALD. HINES JR. that this Budget be VETO OVERRIDDEN. The motion FAILED by the following vote:

Aye: 9 - Davis, Bauman, Bohl, Wade, Donovan, Puente, Dudzik, Zielinski Hines Jr.

No: 5 - Hamilton, D'Amato, Murphy, Witkowiak Witkowski

Excused: 1 - McGee Jr.

Sponsors: THE CHAIR

Motion was made by Ald. Buaman to amend amendment #4 by returning position authority, funding and FTEs for the Legislative Liaison Director, two Legislative Fiscal Manager positions, and one Administrative Specialist position to the IRD - DOA.

Ald. Michael Murphy moved that the Common Council resolve itself into a Committee of the Whole for the purpose of asking various procedural questions of the City Clerk.

There were no objections.

Various questions were put to the City Clerk.

Ald. Murphy moved that the Committee of the Whole rise.

There was no objection.

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

Aye: 8 - Davis, Bauman, Bohl, Wade, Donovan, Puente, Dudzik
Zielinski

No: 6 - Hamilton, D'Amato, Murphy, Witkowiak, Witkowski Hines Jr.

Excused: 1 - McGee Jr.

Sponsors: THE CHAIR

*Veto of budget items affected by Common Council amendment #65A
Department of Public Works - Operations: Restore authority, funding, and FTEs
for one Auto Maintenance Mechanic and one Vehicle Service Technician in the
Department of Public Works. Reduce the Vehicle Repair Services account by the
corresponding amount.*

*The question was put: Shall the foregoing measure be adopted notwithstanding
the objection of the Mayor?*

**A motion was made by ALD. HINES JR. that this Budget be VETO OVERRIDDEN.
The motion PREVAILED by the following vote:**

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

No: 1 - D'Amato

Excused: 1 - McGee Jr.

THE LICENSES COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

1. [070913](#) Substitute motion suspending the Class “B” Tavern license of Frank Dobert for “Chaser’s Pub” at 2155 S. Kinnickinnic Ave. for 30 days.

Sponsors: THE CHAIR

The question was put: Have the members of the Common Council read the report and recommendations of the Licenses Committee in this matter?

All members present indicated they had done so.

Ald. Bohl requested unanimous consent for the purpose of submitting an amendment orally rather than in writing.

There was no objection.

Ald. Bohl moved for a 90-day suspension, notwithstanding the recommendation of the Committee.

Ald. Bohl withdrew this motion.

Ald. Murphy requested unanimous consent for the purpose of submitting an amendment orally rather than in writing.

There was no objection.

Ald. Murphy moved for revocation of this license notwithstanding the recommendation of the Committee.

A motion was made by ALD. D'AMATO that this Motion be ASSIGNED TO the LICENSES COMMITTEE . The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, D'Amato, Bauman, Bohl, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Hines Jr.

No: 0

Excused: 1 - McGee Jr.

Abstain: 1 - Zielinski

2. [070817](#) Motion relating to the recommendations of the Licenses Committee relative to various licenses.

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

Sponsors: THE CHAIR

The question was put: Have the members of the Common Council read the report and recommendations of the Licenses Committee in this matter?

All members present indicated they had done so.

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

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

No: 0

Excused: 1 - McGee Jr.

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Alternatively, the complete file including detailed information identifying the specific subject matters to be discussed at the meeting may be inspected at the office of the City Clerk, Room 205, City Hall, 200 E. Wells St., Milwaukee, 53202, Monday through Friday, between the hours of 8 a.m. and 4:45 p.m.

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

1. [070918](#) Motion relating to the recommendations of the Public Safety Committee relative to various licenses.
The Common Council of the City of Milwaukee hereby accepts the recommendations of the Public Safety Committee as contained in the listings attached to this file.
Sponsors: THE CHAIR
A motion was made by ALD. DONOVAN that this Motion be APPROVED. The motion PREVAILED by the following vote:
Aye: 14 - Hamilton, Davis, D'Amato, Bauman, Bohl, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
No: 0
Excused: 1 - McGee Jr.

PASSAGE OF THE FOLLOWING:

2. [041157](#) A substitute ordinance relating to policy for acceptance of grants for additional law enforcement services.
Whereas, Large facilities open to the public owned or operated by tax-exempt public or quasi-public entities ("public venues") often require additional law enforcement services in order to meet the needs of public safety and convenience; and
Whereas, The entities operating those public venues are often exempt from general property taxation and therefore, absent voluntary agreements, would not have to pay for the provision of such law enforcement services; and
Whereas, Grants from entities that operate facilities which present unique security needs occasioning the need for additional police services will enable the police department to address the security needs of these entities, thereby enhancing the safety and security not only of the entities, but also that of the surrounding areas and the Milwaukee community in general; and

Whereas, Grants from alcohol beverage establishments licensed by the city will also enable the police department to address the security needs of these establishments, thereby enhancing the safety and security not only of the establishments, but also that of surrounding areas; and

Whereas, These grants from entities qualifying under these criteria will be in the public interest because the grants will enable the police department to assign additional personnel to those public venues and areas and thereby enhance public safety and convenience as well as relieve the general city property tax- payers from funding the cost of the additional law enforcement services provided to entities operating the public venues; and

Whereas, The Common Council believes that criteria for acceptance of grants from public or quasi-public entities and other entities that seek to enhance public safety and convenience, to fund law enforcement services currently provided in Resolutions File Number 011573, 021317 and 040746, as well as the other criteria that are added by this ordinance need to be codified; now, therefore

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

Part 1. Section 304-83 of the code is created to read:

304-83. Additional Grants for Law Enforcement Services.

1. ACCEPTANCE. The police department may receive grant funds for additional law enforcement services from entities that meet the criteria specified in sub. 2.
2. CRITERIA. a. The entity providing the grant to the police department for additional police services must receive the approval of the police chief for the nature and amount of police services to be funded by the grant and meet all of the following criteria:
 - a-1. The entity is a tax-exempt public or quasi-public entity.
 - a-2. The entity owns or operates a large public venue open to the public.
 - a-3. The operations of the entity occasion the need for additional police services in areas adjacent to a public venue that the entity owns or operates.b. In lieu of the criteria specified in par. a, grants may also be received from entities that meet either one of the following criteria:
 - b-1. The entity owns or operates facilities that present unique security needs occasioning the need for additional police services.
 - b-2. The entity is an alcohol beverage establishment licensed by the city and seeks to enhance public safety.c. Officers shall be assigned to alcohol beverage establishments pursuant to par. b-2 on a voluntary basis.
3. COMMON COUNCIL APPROVAL. The common council may by resolution approve any law enforcement grant agreement that has been approved by the police chief and that meets the criteria specified in sub. 2.

Part 2. Common council resolutions file numbers 011573, 021317 and 040746 are rescinded.

Sponsors: Ald. Wade, Ald. Hines Jr., Ald. Bauman, Ald. Hamilton, Ald. Zielinski And Ald. Witkowiak

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

Aye: 10 - Hamilton, Davis, D'Amato, Bauman, Bohl, Wade, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 4 - Donovan, Puente, Murphy Dudzik

Excused: 1 - McGee Jr.

3. [070819](#) 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 adding the following:

On the north side of West Highland Avenue from a point 125 feet west of North 6th Street to a point 170 feet west thereof

On the north side of West Morgan Avenue from a point 145 feet west of South 41st Street to a point 25 feet west thereof

On the north side of West Scott Street from South 14th Street to South 15th Street on school days from 7:00 AM to 7:00 PM

On the north side of West Layton Avenue from a point 575 feet east of South 20th Street to a point 40 feet east thereof

Part 2. Section 101-23-4-d of the Code relating to Two-Hour Parking is amended by adding the following:

On the west side of South 61st Street from West Nebraska Avenue to West Forest Home Avenue

On south side of West Nebraska Avenue from South 61st Street to a point 350 feet west

Part 3. Section 101-23-4-e of the Code relating to Three-Hour Parking is amended by striking the following:

“On North Pierce Street from East Keefe Avenue to East Townsend Street from 7:00 AM to 7:00 PM except Saturday and Sunday”

Part 4. Section 101-26-5-1-b of the Code relating to Snow Parking Regulations - Four or More Inches is amended by adding the following:

On the east side of South 24th Street from West Becher Street to West Grant Street

On the east side of South 25th Street from West Becher Street to West Lincoln Avenue

On the east side of South 26th Street from West Becher Street to West Lincoln Avenue

Part 5. Section 101-27-3-b-1 of the Code relating to Alternate Side Night Parking is amended by adding the following:

On South 28th Street from West Becher Street to West Lincoln Avenue

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

4. [070820](#) 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 101-7-2 of the Code relating to Designation of Non-intersection Crosswalk is amended by adding the following:

On West Highland Avenue at a point 225 feet west of North 6th Street

On West Highland Avenue at a point 280 feet west of North 6th Street

Part 2. Section 101-13-2 of the Code relating to Speed Limits is amended by adding the following:

On West Grange Avenue between South Howell Avenue and South 27th Street
30-mph

Part 3. Section 101-13-5 of the Code relating to Speed Limits is amended by striking the following:

“On West Grange Avenue between South Howell Avenue and South 6th Street 35-mph”

“On West Grange Avenue between South 6th Street and South 27th Street 35-mph”

Part 4. Section 101-13-8 of the Code relating to School Speed 20 MPH is amended by striking the following:

“On East/West Locust Street from North Palmer Street to North 2nd Street”

Part 5. Section 101-15 of the Code relating to Yield signs is amended by striking the following:

“On South Lenox Street at East Conway Street”

Part 6 Section 101-15 of the Code relating to Yield signs is amended by adding the following:

On West Brown Street at North 15th Street

Part 7. Section 101-16-1 of the Code relating to Stop signs is amended by adding the following:

On West Concordia Avenue at North 22nd Street

On West Dakota Street at South 38th Street

On West Manitoba Street at South 37th Street

On West Manitoba Street at South 39th Street

On West Manitoba Street at South 41st Street

On South 36th Street at West Manitoba Street

On South 38th Street at West Manitoba Street

On South 40th Street at West Manitoba Street

Part 8. Section 101-22-2 of the Code relating to One Way Alleys is amended by adding the following:

On east leg of east/west alley south of West Center Street between North 35th Street and North 36th Street eastbound

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

ADOPTION OF THE FOLLOWING:

5. [070875](#) Resolution authorizing the acceptance and expenditure of up to \$650,000 in private contributions for the purpose of training members of the Milwaukee Fire Department and purchasing various supplies for the Safe Schools/Healthy Students Initiative, Project Staying Alive program.
- Whereas, Section 304-24 of the Milwaukee Code of Ordinances regulates the receipt, appropriation and expenditures of contributions received by the City; and
- Whereas, On November 6, 2001, the Common Council adopted Resolution 010844 amending Resolution 970233 and further amending Resolution 941142 to allow the Fire Department to increase the amount of private contributions to \$250,000 from the \$75,000 authorized initially for the purpose of maintaining the special teams training programs; and
- Whereas, On June 23, 2003, the Common Council adopted Resolution 030267, authorizing the Milwaukee Fire Department to accept up to \$400,000 in private contributions for fire safety education; and
- Whereas, The Milwaukee Fire Department frequently receives inquiries from citizens, foundations or other entities regarding donating funds for the purchase of fire suppression, emergency medical services or other equipment and training; and
- Whereas, Children's Hospital of Wisconsin wishes to contribute up to \$3,148.00 to the Milwaukee Fire Department for firefighter training and supplies related to the Safe Schools/Healthy Students Initiative, Project Survive Alive program ; and
- Whereas, Milwaukee Public Schools wishes to contribute up to \$175,000 to the

Milwaukee Fire Department for firefighter training and supplies related to the Safe Schools/Healthy Students Initiative, Project Staying Alive program; now, therefore be it

Resolved, By the Common Council of the City of Milwaukee, that the Milwaukee Fire Department is authorized to accept up to \$650,000 in private contributions for firefighter training programs and supplies for the Safe Schools/Healthy Students Initiative, Project Staying Alive program, but no more than the amount actually received, in accordance with established City policies; and, be it

Further Resolved, That upon receipt and deposit of these funds, the City Comptroller is directed to establish a special account within the Milwaukee Fire Department budget for the expenditure of the funds; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer appropriations and estimated revenue from the Special Purpose Account-Contributions, account number 0001-2110-0001-D001-006300, and the Estimated Revenue Account for Contributions, account number 0001-9990-0001-009850 to the Fire Department special account 001-3280-0001-Dxxx-006800, and the Fire Department estimated revenue account 0001-3280-0001-009850, up to the amount of \$650,000.

Sponsors: Ald. Hamilton

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

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

No: 0

Excused: 1 - McGee Jr.

6. [070951](#) Resolution amending Common Council File Number 070701, relating to the Law Enforcement Special Assignment Grant Agreement with the University of Wisconsin-Milwaukee.

Whereas, The Common Council adopted Common Council File Number 070701 on September 25, 2007, approving an extension to the Law Enforcement Special Assignment Grant Agreement with the University of Wisconsin-Milwaukee; and

Whereas, Grant funding for the period of August 23, 2007 to May 17, 2008, was \$24,000; and

Whereas, Additional funding of \$5,000 has been provided by the University of Wisconsin-Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 070701 adopted on September 25, 2007, is amended by deleting the amount "\$24,000" in the 1st "Further Resolved" clause under Item 1, and inserting in lieu thereof the amount "\$29,000", thereby increasing the grant by \$5,000.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

PLACING ON FILE THE FOLLOWING:

7. [010503](#) A substitute ordinance establishing a pilot resident parking permit program.

Sponsors: Ald. D'Amato

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

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

No: 0

Excused: 1 - McGee Jr.

8. [070854](#) Communication from the Department of Employee Relations transmitting a report relative to occupational injuries and illnesses of city employees.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

9. [070907](#) Communication from the Milwaukee Commission on Domestic Violence and Sexual Assault transmitting their 2007 1st and 2nd quarterly reports.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

10. [070956](#) Communication from the Milwaukee Police Department relating to its inspection of public passenger vehicles.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

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THE FINANCE & PERSONNEL COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [070813](#) A substitute ordinance to further amend the 2007 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 060494 relative to offices and positions in the City Service is hereby amended as follows:

Under "Health Department, Office of Violence Prevention", add footnote designation "(Y)" to one position of "Health Project Coordinator (CCR)(X)"; under "Administration Division", add footnote designation "(Y)" to one position of "Compliance Analyst"; under "Clinic Operations", add footnote designation "(Y)" to one position of "Clinic Operations Manager (X)"; under "Family and Community Health Services, Maternal and Child Home Environmental Health Division", add footnote designation "(Y)" to one position of "Healthcare Outreach Coordinator (X)"; under "Southside Health Center", add footnote designation "(Y)" to one position of "Public Health Nurse Supervisor (X)(AA)(FF)", one position of "Public Health Nurse Supervisor (X)(O)" and one position of "Manager of Nursing Practice (X)(AA)(FF)"; under "Comprehensive Home Visiting Grant", add footnote designation "(Y)" to one position of "MCHVP Program Manager (X)(E)" and one position of "Health Project Coordinator - MCHVP (X)(E)"; under "Improved birth Outcomes (NNN) - NFP", add footnote designation "(Y)" to one position of "Public Health Nurse Supervisor (NNN)"; under "Home Environmental Health Program, Lead Poisoning Control Program", add footnote designation "(Y)" to one position of "Public Health Nurse Supervisor (X)"; under "CDBG Lead Grant", add footnote designation "(Y)" to one position of "Lead Project Coordinator (CDGB)(TT)(X)"; under "Lead Demonstration Grant (NN)", add footnote designation "(Y)" to one position of "Lead Project Coordinator (LDG)(X)(N)"; under "Lead Outreach Grant (EEE)", add footnote designation "(Y)" to one position of "Health Project Coordinator (Lead)(X)(EEE)"; under "Lead Based Paint Hazard Control Grant (GGG)", add footnote designation "(Y)" to one position of "Lead Hazard Prevention Manager (X)(GGG)(EEE)"; under "Healthy Behaviors and Health Care Access Division", add footnote designation "(Y)"

to one position of "Employee Assistance Coordinator (X)" and one position of "School Health Manager (X)"; under "Tobacco Control Community Coalition II Grant (T)", add footnote designation "(Y)" to one position of "Tobacco Control Program Coordinator (T)(X)"; under "Adolescent Community Health Grant (J)", add footnote designation "(Y)" to one position of "Project Coordinator-Plain Talk (X)(J)(NNN)(QQQ)" and one position of "Health Project Coordinator- ACHP (J)(X)"; under "Disease Control and Prevention Division, Bioterrorism-Focus A Grant", add footnote designation "(Y)" to one position of "Public Health Emergency Response Planning Coordinator (X)(A)(P)" and one position of "Telecommunications Analyst-Associate (P)"; under "Bioterrorism Grant-Focus B", add footnote designation "(Y)" to one position of "Epidemiologist (X)(DDD)(A)"; under "Bioterrorism Grant - Focus CRI" add footnote designation "(Y)" to one position of "Health Project Coordinator-Emergency Preparedness (P)(X)" and one position of "Health Project Coordinator - Immunizations (X)(P)(DD)"; under "Sexually Transmitted Disease Clinic", add footnote designation "(Y)" to one position of "Communicable and Infectious Disease Program Supervisor (X)"; under "Tuberculosis Control Unit", add footnote designation "(Y)" to one position of "Communicable & Infectious Disease Program Supervisor (X)"; under "Urban Areas Security Initiative Program Grant (FFF)", add footnote designation "(Y)" to one position of "Health Project Coordinator -Emergency Preparedness (X)(FFF)."

Under "Library, Administrative Services Decision Unit, Building and Grounds Section", add footnote designation "(Y)" to one position of "Building Maintenance Supervisor II (X)"; under "Central Library Decision Unit, Public and Subject Services Division, Children's Room", add footnote designation "(Y)" to one position of "Librarian V (X)."

Under "Port of Milwaukee, Operations Division", add footnote designation "(Y)" to one position of "Port Operations Manager (X)."

Under Department of Public Works, Water Department, Business Organization, Technical Services", add footnote designation "(Y)" to one position of "Network Manager (X)"; under "Accounting Services Section", add footnote designation "(Y)" to one position of "Water Business Manager (X)" and one position of "Water Accounting Manager"; under "Meter Services", add footnote designation "(Y)" to one position of "Water Meter Services Manager (X)"; under Engineering Organization, Administration", add footnote designation "(Y)" to one position of "Civil Engineer V (X)"; under "Engineering Design", add footnote designation "(Y)" to one position of "Management Civil Engineer-Sr. (X)"; under "Distribution Organization", Administration", add footnote designation "(Y)" to one position of "Water Distribution Manager (X)"; under "Water Quality Organization", add footnote designation "(Y)" to one position of "Water Quality Manager (X)"; under "Plants - North Organization, Linnwood and North Production", add footnote designation

“(Y)” to one position of “Water Plant Manager-North (X)”); under “Plants - South Organization, Howard and South Water Production”, add footnote designation “(Y)” to one position of “Water Plant Manager - South (X).”

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. MURPHY that this Ordinance be PASSED. The motion PREVAILED by the following vote:

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

No: 0

Excused: 1 - McGee Jr.

ADOPTION OF THE FOLLOWING:

2. [070881](#) Substitute resolution authorizing an Intergovernmental Agreement with Milwaukee Public Schools relating to school debt of the City reimbursed by the Milwaukee Public Schools.
- Whereas, The City periodically issues debt for school purposes at the request of the Milwaukee Public Schools; and
- Whereas, The City and MPS desires to formalize an agreement upon which the debt service on reimbursed school debt is paid by MPS; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee approves the attached form of an intergovernmental agreement with Milwaukee Public Schools relating to the reimbursement of certain debt for school purposes, and authorizes and directs the proper officers of the City to execute the agreement with such changes as may be recommended and approved by the City Attorney in consultation with the Comptroller.

Sponsors: THE CHAIR

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

Aye: 13 - Hamilton, Davis, D'Amato, Bauman, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Bohl

Excused: 1 - McGee Jr.

3. [070903](#) Substitute resolution with reference to special taxes or assessments for the year 2007.

Whereas, The Comptroller in compliance with the City Charter has reported to the Common Council of the City of Milwaukee that he has schedules of special taxes and assessments to be levied on various lots and parcels in several aldermanic districts; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that such special taxes and assessments, as certified by the Comptroller, are deemed to be legal and just, and the same hereby levied and assessed on the lots and parcels of land described on the above schedules; and, be it

Further Resolved, That the proper officers are hereby directed to enter the amounts indicated or, the said schedules on the tax roll of the year 2007 and collect the same as provided in the Milwaukee City Charter.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

4. [070938](#) Resolution relating to the annual United Performing Arts Fund/Visions Campaign.

Whereas, Additional non-tax funds are needed to supplement property tax funds to preserve the quality of life in Milwaukee, and nonprofit organizations have been established to receive contributions from the private sector toward this end; and

Whereas, Friends of the Pabst Theater was created to ensure preservation of this historic landmark building, and the development of improvements in service, programs, and facilities with the aid of private contributions; and

Whereas, The Urban Forestry Fund has been established through the Milwaukee Foundation to further enhance the environment of this City, and to extend services and programs which cannot be adequately supported without alternative non-tax revenues;

and

Whereas, The Milwaukee Recreation Fund has been established through the Milwaukee Foundation to help enhance our small town park settings with City neighborhoods by providing funds to make special improvements to the 46 children's play areas and providing safe and imaginative recreation opportunities for the City's children and families to give residents and neighborhood organizations a sense of ownership in those children's play areas to help them become a focal point for the neighborhood; and

Whereas, The Milwaukee Art Museum has been established to ensure the development of services, programs, and facilities with the aid of private donations; and

Whereas, The Milwaukee Public Library Foundation was established to help support programs and activities that promote a greater understanding of our world and our cultures; and

Whereas, The Wisconsin Conservatory of Music was established to provide the finest music education and performance opportunities to aspiring professional performers, children, and adults; and

Whereas, The Milwaukee Arts Board has been established to raise funds for Arts Board programs and community projects; and

Whereas, Discovery World@Pier Wisconsin was established to create lifelong learners through maritime, experiential-based education opportunities using the Great Lakes as a resource; and

Whereas, The Milwaukee Public Schools Foundation has been established to provide enhanced learning opportunities for students, encourage creative and innovative educational programs, and recognize and support teachers and support staff; and

Whereas, Donations to these organizations will be committed to programs and services which cannot be met through tax revenues, and are not intended as a replacement for such funds; and

Whereas, Visions has been established to solicit monetary support for these organizations, and

Whereas, The 2007 combined UPAF/Visions Campaign was very successful and indicative of employees' concern for and support of the associated organizations; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee encourages all City employees to support this joint campaign in its goals of improving the quality of this City's cultural life and environment

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

5. [070958](#) Substitute resolution approving a city group life insurance contract for 2008 through 2010.

Whereas, The City has solicited proposals for the City's group life insurance contract for 2008 through 2010; and

Whereas, The City has retained the consulting services of Willis of Wisconsin, Inc. to assist the City in preparing specifications developing a list of prospective bidders and evaluating the proposals that are received in response to the request for proposals; and

Whereas, The consultant has evaluated the proposals and has recommended the City award the proposal of Standard Insurance Company and the Executive Director of the Employees' Retirement System and the City Attorney concurs in this recommendation; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves the recommendation of the selection of Standard Insurance Company as the City's group life insurance carrier for the period 2008 through 2010; and, be it

Further Resolved, That the Executive Director of the Employees' Retirement System and the City Attorney be and hereby are authorized to negotiate the terms of a formal agreement between Standard Insurance Company and the City of Milwaukee for approval by the Common Council; such agreement to incorporate the request for proposals and the proposal of Standard Insurance Company.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- 6. [070987](#) Resolution relating to the expenditure of funds to be reimbursed by greater than anticipated revenue.
Whereas, Section 304-91 of the Milwaukee Code of Ordinances establishes procedural guidelines related to the expenditure of funds to be reimbursed by greater than anticipated revenues; and

Whereas, The Department of Neighborhood Services razes buildings for a variety of reasons, including ensuring public safety and supporting economic development efforts; and

Whereas, the costs of razing are charged to owners of the properties that are razed and are recovered by the city through payments by property owners, including by charges added to the tax roll; and

Whereas, the anticipated razing revenue to be received from planned razing in the 2007 fiscal year will be \$1,095,000, which is \$120,000 higher than the estimate for razing revenue included in the adopted 2007 city budget (\$975,000); and

Whereas, The Comptroller has certified that greater than anticipated revenue from razing in the amount of \$120,000, pursuant to s. 304-91,

Pursuant to s. 304-91, I hereby certify that the money required for this to be realized on or before December 31, 2007, and is to be expended only for the purposes specific in this resolution.

Comptroller

Date

; Now, therefore, be it Resolved, By the Common Council of the City of Milwaukee, that the Comptroller is hereby authorized and directed to increase appropriations in the amount of \$120,000 in the Special Purpose Account Razing and Vacant Building Protection Fund (0001-3600-0001-S162-006300) and to increase the estimated revenues for the Building Razing revenue account (0001-3600-0001-941061) by \$120,000; and be it

Further Resolved, That the Department of Neighborhood Services is authorized to expend these funds for payment of razing costs; and be it

Further Resolved, That the Comptroller is authorized and directed to establish the necessary accounts and accounting procedures to carry out the intent of this resolution.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

PLACING ON FILE THE FOLLOWING:

7. [061470](#) Communication from the Commissioner of Public Works updating the City's Prevailing Wage Schedule.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

8. [070811](#) Communication from the Department of Administration - Budget and Management Analysis Division transmitting various vacancy requests, fund transfers and equipment requests.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

9. [070966](#) Communication from the Ethics Board relative to effectuating various changes to the Positions Ordinance.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

10. [070967](#) Communication from the Office of the Comptroller relating to the 2006 Management Letter and Statement of Auditing Standards 112 Report by the City's independent external auditors for the year ended December 31, 2006.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

11. Various obsolete files:

- a. [070416](#) Resolution establishing the 2008 Local Snow and Ice Removal Charge in accordance with Section 309-83 of the Milwaukee Code of Ordinances.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- b. [070554](#) An ordinance relating to the rates of pay for municipal court judges, the city attorney, the city treasurer, and the comptroller.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- c. [070702](#) Resolution amending the Intergovernmental Cooperation Agreement between the City of Milwaukee and the Employees' Retirement System and the Annuity and Pension Board for indirect service charges.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. [070874](#) Resolution relating to the claim of WE Energies relating to property damage in the amount of \$21,831.28.
Whereas, The claimant, WE Energies, C.I. File No: 07-S-10, has filed a claim against the City of Milwaukee in the amount of \$27,289.10; and

Whereas, The City of Milwaukee has agree to settle the claim in the amount of \$21,831.28; and

Whereas, The City Attorney recommend and the Common Council of the City of Milwaukee deems it expeditious to settle this claim; 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 \$21,831.28, payable to the order of WE Energies, in full and final settlement of this claim, upon receipt of a release of claims, approved as to form and execution by the City Attorney; said amount to be charged to the Department of Infrastructure Services Account 631002 - Fund No. 0333 - Organization 5233 - Program 4323 - Sub Class R999.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.
2. [070877](#) Resolution relating to the claim of Hunt Management Incorporated relating to property damage in the amount of 5,217.88.
Whereas, The claimant, Hunt Management Incorporated, C.I. File No: 07-S-123, has filed a claim against the City of Milwaukee in the amount of \$5,217.88; and

Whereas, The City of Milwaukee has agreed to pay the claim in the amount of \$5,217.88; and

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

Resolved, By the Common Council of the City of Milwaukee, that the proper City officers be and hereby authorized and directed to issue a City check in the amount of \$5,217.88, payable to the order of Hunt Management Incorporated, in full and final payment of this claim, upon receipt of a release of claims, approved as to form and execution by the City Attorney; said amount to be charged to the Water Department Liability Account 006300 - Fund No. 0410 - Organization 6410 - Program 2631 - Sub Class R643.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

3. [070883](#) Resolution relating to the claim of Ramesh Patel for property damage in the amount of \$12, 268.14.

Whereas, The claimant, Ramesh Patel, C.I. File No.: 07-L-59, has filed a claim through Erie Insurance against the City of Milwaukee in the amount of \$12, 268.14; and

Whereas, The city of Milwaukee has agreed to pay the claim in the amount of \$12, 628.14; and

Whereas, The City Attorney recommends and Common Council of the City of Milwaukee deem it expeditious and just to pay this claim; 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 \$12, 268.14, payable to the order of Erie Insurance as subrogee for Ramesh Patel, P.O. Box 867, Waukesha, WI 53187-0867, in full and final payment of this claim, upon receipt of a release of claims, approved as to form and execution by the City attorney; said amount to be charge to Water Department Liability Account 006300 - Fund 0410 - Organization 6410 - Program 2631 - Subclass R643.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

4. Substitute resolutions authorizing the return of real estate:

- a. [070886](#) Substitute resolution authorizing the return of real estate located at 3009 N. 29th St., in the 7th Aldermanic District to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (Nadir Mustafa)

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- b. [070887](#) Substitute resolution authorizing the return of real estate located at 609 E. Chambers St., in the 3rd Aldermanic District to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (Brian McDowell)

Whereas, The property located at 609 E. Chambers St., previously owned by Brian McDowell, has delinquent taxes for 2004-2996 and Special Improvement Bond KL03144 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated August 13, 2007; and

Whereas, Brian McDowell would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since August 13, 2007; and

Whereas, Brian McDowell has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in

the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 609 E. Chambers St., a cashier's check must be submitted in the amount indicated by the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 07CV004412 known as the 2007-01 In Rem Parcel 213, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- c. [070889](#) Substitute resolution authorizing the return of real estate located at 4703 N. Hopkins St., in the 7th Aldermanic District to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (Yvonne Hubanks)

Whereas, The property located at 4703 N. Hopkins St., previously owned by Yvonne Hubanks, has delinquent taxes for 2004-2006 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated August 13, 2007; and

Whereas, Yvonne Hubanks would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since August 13, 2007; and

Whereas, Yvonne Hubanks has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 4703 N. Hopkins St., a cashier's check must be submitted in the amount indicated by the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 07CV004412 known as the 2007-01 In Rem Parcel 48, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- d. [070891](#) Substitute resolution authorizing the return of real estate located at 1316 N. Hawley Rd., in the 10th Aldermanic District to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (Carol Lee Grunow, a/k/a Kitren Foxworth Healms)

Whereas, The property located at 1316 N. Hawley Rd., previously owned by Carol Lee Grunow, a/k/a Kitren Foxworth Healms, has delinquent taxes for 2004-2006 and Special Improvement Bond KE03940 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated August 13, 2007; and

Whereas, Carol Lee Grunow, a/k/a Kitren Foxworth Healms, would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest

and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since August 13, 2007; and

Whereas, Carol Lee Grunow, a/k/a Kitren Foxworth Healms, has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 1316 N. Hawley Rd., a cashier's check must be submitted in the amount indicated by the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 07CV004412 known as the 2007-01 In Rem Parcel 321, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- e. [070892](#) Substitute resolution authorizing the return of real estate located at 4610 W. Melvina St., in the 7th Aldermanic District to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (Clifford Robert Pitts, Jr.)

Whereas, The property located at 4610 W. Melvina St., previously owned by Clifford Robert Pitts, Jr., has delinquent taxes for 2000-2006 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated August 13, 2007; and

Whereas, Clifford Robert Pitts, Jr. would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since August 13, 2007; and

Whereas, Clifford Robert Pitts, Jr. has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 4610 W. Melvina St., a cashier's check must be submitted in the amount indicated by the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 07CV004412 known as the 2007-01 In Rem Parcel 77, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- f. [070893](#) Substitute resolution authorizing the return of real estate located at 2035 S. 12th St., in the 12th Aldermanic District to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (James Olejniczak)

Whereas, The property located at 2035 S. 12th St., previously owned by James Olejniczak, has delinquent taxes for 2005-2006 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City

of Milwaukee dated August 13, 2007; and

Whereas, James Olejniczak would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since August 13, 2007; and

Whereas, James Olejniczak has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 2035 S. 12th St., a cashier's check must be submitted in the amount indicated by the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 07CV004412 known as the 2007-01 In Rem Parcel 358, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- g. [070894](#) Substitute resolution authorizing the return of real estate located at 4941 W. Good Hope Rd., in the 1st Aldermanic District to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (Dennis Doda)

Whereas, The property located at 4941 W. Good Hope Rd., previously owned by

Dennis Doda, has delinquent taxes for 2004 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated August 13, 2007; and

Whereas, Dennis Doda would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since August 13, 2007; and

Whereas, Dennis Doda has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 4941 W. Good Hope Rd., a cashier's check must be submitted in the amount indicated by the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 07CV004412 known as the 2007-01 In Rem Parcel 11, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

5. [070926](#) Substitute Resolution to settle claim of Cermele & Associates for defense of various police officers.
:Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the

sum of \$23,908.75 payable to Cermele & Associates, 6310 West Bluemound Road, Suite 200, Milwaukee, WI 53213 to reimburse them for legal fees for defense of the following police officers:

POLICE OFFICERS	AMOUNT
Joseph Warren, Paul Lough, Dean Newport and Michael Lutz (Amended)	\$2,110.50
Steven Witkowski and Roger Walker (Amended)	\$1,076.00
Marcie Adameak	\$424.00
Tim Koestering	\$455.10
Robert Kendziorski	\$506.00
William Krumnow and Douglas Anderer	\$726.00
Robert Lacy and Tim Bandt	\$1,166.00
Charles Libal	\$10,233.15
Paul Lough	\$649.00
Edwin Reyes	\$574.00
Bradley Schlei and Kurt Kezeske	\$1,240.00
Raena Melk and Jim Langer	\$833.00

POLICE OFFICERS	AMOUNT
Robert Glowinski, Richard Martinez and John Kulmann	\$666.00
Joseph Goggins	\$1,391.00
Timothy D. Elwing	\$473.00
Leland C. Feldman	\$539.00

Jennifer Moore	\$165.00
Gary Post and Maurice J. Woulfe	\$473.00
William Schroeder, Dales Anders and Andrew Tischer	\$209.00
TOTAL	\$23,908.75

;and, be it

Further Resolved, That the check for \$23,908.75 is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to the Damages and Claims Account -636506- Fund No. 0001 - Organization 1490- Program 2631 - Sub Class S118.

Drafter

City Attorney
enm
10/30/07

1032-2005-2212/124600

Sponsors: THE CHAIR

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

Aye: 13 - Hamilton, D'Amato, Bauman, Bohl, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Davis

Excused: 1 - McGee Jr.

- 6. [070948](#) Resolution to cancel real estate taxes levied against a certain parcel identified by Tax Key No. 392-0797-111-5, 411-433 E. Wisconsin Avenue, Milwaukee, Wisconsin, on the 2006 tax roll, plus interest applicable to date of repayment, if appropriate. Whereas, An assessment in the amount of \$97,877,000 (Land: \$7,069,800 - Improvements: \$90,807,200) was made against the real estate property know as Tax Key Number 392-0797-111-5, for the year 2006; and

Whereas, The Board of Review has decreased this assessment to \$95,000,000 for a reduction of \$2,877,000; 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 \$64,490.54 payable to the City Treasurer or taxpayer as applicable, to be refunded to the taxpayer where appropriate, plus interest at the rate applicable pursuant to Section 70.511 of Wisconsin Statutes, for an appeal that was filed on May 3, 2006, 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 Customer Service 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) \$3,639.70 (City: \$2,754.71
County: \$ 884.99)

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. 392-0797-111-5 shall be applicable from date of payment to January 19, 2007 for the year 2006, and be it

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

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

7. [070977](#) Substitute resolution authorizing and directing the City Attorney, on behalf of the City, to sign onto an amicus brief being coordinated by the Legal Community Against Violence in connection with the U.S. Supreme Court's anticipated review of District of Columbia v. Heller, relating to the District's laws banning most handgun possession by residents.

Sponsors: Ald. Hamilton And Ald. Davis

Ald. Davis asked to be listed as a co-sponsor of this measure.

Ald. Murphy asked that the matter be held until later in the meeting for the purpose of hearing from the office of the City Attorney.

On the motion to hold: PASS, Bauman, Bohl, Puente, Dudzik, Witkowiak, and Witkowski NO.

This matter was taken up again at 12:01 p.m.

Ald. Murphy moved that the Common Council resolve itself into the Committee of the Whole for the purpose of hearing from the office of the City Attorney.

There was no objection.

Asst. City Attorney Katherine Block appeared and addressed the Common Council.

Ald. Murphy moved that the Committee of the Whole rise.

There was no objection.

Ald. Bauman called for the previous question.

Ald. Davis objected.

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

Aye: 12 - Hamilton, Bauman, Bohl, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 2 - Davis D'Amato

Excused: 1 - McGee Jr.

PLACING ON FILE THE FOLLOWING:

8. [060942](#) Communication from the City Attorney relative to expenditures from the Outside Counsel/Expert Witness Fund Special Purpose Account.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

9. [070980](#) Communication from the Intergovernmental Relations Division relating to state legislation to require licensure and certification of property appraisers.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

DISALLOWANCE AND INDEFINITE POSTPONEMENT OF THE FOLLOWING:

10. Various claims against the city:

- a. [070669](#) Resolution relating to an appeal from Deborah George for property damage. (15th Aldermanic District)

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- b. [070878](#) Resolution relating to the claim of Lisa Bullocks relating to stolen property.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- c. [070895](#) Resolution relating to an appeal from the Milwaukee County Transit System for property damage. (15th Aldermanic District)

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- d. [070897](#) Resolution relating to an appeal from Atty. Robert Sanderson on behalf of Hollis Jones and Glenda McDonald for property damage and personal injuries. (6th Aldermanic District)

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- e. [070898](#) Resolution relating to an appeal from Katherine Smith for property damage. (7th Aldermanic District)

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- f. [070949](#) Resolution relating to the claim of Kurt R. Liebold.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- g. [070973](#) Resolution relating to an appeal from David Zidek for property damage. (10th Aldermanic District)

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1. [070495](#) Substitute ordinance relating to the change in zoning from Two-Family Residential to Industrial Light, on land located on the North Side of West Mill Road and West of North Industrial Road, in the 9th Aldermanic District.

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

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

Section 295-801(2).0008. The zoning map is amended to change the zoning for the area bounded and described by the zoning line within West Mill Road, a line 200 feet West and parallel to the west line of North Industrial Road (extended), a line 190 feet North and parallel to the north line of West Mill Road, and a line 270 feet West and parallel to the west line of North Industrial Road (extended), from Two-Family Residential (RT1) to Industrial-Light (IL1).

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

2. [070686](#) Substitute ordinance relating to the change in zoning from Industrial-Light to Local Business on land located West of South 13th Street and North of West Zellman Court, in the 13th Aldermanic District.
- Resolved, That the Mayor and Common Council of the City of Milwaukee, do ordain as follows:

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

Section 295-601.2.0029. The zoning map is amended to change the zoning for the area bounded and described by the City of Milwaukee Limits within South 13th Street, a line 442.45 feet North and parallel to the north line of West Zellman Court, a line 450.08 feet West and parallel to the west line of South 13th Street and a line 242.45 feet North and parallel to the north line of West Zellman Court, from Industrial-Light (IL1) to Local Business (LB1).

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

ADOPTION OF THE FOLLOWING:

3. [070793](#) Resolution authorizing the sale of City-owned vacant lots to Milwaukee Habitat for Humanity, Inc., to create building sites for its 2008 housing program, in the 6th Aldermanic District.
- Whereas, Milwaukee Habitat for Humanity, Inc., ("Habitat") a community-based organization, desires to build 10 single-family homes that will be sold to qualified owner-occupants for its 2008 housing program; and

Whereas, Habitat has submitted an unsolicited Offer to Purchase the following City-owned vacant lots for \$1 each, as summarized in a Land Disposition Report, a copy of which is attached to this Common Council File:

ADDRESS, TAX KEY NO.

2908 North 5th Street, 313-0108-120-3

2911 North 5th Street, 313-0122-000-9

2915 North 5th Street, 313-0121-000-3

2932 North 5th Street, 313-2019-000-5

2935 North 5th Street, 313-2027-000-9

2965-67 North 5th Street, 313-2125-000-1

2926 North 7th Street, 312-1687-000-2

2928 North 7th Street, 312-1688-000-8

3022 North 7th Street, 312-1549-000-3

3028 North 7th Street, 312-1550-000-7

; and

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

Whereas, The sale of these lots will allow Habitat to continue to provide affordable homeownership opportunities to low and moderate-income families and will provide the City with fair compensation through additional tax base and housing opportunities; and

Whereas, The Department of City Development (“DCD”) recommends sale of these lots with closing contingent on DCD approval of final site and building plans and evidence of financing; and

Whereas, These lots will be sold in “as is” condition without representations or warranties including but not limited to soil quality and subsurface condition; now,

therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Offer to Purchase the above-identified vacant lots from Habitat is accepted; and, be it

Further Resolved, That the Commissioner of DCD or designee is authorized to perform such acts as necessary to carry out the intent of this resolution including accepting the Offer, executing the deed and releasing any deed restrictions that prevent construction; and, be it

Further Resolved, That the Commissioner of DCD may amend the Offer after notice to the local alderman pursuant to Section 304-49-2, Milwaukee Code of Ordinances, to substitute different City-owned lots in the target area in the event physical or title problems prevent conveyance of a lot or if additional lots become available due to tax foreclosure or termination of outstanding offers if the new lots are more suitable for Habitat's program; and, be it

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

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

4. [070844](#) Resolution authorizing the sale of the City-owned vacant lot at 530 West Florida Street and adjacent vacated right-of-way to Rider Hotel, LLC, for hotel development, in the 12th Aldermanic District.
- Whereas, Rider Hotel, LLC, plans to renovate its building at 500 West Florida Street into a hotel and needs additional land for parking; and
- Whereas, Rider Hotel, LLC, has applied for the vacation of the excess right-of-way adjacent to its property and has submitted an unsolicited offer to purchase the adjacent City-owned vacant lot at 530 West Florida Street, all of which will be assembled with its adjacent building for hotel parking; and
- Whereas, Section 304-49-7 of the Milwaukee Code of Ordinances allows the City of Milwaukee ("City") to accept unsolicited offers to purchase property when the City receives fair compensation, whether monetary or non-monetary; and

Whereas, The Department of City Development (“DCD”) has reviewed the offer and the development proposal and has determined that the proposed price and redevelopment represents fair compensation to the City considering the investment in the neighborhood, project feasibility and improvements to the public right-of-way; and

Whereas, DCD submits herewith a Land Disposition Report, a copy of which is attached to this Common Council File, describing the terms and conditions of the proposed sale; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of DCD, or designee, is authorized to accept the unsolicited offer to purchase submitted by Rider Hotel, LLC, for the City-owned vacant lot at 530 West Florida Street and adjacent vacated right-of-way as outlined in the Land Disposition Report; and, be it

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

Further Resolved, That the proper City officials are authorized to execute an Emerging Business Enterprise Agreement with the buyer; and, be it

Further Resolved, That the sale proceeds, less sale expenses, shall be credited to the City’s General Fund.

Sponsors: Ald. Witkowiak

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

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

No: 0

Excused: 1 - McGee Jr.

5. [070934](#) Resolution accepting a proposal for the sale of the surplus, City-owned property at 407 North Hawley Road for development of office and warehouse space, in the 10th Aldermanic District.

Whereas, By adoption of File No. 060197 on June 20, 2006, the Common Council of the City of Milwaukee authorized the surplus declaration and marketing of the former Hawley Road Fire Station at 407 North Hawley Road; and

Whereas, The Department of City Development (“DCD”) advertised a Request for Proposal specifying Redevelopment Criteria; and

Whereas, Two proposals were received prior to the established deadline and were reviewed according to the established criteria; and

Whereas, DCD recommends sale of said property to Urologic Technology Services (“UTS”) for commercial use as outlined in a Land Disposition Report, a copy of which is attached to this Common Council File; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proposal submitted by UTS for the former Hawley Road Fire Station is accepted; and, be it

Further Resolved, That the Commissioner of DCD, or designee, is authorized to execute an Option to Purchase, Agreement for Sale and Deed on behalf of the City and to close the transaction according to the terms of the Land Disposition Report and conditioned on DCD approval of the final building plans and receipt of a firm financing commitment; and, be it

Further Resolved, That the proper City officials and/or the Commissioner of DCD, or designee, are authorized to execute any other legal documents necessary to close the transaction; and, be it

Further Resolved, That the net proceeds from the sale shall be returned to the General Fund, less all sale and marketing expenses and a 25 percent development fee to be paid to the Redevelopment Authority of the City of Milwaukee.

Sponsors: Ald. Murphy

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

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

No: 0

Excused: 1 - McGee Jr.

6. [070935](#) Resolution approving the Land Disposition Report for part of a Redevelopment Authority property in the Menomonee Valley Industrial Center for sale to HSI Development Partners, LLC, for development of a corporate office and manufacturing facility for Derse, Inc., in the 8th Aldermanic District.

Whereas, HSI Development Partners, LLC, has offered to purchase an approximately 8-acre site at the northeast corner of North Selig Drive and West Canal Street in the Menomonee Valley Industrial Center for development of a corporate office and

manufacturing facility for Derse, Inc.; and

Whereas, On October 18, 2007, the Redevelopment Authority of the City of Milwaukee ("Redevelopment Authority") held a Public Hearing on the proposed land sale as required by Wisconsin Statutes; and

Whereas, Pursuant to Wisconsin Statutes and as a condition precedent to the sale, lease or transfer of land, the Redevelopment Authority submits herewith a Land Disposition Report describing the terms and conditions of the proposed sale; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Land Disposition Report dated October 18, 2007, with respect to the proposed sale of the following property, is approved.

REDEVELOPMENT PROJECT AREA

Milwaukee Road Shops

PARCEL ADDRESS

Part of 3601 West Canal Street

REDEVELOPER

HSI Development Partners, LLC

; and, be it

Further Resolved, That the proper City officials are authorized to execute an Emerging Business Enterprises Agreement with the Redeveloper and the Redevelopment Authority and any other City of Milwaukee easements or documents necessary to close the transaction.

Sponsors: Ald. Donovan

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

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

No: 0

Excused: 1 - McGee Jr.

7. [070953](#) Resolution requiring the routing of all approved subdivision plats and certified survey maps to the Milwaukee County Land Information Office.
- Whereas, There is a need to have the most current information in the Diggers Hotline database to ensure public safety when excavating or construction work proceeds; and
- Whereas, An investigation into opportunities to improve the currency of street and address information for Diggers Hotline resulted in a process that will significantly improve the currency of information in the one-call land information system; and
- Whereas, The proposal recommends that an ordinance require the routing of all subdivision plats and certified survey maps (in formats currently acceptable to the community) to the Milwaukee County Land Information Office upon approval of the final plats and certified maps by the Common Council; and
- Whereas, Building permits not be issued until said routing has been accomplished; and
- Whereas, The Milwaukee County Land Information Office will create an electronic file using a prescribed format that was established as a result of the investigation, and route that electronic file to Diggers Hotline for their processing; and
- Whereas, Adoption of this resolution will benefit municipalities by improving a safe environment for excavators and constituents and lessening the likelihood of damage to buried or overhead infrastructure now therefore, be it

Resolved, That all City staff responsible for the review and administration of subdivision plats and certified survey maps shall see to it and are hereby directed to deliver all subdivision plats and certified survey maps (in formats customarily utilized by the City of Milwaukee) to the Milwaukee County Land Information Office following final approval thereof and upon recording.

Requestor

Department of Public Works

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

CONFIRMATION OF THE FOLLOWING:

8. [070974](#) Reappointment of Ann Pieper Eisenbrown to the Historic Preservation Commission by the Mayor. (3rd Aldermanic District)

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

CONFIRMATION OF THE FOLLOWING:

1. [070911](#) Appointment of Lanie Wasserman to the Business Improvement Board No. 32 (Fond du Lac - North Avenue Market Place) by the Mayor.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

PLACING ON FILE THE FOLLOWING:

2. [070917](#) Communication from the Department of Public Works relating to the 2006 Annual Report for the Residents Preference Program and the 2006 Emerging Business Enterprise Program Report.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

THE PUBLIC WORKS COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. Various resolutions relating to special privileges:

- a. [070540](#) Substitute resolution amending a special privilege for change of ownership to Philadelphia Church of God in Christ, Inc. for two excess door swings and for addition of a security camera encroaching in the public right-of-way for the premises at 2933-2957 North Dr. Martin L. King Dr., in the 6th Aldermanic District.
- Whereas, Opportunities Industrialization Center requested permission to construct and maintain two excess door swings in the public right-of-way; and
- Whereas, Permission for said door swings was granted in 1997 under Common Council File Number 970801; and
- Whereas, A site visit revealed the presence of a security camera in the public right-of-way; and
- Whereas, Philadelphia Church of God in Christ, Inc. now owns the property; and
- Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and
- Whereas, Said camera may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, be it
- Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 970801 is hereby rescinded; and, be it
- Further Resolved, That Philadelphia Church of God in Christ, Inc., 2933-57 North Martin L. King Jr. Dr, Milwaukee, Wisconsin 53212, is hereby granted the following special privileges:
1. To install and maintain a security camera projecting into the 12-foot wide west sidewalk area of North Martin L. King Jr. Drive. Said camera, centered approximately 945 feet south of the southline of West Chambers Street, is in a 2-foot diameter spherical enclosure approximately 20 feet above grade. Said camera and enclosure project approximately 3 feet into the public way.
 2. To keep and maintain two excess door swings that project into the public right-of-way more than the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. The two doors, located along the west, 12-foot

wide sidewalk area of North Martin L. King Jr. Drive, are centered approximately 950 and 1045 feet south of the southline of West Chambers Street and project 3 feet 6 inches and 3 feet, respectively, into the public right-of-way.

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

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

; And, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Philadelphia Church of God in Christ, Inc., shall:

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

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$35.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

- b. [070626](#) Substitute resolution granting a special privilege to A and F Properties LLC to construct and maintain a concrete platform with risers and a new planting bed with concrete edging for the premises at 518 West Cherry Street, in the 6th Aldermanic District.
- Whereas, A and F Properties LLC is requesting permission to install a concrete platform with risers and a new planting bed with edging within the public right-of-way; and
- Whereas, Said platform with risers and new planting bed may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that, A and F Properties, LLC, 1126 South 70th Street, West Allis, Wisconsin 53214, is hereby granted the following special privileges:
1. To construct and maintain a concrete platform with risers which will commence at a point approximately 104 feet 10 inches from the westline of North 5th Street and extend west for a distance of 17 feet 6 inches. The platform and risers will project into the north 15-foot sidewalk area of West Cherry Street approximately 4 feet 1 inch.
 2. To construct and maintain a planting bed with concrete edging which will project into the north 15-foot sidewalk area of West Cherry Street approximately 4 feet 4 inches. Said planting bed will commence at a point approximately 136 feet west of

the westline of North 5th Street and extends west for a distance of 13 feet 9 inches. The planting bed will be outlined with a 6-inch wide concrete border which has an area of approximately 18 square feet.

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

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

; and, be it

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

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

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$3,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$62.27. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

2. [060569](#) Substitute resolution to vacate the East-West alley in the block bounded by West Pierce Street, South 31st Street and the Soo Line Railroad, in the 8th Aldermanic District.

Whereas, It is proposed that the East-West alley in the block bounded by West Pierce Street, South 31st Street and the Soo Line Railroad be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been authorized and directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

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

Resolved, By the Common Council of the City of Milwaukee, that said alley as indicated by Exhibit A and bounded and described by:

All of the East-West alley as platted in the Resubdivision of Berninger Park, a recorded subdivision, in the Northeast 1/4 and Southeast 1/4 of Section 36, Township 7 North, Range 21 East, between the west line of South 31st Street extended and the west line of said subdivision is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said 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 with reference thereto shall continue as if said alley had not been vacated.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

3. [070649](#) Substitute resolution relating to City policy concerning the sale of water to neighboring communities pending the Great Lakes Charter Annex Implementing Agreements are ratified.

Sponsors: Ald. Murphy, Ald. D'Amato, Ald. Bauman, Ald. Dudzik And Ald. Witkowski

Proposed Substitute A

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

Aye: 13 - Hamilton, D'Amato, Bauman, Bohl, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Davis

Excused: 1 - McGee Jr.

- [070649](#) Substitute resolution relating to City policy concerning the sale of water to neighboring

communities pending the Great Lakes Charter Annex Implementing Agreements are ratified.

Whereas, The Council of Great Lakes Governors, represented by 10 jurisdictions - Wisconsin; Illinois; Indiana; Michigan; Minnesota; New York; Ohio; Pennsylvania; and Ontario and Quebec, Canada - collectively manages Lake Michigan water issues under the 2001 Great Lakes Charter Annex; and

Whereas, Annex 2001 agreements were developed by representatives from the 10 jurisdictions' environmental agencies to define how the Council of Great Lakes Governors manages water quantity issues, and addresses distribution of water from the Great Lakes and water diversions outside the Great Lakes basin; and

Whereas, To implement the Annex 2001 agreements, on December 13, 2005, the governors and premiers of these jurisdictions signed the Great Lakes - St. Lawrence River Basin Sustainable Water Resources Agreement and endorsed the Great Lakes - St. Lawrence River Basin Water Resources Compact, collectively known as the Great Lakes Charter Annex Implementing Agreements; and

Whereas, The agreements recognize that the waters of the River Basin are a shared public treasure and that the states and provinces as stewards have a shared duty to protect, conserve, manage and maintain the integrity of the River Basin and its ecosystem, and set a common standard for decisions about proposed water uses; and

Whereas, The agreements are not binding on states or provinces, but rather provide a framework for each state and province to pass laws that will protect the Great Lakes' St. Lawrence River Basin; and in the U.S., each of the 8 states will enact into law and enforce the agreements through an interstate compact, and the United States Congress will be asked to ratify the compact; and

Whereas, There have been discussions between the City of Milwaukee and neighboring jurisdictions relating to selling water to areas outside the Great Lakes basin, and City of Milwaukee policies relative to these discussions should be consistent with standards adopted by the Council of Great Lakes Governors that will ensure a uniform policy throughout the Great Lakes region; and

Whereas, Consistent and uniform standards will ensure the least amount of impact on the City's environmental and economic health, and ensure that the Great Lakes region and its ecosystems are not irreparably damaged; and

Whereas, The City of Milwaukee's current position concerning the sale of water to areas outside the Great Lakes basin should be to take no action until the state of Wisconsin enacts into law and enforces the agreements with an interstate compact; and

Whereas, Once the state of Wisconsin ratifies the compact, the City of Milwaukee may enter into agreements for the sale of water to neighboring communities outside the Great Lakes basin with confidence that its agreements are consistent with the health and economic vitality of the Great Lakes ecosystem, the intentions of the Council of Great Lakes Governors and the Great Lakes Charter Annex Implementing Agreements; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it is the City of Milwaukee's position that no signing of final agreements relating to sale of water to neighboring communities outside the Great Lakes basin shall occur before the state of Wisconsin ratifies the interstate compact; and, be it,

Further Resolved, That the City Clerk shall forward a certified copy of this resolution to Wisconsin Governor Jim Doyle.

..Requestor

Sponsors: Ald. Murphy, Ald. D'Amato, Ald. Bauman, Ald. Dudzik And Ald. Witkowski

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

Aye: 13 - Hamilton, D'Amato, Bauman, Bohl, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Davis

Excused: 1 - McGee Jr.

4. [070687](#) Substitute resolution to vacate an approximate 3 foot by 4 foot triangular portion of street at the intersection of North Downer Avenue and East Bellevue Place, in the 3rd Aldermanic District.

Whereas, It is proposed that a 3 foot by 4 foot triangular area at the corner of North Downer Avenue and East Bellevue Place be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been authorized and directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

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

Resolved, By the Common Council of the City of Milwaukee, that said portion of street as indicated by Exhibit A and bound and described by:

That part of North Downer Avenue in the Southeast 1/4 of Section 15, Township 7 North, Range 22 East, described as follows: Commencing at the most northerly corner of Lot 30 in Block 5 of Gilman's Subdivision, a recorded subdivision, in said 1/4 Section; thence Southwesterly, along the northwesterly line of Lot 30 aforesaid, 5.21 feet to a point in the west line of Lot 30; thence Northerly, along the northerly extension of said west line, to its point of intersection with the northwesterly extension of the northerly line of Lot 30; thence Southeasterly, along said northwesterly extension, to the point of commencement, is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That upon deposit of the funds required, the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said 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 with reference thereto shall continue as if said portion of street had not been vacated.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

5. [070693](#) Substitute resolution to vacate a portion of West Florida Street between South 5th Street and South Alexander Street and a portion of the alley in the block north of West Florida Street between South 5th Street and South 6th Street, in the 12th Aldermanic District.

Whereas, It is proposed that portion of West Florida Street and the remaining portion of the north-south alley in the block bounded by South 5th Street, West Nicholas Street, South Alexander Street, South 6th Street and the Soo Line ROW be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been authorized and directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

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

Resolved, By the Common Council of the City of Milwaukee, that said right-of-way as indicated by Exhibit A and bound and described by:

That part of West Florida Street as presently laid out and a portion of the north-south 20-foot wide alley as platted in Block 13 of Walker's Point, a recorded subdivision, all in the Northeast 1/4 of Section 32, Township 7 North, Range 22 East, described as follows: Commencing at the southeast corner of Lot 6 in said Block 13; thence South 00 00'06" West 41.42 feet to a point; thence South 58 56'50" West 95.87 feet to a point of curve; thence Northwesterly, 82.91 feet along the arc of said curve which has a radius of 67.67 feet with its center lying to the north having a central angle of 70 12'10" and whose chord bears North 85 57'05" West 77.82 feet to a point of tangency; thence North 50 51'00" West 65.54 feet to a point of curve; thence Northwesterly, 33.43 feet along the arc of said curve which has a radius of 37.67 feet with its center lying to the northeast having a central angle of 50 51'06" and whose chord bears North 25 25'27" West 32.34 feet to a point of tangency; thence North 00 00'06" East 15.68 feet to a point in the south line of Lot 7 in said Block 13; thence South 89 46'24" East, along the south line of Lot 7 aforesaid, 64.47 feet to the southeast corner of Lot 7; thence North 00 00'06" East, along the east line of Lot 7 aforesaid, 20.00 feet to a point; thence South 89 46'24" East 20.00 feet to a point in the west line of said Lot 6; thence South 00 00'06" West, along said west line, 20.00 feet to the southwest corner of Lot 6; thence South 89 46'24" East, along the south line of Lot 6 aforesaid, 140.00 feet to the point of commencement is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said 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 with reference thereto shall continue as if said had not been vacated.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

6. [070906](#) Substitute resolution approving a Third Amendment to Access Management Contract between the City of Milwaukee and Milwaukee Access Telecommunication Authority, Inc.

Whereas, The City, acting pursuant to Resolution File No. 991747, and MATA (the Contractor) entered into an April 20, 2000 Access Management Contract (the "Original Agreement"); and

Whereas, The City, acting pursuant to Resolution File No. 000491, and the Contractor entered into an Amendment to the Original Agreement modifying certain approval and funding dates (the "First Amendment"); and

Whereas, The City, acting pursuant to Resolution File No. 031356, and the Contractor entered into a Second Amendment to the Agreement granting funds to satisfy certain mortgage liens on Contractor's real property (the "Second Amendment"; the Original Agreement as amended by the First and Second Amendments is hereafter referred to as the "Agreement"); and

Whereas, Under the terms of the Agreement, Contractor is to provide specified community and educational access services for the 17 year term of the Agreement; and

Whereas, The Agreement designates Contractor as an Access Manager for purposes of Section 99-11, Milwaukee Code of Ordinances, and Section 7 of the Time Warner

Franchise Agreement, and assigns control and management of certain public and educational access channels, facilities and resources under such franchise; and Whereas, The City on April 25, 2007, entered into an agreement with AT&T Wisconsin, authorizing AT&T Wisconsin to use and occupy the City's rights-of-way to provide U-verse TV services; and

Whereas, The City desires to assign control and management of certain public and educational access channels, facilities and resources under the City's agreement with AT&T Wisconsin to Contractor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Third Amendment to the Access Management Contract between the City of Milwaukee and Milwaukee Access Telecommunication Authority, Inc. attached to this file is approved and that the City Clerk is directed to execute the Third Amendment on behalf of the City of Milwaukee.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

7. [070916](#) Resolution granting the Brady Area Foundation for Arts and Education permission to install and maintain a video projector and computer onto and under the Holton Street Bridge near North Water Street in the 3rd Aldermanic District in the City of Milwaukee.

Whereas, The Brady Area Foundation for Arts and Education is a non-profit foundation working to promote artistic, cultural and educational endeavors in the Brady Street area; and

Whereas, The Brady Area Foundation for Arts and Education desires to install a video projector and computer onto and under the Holton Street Bridge near North Water Street as part of the River Pulse public art and educational project; and

Whereas, Said computer will be connected to a data sonde located in the Milwaukee River, which will measure five variables of water quality; and

Whereas, The computer will translate said measurements into dynamic flowing video art and will be projected against a wall under the Holton Street Bridge via the video projector; and

Whereas, Brady Area Foundation for Arts and Education is willing to maintain the

video projector and computer with associated communications and electrical wiring installed in the public right-of-way; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Brady Area Foundation for Arts and Education is granted permission to install and maintain a video projector; a computer; and the required associated electrical and communications wiring onto and under the Holton Street Bridge near North Water Street in the public right-of-way; and, be it

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

Further Resolved, That Brady Area Foundation for Arts and Education shall obtain all necessary permits for the installation of said items in the public right-of-way; and, be it

Further Resolved, That Brady Area Foundation for Arts and Education shall keep and maintain the video projector and associated communication and electrical wiring to the satisfaction of the Commissioner of Public Works; and, be it

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

Sponsors: Ald. D'Amato

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

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

No: 0

Excused: 1 - McGee Jr.

8. [070936](#) Resolution declaring the municipal warehouse at 1016-28 North Hawley Road surplus to municipal needs and authorizing conveyance to the Milwaukee Metropolitan Sewerage District for the Western Milwaukee Flood Management Project, in the 10th Aldermanic District.

Whereas, The Milwaukee Metropolitan Sewerage District ("MMSD") is undertaking a flood management plan along the Menomonee River and designated a number of

properties for acquisition for the project including the municipal warehouse at 1016-28 North Hawley Road; and

Whereas, MMSD has followed Chapter 32.05, Wisconsin Statutes, for property acquisition including provision of independent appraisals; and

Whereas, MMSD and the City Real Estate Officer have reached an agreement on the purchase price of \$500,000 and for continued occupancy of the property by the City of Milwaukee ("City") at no cost until June 30, 2009 to accommodate the needs of the Election Commission; and

Whereas, MMSD will work with City staff on relocation of building occupants and stored materials during the occupancy period; and

Whereas, MMSD will reimburse the City for all such relocation and system replacement expenses and any costs associated with replacement or construction of any structures as permitted by Wisconsin Statutes; and

Whereas, The City Plan Commission has determined the property to be surplus to municipal needs; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the municipal warehouse at 1016-28 North Hawley Road is declared surplus to municipal needs and that the City is authorized to convey the property to MMSD for the stated consideration; and, be it

Further Resolved, That the Commissioner of the Department of City Development or designee is authorized to execute the Agreement for Purchase and Sale of Real Estate and the Occupancy Agreement with MMSD and to execute the deed and other legal documents necessary to convey the property to MMSD; and, be it

Further Resolved, That the sale proceeds, less a 25 percent expense reimbursement to the Redevelopment Authority of the City of Milwaukee, shall be deposited in the General Fund.

Sponsors: Ald. Murphy

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

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

No: 0

Excused: 1 - McGee Jr.

9. [070944](#) Substitute resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$570,000 for a total estimated cost of these projects being \$5,886,000.

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

3rd Aldermanic District

N. Edison St. - E. Knapp St. to E. Cherry St. (SM495070145): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$131,000. This project is anticipated to be completed during the 2008 construction season.

E. Irving Pl. - N. Cambridge Ave. to N. Prospect Ave. (SM495070144): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$186,000. This project is anticipated to be completed during the 2008 construction season.

8th and 12th Aldermanic Districts

W. Forest Home Ave. - W. Historic Mitchell St. to S. 20th St. (SM495070140): Relaying combined sewer and lining. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$378,000. This project is anticipated to be completed during the 2008 construction season.

S. 13th St. (Various Locations) - W. Forest Home Ave. to W. Lincoln Ave. (SM495070139): Relaying combined sewer and lining. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$637,000. This project is anticipated to be completed during the 2008 construction season.

S. 14th St. - W. Forest Home Ave. to W. Windlake Ave. (SM495070141): Relaying combined sewer and lining. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$330,000. This project is anticipated to be completed during the 2008 construction season.

13th Aldermanic District

W. Aspen St. - S. 17th St. to S. 19th St. (WT410081088): Relaying water main.

(Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$130,000. This project is anticipated to be completed during the 2008 construction season.

W. Jewell Ave. - S. 17th St. to S. 19th St. (WT410081086): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$160,000. This project is anticipated to be completed during the 2008 construction season.

W. Wood Ave. - S. 17th St. to S. 20th St. (WT410081093): Relaying water main. (Nonassessable Water Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$210,000. This project is anticipated to be completed during the 2008 construction season.

S. 13th St. - W. Boden Ct. to W. College Ave. (ST211070174): Asphalt overlay. The total estimated cost for this project is \$150,000. This project is anticipated to be completed during the 2008 construction season.

S. 17th St. - W. Jewel Ave. to W. Aspen St. (WT410081087): Relaying water main. (Nonassessable Water Fund -- \$25,000). The total estimated cost for this project including the requested amount is \$390,000. This project is anticipated to be completed during the 2008 construction season.

S. 18th St. - W. Wood Ave. to W. Aspen St. (WT410081089): Relaying water main. (Nonassessable Water Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$200,000. This project is anticipated to be completed during the 2008 construction season.

S. 19th St. - W. Aspen St. to a point 175 feet m/l south of W. Aspen St. (WT410081092): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$60,000. This project is anticipated to be completed during the 2008 construction season.

S. 19th St. - W. Jewel Ave. to W. Wood St. (WT410081091): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$85,000. This project is anticipated to be completed during the 2008 construction season.

S. 20th St. - W. Wood Ave. to a point 1000 feet m/l south of W. Wood Ave. (WT410081090): Relaying water main. (Nonassessable Water Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$235,000. This project is anticipated to be completed during the 2008 construction season.

14th Aldermanic District

S. Austin St. - E. Clarence St. to E. Deer Pl. (SM495070146): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$135,000. This project is anticipated to be completed during the 2008 construction season.

S. Burrell St. - E. Smith St. to E. Clarence St. (SM495070131): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$179,000. This project is anticipated to be completed during the 2008 construction season.

S. Lenox St. - E. Linus St. to E. Conway St. (SM495070122): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$82,000. This project is anticipated to be completed during the 2008 construction season.

S. Lenox St. - S. Kinnickinnic Ave. to E. Russell Ave. (SM495070125): Combined sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$24,000. This project is anticipated to be completed during the 2008 construction season.

E. Linus St. - S. Woodward St. to S. Logan Ave. (SM495070123): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$425,000. This project is anticipated to be completed during the 2008 construction season.

E. Oklahoma Ave. - S. Ellen St. to S. Kinnickinnic Ave. (SM495070163): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$242,000. This project is anticipated to be completed during the 2008 construction season.

15th Aldermanic District

W. North Ave. - A point 85 feet m/l east of N. 31st St. to N. 36th St. (SM495070117): Relaying combined sewer and lining. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$341,000. This project is anticipated to be completed during the 2008 construction season.

W. North Ave. - N. 39th St. to N. Sherman Blvd. (SM495070118): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$461,000. This

project is anticipated to be completed during the 2008 construction season.

Various Aldermanic Districts

City Wide (SM495070001) File Number 061095: Engineering studies throughout the City of Milwaukee. Indirect Account. (Nonassessable Sewer Maintenance Relay Fund - \$100,000, additional funds). File Number 061095 authorized \$400,000. The total estimated cost for this project including the requested amount is \$500,000. This project is anticipated to be completed during the 2007 construction season.

Bridge Indirect and Administration. (BR100070105). (City Share Non-assessable Structure Fund - \$50,000, additional funds). File Number 070081 authorized \$40,000. The total estimated cost of this project including the requested amount is \$90,000. This project is anticipated to be completed during the 2007-2008 construction season.

Underwater Dive Inspection of Scour Critical Bridges. (BR100070106). (City Share Non-assessable Structure Fund - \$125,000). The total estimated cost of this project is \$125,000. This project is anticipated to be completed during the 2008 construction season.

;and, be it

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

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

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

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

10. [070945](#) Substitute resolution approving construction of nonassessable public improvements at

various locations and appropriating funds for these purposes with the City construction cost estimated to be \$3,940,000 for a total estimated cost of these projects being \$4,648,000.

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

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

2nd Aldermanic District

N. 56th St. - W. Villard Ave. to the pedestrian way at W. Rohr Ave. (WT410071041) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$185,000). The total estimated cost for this project including the requested amount is \$200,000. This project is anticipated to be completed during the 2008 construction season.

N. 65th St. - W. Hampton Ave. to W. Villard Ave. (WT410071017) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$690,000). The total estimated cost for this project including the requested amount is \$720,000. This project is anticipated to be completed during the 2008 construction season.

2nd and 7th Aldermanic Districts

N. 60th St. - W. Hampton Ave. to W. Stark St. (WT410071016) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$120,000). The total estimated cost for this project including the requested amount is \$135,000. This project is anticipated to be completed during the 2008 construction season.

2nd and 9th Aldermanic Districts

W. Custer Ave. - N. 57th St. to N. 60th St. (WT410071042) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$155,000). The total estimated cost for this project including the requested amount is \$170,000. This project is anticipated to be completed during the 2008 construction season.

4th Aldermanic District

N. Jefferson St. - E. Wells St. to E. Kilbourn St. (SM495050038) File Number 061381: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$60,000, additional funds). File Number 061381 authorized \$160,000. The total

estimated cost for this project including the requested amount is \$220,000. This project is anticipated to be completed during the 2007 construction season.

W. Clybourn St. - N. 2nd St. to N. 6th St. (WT410070010) File Number 061380: Relay water main. (Nonassessable Water Fund -- \$395,000). The total estimated cost for this project including the requested amount is \$410,000. This project is anticipated to be completed during the 2008 construction season.

W. McKinley Ave. - N. 12th St. to N. 13th St. (WT410071009) File Number 051658: Relay water main. (Nonassessable Water Fund -- \$115,000). The total estimated cost for this project including the requested amount is \$130,000. This project is anticipated to be completed during the 2008 construction season.

N. 21st St. - W. Cherry St. to W. Galena St. (WT410070006) File Number 070187: Relay water main. (Nonassessable Water Fund -- \$105,000). The total estimated cost for this project including the requested amount is \$120,000. This project is anticipated to be completed during the 2008 construction season.

4th and 15th Aldermanic Districts

W. Galena St. - N. 21st St. to N. 22nd St. (WT410070005) File Number 070187: Relay water main. (Nonassessable Water Fund -- \$175,000). The total estimated cost for this project including the requested amount is \$190,000. This project is anticipated to be completed during the 2008 construction season.

6th Aldermanic District

W. Chambers St. - N. 5th St. to N. 6th St. (WT410071086) File Number 060697: Relay water main. (Nonassessable Water Fund -- \$95,000). The total estimated cost for this project including the requested amount is \$110,000. This project is anticipated to be completed during the 2008 construction season.

N. Killian Pl. - E. Lloyd St. to E. Garfield Ave. (WT410071074) File Number 051658: Abandoning water main. (Nonassessable Water Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$20,000. This project is anticipated to be completed during the 2008 construction season.

N. 6th St. - W. Chambers St. to W. Burleigh St. (WT410061049) File Number 041695: Relay water main. (Nonassessable Water Fund -- \$180,000). The total estimated cost for this project including the requested amount is \$190,000. This project is anticipated to be completed during the 2008 construction season.

10th Aldermanic District

W. Stevenson St. - N. 76th St. to N. 78th St. (SM495070093) File Number 070488: Sanitary Sewer Relay (Nonassessable Sewer Maintenance Relay Fund -- \$220,000 additional funds). File Number 070488 authorized \$282,000. The total cost for this project including the requested amount is \$502,000. This project is anticipated to be completed during the 2007 construction season.

11th Aldermanic District

W. Oklahoma Ave. (South Side) - S. 92nd St. to a point 130 feet m/l east of S. 95th St. (WT410061121) File Number 041695: Water main extension. (Nonassessable Water Fund -- \$175,000). The total estimated cost for this project including the requested amount is \$185,000. This project is anticipated to be completed during the 2008 construction season.

W. Oklahoma Ave. - S. 98th St. to a point 150 feet m/l west of S. 99th St. (WT410061007) File Number 041695: Relay water main. (Nonassessable Water Fund -- \$150,000). The total estimated cost for this project including the requested amount is \$160,000. This project is anticipated to be completed during the 2008 construction season.

13th Aldermanic District

S. 13th St. - W. Boden Ct. to W. College Ave. (ST211070174) File Number 070944: Asphalt overlay. (Nonassessable Reconstruction Paving Fund -- \$150,000) The total estimated cost for this project including the requested amount is \$150,000. This project is anticipated to be completed during the 2008 construction season.

14th Aldermanic District

S. 11th St. - W. Dakota St. to W. Oklahoma Ave. (SM495070022) File Number 061380: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$384,000). The total estimated cost for this project including the requested amount is \$406,000. This project is anticipated to be completed during the 2007 construction season.

W. Manitoba St. - S. 10th St. to S. 11th St. (SM495070023) File Number 061380: Combined sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$320,000). The total estimated cost for this project including the requested amount is \$341,000. This project is anticipated to be completed during the 2007 construction season.

15th Aldermanic District

N. 11th St. - W. Meinecke Ave. to W. Wright St. (SM495060067) File Number 060843: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$161,000). The total estimated cost for this project including the requested amount is \$174,000. This project is anticipated to be completed during the 2007 construction season.

N. 22nd St. - W. Galena St. to W. Walnut St. (WT410070004) File Number 070187: Relay water main. (Nonassessable Water Fund -- \$100,000). The total estimated cost for this project including the requested amount is \$115,000. This project is anticipated to be completed during the 2008 construction season.

now, therefore, be it

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

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

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

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

11. [070946](#) Substitute resolution determining it necessary to make various assessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$25,000 for a total estimated cost of these projects being \$172,000.

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

4th Aldermanic District

N. 25th St. - W. McKinley Ave. to W. Vliet St. (ST211089005): Install traffic calming devices. (Nonassessable Reconstruction Paving Fund -- \$2,000). The total estimated cost for this project including the requested amount is \$7,000. This project is anticipated to be completed during the 2008 construction season.

11th Aldermanic District

S. 37th St. - W. Ruskin St. to W. Oklahoma Ave. (ST211080117): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$18,000). The total estimated cost for this project including the requested amount is \$140,000. This project is anticipated to be completed during the 2009 construction season.

12th Aldermanic District

S. 3rd St. - W. Florida St. to a point 90 feet m/l north of W. Florida St. (ST211080116): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$25,000. This project is anticipated to be completed during the 2008 construction season.

; and, be it

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

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

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

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

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

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

12. [070947](#) Substitute resolution approving levying of assessments and construction of an assessable public improvement project and appropriating funds for this purpose with the City cost of the project approved by this resolution is estimated to be \$108,100 for a total estimated cost of \$37,705,100.

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

N. 76th St. - W. Clinton Ave. to W. County Line Rd. (ST30981001) (2140-08-01)
File Number 050156: Install new concrete sidewalk.

Grantor Non-Reimbursable Paving Fund -- \$0.
Grantor Reimbursable Paving Fund -- \$0.
City Share Non-assessable Paving Fund -- \$53,800.
City Share Assessable Paving Fund -- \$54,300.

These funds are to be transferred to the construction account ST30981011.

The total estimated cost of this project including this request: \$506,100.

Previously authorized for street construction: \$398,000.

Current estimated cost of the total project including this resolution: \$37,705,100.

Original estimated cost of the total project File Number 050156: \$37,304,000.

This project is anticipated to be completed during the 2008 construction season.

; and

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

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

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

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

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

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

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

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

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

Further Resolved, That project: N. 76th St. (ST30981001) will be billed after January 1, 2010, but not before 12 months after the project contract has been completed.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

13. [070954](#) Resolution directing the Commissioner of Public Works to execute a document titled

"Federal/State/Project Sponsor, Safe Routes to School Program, Project Agreement" with the Department of Transportation for the programming of a project known as Hopkins Elementary School Improvements with total preliminary engineering costs being \$7,000.

Whereas, The City of Milwaukee has actively promoted the expansion of bicycle and pedestrian facilities; and

Whereas, The City of Milwaukee applied for grant funding under the Safe Routes to School (SRTS) Program for a project known as Hopkins Elementary School Improvements; and

Whereas, SRTS Funds will fund 100 percent of the project, up to \$62,500; and

Whereas, WISDOT has submitted a Project Agreement to be executed by the City of Milwaukee for the programming of the project and to begin engineering; and

Whereas, The project consists of installing six permanent radar speed limit signs on approaches to Hopkins Elementary School, installing six R1-6 signs at locations marked on map, re-striping the crosswalks with thermo-plastic, installing eight-foot wide pedestrian refuge islands at the intersection of West Hadley Street and North Teutonia Avenue, and installing a traffic circle at West Hadley Street and North 16th Street; and

Whereas, The construction phase will be included in a future resolution; and

Whereas, The State cannot proceed with any project cost overruns and/or changes in scope of more than 5% without prior Department of Public Works (DPW) approval; and

Whereas, The DPW shall notify the Common Council of the City of Milwaukee at the next scheduled meeting of any such project overruns and/or changes in scope approved by DPW; and

Whereas, The Common Council of the City of Milwaukee recognizes that the City may be 100% liable for any such project cost overruns and/or changes in scope as approved by DPW; and

Whereas, The Common Council of the City of Milwaukee recognizes that the City may be liable for any costs incurred by the State should the City decide to withdraw from the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized and directed to execute the Project Agreement

for the programming of the Hopkins Elementary School Improvements Project, a copy of which is attached to Common Council Resolution File Number 070954 and is incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That the Commissioner of Public Works is hereby authorized and directed to undertake or engage a consultant to undertake the above-mentioned project and to reimburse WISDOT for costs they incur for the project with SRTS funds; and, be it

Further Resolved, That the City Comptroller is hereby authorized to create within the Capital Grant and Aid Projects Fund the appropriate Project/Grant Chartfield Value for preliminary engineering for this project and transfer to these accounts the amount required under the grant agreement and City accounting policy, but not to exceed a ten percent increase of the total amounts reserved for the grantor's share and local share or \$5,000, whichever is greater as follows:

Hopkins Elementary School Improvements Project Preliminary Engineering
Project I.D. 1009-00-17

Federal Grantor Reimbursable Share
Fund Number 0306
Project Grant Number SP032070100
\$7,000

Sponsors: Ald. Hines Jr. And Ald. Wade

Ald. Wade asked to be listed as a co-sponsor.

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

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

No: 0

Excused: 1 - McGee Jr.

14. [070955](#) Resolution authorizing and directing the Commissioner of Public Works to execute a document titled "Federal/State/Project Sponsor, Safe Routes to School Program, Project Agreement" with the Department of Transportation for the programming of a project known as Twenty-First Street Elementary School Improvements with total preliminary engineering costs being \$10,000.

Whereas, The City of Milwaukee has actively promoted the expansion of bicycle and pedestrian facilities; and

Whereas, The City of Milwaukee applied for grant funding under the Safe Routes to

School (SRTS) Program for a project known as Twenty-First Street Elementary School Improvements; and

Whereas, SRTS Funds will fund 100 percent of the project, up to \$90,500; and

Whereas, WISDOT has submitted a Project Agreement to be executed by the City of Milwaukee for the programming of the project and to begin engineering; and

Whereas, The project consists of constructing curb bump outs at crosswalks, installing high visibility crosswalk pavement marking and signage, relocating bus stops and install traffic signals at the intersection of West Center Street and North 22nd Street; and

Whereas, The construction phase will be included in a future resolution; and

Whereas, The State cannot proceed with any project cost overruns and/or changes in scope of more than 5% without prior Department of Public Works (DPW) approval; and

Whereas, The DPW shall notify the Common Council of the City of Milwaukee at the next scheduled meeting of any such project overruns and/or changes in scope approved by DPW; and

Whereas, The Common Council of the City of Milwaukee recognizes that the City may be 100% liable for any such project cost overruns and/or changes in scope as approved by DPW; and

Whereas, The Common Council of the City of Milwaukee recognizes that the City may be liable for any costs incurred by the State should the City decide to withdraw from the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized and directed to execute the Project Agreement for the programming of Twenty-First Street Elementary School Improvements Project, a copy of which is attached to Common Council Resolution File Number 070955 and is incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That the Commissioner of Public Works is hereby authorized and directed to undertake or engage a consultant to undertake the above-mentioned project and to reimburse WISDOT for costs they incur for the project with SRTS funds; and, be it

Further Resolved, That the City Comptroller is hereby authorized to create within the

Capital Grant and Aid Projects Fund the appropriate Project/Grant Chartfield Value for preliminary engineering for this project and transfer to these accounts the amount required under the grant agreement and City accounting policy, but not to exceed a ten percent increase of the total amounts reserved for the grantor's share and local share or \$5,000, whichever is greater as follows:

Twenty-First Street Elementary School Improvements Project Preliminary Engineering Project I.D. 1009-00-18

Federal Grantor Reimbursable Share
Fund Number 0306
Project Grant Number SP032070100
\$10,000

Sponsors: Ald. Hines Jr.

Ald. Wade asked to be added as a co-sponsor.

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

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

No: 0

Excused: 1 - McGee Jr.

15. [070979](#) Substitute resolution authorizing the Department of Public Works to enter into a multi-year agreement with Fourth and Highland, LLC, to lease parking spaces in the City-owned parking structure at 4th Street and Highland Avenue.
- Whereas, Fourth and Highland, LLC, approached the Department of Public Works seeking a multi-year agreement to lease parking spaces in the City-owned parking structure at 4th Street and Highland Avenue to accommodate 2 development projects in the Park East corridor; and
- Whereas, Fourth and Highland, LLC, is proposing an investment of \$206 million to develop commercial properties on the 300 block of W. McKinley Avenue to include a 180-room Kimpton Hotel, 72 luxury high-rise condominiums, street level retail space, a spa, a health club, a nightclub, a restaurant and a 327-space parking structure, and to develop the 1200 block of N. Old World Third Street to include a 160-room Aloft Hotel, 13 luxury-lofted condominiums, enclosed parking for the condominiums, meeting and banquet space and street-level retail space; and
- Whereas, The project also includes acquisition and renovation of the Riverfront Plaza totaling \$12 million over a 5-year period to accommodate a new restaurant and to update all common areas, lobbies, restrooms and the building exterior; and

Whereas, During the construction phase and thereafter, Fourth and Highland, LLC, requires certain parking for these projects to include monthly unreserved, 24-hour reserved and hotel parking; and

Whereas, The term of the lease is for 25 years with one optional 15-year extension followed by one optional 10-year extension per the request of Fourth and Highland, LLC, to meet lenders' requirements to finance the projects; and

Whereas, The Department of Public Works through its management contractor will make parking spaces available in the amount, mix and timeframe as requested and provided for in the agreement; and

Whereas, The monthly unreserved and reserved parking rates will be charged at the 2008 rates of \$75 and \$140, respectively, and fixed until March 31, 2012, when the market rate becomes effective; and

Whereas, During the construction phase of the project the monthly unreserved parking rate is \$55 until March 1, 2009, when the rate increases to \$75; and

Whereas, The rate charged for hotel guest parking for both hotels is based on the average market rate charged to hotel patrons self-parked at comparable hotels as determined by the City; and

Whereas, Fourth and Highland, LLC, is required to deliver to the City a certificate of occupancy for both hotels by the dates prescribed in the agreement and failure to do so would result in the City reducing the number of parking spaces proportionately for each project; and

Whereas, Due to the tax-exempt status of the bonds issued for capital improvements of the parking structure, the City Comptroller will consult with bond counsel to determine if the tax-exempt status of the bonds are at issue and if so, work cooperatively with the Department of Public Works to develop and implement a least-cost financing option to issue and/or pay debt for capital improvements; and

Whereas, By Common Council File Number 070560, adopted on July 31, 2007, the Department of Public Works is directed to submit each multi-year lease agreement to the Common Council for review and approval; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council authorizes the Department of Public Works to enter into a multi-year agreement with Fourth and Highland, LLC, to lease parking spaces in the City-owned parking structure at 4th Street and Highland Avenue.

Sponsors: Ald. Bauman

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

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

No: 0

Excused: 1 - McGee Jr.

[060328](#) Substitute resolution relating to water service to the City of New Berlin.

Sponsors: Ald. Zielinski

A motion was made by ALD. ZIELINSKI that this Resolution be TAKEN FROM COMMITTEE. This motion FAILED by the following vote:

Aye: 4 - Bauman, Bohl, Zielinski Hines Jr.

No: 10 - Hamilton, Davis, D'Amato, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak Witkowski

Excused: 1 - McGee Jr.

PLACING ON FILE THE FOLLOWING:

16. Various obsolete files:

a. [060034](#) Resolution to vacate the Northerly alley in the block bounded by West Wells Street, West Wisconsin Avenue, North 19th Street and North 21st Street, in the 4th Aldermanic District.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

b. [070353](#) Resolution to grant a special privilege to Advanced Properties, LLC to allow 3 sets of doors to swing onto the public way for the premises at 2715 W. Townsend Street, in the 7th Aldermanic District.

Sponsors: THE CHAIR

A motion was made by ALD. BAUMAN that this Resolution be PLACED ON FILE.

The motion PREVAILED by the following vote:

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

No: 0

Excused: 1 - McGee Jr.

THE PUBLIC WORKS COMMITTEE FURTHER RECOMMENDS:

---The following item may be referred from the SPECIAL Public Works Committee meeting held on Wednesday, November 21, 2007 at 8:30 A.M.

17. [071043](#) Substitute resolution authorizing entry into a Miller Park Roadway Easement Agreement, allowing connections of West Milwaukee Road, West Wheelhouse Road and a public alley to Selig Drive.

Whereas, An easement has been submitted allowing connections of West Milwaukee Road, West Wheelhouse Road and a public alley to Selig Drive in order to connect to and maintain connections with City streets; and

Whereas, The terms of the Miller Park Roadway Easement Agreement are set out and attached to this file and approved as to content by the City of Milwaukee, the Milwaukee Brewers and the Southeast Wisconsin Professional Baseball Park District; and

Whereas, The City Engineer has reviewed the legal descriptions and location drawings; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Miller Park Roadway Easement Agreement is approved, and the proper City officers are directed to execute the Miller Park Roadway Easement Agreement on behalf of the City of Milwaukee, a copy of this agreement being attached to this file; and, be it

Further Resolved, That after the easement is fully executed by the proper City officers, it shall be forwarded to the Department of Public Works for recording and proper distribution.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - McGee Jr.

Various communications from City officers were read and ordered on file without objection.

[071103](#) Resolution approving various final certified survey maps.

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

NAME	TAX KEY NUMBER(S)
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Debshan, Inc. (DCD #2658)	3540047100
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BP Property Owner, LLC (DCD #2662)	3611520111
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Sponsors: THE CHAIR

A motion was made by ALD. WADE that this Resolution-Immediate Adoption be ADOPTED. The motion PREVAILED by the following vote:

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

No: 0

Excused: 1 - McGee Jr.

Various announcements were made.

There being no further business to come before the Common Council, the meeting was adjourned at 12:42 p.m.

Jim Owczarski, Deputy City Clerk