



City of Milwaukee

City Hall
200 East Wells Street
Milwaukee, WI 53202

Meeting Agenda PUBLIC WORKS COMMITTEE

ALD. ROBERT BAUMAN, CHAIR
Ald. Joseph Dudzik, Vice-Chair
Ald. Willie Wade, Ald. Robert Donovan, and Ald. Robert Puente

Staff Assistant, Terry MacDonald, 286-2233
Fax: (414) 286-3456, E-mail: tmacdo@milwaukee.gov

Thursday, September 10, 2009

9:00 AM

Room 301-B, City Hall

1. [090601](#) Reappointment of Lyle Balistreri to the Milwaukee Metropolitan Sewerage District by the Mayor. (10th Aldermanic District)
Sponsors: THE CHAIR
Attachments: [Reappointment Letter](#)
 [Hearing Notice List](#)

2. [090381](#) Communication from the Department of Public Works and the Milwaukee Metropolitan Sewerage District relating to recent rains and sewer overflows and the flooding of basements and streets in the City of Milwaukee.
Sponsors: Ald. Bohl
Attachments: [Hearing Notice List](#)

3. [090351](#) Resolution approving an amendment to and an extension of a lease agreement with Jacobus Energy, Inc.
Sponsors: Ald. Bauman
Attachments: [Hearing Notice List](#)

4. [090528](#) Resolution approving an amendment to the lease agreement with the North American Salt Company.
Sponsors: THE CHAIR
Attachments: [Cover Letter](#)
 [Fiscal Note](#)
 [Amendment to Lease Agreement](#)
 [Hearing Notice List](#)

5. [090595](#) An ordinance amending planting standards in certain portions of the public right-of-way.
Sponsors: Ald. Kovac and Ald. Witkowski
Attachments: [Hearing Notice List](#)

6. [090614](#) Resolution declaring South 27th Street from Kinnickinnic River Parkway to College Avenue as "Historic U.S. Highway 41."

- Sponsors:** Ald. Witkowski and Ald. Bauman
Attachments: [Hearing Notice List](#)
7. **090435** Substitute resolution amending Resolution File #081606 assigning the honorary street name, "Dr. Lucy B. Hughes," to the 3000 block of West State Street in the 4th Aldermanic District.
Sponsors: THE CHAIR
Attachments: [Honorary Street Naming Application](#)
[Letter from Claudia Henley](#)
[Map](#)
[Citizen Advisory Committee Hearing Notice List](#)
[PW Hearing Notice List](#)
8. **090436** Substitute resolution assigning the honorary street name, "Dr. Joe L. Hughes," to the 2900 block of West State Street in the 4th Aldermanic District.
Sponsors: THE CHAIR
Attachments: [Honorary Street Naming Application](#)
[Letter from Claudia Henley](#)
[Map](#)
[Letter from Dept of Public Works](#)
[Fiscal note](#)
[Citizen Advisory Committee Hearing Notice List](#)
[PW Hearing Notice List](#)
9. **090427** A charter ordinance amending and opting out of portions of City Charter sec. 14-08 (Secs. 1 and 2, Ch. 469, L. 1905) relating to the appropriation of surplus earnings from the Water Works to the City general fund.
Sponsors: THE CHAIR
Attachments: [Hearing Notice List](#)
10. **090531** Resolution authorizing the Milwaukee Water Works to apply for and accept various incentives and rebates, not to exceed \$100,000, provided through We Energies' Focus on Energy program for the purchase and installation of equipment or systems to improve energy efficiency at Milwaukee Water Works facilities.
Sponsors: THE CHAIR
Attachments: [Fiscal Note](#)
[Hearing Notice List](#)
11. **090471** Substitute resolution directing the Department of Public Works to evaluate and report on the feasibility of solar trash and recycling bins for placement in locations throughout the City.
Sponsors: Ald. Zielinski
Attachments: [Fiscal note](#)
[Hearing Notice List](#)

12. [090279](#) A substitute ordinance relating to purchase of city vehicles.
Sponsors: Ald. Zielinski and Ald. Kovac
Attachments: [Hearing Notice List](#)

---May be referred to the Finance & Personnel Committee
13. [080147](#) Substitute resolution to vacate a portion of East Iron Street, northerly side, from South Shore Drive northeasterly to its terminus, in the 14th Aldermanic District.
Sponsors: THE CHAIR
Attachments: [Fiscal Note.doc](#)
[City Plan Commission Letter.doc](#)
[Exhibit A.pdf](#)
[Hearing Notice List](#)
14. [090557](#) Communication from the Department of City Development relating to the North 27th Street Corridor Alternatives Analysis, from West Highland Boulevard to West Wisconsin Avenue, in the 4th Aldermanic District.
Sponsors: THE CHAIR
Attachments: [Hearing Notice List](#)
15. [090453](#) Resolution directing the Department of City Development to prepare a resolution to vacate the unimproved east-west alley, within the City of Milwaukee, in the block bounded by West Tripoli Avenue, South 43rd Street, West Howard Avenue and South 45th Street, in the 11th Aldermanic District.
Sponsors: Ald. Dudzik
Attachments: Fiscal Note.doc
[Hearing Notice List](#)
16. [090423](#) Resolution directing the Department of City Development to prepare a resolution to vacate South 6th Street between Air Cargo Way to a point 3,300 feet to the South of Air Cargo Way, in the 13th Aldermanic District.
Sponsors: THE CHAIR
Attachments: [Fiscal Note.doc](#)
[Hearing Notice List](#)
17. [090546](#) Resolution directing the Department of City Development to prepare a resolution to vacate portions of West Bolivar Avenue, East of South 6th Street, in the 13th Aldermanic District.
Sponsors: THE CHAIR
Attachments: [Fiscal Note.doc](#)
[Hearing Notice List](#)
18. [090548](#) Resolution directing the Department of City Development to prepare a resolution to vacate a portion of West Whitaker Avenue, West of the I-94 right-of-way line, in the 13th Aldermanic District.

- Sponsors:** THE CHAIR
Attachments: [Fiscal Note.doc](#)
[Hearing Notice List](#)
19. [090550](#) Resolution directing the Department of City Development to prepare a resolution to vacate a portion of the Northern part of South 15th Place between West Van Norman Avenue and the East right-of-way of I-94, in the 13th Aldermanic District.
Sponsors: THE CHAIR
Attachments: [Fiscal Note.doc](#)
[Hearing Notice List](#)
20. [090552](#) Resolution directing the Department of City Development to prepare a resolution to vacate a portion of the West side of South 16th Street between West Vogel Avenue and West Halsey Avenue, in the 13th Aldermanic District.
Sponsors: THE CHAIR
Attachments: [Fiscal Note.doc](#)
[Hearing Notice List](#)
21. [090527](#) An ordinance relating to single-space parking meters, multi-space parking meters and space markers.
Sponsors: THE CHAIR
Attachments: [Fiscal Note](#)
[Hearing Notice List](#)
22. [090470](#) An ordinance relating to the forfeiture for depositing various categories of solid waste in non-portable trash containers.
Sponsors: Ald. Wade
Attachments: [Hearing Notice List](#)
23. [090409](#) Resolution approving 2010 monthly solid waste collection charges for multiunit dwellings with 5 or more units.
Sponsors: THE CHAIR
Attachments: [Hearing Notice List](#)
24. [090461](#) Resolution relative to application for and acceptance and expenditure of a 2010 State of Wisconsin recycling grant.
Sponsors: Ald. Bauman
Attachments: [Fiscal Note](#)
[Hearing Notice List](#)
25. [090422](#) Resolution authorizing the proper City Officers to execute a Sewer Easement Release, located in the vacated alley in the block bounded by South 35th Street, South 36th Street, West Burnham Street and West Rogers Street in the 8th Aldermanic District.
Sponsors: THE CHAIR

Attachments: [Cover Letter](#)
[Fiscal Note](#)
[Sewer Easement](#)
[Plat Map](#)
[Hearing Notice List](#)

26. [090499](#) Resolution accepting a sewer easement from NLJ Partners LLC, located in the vacated portion of the alley 130 feet north of West North Avenue between North 53rd Street and North 54th Street in the 10th Aldermanic District.

Sponsors: THE CHAIR
Attachments: [Cover Letter](#)
[Fiscal Note](#)
[Sewer Easement SE-2815](#)
[Hearing Notice List](#)

27. [090503](#) Resolution rejecting a reservation for public street purposes along a portion of the west side of South 6th Street south of West Grange Avenue, in the 13th Aldermanic District.

Sponsors: THE CHAIR
Attachments: [Cover Letter](#)
[Plat Maps](#)
[Hearing Notice List](#)

28. [090384](#) Resolution approving and authorizing the City Engineer to execute an easement agreement between the City of Milwaukee and Lighthouse Development Company, LLC to allow the existing City conduit system to remain in place in the vacated right turn bypass located on the south side of East Pittsburgh Avenue at South Water Street, in the 12th Aldermanic District.

Sponsors: THE CHAIR
Attachments: [Easement](#)
[Fiscal Note](#)
[Cover Letter](#)
[Hearing Notice List](#)

29. [090406](#) Resolution authorizing the City Comptroller to transfer funds to various State and Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs totaling \$79,236.46, 100 percent city share.

Sponsors: THE CHAIR
Attachments: [Cover Letter](#)
[Fiscal Note](#)
[Comptroller's Certificate](#)
[Hearing Notice List](#)

30. [090539](#) Resolution authorizing the City Comptroller to transfer funds to a State and Federal Aid project subaccount for the estimated remaining Wisconsin Department of

Transportation and City of Milwaukee preliminary engineering costs totaling \$39,207.72, with the City's share being \$7,841.54 and the Grantor's share being \$31,366.18.

Sponsors: THE CHAIR

Attachments: [Fiscal Note](#)
[Cover Letter](#)
[Comptroller's Certificate](#)
[Hearing Notice List](#)

31. [090405](#) Resolution authorizing the City Comptroller to transfer funds to a State and Federal Aid project subaccount for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering costs totaling \$52,000.00, with the City's share being \$17,750.00 and the Grantor's share being \$34,250.00.

Sponsors: THE CHAIR

Attachments: [Cover Letter](#)
[Fiscal Note](#)
[Comptroller's Certificate](#)
[Hearing Notice List](#)

32. [090538](#) Substitute resolution approving engineering review and construction oversight of projects to be funded by the American Reinvestment and Recovery Act (ARRA) as non-assessable public improvements at various locations and appropriating funds for these purposes, with the City share of these projects for nonparticipating items is estimated to be \$635,000.

Sponsors: THE CHAIR

Attachments: [Cover Letter](#)
[Fiscal note](#)
[Hearing Notice List](#)

33. [090540](#) Resolution to revise the Local Force Contract with the Wisconsin Department of Transportation relative to increased cost participation for construction of street lighting in construction with the Mitchell Interchange Reconstruction, with an increase of \$11,971.11 or 8.41% for a new total estimated cost of \$154,302.62, of which 100% is State funded.

Sponsors: THE CHAIR

Attachments: [Cover Letter](#)
[Fiscal Note](#)
[Justification Record](#)
[Comptroller's Certificate](#)
[Hearing Notice List](#)

34. [090541](#) Resolution authorizing the construction of a transformer enclosure at 1322 West Layton Avenue and 2105 West Van Norman Avenue, to reroute existing street lightning circuits and the removal of the transformer enclosure at 1322 West Layton Avenue, in conjunction with Mitchell Interchange reconstruction.

Sponsors: THE CHAIR

Attachments: [Cover Letter](#)
[Fiscal Note](#)
[Contract](#)
[Comptroller's Certificate](#)
[Hearing Notice List](#)

35. [090542](#) Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of West Lisbon Avenue from North Sherman Boulevard to the Soo Line Railroad in the 15th Aldermanic District at a total estimated cost of \$90,185.24, with an estimated grantor share of \$72,148.19, and an estimated City share of \$18,037.05.

Sponsors: THE CHAIR
Attachments: [Cover Letter](#)
[Fiscal Note](#)
[Contract](#)
[Comptroller's Certificate](#)
[Hearing Notice List](#)

36. [090543](#) Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of West Oklahoma Avenue from South 72nd Street to South 60th Street in the 11th Aldermanic District at a total estimated cost of \$45,271.77, with an estimated grantor share of \$36,217.42, and an estimated City share of \$9,054.35.

Sponsors: THE CHAIR
Attachments: [Cover Letter](#)
[Fiscal Note](#)
[Contract](#)
[Comptroller's Certificate](#)
[Hearing Notice List](#)

37. [090544](#) Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of West State Street from North 17th Street to North 27th Street in the 4th Aldermanic District at a total estimated cost of \$37,985.46, with an estimated grantor share of \$30,388.37, and an estimated City share of \$7,597.09.

Sponsors: THE CHAIR
Attachments: [Cover Letter](#)
[Fiscal Note](#)
[544Contract](#)
[Comptroller's Certificate](#)
[Hearing Notice List](#)

38. [090511](#) 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 \$209,000 for a total estimated cost of these projects being \$5,860,000.

Sponsors: THE CHAIR
Attachments: [Cover Letter](#)
[Fiscal note](#)
[Hearing Notice List](#)

39. [090512](#) 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 \$65,000 for a total estimated cost of these projects being \$725,000.

Sponsors: THE CHAIR
Attachments: [Cover Letter](#)
[Fiscal note](#)
[Hearing Notice List](#)

40. [090513](#) 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 \$215,000 for a total estimated cost of these projects being \$230,000.

Sponsors: THE CHAIR
Attachments: [Cover Letter](#)
[Fiscal note](#)
[Hearing Notice List](#)

41. [090266](#) Substitute resolution amending a special privilege for change of ownership to Obstar Investments LLC for a covered walk in the public right-of-way for the premises at 3120 West Villard Avenue, in the 1st Aldermanic District.

Sponsors: THE CHAIR
Attachments: [Special Privilege Petition](#)
[Letter from Dept of Public Works](#)
[Fiscal note](#)
[Map](#)
[Pictures](#)
[Hearing Notice List](#)

42. [070902](#) Substitute resolution granting a special privilege to Breakwater Condominium Association Inc for a concrete step, stationary planters, excess door swings, a roof overhang, an excess canopy projection, a concrete platform and elevated sidewalk in the public right-of-way for the premises at 1313 North Franklin Place, in the 3rd Aldermanic District.

Sponsors: THE CHAIR

Attachments: [Petition For A Special Privilege](#)
[Letter from Dept of Public Works](#)
[Fiscal note](#)
[Picture](#)
[Map](#)
[Hearing Notice List](#)

43. [081683](#) Substitute resolution amending a special privilege for addition of several items in the public right-of-way, removal of a concrete step, and change of ownership to Wisconsin Arts Lab LLC for the premises at 1422 North 4th Street, in the 6th Aldermanic District.

Sponsors: THE CHAIR

Attachments: [Special Privilege Petition](#)
[Drawing](#)
[Letter from Dept of Public Works](#)
[Fiscal note](#)
[Map](#)
[Pictures](#)
[Hearing Notice List](#)

44. [090262](#) Substitute resolution amending a special privilege to Park East Enterprise Lofts LLC for removal of monitoring wells and for addition of a barrier free access ramp for the premises at 1401-07 North Martin Luther King Jr. Drive, in the 6th Aldermanic District.

Sponsors: THE CHAIR

Attachments: [Special Privilege Petition](#)
[Letter from Dept of Public Works](#)
[Fiscal note](#)
[Map](#)
[Pictures](#)
[Hearing Notice List](#)

45. [081604](#) Substitute resolution granting a special privilege to United Community Center Inc to construct and maintain an underground conduit between the premises at 604 West Scott Street and at 611 West Washington Street, in the 12th Aldermanic District.

Sponsors: THE CHAIR

Attachments: [Special Privilege Petition](#)
[Drawing](#)
[Cover Letter](#)
[Fiscal Note](#)
[Map](#)
[Hearing Notice List](#)

46. [090130](#) Substitute resolution granting a special privilege to Priya Corporation for a monitoring well in the public right-of-way for the premises at 1233 West Layton Avenue, in the 13th Aldermanic District.

Sponsors: THE CHAIR

Attachments: [Special Privilege Petition](#)
[Letter from Dept of Public Works](#)
[Fiscal note](#)
[Picture](#)
[Map](#)
[Hearing Notice List](#)

47. [071266](#) Substitute resolution granting a special privilege to Lamar Outdoor Advertising for two concrete pads, a fence and electrical equipment in the public right-of-way at 302 West Rosedale Avenue, in the 14th Aldermanic District.

Attachments: [Petition For A Special Privilege](#)
[Letter from Dept of Public Works](#)
[Fiscal note](#)
[Picture](#)
[Map](#)
[Hearing Notice List](#)

48. [080508](#) Substitute resolution amending a special privilege to Pfister LLC for change of ownership for items previously granted permission; for deletion of items; and for addition of items in the public right-of-way for the premises at 424 East Wisconsin Avenue, in the 4th Aldermanic District.

Sponsors: THE CHAIR
Attachments: [Special Privilege Petition](#)
[Letter from Department of Public Works](#)
[Fiscal Note](#)
[Pictures](#)
[Map](#)
[Hearing Notice List](#)

49. [090415](#) Substitute resolution granting a special privilege to SVC of Wisconsin Ltd to install and maintain two sculptural chairs for the premises at 1247 North Water Street, in the 3rd Aldermanic District.

Sponsors: THE CHAIR
Attachments: [Special Privilege Petition and Drawing](#)
[Letter from Dept of Public Works](#)
[Fiscal Note](#)
[Pictures](#)
[Map](#)
[Hearing Notice List](#)

50. [090264](#) Substitute resolution amending a special privilege for change of ownership to Reid's New Golden Gate Funeral Home Inc for a covered walk in the public right-of-way for the premises at 5665 North Teutonia Avenue, in the 1st Aldermanic District.

Sponsors: THE CHAIR

Attachments: [Special Privilege Petition](#)
[Letter from Dept of Public Works](#)
[Fiscal note](#)
[Pictures](#)
[Map](#)
[Hearing Notice List](#)

This meeting will be webcast live at www.milwaukee.gov/channel25.

Members of the Common Council and its standing committees who are not members of this committee may attend this meeting to participate or to gather information. Notice is given that this meeting may constitute a meeting of the Common Council or any of its standing committees, although they will not take any formal action at this meeting.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at 286-2998, (FAX)286-3456, (TDD)286-2025 or by writing to the Coordinator at Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in Room 205, (City Clerk's Office) or the first floor Information Booth in City Hall.

Persons engaged in lobbying as defined in s. 305-43-4 of the Milwaukee Code of Ordinances are required to register with the City Clerk's Office License Division. Registered lobbyists appearing before a Common Council committee are required to identify themselves as such. More information is available at www.milwaukee.gov/lobby.



Legislation Details (With Text)

File #: 090601 **Version:** 0

Type: Appointment **Status:** In Committee

File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Reappointment of Lyle Balistreri to the Milwaukee Metropolitan Sewerage District by the Mayor. (10th Aldermanic District)

Sponsors: THE CHAIR

Indexes: APPOINTMENTS, MILWAUKEE METROPOLITAN SEWERAGE DISTRICT

Attachments: Reappointment Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

File #: 090601 **Version:** 0

Number

090601

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Reappointment of Lyle Balistreri to the Milwaukee Metropolitan Sewerage District by the Mayor. (10th Aldermanic District)

Requestor

Mayor

Drafter

CC

dkf

9/1/09

September 1, 2009

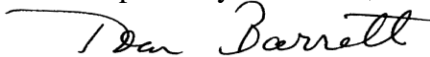
To the Honorable, the Common Council
of the City of Milwaukee

Honorable Members of the Common Council:

I am pleased to reappoint Mr. Lyle Balistreri, 9322 West Mount Vernon Avenue, Milwaukee, Wisconsin 53226, to the Milwaukee Metropolitan Sewerage District. This reappointment is pursuant to Chapter 200, Subchapter II of the Wisconsin State Statutes. Mr. Balistreri's term will commence upon taking of the oath of office.

I trust this reappointment will have the approval of your Honorable Body.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tom Barrett". The signature is written in black ink and is positioned to the left of the printed name.

Tom Barrett
Mayor



City Hall, Room 205
200 E. Wells Street
Milwaukee, WI 53202
(414) 286-2221



Office of the City Clerk

ASAP-THANKS

Re: Common Council File Number 090601

Reappointment of Lyle Balistreri to the Milwaukee Metropolitan Sewerage District by the Mayor.

Dear Sir/Madam,

In accordance with Common Council resolution File Number 65-2210, adopted November 30, 1965, all reappointments are to be referred to an appropriate standing committee.

Under this policy, the appropriate committee is to be informed in writing of the incumbent's attendance record during his/her last term of service.

Please provide the following required information and return immediately to our office for consideration at the Public Works Committee Meeting on September 10, 2009.

- Number of meetings held: 65
- Number of meetings attended: 58
- Number of excused absences: 7
- Number of unexcused absences: 0

Please return this information to Charlotte Rodriguez or croдри@milwaukee.gov, City Clerk's Office

Very truly yours,

RONALD D. LEONHARDT
City Clerk



Legislation Details (With Text)

File #: 090381 **Version:** 0

Type: Communication **Status:** In Committee

File created: 7/7/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Communication from the Department of Public Works and the Milwaukee Metropolitan Sewerage District relating to recent rains and sewer overflows and the flooding of basements and streets in the City of Milwaukee.

Sponsors: ALD. BOHL

Indexes: DEPARTMENT OF PUBLIC WORKS, FLOOD CONTROL, MILWAUKEE METROPOLITAN SEWERAGE DISTRICT

Attachments: Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/7/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090381

Version

ORIGINAL

Reference

Sponsor

ALD. BOHL

Title

Communication from the Department of Public Works and the Milwaukee Metropolitan Sewerage District relating to recent rains and sewer overflows and the flooding of basements and streets in the City of Milwaukee.

Requestor

Drafter

LRB09300-1

BJZ/sd

07/09/09



Legislation Details (With Text)

File #: 090351 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 7/7/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution approving an amendment to and an extension of a lease agreement with Jacobus Energy, Inc.

Sponsors: ALD. BAUMAN

Indexes: AGREEMENTS, LEASES, PORT OF MILWAUKEE

Attachments: Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/7/2009	0	COMMON COUNCIL	ASSIGNED TO		

File #: 090351 **Version:** 0

Number

090351

Version

ORIGINAL

Reference

Sponsor

ALD. BAUMAN

Title

Resolution approving an amendment to and an extension of a lease agreement with Jacobus Energy, Inc.

Requestor

Drafter

Port

LS

7/6/09



Legislation Details (With Text)

File #: 090528 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution approving an amendment to the lease agreement with the North American Salt Company.

Sponsors: THE CHAIR

Indexes: AGREEMENTS, LEASES, PORT OF MILWAUKEE

Attachments: Cover Letter, Fiscal Note, Amendment to Lease Agreement, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090528

Version

Original

Reference

Sponsor

The Chair

Title

Resolution approving an amendment to the lease agreement with the North American Salt Company.

...Analysis

This resolution would approve Amendment to Lease Agreement with North American Salt Company for approximately 2 acres of bare ground located on the Port's South Harbor Tract.

BODY

Whereas, The City and the Tenant have entered into a Lease Agreement on October 3, 2005 for the lease of seven (7) parcels of real property totaling approximately 10.214 acres and a building located on the Port's South Harbor Tract in the City of Milwaukee; and

Whereas, The Lease is amended to include 2.313 acres of bare ground located at the southwest corner of the intersection of E. Bay Street and S. Lincoln Memorial Drive. Said bare ground will be added to the Lease Agreement as "Parcel 8," thus constituting a Parcel and a portion of the Property; and

Whereas, The initial term will begin October 1, 2009 and end on March 31, 2025 with an automatic extension for two successive periods of five (5) years; and

Whereas, The Board of Harbor Commissioners at their meeting of August 13, 2009 acted by vote of the Board to grant such Amendment to Lease Agreement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said Common Council hereby ratifies and approves the Amendment to Lease Agreement between North American Salt Company and the City of Milwaukee, by and through its Board of Harbor Commissioners for the period of October 1, 2009 through March 31, 2025; and, be it

Further Resolved, That the designated officers of said government and of said Board of Harbor Commissioners are hereby authorized and directed to execute an agreement to carry out this purpose, as prepared by the City Attorney's office.

Drafter:

Port of Milwaukee

ECR

8/24/09

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LEGISLATIVE REFERENCE BUREAU FISCAL ANALYSIS

PUBLIC WORKS COMMITTEE

SEPTEMBER 10, 2009

Item 4, File #090528

File Number 090528 is a resolution approving an amendment to the City of Milwaukee's lease agreement with North American Salt Company. for real property located on the South Harbor Tract of the Port of Milwaukee.

Background

1. On October 3, 2005, North American Salt Company ("NASC") and the City of Milwaukee entered into a Lease Agreement under which NASC leases 7 parcels totaling 10.2 acres, and including one building, located on the Port of Milwaukee's South Harbor Tract.
2. NASC uses the leased property to load, unload and store road salt.
3. NASC desires additional space to store a new salt product that is capable of melting ice at lower temperatures than conventional road salt. The Port of Milwaukee has available for lease a 2.3-acre bare-ground parcel in close proximity to NASC's existing parcels.

Discussion

1. This resolution approves an amendment to the existing North American Salt Company's existing lease agreement with the City of Milwaukee for land on the Port of Milwaukee's South Harbor Tract. The amendment would add an 8th, 2.3-acre parcel to the lands leased by NASC from the City.
2. The Board of Harbor Commissioners recommended approval of this amendment at its meeting of August 13, 2009.
3. The 2.3-acre parcel has not been used in approximately 15 years.
4. The amendment to the lease agreement states that the tenant's permitted use of this property is "the receiving, handling, storage, processing and delivery of rock salt and a low-temperature deicing agent to be blended with the rock salt, including tarping and loading/unloading trucks." The amendment also allows NASC to install an asphalt pad over part or all of the parcel and to erect a fabric building of approximately 20,000 square feet for its operations.
5. The initial term of this lease amendment is October 1, 2009, through March 31, 2025. The lease document provides for automatic extension of the lease for 2 additional, successive 5-year periods.

Fiscal Impact

1. The amendment to lease agreement stipulates that NASC shall pay a base rent of \$17,000 per acre per year (for a total of \$39,321). This rental rate may be subject to escalation on April 1, 2015 and each 5th anniversary thereafter.
2. In addition to these rental revenues, the Port projects that NASC's use of the leased property will generate \$11,250 in wharfage revenues and \$2,000 in dockage revenues per year, for total annual revenues of \$52,571.
3. Since the Port of Milwaukee operates as a self-supporting "enterprise fund," these revenues are used to cover the Port's operating expenditures; when the Port's revenues exceed its expenditures, the surplus revenue is transferred to the City's General Fund.

Prepared by: Jeff Osterman, X2262
LRB-Research & Analysis Section
September 4, 2009

- c: Eric Reinelt
Lawrence Sullivan
Hattie Billingsley
Marianne Walsh

August 24, 2009

Ref: NAS/Lease

To The Honorable
The Common Council
City of Milwaukee

Dear Council Members:

The Port of Milwaukee is requesting approval of Amendment to Lease Agreement with North American Salt Company which will add approximately 2 acres of bare ground at the Port's South Harbor Tract to their lease dated April 1, 2005 and terminating March 31, 2025.

At its meeting of August 13, 2009, the Board of Harbor Commissioners approved the Amendment to Lease Agreement and authorized Port staff to notify the Common Council. We therefore, respectfully request that your Honorable Body approve this Amendment to Lease Agreement and authorize its execution by adopting the attached resolution.

Respectfully submitted,

ERIC C. REINELT
Municipal Port Director

ECR/dcl

mw/i:NASlseamendP8ccltr.doc

CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** August 24, 2009

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Approve Amendment to Lease Agreement with North American Salt Company for approximately 2 acres

B) **SUBMITTED BY (Name/title/dept./ext.):** Eric Reinelt, Municipal Port Director, Port of Milwaukee, 8130 xt.

C) **CHECK ONE:**

ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES

ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.

NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:**

DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)

CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)

PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)

OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	N/A				
SUPPLIES:	N/A				
MATERIALS:	N/A				
NEW EQUIPMENT:	N/A				
EQUIPMENT REPAIR:	N/A				
OTHER:	N/A				
TOTALS	N/A				

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	\$39,321 rent, \$11,250 w harfaae, \$2,000 dockaae
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Total annual revenue: \$52,571
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

N/A

H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:**

Annual rent is set in the Lease Amendment

Wharfage at \$.45/ton for estimated 25,000 tons/year

Dockage estimated at \$1,000 for 2 ships per year

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

AMENDMENT TO LEASE AGREEMENT

Between

NORTH AMERICAN SALT COMPANY

And the

BOARD OF HARBOR COMMISSIONERS

City of Milwaukee

Parcel 8 consisting of approximately 2.3 acres is to be added to the existing 7 parcels for Lease dated October 3, 2005.

Term: October 1, 2009 through March 31, 2025

AMENDMENT TO LEASE AGREEMENT

This Amendment to Lease Agreement (hereinafter referred to as the "Amendment"), is made and entered into at Milwaukee, Wisconsin as of this ____ day of _____, 20__ by and between NORTH AMERICAN SALT COMPANY, a Delaware corporation and a Compass Minerals company (hereinafter referred to as the "Tenant"), and the CITY OF MILWAUKEE, a Wisconsin municipal corporation, by and through its Board of Harbor Commissioners (hereinafter collectively referred to as the "City").

WITNESSETH

WHEREAS the City and the Tenant have entered into a Lease Agreement (hereinafter referred to as the "Lease Agreement") for the lease of seven (7) parcels of real property totaling approximately 10.214 acres and a building located on the Port's South Harbor Tract in the City of Milwaukee, executed by Tenant on October 3, 2005; and

WHEREAS neither the Tenant nor the City has at any time elected to terminate the Lease Agreement and consequently, the Lease Agreement has continued to be, and remains, in full force and effect; and

WHEREAS the City and the Tenant have agreed to amend the terms of the Lease Agreement as further specified in this Amendment of the Lease Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the City and the Tenant agree to amend the Lease Agreement as follows:

1. Purpose of Amendment. Permitted Use; Improvements. City hereby leases, demises, and lets unto Tenant the real property comprised of one parcel of bare ground as more particularly described in Section 2 below ("Parcel 8"). The "Permitted Use" for Parcel 8 is the receiving, handling, storage, processing and delivery of rock salt and a low temperature deicing agent to be blended with the rock salt, including tarping and loading/unloading trucks. Tenant may construct an asphalt pad over the entire Parcel 8 or a portion thereof and erect a fabric building of approximately 20,000 square feet in which Tenant will conduct its Permitted Use operations. All such improvements shall be the sole property of Tenant. Other operations may be performed and other improvements may be constructed with the written consent of the Port Director.

2. Property. The Lease is hereby amended to include approximately 2.313 acres of bare ground located at the southwest corner of the intersection of E. Bay Street and S. Lincoln Memorial Drive in Milwaukee, Wisconsin. Said real property is hereby added to the Lease Agreement as "Parcel 8," thus constituting a Parcel and a portion of the Property (all capitalized terms used herein but not defined shall have the meanings given them in the Lease Agreement). A diagram depicting the location of Parcel 8 is affixed hereto as Exhibit A and is incorporated into this Amendment by reference. Parcel 8 is subject to certain load limitations set forth on the attached Exhibit A.

Tenant warrants that Parcel 8 in its present condition is suitable for Tenant's intended use. Tenant's occupancy of the Property is subject to the easements and restrictions of record as shown on the depiction of Parcel in Exhibit A attached hereto. City represents and warrants that should additional easements and restrictions be placed upon the Property, City will provide Tenant with advance notice thereof.

3. Term. The term of this Amendment in reference to Parcel 8 shall be as follows, subject to Tenant's right to terminate the Lease Agreement as provided in the Lease Agreement or in this Amendment:

A) Initial Term. An initial term beginning October 1, 2009 commencing at 12:00 A.M. and ending at 11:59 P.M. on March 31, 2025 (the "Initial Term").

B) Extension of Term. The term of this Amendment shall be extended automatically for two successive periods of five (5) years each unless Tenant or City delivers written notice to the other of the termination of this Amendment at least 360 days prior to the expiration of the Initial Term, or in the case of the second period, at least 360 days prior to the expiration of the first successive period. If this Amendment extends beyond the Initial Term, the terms and provisions of the Lease Agreement shall automatically extend with respect to Parcel 8.

C) No Early Termination. Notwithstanding anything to the contrary contained in the Lease Agreement, City may not exercise its right to terminate the Lease Agreement with respect to Parcel 8 on any Early Termination Dates (as such term is defined in the Lease Agreement) or otherwise as contemplated by Section 2 of the Lease Agreement.

4. Rent.

A) Tenant shall pay, as base rental, for Parcel 8 a rental rate of \$17,000 per acre per annum, for a total sum of \$39,321 per annum (\$3,276.75 per month). Rent shall commence on October 1, 2009.

B) Rent for Parcel 8 shall be subject to the escalation provisions of Section 3. Rent of the Lease Agreement, except that such rent shall not be subject to escalation until April 1, 2015 and each fifth anniversary thereafter.

5. Permits. Tenant may terminate this Amendment on or before Jun 1, 2010 upon sixty (60) days advance written notice to the City if Tenant does not receive all construction permits and approvals it requests from time to time from any state, federal or local departments or agencies having jurisdiction for purposes of operating Parcel 8 in accordance with its Permitted Use.

6. Termination and Vacation. Except as provided below, Tenant shall vacate Parcel 8 in accordance with the terms and conditions of the Lease Agreement Section 9. Termination and Vacation with the land being returned to the City in essentially the same condition in which it was received, free and clear of all Tenant's improvements; provided, however, at City's sole election in lieu of removal, such improvements or portions of them may be turned over to the City in an "as is" condition without any warranty whatsoever, Tenant shall remove all improvements within 30 days following its receipt of the City's notice that the City desires that Tenant remove such improvements.

7. Condemnation. In the event that the Federal or State government condemns all or part of the property subject to the Lease Agreement (i.e. Parcels 1 through 8), the Tenant may terminate the Lease Agreement with respect to those Parcels upon Ninety (90) days advance written notice to the City subject to total or partial condemnation. In that event, rent (including escalations) shall cease with respect to those Parcel(s) no longer subject to the Lease Agreement.

8. Parcel 8 Amendment. With the exception of Sections 7 and 11 hereof (which shall apply to the Lease Agreement as a whole), this Amendment shall apply only to Parcel 8 and it shall not apply to Parcels 1 through 7 as they are identified in the Lease Agreement.

9. Ratification. Except as otherwise expressly provided for in this Amendment, all other terms and conditions of the Lease Agreement shall remain unchanged and continue in full force and effect and apply to Parcel 8.

10. Approval. IT IS FURTHER AGREED AND UNDERSTOOD that this Amendment must be submitted to the Common Council of the City of Milwaukee and that the same must be approved by the Common Council and its execution authorized. If the City does not obtain approval before October 1, 2009, then Tenant shall have the right to terminate this Amendment upon notice to the City.

11. Notice. The address for notices to Tenant pursuant to Section 28 of the Lease Agreement is hereby amended to read:

NORTH AMERICAN SALT COMPANY
9900 West 109th Street, Ste, 600
Overland Park, KS 66210
ATTN: Director of Logistics - Highway

IN WITNESS WHEREOF, the parties hereto have by their duly authorized officers executed this Lease Amendment as of the day and year first above written.

In the Presence of:

CITY OF MILWAUKEE

Tom Barrett, Mayor

Ronald D. Leonhardt, City Clerk

COUNTERSIGNED:

W. Martin Morics, City Comptroller

BOARD OF HARBOR COMMISSIONERS

Timothy K. Hoelter, President

Donna Luty, Secretary

NORTH AMERICAN SALT COMPANY

By: _____
Print Name: _____
Title: _____

**STATE OF KANSAS
JOHNSON COUNTY**

Personally came before me this ____ day of _____, 20____, Michael E. Ducey, the President, of North American Salt Company., who by its authority and on its behalf executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC, State of Wisconsin
My Commission Expires: _____

PLEASE NOTE: TENANT MUST COMPLETE THE FOLLOWING:
(Note: Someone other than the individual who executed this Lease must certify the following):

CERTIFICATE RE: CORPORATION

I, _____ certify that I am the _____ of the
(print name) (print title)
above TENANT named herein; that _____, who executed this
(print signator of tenant)

Lease on behalf of the TENANT was then _____ of said
(official capacity of signator)

corporation, and in said capacity, duly signed said Lease for and on behalf of said corporation, being duly authorized so to do under its bylaws or is authorized so to do by action of its duly constituted board, all of which is within the scope of its corporate powers.

Dated at _____ this _____ day of _____ 20 ____
(location)

(signature)

APPROVED as to Form and Execution this
_____ day of _____, 20____

Assistant City Attorney

i:naslseamendp8.doc



Legislation Details (With Text)

File #: 090595 **Version:** 0
Type: Ordinance **Status:** In Committee
File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: An ordinance amending planting standards in certain portions of the public right-of-way.

Sponsors: ALD. KOVAC, ALD. WITKOWSKI

Indexes: LANDSCAPING, MEDIAN ISLANDS

Attachments: Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090595

Version

ORIGINAL

Reference

081573

081117

Sponsor

ALD. KOVAC AND WITKOWSKI

Title

An ordinance amending planting standards in certain portions of the public right-of-way.

Requestor

Drafter

LRB09368-1

MET

9/1/09

PW FILE NUMBER: 090595

NAME	ADDRESS	DATE SENT		
Ald. Kovac	3 rd Ald. Dist.	9/4/09		
Ald. Witkowski	13 th Ald. Dist.	9/4/09		
Mary Turk	LRB	9/4/09		
Jeff Mantes	Commissioner of Public Works	9/4/09		
Preston Cole	Business Operations Manager	9/4/09		
David Siyer	Forestry Services Manager	9/4/09		



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Master with text

File Number: 090614

File ID: 090614

Type: Resolution

Status: In Committee

Version: 1

Reference:

Controlling Body: PUBLIC WORKS
COMMITTEE

Requester: COUNCIL
MEMBER-DISTRICT
13

Cost:

File Created: 09/01/2009

File Name:

Final Action:

Title: Substitute resolution declaring South 27th Street from Kinnickinnic River Parkway to College Avenue as "Historic U.S. Highway 41."

Notes:

Code Sections:

Indexes: HIGHWAYS, STREET NAMES

Sponsors: Ald. Witkowski, Ald. Bauman, Ald. Dudzik and Ald. Donovan

Attachments: Hearing Notice List

Drafter: bjz

Contact:

Agenda Date:

Agenda Number:

Enactment Date:

Enactment Number:

Effective Date:

Extra Date 2:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	COMMON COUNCIL	09/01/2009	ASSIGNED TO	PUBLIC WORKS COMMITTEE			
	Action Text: This Resolution was ASSIGNED TO to the PUBLIC WORKS COMMITTEE						
0	PUBLIC WORKS COMMITTEE	09/04/2009	HEARING NOTICES SENT		09/10/2009		
0	PUBLIC WORKS COMMITTEE	09/04/2009	HEARING NOTICES SENT		09/10/2009		
1	CITY CLERK	09/09/2009	DRAFT SUBMITTED				
	Action Text: This Resolution was DRAFT SUBMITTED						
0	PUBLIC WORKS COMMITTEE	09/10/2009					

Text of Legislative File 090614

..Number
090614
..Version
SUBSTITUTE 1

..Reference

..Sponsor

ALD. WITKOWSKI, BAUMAN, DUDZIK AND DONOVAN

..Title

Substitute resolution declaring South 27th Street from Kinnickinnic River Parkway to College Avenue as "Historic U.S. Highway 41."

..Analysis

This resolution declares the portion of South 27th Street bounded by the Kinnickinnic River Parkway to the north and College Avenue to the south as "Historic U.S. Highway 41."

..Body

Whereas, U.S. Highway 41 is a north-south United States Highway, with a storied past, that runs from the Upper Peninsula of Michigan to Miami, Florida; and

Whereas, U.S. Highway 41, established in 1926, also known as South 27th Street, was constructed as the major north-south highway between Milwaukee and Chicago and served as such prior to the construction of Interstate 94 in the mid 1960's; and

Whereas, Especially the portion of South 27th Street bounded by the Kinnickinnic River Parkway to the north and College Avenue to the south provided regional access to destinations, communities, neighborhoods and businesses in the City of Milwaukee in addition to supporting a booming hospitality and retail industry in response to travelers utilizing U.S. Highway 41; and

Whereas, South 27th Street has long played a key role in commerce within the City of Milwaukee as a centrally located business district, including numerous restaurants, car dealerships, small businesses and shopping centers; and

Whereas, South 27th Street is in midst of a revival and continues to be a preferred destination for hospitality and retail commerce within the City of Milwaukee attracting citizens from all parts of the city and the larger metropolitan Milwaukee region to famous businesses such as Leon's Frozen Custard Drive-in, A & W All-American Food, Mazos Fine Foods, and Woldenberg's Hotel and Evergreen Resort; and

Whereas, The cities of Milwaukee and Greenfield working together with the S. 27th Street Business Association are coordinating revitalization of this business district including street landscaping and marketing and have selected the theme of "Historic U.S. Highway 41"; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that South 27th Street from Kinnickinnic River Parkway to College Avenue is declared "Historic U.S. Highway 41."

..Requestor

..Drafter

LRB09375-2

AEH

9/3/2009



Legislation Details (With Text)

File #: 090435 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution amending Resolution File #081606 assigning the honorary street name, "Dr. Lucy B. Hughes," to the 3000 block of West State Street in the 4th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREET NAMES

Attachments: Honorary Street Naming Application, Letter from Claudia Henley, Map, Citizen Advisory Committee Hearing Notice List, PW Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		
8/5/2009	0	CITY CLERK	REFERRED TO		
8/5/2009	0	CITY CLERK	REFERRED TO		
8/14/2009	1	CITY CLERK	DRAFT SUBMITTED		
9/3/2009	1	CITIZEN ADVISORY COMMITTEE ON THE NAMING OF PUBLIC BUILDINGS, FACILITIES AND STREETS	HEARING NOTICES SENT		

Number
090435
Version
SUBSTITUTE 1
Reference
081606
Sponsor
THE CHAIR

Title
Substitute resolution amending Resolution File #081606 assigning the honorary street name, "Dr. Lucy B. Hughes," to the 3000 block of West State Street in the 4th Aldermanic District.

Analysis
This resolution amends File #081606 to assign the honorary street name, "Dr. Lucy B. Hughes," to the 3000 block of West State Street in the 4th Aldermanic District.

Body
Whereas, On June 16, 2009, the Common Council adopted File #081606, assigning the honorary name of "Dr. Lucy B. Hughes," to the 2-block segment of West State Street between North 29th Street and North 31st Street; and

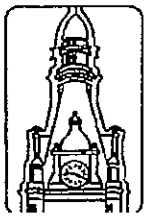
Whereas, The original applicant now requests only the 3000 block of West State Street be assigned the honorary name "Dr. Lucy B. Hughes" so applicant can petition the Common Council through separate application and resolution File #090436 to assign the honorary name of Dr. Lucy Hughes' husband, Dr. Joe L. Hughes, to the 2900 block of West State Street; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the "Resolved" clause of Resolution File #081606 be amended to read as follows:

"Resolved, By the Common Council of the City of Milwaukee that the honorary name of "Dr. Lucy B. Hughes," be assigned to the 3000 block of West State Street; and, be it"

Requestor
Department of Public Works

Drafter
LRB 09338-2
Aaron Cadle
08/13/09



City
Of
Milwaukee

**Citizen advisory Committee on the Naming
of Public Buildings, Facilities and Streets**

CHAIR
RICHARD J. CECIL

MEMBERS
Clayborn Benson III, Richard F. Cimpl, John Gurda,
Stanley Gwiazdowski, Reuben K. Harpole and Carrie Fix

City Hall, Room 205, 200 E. Wells St., Milwaukee, WI 53202 | (414) 286-2221 | FAX (414) 286-3456

September 9, 2009

To the Honorable Committee on
Public Works

Dear Committee Members:

On September 9, 2009 the Citizen Advisory Committee on the Naming of Public Buildings, Facilities and Streets met to discuss Common Council File Number 090435 - Substitute resolution amending Resolution File #081606 assigning the honorary street name, "Dr. Lucy B. Hughes," to the 3000 block of West State Street in the 4th Aldermanic District.

Based on the information provided, the Citizen Advisory Committee recommended approval of the proposed resolution and moved that it be forwarded to the Public Works Committee for its consideration.

Sincerely,

Richard J. Cecil, Chair
Citizen Advisory Committee on the Naming
of Public Buildings, Facilities and Streets

Attachment
RJC:TJM



HONORARY STREET NAME SIGN APPLICATION

2nd Floor, City Hall
200 East Wells Street
Milwaukee, WI 53202

For Office Use Only:
Case number: H- Recommendation: _____

1. Applicant information:

Applicant's Name CLAUDIA L. HENLEY
Organization or Company Greater Utopian Church
Street Address 2925 W State St City/State Milwaukee, WI Zip 53208
Telephone 414 236 1493 Fax 414 371 5951 Email chenley@badgermeter.com

2. Honorary Street Name Request

Street name requested DR. JOE L. HUGHES
Location of proposed designation: (for example, West Main Street from North 12th Street to North 15th Street)
The corner of North 29th and State Street

3. Required Submittals:

- Refer to Chapter 113-3, Milwaukee Code of Ordinances
- A typed statement containing no fewer than 500 words describing the significance of the person, place, or event being honored. The statement should indicate why a particular section of street has been requested for the honorary designation.

4. Street Naming Committee

- Upon submission of this application, please allow four to six weeks for City staff to review your request with the Street Naming Committee. Upon completion of the City's staff review, this request will be scheduled before the Street Naming Committee. All owners/residents along this street affected by the proposed honorary street name will be notified of the meeting and this is their opportunity to indicate their support or opposition to the honorary street name request. The committee will then make its recommendation to the Public Works Committee (PW). A deposit to cover the City's cost to install and/or fabricate the honorary street signs must be made before this request can be scheduled before the PW Committee. The PW Committee will make their recommendation to the Common Council. The applicant will be notified of the Common Council's action.

5. SIGNATURE OF APPLICANT:

My application consists of the following items necessary to complete the application. Please check:

- Completed Application Form, Plus One Copy, plus a \$100 fee (check made payable to "City Treasurer").
- Autobiography or statement regarding the person, place, or event being honored.

Signature Claudia Henley Date 7/20/09
Printed Name CLAUDIA L HENLEY

c: Local Alderman Ord. Bauman

City of Milwaukee
200 East Wells Street
Milwaukee, WI 53202

Honorary Street Name Sign Application for Dr. Joe L. Hughes

Greater Utopian Church located at 2925 West State Street in Milwaukee is requesting that the corner of North 29th & State St. bear the name of Dr. Joe L. Hughes and the corner of North 31st & State St. bear the name of Dr. Lucy B. Hughes. This is where the church has been located for over 30 years and its members would like to see this street section bear the name of the leaders who have given their lives to serving the surrounding neighborhood and community.

Dr. Joe L. Hughes was married to the love of his life, the late Dr. Lucy B. Hughes for 59 years. 56 of those years were spent in ministry where they have served the body of Christ and the City of Milwaukee. At the age of 78 years young, Dr. Joe L. Hughes is determined to continue the legacy of bettering the lives of people however he can.



When he first started Pastoral ship there were several young men who came to the fellowship without a natural father in their home life as a role model so he became a role model for them. He showed them how to obtain and keep a job, respect for authority, the proper dress, , how to carry themselves and take care of their families. A lot of them had dropped out of school but he encouraged them to finish with some going on to college. With a wife and six children he would often tell them "follow me as I follow Christ". Many of those men today hold respectful positions in the community and others have dedicated their lives to serving people locally and abroad.

He also is a great supporter of woman pushing them to achieve spiritual & business goals and educational dreams of becoming anything they set their mind to. Dr. Janie Washington, one of the most prominent doctors in the City of Milwaukee, is a 'daughter' of Dr's. Joe & Lucy Hughes. They encouraged her to follow her dream of becoming a doctor at a very early age. She credits a great deal of her success to their continued support and encouragement. Stories like these are numerous and we realize there are more to be written.

Dr. Joe L. Hughes is a distinguished gentleman, Pastor, Teacher and friend; a true gladiator in the army of the Lord doing spiritual battle and we want to honor him for his humanitarianism while he is still among us. He knows that souls must be reached and hearts must be set free and he's determined to continue until...

Contact person for this request:

Claudia Henley
414-236-1493
chenley@badgermeter.com

CITY OF MILWAUKEE

2009 JUL 22 AM 11:59

RONALD D. LEONHARDT
CITY CLERK

Mr. Ronald Leonhardt, City Clerk
City Clerk's Office
200 East Wells St., Room 205
Milwaukee, WI 53202

July 20, 2009

RE: Common Council File #081606 - Substitute resolution assigning the honorary street name, "Dr. Lucy B. Hughes," to West State Street from North 29th to North 31st Street in the 4th Aldermanic District.

Dear Mr. Leonhardt:

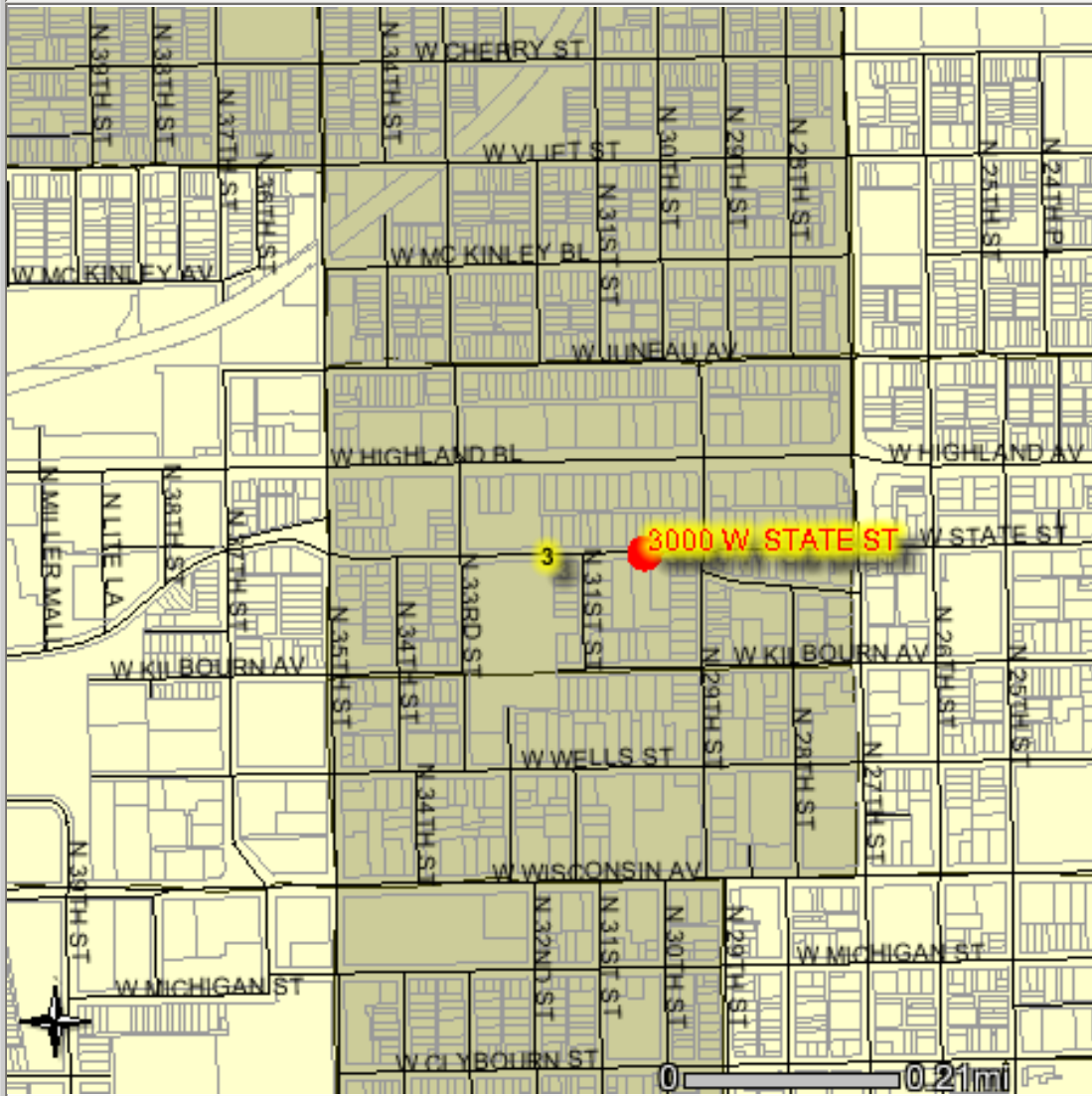
An honorary street name for Dr. Lucy B. Hughes was recently granted by the Common Council on June 16, 2009. At this time I am requesting that my original request for Dr. Lucy B. Hughes be amended by replacing one of the two honorary signs with her husband's name Dr. Joe L. Hughes.

I am requesting that Dr. Lucy B. Hughes honorary street sign be placed on the corner of North 31st and State St. and Dr. Joe L. Hughes honorary street sign be placed at the corner of North 29th State St.

I have enclosed the application for an honorary street naming for Dr. Joe L. Hughes.

Sincerely,
Claudia Henley,
Church Administrator
414-236-1493
chenley@badgermeter.com

ArcIMS HTML Viewer Map



Legend

- Parcels
- Police Stations
- Police Districts
- Streets
- Total Population 2000
 - Less than 2000
 - 2001 - 4000
 - 4001 - 6000
 - 6001 or more

JERRY W MITCHELL
HATTIE M MITCHELL
2902 W STATE ST
MILWAUKEE WI 53208-3421

MARILYNN J WEILAND
2910 W STATE ST
MILWAUKEE, WI 53208

TIMOTHY SCHEID & SHERRY
2903 W STATE ST
MILWAUKEE WI 53208

JOHN W WILLIAMS
EMMA E WILLIAMS
2915 W STATE ST
MILWAUKEE, WI 53208

MICHAEL GALEN STARK
CAROLINA MARIA STARK
2920 W STATE ST
MILWAUKEE, WI 53208

UTOPIAN PENTECOSTAL CHURCH
OF GOD IN CHRIST INC
2925 W STATE ST
MILWAUKEE, WI 53208

TODD R BADOVSKI
ALLYSON D NEMEC
2928 W STATE ST
MILWAUKEE, WI 53208-3421

CHRISTOPHER W MANDEL
JENNIFER B MANDEL
2932 W STATE ST
MILWAUKEE, WI 53208

MARCUS J POWELL
2938 W STATE ST
MILWAUKEE, WI 53208

GREATER UTOPIAN CHURCH
P.O. BOX 100915
MILWAUKEE, WI 53210

CAREN Y RAWLEY
DAVID G RAWLEY
3002 W STATE ST
MILWAUKEE, WI 53208

DAVID J GROSSE
3008 W STATE ST
MILWAUKEE WI 53208

THOMAS E MATTHEWS
3011 W STATE ST
MILWAUKEE, WI 53208

KENNETH E KARR
KRISTEEN K KARR
3022 W STATE ST
MILWAUKEE WI 53208-3421

ROBERT E WEBB JR
SHERRY M TERRELL-WEBB
3028 W STATE ST
MILWAUKEE, WI 53208

VANCAITO D GEORGE
8425 W ALLYN CT
MILWAUKEE, WI 53224

DAVID J GROSSE
3008 W STATE ST
MILWAUKEE, WI 53208

CURRENT OCCUPANT
2904 W STATE ST
MILWAUKEE, WI 53208-3421

CURRENT OCCUPANT
2911 W STATE ST
MILWAUKEE, WI 53208-3422

CURRENT OCCUPANT
2913 W STATE ST
MILWAUKEE, WI 53208-3422

CURRENT OCCUPANT
2917 W STATE ST
MILWAUKEE, WI 53208-3422

CURRENT OCCUPANT
2922 W STATE ST
MILWAUKEE, WI 53208-3421

CURRENT OCCUPANT
2932 W STATE ST
MILWAUKEE, WI 53208-3421

CURRENT OCCUPANT
3002 W STATE ST
MILWAUKEE, WI 53208-3459

CURRENT OCCUPANT
3008 W STATE ST 1
MILWAUKEE, WI 53208-3403

CURRENT OCCUPANT
3008 W STATE ST 2
MILWAUKEE, WI 53208-3403

CURRENT OCCUPANT
3008 W STATE ST 3
MILWAUKEE, WI 53208-3403

CURRENT OCCUPANT
3008 W STATE ST 4
MILWAUKEE, WI 53208-3403

CURRENT OCCUPANT
3008 W STATE ST 5
MILWAUKEE, WI 53208-3403

CURRENT OCCUPANT
3034A W STATE ST
MILWAUKEE, WI 53208-3459

CURRENT OCCUPANT
3034 W STATE ST
MILWAUKEE, WI 53208-3459

CURRENT OCCUPANT
3036 W STATE ST
MILWAUKEE, WI 53208-3459

CURRENT OCCUPANT
3100A W STATE ST
MILWAUKEE, WI 53208-3460

CURRENT OCCUPANT
3100 W STATE ST
MILWAUKEE, WI 53208-3460

ROY CARRERA
MARIA A CARRERA
1028 N 29TH ST
MILWAUKEE, WI 53208

STEVE R JOHNSTON
2843 W STATE ST
MILWAUKEE, WI 53210

JANET L SCHLEE
LARE J SCHLEE
1016 N 29TH ST
MILWAUKEE, WI 53208

MARGARET BUBLITZ
C/O INDIAN COMMUNITY
SCHOOL
3126 W KILBOURN AV
MILWAUKEE, WI 53208



Legislation Details (With Text)

File #: 090436 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution assigning the honorary street name, "Dr. Joe L. Hughes," to the 2900 block of West State Street in the 4th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREET NAMES

Attachments: Honorary Street Naming Application, Letter from Claudia Henley, Map, Letter from Dept of Public Works, Fiscal note, Citizen Advisory Committee Hearing Notice List, PW Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		
8/5/2009	0	CITY CLERK	REFERRED TO		
8/5/2009	0	CITY CLERK	REFERRED TO		
8/14/2009	1	CITY CLERK	DRAFT SUBMITTED		
9/3/2009	1	CITIZEN ADVISORY COMMITTEE ON THE NAMING OF PUBLIC BUILDINGS, FACILITIES AND STREETS	HEARING NOTICES SENT		

Number
090436
Version
SUBSTITUTE 1
Reference
081606
Sponsor
THE CHAIR

Title
Substitute resolution assigning the honorary street name, "Dr. Joe L. Hughes," to the 2900 block of West State Street in the 4th Aldermanic District.

Analysis
This resolution assigns the honorary street name, "Dr. Joe L. Hughes," to the 2900 block of West State Street in the 4th Aldermanic District.

Body
Whereas, Bishop, Dr. Joe L. Hughes established his original church with the help and support of his wife of 59 years, Dr. Lucy B. Hughes, in their home in 1964 and ministered for over 30 years to the congregants of the Greater Utopian Church at 2925 W. State Street along with his wife before her passing in November, 2008; and

Whereas, Dr. Hughes is vital and active at age 78, continues to minister to the congregants of the Greater Utopian Church and serves as a trusted guide in the spiritual and temporal lives of his community; and

Whereas, The Greater Utopian Church established by Bishop, Dr. Hughes has been and continues to be a stabilizing institution in the West State Street community, regularly and consistently reaching out to the surrounding community to help meet the spiritual and temporal needs of residents; and

Whereas, Dr. Hughes has served, and continues to serve, as a role model for countless young men who need a father-figure they can emulate, and through Dr. Hughes' influence, many of these young men were inspired to complete their education and now hold respected positions in the community; and

Whereas, Dr. Hughes has been, and continues to be, a beacon of light to the women of his community, inspiring them to fulfill their potential and pursue their dreams despite obstacles to success; and

Whereas, Bishop, Dr. Hughes began telecasting worship services on Channel 55 with his wife in 1989 to minister to the spiritual needs of the homebound and shut-ins; and

Whereas, On June 16, 2009, the Common Council adopted File #081606, assigning the honorary name "Dr. Lucy B. Hughes" to the 2-block segment of West State Street from North 29th Street to North 31st Street in honor of Dr. Joe Hughes' wife, Dr. Lucy Hughes; and

Whereas, The applicant now seeks to honor both Drs. Joe and Lucy Hughes by amending Resolution File #081606 through File #090435 to assign the honorary name "Dr. Lucy B. Hughes" to the 3000 block of West State Street and petitioning the Common Council with this resolution to assign the

honorary name "Dr. Joe L. Hughes" to the 2900 block of West State Street, thus honoring the two church founders along the 2-block section of West State Street that fronts the Greater Utopian Church at 2925 West State Street; and

Whereas, Section 113-3 of the Milwaukee Code of Ordinances provides a procedure for assigning honorary street names, and s. 113-3-6 specifies criteria for the using the names of individuals when assigning honorary street names; and

Whereas, The Common Council finds the honorary naming of the 2900 block of West State Street as "Dr. Joe L. Hughes," meets the code criteria; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the honorary name of "Dr. Joe L. Hughes," shall be assigned to the 2900 block of West State Street; and, be it

Further Resolved, That signage for this honorary street naming comply with design specifications set by the Department of Public Works; and, be it

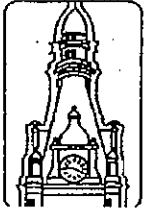
Further Resolved, That the petitioner has requested suitable honorary street naming signage be fabricated and installed by the Department of Public Works at a cost to be paid in full by petitioner; and, be it

Further Resolved, That the Department of Public Works shall fabricate and install signage for this honorary street naming within 90 days of adoption of this resolution in compliance with s. 113-3; and, be it

Further Resolved, That petitioner shall notify the Department of Public Works if and when signage for this honorary street naming needs to be replaced and the petitioner will fully reimburse the City for any such replacement.

Requestor
Department of Public Works

Drafter
LRB 09337-2
Aaron Cadle
08/13/09



City
Of
Milwaukee

**Citizen advisory Committee on the Naming
of Public Buildings, Facilities and Streets**

CHAIR
RICHARD J. CECIL

MEMBERS
Clayborn Benson III, Richard F. Cimpl, John Gurda,
Stanley Gwiazdowski, Reuben K. Harpole and Carrie Fix

City Hall, Room 205, 200 E. Wells St., Milwaukee, WI 53202 | (414) 286-2221 | FAX (414) 286-3456

September 9, 2009

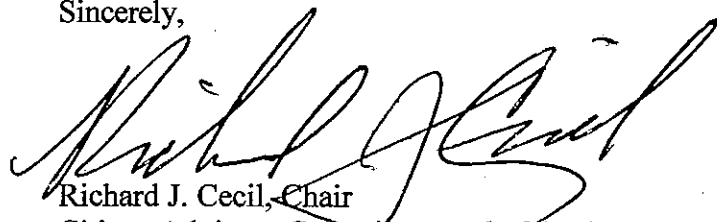
To the Honorable Committee on
Public Works

Dear Committee Members:

On September 9, 2009 the Citizen Advisory Committee on the Naming of Public Buildings, Facilities and Streets met to discuss Common Council File Number 090436 - Substitute resolution assigning the honorary street name, "Dr. Joe L. Hughes," to the 2900 block of West State Street in the 4th Aldermanic District.

Based on the information provided, the Citizen Advisory Committee recommended approval of the proposed resolution and moved that it be forwarded to the Public Works Committee for its consideration.

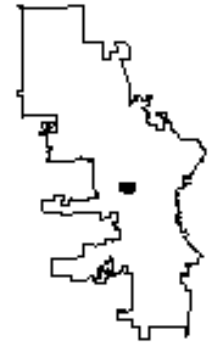
Sincerely,



Richard J. Cecil, Chair
Citizen Advisory Committee on the Naming
of Public Buildings, Facilities and Streets

Attachment
RJC:TJM

ArcIMS HTML Viewer Map



Legend

- Parcels
- Police Stations
- Police Districts
- Streets
- Total Population 2000
 - Less than 2000
 - 2001 - 4000
 - 4001 - 6000
 - 6001 or more

August 19, 2009

To the Public Works Committee

Subject: Common Council Resolution File Numbers 090435 and 090436
Honorary Street Name Requests
3000 Block West State Street to Dr. Lucy B. Hughes
2900 Block West State Street to Dr. Joe L. Hughes

Dear Honorable Members:

This letter is in reply to two notices dated July 28, 2009 regarding requests for honorary street names on West State Street between North 29th Street and North 31st Street. Resolution number 081606 was previously adopted by the Common Council on June 16, 2009 assigning the honorary street name of "Dr. Lucy B. Hughes" to West State Street from North 29th Street to North 31st Street. Resolution number 090435 is being introduced amending resolution number 081606 assigning the honorary street name of "Dr. Lucy B. Hughes" to the 3000 block of West State Street. Resolution number 090436 is being introduced to assign the honorary street name of "Dr. Joe L. Hughes" to the 2900 block of West State Street.

Resolution number 081606 was adopted to honor Dr. Lucy B. Hughes who passed away on November 15, 2008. The biography submitted on her behalf explains her community work within the area of the Greater Utopian Church located at 2925 West State Street as well as starting many other ministries. The proposal is to honor Dr. Lucy B. Hughes on the 3000 block of West State Street and her husband, Dr. Joe L. Hughes, on the 2900 block of West State Street.

Chapter 113-3 of the Milwaukee Code of Ordinances provides the guidelines to consider when reviewing honorary street name requests. The guidelines provided in the code have been reviewed and the following comments are offered.

To The Public Works Committee
August 19, 2009
Page 2

At the age of 78, Dr. Joe L. Hughes has served the community surrounding the area of the Greater Utopian Church located at 2925 West State Street for over three decades. He has been a gentleman, pastor, teacher and friend within the Greater Utopian Church. He was married to Dr. Lucy B. Hughes for 59 years and is determined to continue the legacy of bettering the lives of people.

The request for an honorary street name of "Dr Joe L Hughes" includes 15 letters and spaces. There is not a limit to 13 letters/spaces as with an official street name change request, however, the letters will be a smaller size to fit the standard honorary street sign space.

For each honorary name request one blue honorary street sign can be placed on West State Street in compliance with Chapter 113-3 of the Milwaukee Code of Ordinances.

For Dr. Lucy B. Hughes, a sign will be mounted at North 31st Street. For Dr. Joe L. Hughes, a sign will be mounted at North 29th Street. The signs will be mounted below the West State Street signs in the east-west orientation. The existing official street signs at these locations will remain. The petitioner has deposited \$200 to the City for fabrication and installation of signs. If a sign needs to be replaced in the future, the City is to be notified of the missing or damaged sign and the petitioner is to cover the cost to fabricate and mount the sign as described above with the initial installation. The City's cost to fabricate and install future signs is subject to change.

Provided that these honorary street name requests meet the established design criteria and that the Department of Public Works does not incur any costs as a result of this action, we can support these resolutions.

Very truly yours,

Jeffrey Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

MGL:slm

Attachment

CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)

A) DATE: August 14, 2009

FILE NUMBER 090436
Original Fiscal Note Substitute

SUBJECT: Resolution assigning the honorary street name, "Dr. Joe L. Hughes," to the 2900 block of West State Street in the 4th Aldermanic District.

B) SUBMITTED BY (Name/Title/Dept/Ext.): Jeffrey S. Polenske, P.E./City Engineer/Infrastructure Services Division/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENTAL ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS:					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

JERRY W MITCHELL
HATTIE M MITCHELL
2902 W STATE ST
MILWAUKEE WI 53208-3421

MARILYNN J WEILAND
2910 W STATE ST
MILWAUKEE, WI 53208

TIMOTHY SCHEID & SHERRY
2903 W STATE ST
MILWAUKEE WI 53208

JOHN W WILLIAMS
EMMA E WILLIAMS
2915 W STATE ST
MILWAUKEE, WI 53208

MICHAEL GALEN STARK
CAROLINA MARIA STARK
2920 W STATE ST
MILWAUKEE, WI 53208

UTOPIAN PENTECOSTAL CHURCH
OF GOD IN CHRIST INC
2925 W STATE ST
MILWAUKEE, WI 53208

TODD R BADOVSKI
ALLYSON D NEMEC
2928 W STATE ST
MILWAUKEE, WI 53208-3421

CHRISTOPHER W MANDEL
JENNIFER B MANDEL
2932 W STATE ST
MILWAUKEE, WI 53208

MARCUS J POWELL
2938 W STATE ST
MILWAUKEE, WI 53208

GREATER UTOPIAN CHURCH
P.O. BOX 100915
MILWAUKEE, WI 53210

CAREN Y RAWLEY
DAVID G RAWLEY
3002 W STATE ST
MILWAUKEE, WI 53208

DAVID J GROSSE
3008 W STATE ST
MILWAUKEE WI 53208

THOMAS E MATTHEWS
3011 W STATE ST
MILWAUKEE, WI 53208

KENNETH E KARR
KRISTEEN K KARR
3022 W STATE ST
MILWAUKEE WI 53208-3421

ROBERT E WEBB JR
SHERRY M TERRELL-WEBB
3028 W STATE ST
MILWAUKEE, WI 53208

VANCAITO D GEORGE
8425 W ALLYN CT
MILWAUKEE, WI 53224

DAVID J GROSSE
3008 W STATE ST
MILWAUKEE, WI 53208

CURRENT OCCUPANT
2904 W STATE ST
MILWAUKEE, WI 53208-3421

CURRENT OCCUPANT
2911 W STATE ST
MILWAUKEE, WI 53208-3422

CURRENT OCCUPANT
2913 W STATE ST
MILWAUKEE, WI 53208-3422

CURRENT OCCUPANT
2917 W STATE ST
MILWAUKEE, WI 53208-3422

CURRENT OCCUPANT
2922 W STATE ST
MILWAUKEE, WI 53208-3421

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C/O INDIAN COMMUNITY
SCHOOL
3126 W KILBOURN AV
MILWAUKEE, WI 53208



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Master with text

File Number: 090427

File ID: 090427

Type: Charter Ordinance

Status: In Committee

Version: 1

Reference:

Controlling Body: PUBLIC WORKS
COMMITTEE

Requester: BUDGET AND
MANAGEMENT
ANALYSIS DIVISION

Cost:

File Created: 07/28/2009

File Name:

Final Action:

Title: A substitute charter ordinance amending and opting out of provisions relating to the appropriation of surplus earnings from the water works to the city general fund.

Notes:

Code Sections:

Indexes: CHARTER ORDINANCES, WATER WORKS

Sponsors: THE CHAIR

Attachments: Hearing Notice List

Drafter: mn

Contact:

Agenda Date:

Agenda Number:

Enactment Date:

Enactment Number:

Effective Date:

Extra Date 2:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:	
0	COMMON COUNCIL	07/28/2009	ASSIGNED TO	PUBLIC WORKS COMMITTEE				
	Action Text:	This Charter Ordinance was ASSIGNED TO to the PUBLIC WORKS COMMITTEE						
0	CITY CLERK	08/05/2009	REFERRED TO	BUDGET AND MANAGEMENT ANALYSIS DIVISION	09/04/2009			
	Action Text:	This Charter Ordinance was REFERRED TO to the BUDGET AND MANAGEMENT ANALYSIS DIVISION due back on 9/4/2009						
0	CITY CLERK	08/05/2009	REFERRED TO	LEGISLATIVE REFERENCE BUREAU	09/04/2009			
	Action Text:	This Charter Ordinance was REFERRED TO to the LEGISLATIVE REFERENCE BUREAU due back on 9/4/2009						
0	PUBLIC WORKS COMMITTEE	09/04/2009	HEARING NOTICES SENT		09/10/2009			
0	PUBLIC WORKS COMMITTEE	09/10/2009						

Text of Legislative File 090427

..Number

090427

..Version

SUBSTITUTE 1

..Reference

..Sponsor

THE CHAIR

..Title

A substitute charter ordinance amending and opting out of provisions relating to the appropriation of surplus earnings from the water works to the city general fund.

..Sections

14-08-1 am

..Analysis

Section 14-08 of the city charter, enacted by the state legislature in 1905, and applying only to cities of the first class, provides that the common council may appropriate surplus earnings of the water works to the city's general fund if there is a sufficient sum of money in surplus earnings to pay 2 years installment on water works bond principal and interest. In this charter ordinance, the city elects not to be governed by portions of the 1905 provisions, and amends those provisions so that water works surplus earnings may be appropriated to the city's general fund if there is a sufficient sum of money in surplus earnings to pay one year installment of water works bond principal and interest.

..Body

Whereas, Sections 14-08-1 and 2 of the city charter were enacted as session laws by the Wisconsin legislature in 1905 (§§ 1 and 2, Ch. 469, L. 1905); and

Whereas, Wis. Stat. § 66.0811(2) provides that the surplus income of a municipal public utility may be paid into a city's general fund after all payments have been made for "operation, maintenance, depreciation, interest, and debt service fund requirements, local and school tax equivalents, additions and improvements, and other necessary disbursements and indebtedness[;]" and

Whereas, Wis. Stat. § 66.0811(2) does not contain the additional limitations on the City's ability to appropriate surplus earnings contained in section 14-08-1 of the city charter; and

Whereas, Wis. Stat. § 66.0811(2) applies with uniformity to all municipal public utilities, including the Water Works; and

Whereas, The issue of the retention of additional limitations on the City of Milwaukee's ability to appropriate surplus earnings from its municipal public utility, is a matter primarily of local affairs and therefore subject to the city's constitutional home rule power; and

Whereas, Section 14-08-2 of the city charter also concerns a matter primarily of local affairs and is therefore subject to the city's constitutional home rule power; now, therefore

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

Part 1. The City of Milwaukee elects not to be governed by portions of the provisions of chapter 469, Laws of Wisconsin, 1905.

Part 2. Section 14-08-1 of the city charter is amended to read:

14-08. Surplus Earnings. 1. The common council [[of any city of the first class, whether operating under a general or special charter, owning and operating a water plant or system]] may by resolution duly passed appropriate the surplus earnings of water works, plant or systems to the general fund, provided, however, that in case there is a bonded indebtedness against said water works, plant or system, then and in that case not any of such surplus earnings shall be appropriated and used [[as above stated]], unless there is on hand a sufficient sum of money to pay [[two years]] >>one year's<< installment on principal and

interest. [[Provided, that the amount of surplus earnings of such waterworks so apportioned, shall not exceed the amount such city shall have raised by general taxation and expended in the construction of such waterworks system, or in payment of bonds issued for the construction thereof, with interest thereon from the time such money was so expended or paid at the then current rates of interest or at the rate of interest such bonds shall have borne]].

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

..LRB
APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter

LRB09340-1

BJZ:lp

9/9/09

1127-2009-2290:149230

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 09/09/2009

FILE NUMBER: 090427

Original Fiscal Note Substitute

SUBJECT: A substitute charter ordinance amending and opting out of provisions relating to the appropriation of surplus earnings from the water works to the city general fund.

B) SUBMITTED BY (Name/title/dept./ext.): Mark Nicolini, Director/DOA-Budget & Management Div/X5060

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

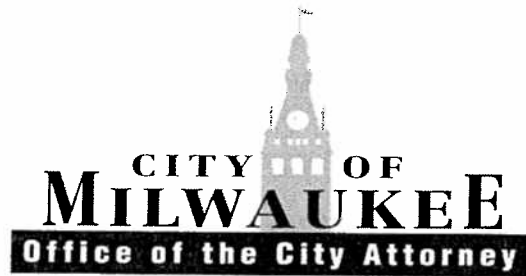
G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

September 1, 2009

Mark Nicolini
Budget & Management Director
City Budget Office
City Hall, Room 603

Re: Charter Ordinance Relating to the Appropriation of Surplus
Earnings from the Water Works to the City General Fund

Dear Mr. Nicolini:

You requested our assistance in drafting a proposed charter ordinance relating to the appropriation of surplus earnings from the Water Works to the City general fund. We have worked with the Legislative Reference Bureau to prepare the enclosed proposed charter ordinance, which amends City Charter §§ 14-08-1 and 14-08-2 (§§ 1 and 2, Chap. 469, Laws of 1905).

By way of background, Wisconsin Statute § 66.0811(2) provides that the surplus income of a municipal public utility may be paid into a city's general fund after all payments have been made for "operation, maintenance, depreciation, interest, and debt service fund requirements, local and school tax equivalents, additions and improvements, and other necessary disbursements and indebtedness." The statute, which does not contain an exception for cities of the first class, applies uniformly to all municipal public utilities and municipalities that own or operate such utilities.

City Charter § 14-08-1, a session law enacted by the Wisconsin legislature in 1905, contains additional limitations that permit the City to appropriate surplus earnings only if the Water Works possesses retained earnings sufficient to pay two year's installment on principal and interest on the utility's bond debts. Section 14-08-1 also contains archaic language that arguably restricts the amount of any appropriation to the amount that the City raised through general taxation and bond issues for construction of the Water Works.

Pursuant to the City's constitutional home rule power (Wis. Const. Art. 11, § 3) and Wis. Stat. § 66.0101(4), the proposed charter ordinance, as you have requested, amends § 14-08-1 to elect that these additional limitations no longer apply to the City. Specifically, the charter ordinance amends § 14-08-1 to permit the appropriation of surplus earnings if the Water Works has sufficient retained earnings to pay one year's installment, rather than two years, on principal and interest on its bonded debts and repeals the arguable limit on the dividend amount.

In our opinion, the proposed charter ordinance is a proper exercise of the City's constitutional home rule power. The broad issue of the disposition of municipal public utility revenues may be a matter of statewide concern. However, given the uniform application of Wis. Stat. § 66.0811 to all municipal public utilities¹, the narrow issue of the retention of additional limitations on the City of Milwaukee's ability to appropriate surplus earnings from its municipal public utility, is a matter primarily of local affairs². *State ex rel. Ekern v. Milwaukee*, 190 Wis. 633, 209 N.W. 860, 862 (1926); *State ex rel. Brelsford v. Retirement Board*, 41 Wis. 2d 77, 163 N.W.2d 153 (1968).

Because the additional limitations on the City's ability to appropriate surplus earnings are predominately matters of local concern, under Wis. Stat. § 66.0101(4), the City may elect that portions of City Charter § 14-08-1 not apply to the City through a charter ordinance. We note that the Common Council can choose to retain these restrictions if it wishes.

As you requested, the proposed charter ordinance also amends City Charter § 14-08-2, which was also enacted by the 1905 session law. Section 14-08-2 permits the Common Council, by resolution or ordinance, to exempt "the various city departments, public schools, parks and fountains of such city" from paying water rates if the Water Works has surplus funds sufficient to pay two year's installment on principal and interest on its bond debt. The proposed charter ordinance amends

¹ Wisconsin Statute § 66.0801 defines "municipal public utility" as a "public utility owned or operated by a city, village, or town" and adopts Wis. Stat. § 196.01(5)'s definition of "public utility": "every...city that may own, operate, manage or control...all or any part of a plant...for the delivery or furnishing of...water...either directly or indirectly to or for the public." See also *Pabst Corp. v. City of Milwaukee*, 190 Wis. 349, 208 N.W. 493, 494 (1926) ("By so defining a public utility as to include "every" city that owns and operates its water plant, the Legislature has plainly manifested an intention to make the statute apply to the Milwaukee water plant, even if regulation by the [PSC] be at variance with the provisions of the city charter.")

² The 1905 session law was tailored specifically to the City of Milwaukee as the only city of the first class and pre-dates both Wis. Stat. § 66.0811 and the Public Utilities Act, Chapter 499, Laws of 1907 (now Chapter 196, Wis. Stats.).

Mark Nicolini
September 1, 2009
Page 3

that section to permit the Common Council to consider such an exemption if the Water Works has surplus sufficient to pay one year's principal and interest.

As with the amendment of § 14-08-1, it is our opinion that this election is within the City's constitutional home rule power. However, we caution that this charter provision is archaic, having been enacted before the Public Service Commission's ratemaking authority was established. Accordingly, it will be necessary to address the legality and enforceability of any proposed resolutions that would exempt entities from paying water rates under § 14-08-2.


Finally, with regard to both §§ 14-08-1 and 2, the proposed charter ordinance sufficiently designates those portions of the 1905 session law that no longer apply to the City. "A charter ordinance that makes the election under [§ 66.0101(4)] shall designate specifically each enactment of the legislature or portion of the enactment that is made inapplicable to the city or village by the election." Wis. Stat. § 66.0101(2)(b).

If you have any comments or concerns or require any additional information, please do not hesitate to contact the undersigned.

Very truly yours,



GRANT E. MANGLEY
City Attorney



THOMAS D. MILLER
Assistant City Attorney

TDM:tdm

Enclosures

c(w/enclosures):

Carrie Lewis, Manager, Water Works

Barry Zalben, Manager, Legislative Reference Bureau

Ronald D. Leonhardt, City Clerk

1127-2009-2290:149148

Enclosure



Legislation Details (With Text)

File #: 090531 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution authorizing the Milwaukee Water Works to apply for and accept various incentives and rebates, not to exceed \$100,000, provided through We Energies' Focus on Energy program for the purchase and installation of equipment or systems to improve energy efficiency at Milwaukee Water Works facilities.

Sponsors: THE CHAIR

Indexes: ENERGY CONSERVATION, GRANTS, WATER WORKS, WISCONSIN ELECTRIC POWER COMPANY

Attachments: Fiscal Note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090531

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution authorizing the Milwaukee Water Works to apply for and accept various incentives and rebates, not to exceed \$100,000, provided through We Energies' Focus on Energy program for the purchase and installation of equipment or systems to improve energy efficiency at Milwaukee Water Works facilities.

Analysis

This resolution authorizes the Milwaukee Water Works to apply for and accept various incentives and rebates, not to exceed \$100,000, provided through We Energies' Focus on Energy program for the purchase and installation of equipment or systems to improve energy efficiency at Milwaukee Water Works facilities.

Body

Whereas, We Energies regularly provides various incentives and rebates through its Focus on Energy program for the purchase and installation of equipment or systems to improve energy efficiency; and

Whereas, The Milwaukee Water Works, in the normal course of maintaining and updating its facilities, regularly purchases and installs energy efficient equipment or systems that appear eligible for Focus on Energy incentives and rebates; and

Whereas, These Focus on Energy incentives and rebates apply to energy efficiency improvements in lighting, pumping, HVAC (Heating, Ventilation & Air Conditioning) and compressors, and would also apply in some cases to energy efficiency improvements the Milwaukee Water Works has already purchased and installed; and

Whereas, These Focus on Energy incentives and rebates reduce the costs of the Milwaukee Water Works normal maintenance and facility updates, and are therefore beneficial to the utility and its ratepayers; now, therefore, be it

Resolved, By the Common Council of The City of Milwaukee, that the Milwaukee Water Works is authorized to apply for and accept various incentives and rebates, not to exceed \$100,000, provided through We Energies' Focus on Energy program for the purchase and installation of equipment or systems to improve energy efficiency at Milwaukee Water Works facilities; and, be it

Further Resolved, That the Milwaukee Water Works will maintain a separate revenue account, or subaccount, for the deposit of these Focus on Energy incentives and rebates; and, be it

Further Resolved, That the Milwaukee Water Works shall apply for and accept Focus on Energy

incentives and rebates without further approval until the cumulative total accepted reaches \$100,000, at which time additional authority shall be sought if the utility wishes to continue its participation in the program.

Requestor

DPW-Milwaukee Water Works

Drafter

LRB #09348-1

ANC

08/25/09

CITY OF MILWAUKEE FISCAL NOTE CC-170 (REV.6/86)

Ref: GENFISCALNT.MST

A) DATE: August 19, 2009

FILE NUMBER:
Original Fiscal Note Substitute

SUBJECT: Resolution relative to the application and acceptance of various grants not to exceed \$100,000 from the Focus on Energy program for energy efficiency improvements at Milwaukee Water Works facilities.

B) SUBMITTED BY (name/title/dept./ext.): Carrie Lewis/Superintendent/DPW- Water Works/x2801

C) CHECK ONE:	<input type="checkbox"/> ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES. <input checked="" type="checkbox"/> ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW. <input type="checkbox"/> NOT APPLICABLE/NO FISCAL IMPACT. IN CURRENT YEAR.
----------------------	---

D) CHARGE TO:	<input type="checkbox"/> DEPARTMENTAL ACCOUNT (DA) WATER <input type="checkbox"/> CAPITAL PROJECTS FUND (CPF) <input type="checkbox"/> PERM. IMPROVEMENT FUNDS (PIF) <input type="checkbox"/> OTHER (SPECIFY)	<input type="checkbox"/> CONTINGENT FUND (CF) <input type="checkbox"/> SPECIAL PURPOSE ACCOUNTS (SPA) <input type="checkbox"/> GRANT & AID ACCOUNTS (G & AA)
----------------------	--	--

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
<i>Rebates for various energy efficiency improvements</i>	<i>Funds received will be deposited to the Water Works account to which the original project was charged</i>			<i>Max \$100,000</i>	
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



Legislation Details (With Text)

File #: 090471 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution directing the Department of Public Works to evaluate and report on the feasibility of solar trash and recycling bins for placement in locations throughout the City.

Sponsors: ALD. ZIELINSKI

Indexes: DEPARTMENT OF PUBLIC WORKS, ENERGY CONSERVATION, GARBAGE CARTS, REPORTS AND STUDIES

Attachments: Fiscal note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		
9/1/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
090471
Version
SUBSTITUTE 1
Reference

Sponsor
ALD. ZIELINSKI

Title
Substitute resolution directing the Department of Public Works to evaluate and report on the feasibility of solar trash and recycling bins for placement in locations throughout the City.

Analysis
Solar trash and recycling bins hold 4 to 5 times the material of a traditional litter baskets. These receptacles are also equipped with a signal that can alert staff when the receptacle is full, reducing the number of trips required to maintain the receptacles. This resolution directs the Department of Public Works to evaluate and report on the feasibility of solar trash and recycling bins for placement in locations throughout the City and possible funding sources.

Body
Whereas, Solar-powered trash compactors and recyclers have been shown to save energy costs and reduce greenhouse gas emissions related to trash pickup by 80 percent; and

Whereas, Solar-powered trash compactors and recyclers are currently being piloted by governments and other entities in 40 states and 20 other countries; and

Whereas, The installation of these receptacles in areas throughout the City that experience a large amount of pedestrian traffic will serve as an example of the City's dedication to energy efficiency, decreasing emissions and use of natural resources; and

Whereas, Several cities have successfully piloted the use of these receptacles and many have utilized available state and federal grants for their adoption; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works is directed to study the benefits and costs of purchasing and installing solar powered trash compactors in locations throughout the City with heavy pedestrian usage; and, be it

Further Resolved, That the Department of Public Works will explore potential grant sources for the adoption of these receptacles and report their findings to the Common Council.

Requestor
Drafter
LRB09326-2
RTW
8/31/2009

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 09/02/2009

FILE NUMBER: 090471

Original Fiscal Note Substitute

SUBJECT: Substitute resolution directing the Department of Public Works to evaluate and report on the feasibility of solar trash and recycling bins for placement in locations throughout the City.

B) SUBMITTED BY (Name/title/dept./ext.): Wanda Booker, Sanitation Services Manager, DPW Operations, X2332

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



Legislation Details (With Text)

File #: 090279 **Version:** 2

Type: Resolution **Status:** In Committee

File created: 6/16/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: A substitute ordinance relating to purchase of city vehicles.

Sponsors: ALD. ZIELINSKI, ALD. KOVAC

Indexes: AUTOMOBILES, PURCHASING PROCEDURES, TRUCKS

Attachments: Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
6/16/2009	0	COMMON COUNCIL	ASSIGNED TO		
6/19/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/19/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/19/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/19/2009	1	CITY CLERK	DRAFT SUBMITTED		
6/24/2009	0	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
7/10/2009	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
7/10/2009	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
7/15/2009	2	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	3:2
7/15/2009	1	PUBLIC WORKS COMMITTEE	SUBSTITUTED	Pass	5:0
7/15/2009	2	CITY CLERK	DRAFT SUBMITTED		

Number

090279

Version

SUBSTITUTE 2

Reference**Sponsor**

ALD. ZIELINSKI AND KOVAC

Title

A substitute ordinance relating to purchase of city vehicles.

Sections

310-18.3 cr

Analysis

This ordinance requires that the city only purchase vehicles having at least 51% of the monetary value of the parts manufactured in the United States, and 51% of the vehicle assembled in the United States. The business operations division - procurement services section - department of administration shall be responsible for monitoring contracts for compliance with this section including the right to waive the requirement.

Body

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

Part 1. Section 310-18.3 of the code is created to read:

310-18.3. Purchase of American Made Vehicles.

1. DECLARATION OF POLICY. The United States federal government has a direct financial interest in preserving the American automobile industry, owning portions of some companies. There is also a lack of Americans purchasing cars made in the United States which is contributing to the collapse of the domestic auto industry and contributing to the decline in the health, safety and welfare of the nation. It is therefore a desirable goal of the city and the citizens of the United States to support the economic success of these companies.

2. DEFINITIONS.

a. "American made vehicle" means a vehicle having at least 51% of the monetary value of the parts manufactured in the United States, and 51% of the vehicle assembled in the United States.

b. "Parts" means an article, material or supply incorporated directly into a vehicle.

3. AMERICAN MADE VEHICLES. The city purchasing director and any other officer, agent, agency, committee, board or commission of the city, unless contrary to federal, state or local law or regulations, are directed to purchase only American made vehicles.

4. AFFIDAVITS. No contracts for items referenced in sub. 3 shall be entered into by contracting departments unless the lowest responsible bidders first submit to the purchasing director sworn reports or affidavits which include a statement by the bidder that the vehicles to be supplied are American Made Vehicles as defined in sub. 2-a.

5. MONITORING AND ENFORCEMENT. The business operations division - procurement services section - department of administration shall be responsible for monitoring contracts for compliance with this section.

6. WAIVER. The requirements of this section may be waived in writing by the purchasing director if any of the following are true:

a. All bidders to a contract are deemed ineligible under this section.

b. The contract is necessary in order to respond to an emergency which endangers the public health

and safety, and no contractor who complies with the requirements of this section is immediately capable of responding to the emergency.

c. It is impossible or impracticable to draw specifications satisfactorily to permit competitive bidding, items can be furnished from only one source, or items constitute a special adaptation for a special purpose, pursuant to s. 16-05-3 of the charter.

7. SANCTIONS. Any contractor engaged in a contract who has been found by the business operations division - department of administration to have submitted any false, misleading or fraudulent information or who has failed to comply with the provisions of this section may be subject to the sanctions referenced in s. 310-17-3-f.

LRB**APPROVED AS TO FORM**

Legislative Reference Bureau

Date: _____

Attorney**IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE**

Office of the City Attorney

Date: _____

Requestor**Drafter**

MET

7/14/09

LRB09267-3

..Number
090279
..Version
PROPOSED SUBSTITUTE B
..Reference

..Sponsor
ALD. ZIELINSKI AND KOVAC

..Title
A substitute ordinance relating to purchase of city vehicles.

..Sections
310-18.3 cr

..Analysis
This ordinance requires that the city only purchase light duty vehicles having at least 51% of the monetary value of the parts manufactured in the United States, and 51% of the vehicle assembled in the United States, or in the case of public safety vehicles, 51% of the monetary value of the parts manufactured in the United States. The business operations division – procurement services section - department of administration shall be responsible for monitoring contracts for compliance with this section including the right to waive the requirement.

..Body

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

Part 1. Section 310-18.3 of the code is created to read:

310-18.3. Purchase of American Made Vehicles.

1. DECLARATION OF POLICY. The United States federal government has a direct financial interest in preserving the American automobile industry, owning portions of some companies. There is also a lack of Americans purchasing cars made in the United States which is contributing to the collapse of the domestic auto industry and contributing to the decline in the health, safety and welfare of the nation. It is therefore a desirable goal of the city and the citizens of the United States to support the economic success of these companies.

2. DEFINITIONS.

a. “American made vehicle” means a light duty vehicle having at least 51% of the monetary value of the parts manufactured in the United States, and 51% of the vehicle assembled in the United States, except in the case of a public safety vehicle, when an “American made vehicle” means a light duty vehicle having at least 51% of the monetary value of the parts manufactured in the United States.

b. “Parts” means an article, material or supply incorporated directly into a vehicle.

3. AMERICAN MADE VEHICLES. The city purchasing director and any other officer, agent, agency, committee, board or commission of the city, unless contrary to federal, state or local law or regulations, are directed to purchase only American made vehicles.

4. AFFIDAVITS. No contracts for items referenced in sub. 3 shall be entered into by contracting departments unless the lowest responsible bidders first submit to the

purchasing director sworn reports or affidavits which include a statement by the bidder that the vehicles to be supplied are American made vehicles as defined in sub. 2-a.

5. MONITORING AND ENFORCEMENT. The business operations division – procurement services section - department of administration shall be responsible for monitoring contracts for compliance with this section.

6. WAIVER. The requirements of this section may be waived in writing by the purchasing director if any of the following are true:

a. All bidders to a contract are deemed ineligible under this section.

b. The contract is necessary in order to respond to an emergency which endangers the public health and safety, and no contractor who complies with the requirements of this section is immediately capable of responding to the emergency.

c. It is impossible or impracticable to draw specifications satisfactorily to permit competitive bidding, items can be furnished from only one source, or items constitute a special adaptation for a special purpose, pursuant to s. 16-05-3 of the charter.

d. The purchasing director determines that it would be in the best interests of the city to procure the vehicles pursuant to a cooperative purchasing arrangement with the state or another governmental entity.

7. SANCTIONS. Any contractor engaged in a contract who has been found by the business operations division - department of administration to have submitted any false, misleading or fraudulent information or who has failed to comply with the provisions of this section may be subject to the sanctions referenced in s. 310-17-3-f.

Part 2. This ordinance takes effect 60 days after passage and publication of charter ordinance file number 090430.

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date:_____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE

IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date:_____

..Requestor

..Drafter

MET

9/9/09

LRB09267-4

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 9/4/09

FILE NUMBER: 090279

Substitute

SUBJECT: A substitute ordinance relating to purchase of city vehicles.

B) SUBMITTED BY (Name/title/dept./ext.): Rhonda U. Kelsey, City Purchasing Director, DOA-Business Operations Division

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:
 Fiscal impact unknown at this time. Fiscal impact can only be determined during actual procurement.

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



Legislation Details (With Text)

File #: 080147 **Version:** 1
Type: Resolution **Status:** In Committee
File created: 5/20/2008 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Substitute resolution to vacate a portion of East Iron Street, northerly side, from South Shore Drive northeasterly to its terminus, in the 14th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREET VACATIONS

Attachments: Fiscal Note.pdf, City Plan Commission Letter.pdf, Exhibit A.pdf, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
5/20/2008	0	COMMON COUNCIL	ASSIGNED TO		
5/21/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
7/9/2008	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
7/16/2008	0	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
9/3/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
080147
Version
SUBSTITUTE 1
Reference

Sponsor
THE CHAIR

Title

Substitute resolution to vacate a portion of East Iron Street, northerly side, from South Shore Drive northeasterly to its terminus, in the 14th Aldermanic District.

Analysis

This substitute resolution vacates the above right-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was initiated by the abutting property owner to construct a driveway approach and workable turn radii into the existing, attached garage and for the side and rear yards to be properly graded.

Body

Whereas, It is proposed that a portion of East Iron Street, northerly side, from South Shore Drive northeasterly to its terminus 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 East Iron Street in the Northwest 1/4 of Section 10, Township 6 North, Range 22 East, described as follows: Commencing at the point of intersection of the easterly line of South Shore Drive and the northerly line of East Iron Street, said point also being the southerly corner of Certified Survey Map No. 6791; thence Northeasterly, along said northerly line, to the easterly corner of said certified survey map; thence Southeasterly, along the southeasterly extension of the northeasterly line of said certified survey map, to a point lying 8.00 feet southeasterly of, as measured normal to, said northerly line; thence Southwesterly, parallel to said northerly line, to a point in the southeasterly extension of the easterly line of South Shore Drive; thence Northwesterly, along said southeasterly 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 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 portion of street had not been vacated.

Drafter

DCD:AJF:ajf

09/03/09

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 05/20/08

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution to vacate a portion of the North Side of East Iron Street, east of South Shore Drive, in the 14th Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): Rocky Marcoux, Commissioner, DCD

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

August 31, 2009

To the Honorable Common Council
Public Works Committee
City of Milwaukee

Dear Committee Members:

File No. 080147 vacates a portion of East Iron Street (northerly side) from South Shore Drive northeasterly to its terminus, in the 14th Aldermanic District. This vacation was initiated by the abutting property owner to construct a driveway approach and workable turn radii into the existing, attached garage and for the side and rear yards to be properly graded.

The Department of Public Works Coordinated Report contains no stated objections to the proposed vacation. At the request of the Commissioner of Public Works, the petitioner has provided:

Benefit Assessments	\$2,384.00
---------------------	------------

Since the proposed vacation is not in conflict with City plans, the City Plan Commission at its regular meeting on July 14, 2008, recommended approval of the subject file.

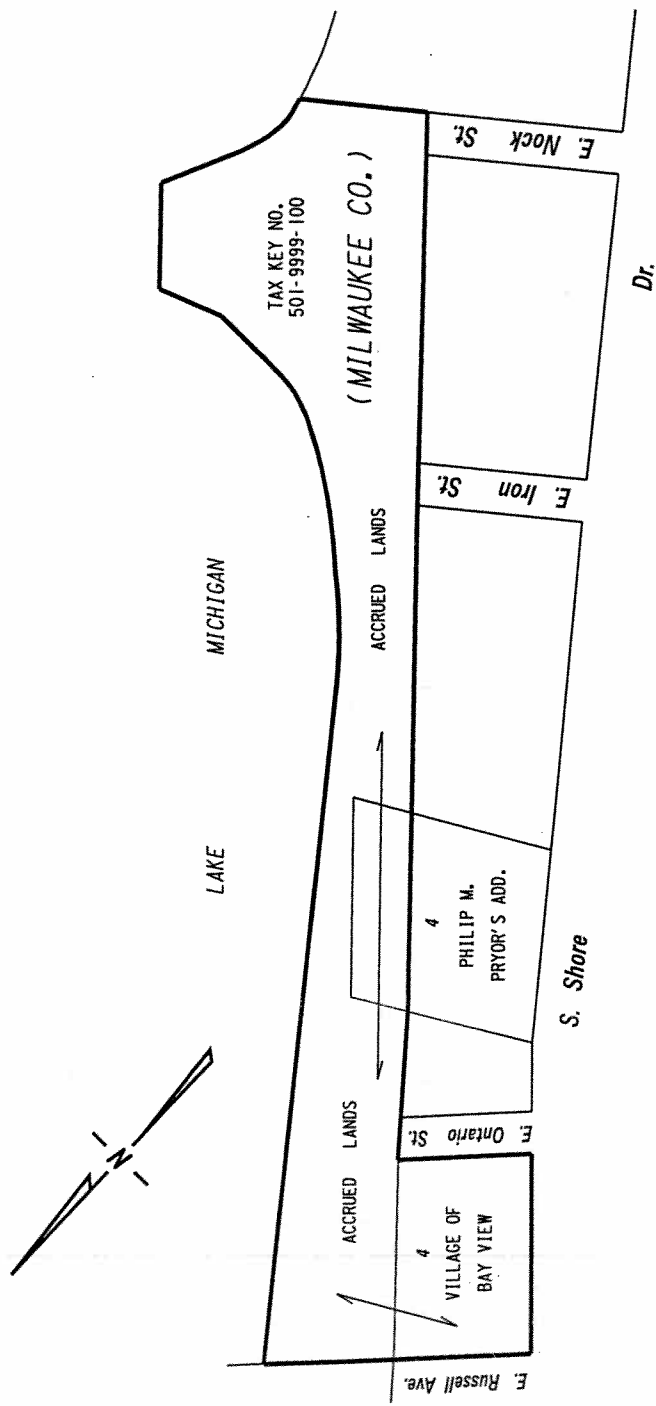
Sincerely,

Rocky Marcoux
Executive Secretary
City Plan Commission of Milwaukee

cc: Ald. Tony Zielinski

501

N.W. 1/4 SEC. 10, T.6N., R.22E.



TAX KEY NO.
501-9999-100
(MILWAUKEE COUNTY)
SOUTH SHORE PARK
ACCRUED LANDS

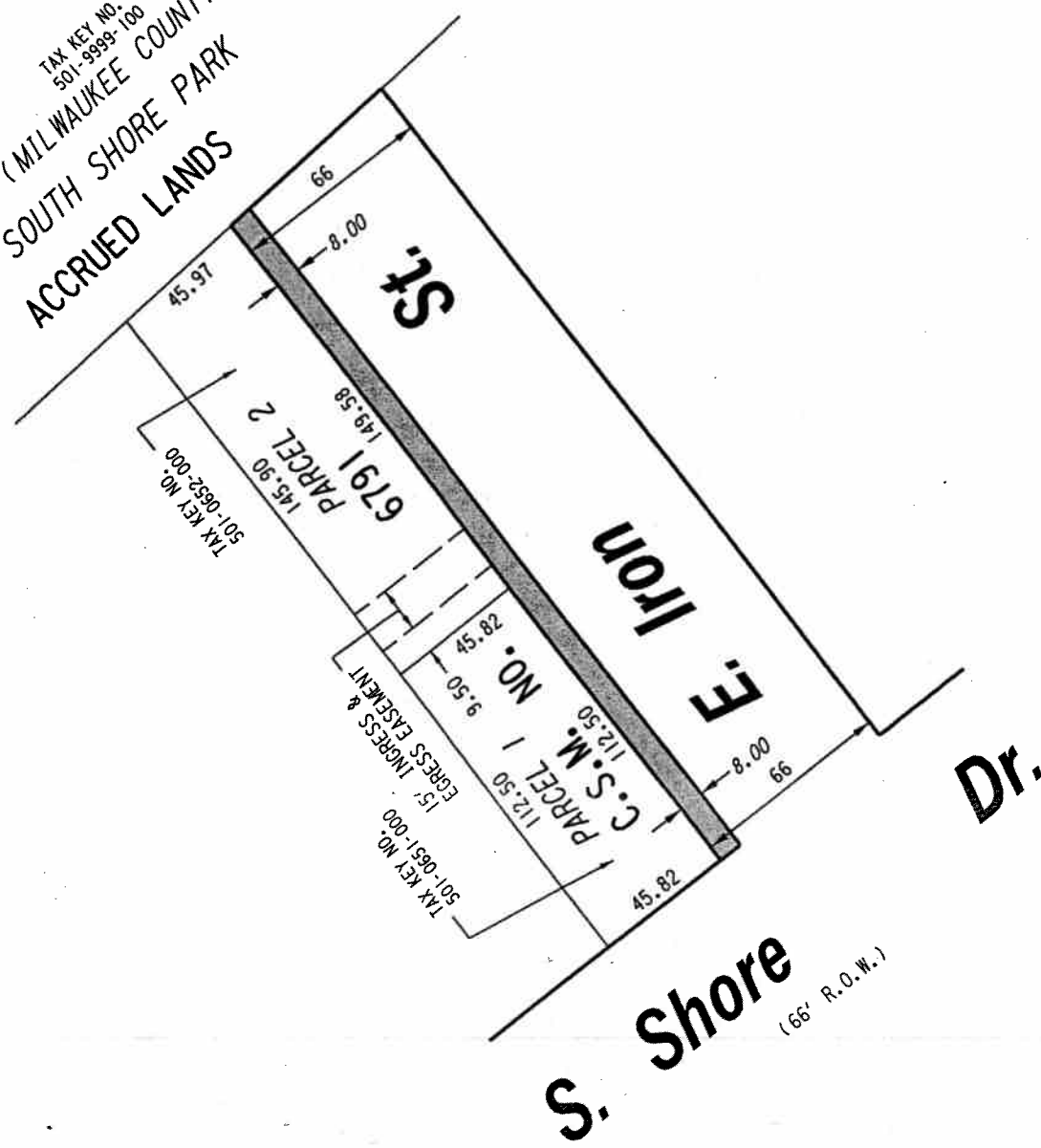


EXHIBIT "A"
FILE NO. 080147

INFRASTRUCTURE SERVICES DIVISION
MILWAUKEE, WISCONSIN

ASSIGNED TO: W.E. FUCHS
DRAWN BY: W.E.F.
PROJECT/GRANT NO.: WK52337264
APPROVED BY:

CH'K'D. BY: W.E. FUCHS
DATE: JUNE 23, 2008
SCALE: 1" = 60'

PORTION OF PUBLIC
STREET PROPOSED
TO BE VACATED

Maxine Lindholm
CENTRAL DRAFTING & RECORDS MANAGER

John P. ...
CITY ENGINEER



Legislation Details (With Text)

File #: 090557 **Version:** 0

Type: Communication **Status:** In Committee

File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Communication from the Department of City Development relating to the North 27th Street Corridor Alternatives Analysis, from West Highland Boulevard to West Wisconsin Avenue, in the 4th Aldermanic District.

Sponsors: THE CHAIR

Indexes: DEPARTMENT OF CITY DEVELOPMENT, REPORTS AND STUDIES

Attachments: Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

File #:

090557

Version: 0

Number

090557

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Communication from the Department of City Development relating to the North 27th Street Corridor Alternatives Analysis, from West Highland Boulevard to West Wisconsin Avenue, in the 4th Aldermanic District.

Drafter

DCD:VLK:vlk

09/01/09/B



Legislation Details (With Text)

File #: 090453 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution directing the Department of City Development to prepare a resolution to vacate the unimproved east-west alley, within the City of Milwaukee, in the block bounded by West Tripoli Avenue, South 43rd Street, West Howard Avenue and South 45th Street, in the 11th Aldermanic District.

Sponsors: ALD. DUDZIK

Indexes: ALLEY VACATIONS

Attachments: Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090453

Version

ORIGINAL

Reference**Sponsor**

ALD. DUDZIK

Title

Resolution directing the Department of City Development to prepare a resolution to vacate the unimproved east-west alley, within the City of Milwaukee, in the block bounded by West Tripoli Avenue, South 43rd Street, West Howard Avenue and South 45th Street, in the 11th Aldermanic District.

Analysis

This resolution directs the Department of City Development to prepare a resolution to vacate said alley in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by the City of Milwaukee, since this portion of alley will not be improved.

Body

Whereas, It has been proposed by the Department of City Development that the unimproved east-west alley, within the City of Milwaukee, in the block bounded by West Tripoli Avenue, South 43rd Street, West Howard Avenue and South 45th Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of City Development is directed to prepare a resolution to vacate said alley in accordance with Section 308-28 of the Milwaukee Code of Ordinances.

Drafter

DCD:AJF:ajf

07/28/09/E



Legislation Details (With Text)

File #: 090423 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution directing the Department of City Development to prepare a resolution to vacate South 6th Street between Air Cargo Way to a point 3,300 feet to the South of Air Cargo Way, in the 13th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREET VACATIONS

Attachments: Fiscal Note.pdf, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090423

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution directing the Department of City Development to prepare a resolution to vacate South 6th Street between Air Cargo Way to a point 3,300 feet to the South of Air Cargo Way, in the 13th Aldermanic District.

Analysis

This resolution directs the Department of City Development to prepare a resolution to vacate said portion of street in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by GMIA Engineering on behalf of Milwaukee County, as part of the improvements to General Mitchell International Airport, including the relocation of South 6th Street.

Body

Whereas, It has been proposed by the Department of City Development that South 6th Street between Air Cargo Way to a point 3,300 feet to the South of Air Cargo Way be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of City Development is directed to prepare a resolution to vacate said portion of street in accordance with Section 308-28 of the Milwaukee Code of Ordinances.

Drafter

DCD:AJF:ajf

07/28/09/C

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 07/28/09

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution directing the Department of City Development to prepare a resolution to vacate South 6th Street between Air Cargo Way to a point 3,300 feet to the South of Air Cargo Way, in the 13th Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): Rocky Marcoux, Commissioner, DCD

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



Legislation Details (With Text)

File #: 090546 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution directing the Department of City Development to prepare a resolution to vacate portions of West Bolivar Avenue, East of South 6th Street, in the 13th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREET VACATIONS

Attachments: Fiscal Note.pdf, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090546

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution directing the Department of City Development to prepare a resolution to vacate portions of West Bolivar Avenue, East of South 6th Street, in the 13th Aldermanic District.

Analysis

This resolution directs the Department of City Development to prepare a resolution to vacate said right-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by the City of Milwaukee, Department of Public Works, as part of the I-94 North-South Freeway Reconstruction Project.

Body

Whereas, It has been proposed by the Department of City Development that portions of West Bolivar Avenue, East of South 6th Street, be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of City Development is directed to prepare a resolution to vacate said right-of-way in accordance with Section 308-28 of the Milwaukee Code of Ordinances.

Drafter

DCD:AJF:ajf

09/01/09/K

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 09/01/09

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution directing the Department of City Development to prepare a resolution to vacate portions of West Bolivar Avenue, East of South 6th Street, in the 13th Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): Rocky Marcoux, Commissioner, DCD

C) CHECK ONE:

ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES

ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.

NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:

DEPARTMENT ACCOUNT (DA) CONTINGENT FUND (CF)

CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)

PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)

OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



Legislation Details (With Text)

File #: 090548 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution directing the Department of City Development to prepare a resolution to vacate a portion of West Whitaker Avenue, West of the I-94 right-of-way line, in the 13th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREET VACATIONS

Attachments: Fiscal Note.pdf, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090548

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution directing the Department of City Development to prepare a resolution to vacate a portion of West Whitaker Avenue, West of the I-94 right-of-way line, in the 13th Aldermanic District.

Analysis

This resolution directs the Department of City Development to prepare a resolution to vacate said right-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by the City of Milwaukee, Department of Public Works, as part of the I-94 North-South Freeway Reconstruction Project.

Body

Whereas, It has been proposed by the Department of City Development that a portion of West Whitaker Avenue, West of the I-94 right-of-way line, be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of City Development is directed to prepare a resolution to vacate said right-of-way in accordance with Section 308-28 of the Milwaukee Code of Ordinances.

Drafter

DCD:AJF:ajf

09/01/09/I

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 09/01/09

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution directing the Department of City Development to prepare a resolution to vacate a portion of West Whitaker Avenue, West of the I-94 right-of-way line, in the 13th Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): Rocky Marcoux, Commissioner, DCD

C) CHECK ONE:

ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES

ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.

NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:

DEPARTMENT ACCOUNT (DA) CONTINGENT FUND (CF)

CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)

PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)

OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

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<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

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PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



Legislation Details (With Text)

File #: 090550 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution directing the Department of City Development to prepare a resolution to vacate a portion of the Northern part of South 15th Place between West Van Norman Avenue and the East right-of-way of I-94, in the 13th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREET VACATIONS

Attachments: Fiscal Note.pdf, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090550

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution directing the Department of City Development to prepare a resolution to vacate a portion of the Northern part of South 15th Place between West Van Norman Avenue and the East right-of-way of I-94, in the 13th Aldermanic District.

Analysis

This resolution directs the Department of City Development to prepare a resolution to vacate said right-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by the City of Milwaukee, Department of Public Works, as part of the I-94 North-South Freeway Reconstruction Project.

Body

Whereas, It has been proposed by the Department of City Development that a portion of the Northern part of South 15th Place between West Van Norman Avenue and the East right-of-way of I-94 be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of City Development is directed to prepare a resolution to vacate said right-of-way in accordance with Section 308-28 of the Milwaukee Code of Ordinances.

Drafter

DCD:AJF:ajf

09/01/09/G

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 09/01/09

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution directing the Department of City Development to prepare a resolution to vacate a portion of the Northern part of South 15th Place between West Van Norman Avenue and the East right-of-way of I-94, in the 13th Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): Rocky Marcoux, Commissioner, DCD

C) CHECK ONE:

ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES

ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.

NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:

DEPARTMENT ACCOUNT (DA) CONTINGENT FUND (CF)

CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)

PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)

OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

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<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



Legislation Details (With Text)

File #: 090552 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution directing the Department of City Development to prepare a resolution to vacate a portion of the West side of South 16th Street between West Vogel Avenue and West Halsey Avenue, in the 13th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREET VACATIONS

Attachments: Fiscal Note.pdf, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090552

Version

ORIGINAL

Reference**Sponsor**

THE CHAIR

Title

Resolution directing the Department of City Development to prepare a resolution to vacate a portion of the West side of South 16th Street between West Vogel Avenue and West Halsey Avenue, in the 13th Aldermanic District.

Analysis

This resolution directs the Department of City Development to prepare a resolution to vacate said right-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by the City of Milwaukee, Department of Public Works, as part of the I-94 North-South Freeway Reconstruction Project.

Body

Whereas, It has been proposed by the Department of City Development that a portion of the West side of South 16th Street between West Vogel Avenue and West Halsey Avenue be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of City Development is directed to prepare a resolution to vacate said right-of-way in accordance with Section 308-28 of the Milwaukee Code of Ordinances.

Drafter

DCD:AJF:ajf

09/01/09/E

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 09/01/09

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution directing the Department of City Development to prepare a resolution to vacate a portion of the West side of South 16th Street between West Vogel Avenue and West Halsey Avenue, in the 13th Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): Rocky Marcoux, Commissioner, DCD

C) CHECK ONE:

ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES

ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.

NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:

<input type="checkbox"/> DEPARTMENT ACCOUNT (DA)	<input type="checkbox"/> CONTINGENT FUND (CF)
<input type="checkbox"/> CAPITAL PROJECTS FUND (CPF)	<input type="checkbox"/> SPECIAL PURPOSE ACCOUNTS (SPA)
<input type="checkbox"/> PERM. IMPROVEMENT FUNDS (PIF)	<input type="checkbox"/> GRANT & AID ACCOUNTS (G & AA)
<input type="checkbox"/> OTHER (SPECIFY)	

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

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<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

--

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



Legislation Details (With Text)

File #: 090527 **Version:** 0
Type: Ordinance **Status:** In Committee
File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:
Title: An ordinance relating to single-space parking meters, multi-space parking meters and space markers.
Sponsors: THE CHAIR
Indexes: PARKING METERS
Attachments: Fiscal Note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090527

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

An ordinance relating to single-space parking meters, multi-space parking meters and space markers.

Sections

81-82 rc

81-83 rn

81-83-2 cr

81-83-3 cr

95-1-7-a-5 am

101-32-2-a am

101-32-2-b rn

101-32-2-c rn

101-32-2-b cr

101-32-2-c cr

101-32-2-d cr

101-32.4 am

Analysis

This ordinance updates various sections of the code to reflect the installation of multi-space parking meters and space markers. The ordinance adds the cost, if necessary, of relocating a multi-space parking to the costs covered if a multi-space parking meter is removed for the installation of a loading zone and establishes a fee to cover the costs of labor, materials and overhead, and if necessary the costs of relocating a multi-space meter that is removed for facilities other than a loading zones.

This ordinance also establishes the fee for the temporary removal of each multi-space parking meter at an amount to cover the costs of labor, materials and overhead and reinstallation of the meter. The fee for the temporary removal of single-space parking meters or space markers remains at \$60 per metered space.

Finally, the ordinance adds space markers to the list of items that items related to direct selling are prohibited from touching, leaning against or be permanently or temporarily affixed to, and establishes a penalty for any person who, without lawful authority, removes or damages any space marker within the limits of the city of Milwaukee of less than \$50 nor more than \$500 or, upon default of payment, imprisonment in the house of correction for not more than 30 days.

Body

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

Part 1. Section 81-82 of the code is repealed and recreated to read:

81-82. Parking Meter or Parking Space Marker Permanent Removal.

1. REMOVAL FOR LOADING ZONES.

The fee for the removal of each parking meter or space marker needed to accommodate loading zones shall be sufficient to cover the costs of labor, materials and overhead and if necessary the costs of relocating a multi-space meter.

2. REMOVAL FOR FACILITIES OTHER THAN LOADING ZONES. a. The fee for the removal of each single-space parking meter or space marker needed to accommodate facilities other than loading zones shall be \$60.

b. The fee for the removal of each multi-space parking meter shall be sufficient to cover the costs of labor, materials and overhead, and if necessary the costs of relocating a multi-space meter.

Part 2. Part 99 of file number 090259, passed July 28, 2009 is amended to read: This ordinance takes effect January 1, 2010, except the treatment of >> Part 41, which takes effect upon passage and publication; and<< Part 63 which takes effect November 1, 2009.

Part 3. Section 81-83 of the code is renumbered 81-83-1.

Part 4. Section 81-83-2 and 3 of the code is created to read:

81-83. Parking Meter or Space Marker Temporary Removal or Hooding

2. The fee for the temporary removal of single-space parking meters or space markers shall be \$60 per metered space.

3. The fee for the temporary removal of each multi-space parking meter shall be sufficient to cover the costs of labor, materials and overhead and reinstallation of the meter.

Part 5. Section 95-1-7-a-5 of the code is amended to read:

95-1. Direct Sellers.

7. REGULATIONS a-5. No pushcart, goods, signage or any other item related to the operation of a direct seller may touch, lean against or be affixed permanently or temporarily to any building, structure or street landscape item including, but not limited to, street lighting poles, parking meters>>, space markers<<, newspaper vending boxes, trash containers, traffic signal standards, fire hydrants, tree guards, benches or traffic barriers. Freestanding signage is prohibited

Part 6. Section 101-32-2-a of the code is amended to read:

Parking Meter Regulations and Zones

2. DEFINITIONS. a. "Parking meter." Any mechanical device or meter, not inconsistent with this section, placed or erected for the regulation of parking by the authority of this section >>, including single space and multi-space and parking meters<<.

Part 7. Section 101-32-2-b and c is renumbered 101-32-2-e and f.

Part 8. Section 101-32-2-b to d is created to read:

b. "Single Space Parking Meter." Any parking meter installed upon the curb or sidewalk immediately adjacent to a parking space.

c. "Multi-Space Parking Meter." Any parking meter that accepts payment in the form of coins, credit and debit cards for vehicles parked in spaces designated with space markers.

d. "Space Marker." Any marker installed, in parking meter zones that have multi-space parking meters, upon the curb or sidewalk that designates the number of the parking space immediately adjacent to the space marker.

Part 9. Section 101-32.4 of the code is amended to read:

101-32.4. Damaging or Tampering With Parking Meters >> or Space Markers<<.

Any person who, without lawful authority, opens, removes or damages any

parking meter >>or space marker<<, or possesses a key or device specifically designed to open or break any parking meter, or possesses a drawing, print or mold of a key or device specifically designed to open or break any parking meter within the limits of the city of Milwaukee, shall be fined not less than \$50 nor more than \$500 or, upon default of payment thereof, be imprisoned in the house of correction of Milwaukee county for not more than 30 days.

LRB:

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

ATTORNEY

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Department

Drafter

JWC
LRB09305-3
08/24/09

CITY OF MILWAUKEE FISCAL NOTE

A) DATE Aug 25, 2009

FILE NUMBER: 090527

Original Fiscal Note Substitute

SUBJECT: Ordinance relating to single and multi-space parking meters and space markers.

B) SUBMITTED BY (Name/title/dept./ext.): Cindy Angelos / Parking Financial Mgr / x2404

C) CHECK ONE:

ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES

ADOPTION OF THIS FILE DOES NOT A UTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.

NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:

DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)

CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)

PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)

OTHER (SPECIFY) Parking Fund

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input checked="" type="checkbox"/> 1-3 YEARS	<input checked="" type="checkbox"/> 3-5 YEARS	All revenues to be received will recoup costs spent. No fiscal impact.
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Master with text

File Number: 090470

File ID: 090470

Type: Ordinance

Status: In Committee

Version: 1

Reference: 890689

Controlling Body: PUBLIC WORKS
COMMITTEE

Requester: COMMON COUNCIL

Cost:

File Created: 07/28/2009

File Name:

Final Action:

Title: A substitute ordinance relating to the forfeiture for depositing various categories of solid waste in non-portable, city-provided trash containers.

Notes:

Code Sections:

Indexes: FINES, SOLID WASTE, SOLID WASTE DISPOSAL

Sponsors: Ald. Wade

Attachments: Hearing Notice List

Drafter: rtw

Contact:

Agenda Date:

Agenda Number:

Enactment Date:

Enactment Number:

Effective Date:

Extra Date 2:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	COMMON COUNCIL	07/29/2009	ASSIGNED TO	PUBLIC WORKS COMMITTEE			
	Action Text:	This Ordinance was ASSIGNED TO to the PUBLIC WORKS COMMITTEE					
0	CITY CLERK	08/05/2009	REFERRED TO	LEGISLATIVE REFERENCE BUREAU	09/02/2009		
	Action Text:	This Ordinance was REFERRED TO to the LEGISLATIVE REFERENCE BUREAU due back on 9/2/2009					
0	PUBLIC WORKS COMMITTEE	09/04/2009	HEARING NOTICES SENT		09/10/2009		
1	CITY CLERK	09/04/2009	DRAFT SUBMITTED				
	Action Text:	This Ordinance was DRAFT SUBMITTED					
0	PUBLIC WORKS COMMITTEE	09/04/2009	HEARING NOTICES SENT		09/10/2009		
0	PUBLIC WORKS COMMITTEE	09/10/2009					

Text of Legislative File 090470

..Number
090470

..Version

SUBSTITUTE 1

..Reference

890689

..Sponsor

ALD. WADE, WITKOWSKI, AND HAMILTON

..Title

A substitute ordinance relating to the forfeiture for depositing various categories of solid waste in non-portable, city-provided trash containers.

..Sections

79-14 ra

79-14-2 cr

79-16-1-c rn

79-16-1-c cr

79-16-1-d rn

..Analysis

This ordinance prohibits the depositing of household, commercial, or construction waste in city anti-litter bins. This ordinance also prohibits the depositing of construction or commercial waste in the dumpsters provided by the city for neighborhood cleanup efforts, and sets the penalty for illegal dumping in these dumpsters not less than \$350 nor more than \$500 for the first offense and not less than \$400 nor more than \$750 for each subsequent offense.

..Body

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

Part 1. Section 79-14 of the code is renumbered 79-14-1 and amended to read:

79-14. Household or Commercial Waste In Certain Containers. >>1. ANTI-LITTER BINS.<< No person shall deposit household>>, construction, <<or commercial waste in or about [[antilitter or nonportable containers]] >>anti-litter bins<< provided by the city, unless granted temporary permission by the department pursuant to the rules of the commissioner.

Part 2. Section 79-14-2 of the code is created to read:

2. NEIGHBORHOOD CLEANUP DUMPSTERS. No person shall deposit construction or commercial waste in or about neighborhood cleanup dumpsters or other nonportable containers provided by the city, unless granted temporary permission by the department pursuant to the rules of the commissioner.

Part 3. Section 79-16-1-c and d of the code is renumbered 79-16-1-d and e.

Part 4. Section 79-16-1-c of the code is created to read:

79-16. Penalty. 1. FORFEITURE. c. Any person who violates s. 79-14-2 shall forfeit not less than \$350 nor more than \$500 for the first offense and not less than \$400 nor more than \$750 for each subsequent offense.

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney



Legislation Details (With Text)

File #: 090409 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:
Title: Resolution approving 2010 monthly solid waste collection charges for multiunit dwellings with 5 or more units.
Sponsors: THE CHAIR
Indexes: BUDGET, FEES, SOLID WASTE DISPOSAL
Attachments: Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090409

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution approving 2010 monthly solid waste collection charges for multiunit dwellings with 5 or more units.

Analysis

This resolution approves a schedule of 2010 monthly solid waste collection charges for multiunit dwellings with 5 or more units. These charges were determined by the Commissioner of Public Works, pursuant to the Milwaukee Code, to be the amounts necessary for the City to achieve 100% recovery of the costs of providing solid waste collection services to such dwellings.

Body

Whereas, Section 79-2-1-b of the Milwaukee Code of Ordinances directs the Department of Public Works to charge a fee to the owners of multiunit dwellings with 5 or more units to recover 100% of the cost of solid waste collection services; and

Whereas, This section also stipulates that the amount of the solid waste collection fee shall be determined annually by the Commissioner of Public Works, subject to approval of the Common Council; and

Whereas, The Commissioner of Public Works has determined the monthly charges required for 100% recovery of the current cost of providing solid waste collection services to multiunit dwellings with 5 or more units; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the following schedule of 2010 monthly and quarterly charges for collection of solid waste from multiunit dwellings with 5 or more units is approved:

	Monthly Rate	Quarterly Rate
Top Load Container		
2-yard	\$64.67	\$194.00
3-yard	\$70.00	\$210.00
4-yard	\$74.34	\$223.00
6-yard	\$84.67	\$254.00
8-yard	\$95.34	\$286.00
Rear Load Container		
2-yard	\$106.00	\$318.00
Garbage Cart	\$16.00	\$48.00

; and, be it

Further Resolved That this resolution takes effect December 27, 2009.

Requestor

DOA-Budget

Drafter

LRB093601-1

JWC

7/13/09

LRB – RESEARCH AND ANALYSIS

SEPTEMBER 10, 2009 AGENDA

ITEM 23, FILE 090409

PUBLIC WORKS COMMITTEE

JAMES CARROLL

File #090409 is a substitute resolution approving the 2010 monthly solid waste collection charge for multiunit dwellings with 5 or more units.

BACKGROUND

1. The 2001 Proposed Budget eliminated the garbage collection service to multiunit dwellings (apartment) with 5 units or more. During the 2001 Budget amendment process, an amendment was passed restoring the service and changing the Code to require that the fee imposed provide 100% recovery of the current cost of providing solid waste collection services to multiunit dwellings.
2. Section 79-2-1-b-2 of the Milwaukee Code states "...the amount of the fee charged under this paragraph shall be determined on or before January 31 of each year by the commissioner of public works, subject to the approval of the common council."
3. The owners of multiunit dwellings with 5 or more units have the option of using the City or private contractors for solid waste collection. There are approximately 2,660 residential buildings in the City of Milwaukee with 5 units or more. The City provides solid waste collection to approximately 30% of these buildings.
4. The last increase to the solid waste collection rates for multiunit dwellings with 5 or more units occurred in 2009.

DISCUSSION

1. The 2010 multiunit collection rates will increase approximately 6% to recover costs related to the pension shortfall. The table below compares the 2009 with 2010 monthly rates.

Size	2009 Rate	2010 Rate
Front Load		
2- YD	\$61.00	\$64.67
3-YD	\$66.00	\$70.00
4-YD	\$70.00	\$74.34
6-YD	\$80.00	\$84.67
8-YD	\$90.00	\$95.34
Rear Load		
2-YD	\$100.00	\$106.00
Carts		
Cart	\$15.00	\$16.00

NOTE: All charges are per month, collection is weekly, and billing is quarterly.

FISCAL IMPACT

The 2010 Requested Budget includes a revenue estimate of \$1,475,000 for Apartment Garbage Pick-Up revenue. The Budget Office estimates the

approximate 6% rate increase will generate approximately \$83,000 in additional revenue, for a total 2010 revenue estimate of approximately \$1,558,000. The Comptroller's Office has not yet recognized 2010 Apartment Garbage Pick-Up revenue.

Cc: Marianne Walsh
Wanda Booker
Toni Biscobing
W. Martin Morics
Frederick Larry

Prepared by:
Jim Carroll, X8679
LRB Research & Analysis
September 1, 2009

CITY OF MILWAUKEE FISCAL NOTE

A) DATE September 9, 2009

FILE NUMBER: 090409

Original Fiscal Note Substitute

SUBJECT: Resolution approving 2010 monthly solid waste collection charges for multiunit dwellings with 5 of more units.

B) SUBMITTED BY (Name/title/dept./ext.): Dennis Yaccarino/Budget & Policy Manager-Sr./DOA BMD/8552

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY) revenue

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:				82,968	
TOTALS				82,968	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



Legislation Details (With Text)

File #: 090461 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relative to application for and acceptance and expenditure of a 2010 State of Wisconsin recycling grant.

Sponsors: ALD. BAUMAN

Indexes: RECYCLING, STATE GRANTS

Attachments: Fiscal Note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090461

Version

ORIGINAL

Reference

Sponsor

ALD. BAUMAN

Title

Resolution relative to application for and acceptance and expenditure of a 2010 State of Wisconsin recycling grant.

Analysis

This resolution authorizes the Commissioner of Public Works to apply for, accept and expend, a 2010 State of Wisconsin Basic Recycling Grant. This grant, in the amount of \$3,545,000, will be used to fund continuation of the City's recycling program.

Body

Whereas, The City of Milwaukee appears to be eligible for 2010 Basic Recycling Grant funds from the Wisconsin Department of Natural Resources for continuation of the City's recycling program; and

Whereas, The operation of this grant-supported recycling and yard waste program from January 1, 2010, through December 31, 2010, will cost \$11,900,000, of which \$8,355,000 (70%) will be provided by the City and \$3,545,000 (30%) will be provided by the grantor; and

Whereas, The City of Milwaukee hereby requests financial assistance under s. 287.23, Wis. Stats., Chapters NR 542, 544 and 549, Wis. Admin. Code, for the purpose of planning, constructing or operating a recycling program with one or more components specified in s. 287.11(2)(a) to (h), Wis. Stats.; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, That the Commissioner of Public Works is authorized to act on behalf of the City of Milwaukee to submit an application for and accept financial assistance from the Wisconsin Department of Natural Resources under s. 287.23, Wis. Stats., Chapters NR 542, 544 and 549, Wis. Admin. Code, sign necessary documents, and submit a final report without further Common Council approval, unless the terms of the grant change in a manner described in s. 304-81 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Encumber in the parent accounts of the 2010 Special Revenue Accounts-Grant and Aid Projects the following amounts for the project entitled Basic Recycling Grant:

Project/Grant	GR0001000000
Fund	0150
Org	9990
.....

Program	0001
Budget Year	0000
Sub Class	R999
Account	000600
Project	Grantor Share
Amount	\$3,545,000

2. Create a Special Revenue Fund-Grant and Aid Projects and the necessary expenditure and revenue accounts, appropriate to these accounts the amounts required under the Grant Agreement, and transfer the corresponding offsetting estimated revenue; and

3. Establish the necessary Grant and Aid performance sub measures; and, be it

Further Resolved, That these funds are appropriated to the Commissioner of Public Works, who is authorized to:

1. Make expenditures from these funds for specified purposes, as indicated in the program budget.
2. Transfer funds within the project budget as long as the amount expended for each specific purpose does not exceed the amount authorized by the budget by 10% or more.
3. Make expenditures from the 2010 project budget for specific items of equipment, as indicated in the program budget; and
4. Enter into subcontracts and leases as detailed in the project budget.

Requestor

Department of Public Works

Drafter

Recycling Specialist, Rick Meyers

RJM

07/27/09

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 7/27/2009

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution relative to application, acceptance and expenditure of the 2010 Wisconsin Basic Recycling Grant

B) SUBMITTED BY (Name/title/dept./ext.): Rick Meyers, Recycling Specialist, DPW, 2334

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT A UTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	Basic Recycling Grant		3,545,000	3,545,000	
TOTALS			3,545,000	3,545,000	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

LRB RESEARCH & ANALYSIS

SEPTEMBER 10, 2009 AGENDA

ITEM 24, FILE 090461

PUBLIC WORKS COMMITTEE

JAMES CARROLL

Resolution #090461 is a resolution relative to application for, acceptance and expenditure of 2010 State of Wisconsin recycling grants.

BACKGROUND & DISCUSSION

1. The Department of Public Works (DPW) annually submits a resolution to authorize DPW to apply for, accept and expend the Basic Recycling Grant from the Wisconsin Department of Natural Resources.
2. DPW currently has 28 summer and 31 winter cart routes and 3 weekly bin routes servicing approximately 190,000 residences. The Department annually collects approximately 25,000 tons of curbside recyclables, 30,000 tons of yard trimmings and 4,000 tons of other recyclable items collected at self-help stations.
3. The 2010-11 bi-annual State of Wisconsin Budget provides \$31,098,100 million to fund the State's recycling grant program for 2010 and \$32,098,100 for 2011.
4. DPW estimates the City will receive \$3,545,000 for the City's 2010 recycling program. The total cost of the City's 2009 recycling activities (recycling, composting, and waste reduction) is estimated to be \$11,900,000 with the City providing \$8,355,000 and the balance (\$3,545,000) provided by the State's recycling grant.
5. There are 31 Operations Driver Worker positions supported by this grant.

FISCAL IMPACT

The resolution authorizes the application, acceptance and expenditure of \$3,545,000 for the 2010 State of Wisconsin's Basic Recycling Grant.

OTHER INFORMATION

1. In recent years, the City also received funding from the State's Recycling Efficiency Incentive Grant, including \$329,596.58 awarded to Milwaukee for 2009. The 2010-11 bi-annual State of Wisconsin Budget eliminated funding for the Recycling Efficiency Incentive Grant program.

Cc: Marianne Walsh
Wanda Booker
Rick Meyers
W. Martin Morics

Prepared by:
Jim Carroll, X8679
LRB Research & Analysis
August 31, 2009

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



Legislation Details (With Text)

File #: 090422 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution authorizing the proper City Officers to execute a Sewer Easement Release, located in the vacated alley in the block bounded by South 35th Street, South 36th Street, West Burnham Street and West Rogers Street in the 8th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SEWER EASEMENTS

Attachments: Cover Letter, Fiscal Note, Sewer Easement, Plat Map, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090422

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution authorizing the proper City Officers to execute a Sewer Easement Release, located in the vacated alley in the block bounded by South 35th Street, South 36th Street, West Burnham Street and West Rogers Street in the 8th Aldermanic District.

Analysis

This resolution authorizes the proper City Officers to execute Sewer Easement Release SER-1725A & 1725B, located in the vacated alley in the block bounded by South 35th Street, South 36th Street, West Burnham Street and West Rogers Street in the 8th Aldermanic District.

Body

Whereas, On September 28, 1965 and December 16, 1965, the City of Milwaukee was granted easements for a sewer located in the vacated alley in the block bounded by South 35th Street, South 36th Street, West Burnham Street and West Rogers Street; and

Whereas, A portion of the sewer located within the easements in the vacated alley in the block bounded by South 35th Street, South 36th Street, West Burnham Street and West Rogers Street has been abandoned and is no longer in use by the City; and

Whereas, The sewer easements to be released are no longer required for sewer purposes and do not serve the interest of the City of Milwaukee and should be released; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City Officers are hereby authorized and directed to execute Sewer Easement Release SER-1725A & 1725B, a copy of which is attached to the Common Council Resolution File Number 090422 and incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That after said sewer easement release has been executed by the proper City Officers, they shall be forwarded to the office of the City Attorney for approval as to form and execution and then to the Department of Public Works for recording and proper distribution.

Requestor

Department of Public Works
Infrastructure Services Division

Drafter

Environmental Engineering Section
NMJ/rtp
June 26, 2009



Department of Public Works
Infrastructure Services Division

Jeffrey J. Mantes
Commissioner of Public Works

James P. Purko
Director of Operations

Jeffrey S. Polenske
City Engineer

July 6, 2009


To the Honorable, the Common Council

Dear Honorable Members:


Attached is a resolution authorizing and directing the proper City officers to execute Sewer Easement Release document numbers SER-1725A & 1725B. This document will release two sewer easements located in the vacated alley in the block bounded by South 35th Street, South 36th Street, West Burnham Street and West Rogers Street. The sewer within the easements to be released is no longer required for City sewer purposes and has been abandoned.

We recommend adoption of the resolution.

Very truly yours,



Jeffrey S. Polenske, P.E.
City Engineer



Jeffrey J. Mantes
Commissioner of Public Works

NMJ
JT NMJ:eg

Attachment

RTP: 3-5

CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)
Ref: GEN\FISCALNT.MST

A) DATE: June 26, 2009

FILE NUMBER:
Original Fiscal Note Substitute

SUBJECT: Resolution authorizing the proper City Officers to execute Sewer Easement Release SER-1725A & 1725B, located in the vacated alley in the block bounded by South 35th Street, South 36th Street, West Burnham Street and West Rogers Street in the 8th Aldermanic District.

B) SUBMITTED BY (NAME/TITLE/DEPT./EXT.): Jeffrey S. Polenske, P.E./City Engineer/Public Works/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENTAL ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	N/A				
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$		
TOTALS:			\$		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX

N/A

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

N/A

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

N/A

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

**Sewer Easement
Release
SER-1725A & 1725B**

Document Number

Please return Document to:

City of Milwaukee
Infrastructure Services Division
Environmental Engineering Section
841 North Broadway – Room 820
Milwaukee, WI 53202

Release of sewer easements
located in a vacated alley
120± feet south of West
Burnham Street from South
35th Street to a point 100 feet
west.

Recording Area

472-0002-100-9

Tax Key Number

RELEASE OF CITY OF MILWAUKEE EASEMENT SER-1725A & 1725B

BE IT KNOWN, That the City of Milwaukee, a municipal corporation organized and existing under the laws of the State of Wisconsin, for valuable consideration to it in hand paid, the receipt thereof is hereby acknowledged, does hereby release the following described real estate, as shown in attached Exhibit "A", Plan File Number 198-6-75, bounded and described as follows:

1725A

A parcel of land in the Southwest one-quarter (SW $\frac{1}{4}$), Section 1, Township 6 North, Range 21 East, bounded and described as follows, to-wit:

Commencing at the southeast corner of Lot 6, Block 1 in Burnham Investment Co's. Subdivision;

Thence southerly along the west line of South 35th Street five and no hundredths (5.00) feet to the place of beginning;

Thence southerly along the west line of South 35th Street five and no hundredths (5.00) feet to a point;

Thence west and parallel to the south line of West Burnham Street one hundred and no hundredths (100.00) feet to a point;

Thence northerly five and no hundredths (5.00) feet to a point;

Thence east and parallel to the south line of West Burnham Street one hundred and no hundredths (100.00) feet to the place of beginning.

1725B

A parcel of land in the Southwest one-quarter (SW ¼), Section 1, Township 6 North, Range 21 East, bounded and described as follows, to-wit:

The North 5 feet of the South ½ of the East 100 feet of the vacated east-west alley as platted in Block 1 of Burnham Investment Company’s Subdivision, being a recorded subdivision in the Southeast ¼ and Southwest ¼ of Section 1, Township 6 North, Range 21 East.

The above-described easements are a part of Tax Key Number 472-0002-100-9.

The above-described 1725A was granted to the City of Milwaukee by Shell Oil Company and recorded as Document # 4225508 at the at the Milwaukee County Register of Deeds. The above-described 1725B was granted to the City of Milwaukee by Shell Oil Company and recorded as Document # 4234315 at the Milwaukee County Register of Deeds.

The release of the above-described easements has been granted because the easements no longer serve the interest of the City of Milwaukee and therefore shall be released to the owners.

IN WITNESS WHEREOF, the said City of Milwaukee, has caused these presents to be signed by Thomas M. Barrett, its Mayor, and Ronald D. Leonhardt, its City Clerk, and countersigned by W. Martin Morics, Comptroller, at Milwaukee, Wisconsin, and its corporate seal to be affixed this _____ day of _____ A.D., 20_____.

Signed and sealed in presence of:

CITY OF MILWAUKEE

By: _____
Thomas M. Barrett, Mayor

By: _____
Ronald D. Leonhardt, City Clerk

COUNTERSIGNED

By: _____
W. Martin Morics, Comptroller

STATE OF WISCONSIN)
)SS
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____ A.D., 20_____, Thomas M. Barrett, Mayor, of the above-named municipal corporation, to me known to be the person who executed the foregoing instrument and to me known to be such Mayor of said municipal corporation and acknowledged that he executed the foregoing instrument as such officer as the deed of said municipal corporation, by its authority, and pursuant to Resolution File Number _____ adopted by its Common Council on _____.

Notary Public, State of Wisconsin
My Commission Expires _____

STATE OF WISCONSIN)
)SS
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____ A.D., 20_____, Ronald D. Leonhardt, City Clerk, of above-named municipal corporation, to me known to be the person who executed the foregoing instrument and to me known to be such City Clerk of said municipal corporation and acknowledged that he executed the foregoing instrument as such officer as the deed of said municipal corporation, by its authority, and pursuant to Resolution File Number _____ adopted by its Common Council on _____.

Notary Public, State of Wisconsin
My Commission Expires _____

STATE OF WISCONSIN)
)SS
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____ A.D., 20_____, W. Martin Morics, Comptroller, of the above-named municipal corporation, to me known to be the person who executed the foregoing instrument and to me known to be such Comptroller of said municipal corporation and acknowledged that he executed the foregoing instrument as such officer as the deed of said municipal corporation, by its authority, and pursuant to Resolution File Number _____ adopted by its Common Council on _____.

Notary Public, State of Wisconsin
My Commission Expires _____

This instrument was drafted by the City of Milwaukee.

Approved as to contents

CITY ENGINEER, Jeffrey S. Polenske, P.E.

Date

Approved as to form and execution

ASSISTANT CITY ATTORNEY, Gregg C. Hagopian

Date

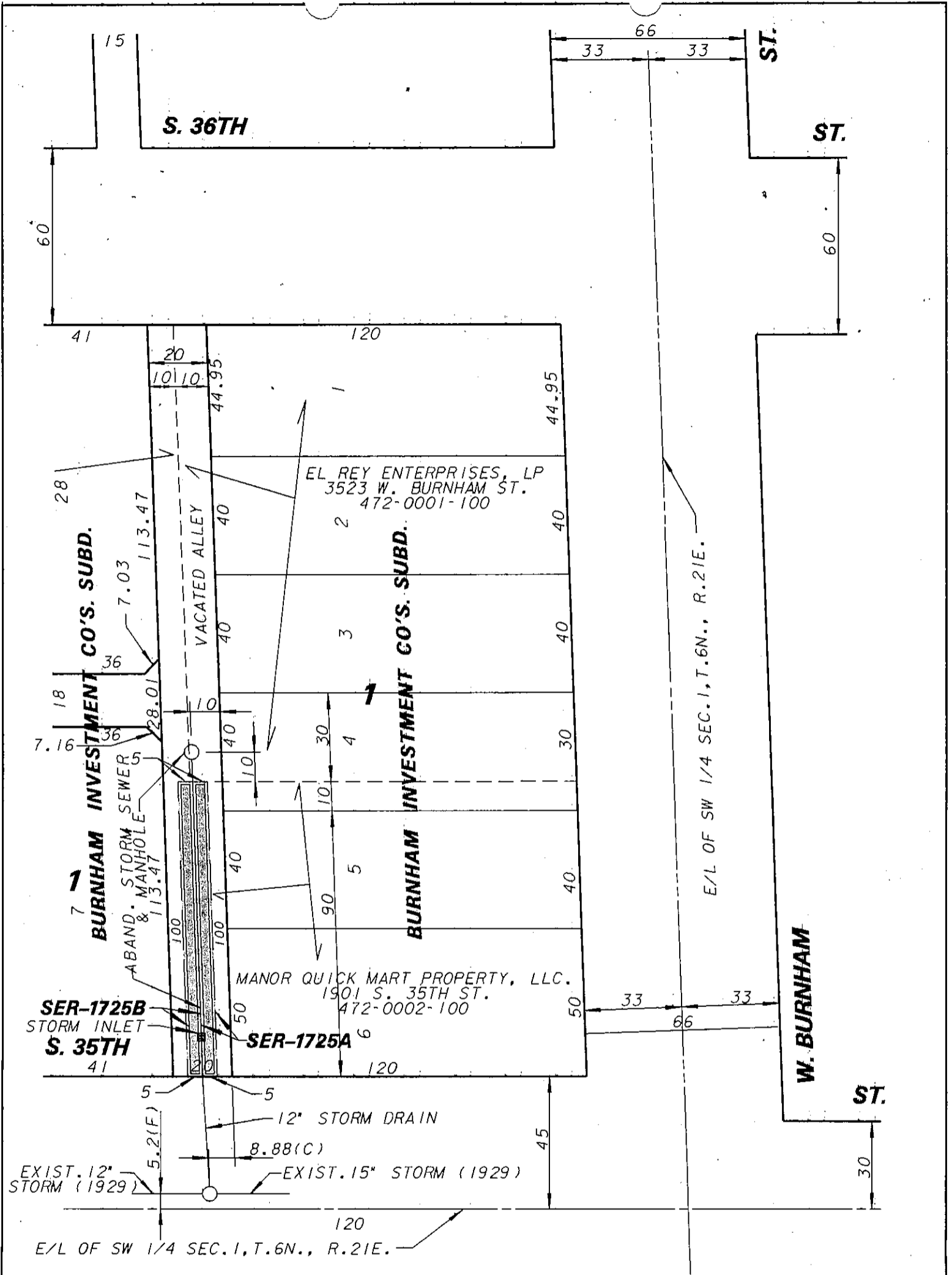


EXHIBIT "A"

ENVIRONMENTAL ENGINEERING SECTION INFRASTRUCTURE SERVICES DIVISION DEPARTMENT OF PUBLIC WORKS MILWAUKEE, WISCONSIN			
PLAN OF SEWER EASEMENT RELEASE			
AREA IN	S.W. 1/4 SEC. 1, T.6 N., R. 21 E.		
VACATED ALLEY SOUTH OF W. BURNHAM ST.			
FROM S. 35TH ST. TO A PT. 100' WEST			
SCALE 1" =	40'	ATLAS PAGE NO.	472
		EASE NO.	S.E.R. 1725 A & B
DRAWN BY	D. COOK	CHK'D. BY	R. PORTER
		W.O. NO.	478 A
APPROVED	<i>Timothy J. Thuy</i>		DATE 1/1/09
APPROVED	<i>[Signature]</i>		FILE NO. 198-6-75



Legislation Details (With Text)

File #: 090499 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution accepting a sewer easement from NLJ Partners LLC, located in the vacated portion of the alley 130 feet north of West North Avenue between North 53rd Street and North 54th Street in the 10th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SEWER EASEMENTS

Attachments: Cover Letter, Fiscal Note, Sewer Easement SE-2815, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090499

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution accepting a sewer easement from NLJ Partners LLC, located in the vacated portion of the alley 130 feet north of West North Avenue between North 53rd Street and North 54th Street in the 10th Aldermanic District.

Analysis

This resolution accepts Sewer Easement SE-2815 from NLJ Partners LLC, located in the vacated portion of the alley 130 feet north of West North Avenue between North 53rd Street and North 54th Street in the 10th Aldermanic District.

Body

Whereas, The City of Milwaukee has vacated a portion of the alley 130 feet north of West North Avenue between North 53rd Street and North 54th Street in the 10th Aldermanic District; and

Whereas, As part of the vacation, NLJ Partners LLC was required to grant a sewer easement for sewer and drainage purposes to the City over the vacated portion of said alley; and

Whereas, SE-2815 grants surface water drainage rights and the right of entry to inspect and maintain the catch basin, storm drain and surface water drainage and has been executed by NLJ Partners LLC; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee hereby accepts Sewer Easement SE-2815, said easement document being attached to Common Council Resolution File Number 090499 and incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That after said Sewer Easement document has been accepted, it shall be forwarded to the City Attorney for approval as to form and execution and then to the Department of Public Works for recording and distribution.

Requestor

Department of Public Works
Infrastructure Services Division

Drafter

Department of Public Works
Infrastructure Service Division

TJT/RTP

August 3, 2009

August 3, 2009

To the Honorable, the Common Council

Dear Honorable Members:

NLJ Partners LLC requested the vacation of a portion of the alley located 130± feet north of West North Avenue between North 53rd Street and North 54th Street in the 10th Aldermanic District. As part of the vacation, the City of Milwaukee required an easement to allow surface drainage across the vacated portion of the alley and allow the city to inspect and maintain the existing catch basin and 8” storm drain located within the vacated portion of the alley.

The attached resolution accepts Sewer Easement SE-2815 from NLJ Partners LLC.

We recommend adoption of the attached resolution.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes, P.E.
Commissioner of Public Works

TJT:eg

Attachments

RTP: 3-5

CITY OF MILWAUKEE
 INFRASTRUCTURE
 SERVICES DIVISION-ADMIN.

2009 JUL 29 PM 2:45

Sewer Easement
 SE-2815

RECEIVED
 ENVIRONMENTAL ENGINEERING

2009 JUL 29 AM 10:00

Document Number

Please return Document to:

City of Milwaukee
 Infrastructure Services Division
 Environmental Engineering Section
 841 North Broadway – Room 820
 Milwaukee, WI 53202

An irregularly shaped easement located in the vacated portion of the alley located 130± feet north of West North Avenue between North 53rd Street and North 54th Street

Recording Area

329-0009-000, 329-0010-000

Parcel ID Number

FROM CITY ENGINEER			
	ORIG	COPY	REVIEW
JP			REPLY
CW			COMMENT
DM			DISTRIB
MA	X		INFO X
SP			COORD
			SEE ME
			ACTION
			RTN:

FROM	DATE
MAA	7/29
ORIG	INVEST
MAA	REPLY
(TJT)	COMMENT
ZY	(ACTION)
RCB	INFO
NMJ	FILE
NW	COORD
	REVIEW
	SEE ME
	DISTRIB
SECT.	
SCAN	

EASEMENT

THIS INDENTURE, Made by and between the CITY OF MILWAUKEE, a municipal corporation of the State of Wisconsin, hereinafter referred to as "CITY", and NLJ Partners LLC, owner, (including heirs, personal representatives, successors or assigns, of above owner(s), as may be or may become applicable), hereinafter called "GRANTOR".

WITNESSETH

That, **WHEREAS**, The City desires to acquire a permanent EASEMENT for surface water drainage purposes as shown on attached Exhibit "A", File Number 198-6-76, over the property hereinafter described;

NOW, THEREFORE, in consideration of the grant of the EASEMENT for surface water drainage purposes hereinafter described and the payment of One Dollar (\$1.00) and other valuable considerations to the Grantor, receipt whereof is hereby acknowledged, said Grantor, being the owner interested in the land hereinafter described, does hereby grant unto the City a permanent EASEMENT for surface water drainage purposes with the right of entry in and across the property hereinafter described and with the right to maintain and inspect, as may be or may become applicable, the catch basin, drain and surface water drainage in and across that part of the east west 18-foot wide alley as platted in Block 1 of Cramer Subdivision, a recorded subdivision, in the SW ¼ of Section 14, Township 7 North, Range 21 East in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows, to-wit:

Commencing at the northwest corner of Lot 8 in said Block 1;
Thence Easterly, along the north line of Lots 8 and 9 in Block 1 aforesaid,
90.00 feet to the northeast corner of Lot 9;
Thence Northerly, along the northerly extension of the east line of Lot 9, to a
point in the centerline of said alley;
Thence Westerly, along said centerline, to a point in the southeasterly
extension of the easterly line of Lot 7 in said Block 1;
Thence Northwesterly, along the said southeasterly extension, to a point in the
south line of Lot 7;
Thence Westerly, along said south line, 88.87 feet to the southwest corner of
Lot 7;
Thence Southerly to the point of commencement.

The above described permanent EASEMENT is a part of Tax Key Numbers 329-0009-000 and 329-0010-000.

UPON CONDITION:

1. That the Grantor does expressly stipulate and agree to release the City from any and all claims or demands for damages, costs, loss of use expenses, consequential damage, or any other thing whatsoever arising out of the maintenance or use of the aforescribed property for surface water drainage purposes.

2. That the surface within the aforescribed property shall be maintained and kept in good order and condition by the Grantor to maintain surface drainage at no cost to the City.

3. That no structures may be constructed within the limits of the EASEMENT by the Grantor, excepting improvements such as lawns, concrete walks, roadways, driveways, fencing and parking lot surfacing. The bottom of any fence constructed by the Grantor over said EASEMENT shall be a minimum of six (6) inches above the surface of said EASEMENT. All structures within the easement shall be constructed and kept such that a clear and unobstructed flow of surface drainage is maintained.

4. That the City reserves unto itself the rights to enter into aforescribed property to operate, maintain, inspect, repair or reconstruct the existing catch basin and its drain.

5. That in and during whatever operation, maintenance, inspection, repair or reconstruction is or becomes necessary with respect to said existing catch basin and its drain, so much of the surface or subsurface of the property as may be disturbed will, at the expense of the City be replaced in substantially the same condition as it was prior to such disturbance; except that the City will, in no case, be responsible for replacing or paying for replacing any improvements other than concrete walks, roadways, driveways, or parking lot surfacing, which were required to be removed in the course of doing the above work; however, the City shall save the Grantor harmless from any loss, damage, injury or liability resulting from negligence on the part of the City in connection with said work with respect to said catch basin and its drain; provided, however, that if above cost, damage, injury or liability results from the joint negligence of the parties hereto, then the liability therefore shall be borne by them in proportion to their respective degree of negligence; providing further, however, that these provisions are subject to the legal defenses which, under law, the City is entitled to raise.

6. That in connection with the construction by the Grantor of any structure or building abutting the aforescribed property, the Grantor will assume all liability for any damage to the catch basin and its drain in the aforescribed property. The Grantor will also save and keep the City clear and harmless from any claims for personal injuries or property damage caused by any negligence of the Grantor or persons other than the City arising out of the construction by the Grantor of any structure or building abutting the aforescribed property, and shall reimburse the City for the full amount of such loss or damage.

7. That no additional charges will be made against said lands for the cost of operation, maintenance, inspection, repair or reconstruction of said catch basin and its drain, in the aforescribed property. Excepting that all sewer maintenance, user fees or other sewer fees in effect for all City of Milwaukee serviced properties, that appear as charges to Grantor's herein described property, shall be paid.

8. That the Grantor shall be responsible and pay all expenses for adjusting the elevations of all sewer appurtenances necessitated by alteration of surface elevations within the aforescribed property. Said adjustments shall be made as required to provide free access to all sewer appurtenances, and shall be made only with the approval of the Commissioner of Public Works of the City of Milwaukee.

9. The owner shall submit plans for approval to the City for any underground installation within the EASEMENT.

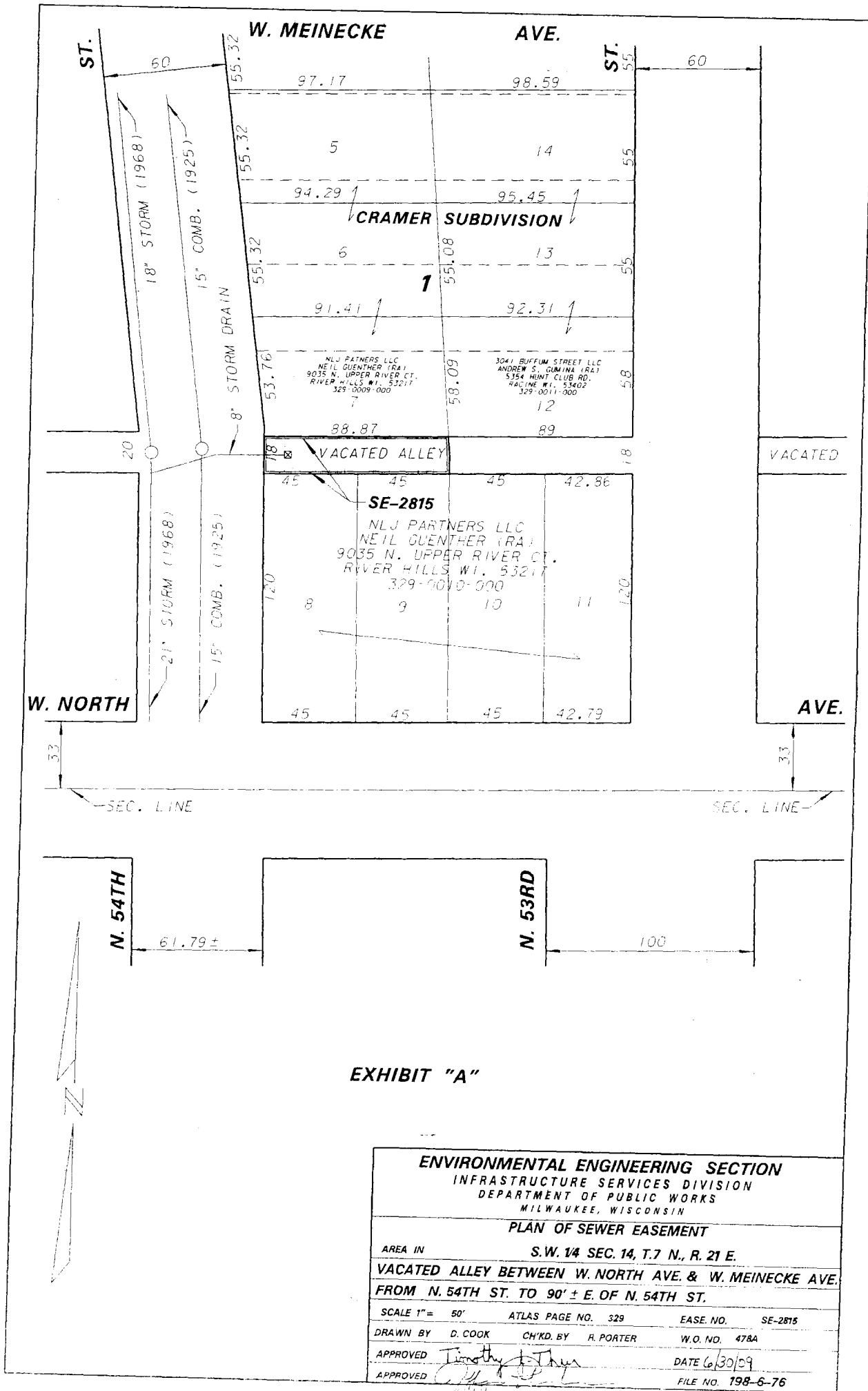


EXHIBIT "A"

ENVIRONMENTAL ENGINEERING SECTION INFRASTRUCTURE SERVICES DIVISION DEPARTMENT OF PUBLIC WORKS MILWAUKEE, WISCONSIN			
PLAN OF SEWER EASEMENT			
AREA IN	S.W. 1/4 SEC. 14, T.7 N., R. 21 E.		
VACATED ALLEY BETWEEN W. NORTH AVE. & W. MEINECKE AVE. FROM N. 54TH ST. TO 90' ± E. OF N. 54TH ST.			
SCALE 1"=	50'	ATLAS PAGE NO.	329
		EASE NO.	SE-2815
DRAWN BY	D. COOK	CH'KD. BY	R. PORTER
		W.O. NO.	478A
APPROVED	<i>Timothy J. J...</i>		DATE 6/30/09
APPROVED	<i>[Signature]</i>		FILE NO. 198-6-76



Legislation Details (With Text)

File #: 090503 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution rejecting a reservation for public street purposes along a portion of the west side of South 6th Street south of West Grange Avenue, in the 13th Aldermanic District.

Sponsors: THE CHAIR

Indexes: AIRPORTS, STREET RESERVATIONS

Attachments: Cover Letter, Plat Maps, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090503

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution rejecting a reservation for public street purposes along a portion of the west side of South 6th Street south of West Grange Avenue, in the 13th Aldermanic District.

Analysis

This resolution will eliminate from certain property an unnecessary reservation for public street purposes.

Body

Whereas, A 55-foot wide reservation for public street purposes was created by warranty deeds Document Number 3861673, recorded on February 10, 1961 and Document Number 3891240, recorded on July 14, 1961; and

Whereas, The east 33 feet of the subject reservation has been opened for South 6th Street leaving a 22-foot wide remainder; and

Whereas, The Federal Aviation Administration is directing General Mitchell International Airport to extend its east-west runway westerly to meet safety standards therefore requiring the relocation of South 6th Street from a point south of West Grange Avenue southerly to a point; and

Whereas, The vacation of a portion of South 6th Street will be done in conjunction with the relocation project; and

Whereas, The subject reservation is adjacent to the portion of South 6th Street that will be vacated and the City of Milwaukee no longer deems it necessary to retain the 22-foot wide reservation for public street purposes; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee hereby rejects the reservation for public street purposes, described as follows:

That part of Lands in the Northwest ¼ of Section 32, Township 6 North, Range 22 East, described as follows: Commencing at the southeast corner of said ¼ Section; thence Northerly, along the east line of said ¼ Section, 860.15 feet to a point; thence South 89°59'30" West to a point in the present west line of South 6th Street, lying 33 feet west of, as measured normal to, said east line, said point also being the point of beginning of the land to be described; thence Northerly, along said west line and parallel to said east line, 144 feet to a point; thence South 89°59'30" West to a point lying 55 feet west of, as measured normal to, said east line; thence Southerly, parallel to said east line, 144 feet to a point; thence North 89°59'30" East to the point of beginning; and, be it

Further Resolved, That the City Engineer is hereby directed to have a certified copy of this resolution recorded in the office of the Register of Deeds of Milwaukee County.

Requestor

Department of Public Works

Drafter

Infrastructure Services

MGL:slm

August 12, 2009

2009.08.12 Resolution rejecting reservation

August 12, 2009

To the Honorable, the Common Council

Subject: Resolution rejecting a reservation for public street purposes located along a portion of South 6th Street (west side) south of West Grange Avenue, in the 13th Aldermanic District.

Dear Council Members:

The Federal Aviation Administration is directing General Mitchell International Airport to extend its east-west runway westerly, therefore, requiring the relocation of South 6th Street south of West Grange Avenue. In conjunction with the relocation, an existing portion of South 6th Street must be vacated. The subject reservation for public street purposes is adjacent to this proposed vacation and will no longer be necessary. The rejection of the subject reservation will allow the owner full use of the land.

Therefore, it is recommended that this resolution be adopted.

No fiscal note is required per Section 50-4.2(3)(e) of the Milwaukee Code of Ordinances.

Very truly yours,

Jeffrey Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

MGL:slm

Attachments

N.W. 1/4 SEC. 32, T.6N., R.22E.

671

GENERAL MITCHELL
INTERNATIONAL AIRPORT

LANDS

(MILWAUKEE CO.)

TAX KEY NO.
671-9972-100

S.E. COR.
N.W. 1/4
SEC. 32-6-22

1/4 SEC. LINE

33

33

St.

S. 89° 59' 30" W.

RESERVATION FOR STREET

144

22

44

22

55

S. 89° 59' 30" W.

1/4 SEC. LINE

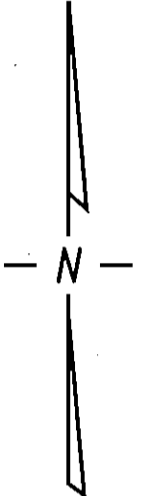
PORTION OF S. 6TH ST. PROPOSED TO BE VACATED

860.15

S. 6th

33

33



RESERVATION FOR PUBLIC
STREET PURPOSES PROPOSED
TO BE REJECTED

FILE NO.

INFRASTRUCTURE SERVICES DIVISION

MILWAUKEE, WISCONSIN

ASSIGNED TO: W.E. FUCHS

CH'K'D. BY: W.E. FUCHS

DRAWN BY: W.E.F.

DATE: AUG. 5, 2009

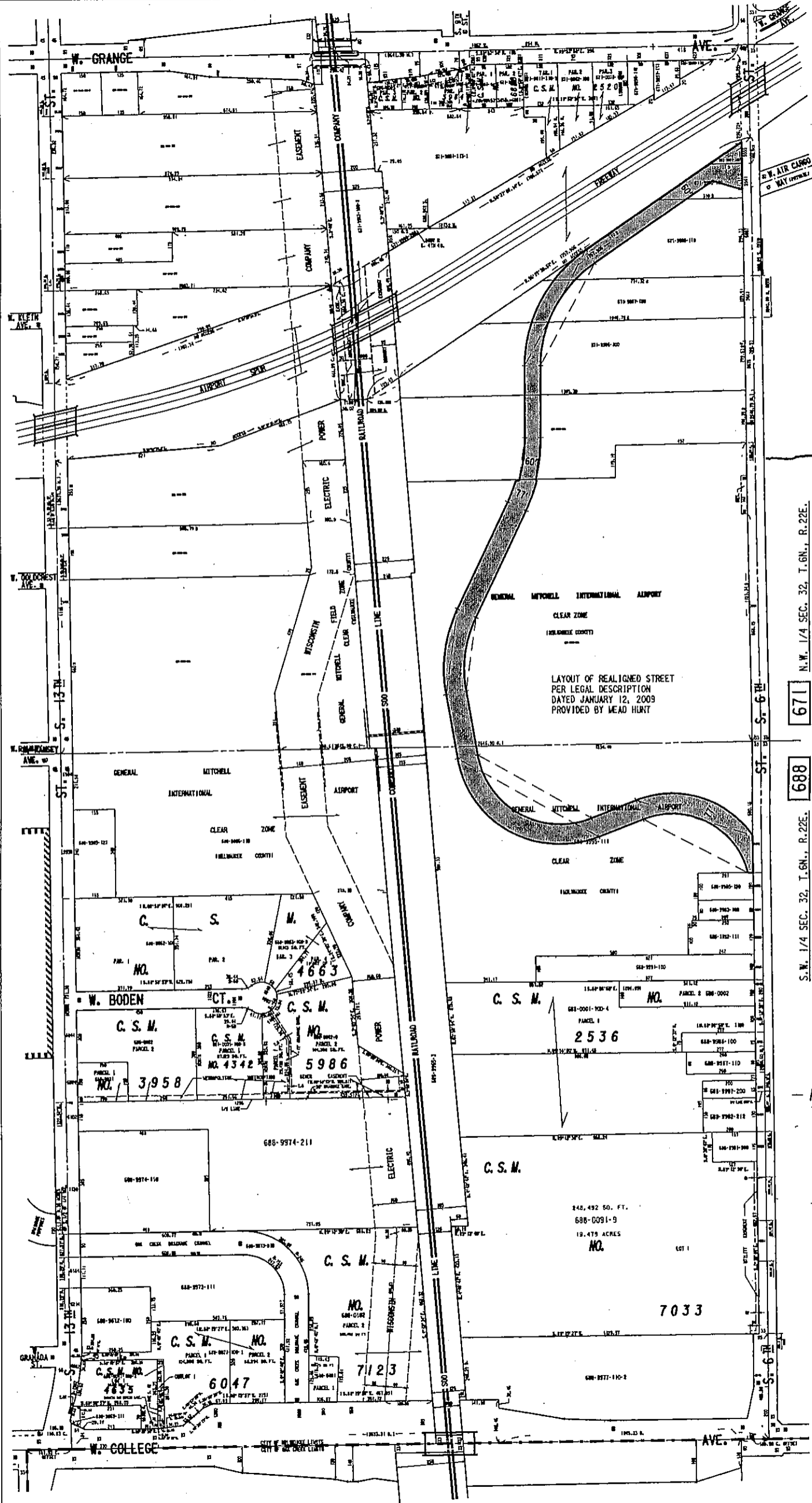
PROJECT/GRANT NO.: WK52360078

SCALE: 1" = 60'

APPROVED BY:

Maarcus Lindholm
CENTRAL DRAFTING & RECORDS MANAGER

Jeffrey Palumbo
CITY ENGINEER



LAYOUT OF REALIGNED STREET
 PER LEGAL DESCRIPTION
 DATED JANUARY 12, 2009
 PROVIDED BY MEAD HURT

671 N.W. 1/4 SEC. 32, T. 6N., R. 22E.

688

S.W. 1/4 SEC. 32, T. 6N., R. 22E.

2536

7033

688-0091-9
 19.475 ACRES
 NO.

7123

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Legislation Details (With Text)

File #: 090384 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution approving and authorizing the City Engineer to execute an easement agreement between the City of Milwaukee and Lighthouse Development Company, LLC to allow the existing City conduit system to remain in place in the vacated right turn bypass located on the south side of East Pittsburgh Avenue at South Water Street, in the 12th Aldermanic District.

Sponsors: THE CHAIR

Indexes: AGREEMENTS, EASEMENTS, STREET VACATIONS

Attachments: Easement, Fiscal Note, Cover Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090384

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution approving and authorizing the City Engineer to execute an easement agreement between the City of Milwaukee and Lighthouse Development Company, LLC to allow the existing City conduit system to remain in place in the vacated right turn bypass located on the south side of East Pittsburgh Avenue at South Water Street, in the 12th Aldermanic District.

Analysis

Lighthouse Development Company, LLC, 235 East Pittsburgh Avenue and 209 - 261 South Water Street, petitioned the City of Milwaukee to vacate the right turn bypass on the south side of East Pittsburgh Avenue at South Water Street. The partial street vacation was approved with the adoption of Common Council Resolution File Number 071176 on October 7, 2008. A communications manhole, conduit and cabling are now located within the vacation limits. As part of the vacation conditions, the property owner has agreed to grant an easement to the City to allow the existing conduit system to remain in place within the vacation limits to allow for future maintenance and operation of the facility. This resolution authorizes the City Engineer to execute an easement with Lighthouse Development Company, LLC.

Body

Whereas, Lighthouse Development Company, LLC requested that the right turn bypass located on the south side of East Pittsburgh Avenue at South Water Street be vacated to support their site development; and

Whereas, Said right turn bypass was vacated with the adoption of Common Council Resolution File Number 071176 on October 7, 2008; and

Whereas, A condition of said vacation was that Lighthouse Development Company, LLC, 235 East Pittsburgh Avenue and 209 - 261 South Water Street, would grant an easement to the City to allow the existing communications manhole, conduit and cabling to remain in place and allow the City to maintain and operate said facility; and

Whereas, The terms of said easement are set out and attached to the file and approved as to content by the City Engineer; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said easement be and the same is hereby approved, and the City Engineer is hereby authorized and directed to execute the same on behalf of the City of Milwaukee; and, be it

Further Resolved, That after said easement has been executed, the City Engineer shall record and distribute the easement.

Requestor

Department of Public Works

Drafter

Infrastructure Services

MGL:slm

July 9, 2009

2009.06.25 Resolution - City and Lighthouse

**Easement – Underground
Conduit and Manhole**

Document No.

UG – 30 Easement area located in the vacated right
turn bypass at East Pittsburgh Avenue and
South Water Street

Recording Area

Infrastructure Services Division
Room 802, Municipal Building
841 N. Broadway
Milwaukee, WI 53202

428-0983-9
428-0984-4

Tax Key Numbers

Easement area located in the
vacated right turn bypass at
East Pittsburgh Avenue and South Water Street

E A S E M E N T

THIS INDENTURE, Made by and between the CITY OF MILWAUKEE, a municipal corporation of the State of Wisconsin, hereinafter referred to as "City", and 235 East Pittsburgh Avenue and 209-261 South Water Street, LDC-235 Pittsburgh, LLC c/o Lighthouse Development, owners (including heirs, personal representatives, successors or assigns, of above owner(s), as may be or may become applicable), hereinafter called "Grantor". (If more than one grantor is listed above, said language herein referring thereto shall be interpreted in the plural and refer jointly and severally to such grantors).

WITNESSETH

That, WHEREAS, the City desires to acquire a permanent EASEMENT as shown on attached plan, Resolution File Number _____, with the right of entry in and across the property hereinafter described and with the right to construct, operate, maintain, inspect, repair, enlarge, reconstruct and relocate, as may be or may become applicable, the following facilities and appurtenances thereto, hereinafter called "FACILITIES", in said property, namely manhole, underground conduit and cables.

NOW, THEREFORE, in consideration of the grant of the EASEMENT hereinafter described and in consideration of the payment of One Dollar (\$1.00) and other valuable considerations to the Grantor, receipt whereof is hereby acknowledged, said Grantor, being the owner and persons interested in the land hereinafter described, does hereby grant unto the City a permanent EASEMENT for the aforementioned facilities with the right of entry in and across the property hereinafter described and with the right to construct, operate, maintain, inspect, repair, enlarge, reconstruct and relocate, as may be or may become applicable, the FACILITIES in and across the following described property:

Parcel A

In that part of vacated East Pittsburgh Avenue in the Northeast $\frac{1}{4}$ of Section 32 and the Northwest $\frac{1}{4}$ of Section 33, Township 7 North, Range 22 East, described as follows:

Commencing at the northeast corner of Lot 4 of Certified Survey Map No. 8011; thence North $32^{\circ}36'07''$ West, along the present westerly line of South Water Street, to a point lying 9.00 feet north of, as measured normal to, the north line of Certified Survey Map No. 8011; thence North $89^{\circ}45'17''$ West, parallel to said north line, 66.81 feet to a point in the northerly extension of the west line of Lot 4 and the point of beginning of the land to be described: thence continuing North $89^{\circ}45'17''$ West, parallel to the north line of Certified Survey Map No. 8011 aforesaid, 55.35 feet to a point in the present southerly line of East Pittsburgh Avenue; thence North $72^{\circ}56'38''$ East, along said southerly line, 36.89 feet to a point; thence North $60^{\circ}01'46''$ East, continuing along said southerly line, 23.30 feet to a point in the northerly extension of the west line of Lot 4; thence South $00^{\circ}14'43''$ West, along said northerly extension, 22.69 feet to the point of beginning.

Parcel B

In that part of vacated East Pittsburgh Avenue in the Northwest ¼ of Section 33, Township 7 North, Range 22 East, described as follows:

Commencing at the northeast corner of Lot 4 of Certified Survey Map No. 8011; thence North $32^{\circ}36'07''$ West, along the present westerly line of South Water Street, to a point lying 9.00 feet north of, as measured normal to, the north line of Certified Survey Map No. 8011 and the point of beginning of the land to be described; thence North $89^{\circ}45'17''$ West, parallel to said north line, 66.81 feet to a point in the northerly extension of the west line of Lot 4; thence North $00^{\circ}14'43''$ East, along said northerly extension, 22.69 feet to a point in the present southerly line of East Pittsburgh Avenue; thence North $60^{\circ}01'46''$ East, along said southerly line, 33.86 feet to a point; thence South $76^{\circ}17'10.5''$ East, continuing along said southerly line, 14.46 feet to its point of intersection with the present westerly line of South Water Street; thence South $32^{\circ}36'07''$ East, along said westerly line, 43.29 feet to the point of the beginning.

The above described permanent EASEMENTS are a part of Tax Key Numbers 428-0983-9 and 428-0984-4.

The location of the easement areas with respect to the grantor's land is as shown on the attached drawing, marked Exhibit A, and made a part of this document.

UPON CONDITION:

1. That said FACILITIES shall be maintained and kept in good order and condition by the City.
2. That no structures may be placed within the Easement Area by the Grantor excepting that minimal adverse impact improvements such as lawns, concrete walks, roadways, driveways, and parking lot surfacing may be constructed, and that the City will replace such damaged or removed lawns, concrete walks, roadways, driveways, and parking lot surfacing (excluding special treatments), at its own cost, after making any necessary repairs, reconstruction, or enlargement of the FACILITIES in the EASEMENT.
3. That in and during whatever construction, operation, maintenance, inspection, repair, enlargement, reconstruction or relocation is or becomes necessary with respect to said FACILITIES, so much of the surface or subsurface of the property as may be disturbed will, at the expense of the City, be replaced in substantially the same condition as it was prior to such disturbance: except that the City will in no case be responsible for replacing or paving for replacing any aesthetic plantings or improvements other than ordinary lawns, standard concrete walks, roadways, driveways, or parking lot surfacing which were required to be removed in the course of doing the above work. However, the City shall save the Grantor harmless from any loss, damage, injury or liability resulting from negligence, or default hereunder, on the part of the City in connection with said work with respect to said FACILITIES; provided, however, that if above loss, damage, injury or liability results from the joint negligence of the parties hereto, then the liability therefore shall be borne by them in proportion to their respective degree of negligence; provided

further, however, that these provisions are subject to the legal defenses which, under law, the City or the Grantor is entitled to raise.

4. That, in connection with the construction by the Grantor of any structure or building abutting said EASEMENT, the Grantor will assume all liability for any damage to the FACILITIES in the above described property. The Grantor will also save and keep the City clear and harmless from any claims for personal injuries or property damage caused by any negligence of the Grantor or person other than the City, arising out of the construction by the Grantor of any structure or building abutting the said EASEMENT, and shall reimburse the City for the full amount of such loss or damage.

5. That the FACILITIES shall be accessible for maintenance at all times. The Grantor shall submit plans for approval by the Commissioner of Public Works of the City for any underground installation with the Easement.

6. That the Grantor shall submit plans for all surface grade alterations of plus or minus 1-foot or greater within the limits of said EASEMENT. Said alterations shall be made only with the approval of the Commissioner of Public Works of the City.

7. That the Grantor shall be responsible for adjusting the elevations of all appurtenances necessitated by alteration of surface elevations within the aforescribed property. Said adjustments shall be required to provide free access to all conduit appurtenances and shall be made only with the approval of the Commissioner of Public Works of the City.

8. All notices to be given by one party to the other under this agreement shall be in writing and shall be given either by personal delivery, by U.S. Mail, postage prepaid, by facsimile, or by e-mail, to the respective recipients set forth in this paragraph. A notice shall be deemed delivered either upon actual receipt or upon refusal by a party to accept delivery – providing, however, that notices sent by e-mail or facsimile must be sent during the hours between 8:30 A.M. and 4:30 P.M. during the days that the City's City Hall is open for business. Either party may change its address for purposes of receiving notices written notice thereof in accordance with the requirements of this paragraph.

A. LDC – 235 Pittsburgh, LLC
c/o Lighthouse Development
2140 North Prospect Avenue
Milwaukee, WI 53202
Telephone: _____
Facsimile: _____
E-mail: _____

B. To City:
 Commissioner
 Department of Public Works
 841 North Broadway, Room 516
 Milwaukee, WI 53202
 Telephone: (414) 286-3301
 Facsimile: (414) 286-3953
 E-mail: jeffrey.mantes@milwaukee.gov

9. This Agreement may be amended only by a written instrument executed by all of the parties hereto.

10. This document shall be recorded in the Milwaukee County Register of Deeds Office, by and at the City's expense, to give notice of the same.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this _____ day of _____, A.D., 20 _____.

Attest: _____ By: _____
 Name Printed _____ Name Printed _____
 Title: _____ Title: _____

STATE OF WISCONSIN)
)ss.
 MILWAUKEE COUNTY)

This instrument was acknowledged before me on _____, 20____, by _____ and _____, the _____ and _____ respectively, of _____ and on behalf of said entity, to me personally known, and representing requisite authority to so sign.

 Notary Public, State of Wisconsin
 My Commission: _____

CITY: CITY OF MILWAUKEE

 City Engineer (who also approves as to contents)
 Per Common Council Resolution File No. _____

STATE OF WISCONSIN)
)ss.
MILWAUKEE COUNTY)

This instrument was acknowledged before me on _____, 20____, by Jeffrey Polenske, the City Engineer.

Notary Public, State of Wisconsin
My Commission: _____

CITY OF MILWAUKEE FISCAL NOTE

A) DATE: July 9, 2009

Original Fiscal Note Substitute

SUBJECT: Resolution approving and authorizing the City Engineer to execute an easement agreement between the City of Milwaukee and Lighthouse Development Company, LLC to allow the City conduit system to remain in place in the vacated right turn bypass located on the south side of East Pittsburgh Avenue at South Water Street, in the 12th Aldermanic District.

B) SUBMITTED BY (Name/Title/Dept/Ext.): Jeffrey S. Polenske, P.E./City Engineer/Infrastructure Services Division/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENTAL ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS:					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

July 9, 2009

To the Honorable, the Common Council

Subject: 235 East Pittsburgh Avenue
209 – 261 South Water Street
Underground Conduit Easement

Dear Council Members:

The Lighthouse Development Company, LLC petitioned the City to vacate the right turn bypass on the south side of East Pittsburgh Avenue at South Water Street. The vacation was approved with the adoption of Common Council Resolution File Number 071176 on October 7, 2008.

The existing communications manhole, conduit and cabling are now located within the vacation limits. As part of the vacation conditions, Lighthouse Development Company, LLC has agreed to grant an easement to the City to allow the existing manhole, conduit and cabling to remain in place within the vacation limits to allow for future maintenance and operations of the facility. This resolution authorizes the City Engineer to execute an easement with Lighthouse Development Company, LLC.

It is, therefore, recommended that this resolution be adopted by the Common Council.

Very truly yours,

Jeffrey Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

MGL:slm
2009.06.25 Letter - City and Lighthouse



Legislation Details (With Text)

File #: 090406 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution authorizing the City Comptroller to transfer funds to various State and Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs totaling \$79,236.46, 100 percent city share.

Sponsors: THE CHAIR

Indexes: STREET IMPROVEMENTS, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: Cover Letter, Fiscal Note, Comptroller's Certificate, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090406

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution authorizing the City Comptroller to transfer funds to various State and Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs totaling \$79,236.46, 100 percent city share.

Analysis

This resolution authorizes the City Comptroller to transfer funds to the previously established subaccounts for the remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs in the amount of \$79,236.46, 100 percent city share.

Body

Whereas, The Common Council has previously adopted resolutions authorizing the City Comptroller to transfer funds to various State and/or Federal Aid project subaccounts for preliminary engineering and construction; and

Whereas, Additional planning and review during the design stage and additional work during the construction stage have resulted in increased costs charged against the projects; and

Whereas, Additional funds are, therefore, necessary for the estimated remaining Wisconsin Department of Transportation and the City of Milwaukee preliminary engineering and construction costs for the projects; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Comptroller is hereby authorized and directed to transfer funds to the project grant chartfields as follows:

Project Grant Value

State I.D. 2086-06-70

ST30882310

North Range Line Road (North 27th Street)

West Good Hope Road to North Green Bay Avenue

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$11,785.80

Project Grant Value

State I.D. 2046-01-70

ST32000210

West Burnham Street

South 43rd Street to South 31st Street

City Share Non-Assessable Paving

Fund 0333

\$47,796.91

Project Grant Value

State I.D. 2445-06-00

ST320061101

West North Avenue

West Lisbon Avenue to North 31st Street

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$7,849.23

Project Grant Value

State I.D. 2661-01-00

ST320042401

South Clement Avenue

South Whitnall Avenue to East Howard Avenue

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$10,094.16

Project Grant Value

State I.D. 2984-36-00

ST320042601

West Washington Boulevard

North 60th Street to North 47th Street

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$1,710.36

Summary of projects in this resolution:

City Share Non-Assessable Paving: \$79,236.46

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

LG:amh

July 17, 2009

(9) Reso Vari Fed Sta Aid Pjec Saccou 071509.rtf

July 17, 2009

To the Honorable, the Common Council

Subject: Federal/State Aid Project Subaccounts

Dear Council Members:

Please find the attached resolution to authorize the City Comptroller to transfer funds to the subaccounts for various State and/or Federal Aid street and bridge improvement projects as listed in the body of the resolution.

Additional funds are necessary for the estimated remaining Wisconsin Department of Transportation (WISDOT) and City of Milwaukee preliminary engineering and construction costs for these projects.

We have, therefore, prepared and recommend adoption of the attached resolution authorizing the City Comptroller to transfer funds to the respective project subaccounts for the estimated remaining preliminary engineering and construction costs.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

LG:amh

Attachment

c: Mr. W. Martin Morics

CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** July 15, 2009

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution authorizing the City Comptroller to transfer funds to various State and Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs totaling \$79,236.46, 100 percent city share.

B) **SUBMITTED BY (Name/title/dept./ext.):** Jeffrey S. Polenske, PE / City Engineer / Infrastructure Services Division / extension 2400

C) **CHECK ONE:** ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:** DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	Capital Improvement Paving	ST320080000 Fund 0333	\$79,236.46		
TOTALS			\$79,236.46		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditures: \$79,236.46
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

--

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

**Capital Grant Resolution Certification from the
Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. _____ for additional preliminary engineering and construction costs on completed projects (City Share \$79,236.46) and approved the resolution as to:

- Sufficiency of funds
- Funding sources (per estimated **grant funding agreement**)
- Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: C. Wisnek

Date: 7/16/09



Legislation Details (With Text)

File #: 090539 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution authorizing the City Comptroller to transfer funds to a State and Federal Aid project subaccount for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering costs totaling \$39,207.72, with the City's share being \$7,841.54 and the Grantor's share being \$31,366.18.

Sponsors: THE CHAIR

Indexes: STREET IMPROVEMENTS, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: Fiscal Note, Cover Letter, Comptroller's Certificate, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090539

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution authorizing the City Comptroller to transfer funds to a State and Federal Aid project subaccount for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering costs totaling \$39,207.72, with the City's share being \$7,841.54 and the Grantor's share being \$31,366.18.

Analysis

This resolution authorizes the City Comptroller to transfer funds to the previously established subaccount for the remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering costs in the amount of \$39,207.72. The City of Milwaukee's share is \$7,841.54 and the Grantor's share is \$31,366.18. The total estimated cost of the entire project is \$2,295,324.12 with a grantor share of \$1,595,530.18 and a City share of \$699,793.94.

Body

Whereas, The Common Council has previously adopted resolutions authorizing the City Comptroller to transfer funds to a State and/or Federal Aid project subaccount for preliminary engineering; and

Whereas, Additional planning and review during the design stage has resulted in increased costs charged and against the project; and

Whereas, Addition funds are, therefore, necessary for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering costs for the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Comptroller is hereby authorized and directed to transfer funds to the project grant chartfield as follows:

Project Grant Value

State I.D. 2245-01-70

ST320021301

South 2nd Street

West National Avenue to the Menomonee River

City Share Non-Assessable Paving

ST320090000

Fund 0333

\$7,841.54

Grantor Reimbursable Paving

SP032090100

Fund 0306

\$31,366.18

Estimated: \$39,207.72

Previously authorized for preliminary engineering: \$260,660.40

Current estimated cost of total project including this resolution: \$2,295.324.12

Original estimated cost of the total project (Resolution #010810): \$1,832,420.00

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

LCG:amh

August 26, 2009

(11) Reso Vari Fed Sta Aid Pjec Saccou 082509.rtf

CITY OF MILWAUKEE FISCAL NOTE

A) DATE August 26, 2009

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution authorizing the City Comptroller to transfer funds to a State and Federal Aid project subaccount for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering costs totaling \$39,207.72, with the City's share being \$7,841.54 and the Grantor's share being \$31,366.18.

B) SUBMITTED BY (Name/title/dept./ext.): Jeffrey S. Polenske, PE / City Engineer / Infrastructure Services Division / extension 2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	Capital Projects Fund	ST320090000 (Fund 0333)	\$7,841.54		
	Grantor Reimbursable Paving	SP032090100 (Fund 0306)	\$31,366.18	\$31,366.18	
TOTALS			\$39,207.72	\$31,366.18	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditures: \$39,207.72
<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Revenues: \$31,366.18
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

August 26, 2009

To the Honorable, the Common Council

Subject: Federal/State Aid Project Subaccounts

Dear Council Members:

Please find the attached resolution to authorize the City Comptroller to transfer funds to the subaccount for the State and/or Federal Aid street improvement project as listed in the body of the resolution.

Additional funds are necessary for the estimated remaining Wisconsin Department of Transportation (WISDOT) and City of Milwaukee preliminary engineering costs for this project.

We have, therefore, prepared and recommend adoption of the attached resolution authorizing the City Comptroller to transfer funds to the respective project subaccounts for the estimated remaining preliminary engineering costs.

Very Truly Yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

LG:amh

Attachment

c: Mr. W. Martin Morics
bc: Ms. Lila Gorney
Mr. Robert Bryson
Ms. Cynthia Wisneski

**Capital Grant Resolution Certification from the
Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. 090539 for the preliminary engineering shortfall funding for South 2nd Street from West National Avenue to the Menomonee River (Grantor Share \$31,366.18 City Share \$7,841.54) and approved the resolution as to:

- Sufficiency of funds
- Funding sources (per estimated **grant funding agreement**)
- Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: C. Wisniewski

Date: 8/26/09



Legislation Details (With Text)

File #: 090405 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution authorizing the City Comptroller to transfer funds to a State and Federal Aid project subaccount for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering costs totaling \$52,000.00, with the City's share being \$17,750.00 and the Grantor's share being \$34,250.00.

Sponsors: THE CHAIR

Indexes: STREET IMPROVEMENTS, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: Cover Letter, Fiscal Note, Comptroller's Certificate, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090405

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution authorizing the City Comptroller to transfer funds to a State and Federal Aid project subaccount for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering costs totaling \$52,000.00, with the City's share being \$17,750.00 and the Grantor's share being \$34,250.00.

Analysis

This resolution authorizes the City Comptroller to transfer funds to the previously established subaccount for the remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering costs in the amount of \$52,000.00. The City of Milwaukee's share is \$17,750.00 and the Grantor's share is \$34,250.00.

Body

Whereas, The Common Council has previously adopted resolutions authorizing the City Comptroller to transfer funds to a State and/or Federal Aid project subaccount for preliminary engineering; and

Whereas, Additional planning and review during the design stage has resulted in increased costs charged and against the project; and

Whereas, Additional funds are, therefore, necessary for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering costs for the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Comptroller is hereby authorized and directed to transfer funds to the project grant chartfield as follows:

Project Grant Value

County

ST320092201

West Silver Spring Drive

North 68th Street to North 90th Street

City Share Non-Assessable Paving

ST320090000

Fund 0333

\$7,000

Previously authorized for plan review: \$8,000.00

Current estimated cost of total project including this resolution: \$4,454,707.88

Original estimated cost of the total project (Milwaukee County is lead agency) (Resolution #081111): \$3,800,000.00

Project Grant Value

State I.D. 2545-12-00

ST320062101

West Hampton Bridge
over Lincoln Creek

City Share Non-Assessable Paving
ST320090000
Fund 0333
\$2,000.00

Grantor Reimbursable Paving
SP03209100
Fund 0306
\$8,000.00

Previously authorized for preliminary engineering: \$205,820.00
Current estimated cost of total project including this resolution: \$1,512,020.00
Original estimated cost of the total project (Resolution #060882): \$1,497,000.00

Project Grant Value

State I.D. 2204-01-00
ST30684001
East State Street
Edison to Prospect Avenue

City Share Non-Assessable Paving
ST320090000
Fund 0333
\$8,750.00

Grantor Reimbursable Paving
SP032090100
Fund 0306
\$26,250.00

Previously authorized for preliminary engineering: \$158,620.00
Current estimated cost of total project including this resolution: \$1,978,500.00
Original estimated cost of the total project (Resolution #950972): \$604,200.00

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

LCG:amh

July 17, 2009

(10) Reso Vari Fed Sta Aid Pjec Saccou 071509.rtf

July 17, 2009

To the Honorable, the Common Council

Subject: Federal/State Aid Project Subaccount

Dear Council Members:

Please find the attached resolution to authorize the City Comptroller to transfer funds to the subaccount for a State and/or Federal Aid preliminary engineering project as listed in the body of the resolution.

Additional funds are necessary for the estimated remaining Wisconsin Department of Transportation (WISDOT) and City of Milwaukee preliminary engineering costs for these projects.

We have, therefore, prepared and recommend adoption of the attached resolution authorizing the City Comptroller to transfer funds to the respective project subaccount for the estimated remaining preliminary engineering costs.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

LCG:amh

Attachment

c: Mr. W. Martin Morics

CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** July 15, 2009

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution authorizing the City Comptroller to transfer funds to a State and/or Federal Aid project subaccount for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering costs totaling \$52,000.00, City's share is \$17,750.00 and the Grantor's share is \$34,250.00.

B) **SUBMITTED BY (Name/title/dept./ext.):** Jeffrey S. Polenske, PE / City Engineer / Infrastructure Services Division / extension 2400

C) **CHECK ONE:** ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:** DEPARTMENT ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	Capital Projects Fund	ST320090000 (Fund 0333)	\$17,750		
	Grantor Reimbursable Paving	SP032090100 (Fund 0306)	\$34,250	\$34,250	
TOTALS			\$52,000	\$34,250	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditures: \$52,000
<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Revenues: \$34,250
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:**

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

**Capital Grant Resolution Certification from the
Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. _____ for additional preliminary engineering costs on current projects (City Share \$17,750.00 Grantor Share \$34,250.00) and approved the resolution as to:

- Sufficiency of funds
- Funding sources (per estimated **grant funding agreement**)
- Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: *C. Wisniewski*

Date: 7/14/07



Legislation Details (With Text)

File #: 090538 **Version:** 1
Type: Resolution **Status:** In Committee
File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Substitute resolution approving engineering review and construction oversight of projects to be funded by the American Reinvestment and Recovery Act (ARRA) as non-assessable public improvements at various locations and appropriating funds for these purposes, with the City share of these projects for nonparticipating items is estimated to be \$635,000.

Sponsors: THE CHAIR

Indexes: AMERICAN RECOVERY AND REINVESTMENT ACT, STREET IMPROVEMENTS

Attachments: Cover Letter, Fiscal note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
9/2/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number

090538

Version

SUBSTITUTE 1

Sponsor

THE CHAIR

Title

Substitute resolution approving engineering review and construction oversight of projects to be funded by the American Reinvestment and Recovery Act (ARRA) as non-assessable public improvements at various locations and appropriating funds for these purposes, with the City share of these projects for nonparticipating items is estimated to be \$635,000.

Analysis

The resolution directs the engineering review and the construction oversight of said public improvements. The City share of these projects for nonparticipating items is estimated to be \$635,000 with the total estimated costs of these projects in there entirety are \$14,192,730 with grantor ARRA funding of \$13,197,730 and a City share of \$995,000.

Body

Whereas, Monies became available under Phase 3 of the American Reinvestment and Recovery Act (ARRA) for local paving projects with 100% construction and construction engineering funding; and

Whereas, Resolution 081603 authorized the Commissioner of Public Works to execute agreements with the WISDOT for projects funded by the ARRA; and

Whereas, The City applied for various street construction projects that were eligible for construction funding under Phase 3 of the ARRA; and

Whereas, Phase 3 of the ARRA requires an expedited submittal by December 1, 2009 for final documents and construction to be initiated in 2010; and

Whereas, To meet the eligibility requirements of ARRA, these projects are to be let to contract by the WISDOT in February 2010 and construction is to be completed thereafter; and

Whereas, The City engineering review and construction oversight and some items proposed for construction, including utility adjustments for sewer and water, are nonparticipating items to be funded 100% by the City; and

Whereas, It is in the public's interest to design and construct with City and ARRA funding the following improvements:

1st Aldermanic District:

North Sherman Boulevard - W. Silver Spring Dr. to W. Florist Ave. (ARRA) (2155-02-02) (ST52009XXXX): Paving the roadway with asphalt, replace curb and gutter and sidewalk where necessary. (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project including the requested amount is \$600,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

North Sherman Boulevard - W. Silver Spring Dr. to W. Florist Ave. (ARRA) (2155-02-72) (ST52009XXXX): Paving the roadway with asphalt, replace curb and gutter and sidewalk where necessary. (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project including the requested amount is \$600,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

North Teutonia Avenue - W. Mill Rd. to W. Silver Spring Dr. (ARRA) (2984-03-70) (ST520-09-0210): Paving the roadway with asphalt and replace curb and gutter where necessary. (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project including the requested amount is \$570,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

North Teutonia Avenue - W. Good Hope Rd. to W. Mill Rd. (ARRA) (2984-03-70) (ST520-09-0310): Paving the roadway with asphalt and replace curb and gutter where necessary. (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project including the requested amount is \$625,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

3rd and 6th Aldermanic Districts:

North Dr. Martin Luther King Jr. Drive - W. McKinley Ave. to W. W. Burleigh St. (ARRA) (2984-03-70) (ST520-09-0410): Paving the roadway with asphalt and replace curb and gutter where necessary. (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project including the requested amount is \$1,475,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

4th and 6th Aldermanic Districts:

West Winnebago Street - N. 8th Street to N. 7th Street (ARRA) (2057-01-00) (ST52009XXXX): Roundabout (Non-assessable Paving Fund -- \$150,000). The total estimated cost for this project including the requested amount is \$910,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

West Winnebago Street - N. 8th Street to N. 7th Street (ARRA) (2057-01-70) (ST52009XXXX): Roundabout (Non-assessable Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$910,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

4th and 12th Aldermanic Districts:

South 2nd Street - W. National Ave. to W. St. Paul Ave. (ARRA) (2445-02-00) (ST520-09-XXXX): Decorative street lighting fixtures and poles. (Non-assessable Paving Fund -- \$95,000) The total estimated cost for this project including the requested amount is \$672,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

South 2nd Street - W. National Ave. to W. St. Paul Ave. (ARRA) (2445-02-70) (ST520-09-XXXX): Decorative street lighting fixtures and poles. (Non-assessable Paving Fund - \$10,000) The total estimated cost for this project including the requested amount is \$672,000. This

project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

6th Aldermanic District:

E/W North Avenue - N. Dr. Martin Luther King Jr. Dr. to N. Booth St. (ARRA) (2445-07-00) (ST52009XXXX): Street reconstruction, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding and grading. (Non-assessable Paving Fund -- \$60,000) The total estimated cost for this project including the requested amount is \$2,443,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

E/W North Avenue - N. Dr. Martin Luther King Jr. Dr. to N. Booth St. (ARRA) (2445-07-70) (ST52009XXXX): Street reconstruction, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding and grading. (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project including the requested amount is \$2,443,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

6th and 15th Aldermanic Districts:

West Locust Street - W. Hopkins St. to W. W. Burleigh St. (ARRA) (2984-03-70) (ST520-09-0510): Paving the roadway with asphalt and replace curb and gutter where necessary. (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project including the requested amount is \$456,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

11th Aldermanic District:

West Howard Avenue - S. 84th St. to S. 76th St. (ARRA) (ST520-09-0610): Paving the roadway with asphalt and replace curb and gutter where necessary. (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project including the requested amount is \$320,000. This project is anticipated to be completed during the 2010 construction season if ARRA construction funds become available. Otherwise, the design will be used in conjunction with a future paving program, subject to Common Council approval.

12th Aldermanic District:

West Lapham Boulevard - S. 11th St. to S. 1st St. (ARRA) (2984-04-70) (ST520-09-0710): Paving the roadway with asphalt and replace curb and gutter where necessary. (Non-assessable Paving Fund - - \$10,000) The total estimated cost for this project including the requested amount is \$580,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

South Cesar E. Chavez Drive - W. Greenfield Ave. to W. Pierce St. (ARRA) (2615-00-72) (ST520-09-0110): Paving the roadway with asphalt, replace curb and gutter and sidewalk (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project, including the requested amount is \$1,260,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

South Cesar E. Chavez Drive - W. Greenfield Ave. to W. Pierce St. (ARRA) (2615-00-03)

(ST52009XXXX): Streetscaping (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project, including the requested amount is \$920,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

South Cesar E. Chavez Drive - W. Greenfield Ave. to W. Pierce St. (ARRA) (2615-00-73) (ST52009XXXX): Streetscaping (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project, including the requested amount is \$920,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

South 13th Street - W. Cleveland Ave. to W. Windlake Ave. (ARRA) (2505-08-00) (ST52009XXXX): Street reconstruction and replace curb and gutter, sidewalk and driveway approaches where necessary, sodding and grading. (Non-assessable Paving Fund -- \$60,000) The total estimated cost for this project including the requested amount is \$2,039,230. This project is estimated to be completed during the 2010 construction season with ARRA construction funds.

South 13th Street - W. Cleveland Ave. to W. Windlake Ave. (ARRA) (2505-08-70) (ST52009XXXX): Street reconstruction and replace curb and gutter, sidewalk and driveway approaches where necessary, sodding and grading. (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project including the requested amount is \$2,039,230. This project is estimated to be completed during the 2010 construction season with ARRA construction funds.

12th and 14th Aldermanic Districts:

Kinnickinnic River Bicycle Trail - S. 6th St. from E. Rosedale to E. Washington St. (ARRA) (2967-00-00) (ST52009XXXX): Rehabilitate the bridge over Greenfield Avenue and remove the bridge over Kinnickinnic Avenue. (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project including the requested amount is \$457,500. This project is estimated to be completed during the 2010 construction season with ARRA construction funds.

Kinnickinnic River Bicycle Trail - S. 6th St. from E. Rosedale to E. Washington St. (ARRA) (2967-00-70) (ST52009XXXX): Rehabilitate the bridge over Greenfield Avenue and remove the bridge over Kinnickinnic Avenue. (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project including the requested amount is \$457,500. This project is estimated to be completed during the 2010 construction season with ARRA construction funds.

13th Aldermanic District:

West Bolivar Avenue - S. 27th St. to S. 20th St. (ARRA) (ST520-09-0801): Paving the roadway with asphalt and replace curb and gutter where necessary. (Non-assessable Paving Fund -- \$25,000) The total estimated cost for this project including the requested amount is \$260,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

West Bolivar Avenue - S. 27th St. to S. 20th St. (ARRA) (2984-04-70) (ST520-09-0810): Paving the roadway with asphalt and replace curb and gutter where necessary. (Non-assessable Paving Fund - \$10,000) The total estimated cost for this project including the requested amount is \$260,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

South 6th Street - W. Howard Ave. to W. Holt Ave. (ARRA) (ST520-09-0901): Paving the roadway

with asphalt and replace curb and gutter where necessary. (Non-assessable Paving Fund -- \$25,000) The total estimated cost for this project including the requested amount is \$250,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

South 6th Street - W. Howard Ave. to W. Holt Ave. (ARRA) (2984-04-70) (ST520-09-0910): Paving the roadway with asphalt and replace curb and gutter where necessary. (Non-assessable Paving Fund -- \$10,000) The total estimated cost for this project including the requested amount is \$250,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

13th and 14th Aldermanic Districts:

West Holt Avenue - S. 6th St. to S. Chase Ave. (ARRA) (ST520-09-1001): Paving the roadway with asphalt and replace curb and gutter where necessary. (Non-assessable Paving Fund -- \$20,000) The total estimated cost for this project including the requested amount is \$355,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

West Holt Avenue - S. 6th St. to S. Chase Ave. (ARRA) (2984-04-70) (ST520-09-1010): Paving the roadway with asphalt and replace curb and gutter where necessary. (Non-assessable Paving Fund - \$10,000) The total estimated cost for this project including the requested amount is \$355,000. This project is anticipated to be completed during the 2010 construction season with ARRA construction funds.

; now, therefore, be it

Resolved, That all City departments are authorized to do engineering review and construction oversight in the construction of said projects; 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 hereby authorized and directed to create within the Capital Grant and Aid Fund the appropriate Project/Grant Chartfield Value for these projects; and to transfer to these accounts the amounts indicated above in accordance with City accounting policy, but not to exceed a ten percent increase of the total amounts reserved for the local share or \$5,000; whichever is greater.

Requestor
Department of Public Works
Drafter
Infrastructure Services Division
LCG: ns
September 2, 2009

August 26, 2009

To the Honorable, the Common Council

Dear Council Members:

This "Title Only" resolution approving preliminary engineering and construction of projects to be funded by the American Reinvestment and Recovery Act (ARRA) as non assessable public improvements at various locations and appropriating funds for these purposes will be introduced at the next Common Council meeting. It is our intent to insert the body of the resolution in this jacket prior to the September 10, 2009 meeting of the Public Improvement Committee.

Very Truly Yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

LCG: ns

CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)
Ref: GEN\FISCALNT.MST

A) DATE: September 2, 2009

Original Fiscal Note Substitute

SUBJECT: Resolution approving engineering review and construction oversight of projects to be funded by the American Reinvestment and Recovery Act (ARRA) as non-assessable public improvements at various locations and appropriating funds for these purposes, with the City share of these projects for nonparticipating items is estimated to be \$635,000.

B) SUBMITTED BY (NAME/TITLE/DEPT. /EXT.): Jeffrey S. Polenske, City Engineer, DPW, ext. 2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENTAL ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER: Paving	City share non-assessable paving	ST320090000 fund (0333)	\$635,000		
TOTALS:			\$635,000		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditures	\$635,000
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

None

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

**Capital Grant Resolution Certification from the
Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. _____ for nonparticipating engineering review and construction oversight costs of various phase 3 ARRA projects (City Share \$635,000) and approved the resolution as to:

- Sufficiency of funds
- Funding sources (per estimated **grant funding agreement**)
- Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: C. W. Wisniewski

Date: 9/3/09



Legislation Details (With Text)

File #: 090540 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution to revise the Local Force Contract with the Wisconsin Department of Transportation relative to increased cost participation for construction of street lighting in construction with the Mitchell Interchange Reconstruction, with an increase of \$11,971.11 or 8.41% for a new total estimated cost of \$154,302.62, of which 100% is State funded.

Sponsors: THE CHAIR

Indexes: EXPRESSWAY, STATE GRANTS, STREET LIGHTING, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: Cover Letter, Fiscal Note, Jusitfication Record, Comptroller's Certificate, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090540

Version

ORIGINAL

Reference

081491

Sponsor

THE CHAIR

Title

Resolution to revise the Local Force Contract with the Wisconsin Department of Transportation relative to increased cost participation for construction of street lighting in construction with the Mitchell Interchange Reconstruction, with an increase of \$11,971.11 or 8.41% for a new total estimated cost of \$154,302.62, of which 100% is State funded.

Analysis

This resolution authorizes change orders to a funding agreement previously authorized under Common Council File Number 081491 with The Wisconsin Department of Transportation (WISDOT) to install interim street lighting facilities, to install permanent street lighting facilities and remove interim street lighting facilities necessitated by the reconstruction of the Mitchell Interchange and IH 94 (N/S) Freeway. Due to the expansion of the scope by WISDOT to include the modification of East Layton Avenue from South Howell Avenue to a point east for traffic mitigation purposes as part of phase one of the Mitchell Interchange reconstruction, the estimated costs for street lighting improvements have risen \$11,971.11 or 8.41% for a new total of \$154,302.62, 100% grantor funds.

Body

Whereas, The Common Council has previously approved File Number 081491, which authorized the Commissioner of Public Works and the Comptroller to enter into a funding agreement with the Wisconsin Department of Transportation (WISDOT) for construction of street lighting improvements on West College Avenue from South 20th Street to South 13th Street, the intersection of South 6th Street and West Bolivar Avenue and the East side of South 27th Street from West Layton Avenue to West Bottsford Avenue and adjoining streets in conjunction with Mitchell Interchange reconstruction; and

Whereas, The scope of the project has been expanded by WISDOT, to include traffic mitigation alterations to East Layton Avenue from South Howell Avenue to a point east as part of Phase 1; and

Whereas, The revised estimated cost of street lighting work associated with this project now is \$154,302.62, an increase of \$11,971.11 or 8.41% over the original estimated cost of \$142,331.51, for the installation of interim lighting, the installation of permanent lighting improvements and the removal of the interim lighting associated with this additional work; and

Whereas, Work will be funded through change orders to the original Local Force Account Contract with WISDOT; and

Whereas, One hundred percent of the participating project cost for the change order, or \$11,971.11, is reimbursable from the WISDOT; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works and the Comptroller are authorized to issue change orders to the original contract with WISDOT for the installation of interim lighting, the installation of permanent lighting improvements and the removal of the interim lighting in the area construction of street lighting improvements on to a point east for traffic

mitigation purposes in conjunction with the Mitchell Interchange reconstruction; and, be it

Further Resolved, That upon approval of this contract, the Commissioner of Public Works is directed to install interim lighting, permanent lighting improvements and the removal of the interim lighting for work in conjunction with the Mitchell Interchange reconstruction; and, be it

Further Resolved, That the City Comptroller is hereby authorized to transfer the additional funds for these contract change orders as required under the 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:

Location

Project I.D. 1030-21-94 (ST320080294)

West College Avenue from South 20th Street to South 13th Street, the intersection of South 6th Street and West Bolivar Avenue and the East side of South 27th Street from West Layton Avenue to West Bottsford Avenue and adjoining streets.

Grantor Share (WISDOT)

Fund Number 0306

Estimated cost - \$11,971.11

Project/Grant Number SP032090100

Total Estimated Cost

\$11,971.11

Previously authorized for street lighting improvements: \$142,331.51

Current estimated costs of the total project including this resolution: \$154,302.62.

Original estimated costs of the total project: \$142,331.51.

Requestor

Department of Public works

Drafter

Infrastructure Services Division

RWB:sdp

LFC w/WISDOT-Mitchell Interchange

08/25/2009

August 25, 2009

To the Honorable, the Common Council

Subject: Street Lighting
Mitchell Interchange Reconstruction
Phase 1

Dear Honorable Members:

Reconstruction of the Mitchell Interchange will include modifications to local streets. Due to the magnitude of this project, it is being divided into phases. This first phase will affect the area including West College Avenue from South 20th Street to South 13th Street, the intersection of South 6th Street and West Bolivar Avenue and the East side of South 27th Street from West Layton Avenue to West Bottsford Avenue and adjoining streets.

Street Lighting work being done in conjunction with this project will include installing interim lighting, the installation of permanent lighting improvements and the removal of the interim lighting. Funding for the street lighting work is provided by the Wisconsin Department of Transportation (WISDOT) by means of a Local Force Account (LFA) contract. The Common Council previously authorized the Commissioner of Public Works to enter into a funding agreement with WISDOT under Common Council File Number 081491, adapted.

Since the Common Council approved File Number 081491, WISDOT has expanded the scope of the work to be performed, by including the mitigation work on East Layton Avenue from South Howell Avenue to a point east .

The total revised estimated cost of the street lighting project is \$154,302.62, an increase of \$11,971.11 or 8.41% over the previously estimate of \$142,331.51. The total cost for this project will be funded by WISDOT.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffery J Mantes
Commissioner of Public Works

RWB:sdp
Attachments

D:\InSite\Files\MILW\Attachments\82d6a463-4b3b-4f77-b666-7c2eb517ec74.doc

CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)
 Ref: GEN\FISCALNT.MST

A) DATE: August 25, 2009

FILE NUMBER

Original Fiscal Note Substitute

SUBJECT: Resolution authorizes the Commissioner of Public Works and Comptroller to amend the agreement previously authorized by Common Council File number 081491 which authorized the Commissioner of Public Works and the Comptroller enter into a funding agreement with The Wisconsin Department of Transportation (WISDOT) to install interim street lighting facilities, to install permanent street lighting facilities and remove interim street lighting facilities on West College Avenue from South 20th Street to South 13th Street, the intersection of South 6th Street and West Bolivar Avenue and the East side of South 27th Street from West Layton Avenue to West Bottsford Avenue and adjoining streets. Due to the expansion of the scope by WISDOT to include the modification of East Layton Avenue from South Howell Avenue to a point east for traffic medication purposes as part of phase one of the Mitchell Interchange reconstruction, the estimated costs for street lighting improvements have risen \$11,971.11 or 8.41% for a new total of \$154,302.62, 100% grantor funds.

B) SUBMITTED BY Jeffrey S. Polenske, P.E./City Engineer/Infrastructure Services Division/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENTAL ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	Grantor Reimbursable-Paving (fund 0306)	SP032090100	\$ 11,971.11	\$ 11,971.11	
TOTALS:			\$ 11,971.11	\$ 11,971.11	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditure: \$ 11,971.11	Revenue: \$11,971.11
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

None

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

Historic cost for Street Lighting improvements; current labor and material costs.

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

APPROVAL/JUSTIFICATION RECORD FOR CONTRACT MODIFICATIONS

Project I.D. 1030-21-94	Federal I.D.	County Milwaukee	Highway IH94, USH41, IH43 and IH 894
Name of Road West College Avenue from South 20th Street to South 13th Street, the intersection of South 6th Street and West Bolivar Avenue and the East side of South 27th Street from West Layton Avenue to West Bottsford Avenue			Prop Date
Contractor City of Milwaukee Forces LFA			

1

Category Code	Item Code	Quantity +/-	Unit	Item Description	C/A	Contract or Agreed Price	Increase (Decrease)
	90005EQ	+5	EA	Remove wood, concrete, steel or aluminum pole complete		\$363.04	\$1815.20
	90005EM	+1	EA	Install Riser		\$157.17	\$157.17
	90005CT	+3	EA	Install 31' aluminum pole, 2-6' bracket and 2-250w/240v cobra style fixture with 250 watt high pressure sodium lamp (includes riser cable).		\$1644.09	\$4932.27
	90030B	+770	FT	Install 3#4/1#8 LTP underground cable		\$5.454	\$4196.50
	90030M	+306	FT	Install 3#6 Aluminum Triplex overhead wire		\$1.03	\$315.18
	90030S	+666	FT	Remove overhead line wires		\$0.98	\$652.68
						Total Estimated Change	\$11,971.11

Prepared by Thomas R. Mungbe Title Electrical Engineer Date August 25, 2009

Approved by _____ Title *City Engineer Date _____

Approved by _____ Title Comptroller Date _____

Approved by _____ Title _____ Date _____

Approved by _____ FHWA ** _____ Date _____

*Appropriate DOT Level of Authority
 \$10,000 or less.....Project Manager
 \$10,001 to \$25,000.... Team Leader
 \$25,001 or more.....Group Manager

** Required if subject to Federal oversight and if over \$50,000 or change in scope/intent.

APPROVAL/JUSTIFICATION RECORD
FOR CONTRACT MODIFICATION NO. 1

1. Proposed Change Involves:

Relocation of street lighting facilities on East Layton Avenue East of South Howell Avenue.

2. Change Justifications:

The proposed island modification for a larger que for the left turn lane of west bound Layton Avenue to south bound Howell Avenue requires the relocation of the poles in the island and installation of overhead cable to power them.

3. Consequences of Non response to Contract Modification:

The present locations of the poles put them in the proposed turning lane, thus construction of the turning lane cannot start until the poles are relocated.

4. Alternatives considered to accomplish the Contract Modification:

None

5. Justification of Price:

All Costs were prepared using the 2004 Agreed Unit Prices.


**Capital Grant Resolution Certification from the
Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. 090540 for the Mitchell Interchange street lighting modification to local streets: W College Ave from S 20th to S13th, and the intersection of S 6th and W Bolivar and the East side of S 27th from W Layton Ave to W Bottsford Ave and the newly expanded scope per WISDOT of E Layton Ave from S Howell Ave to a point east. (Grantor Share \$11,971.11 City Share Zero) and approved the resolution as to:

- Sufficiency of funds
 Funding sources (per estimated **grant funding agreement**)
 Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: 

Date: 8/25/09



Legislation Details (With Text)

File #: 090541 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution authorizing the construction of a transformer enclosure at 1322 West Layton Avenue and 2105 West Van Norman Avenue, to reroute existing street lightning circuits and the removal of the transformer enclosure at 1322 West Layton Avenue, in conjunction with Mitchell Interchange reconstruction.

Sponsors: THE CHAIR

Indexes: STATE GRANTS, STREET LIGHTING, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: Cover Letter, Fiscal Note, Contract, Comptroller's Certificate, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number:
090541
Version:
ORIGINAL
Reference:

Sponsor:
THE CHAIR
Title:

Resolution authorizing the construction of a transformer enclosure at 1322 West Layton Avenue and 2105 West Van Norman Avenue, to reroute existing street lightning circuits and the removal of the transformer enclosure at 1322 West Layton Avenue, in conjunction with Mitchell Interchange reconstruction.

Analysis:

This resolution authorizes the Commissioner of Public Works to install a transformer enclosure at 1322 West Layton Avenue and 2105 West Van Norman Avenue, to reroute existing street lighting circuits and the removal of the transformer enclosure at 1322 West Layton Avenue, in conjunction with reconstruction of Mitchell Interchange. Funding for the construction of the transformer enclosures is to be provided entirely by the Wisconsin Department of Transportation as part of the interchange project, total estimated cost is \$210,000.00 of which 100% is State funded.

Body:

Whereas, The Wisconsin Department of Transportation is reconstructing the Mitchell Interchange of IH 94, USH 41, IH 43, and IH 894 under the State Highway Improvement Program; and

Whereas The proposed interchange reconstruction project will isolate the street lighting circuitry in neighborhoods north of the freeway from their energy source south of the freeway; and

Whereas The proposed transformer enclosures will supply energy to the street lighting circuitry in the neighborhoods isolated by the interchange reconstruction, to keep the street lights operational during the duration of the reconstruction of the Mitchell Interchange; and

Whereas The transformer enclosure at 2105 West Van Norman Avenue may remain in service to more efficiently handle the changes in circuitry loading due to the reconstruction of the Mitchell interchange; and

Whereas, The Interchange reconstruction project provides cost participation for City of Milwaukee street lighting system improvements required due to this construction; and

Whereas, The total estimated cost of street lighting modifications included as part of this project is \$210,000.00; and

Whereas, One hundred percent of the participating project cost, or \$210,000.00, is reimbursable from the Wisconsin Department of Transportation, and should be earmarked for this project in the 2009 Capital Grant and Aid Projects Account, Project/Grant Number SP032090100; and

Whereas, The Department of Public Works shall notify the Common Council of the City of Milwaukee at the next scheduled meeting of any such project cost overruns and/or changes in scope approved by the Department of Public Works; 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 the Department of Public Works; 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 be and hereby is authorized to execute a contract with the Wisconsin Department of Transportation pertaining to cost participation for the construction of a transformer enclosure at 1322 West Layton Avenue and 2105 West Van Norman Avenue, to reroute existing street lighting circuits and the removal of the transformer enclosure at 1322 West Layton Avenue, in conjunction with Mitchell Interchange reconstruction and, be it

Further Resolved, That upon approval of this contract, the Commissioner of Public Works is authorized to construct the transformer enclosures in conjunction with the Mitchell Interchange improvements; and, be it

Further Resolved, That upon approval of this contract, the City Comptroller is hereby authorized to transfer to these accounts the amount required under the agreement and City accounting policy, but not to exceed a ten percent increase of the total amounts reserved for the grantor's share or \$5,000, whichever is greater as follows:

Location:

Project I.D. 1030-21-95

1322 W Layton Avenue and 2105 West Van Norman Avenue and adjoining streets

Grantor Share (WISDOT)

Fund Number 0306

Estimated Cost - \$210,000.00

Project/Grant Number SP032090100

Total Estimated Cost: \$210,000.00

Previously authorized for street lighting improvements: \$0.00

Current estimated costs of the project including this resolution: \$210,000.00

Original estimated costs of the total project: \$210,000.00

Requestor:

Department of Public works

Drafter:

Infrastructure Services Division

RWB:sdp

August 25, 2009

August 25, 2009

To the Honorable, the Common Council

Subject: Street Lighting
Mitchell Interchange Reconstruction
Phase 2

Dear Honorable Members:

Reconstruction of the Mitchell Interchange will include modifications to local streets. Due to the magnitude of this project, it is being divided into phases. This part of the second phase will affect the area around 1322 West Layton Avenue and 2105 West Van Norman and adjoining streets.

Street Lighting facility modifications being done in conjunction with this project will include, installation of two transformer enclosures (power sources for the street lighting) modifying permanent lighting, and the removal of the translosures. Funding for the street lighting work is provided by the Wisconsin Department of Transportation (WISDOT) by means of a Local Force Account (LFA) contract.

One Hundred percent of the total cost will be funded by WISDOT.

The attached resolution authorizes the Commissioner of Public Works to execute a LFA contract with WISDOT that allows City forces to install the interim lighting, permanent lighting improvements, and removal of the interim lighting in conjunction with the work in the above named areas.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffery J Mantes
Commissioner of Public Works

RWB:sdp

Attachment

CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)
Ref: GEN\FISCALNT.MST

A) DATE: August 25, 2009

FILE NUMBER

Original Fiscal Note Substitute

SUBJECT: This resolution authorizes the Commissioner of Public Works to install a transformer enclosure at 1322 West Layton Avenue and 2105 West Van Norman Avenue, to reroute existing street lighting circuitry and the removal of a pad mount series transformer enclosure in conjunction with the reconstruction of Mitchell Interchange. Funding for the construction of the street lighting enclosures is to be provided entirely by the Wisconsin Department of Transportation as part of the interchange project, total estimated cost is \$210,000.00 of which 100% is State funded.

B) SUBMITTED BY Jeffrey S. Polenske, P.E./City Engineer/Infrastructure Services Division/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENTAL ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
	Grantor Reimbursable Paving (Fund 0306)	SP032090100	\$210,000.00	\$210,000.00	
TOTALS:			\$210,000.00	\$210,000.00	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditures: \$210,000.00	Revenue: \$210,000.00
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

None

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

Historic cost for Street Lighting improvements; current labor and material costs.

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

CONTRACT FOR CONSTRUCTION Local Force Account

Wisconsin Department of Transportation
DT2056 7/2005

Project ID 1030-21-95	Contract Amount \$210,000.00	Contract between WDOT and Local Governmental Unit <input checked="" type="checkbox"/> Municipality <input checked="" type="checkbox"/> City of Milwaukee <input type="checkbox"/> Village of <input type="checkbox"/> Town of
Road Name 1322 West Layton Avenue and 2105 West Van Norman Avenue and adjoining streets		
Highway IH94 USH 41 IH43 IH894	County - Where Work Performed Milwaukee	<input type="checkbox"/> County - Who is doing the work
<input type="checkbox"/> Work on STH System - SHR Funded (CEF to BHO, Contract to BHO)		<input checked="" type="checkbox"/> Work on Local Units System (CEF to DTSD Region, Contract to BPD)
<input type="checkbox"/> Work on STH System - Non-SHR Funded (CEF to BHO, Contract to BHO)		<input type="checkbox"/> Work on Another Local Units System (CEF to DTSD Region, Contract to BPD)
Type of Work Construction of two four-circuit series pad mount enclosures		
Approximate Start Work Date September 30 th , 2009		Approximate Stop Work Date September 30 th , 2012

This contract is made and entered into by and between the Wisconsin Department of Transportation, designated the "Department", and the above-identified county or municipality, designated the "Local Governmental Unit", represented by its designees for constructing the above-specified project. The Department finds and determines that it is more feasible and advantageous for highway purposes to construct the identified project with the Local Governmental Unit's organization, forces, and equipment. The Department and Local Governmental Unit mutually agree to the provisions on the attached pages, which are made a part of this contract.

Recommended for Approval

For County or Municipality

(Name) (Date)

(Title)

(Name) (Date)

(Title)

(Name) (Date)

(Title)

(Name) (Date)

(Title)

For Wisconsin Department of Transportation

(Regional Director) (Date)

Approved for the State of Wisconsin

(Contract Specialist) (Date)

(Director of Project Development) (Date)

(Governor of Wisconsin) (Date)

The Local Governmental Unit agrees to construct the described project in accordance with the requirements of the Department, the approved plans when required for such project, in accordance with the Standard Specifications for Road and Bridge Construction and approved supplements as may be applicable, and in accordance with the special provisions made a part of this contract. The word "contractor" as used in the specifications and special provisions shall, when applicable, be deemed to mean the Local Governmental Unit.

The provisions of Subsection 108.11 of the Standard Specifications, Liquidated Damages, are deleted from this contract.

The Local Governmental Unit is authorized by the Department and agrees to provide for the purchase, delivery, and storing of all materials required except those excluded from this contract, the furnishing or necessary rental of all equipment and small tools, and the furnishing of all labor necessary to expeditiously complete the work, and to pay all costs incurred pursuant to this contract.

The Department agrees to reimburse the Local Governmental Unit for actual costs of equipment, labor and materials incurred in performing the work up to the contract amount or as amended by contract change orders.

The Department agrees to pay to the Local Governmental Unit and the Local Governmental Unit agrees to accept in full, settlement for the work performed under this contract:

1. The actual cost of labor, at rates currently paid by the Local Governmental Unit for similar work in the area, materials and incidental expense furnished or incurred by the Local Governmental Unit pursuant to this contract, such payment to be based on a Detailed Statement of Expenditures, submitted monthly with the Monthly Report of Expenditures, and verified by the Local Governmental Unit.
2. The recognized costs incident to the employment of labor under this contract (such as worker's compensation insurance, unemployment and retirement contributions and time off with pay) computed and requisitioned in accordance with established policy.
3. An allowance for the use of equipment, tools and incidentals for the work under this contract. Such allowance shall be in accordance with the provisions of, and at the rates either:
 - (a) Specified in the Cost Agreement between the Department and the Local Governmental Unit in effect when the work is performed, except for the

conditions, changes or additions as listed below, or as may be otherwise provided in the Special Provisions of this contract; or,

- (b) Specified in the attached Equipment Rate schedule, or as may be otherwise provided in the special provisions of this contract.

These payments shall be based on a Detailed Statement of Expenditures, submitted monthly with the Monthly Report of Expenditures and verified by the Local Governmental Unit.

The rates established apply on equipment in good working order. Allowance will be made only for the time during which the equipment is in actual use on the project; no allowance will be made for equipment wholly inadequate or inefficient or in excess of the requirements of the work.

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s.51.01(5) Wis. Stats., sexual orientation, or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

The Local Governmental Unit agrees to furnish, on the Detailed Statement of Expenditures, an accurate distribution of the costs between the various items of work.

The estimated unit costs of materials being used on this contract are listed as attached.

INFRASTRUCTURES SERVICE DIVISION - TRANSPORTATION
DEPARTMENT OF PUBLIC WORKS - CITY OF MILWAUKEE
Transformer Enclosure Construction
1322 West Layton Avenue and 2105 West Van Norman Avenue

COST ESTIMATE - STREET LIGHTING

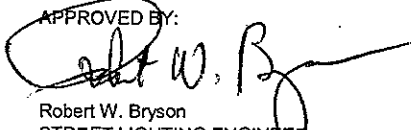
STATE	CITY	ITEM	DESCRIPTION	QUANTITY	UNIT COST	TOTAL COST	
		90005HD	2	Installation of a four(4) Circuit Series Pad Mount Enclosure	2	\$ 90,000.00	\$ 180,000.00

WE Energies Electrical Service Cost

\$30,000

Total Cost \$ 210,000.00

APPROVED BY:



Robert W. Bryson
STREET LIGHTING ENGINEER
TRANSPORTATION SECTION
TRAFFIC & LIGHTING DESIGN UNIT

**Capital Grant Resolution Certification from the
Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. 090541 for the construction of a transformer enclosure at 1322 W Layton Ave and 2105 W Van Norman Ave in conjunction with the Mitchell Interchange (Grantor Share \$210,000 City Share Zero) and approved the resolution as to:

- Sufficiency of funds
- Funding sources (per estimated **grant funding agreement**)
- Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: C. Wisniewski

Date: 8/25/09



Legislation Details (With Text)

File #: 090542 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of West Lisbon Avenue from North Sherman Boulevard to the Soo Line Railroad in the 15th Aldermanic District at a total estimated cost of \$90,185.24, with an estimated grantor share of \$72,148.19, and an estimated City share of \$18,037.05.

Sponsors: THE CHAIR

Indexes: AGREEMENTS, STATE GRANTS, TRAFFIC CONTROL SIGNALS, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: Cover Letter, Fiscal Note, Contract, Comptroller's Certificate, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number
090542
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title

Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of West Lisbon Avenue from North Sherman Boulevard to the Soo Line Railroad in the 15th Aldermanic District at a total estimated cost of \$90,185.24, with an estimated grantor share of \$72,148.19, and an estimated City share of \$18,037.05.

Analysis

This resolution authorizes the Commissioner of Public Works and Comptroller to enter into a funding agreement with the Wisconsin Department of Transportation for installation of traffic control improvements in conjunction with the paving of West Lisbon Avenue from North Sherman Boulevard to the Soo Line Railroad in the 15th Aldermanic District at a total estimated cost of \$90,185.24, with an estimated grantor share of \$72,148.19, and an estimated City share of \$18,037.05, and to install these improvements upon execution of the agreement. This resolution also authorizes the Comptroller to establish and transfer funds to the appropriate accounts for the project. The total estimated cost of the entire project is \$2,866,012.24, with a grantor share of \$2,703,466.59 and a City share of \$162,545.65.

Body

Whereas, The Project Agreement for the paving of West Lisbon Avenue from North Sherman Boulevard to the Soo Line Railroad was approved by the Common Council under File Number 040400; and

Whereas, The Surface Transportation Program provides cost participation for traffic control improvements in conjunction with the paving of highways located on the Federal/State Aid Highway System; and

Whereas, The total estimated cost of this project is \$90,185.24 for the alteration and upgrade of traffic control signals and the upgrade of traffic control signs; and

Whereas, Twenty percent of the participating costs, or \$18,037.05, is not reimbursable and is included in the Division's 2009 Capital Purpose Project/Grant Number ST320090000; and

Whereas, Eighty percent of the participating project cost, or \$72,148.19, is reimbursable from the Wisconsin Department of Transportation (WISDOT), and should be earmarked for this project in the 2009 Capital Grant and Aids Projects Fund Project/Grant Number SP032090100; 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 approval; and

Whereas, The Department of Public Works shall notify the Common Council of the City of Milwaukee at the next scheduled meeting of any such project cost overruns and/or changes in scope approved by the Department of Public Works; 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 the Department of Public Works; 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 and the Comptroller are authorized to enter into a funding agreement and are directed to execute the contract with WISDOT for the installation of traffic control facilities in conjunction with the improvements to West Lisbon Avenue from North

Sherman Boulevard to the Soo Line Railroad with unit prices based on a predetermined estimate prepared under the Federal/State aided highway program, a copy of which is attached to this resolution, and is incorporated into this resolution as though set forth in full; and, be it

Further Resolved, That upon approval of this contract, that the Commissioner of Public Works is directed to install and modify traffic control facilities in conjunction with the improvements to West Lisbon Avenue from North Sherman Boulevard to the Soo Line Railroad; and, be it

Further Resolved, That upon approval of this contract, the City Comptroller is hereby authorized to create within the Capital Grant and Aid Projects Fund the appropriate Project/Grant Chartfield Value for this project; and transfer to these accounts the amount required under the 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:

Location:

Project I.D.-2590-03-90

West Lisbon Avenue from North Sherman Boulevard to the Soo Line Railroad

City of Milwaukee Share

Fund Number-0333

Project/Grant Number-ST320090000

\$18,037.05

Grantor Reimbursable Cash - Traffic Control

Fund Number-0306

Project/Grant Number-SP032090100

\$72,148.19

Total-\$90,185.24

Previously Authorized for Traffic Control Improvements-\$0.00

Current Estimated Cost of the Total Project Including this Resolution-\$2,866,012.24

Original Estimated Cost of the Total Project (Common Council Resolution File Number 040400)-\$1,533,935.00

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

RWB:sdp

West Lisbon Avenue (North Sherman Boulevard to the Soo Line Railroad)

08/25/2009

I:\SIGNALS\State Pavings\2009\2984-36-91 State 17th to 27th\Council\State 17th to 27th Resolution.doc

August 25, 2009:

To the Public Works Committee

Subject: Installation of Traffic Control Devices in
conjunction with the Federal/State Aid
paving of West Lisbon Avenue from
North Sherman Boulevard to the Soo Line Railroad

Dear Honorable Members:

Installation of Traffic Control Devices in conjunction with the Federal/State Aid paving of West Lisbon Avenue from North Sherman Boulevard to the Soo Line Railroad was approved by the Common Council, under File Number 040400.

The Surface Transportation Program provides cost participation for traffic control improvements in conjunction with the paving of highways located on the Federal/State Aid Highway System.

The total estimated cost of this project is \$90,185.24 for the alteration and upgrade of traffic control signals and the upgrade of traffic control signs. Twenty percent (20%) of the participating cost or \$18,037.05 will be City funded and the eighty percent (80%) will be funded by Wisconsin Department of Transportation.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

RWB:sdp
Attachments

CITY OF MILWAUKEE FISCAL NOTE

A) DATE August 25, 2009

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of West Lisbon Avenue from North Sherman Boulevard to the Soo Line Railroad in the 15th Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): Jeffrey S. Polenske, PE / City Engineer / Infrastructure Services Division / extension 2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	City Share (N/A Paving Fund 0333)	ST320090000	\$ 18,037.05	\$ 0.00	
	Grantor Paving Reimbursable (Fund 0306)	SP032090100	72,148.19	72,148.19	
TOTALS			\$90,185.24	\$ 72,148.19	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditures - \$90.185.24	Revenue - \$72.148.19
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

CONTRACT FOR CONSTRUCTION Local Force Account

Wisconsin Department of Transportation
DT2056 7/2005

Project ID 2590-03-90	Contract Amount \$90,185.24	Contract between WDOT and Local Governmental Unit
Road Name W. Lisbon Av. - N. Sherman Blvd. to Soo Line Railroad		<input checked="" type="checkbox"/> Municipality
Highway		<input checked="" type="checkbox"/> City of Milwaukee
County - Where Work Performed Milwaukee		<input type="checkbox"/> Village of
		<input type="checkbox"/> Town of
		<input type="checkbox"/> County - Who is doing the work
<input type="checkbox"/> Work on STH System - SHR Funded (CEF to BHO, Contract to BHO)		<input checked="" type="checkbox"/> Work on Local Units System (CEF to DTSD Region, Contract to BPD)
<input type="checkbox"/> Work on STH System - Non-SHR Funded (CEF to BHO, Contract to BHO)		<input type="checkbox"/> Work on Another Local Units System (CEF to DTSD Region, Contract to BPD)
Type of Work Traffic Signal and Sign Modifications		
Approximate Start Work Date November 1, 2009		Approximate Stop Work Date December 31, 2011

This contract is made and entered into by and between the Wisconsin Department of Transportation, designated the "Department", and the above-identified county or municipality, designated the "Local Governmental Unit", represented by its designees for constructing the above-specified project. The Department finds and determines that it is more feasible and advantageous for highway purposes to construct the identified project with the Local Governmental Unit's organization, forces, and equipment. The Department and Local Governmental Unit mutually agree to the provisions on the attached pages, which are made a part of this contract.

Recommended for Approval

For County or Municipality

(Name) Jeffrey J. Mantes (Date)

(Title) Commissioner of Public Works

(Name) W. Martin Morics (Date)

(Title) Comptroller

(Name) (Date)

(Title)

(Name) (Date)

(Title)

For Wisconsin Department of Transportation

(Regional Director) (Date)

Approved for the State of Wisconsin

(Contract Specialist) (Date)

(Director of Project Development) (Date)

(Governor of Wisconsin) (Date)

The Local Governmental Unit agrees to construct the described project in accordance with the requirements of the Department, the approved plans when required for such project, in accordance with the Standard Specifications for Road and Bridge Construction and approved supplements as may be applicable, and in accordance with the special provisions made a part of this contract. The word "contractor" as used in the specifications and special provisions shall, when applicable, be deemed to mean the Local Governmental Unit.

The provisions of Subsection 108.11 of the Standard Specifications, Liquidated Damages, are deleted from this contract.

The Local Governmental Unit is authorized by the Department and agrees to provide for the purchase, delivery, and storing of all materials required except those excluded from this contract, the furnishing or necessary rental of all equipment and small tools, and the furnishing of all labor necessary to expeditiously complete the work, and to pay all costs incurred pursuant to this contract.

The Department agrees to reimburse the Local Governmental Unit for actual costs of equipment, labor and materials incurred in performing the work up to the contract amount or as amended by contract change orders.

The Department agrees to pay to the Local Governmental Unit and the Local Governmental Unit agrees to accept in full, settlement for the work performed under this contract:

1. The actual cost of labor, at rates currently paid by the Local Governmental Unit for similar work in the area, materials and incidental expense furnished or incurred by the Local Governmental Unit pursuant to this contract, such payment to be based on a Detailed Statement of Expenditures, submitted monthly with the Monthly Report of Expenditures, and verified by the Local Governmental Unit.
2. The recognized costs incident to the employment of labor under this contract (such as worker's compensation insurance, unemployment and retirement contributions and time off with pay) computed and requisitioned in accordance with established policy.
3. An allowance for the use of equipment, tools and incidentals for the work under this contract. Such allowance shall be in accordance with the provisions of, and at the rates either:
 - (a) Specified in the Cost Agreement between the Department and the Local Governmental Unit in effect when the work is performed, except for the

condition, changes or additions as listed below, or as may be otherwise provided in the Special Provisions of this contract; or,

- (b) Specified in the attached Equipment Rate schedule, or as may be otherwise provided in the special provisions of this contract.

These payments shall be based on a Detailed Statement of Expenditures, submitted monthly with the Monthly Report of Expenditures and verified by the Local Governmental Unit.

The rates established apply on equipment in good working order. Allowance will be made only for the time during which the equipment is in actual use on the project; no allowance will be made for equipment wholly inadequate or inefficient or in excess of the requirements of the work.

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s.51.01(5) Wis. Stats., sexual orientation, or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

The Local Governmental Unit agrees to furnish, on the Detailed Statement of Expenditures, an accurate distribution of the costs between the various items of work.

The estimated unit costs of materials being used on this contract are listed as attached.

April 9, 2007

ADDITIONAL PROVISIONS FOR FEDERAL-AID FORCE ACCOUNTS

I GENERAL

1. These contract provisions shall apply to all work performed as part of a Local Force Account (LFA) contract by the Local Public Agency (LPA).
2. A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.
3. **Selection of Labor:** During the performance of this contract, the LPA shall not employ convict labor for any purpose within the limits of the project unless it is labor performed by convicts who are on parole, supervised release, or probation.

II NONDISCRIMINATION ASSURANCE

As required by 49 U.S.C. 5332 (which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity), Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21 at 21.7, the Applicant assures that it will comply with all requirements of 49 CFR part 21; FHWA policies, and other applicable directives, so that no person in the United States, on the basis of race, color, national origin, creed, sex, or age will be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity (particularly in the level and quality of transportation services and transportation-related benefits) for which the Applicant receives Federal assistance awarded by the U.S. DOT or FHWA as follows: (1) The Applicant assures that each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance with all applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21, and understands that this assurance extends to its entire facility and to facilities operated in connection with the project. (2) The Applicant assures that it will take appropriate action to ensure that any transferee receiving property financed with Federal assistance derived from FHWA will comply with the applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21. (3) The Applicant assures that it will promptly take the necessary actions to effectuate this assurance, including notifying the public that complaints of discrimination in the provision of transportation-related services or benefits may be filed with U.S. DOT or FHWA. Upon request by U.S. DOT or FHWA, the Applicant assures that it will submit the required information pertaining to its compliance with these requirements. (4) The Applicant assures that it will make any changes in its 49 U.S.C. 5332 and Title VI implementing procedures as U.S. DOT or FHWA may request. (5) As required by 49 CFR 21.7(a)(2), the Applicant will include in each third party contract or subagreement provisions to invoke the requirements of 49 U.S.C. 5332 and 49 CFR part 21, and include provisions to invoke those requirements in deeds and instruments recording the transfer of real property, structures, improvements.

III ASSURANCE OF NONDISCRIMINATION ON THE BASIS OF DISABILITY

As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," at 49 CFR part 27, implementing the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, the Applicant assures that, as a condition to the approval or extension of any Federal assistance awarded by FHWA to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research, or to participate in or obtain any benefit from any program administered by FHWA, no otherwise qualified person with a disability shall be, solely by reason of that disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving or benefiting from Federal assistance administered by the FHA or any entity within U.S. DOT. The Applicant assures that project implementation and operations so

assisted will comply with all applicable requirements of U.S. DOT regulations implementing the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, and the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq. at 49 CFR parts 27, 37, and 38, and any applicable regulations and directives issued by other Federal departments or agencies.

IV SAFETY: ACCIDENT PREVENTION

1. In the performance of this contract the LPA shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The LPA shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the State Highway Agency (SHA) contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.
2. It is a condition of this contract that the LPA shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).
3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

V FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, LPA's, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented; Shall be fined not more than \$10,000 or imprisoned not more than 5 years or both."

VI BUY AMERICA

All steel and iron materials permanently incorporated in this project shall be domestic products and all manufacturing and coating processes for these materials must have occurred within the United States. Coating includes epoxy coating, galvanizing, painting and any other coating that protects or enhances

the value of a material subject to the requirements of Buy America. The exemption of this requirement is the minimal use of foreign materials if the total cost of such material permanently incorporated in the product does not exceed one-tenth of one percent (1/10 of 1%) of the total contract cost or \$2,500.00, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the subject products as they are delivered to the project.

VII Prohibition Against Convict Produced Materials (23 CFR 635.417)

No materials produced by convict labor (unless produced by convicts who are on parole, supervised release, or probation from a prison) may be incorporated into any project located on the Federal-aid highway system. This prohibition does not apply to projects on roads that are functionally classified as local or rural minor collectors.

VIII Purchase of Materials

LPA's are required to use fair and open competition in obtaining articles and materials used in this project. They may not use any requirements, preferences, or procurement methods that exclude out-of-State participation or that unfairly favor in-State sources.

IX Requirement For and Access to Records

LPA's must maintain, for at least three years following final payment, complete project records. This includes the thorough documentation of the basis for payment (actual costs of labor, equipment and materials) as well as documentation prescribed in the WisDOT Construction & Materials Manual. In addition LPA's shall make all such records fully available to WisDOT, the Federal Highway Administration, the U.S. Comptroller General, and their authorized representatives. Records must also be available for public access consistent with the Federal Freedom of Information Act (FOIA) and State and local law.

PROJECT UNIT COST ANALYSIS

ESTIMATE OF QUANTITIES
 PROJECT ID 2590-03-90
 W. LISBON AV. - N. SHERMAN BLVD. TO SOO LINE RAILROAD
 MILWAUKEE COUNTY

Item No.	Description	Unit	Quantity	Excluded Costs	City Unit	City Total
71033	Opticom 711 Detector w/ Selector Card	Each	1	\$2,462.28	\$2,637.10	\$2,637.10
71034	Opticom 721 Detector w/ Selector Cards	Each	3	\$13,566.46	\$4,696.97	\$14,090.92
71035	Opticom Flood Lights	Each	7	\$360.52	\$197.56	\$1,382.90
71060	512 Signal Housing	Each	1	\$561.88	\$955.24	\$955.24
71061	412 Signal Housing	Each	2	\$934.83	\$773.35	\$1,546.70
71062	312 Signal Housing	Each	32	\$11,508.17	\$578.16	\$18,501.01
71065	Pushbutton, Mushroom Head (ADA 2")	Each	5	\$189.66	\$125.34	\$626.71
71066LC	DW-W Combination 12" Sig. Hous.	Each	26	\$4,400.87	\$300.38	\$7,809.88
71067	Countdown Ped 12" Sig. Hous.	Each	26	\$5,014.76	\$323.99	\$8,423.77
71081	312M Signal Housing	Each	1	\$1,204.27	\$1,466.50	\$1,466.50
71155	Loop Detector Slots	LF	460	\$1,148.41	\$6.87	\$3,158.85
71176	Remove Overhead Line Wire	LF	1,015	\$45.07	\$0.92	\$932.29
71190	Mast Arm, Fabricated	Each	1	\$69.12	\$1,476.42	\$1,476.42
71191	Mast Arm Pole, Installed	Each	1	\$1,829.43	\$2,294.70	\$2,294.70
71197	SS 13'	Each	8	\$5,788.47	\$1,116.91	\$8,935.25
71198	1' SS Extension Installed	Each	7	\$462.09	\$109.72	\$768.04
71199	2' SS Extension Installed	Each	2	\$199.71	\$143.56	\$287.12
73294	3' RSP Socket	Each	38	\$394.21	\$27.29	\$1,037.18
73295	Socket (Concrete Install)	Each	29	\$410.26	\$39.53	\$1,146.29
73296	2"x9'6" Pipe	Each	57	\$1,818.46	\$35.29	\$2,011.36
73298	2"x11'0" Pipe	Each	15	\$483.14	\$35.59	\$533.91
73299	Signs Reflective Type II	Sq Ft	784	\$5,534.36	\$10.91	\$8,551.92
73310	Mounting Hardware CP/SS/AP	Each	83	\$13.28	\$3.54	\$294.15
73311	Mounting Hardware PS	Each	97	\$147.72	\$4.91	\$475.98
73312	SNS Mounting CP	Each	33	\$669.02	\$23.66	\$780.69
73313	SNS Mounting PS	Each	5	\$0.80	\$3.55	\$17.73
73325	SNS Mounting Signals	Each	2	\$35.87	\$21.32	\$42.63

TOTAL CITY COST \$90,185.24
TOTAL EXCLUDED COSTS \$59,253.12

APPROVED BY:


ROBERT W. BRYSON
 CHIEF TRAFFIC AND LIGHTING ENGINEER

TRANSPORTATION SECTION
 TRAFFIC AND LIGHTING DESIGN UNIT
 JOSEPH C. BLAKEMAN
 REVISED: AUGUST 13, 2009

* These items are unique and have no comparable standard bid item equivalent. Therefore, they are not included in the comparison to bid cost.

** Please note that the Total City Cost includes the embedded costs of mobilization and traffic control which are included in the times used for calculating City Unit Costs on the attached worksheets.

**Capital Grant Resolution Certification from the
Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. 090542 for traffic control devices on West Lisbon Avenue from North Sherman Boulevard to the Soo Line Railroad (Grantor Share \$72,148.19 City Share \$18,037.05)(Construction Portion is ARRA) and approved the resolution as to:

- Sufficiency of funds
- Funding sources (per estimated **grant funding agreement**)
- Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: *C. W. [Signature]*

Date: 8/25/09



Legislation Details (With Text)

File #: 090543 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of West Oklahoma Avenue from South 72nd Street to South 60th Street in the 11th Aldermanic District at a total estimated cost of \$45,271.77, with an estimated grantor share of \$36,217.42, and an estimated City share of \$9,054.35.

Sponsors: THE CHAIR

Indexes: AGREEMENTS, STREET IMPROVEMENTS, TRAFFIC CONTROL SIGNALS, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: Cover Letter, Fiscal Note, Contract, Comptroller's Certificate, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090543

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of West Oklahoma Avenue from South 72nd Street to South 60th Street in the 11th Aldermanic District at a total estimated cost of \$45,271.77, with an estimated grantor share of \$36,217.42, and an estimated City share of \$9,054.35.

Analysis

This resolution authorizes the Commissioner of Public Works and Comptroller to enter into a funding agreement with the Wisconsin Department of Transportation for installation of traffic control improvements in conjunction with the paving of West Oklahoma Avenue from South 72nd Street to South 60th Street in the 11th Aldermanic District at a total estimated cost of \$45,271.77, with an estimated grantor share of \$36,217.42, and an estimated City share of \$9,054.35, and to install these improvements upon execution of the agreement. This resolution also authorizes the Comptroller to establish and transfer funds to the appropriate accounts for the project. The total estimated cost of the entire project is \$3,633,000.00 with a grantor share of \$3,309,000.00 and a City share of \$324,000.00.

Body

Whereas, The Project Agreement for the paving of West Oklahoma Avenue from South 72nd Street to South 60th Street was approved by the Common Council under File Number 060158; and

Whereas, The Surface Transportation Program provides cost participation for traffic control improvements in conjunction with the paving of highways located on the Federal/State Aid Highway System; and

Whereas, The total estimated cost of this project is \$45,271.77 for the alteration and upgrade of traffic control signals and the upgrade of traffic control signs; and

Whereas, Twenty percent of the participating costs, or \$9,054.35, is not reimbursable and is included in the Division's 2009 Capital Purpose Project/Grant Number ST320090000; and

Whereas, Eighty percent of the participating project cost, or \$36,217.42, is reimbursable from the Wisconsin Department of Transportation (WISDOT), and should be earmarked for this project in the 2009 Capital Grant and Aids Projects Fund Project/Grant Number SP032090100; 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 approval; and

Whereas, The Department of Public Works shall notify the Common Council of the City of Milwaukee at the next scheduled meeting of any such project cost overruns and/or changes in scope approved by the Department of Public Works; 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 the Department of Public Works; 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 and the Comptroller are authorized to enter into a funding agreement and are directed to execute the contract with WISDOT for the installation of traffic control facilities in conjunction with the improvements to West Oklahoma Avenue from South

72nd Street to South 60th Street with unit prices based on a predetermined estimate prepared under the Federal/State aided highway program, a copy of which is attached to this resolution, and is incorporated into this resolution as though set forth in full; and, be it

Further Resolved, That upon approval of this contract, that the Commissioner of Public Works is directed to install and modify traffic control facilities in conjunction with the improvements to West Oklahoma Avenue from South 72nd Street to South 60th Street; and, be it

Further Resolved, That upon approval of this contract, the City Comptroller is hereby authorized to create within the Capital Grant and Aid Projects Fund the appropriate Project/Grant Chartfield Value for this project; and transfer to these accounts the amount required under the 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:

Location:

Project I.D.-2400-09-90

West Oklahoma Avenue from South 72nd Street to South 60th Street

City of Milwaukee Share

Fund Number-0333

Project/Grant Number-ST320090000

\$9,054.35

Grantor Reimbursable Cash - Traffic Control

Fund Number-0306

Project/Grant Number-SP032090100

\$36,217.42

Total-\$45,271.77

Previously Authorized for Traffic Control Improvements-\$0.00

Current Estimated Cost of the Total Project Including this Resolution-\$3,633,000.00

Original Estimated Cost of the Total Project (Common Council Resolution File Number 060158)-\$3,420,000.00

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

RWB:sdp

West Oklahoma Avenue (South 72nd Street to South 60th Street)

08/25/2009

I:\SIGNALS\State Pavings\2009\2400-09-90 Oklahoma 60th to 72nd\Council\Oklahoma 72nd to 60th Resolution.doc

August 25, 2009:

To the Public Works Committee

Subject: Installation of Traffic Control Devices in
conjunction with the Federal/State Aid
paving of West Oklahoma Avenue from
South 72nd Street and South 60th Street

Dear Honorable Members:

Installation of Traffic Control Devices in conjunction with the Federal/State Aid paving of West Oklahoma Avenue from South 72nd Street to South 60th Street was approved by the Common Council, under File Number 060158.

The Surface Transportation Program provides cost participation for traffic control improvements in conjunction with the paving of highways located on the Federal/State Aid Highway System.

The total estimated cost of this project is \$45,271.77 for the alteration and upgrade of traffic control signals and the upgrade of traffic control signs. Twenty percent (20%) of the participating cost or \$9,054.35 will be City funded and the eighty percent (80%) will be funded by Wisconsin Department of Transportation.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

RWB:sdp
Attachments

CITY OF MILWAUKEE FISCAL NOTE

A) DATE August 25, 2009

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution relative to the cost participation and installation of Traffic Control devices in conjunction with the Federal/State Aid paving of West Oklahoma Avenue from South 72nd Street to South 60th Street in the 11th Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): Jeffrey S. Polenske, PE / City Engineer / Infrastructure Services Division / extension 2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	City Share (N/A Paving Fund 0333)	ST320090000	\$ 9,054.35	\$ 0.00	
	Grantor Paving Reimbursable (Fund 0306)	SP032090100	36,217.42	36,217.42	
TOTALS			\$ 45,271.77	\$ 36,217.42	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditure: \$45,271.77	Revenue: \$36,217.42
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:
None

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:
None

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

CONTRACT FOR CONSTRUCTION

Local Force Account

Wisconsin Department of Transportation
DT2056 7/2005

Project ID 2400-09-90	Contract Amount \$45,271.77	Contract between WDOT and Local Governmental Unit <input checked="" type="checkbox"/> Municipality <input checked="" type="checkbox"/> City of Milwaukee <input type="checkbox"/> Village of <input type="checkbox"/> Town of <input type="checkbox"/> County – Who is doing the work
Road Name W. Oklahoma Av. - S. 72nd St. to S. 60th St.		
Highway	County – Where Work Performed Milwaukee	<input checked="" type="checkbox"/> Work on Local Units System (CEF to DTSD Region, Contract to BPD) <input type="checkbox"/> Work on Another Local Units System (CEF to DTSD Region, Contract to BPD)
<input type="checkbox"/> Work on STH System - SHR Funded (CEF to BHO, Contract to BHO)		
<input type="checkbox"/> Work on STH System – Non-SHR Funded (CEF to BHO, Contract to BHO)		
Type of Work Traffic Signal and Sign Modifications		
Approximate Start Work Date November 1, 2009		Approximate Stop Work Date December 31, 2011

This contract is made and entered into by and between the Wisconsin Department of Transportation, designated the "Department", and the above-identified county or municipality, designated the "Local Governmental Unit", represented by its designees for constructing the above-specified project. The Department finds and determines that it is more feasible and advantageous for highway purposes to construct the identified project with the Local Governmental Unit's organization, forces, and equipment. The Department and Local Governmental Unit mutually agree to the provisions on the attached pages, which are made a part of this contract.

Recommended for Approval

For County or Municipality

(Name) Jeffrey J. Mantes (Date)

(Title) Commissioner of Public Works

(Name) W. Martin Morics (Date)

(Title) Comptroller

(Name) (Date)

(Title)

(Name) (Date)

(Title)

For Wisconsin Department of Transportation

(Regional Director) (Date)

Approved for the State of Wisconsin

(Contract Specialist) (Date)

(Director of Project Development) (Date)

(Governor of Wisconsin) (Date)

The Local Governmental Unit agrees to construct the described project in accordance with the requirements of the Department, the approved plans when required for such project, in accordance with the Standard Specifications for Road and Bridge Construction and approved supplements as may be applicable, and in accordance with the special provisions made a part of this contract. The word "contractor" as used in the specifications and special provisions shall, when applicable, be deemed to mean the Local Governmental Unit.

The provisions of Subsection 108.11 of the Standard Specifications, Liquidated Damages, are deleted from this contract.

The Local Governmental Unit is authorized by the Department and agrees to provide for the purchase, delivery, and storing of all materials required except those excluded from this contract, the furnishing or necessary rental of all equipment and small tools, and the furnishing of all labor necessary to expeditiously complete the work, and to pay all costs incurred pursuant to this contract.

The Department agrees to reimburse the Local Governmental Unit for actual costs of equipment, labor and materials incurred in performing the work up to the contract amount or as amended by contract change orders.

The Department agrees to pay to the Local Governmental Unit and the Local Governmental Unit agrees to accept in full, settlement for the work performed under this contract:

1. The actual cost of labor, at rates currently paid by the Local Governmental Unit for similar work in the area, materials and incidental expense furnished or incurred by the Local Governmental Unit pursuant to this contract, such payment to be based on a Detailed Statement of Expenditures, submitted monthly with the Monthly Report of Expenditures, and verified by the Local Governmental Unit.
2. The recognized costs incident to the employment of labor under this contract (such as worker's compensation insurance, unemployment and retirement contributions and time off with pay) computed and requisitioned in accordance with established policy.
3. An allowance for the use of equipment, tools and incidentals for the work under this contract. Such allowance shall be in accordance with the provisions of, and at the rates either:
 - (a) Specified in the Cost Agreement between the Department and the Local Governmental Unit in effect when the work is performed, except for the

conditions, changes or additions as listed below, or as may be otherwise provided in the Special Provisions of this contract; or,

- (b) Specified in the attached Equipment Rate schedule, or as may be otherwise provided in the special provisions of this contract.

These payments shall be based on a Detailed Statement of Expenditures, submitted monthly with the Monthly Report of Expenditures and verified by the Local Governmental Unit.

The rates established apply on equipment in good working order. Allowance will be made only for the time during which the equipment is in actual use on the project; no allowance will be made for equipment wholly inadequate or inefficient or in excess of the requirements of the work.

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s.51.01(5) Wis. Stats., sexual orientation, or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

The Local Governmental Unit agrees to furnish, on the Detailed Statement of Expenditures, an accurate distribution of the costs between the various items of work.

The estimated unit costs of materials being used on this contract are listed as attached.

April 9, 2007

ADDITIONAL PROVISIONS FOR FEDERAL-AID FORCE ACCOUNTS

I GENERAL

1. These contract provisions shall apply to all work performed as part of a Local Force Account (LFA) contract by the Local Public Agency (LPA).
2. A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.
3. **Selection of Labor:** During the performance of this contract, the LPA shall not employ convict labor for any purpose within the limits of the project unless it is labor performed by convicts who are on parole, supervised release, or probation.

II NONDISCRIMINATION ASSURANCE

As required by 49 U.S.C. 5332 (which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity), Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21 at 21.7, the Applicant assures that it will comply with all requirements of 49 CFR part 21; FHWA policies, and other applicable directives, so that no person in the United States, on the basis of race, color, national origin, creed, sex, or age will be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity (particularly in the level and quality of transportation services and transportation-related benefits) for which the Applicant receives Federal assistance awarded by the U.S. DOT or FHWA as follows: (1) The Applicant assures that each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance with all applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21, and understands that this assurance extends to its entire facility and to facilities operated in connection with the project. (2) The Applicant assures that it will take appropriate action to ensure that any transferee receiving property financed with Federal assistance derived from FHWA will comply with the applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21. (3) The Applicant assures that it will promptly take the necessary actions to effectuate this assurance, including notifying the public that complaints of discrimination in the provision of transportation-related services or benefits may be filed with U.S. DOT or FHWA. Upon request by U.S. DOT or FHWA, the Applicant assures that it will submit the required information pertaining to its compliance with these requirements. (4) The Applicant assures that it will make any changes in its 49 U.S.C. 5332 and Title VI implementing procedures as U.S. DOT or FHWA may request. (5) As required by 49 CFR 21.7(a)(2), the Applicant will include in each third party contract or subagreement provisions to invoke the requirements of 49 U.S.C. 5332 and 49 CFR part 21, and include provisions to invoke those requirements in deeds and instruments recording the transfer of real property, structures, improvements.

III ASSURANCE OF NONDISCRIMINATION ON THE BASIS OF DISABILITY

As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," at 49 CFR part 27, implementing the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, the Applicant assures that, as a condition to the approval or extension of any Federal assistance awarded by FHWA to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research, or to participate in or obtain any benefit from any program administered by FHWA, no otherwise qualified person with a disability shall be, solely by reason of that disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving or benefiting from Federal assistance administered by the FHA or any entity within U.S. DOT. The Applicant assures that project implementation and operations so

assisted will comply with all applicable requirements of U.S. DOT regulations implementing the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, and the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq. at 49 CFR parts 27, 37, and 38, and any applicable regulations and directives issued by other Federal departments or agencies.

IV SAFETY: ACCIDENT PREVENTION

1. In the performance of this contract the LPA shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The LPA shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the State Highway Agency (SHA) contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.
2. It is a condition of this contract that the LPA shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).
3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

V FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, LPA's, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented; Shall be fined not more than \$10,000 or imprisoned not more than 5 years or both."

VI BUY AMERICA

All steel and iron materials permanently incorporated in this project shall be domestic products and all manufacturing and coating processes for these materials must have occurred within the United States. Coating includes epoxy coating, galvanizing, painting and any other coating that protects or enhances

the value of a material subject to the requirements of Buy America. The exemption of this requirement is the minimal use of foreign materials if the total cost of such material permanently incorporated in the product does not exceed one-tenth of one percent (1/10 of 1%) of the total contract cost or \$2,500.00, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the subject products as they are delivered to the project.

VII Prohibition Against Convict Produced Materials (23 CFR 635.417)

No materials produced by convict labor (unless produced by convicts who are on parole, supervised release, or probation from a prison) may be incorporated into any project located on the Federal-aid highway system. This prohibition does not apply to projects on roads that are functionally classified as local or rural minor collectors.

VIII Purchase of Materials

LPA's are required to use fair and open competition in obtaining articles and materials used in this project. They may not use any requirements, preferences, or procurement methods that exclude out-of-State participation or that unfairly favor in-State sources.

IX Requirement For and Access to Records

LPA's must maintain, for at least three years following final payment, complete project records. This includes the thorough documentation of the basis for payment (actual costs of labor, equipment and materials) as well as documentation prescribed in the WisDOT Construction & Materials Manual. In addition LPA's shall make all such records fully available to WisDOT, the Federal Highway Administration, the U.S. Comptroller General, and their authorized representatives. Records must also be available for public access consistent with the Federal Freedom of Information Act (FOIA) and State and local law.

PROJECT UNIT COST ANALYSIS

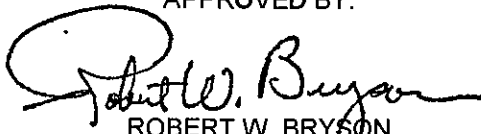
ESTIMATE OF QUANTITIES

PROJECT ID 2400-09-90
W. OKLAHOMA AV. - S. 72ND ST. TO S. 60TH ST.
MILWAUKEE COUNTY

Item No.	Description	Unit	Quantity	Excluded Costs	City Unit	City Total
71060	512 Signal Housing	Each	1	\$561.88	\$955.24	\$955.24
71062	312 Signal Housing	Each	21	\$7,552.23	\$578.16	\$12,141.29
71065	Pushbutton, Mushroom Head (ADA 2")	Each	9	\$341.39	\$125.34	\$1,128.08
71066LC	DW-W Combination 12" Sig. Hous.	Each	16	\$2,708.23	\$300.38	\$4,806.08
71067	Countdown Ped 12" Sig. Hous.	Each	16	\$3,086.01	\$323.99	\$5,183.86
71155	Loop Detector Slots	LF	265	\$661.58	\$6.87	\$1,819.77
71161	3 #4/1 #8 LTP	LF	125	\$389.54	\$5.02	\$627.37
71176	Remove Overhead Line Wire	LF	945	\$41.96	\$0.92	\$867.99
71197	SS 13'	Each	6	\$4,341.35	\$1,116.91	\$6,701.43
71198	1' SS Extension Installed	Each	10	\$660.12	\$109.72	\$1,097.17
73294	3' RSP Socket	Each	46	\$477.20	\$27.29	\$1,255.53
73295	Socket (Concrete Install)	Each	10	\$141.47	\$39.53	\$395.28
73296	2"x9'6" Pipe	Each	44	\$1,403.72	\$35.29	\$1,552.61
73298	2"x11'0" Pipe	Each	12	\$386.51	\$35.59	\$427.11
73299	Signs Reflective Type II	Sq Ft	484	\$3,416.62	\$10.91	\$5,279.50
73310	Mounting Hardware CP/SS/AP	Each	45	\$7.20	\$3.54	\$159.49
73311	Mounting Hardware PS	Each	73	\$111.17	\$4.91	\$358.20
73312	SNS Mounting CP	Each	20	\$405.46	\$23.66	\$473.14
73325	SNS Mounting Signals	Each	2	\$35.87	\$21.32	\$42.63

TOTAL CITY COST \$45,271.77
TOTAL EXCLUDED COSTS \$26,729.51

APPROVED BY:


ROBERT W. BRYSON

CHIEF TRAFFIC AND LIGHTING ENGINEER

TRANSPORTATION SECTION
TRAFFIC AND LIGHTING DESIGN UNIT
JOSEPH C. BLAKEMAN

REVISED: AUGUST 13, 2009

* These items are unique and have no comparable standard bid item equivalent. Therefore, they are not included in the comparison to bid cost.

** Please note that the Total City Cost includes the embedded costs of mobilization and traffic control which are included in the times used for calculating City Unit Costs on the attached worksheets.

**Capital Grant Resolution Certification from the
Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. 090543 for traffic control devices on West Oklahoma Avenue from South 72nd Street to South 60th Street (Grantor Share \$36,217.42 City Share \$9,054.35)(Construction Portion is ARRA) and approved the resolution as to:

- Sufficiency of funds
- Funding sources (per estimated **grant funding agreement**)
- Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: C. Wisniewski

Date: 8/25/09



Legislation Details (With Text)

File #: 090544 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of West State Street from North 17th Street to North 27th Street in the 4th Aldermanic District at a total estimated cost of \$37,985.46, with an estimated grantor share of \$30,388.37, and an estimated City share of \$7,597.09.

Sponsors: THE CHAIR

Indexes: AGREEMENTS, STREET IMPROVEMENTS, TRAFFIC CONTROL SIGNALS, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: Cover Letter, Fiscal Note, 544Contract, Comptroller's Certificate, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number
090544

Version
ORIGINAL
Reference

Sponsor
THE CHAIR

Title
Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of West State Street from North 17th Street to North 27th Street in the 4th Aldermanic District at a total estimated cost of \$37,985.46, with an estimated grantor share of \$30,388.37, and an estimated City share of \$7,597.09.

Analysis
This resolution authorizes the Commissioner of Public Works and Comptroller to enter into a funding agreement with the Wisconsin Department of Transportation for installation of traffic control improvements in conjunction with the paving of West State Street from North 17th Street to North 27th Street in the 4th Aldermanic District at a total estimated cost of \$37,985.46, with an estimated grantor share of \$30,388.37, and an estimated City share of \$7,597.09, and to install these improvements upon execution of the agreement. This resolution also authorizes the Comptroller to establish and transfer funds to the appropriate accounts for the project. The total estimated cost of the entire project is \$1,809,299.00, with a grantor share of \$1,663,757.20 and a City share of \$145,541.80.

Body
Whereas, The Project Agreement for the paving of West State Street from North 17th Street to North 27th Street was approved by the Common Council under File Number 040400; and

Whereas, The Surface Transportation Program provides cost participation for traffic control improvements in conjunction with the paving of highways located on the Federal/State Aid Highway System; and

Whereas, The total estimated cost of this project is \$37,985.46 for the alteration and upgrade of traffic control signals and the upgrade of traffic control signs; and

Whereas, Twenty percent of the participating costs, or \$7,597.09, is not reimbursable and is included in the Division's 2009 Capital Purpose Project/Grant Number ST320090000; and

Whereas, Eighty percent of the participating project cost, or \$30,388.37, is reimbursable from the Wisconsin Department of Transportation (WISDOT), and should be earmarked for this project in the 2009 Capital Grant and Aids Projects Fund Project/Grant Number SP032090100; 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 approval; and

Whereas, The Department of Public Works shall notify the Common Council of the City of Milwaukee at the next scheduled meeting of any such project cost overruns and/or changes in scope approved by the Department of Public Works; 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 the Department of Public Works; 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 and the Comptroller are authorized to enter into a funding agreement and are directed to execute the contract with WISDOT for the installation of traffic control facilities in conjunction with the improvements to West State Street from North 17th Street to North 27th Street with unit prices based on a predetermined estimate prepared under the Federal/State aided

highway program, a copy of which is attached to this resolution, and is incorporated into this resolution as though set forth in full; and, be it

Further Resolved, That upon approval of this contract, that the Commissioner of Public Works is directed to install and modify traffic control facilities in conjunction with the improvements to West State Street from North 17th Street to North 27th Street; and, be it

Further Resolved, That upon approval of this contract, the City Comptroller is hereby authorized to create within the Capital Grant and Aid Projects Fund the appropriate Project/Grant Chartfield Value for this project; and transfer to these accounts the amount required under the 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:

Location:

Project I.D.-2984-36-91

West State Street from North 17th Street to North 27th Street

City of Milwaukee Share

Fund Number-0333

Project/Grant Number-ST320090000

\$7,597.09

Grantor Reimbursable Cash - Traffic Control

Fund Number-0306

Project/Grant Number-SP032090100

\$30,388.37

Total-\$37,985.46

Previously Authorized for Traffic Control Improvements-\$0.00

Current Estimated Cost of the Total Project Including this Resolution-\$1,809,299.00

Original Estimated Cost of the Total Project (Common Council Resolution File Number 040400)-\$1,703,590.00

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

RWB:sdp

West State Street (North 17th Street to North 27th Street)

08/25/2009

I:\SIGNALS\State Pavings\2009\2984-36-91 State 17th to 27th\Council\State 17th to 27th Resolution.doc

August 25, 2009:

To the Public Works Committee

Subject: Installation of Traffic Control Devices in
conjunction with the Federal/State Aid
paving of West State Street from
North 17th Street to North 27th Street

Dear Honorable Members:

Installation of Traffic Control Devices in conjunction with the Federal/State Aid paving of West State Street from North 17th Street to North 27th Street was approved by the Common Council, under File Number 040400.

The Surface Transportation Program provides cost participation for traffic control improvements in conjunction with the paving of highways located on the Federal/State Aid Highway System.

The total estimated cost of this project is \$37,985.46 for the alteration and upgrade of traffic control signals and the upgrade of traffic control signs. Twenty percent (20%) of the participating cost or \$7,597.09 will be City funded and the eighty percent (80%) will be funded by Wisconsin Department of Transportation.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

RWB:sdp
Attachments

CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** August 25, 2009

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of West State Street from North 17th Street to North 27th Street in the 4th Aldermanic District.

B) **SUBMITTED BY (Name/title/dept./ext.):** Jeffrey S. Polenske, PE / City Engineer / Infrastructure Services Division / extension 2400

C) **CHECK ONE:** ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:** DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	City Share (N/A Paving Fund 0333)	ST320090000	\$ 7,597.09	\$ 0.00	
	Grantor Paving Reimbursable (Fund 0306)	SP032090100	30,388.37	30,388.37	
TOTALS			\$ 37,985.46	\$ 30,388.37	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditures - \$37,985.46 Revenue - \$30,388.37
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:**

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

CONTRACT FOR CONSTRUCTION

Local Force Account

Wisconsin Department of Transportation
DT2056 7/2005

Project ID 2984-36-91	Contract Amount \$37,985.46	Contract between WDOT and Local Governmental Unit <input checked="" type="checkbox"/> Municipality <input checked="" type="checkbox"/> City of Milwaukee <input type="checkbox"/> Village of <input type="checkbox"/> Town of <input type="checkbox"/> County – Who is doing the work
Road Name W. State St. - N. 17th St. to N. 27th St.		
Highway	County – Where Work Performed Milwaukee	<input checked="" type="checkbox"/> Work on Local Units System (CEF to DTSD Region, Contract to BPD) <input type="checkbox"/> Work on Another Local Units System (CEF to DTSD Region, Contract to BPD)
<input type="checkbox"/> Work on STH System - SHR Funded (CEF to BHO, Contract to BHO) <input type="checkbox"/> Work on STH System – Non-SHR Funded (CEF to BHO, Contract to BHO)		
Type of Work Traffic Signal and Sign Modifications		
Approximate Start Work Date November 1, 2009		Approximate Stop Work Date December 31, 2011

This contract is made and entered into by and between the Wisconsin Department of Transportation, designated the "Department", and the above-identified county or municipality, designated the "Local Governmental Unit", represented by its designees for constructing the above-specified project. The Department finds and determines that it is more feasible and advantageous for highway purposes to construct the identified project with the Local Governmental Unit's organization, forces, and equipment. The Department and Local Governmental Unit mutually agree to the provisions on the attached pages, which are made a part of this contract.

Recommended for Approval

For County or Municipality

For Wisconsin Department of Transportation

(Name) Jeffrey J. Mantes (Date)

(Regional Director) (Date)

(Title) Commissioner of Public Works

(Name) W. Martin Morics (Date)

(Title) Comptroller

Approved for the State of Wisconsin

(Name) (Date)

(Contract Specialist) (Date)

(Title)

(Name) (Date)

(Director of Project Development) (Date)

(Title)

(Governor of Wisconsin) (Date)

The Local Governmental Unit agrees to construct the described project in accordance with the requirements of the Department, the approved plans when required for such project, in accordance with the Standard Specifications for Road and Bridge Construction and approved supplements as may be applicable, and in accordance with the special provisions made a part of this contract. The word "contractor" as used in the specifications and special provisions shall, when applicable, be deemed to mean the Local Governmental Unit.

The provisions of Subsection 108.11 of the Standard Specifications, Liquidated Damages, are deleted from this contract.

The Local Governmental Unit is authorized by the Department and agrees to provide for the purchase, delivery, and storing of all materials required except those excluded from this contract, the furnishing or necessary rental of all equipment and small tools, and the furnishing of all labor necessary to expeditiously complete the work, and to pay all costs incurred pursuant to this contract.

The Department agrees to reimburse the Local Governmental Unit for actual costs of equipment, labor and materials incurred in performing the work up to the contract amount or as amended by contract change orders.

The Department agrees to pay to the Local Governmental Unit and the Local Governmental Unit agrees to accept in full, settlement for the work performed under this contract:

1. The actual cost of labor, at rates currently paid by the Local Governmental Unit for similar work in the area, materials and incidental expense furnished or incurred by the Local Governmental Unit pursuant to this contract, such payment to be based on a Detailed Statement of Expenditures, submitted monthly with the Monthly Report of Expenditures, and verified by the Local Governmental Unit.
2. The recognized costs incident to the employment of labor under this contract (such as worker's compensation insurance, unemployment and retirement contributions and time off with pay) computed and requisitioned in accordance with established policy.
3. An allowance for the use of equipment, tools and incidentals for the work under this contract. Such allowance shall be in accordance with the provisions of, and at the rates either:

(a) Specified in the Cost Agreement between the Department and the Local Governmental Unit in effect when the work is performed, except for the

conditions, changes or additions as listed below, or as may be otherwise provided in the Special Provisions of this contract; or,

(b) Specified in the attached Equipment Rate schedule, or as may be otherwise provided in the special provisions of this contract.

These payments shall be based on a Detailed Statement of Expenditures, submitted monthly with the Monthly Report of Expenditures and verified by the Local Governmental Unit.

The rates established apply on equipment in good working order. Allowance will be made only for the time during which the equipment is in actual use on the project; no allowance will be made for equipment wholly inadequate or inefficient or in excess of the requirements of the work.

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s.51.01(5) Wis. Stats., sexual orientation, or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

The Local Governmental Unit agrees to furnish, on the Detailed Statement of Expenditures, an accurate distribution of the costs between the various items of work.

The estimated unit costs of materials being used on this contract are listed as attached.

April 9, 2007

ADDITIONAL PROVISIONS FOR FEDERAL-AID FORCE ACCOUNTS

I GENERAL

1. These contract provisions shall apply to all work performed as part of a Local Force Account (LFA) contract by the Local Public Agency (LPA).
2. A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.
3. **Selection of Labor:** During the performance of this contract, the LPA shall not employ convict labor for any purpose within the limits of the project unless it is labor performed by convicts who are on parole, supervised release, or probation.

II NONDISCRIMINATION ASSURANCE

As required by 49 U.S.C. 5332 (which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity), Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21 at 21.7, the Applicant assures that it will comply with all requirements of 49 CFR part 21; FHWA policies, and other applicable directives, so that no person in the United States, on the basis of race, color, national origin, creed, sex, or age will be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity (particularly in the level and quality of transportation services and transportation-related benefits) for which the Applicant receives Federal assistance awarded by the U.S. DOT or FHWA as follows: (1) The Applicant assures that each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance with all applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21, and understands that this assurance extends to its entire facility and to facilities operated in connection with the project. (2) The Applicant assures that it will take appropriate action to ensure that any transferee receiving property financed with Federal assistance derived from FHWA will comply with the applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21. (3) The Applicant assures that it will promptly take the necessary actions to effectuate this assurance, including notifying the public that complaints of discrimination in the provision of transportation-related services or benefits may be filed with U.S. DOT or FHWA. Upon request by U.S. DOT or FHWA, the Applicant assures that it will submit the required information pertaining to its compliance with these requirements. (4) The Applicant assures that it will make any changes in its 49 U.S.C. 5332 and Title VI implementing procedures as U.S. DOT or FHWA may request. (5) As required by 49 CFR 21.7(a)(2), the Applicant will include in each third party contract or subagreement provisions to invoke the requirements of 49 U.S.C. 5332 and 49 CFR part 21, and include provisions to invoke those requirements in deeds and instruments recording the transfer of real property, structures, improvements.

III ASSURANCE OF NONDISCRIMINATION ON THE BASIS OF DISABILITY

As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," at 49 CFR part 27, implementing the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, the Applicant assures that, as a condition to the approval or extension of any Federal assistance awarded by FHWA to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research, or to participate in or obtain any benefit from any program administered by FHWA, no otherwise qualified person with a disability shall be, solely by reason of that disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving or benefiting from Federal assistance administered by the FHA or any entity within U.S. DOT. The Applicant assures that project implementation and operations so

assisted will comply with all applicable requirements of U.S. DOT regulations implementing the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, and the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq. at 49 CFR parts 27, 37, and 38, and any applicable regulations and directives issued by other Federal departments or agencies.

IV SAFETY: ACCIDENT PREVENTION

1. In the performance of this contract the LPA shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The LPA shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the State Highway Agency (SHA) contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.
2. It is a condition of this contract that the LPA shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).
3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

V FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, LPA's, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented; Shall be fined not more than \$10,000 or imprisoned not more than 5 years or both."

VI BUY AMERICA

All steel and iron materials permanently incorporated in this project shall be domestic products and all manufacturing and coating processes for these materials must have occurred within the United States. Coating includes epoxy coating, galvanizing, painting and any other coating that protects or enhances

the value of a material subject to the requirements of Buy America. The exemption of this requirement is the minimal use of foreign materials if the total cost of such material permanently incorporated in the product does not exceed one-tenth of one percent (1/10 of 1%) of the total contract cost or \$2,500.00, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the subject products as they are delivered to the project.

VII Prohibition Against Convict Produced Materials (23 CFR 635.417)

No materials produced by convict labor (unless produced by convicts who are on parole, supervised release, or probation from a prison) may be incorporated into any project located on the Federal-aid highway system. This prohibition does not apply to projects on roads that are functionally classified as local or rural minor collectors.

VIII Purchase of Materials

LPA's are required to use fair and open competition in obtaining articles and materials used in this project. They may not use any requirements, preferences, or procurement methods that exclude out-of-State participation or that unfairly favor in-State sources.

IX Requirement For and Access to Records

LPA's must maintain, for at least three years following final payment, complete project records. This includes the thorough documentation of the basis for payment (actual costs of labor, equipment and materials) as well as documentation prescribed in the WisDOT Construction & Materials Manual. In addition LPA's shall make all such records fully available to WisDOT, the Federal Highway Administration, the U.S. Comptroller General, and their authorized representatives. Records must also be available for public access consistent with the Federal Freedom of Information Act (FOIA) and State and local law.

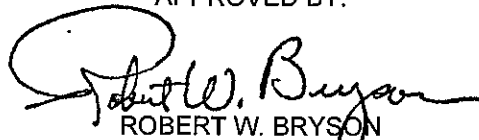
PROJECT UNIT COST ANALYSIS

ESTIMATE OF QUANTITIES
 PROJECT ID 2984-36-91
 W. STATE ST. - N. 17TH ST. TO N. 27TH ST.
 MILWAUKEE COUNTY

Item No.	Description	Unit	Quantity	Excluded Costs	City Unit	City Total
71062	312 Signal Housing	Each	16	\$5,754.08	\$578.16	\$9,250.50
71065	Pushbutton, Mushroom Head (ADA 2")	Each	4	\$151.73	\$125.34	\$501.37
71066LC	DW-W Combination 12" Sig. Hous.	Each	8	\$1,354.11	\$300.38	\$2,403.04
71067	Countdown Ped 12" Sig. Hous.	Each	16	\$3,086.01	\$323.99	\$5,183.86
71155	Loop Detector Slots	LF	305	\$761.44	\$6.87	\$2,094.45
71176	Remove Overhead Line Wire	LF	415	\$18.43	\$0.92	\$381.18
71197	SS 13'	Each	5	\$3,617.79	\$1,116.91	\$5,584.54
71198	1' SS Extension Installed	Each	6	\$396.07	\$109.72	\$658.30
71700	Signal Housing Relocated	Each	8	\$106.56	\$275.55	\$2,204.41
73294	3' RSP Socket	Each	43	\$446.08	\$27.29	\$1,173.66
73295	Socket (Concrete Install)	Each	1	\$14.15	\$39.53	\$39.53
73296	2"x9'6" Pipe	Each	42	\$1,339.92	\$35.29	\$1,482.05
73298	2"x11'0" Pipe	Each	4	\$128.84	\$35.59	\$142.37
73299	Signs Reflective Type II	Sq Ft	516	\$3,642.51	\$10.91	\$5,628.55
73310	Mounting Hardware CP/SS/AP	Each	82	\$13.12	\$3.54	\$290.61
73311	Mounting Hardware PS	Each	51	\$77.66	\$4.91	\$250.24
73312	SNS Mounting CP	Each	30	\$608.20	\$23.66	\$709.72
73313	SNS Mounting PS	Each	2	\$0.32	\$3.54	\$7.08

TOTAL CITY COST \$37,985.46
TOTAL EXCLUDED COSTS \$21,517.02

APPROVED BY:


 ROBERT W. BRYSON

CHIEF TRAFFIC AND LIGHTING ENGINEER

TRANSPORTATION SECTION
 TRAFFIC AND LIGHTING DESIGN UNIT
 JOSEPH C. BLAKEMAN

REVISED: AUGUST 13, 2009

* These items are unique and have no comparable standard bid item equivalent. Therefore, they are not included in the comparison to bid cost.

** Please note that the Total City Cost includes the embedded costs of mobilization and traffic control which are included in the times used for calculating City Unit Costs on the attached worksheets.

**Capital Grant Resolution Certification from the
Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. 090544 for traffic control devices on West State Street from North 17th Street to North 27th Street (Grantor Share \$30,388.37 City Share \$7,597.09) (Construction Portion is ARRA) and approved the resolution as to:

- Sufficiency of funds
- Funding sources (per estimated **grant funding agreement**)
- Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: C. W. Wisniewski

Date: 8/25/09



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Master with text

File Number: 090511

File ID: 090511

Type: Resolution

Status: In Committee

Version: 1

Reference:

Controlling Body: PUBLIC WORKS
COMMITTEE

Requester: DPW-INFRASTRUCTURE SERVICES
DIVISION

Cost:

File Created: 09/01/2009

File Name:

Final Action:

Title: 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 \$209,000 for a total estimated cost of these projects being \$5,860,000.

Notes:

Code Sections:

Agenda Date:

Indexes: PUBLIC IMPROVEMENTS

Agenda Number:

Sponsors: THE CHAIR

Enactment Date:

Attachments: Cover Letter ,Hearing Notice List ,Fiscal note

Enactment Number:

Drafter: mld

Effective Date:

Contact:

Extra Date 2:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	COMMON COUNCIL	09/01/2009	ASSIGNED TO	PUBLIC WORKS COMMITTEE			
	Action Text:		This Resolution was ASSIGNED TO to the PUBLIC WORKS COMMITTEE				
1	CITY CLERK	09/04/2009	DRAFT SUBMITTED				
	Action Text:		This Resolution was DRAFT SUBMITTED				
0	PUBLIC WORKS COMMITTEE	09/10/2009					

Text of Legislative File 090511

..Number
090511
..Version
SUBSTITUTE 1
..Sponsor
THE CHAIR
..Title

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 \$209,000 for a total estimated cost of these projects being \$5,860,000.

..Analysis

This resolution authorizes engineering studies and directs the Commissioner of Public Works to determine any benefits or damages which would result if the projects were to be constructed. After the Commissioner files his report, a Public Hearing will be held on those projects determined assessable. A resolution will be submitted after the Public Hearing authorizing construction. The City cost for engineering these projects is estimated to be \$209,000 with the total cost estimated to be \$5,860,000.

..Body

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:

1st Aldermanic District

W. Lawn Ave. - N. 13th St. to N. Green Bay Ave. (ST211090114) File Number 071574: 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 Additional Funds). The total estimated cost for this project including the requested amount is \$35,000. This project is anticipated to be completed during the 2010 construction season.

2nd Aldermanic District

N. 66th St. - W. Capitol Dr. to W. Congress St. (ST211090119) File Number 080004: 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 -- \$8,000 Additional Funds). The total estimated cost for this project including the requested amount is \$30,000. This project is anticipated to be completed during the 2010 construction season.

3rd and 4th Aldermanic Districts

N. Oakland Ave. - N. Cambridge Ave. to m/l north of E. Windsor Pl. (ST211040106): 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 -- \$22,000). The total estimated cost for this project including the requested amount is \$46,000. This project is anticipated to be completed during the 2010 construction season.

6th Aldermanic District

N. 4th St. - W. McKinley Ave. to W. Walnut St. (ST211110102): 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 -- \$30,000). The total estimated cost for this project is \$30,000. This project is anticipated to be completed during the 2010 construction season.

8th Aldermanic District

W. Mitchell St. - S. Layton Blvd. to S. 32nd St. (ST211040114): 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 -- \$16,000). The total estimated cost for this project including the requested amount is \$25,000. This project is anticipated to be completed during the 2010 construction season.

S. 31st St. - W. Hayes Ave. to W. Lincoln Ave. (ST211020123): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$10,000). The total estimated cost for this

project including the requested amount is \$120,000. This project is anticipated to be completed during the 2011 construction season.

9th Aldermanic District

W. County Line Rd. - N. 68th St. to N. 91st St./N. Swan Rd. (ST211100132): 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 -- \$20,000). The total estimated cost for this project including the requested amount is \$2,300,000. This project is anticipated to be completed during the 2010 construction season.

W. County Line Rd. - N. 91st St./N. Swan Rd. to N. 124th St./N. Wasaukee Rd. (ST211100131): 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 -- \$20,000). The total estimated cost for this project including the requested amount is \$2,900,000. This project is anticipated to be completed during the 2010 construction season.

N. 80th St. - W. Mill Rd. to W. Green Tree Rd. (ST21110107): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$23,000. This project is anticipated to be completed during the 2010 construction season.

13th Aldermanic District

S. 1st St. - A point 170 feet m/l south of W. Armour Ave. to a point 160 feet m/l north of W. Allerton Ave. (ST211100101) File Number 080910: 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 -- \$8,000 Additional Funds). The total estimated cost for this project including the requested amount is \$19,000. This project is anticipated to be completed during the 2010 construction season.

14th Aldermanic District

E. Lincoln Ave. - S. Kinnickinnic Ave. to S. 1st St. (ST211110101): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$45,000). The total estimated cost for this project is \$45,000. This project is anticipated to be completed during the 2010 construction season.

15th Aldermanic District

N. 29th St. - W. Meinecke Ave. to W. Center St. (ST2111100103): 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 -- \$10,000). The total estimated cost for this project including the requested amount is \$287,000. This project is anticipated to be completed during the 2011 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.

..Requestor
Infrastructure Services Division
..Drafter
Mld:dr
Apr 1
09/04/09

August 21, 2009

File Number

To the Honorable, the Common Council

Dear Council Members:

Please find attached a "Title Only" resolution for determining it necessary to make various assessable public improvements to be introduced at the next Common Council Meeting. It is our intent to insert the body of the resolution in this jacket prior to the meeting of the Public Works Committee of September 10, 2009.

Respectfully submitted,

Special Deputy Commissioner
of Public Works

MLD:dr
Title only
Apr 1

CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)

A) DATE: September 4, 2009

FILE NUMBER: 090511

Original Fiscal Note Substitute

SUBJECT: 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 \$209,000 for a total estimated cost of these projects being \$5,860,000.

B) SUBMITTED BY (name/title/dept./ext.): Mary Dziejwiontkoski/Assessment Engineer/Public Works/2460

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENTAL ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER Paving	Street ST211		\$209,000		
TOTALS:			\$209,000		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION: *The total expenditure includes the cost of engineering, inspection, construction, and city forces. The total cost of this project is \$209,000.*

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Master with text

File Number: 090512

File ID: 090512

Type: Resolution

Status: In Committee

Version: 1

Reference:

Controlling Body: PUBLIC WORKS
COMMITTEE

Requester: DPW-INFRASTRUCTURE SERVICES
DIVISION

Cost:

File Created: 09/01/2009

File Name:

Final Action:

Title: 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 \$65,000 for a total estimated cost of these projects being \$725,000.

Notes:

Code Sections:

Agenda Date:

Indexes: PUBLIC IMPROVEMENTS

Agenda Number:

Sponsors: THE CHAIR

Enactment Date:

Attachments: Cover Letter ,Hearing Notice List ,Fiscal note

Enactment Number:

Drafter: mld

Effective Date:

Contact:

Extra Date 2:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	COMMON COUNCIL	09/01/2009	ASSIGNED TO	PUBLIC WORKS COMMITTEE			
	Action Text:		This Resolution was ASSIGNED TO to the PUBLIC WORKS COMMITTEE				
1	CITY CLERK	09/04/2009	DRAFT SUBMITTED				
	Action Text:	This Resolution was DRAFT SUBMITTED					
0	PUBLIC WORKS COMMITTEE	09/10/2009					

Text of Legislative File 090512

..Number
090512
..Version
SUBSTITUTE 1
..Sponsor
THE CHAIR
..Title

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 \$65,000 for a total estimated cost of these projects being \$725,000.

..Analysis

This resolution authorizes engineering studies on projects which by City Charter are nonassessable. After design plans and estimates of costs have been prepared, a resolution authorizing construction will be submitted to the Common Council. The City cost for engineering these projects is estimated to be \$65,000 with the total cost estimated to be \$725,000.

..Body

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:

7th Aldermanic District

N. 45th St. - W. Concordia Ave. to 375 feet m/l north of W. Concordia Ave. (SM495080073): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$90,000. This project is anticipated to be completed during the 2009 construction season.

11th Aldermanic District

S. 85th St. - W. Ohio Ave. to W. Holt Ave. (WT410101043): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$135,000. This project is anticipated to be completed during the 2010 construction season.

S. 86th St. - W. Ohio Ave. to W. Morgan Ave. (WT410101044): Relaying water main. (Nonassessable Water Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$270,000. This project is anticipated to be completed during the 2010 construction season.

14th Aldermanic District

E. Oklahoma Ave. - S. Ellen St. to S. Kinnickinnic Ave. (WT410091005): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$230,000. This project is anticipated to be completed during the 2009 construction season.

; 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.

..Requestor

Infrastructure Services Division

..Drafter

MLD:dr

Npr 1

09/04/09

August 21, 2009

File Number

To the Honorable, the Common Council

Dear Council Members:

Please find attached a "Title Only" resolution for determining it necessary to make various nonassessable public improvements to be introduced at the next Common Council Meeting. It is our intent to insert the body of the resolution in this jacket prior to the meeting of the Public Works Committee of September 10, 2009.

Respectfully submitted,

Special Deputy Commissioner
of Public Works

MLD:dr
Title only
Npr 1

CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** September 4, 2009

FILE NUMBER: 090512

Original Fiscal Note Substitute

SUBJECT: 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 \$65,000 for a total estimated cost of these projects being \$725,000.

B) **SUBMITTED BY (Name/title/dept./ext.):** Mary Dzewiontkoski/Assessment Engineer/Public Works/X2460

C) **CHECK ONE:** ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:** DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
OTHER:	Water WT410		\$50,000		
	Sewer SM495		\$15,000		
TOTALS			\$65,000		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:** The total expenditure includes the cost of engineering, inspection, construction, and city forces. The total cost of these projects is estimated to be \$65,000.

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Master with text

File Number: 090513

File ID: 090513

Type: Resolution

Status: In Committee

Version: 1

Reference:

Controlling Body: PUBLIC WORKS
COMMITTEE

Requester: DPW-INFRASTRUCTURE SERVICES
DIVISION

Cost:

File Created: 09/01/2009

File Name:

Final Action:

Title: 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 \$215,000 for a total estimated cost of these projects being \$230,000.

Notes:

Code Sections:

Agenda Date:

Indexes: PUBLIC IMPROVEMENTS

Agenda Number:

Sponsors: THE CHAIR

Enactment Date:

Attachments: Cover Letter ,Hearing Notice List ,Fiscal note

Enactment Number:

Drafter: mld

Effective Date:

Contact:

Extra Date 2:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	COMMON COUNCIL	09/01/2009	ASSIGNED TO	PUBLIC WORKS COMMITTEE			
	Action Text:		This Resolution was ASSIGNED TO to the PUBLIC WORKS COMMITTEE				
1	CITY CLERK	09/04/2009	DRAFT SUBMITTED				
	Action Text:		This Resolution was DRAFT SUBMITTED				
0	PUBLIC WORKS COMMITTEE	09/10/2009					

Text of Legislative File 090513

..Number
090513
..Version
SUBSTITUTE 1
..Reference
090512
..Sponsor
THE CHAIR

..Title

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 \$215,000 for a total estimated cost of these projects being \$230,000.

..Analysis

This resolution directs the installation and construction of certain public improvements which have been determined to be nonassessable by the Commissioner of Public Works. The City cost of the projects approved by this resolution is estimated to be \$215,000. The total estimated cost of these projects is \$230,000.

..Body

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:

14th Aldermanic District

E. Oklahoma Ave. - S. Ellen St. to S. Kinnickinnic Ave. (WT410091005) File Number 090512: Relay water main. (Nonassessable Water Fund -- \$215,000). The total estimated cost for this project including the requested amount is \$230,000. This project is anticipated to be completed during the 2009 construction season.

; 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.

..Requestor

Infrastructure Services Division

..Drafter

MLD:dr

Nfr 1

09/04/09

August 21, 2009

File Number

To the Honorable, the Common Council

Dear Council Members:

Please find attached a "Title Only" resolution for approving construction of nonassessable public improvements to be introduced at the next Common Council Meeting. It is our intent to insert the body of the resolution in this jacket prior to the meeting of the Public Works Committee of September 10, 2009.

Respectfully submitted,

Special Deputy Commissioner
of Public Works

MLD:dr
Title only
Nfr 1

CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)

A) DATE: September 4, 2009

FILE NUMBER: 090513

Original Fiscal Note **Substitute**

SUBJECT: 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 \$215,000 for a total estimated cost of these projects being \$230,000.

B) SUBMITTED BY (name/title/dept./ext.): Mary Dziewiontkoski/Assessment Engineer/Public Works/2460

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENTAL ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER SPECIFY

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
<i>OTHER Structure</i>					
Water	WT4100		\$215,000		
TOTALS:			\$215,000		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION: *The total expenditure includes the cost of engineering, inspection, construction, and city forces.*

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



Legislation Details (With Text)

File #: 090266 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 6/16/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution amending a special privilege for change of ownership to Obstar Investments LLC for a covered walk in the public right-of-way for the premises at 3120 West Villard Avenue, in the 1st Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: Special Privilege Petition, Letter from Dept of Public Works, Fiscal note, Map, Pictures, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
6/16/2009	0	COMMON COUNCIL	ASSIGNED TO		
6/18/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
8/27/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
090266
Version
SUBSTITUTE 1

Reference
051523

Sponsor
THE CHAIR

Title
Substitute resolution amending a special privilege for change of ownership to Obstar Investments LLC for a covered walk in the public right-of-way for the premises at 3120 West Villard Avenue, in the 1st Aldermanic District.

Analysis
This resolution amends a special privilege for change of ownership to Obstar Investments LLC for a covered walk in the public right-of-way for the premises at 3120 West Villard Avenue.

Body
Whereas, Onyx LLC requested permission to install and maintain a covered walk in the public right-of-way; and

Whereas, Permission for said covered walk was granted in 2006 under Common Council Resolution File Number 051523; and

Whereas, Obstar Investments LLC owns the subject covered walk; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 051523 is hereby rescinded; and, be it

Further Resolved, That Obstar Investments LLC, 4830 North 47th Street, Milwaukee, WI 53218 is hereby granted the following special privilege:

To keep and maintain a covered walk projecting 9 feet 6 inches into the north, 11-foot wide fully paved sidewalk area of West Villard Avenue. The 9-foot wide covered walk is centered approximately 152 feet west of the westline of North 31st Street. The minimal vertical clearance between the skirt of the covered walk and the sidewalk below is 7 feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wire brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The coverings shall be of approved material. All fixtures and materials for illumination of the covered walks shall be indicated on the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walks. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

The grantee is required to keep a "Loading Zone" or "No Parking" status adjacent to each covered walk as long as the covered walks occupy the public right-of-way.

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

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Obstar Investments LLC, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a 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.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$75.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

MDL:ns

August 20, 2009

090266



PETITION FOR A SPECIAL PRIVILEGE ccl-246 (6/09)

SP 2468

- New application \$250.00 Fee
- Amendment to add items to Special Privilege # _____ (\$125.00 Fee)
- Amendment to remove items from Special Privilege # _____ (No fee)
- Amendment for change of ownership for Special Privilege # 2222 (051523) (No fee)

- File petition with the City Clerk License Division, City Hall, 200 E. Wells Street, Room 105, Milwaukee, WI 53202, telephone (414) 286-2238. www.milwaukee.gov/license
- Fee must be submitted with petition. Checks should be made payable to the City of Milwaukee.
- Petition must be submitted in duplicate.

To the Honorable, The Common Council of the City of Milwaukee:

The Licensee Obstar Investments LLC
(Name of Individual, Partners, Corporation or LLC)

being the owners of the following property known by street address as 3120 W Villard Ave
(Street Address and Zip Code)

in the 1st Aldermanic District respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section 66.0425 of the Wisconsin Statutes, that the following privilege be granted:

Description of Special Privilege: Amendment for change of ownership for a covered walk

Of which a plan or sketch is herewith submitted. Petitioner agrees to comply with all laws and all ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, pay annual compensation as provided by law in the sum to be fixed by the proper city officers, and to file and keep current throughout the existence of the privilege, a certificate of insurance indicating applicant holds a public liability policy in at least the sums of \$25,000.00/\$50,000.00 bodily injury, and \$10,000.00 property damage, insuring the city against any liability that might arise by reason of the privilege.

Petitioner further agrees to remove said privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Should this special privilege be discontinued for any reason whatsoever, petitioner agrees to remove all construction work executed pursuant to this special privilege, to restore to its former condition and to the approval of the Commissioner of Public Works, any curb, pavement, or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Petitioner further agrees not to contest the validity of Section 66.0425 of the Wisconsin Statutes, or the legality of this special privilege in any way.

Name (Please Print): Obiora Obi
(Individual, Partner, or Agent if corporation or LLC as shown above)

Signature: Obiora Obi
(Individual, Partner, or Agent if corporation or LLC)

Corporation or LLC Name: _____
(If applicable, as shown above)

(OVER)

Mailing Address (If different than property address above): 4830 N 47th St

City: Milwaukee State: WI Zip: 53218

Telephone: 414-788-7705 E-Mail: Obioraobi@aol-com

Architect/Engineer/Contractor (If Applicable)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-Mail: _____

CITY OF MILWAUKEE
2009 JUN 16 AM 10:47
RONALD D. LEGNHAAR
CITY CLERK

August 20, 2009

To the Public Works Committee

Subject: Common Council Resolution File Number 090266

Dear Honorable Members:

Returned herewith is the Common Council Resolution File Number 090266, amending a special privilege for change of ownership to Obstar Investments LLC for a covered walk in the public right-of-way for the premises at 3120 West Villard Avenue.

Onyx LLC requested permission to install and maintain a covered walk in the north, 11-foot wide fully paved sidewalk area of West Villard Avenue. Permission for the covered walk was granted in 2006 under Common Council Resolution File Number 051523. Presently, the owner of the premises is Obstar Investments LLC. The attached special privilege changes the grantee to Obstar Investments LLC.

We are not aware that the presence of said covered walk will have an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow said covered walk to continue to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

Art Dahlberg
Commissioner
Department of Neighborhood Services

MDL:ns

Attachment

c: Alderman Ashanti Hamilton

CITY OF MILWAUKEE FISCAL NOTE

A) DATE August 20, 2009

FILE NUMBER: 090266

Original Fiscal Note Substitute

SUBJECT: Substitute resolution amending a special privilege for change of ownership to Obstar Investments LLC for a covered walk in the public right-of-way for the premises at 3120 West Villard Avenue, in the 1st Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): JEFFREY S. POLENSKE, P.E./CITY ENGINEER/INFRASTRUCTURE SERVICES DIVISION/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Annual billing/initial Inspection		\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$2.77/4.04	\$75.00	
TOTALS				\$75.00	

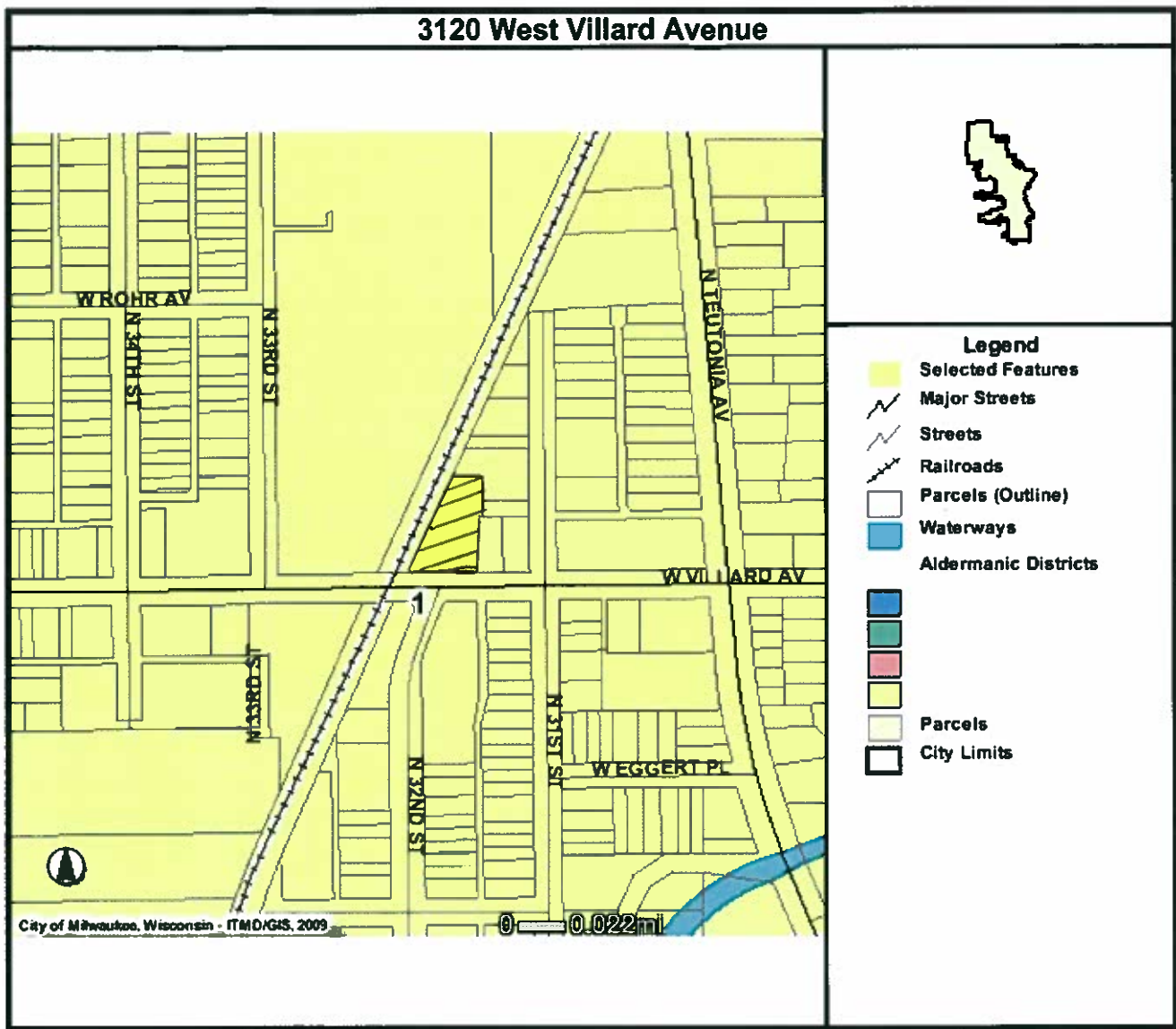
F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) \$75.00
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:
Annual billing/initial Inspection

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:
Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE





CCF 090266 3120 W Villard Ave 8-18-2009
Looking N across Villard at covered walk.



CCF 090266 3120 W Villard Ave 8-18-2009
Looking E at covered walk in N sidewalk of
Villard Ave.



Legislation Details (With Text)

File #: 070902 **Version:** 1
Type: Resolution **Status:** In Committee
File created: 10/23/2007 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Substitute resolution granting a special privilege to Breakwater Condominium Association Inc for a concrete step, stationary planters, excess door swings, a roof overhang, an excess canopy projection, a concrete platform and elevated sidewalk in the public right-of-way for the premises at 1313 North Franklin Place, in the 3rd Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: Petition For A Special Privilege, Letter from Dept of Public Works, Fiscal note, Picture, Map, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
10/23/2007	0	COMMON COUNCIL	ASSIGNED TO		
10/24/2007	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
8/14/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
070902
Version
SUBSTITUTE 1

Reference

Sponsor
THE CHAIR

Title

Substitute resolution granting a special privilege to Breakwater Condominium Association Inc for a concrete step, stationary planters, excess door swings, a roof overhang, an excess canopy projection, a concrete platform and elevated sidewalk in the public right-of-way for the premises at 1313 North Franklin Place, in the 3rd Aldermanic District.

Analysis

This resolution grants a special privilege to Breakwater Condominium Association Inc to construct and maintain a concrete step, two stationary planters, two excess door swings, a roof overhang, an excess canopy projection, a concrete platform and two sections of elevated sidewalk in the public right-of-way for the premises at 1313 North Franklin Place.

Body

Whereas, The applicant, a condominium association, is requesting permission to construct, keep and maintain items in the public right-of-way that were constructed as part of the condo development; and

Whereas, The developer constructed the condo building such that the main entrance is significantly higher than the adjacent established grade, requiring the construction of a concrete platform; elevated sidewalks sloping towards the platform; and a concrete step; and

Whereas, The two stationary planters serve as a barrier from the drop in elevation between the top of the concrete platform and the curb below and, as necessary, handrails are located along the elevated sidewalk and the concrete step; and

Whereas, Said items 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 Breakwater Condominium Association Inc, 643 East Erie Street, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain two sections of elevated sidewalk with handrails in the west, 14.8-foot wide sidewalk area of North Franklin Place. The south section of elevated sidewalk commences at a point approximately 28 feet north of the northline of East Knapp Street and extends 20 feet to the north. The north section of elevated sidewalk commences at a point approximately 82 feet north of the northline of East Knapp Street and extends 20 feet to the north. Said railings, which are located within the 6-foot wide paved public sidewalk, are 9 feet 4 inches east of the westline of North Franklin Place. The elevated sidewalks rise from the established sidewalk grade to a maximum elevation of 16 inches where the sidewalk meets the concrete platform.
2. To construct and maintain an elevated concrete platform projecting 9 feet 11 inches into the west, 14.8-foot wide sidewalk area of North Franklin Place. Said platform commences at a point approximately 48 feet north of the northline of East Knapp Street and extends north 33 feet 6 inches. The top of the platform is a maximum of 16 inches above the established sidewalk grade.
3. To construct and maintain two, 2-foot 6-inch wide stationary planters in the west, 14.8-foot wide sidewalk area of North Franklin Place. Said planters are surrounded on three sides by a 6-inch wide concrete wall with the fourth side abutting the elevated sidewalk described above. The south planter commences at a point approximately 48 feet north of the northline of East Knapp Street and extends 8 feet to the north. The north planter commences at a point approximately 73 feet north of the northline of East Knapp Street and extends 8 feet to the north. Said planters are centered approximately 11 feet 5 inches east of the westline of North Franklin Place.
4. To construct and maintain a concrete step with handrails in the west, 14.8-foot wide sidewalk area of North Franklin

Place. Said 1-foot wide step commences at a point approximately 56 feet north of the northline of East Knapp Street and extends 17 feet 4 inches to the north. The step is centered approximately 10 feet 5 inches east of the westline of North Franklin Place.

5. To construct and maintain a canopy projecting 10 feet 5 inches into the west, 14.8-foot wide sidewalk area of North Franklin Place, in excess of the 6 feet allowed under Section 245-8-4 of the Milwaukee Code of Ordinances. Said canopy commences at a point approximately 49 feet north of the northline of East Knapp Street and extends 30 feet 11 inches to the north.

6. To construct and maintain two excess door swings that, when fully open, project 1 foot 8 inches into the west, 14.8-foot wide sidewalk area of North Franklin Place in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said doors are centered approximately 56 and 78 feet north of the northline of East Knapp Street.

7. To construct and maintain a roof overhang projecting 7 feet into the north, 20-foot wide sidewalk area of East Knapp Street, in excess of the 3 feet allowed under Section 245-4-1 of the Milwaukee Code of Ordinances. Said overhang commences at a point approximately 4 feet west of the westline of North Franklin Place and extends 110 feet to the west. The roof overhang is at an approximate elevation of 260 feet above grade.

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

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Breakwater Condominium Association Inc, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a 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.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$2368.41. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Requestor

Department of Public Works
Drafter
Infrastructure Services Division
MDL: ns
August 6, 2009
070902

**\$250.00 Publication Fee
Must Accompany This Petition
SUBMIT PETITION IN DUPLICATE**

SEP 26 2007 , 20

To the Honorable, The Common Council of the City of Milwaukee:

The undersigned Breakwater Condominium Association Inc
(Name of Individual, Partners, Corporation or LLC)

being the owners of the following property known by street address as 1313 N. Franklin Pl
(Street Address and Zip Code)

in the 3rd Aldermanic District respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section 66.0425 of the Wisconsin Statutes, that the following privilege be granted:

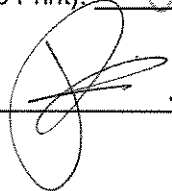
Roof overhangs by 4' more than permitted on Knapp St
(Here describe the privilege)
Doors 108+109 swing out more than 1' over property line

Of which a plan or sketch is herewith submitted. Petitioner agrees to comply with all laws and all ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, to furnish a bond and pay annual compensation as provided by law in the sum to be fixed by the proper city officers, and to file and keep current throughout the existence of the privilege, a certificate of insurance indicating applicant holds a public liability policy in at least the sums of \$25,000.00/\$50,000.00 bodily injury, and \$10,000.00 property damage, insuring the city against any liability that might arise by reason of the privilege.

Petitioner further agrees to remove said privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Should this special privilege be discontinued for any reason whatsoever, petitioner agrees to remove all construction work executed pursuant to this special privilege, to restore to its former condition and to the approval of the Commissioner of Public Works, any curb, pavement, or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Petitioner further agrees not to contest the validity of Section 66.0425 of the Wisconsin Statutes, or the legality of this special privilege in any way.

Name (Please Print): Jeffrey Natrop
(Individual, Partner, or Agent if corporation or LLC)

Signature: 

Corporation or LLC Name: Breakwater Condominium Assoc. Inc
(If applicable)

Mailing Address (If different than above): 643 E. Erie St.

City: Milw. State: W. Zip: 53202

Telephone: 414 273 6637 E-Mail: JNatrop@reunerarchitects.com

Architect/Engineer/Contractor (If Applicable)

Name: Jeffrey Natrop Renner Architects

Address: 643 E. Erie St.

City: Milw. State: Wi Zip: 53202

Telephone: 414 273 6637 E-Mail: jnatrop@rennerarchitects.com

FILE WITH CITY CLERK LICENSE DIVISION ROOM 105, CITY HALL, 200 EAST WELLS STREET, 414-286-2238.

OFFICE OF MILWAUKEE

2007 OCT -2 AM 8:23

RONALD D. LEONHARDT
CITY CLERK

August 6, 2009

To the Public Works Committee

Subject: Common Council Resolution File Number 070902

Dear Honorable Members:

Returned herewith is the Common Council Resolution File Number 070902, granting a special privilege to Breakwater Condominium Association Inc for a concrete step, two stationary planters, excess door swings, a roof overhang, an excess canopy projection, a concrete platform and elevated sidewalk in the public right-of-way for the premises at 1313 North Franklin Place.

The applicant, a condominium association, is requesting permission to construct, keep and maintain items in the public right-of-way that were constructed as part of the condo development at 1313 North Franklin Place. The majority of items are located in the west, 14.8-foot wide sidewalk area of North Franklin Place centered about the main entrance to the building. The adjacent sidewalks rise from the normal sidewalk grade up towards the top of the concrete platform, which is a maximum of 16 inches above the adjacent grade. It should be noted that, while not ideal, the elevated sidewalks are constructed such that they meet the minimum requirements for accessibility. As appropriate, handrails are located along the edge of the elevated sidewalks and at the concrete step. Additionally, the stationary planters serve as a barrier between the top of the concrete platform and the curb below. The excess canopy projection and the excess door swings meet all code requirements except that they project into the public way beyond what is allowed by the Milwaukee Code of Ordinances.

The only item located within the north, 20-foot wide sidewalk area of East Knapp Street is a roof overhang, which projects beyond the 3 feet allowed under Section 245-4-1 of the Milwaukee Code of Ordinances. The roof overhang projects 7 feet into the public way and is located 260 feet above grade.

We are not aware that the presence of said items will have an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow said items to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

Art Dahlberg, Commissioner
Department of Neighborhood Services

MDL: ns
Attachment
c: Alderman Nik Kovac

CITY OF MILWAUKEE FISCAL NOTE

A) DATE August 6, 2009

FILE NUMBER: 070902

Original Fiscal Note Substitute

SUBJECT: Substitute resolution granting a special privilege to Breakwater Condominium Association Inc for a concrete step, stationary planters, excess door swings, a roof overhang, an excess canopy projection, a concrete platform and elevated sidewalk in the public right-of-way for the premises at 1313 North Franklin Place.

B) SUBMITTED BY (Name/title/dept./ext.): JEFFREY S. POLENSKE, P.E./CITY ENGINEER/INFRASTRUCTURE SERVICES DIVISION/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Annual billing/initial Inspection		\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$2.77/4.04	\$2368.41	
TOTALS				\$2368.41	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) \$2368.41
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

Annual billing/initial Inspection

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



CCF 070902 1313 N Franklin Pl 08-03-2009
Looking SW'ly across N Franklin Pl at main
entry for subject premises.



CCF 070902 1313 N Franklin Pl 08-03-2009
Looking N from Knapp St at W sidewalk
area of N Franklin Pl.



CCF 070902 1313 N Franklin Pl 08-03-2009
Looking S towards Knapp St at step, stationary
platforms, and handrails in W sidewalk area
of Franklin Pl.

1313 North Franklin Place



- Legend**
- Selected Features
 - Major Streets
 - Streets
 - Parcels (Outline)
 - Waterways
 - Parks and Parkways
 - Aldermanic Districts
 - Parcels
 - City Limits



Legislation Details (With Text)

File #: 081683 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 4/14/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution amending a special privilege for addition of several items in the public right-of-way, removal of a concrete step, and change of ownership to Wisconsin Arts Lab LLC for the premises at 1422 North 4th Street, in the 6th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: Special Privilege Petition, Drawing, Letter from Dept of Public Works, Fiscal note, Map, Pictures, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
4/14/2009	0	COMMON COUNCIL	ASSIGNED TO		
4/15/2009	0	CITY CLERK	REFERRED TO		
8/21/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number

081683

Version

SUBSTITUTE 1

Reference

70-663

Sponsor

THE CHAIR

Title

Substitute resolution amending a special privilege for addition of several items in the public right-of-way, removal of a concrete step, and change of ownership to Wisconsin Arts Lab LLC for the premises at 1422 North 4th Street, in the 6th Aldermanic District.

Analysis

This resolution amends a special privilege for addition of three excess door swings, two bollards, two moveable planters and a gas meter in the public right-of-way; removal of a concrete step; and change of ownership to Wisconsin Arts Lab LLC for the premises at 1422 North 4th Street.

Body

Whereas, Wisconsin Arts Lab LLC, the applicant, is renovating the existing premises to create an arts center; and

Whereas, The applicant is requesting permission to construct and maintain three excess door swings two bollards and gas meter in the public way; and

Whereas, The applicant has removed the concrete step, which was located at the main entrance, which was previously allowed to occupy the public right-of-way; and

Whereas, A site visit revealed the presence of two moveable planters in the public right-of-way; and

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

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 70-663 is hereby rescinded; and, be it

Further Resolved, That Wisconsin Arts Lab LLC, 9205 North Upper River Road, River Hills, WI 53217 is hereby granted the following special privileges:

1. To construct and maintain three excess door swings that, when fully open, 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 first door centered approximately 20 feet south of east-west alley abutting the property, projects 2 feet 8 inches into the 11-foot wide east sidewalk area of North 4th Street. The second door centered approximately 28 feet east of the eastline of North 4th Street, projects 2 feet 4 inches into the abutting east-west, 20-foot wide alley. The third door centered approximately 36 feet south of the abutting east-west alley, projects 3 feet into the abutting 20-foot wide north-south alley.
2. To install and maintain two bollards centered approximately 9 feet east of the eastline of North 4th Street and 2 feet north of the southline of the abutting 20-foot wide, east-west alley. Said bollards are connected by a metal bar and serve the purpose of protecting a gas meter for the premises.

3. To install and maintain a gas meter and associated piping projecting 1 foot 4 inches into the abutting 20-foot wide, east-west alley. Said gas meter is centered approximately 9 feet east of the eastline of North 4th Street and, with the associated piping, occupies a 6-foot 6-inch long area. The gas meter and associated piping are located between 11 inches and 3 feet 6 inches above the adjacent alley grade.

1. To keep and maintain two wood moveable planters in the east, 11-foot wide sidewalk area of North 4th Street located along the building face. Said planters measure 5 feet in length, 1 foot 2 inches in width and 2 feet 6 inches in height.

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

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Wisconsin Arts Lab LLC, shall:

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

2. File with the City Clerk a 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. The insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer an annual fee, which has an initial amount of \$51.44. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

MDL:ns

August 13, 2009

081683

PETITION FOR A SPECIAL PRIVILEGE
AMENDMENT

SP 2460

**\$250.00 Publication Fee
Must Accompany This Petition
SUBMIT PETITION IN DUPLICATE**

SP: 1161 CC: 700663

MAR 2 8 2009 20

To the Honorable, The Common Council of the City of Milwaukee:

The Licensee: Wisconsin Arts Lab

(Name of Individual, Partners, Corporation or LLC)

being the owners of the following property known by street address as 1422 N 4th St (12)
(Street Address and Zip Code)

in the 6th Aldermanic District respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section 66.0425 of the Wisconsin Statutes, that the following privilege be granted:

Amendment for addition of excess door swings and for change of ownership for a concrete step
(Here describe the privilege)


Of which a plan or sketch is herewith submitted. Petitioner agrees to comply with all laws and all ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, to furnish a bond and pay annual compensation as provided by law in the sum to be fixed by the proper city officers, and to file and keep current throughout the existence of the privilege, a certificate of insurance indicating applicant holds a public liability policy in at least the sums of \$25,000.00/\$50,000.00 bodily injury, and \$10,000.00 property damage, insuring the city against any liability that might arise by reason of the privilege.

Petitioner further agrees to remove said privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Should this special privilege be discontinued for any reason whatsoever, petitioner agrees to remove all construction work executed pursuant to this special privilege, to restore to its former condition and to the approval of the Commissioner of Public Works, any curb, pavement, or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Petitioner further agrees not to contest the validity of Section 66.0425 of the Wisconsin Statutes, or the legality of this special privilege in any way.

Name (Please Print): Lori Bauman

(Individual, Partner, or Agent if corporation or LLC as shown above)

Signature: 
(Individual, Partner, or Agent if corporation or LLC as shown above)

Corporation or LLC Name: Wisconsin Arts Lab

(If applicable as shown above)

Mailing Address (If different than Property address above): 9205 North Upper River Road

City: River Hills State: Wisconsin Zip: 53217

Telephone: 414-491-3745 E-Mail: loirabauman@hotmail.com

(OVER)

Architect/Engineer/Contractor (If Applicable)

Name: Bruce Wydeven, Wydeven Architects LLC

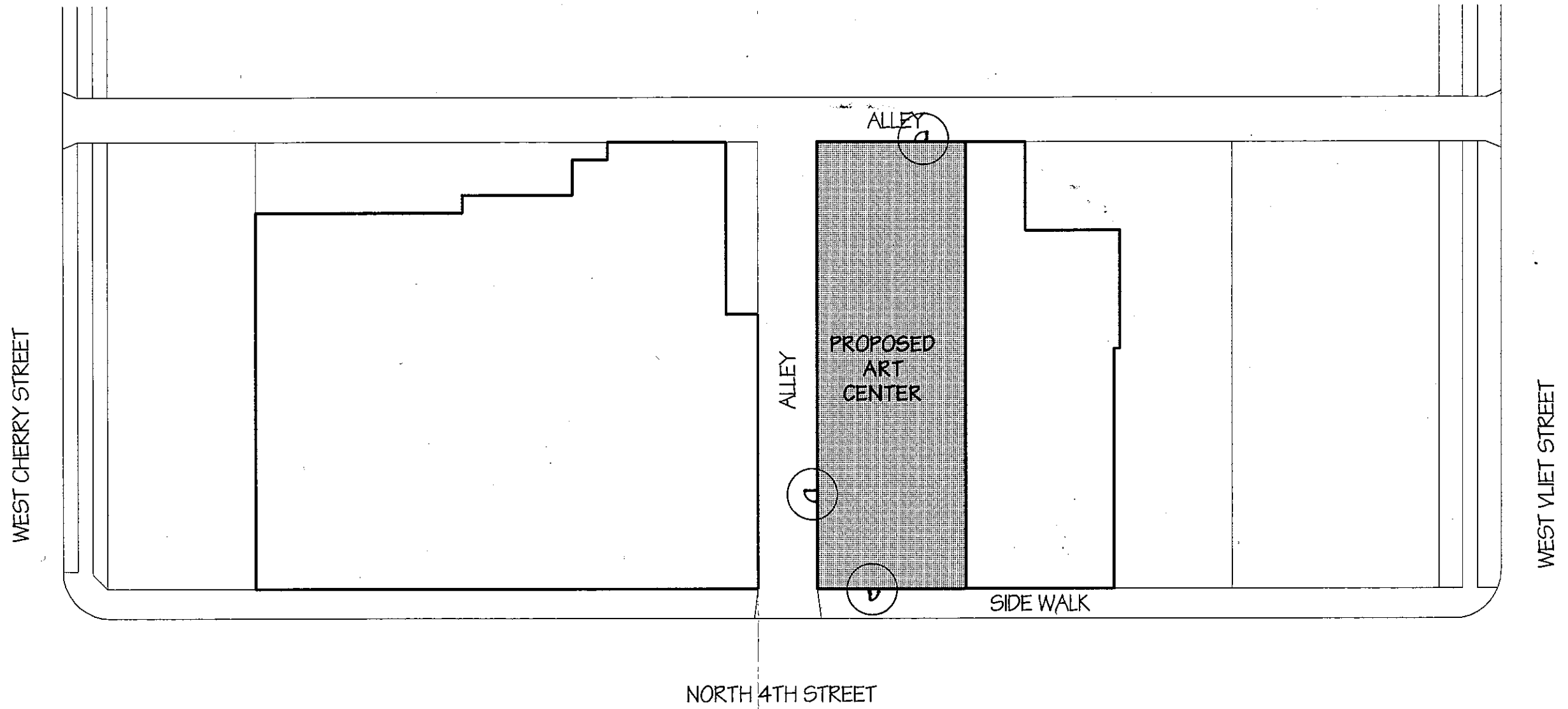
Address: 2322 North 57th Street

City: Milwaukee State: Wisconsin Zip: 53210

Telephone: 414-614-4677 E-Mail: bwydeven@wi.rr.com

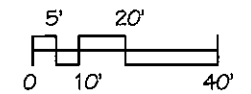
**FILE WITH CITY CLERK LICENSE DIVISION ROOM 105, CITY HALL, 200 EAST WELLS STREET, 414-286-2238.
Make Check Payable to "City of Milwaukee".**

CITY OF MILWAUKEE
2009 MAR 27 AM 8:17
RONALD D. LEONHARDT
CITY CLERK



CONCEPTUAL SITE PLAN

1" = 40'-0"



REDLINE ART CENTER
 1422 NORTH 4TH STREET, MILWAUKEE, WISCONSIN

WYDEVEN ARCHITECTS LLC
 P.O. Box 100378
 Milwaukee, Wisconsin 53210-0378
 Phone: 414-614-4677 Fax: 414-442-3864
 Email: bwydeven@wi.rr.com

PROJECT NO. 0707
 DATE: NOVEMBER 07, 2008
 SHEET

A-0.01



Department of Public Works
Infrastructure Services Division

Jeffrey J. Mantes
Commissioner of Public Works

Preston D. Cole
Director of Operations

Jeffrey S. Polenske
City Engineer

August 13, 2009

To the Public Works Committee

Subject: Common Council Resolution File Number 081683

Dear Honorable Members:

Returned herewith is the Common Council Resolution File Number 081683, amending a special privilege for addition of three excess door swings, two bollards, two moveable planters and a gas meter in the public right-of-way; removal of a concrete step; and change of ownership to Wisconsin Arts Lab LLC for the premises at 1422 North 4th Street.

Wisconsin Arts Lab LLC is in the process of renovating the subject premises into an arts center and are requesting permission to construct and maintain three excess door swings, two bollards and a gas meter in the public right-of-way. The doors project a maximum of 3 feet into the public way with one door projecting into the east sidewalk area of North 4th Street; into the abutting east-west alley; or into the abutting north-south alley. The bollards and gas meter are located in the abutting east-west alley. Additionally, a site visit revealed the presence of two, 1-foot 2-inch wide wood planters in the east, 11-foot wide sidewalk area of North 4th Street.

We are not aware that the presence of said items will have an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow said items to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

Art Dahlberg, Commissioner
Department of Neighborhood Services

MDL: ns
Attachment

c: Alderwoman Milele Coggs

CITY OF MILWAUKEE FISCAL NOTE

A) DATE August 13, 2009

FILE NUMBER: 081683

Original Fiscal Note Substitute

SUBJECT: Substitute resolution amending a special privilege for addition of several items in the public right-of-way, removal of a concrete step, and change of ownership to Wisconsin Arts Lab LLC for the premises at 1422 North 4th Street.

B) SUBMITTED BY (Name/title/dept./ext.): JEFFREY S. POLENSKE, P.E./CITY ENGINEER/INFRASTRUCTURE SERVICES DIVISION/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Annual billing/initial Inspection		\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$2.77/4.04	\$51.44	
TOTALS				\$51.44	

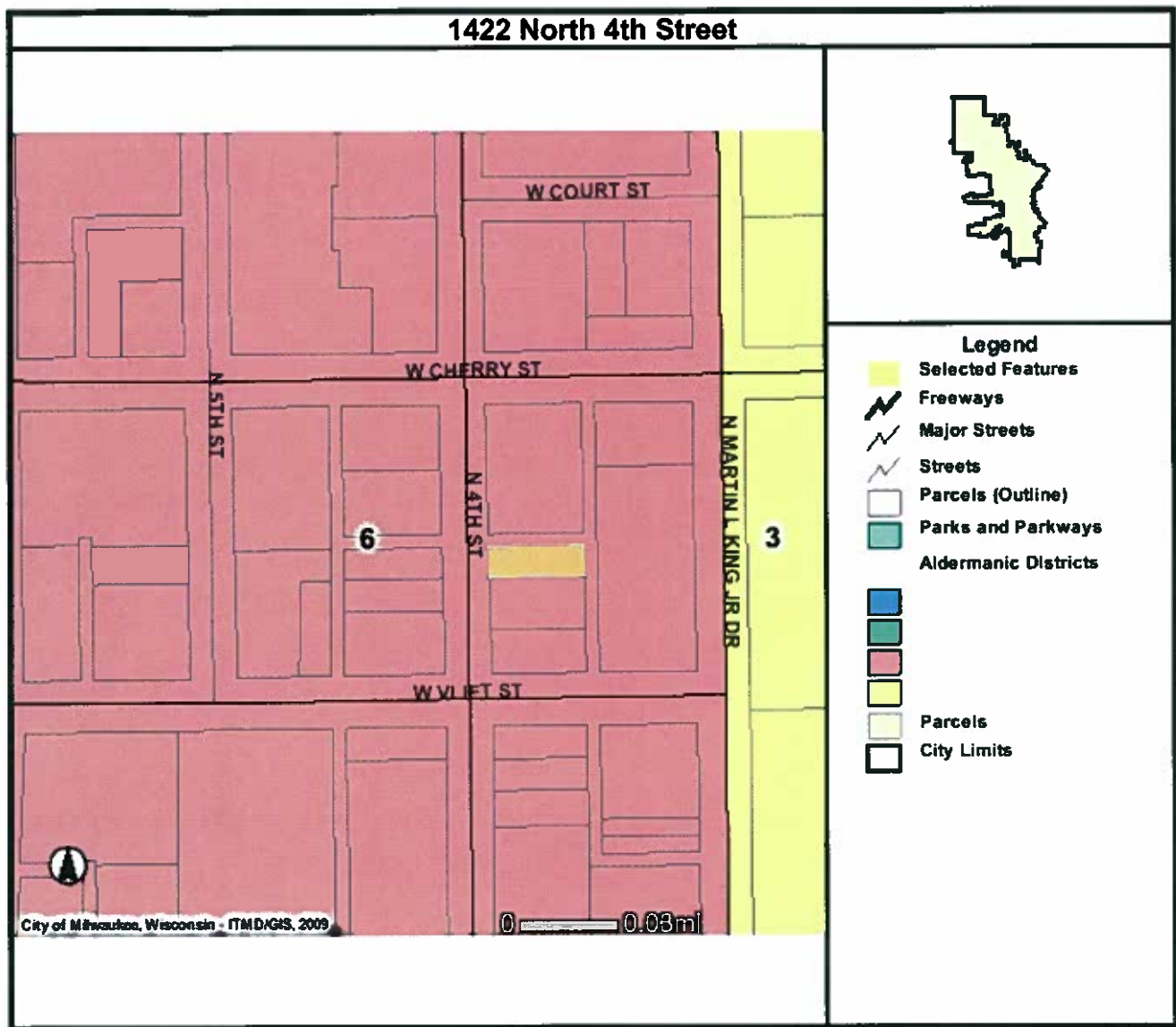
F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) \$51.44
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:
 Annual billing/initial Inspection

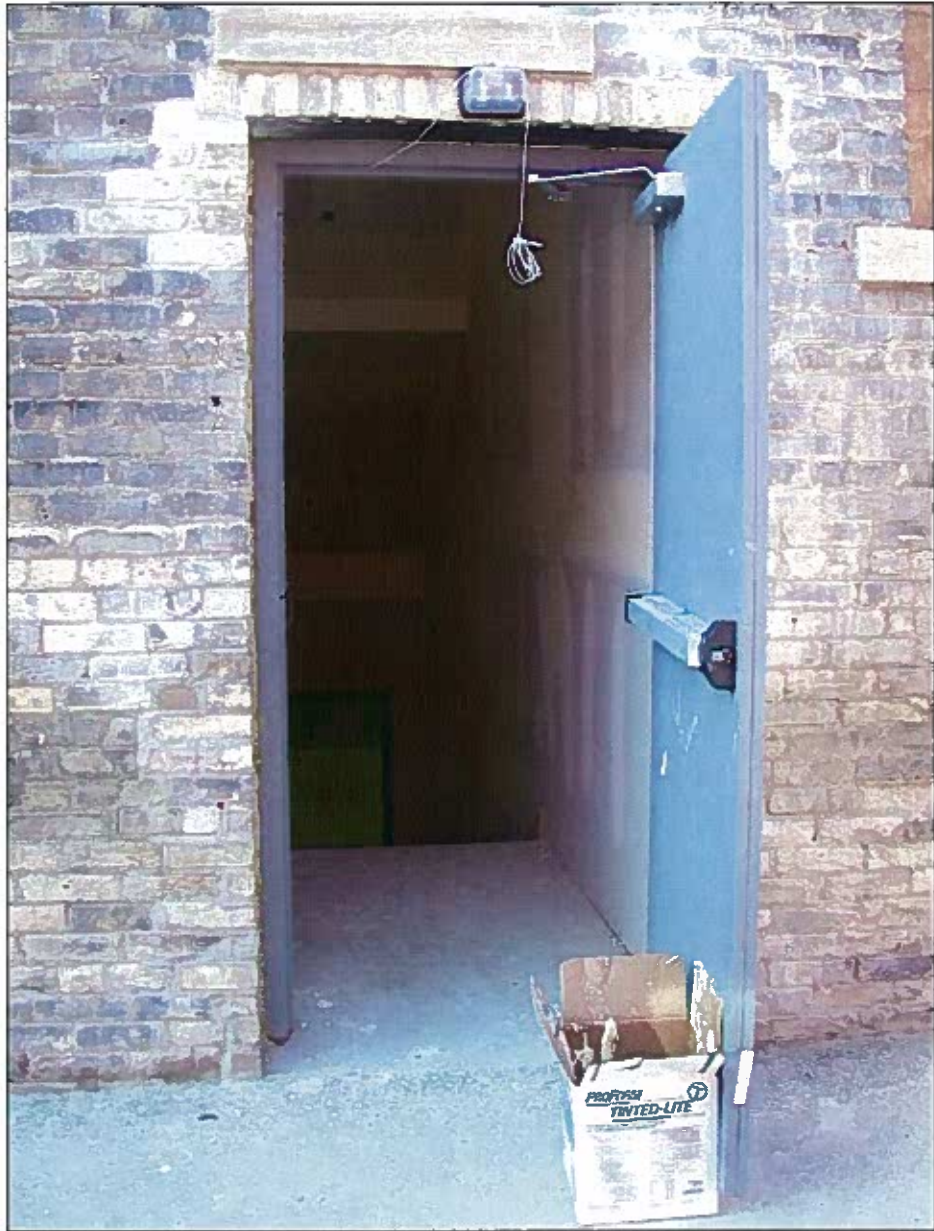
H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:
 Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE





CCF 081683 1422 N 4th St 8-11-2009
Looking N along E sidewalk area of 4th St
at planters and location of new main entry.



CCF 081683 1422 N 4th St 8-11-2009
Closeup of one of the two new alley
excess door swings.



CCF 081683 1422 N 4th St 8-11-2009
Closeup of moveable planters located
in east sidewalk area of N 4th St.



**CCF 081683 1422 N 4th St 8-11-2009
Looking SW'ly at gas meter and bollards
in abutting east-west alley.**



Legislation Details (With Text)

File #: 090262 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 6/16/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution amending a special privilege to Park East Enterprise Lofts LLC for removal of monitoring wells and for addition of a barrier free access ramp for the premises at 1401-07 North Martin Luther King Jr. Drive, in the 6th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: Special Privilege Petition, Letter from Dept of Public Works, Fiscal note, Map, Pictures, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
6/16/2009	0	COMMON COUNCIL	ASSIGNED TO		
6/18/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
8/27/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
090262
Version
SUBSTITUTE 1

Reference
050923

Sponsor
THE CHAIR

Title
Substitute resolution amending a special privilege to Park East Enterprise Lofts LLC for removal of monitoring wells and for addition of a barrier free access ramp for the premises at 1401-07 North Martin Luther King Jr. Drive, in the 6th Aldermanic District.

Analysis
This resolution amends a special privilege to Park East Enterprise Lofts LLC for removal of monitoring wells and for addition of a barrier free access ramp for the premises at 1401-07 North Martin Luther King Jr. Drive.

Body
Whereas, Park East Enterprise Lofts LLC requested permission to construct and maintain three galvanized steel vent pipes and two monitoring wells in the public right-of-way; and

Whereas, Permission for said vent pipes and monitoring wells was granted in 2005 under Common Council Resolution File Number 050923; and

Whereas, Said monitoring wells have been removed from the public right-of-way; and

Whereas, The present request is to construct and maintain a barrier free access ramp to several retail spaces within the building; and

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

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 050923 is hereby rescinded; and, be it

Further Resolved, That Park East Enterprise Lofts LLC, c/o Gorman Company, 200 North Main Street, Oregon WI 53575 is hereby granted the following special privileges:

1. To construct and maintain a concrete barrier free access ramp with handrail projecting 6 feet into the west, 12-foot wide sidewalk area of North Martin L. King Jr. Drive. Said ramp commences approximately 17 feet north of the northline of West Vliet Street and extends 15 feet 11 inches to the north. The ramp is 6 inches in height at its tallest point and is, essentially, a thickened slab of sidewalk pavement resting directing on the ground.

2. To keep and maintain three, 2-inch diameter galvanized steel pipe vent risers projecting a maximum of 3 inches into the north, 15-foot wide sidewalk area of West Vliet Street. The vent risers are two feet tall and are topped with a 90° bend, such that the risers occupy 6 inches of space parallel to the building face. Said vent risers are centered approximately 100, 120 and 145 feet west of the westline of North Martin L. King Jr. Drive.

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

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Park East Enterprise Lofts LLC, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a 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. The insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$173.77. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Requestor
Department of Public Works
Drafter
Infrastructure Services Division
MDL:ns
August 19, 2009
090262



PETITION FOR A SPECIAL PRIVILEGE ccl-246 (6/09)

SP 2464

- New application \$250.00 Fee
- Amendment to add items to Special Privilege # 2197 (CC 050923) (\$125.00 Fee)
- Amendment to remove items from Special Privilege # _____ (No fee)
- Amendment for change of ownership for Special Privilege # _____ (No fee)

- • File petition with the City Clerk License Division, City Hall, 200 E. Wells Street, Room 105, Milwaukee, WI 53202, telephone (414) 286-2238. www.milwaukee.gov/license
- Fee must be submitted with petition. Checks should be made payable to the City of Milwaukee.
- Petition must be submitted in duplicate.

To the Honorable, The Common Council of the City of Milwaukee:

The Licensee GORMAN + CO.
(Name of Individual, Partners, Corporation or LLC)

being the owners of the following property known by street address as 1407-1441 N Martin L King Dr
(Street Address and Zip Code)

in the 6th Aldermanic District respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section 66.0425 of the Wisconsin Statutes, that the following privilege be granted:

Description of Special Privilege: Addition of a barrier free access ramp

Of which a plan or sketch is herewith submitted. Petitioner agrees to comply with all laws and all ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, pay annual compensation as provided by law in the sum to be fixed by the proper city officers, and to file and keep current throughout the existence of the privilege, a certificate of insurance indicating applicant holds a public liability policy in at least the sums of \$25,000.00/\$50,000.00 bodily injury, and \$10,000.00 property damage, insuring the city against any liability that might arise by reason of the privilege.

Petitioner further agrees to remove said privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Should this special privilege be discontinued for any reason whatsoever, petitioner agrees to remove all construction work executed pursuant to this special privilege, to restore to its former condition and to the approval of the Commissioner of Public Works, any curb, pavement, or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Petitioner further agrees not to contest the validity of Section 66.0425 of the Wisconsin Statutes, or the legality of this special privilege in any way.

Name (Please Print): LARRY KOCH
(Individual, Partner, or Agent if corporation or LLC as shown above)

Signature: Larry Koch
(Individual, Partner, or Agent if corporation or LLC)

Corporation or LLC Name: GORMAN + CO.
(If applicable, as shown above)

(OVER)

Mailing Address (If different than property address above): 200 N. MAIN STREET

City: OREGON State: WI Zip: 535-75

Telephone: 608-835-3900 E-Mail: LKOCH@GDMATELUSA.COM

Architect/Engineer/Contractor (If Applicable)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-Mail: _____

CITY OF MILWAUKEE
2009 JUN 16 AM 10:47
RONALD D. LEONHARDT
CITY CLERK

August 19, 2009

To the Public Works Committee

Subject: Common Council Resolution File Number 090262

Dear Honorable Members:

Returned herewith is the Common Council Resolution File Number 090262, amending a special privilege to Park East Enterprise Lofts LLC for removal of monitoring wells and for addition of a barrier free access ramp for the premises at 1401-07 North Martin Luther King Jr. Drive.

The applicant requested permission to construct and maintain two monitoring wells and three vent pipes in the public right-of-way. Permission was granted for these items under Common Council Resolution File Number 050923 in 2005. Subsequently, the applicant removed the monitoring wells from the public right-of-way.

Presently, the applicant is requesting permission to construct and maintain a concrete barrier free access ramp with handrail. The ramp, which has been constructed, projects 6 feet into the west, 12-foot wide sidewalk area of North Martin L. King Jr. Drive. The ramp commences at a point approximately 17 feet north of the northline of West Vliet Street and extends 15 feet 11 inches to the north. It should be noted that the applicant has constructed new concrete sidewalk pavement adjacent to the ramp in order to provide a clear pedestrian path with a minimum width of 5 feet.

We are not aware that the presence of said items will have an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow said items to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

Art Dahlberg
Commissioner
Department of Neighborhood Services

MDL:ns
Attachment
c: Alderwoman Milele Coggs

CITY OF MILWAUKEE FISCAL NOTE

A) DATE August 19, 2009

FILE NUMBER: 090262

Original Fiscal Note Substitute

SUBJECT: Substitute resolution amending a special privilege to Park East Enterprise Lofts LLC for removal of monitoring wells and for addition of a barrier free access ramp for the premises at 1401-07 North Martin Luther King Jr. Drive, in the 6th Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): JEFFREY S. POLENSKE, P.E./CITY ENGINEER/INFRASTRUCTURE SERVICES DIVISION/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Annual billing/initial Inspection		\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$2.77/4.04	\$173.77	
TOTALS				\$173.77	

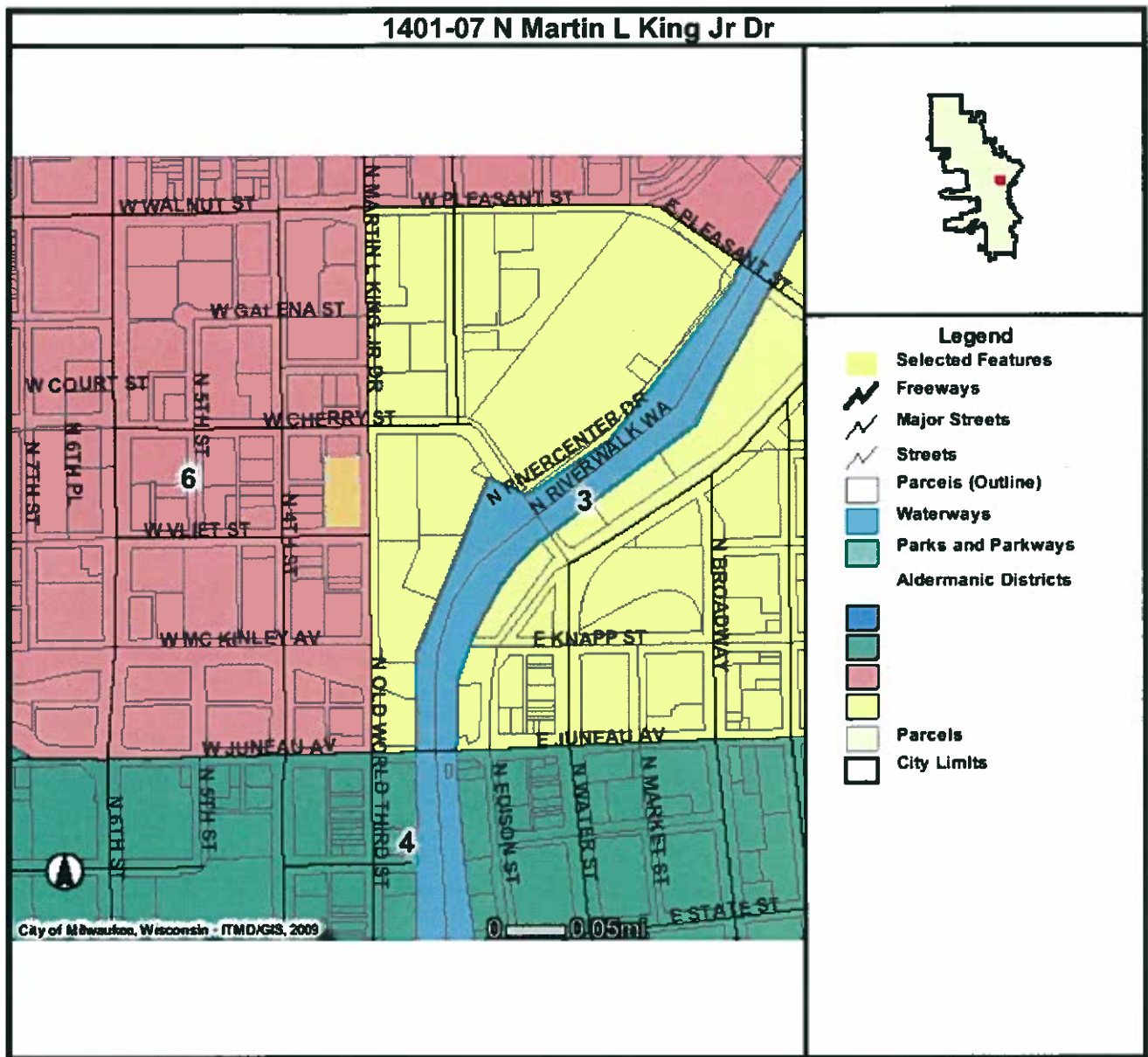
F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) \$173.77
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:
Annual billing/initial Inspection

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:
Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE





CCF 090262 1401-07 N Martin L King Jr Dr 8-13-09
Looking NW'ly from MLK at ramp.



CCF 090262 1401-07 N Martin L King Jr Dr 8-13-09
Looking S towards W Vliet St at new ramp
with handrail



Legislation Details (With Text)

File #: 081604 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 3/25/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution granting a special privilege to United Community Center Inc to construct and maintain an underground conduit between the premises at 604 West Scott Street and at 611 West Washington Street, in the 12th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: Special Privilege Petition, Drawing, Cover Letter, Fiscal Note, Map, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
3/25/2009	0	COMMON COUNCIL	ASSIGNED TO		
3/26/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
7/31/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number

081604

Version

SUBSTITUTE 1

Reference**Sponsor**

THE CHAIR

Title

Substitute resolution granting a special privilege to United Community Center Inc to construct and maintain an underground conduit between the premises at 604 West Scott Street and at 611 West Washington Street, in the 12th Aldermanic District.

Analysis

This resolution grants a special privilege to United Community Center Inc to construct and maintain an underground conduit between the premises at 604 West Scott Street and at 611 West Washington Street.

Body

Whereas, United Community Center Inc is requesting permission to install underground communications conduit between two of its facilities located along South 6th Street; and

Whereas, Said underground conduit 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 United Community Center Inc, 1028 South 9th Street, Milwaukee, WI 53204 is hereby granted the following special privilege:

To construct and maintain an underground communications conduit package consisting of two 1½ - inch diameter conduits connecting the premises at 604 West Scott Street and 611 West Washington Street. Said conduit package commences at the westline of South 6th Street at a point approximately 16 feet north of the northline of West Scott Street, extends 2 feet to the east; then extends 120 feet to the north; and then extends west 2 feet onto private property. Said conduit package is located 18-inches below grade.

Said underground conduit shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, United Community Center Inc, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a 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. The insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$124.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so

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

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

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

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

MDL:ns

July 22, 2009

081604

PETITION FOR A SPECIAL PRIVILEGE

SP 2458

**\$250.00 Publication Fee
Must Accompany This Petition
SUBMIT PETITION IN DUPLICATE**

March 5th, 20 09

To the Honorable, The Common Council of the City of Milwaukee:

The Licensee United Community Center, Inc.
(Name of Individual, Partners, Corporation or LLC)

being the owners of the following property known by street address as 604 W Scott Street, 53204
(Street Address and Zip Code)

in the 12th Aldermanic District respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section 66.0425 of the Wisconsin Statutes, that the following privilege be granted:

Install 2, 1.5" conduit 120 feet long, 18" below grade along city sidewalk

(Here describe the privilege)

between 1111 South 6th Street and 604 W Scott Street as per floor plans


attached.

Of which a plan or sketch is herewith submitted. Petitioner agrees to comply with all laws and all ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, to furnish a bond and pay annual compensation as provided by law in the sum to be fixed by the proper city officers, and to file and keep current throughout the existence of the privilege, a certificate of insurance indicating applicant holds a public liability policy in at least the sums of \$25,000.00/\$50,000.00 bodily injury, and \$10,000.00 property damage, insuring the city against any liability that might arise by reason of the privilege.

Petitioner further agrees to remove said privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Should this special privilege be discontinued for any reason whatsoever, petitioner agrees to remove all construction work executed pursuant to this special privilege, to restore to its former condition and to the approval of the Commissioner of Public Works, any curb, pavement, or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Petitioner further agrees not to contest the validity of Section 66.0425 of the Wisconsin Statutes, or the legality of this special privilege in any way.

Name (Please Print): Juan Ruiz - Deputy Director of United Community Center
(Individual, Partner, or Agent if corporation or LLC as shown above)

Signature: 
(Individual, Partner, or Agent if corporation or LLC)

Corporation or LLC Name: United Community Center, Inc.
(If applicable, as shown above)

Mailing Address (If different than property address above): 1028 South 9th Street

City: Milwaukee State: WI Zip: 53204

Telephone: 414-384-3100 E-Mail: juan@unitedcc.org

(OVER)

Architect/Engineer/Contractor (If Applicable)

Name: Steve's Trenching, Inc., c/o Steve Polzin

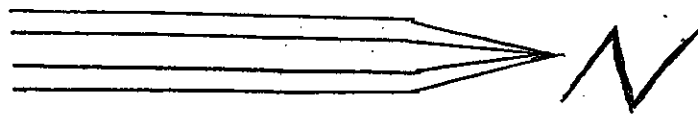
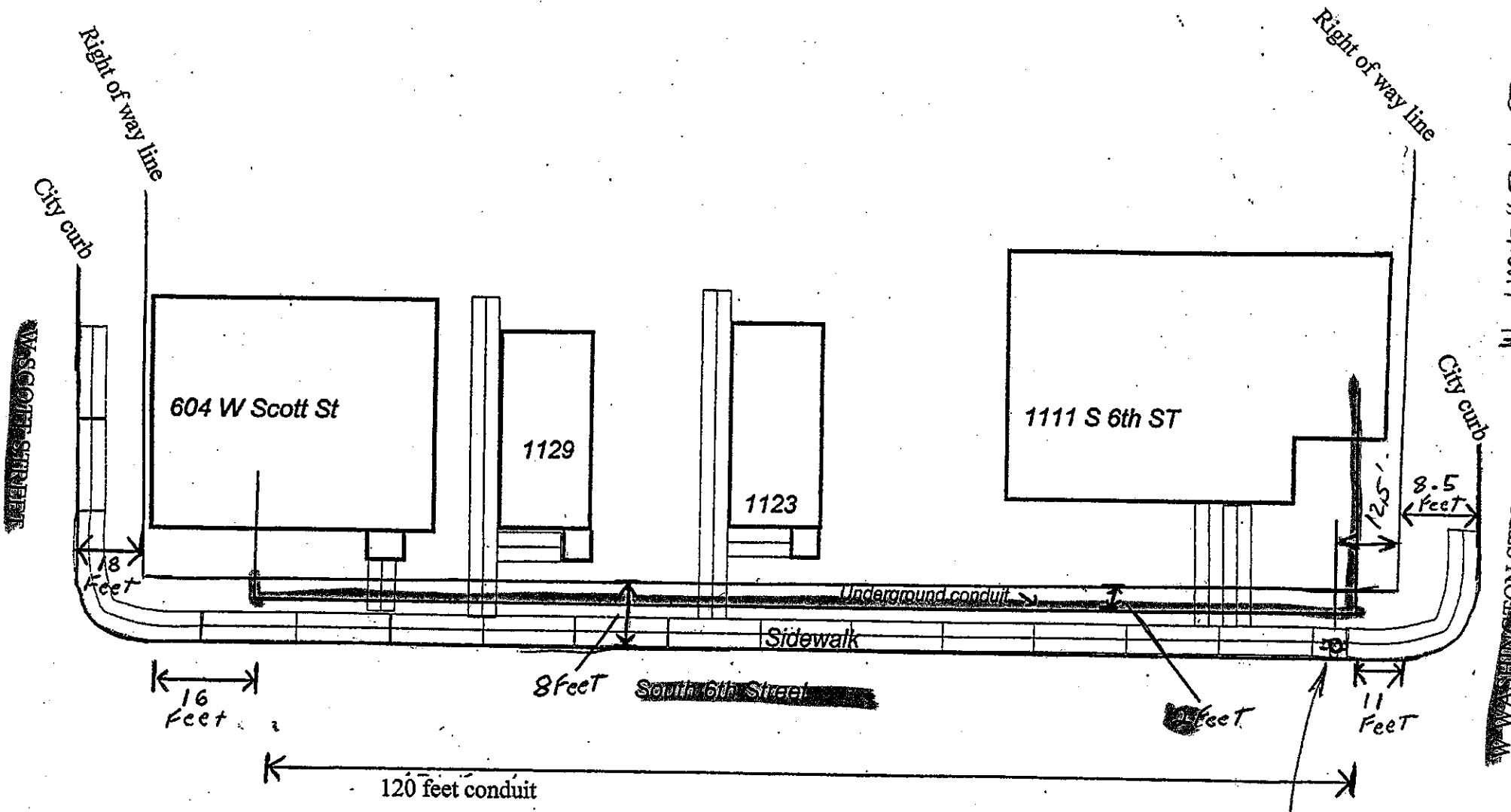
Address: W225 South 6835 Guthrie Dr.

City: Big Bend State: WI Zip: 53103

Telephone: 414-588-6177 E-Mail: slpolzin@wi.rr.com

**FILE WITH CITY CLERK LICENSE DIVISION ROOM 105, CITY HALL, 200 EAST WELLS STREET, 414-286-2238.
Make check payable to "City of Milwaukee".**

CITY OF MILWAUKEE
2009 MAR -9 AM 8:58
RONALD D. LEONHARDT
CITY CLERK



FIRE
 HYDRANT
 SEE ATTACHED
 STD. NOTES
 ESP. #3, 5 & 8.

WASHINGTON...
 WASHINGTON...

July 22, 2009

To the Public Works Committee

Subject: Common Council Resolution File Number 081604

Dear Honorable Members:

Returned herewith is the Common Council Resolution File Number 081604, granting a special privilege to United Community Center Inc to construct and maintain an underground conduit between the premises at 604 West Scott Street and at 611 West Washington Street.

The applicant is requesting permission to construct and maintain an underground communications conduit package in the west sidewalk area of South 6th Street. The conduit package consists of two 1½ - inch diameter conduits buried 18 inches below grade. The conduit package, which runs parallel and 2 feet east of the westline of South 6th Street, commences at a point approximately 16 feet north of the northline of West Scott Street and extends 120 feet to the north.

We are not aware that the presence of said underground conduit package will have an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow said underground conduit package to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

Art Dahlberg, Commissioner
Department of Neighborhood Services

MDL: ns
Attachment

c: Alderman James Witkowiak

CITY OF MILWAUKEE FISCAL NOTE

A) DATE July 22, 2009

FILE NUMBER: 081604

Original Fiscal Note Substitute

SUBJECT: Substitute resolution granting a special privilege to United Community Center Inc to construct and maintain an underground conduit between the premises at 604 West Scott Street and at 611 West Washington Street.

B) SUBMITTED BY (Name/title/dept./ext.): JEFFREY S. POLENSKE, P.E./CITY ENGINEER/INFRASTRUCTURE SERVICES DIVISION/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Annual billing/initial Inspection		\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$2.77/4.04	\$124.00	
TOTALS				\$124.00	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

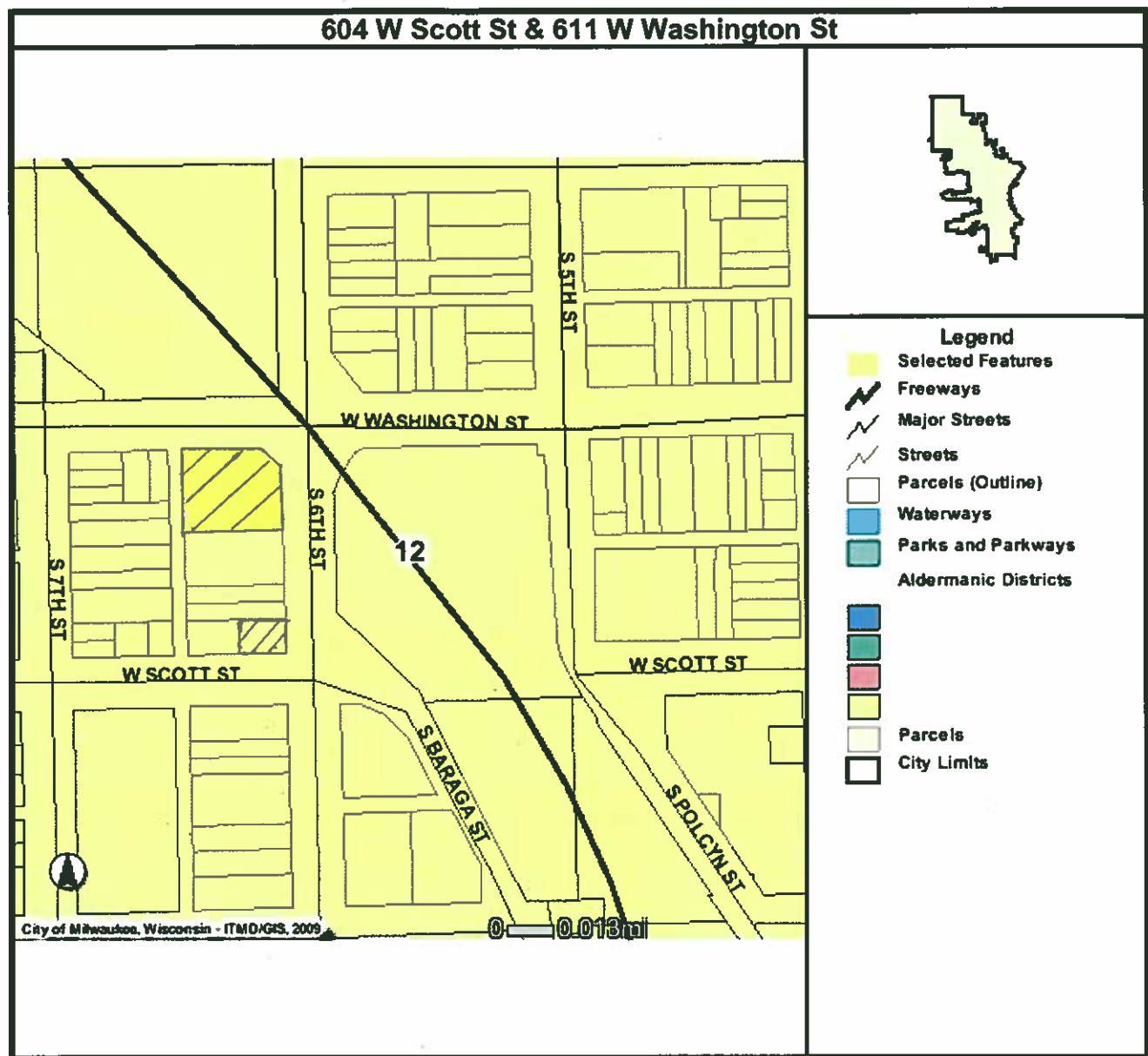
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) \$124.00
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:
Annual billing/initial Inspection

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:
Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE







Legislation Details (With Text)

File #: 090130 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 5/27/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution granting a special privilege to Priya Corporation for a monitoring well in the public right-of-way for the premises at 1233 West Layton Avenue, in the 13th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: Special Privilege Petition, Letter from Dept of Public Works, Fiscal note, Picture, Map, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
5/27/2009	0	COMMON COUNCIL	ASSIGNED TO		
5/29/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
8/14/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number

090130

Version

SUBSTITUTE 1

Reference

Sponsor

THE CHAIR

Title

Substitute resolution granting a special privilege to Priya Corporation for a monitoring well in the public right-of-way for the premises at 1233 West Layton Avenue, in the 13th Aldermanic District.

Analysis

This resolution grants a special privilege to Priya Corporation for a monitoring well in the public right-of-way for the premises at 1233 West Layton Avenue.

Body

Whereas, Priya Corporation, the applicant, is working to remove contamination from its property that was caused by a leaking underground storage tank; and

Whereas, As part of the remediation, the applicant, is being asked to install a monitoring well in the public right-of-way by the Wisconsin Department of Natural Resources; and

Whereas, Said monitoring well 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 Priya Corporation, 7222 North Teutonia Avenue, Milwaukee, WI 53209 is hereby granted the following special privilege:

To construct and maintain an 8-inch diameter monitoring well in the median of West Layton Avenue. Said monitoring well is centered approximately 45 feet north of the northline of West Layton Avenue and 158 feet east of the eastline of South 13th Street. Said monitoring well is flush with the surrounding grass.

Said monitoring well shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Priya Corporation, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a 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. The insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$35.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this

special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

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

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

Requestor
Department of Public Works
Drafter
Infrastructure Services Division
MDL:ns
July 28, 2009
090130

cc1-246 (Rev. 12/13/07)

PETITION FOR A SPECIAL PRIVILEGE

SP 24601

\$250.00 Publication Fee
Must Accompany This Petition
SUBMIT PETITION IN DUPLICATE

20

To the Honorable, The Common Council of the City of Milwaukee:

The Licensee Priya Corporation
(Name of Individual, Partner, Corporation or LLC)

being the owners of the following property known by street address as 1233 W. Layton Avenue
(Street Address and Zip Code)

In the 13 Aldermanic District respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section 66.0425 of the Wisconsin Statutes, that the following privilege be granted:

Permission to advance and maintain monitoring well MW10 as proposed on figure 4 Attached.
(Here describe the privilege)

Of which a plan or sketch is herewith submitted. Petitioner agrees to comply with all laws and all ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, to furnish a bond and pay annual compensation as provided by law in the sum to be fixed by the proper city officers, and to file and keep current throughout the existence of the privilege, a certificate of insurance indicating applicant holds a public liability policy in at least the sums of \$25,000.00/\$50,000.00 bodily injury, and \$10,000.00 property damage, insuring the city against any liability that might arise by reason of the privilege.

Petitioner further agrees to remove said privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Should this special privilege be discontinued for any reason whatsoever, petitioner agrees to remove all construction work executed pursuant to this special privilege, to restore to its former condition and to the approval of the Commissioner of Public Works, any curb, pavement, or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Petitioner further agrees not to contest the validity of Section 66.0425 of the Wisconsin Statutes, or the legality of this special privilege in any way.

Name (Please Print): ANUP K KHULLAR
(Individual, Partner, or Agent if corporation or LLC as shown above)

Signature: [Signature]
(Individual, Partner, or Agent if corporation or LLC)

Corporation or LLC Name: Priya Corporation
(if applicable, as shown above)

Mailing Address (if different than property address above): 7222 N TEUTONIA AVE

City: MILWAUKEE State: WI Zip: 53209

Telephone: 414-540-9320 E-Mail: andy@priyacorporation.com

(OVER)

Architect/Engineer/Contractor (If Applicable)

Name: Moraine Environmental, Inc.

Address: 1402 7th Ave

City: Wauwatosa State: WI Zip: 53024

Telephone: 262 377 9060 E-Mail: MorainePEXCPC.com

FILE WITH CITY CLERK LICENSE DIVISION ROOM 105, CITY HALL, 200 EAST WELLS STREET, 414-286-2238.
Make check payable to "City of Milwaukee".

CITY OF MILWAUKEE
2009 MAY 20 AM 10:31
RONALD D. LEONHART
CITY CLERK

July 28, 2009

To the Public Works Committee

Subject: Common Council Resolution File Number 090130

Dear Honorable Members:

Returned herewith is the Common Council Resolution File Number 090130, granting a special privilege to Priya Corporation to construct and maintain a monitoring well for the premises at 1233 West Layton Avenue.

The applicant, under the direction of the Wisconsin Department of Natural Resources, is conducting an environmental remediation of its property at 1233 West Layton Avenue. As part of the environmental remediation, that applicant is requesting permission to install and maintain a monitoring well in the median of West Layton Avenue in order to determine the extent of any contamination that may be located within the public right-of-way. The monitoring well, which has been installed, is flush with the surrounding grass.

We are not aware that the presence of said monitoring well will have an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow said monitoring well to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

Art Dahlberg, Commissioner
Department of Neighborhood Services

MDL: ns
Attachment

c: Alderman Terry Witkowski

CITY OF MILWAUKEE FISCAL NOTE

A) DATE July 28, 2009

FILE NUMBER: 090130

Original Fiscal Note Substitute

SUBJECT: Substitute resolution granting a special privilege to Priya Corporation for a monitoring well in the public right-of-way for the premises at 1233 West Layton Avenue.

B) SUBMITTED BY (Name/title/dept./ext.): JEFFREY S. POLENSKE, P.E./CITY ENGINEER/INFRASTRUCTURE SERVICES DIVISION/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Annual billing/initial Inspection		\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$2.77/4.04	\$35.00	
TOTALS				\$35.00	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) \$35.00
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

Annual billing/initial Inspection

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

Special Privilege Committee Fee Schedule

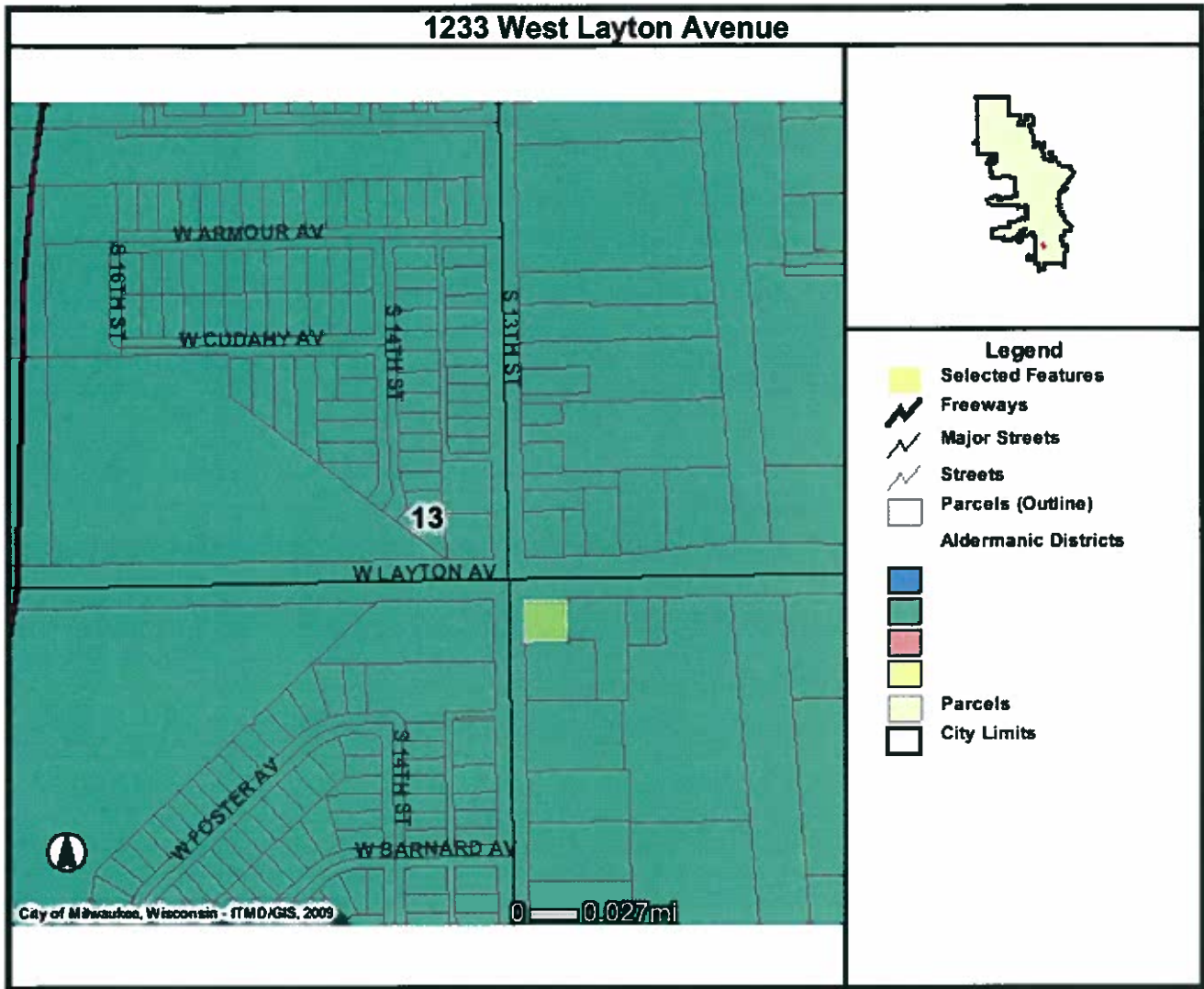
PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



**CCF 090130 1233 W Layton Ave 7-27-2009
Looking W towards 13th St at monitoring well
in median of Layton Ave.**



CCF 090130 1233 W Layton Ave 7-27-2009
Looking S from median in Layton Ave at
subject premises.





Legislation Details (With Text)

File #: 071266 **Version:** 1
Type: Resolution **Status:** In Committee
File created: 1/15/2008 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Substitute resolution granting a special privilege to Lamar Outdoor Advertising for two concrete pads, a fence and electrical equipment in the public right-of-way at 302 West Rosedale Avenue, in the 14th Aldermanic District.

Sponsors:

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: Petition For A Special Privilege, Letter from Dept of Public Works, Fiscal note, Picture, Map, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/15/2008	0	COMMON COUNCIL	ASSIGNED TO		
1/16/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
8/14/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
071266
Version
SUBSTITUTE 1

Reference

Sponsor
THE CHAIR

Title

Substitute resolution granting a special privilege to Lamar Outdoor Advertising for two concrete pads, a fence and electrical equipment in the public right-of-way at 302 West Rosedale Avenue, in the 14th Aldermanic District.

Analysis

This resolution grants a special privilege to Lamar Outdoor Advertising for two concrete pads, a fence and electrical equipment in the public right-of-way at 302 West Rosedale Avenue.

Body

Whereas, Lamar Outdoor Advertising was permitted to construct and maintain a billboard sign adjacent to the I-94/43 freeway on property that was owned by a railroad company; and

Whereas, Subsequently, the City of Milwaukee acquired said property; and

Whereas, The applicant then constructed two concrete platforms and a fence enclosing electrical equipment and electrical equipment for related to the billboard sign without acquiring permission to construct said items; and

Whereas, Said property has since been dedicated as public right-of-way; and

Whereas, Lamar Outdoor Advertising is requesting permission to keep and maintain two concrete pads, a fence enclosing electrical equipment and electrical equipment for the billboard sign; and

Whereas, The billboard sign is allowed to exist in the public right-of-way by virtue of agreements made prior to dedication of the property as public right-of-way; and

Whereas, Said concrete platforms, fence and electrical equipment 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 Lamar Outdoor Advertising, 2809 South 5th Court, Milwaukee, Wisconsin 53207 is hereby granted the following special privileges:

1. To keep and maintain two concrete platforms in the public right-of-way of the Kinnickinnic River Bike Trail adjacent to a billboard pole centered approximately 400 feet west of the westline of South Chase Avenue and 10 feet north of the northerly line of West Rosedale Avenue. The northern platform measures 14 feet 2 inches long, 8 feet 7 inches wide and 6 inches tall. The southern platform measures 5 feet 11 inches long, 5 feet 10 inches wide and 1 foot tall.
2. To keep and maintain a chain link fence enclosure for electrical equipment related to the adjacent electronic billboard. Said fence enclosure is 7 feet tall and is located on the northern concrete platform described in Item #1 above.
3. To keep and maintain electrical equipment required for the adjacent electronic billboard. Said equipment is located on the northern concrete platform described in Item #1 and within the enclosure described in Item #2.

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 conditions that, by acceptance of this special privilege the grantee, Lamar Outdoor Advertising, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a 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.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$120.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

MDL: ns

July 31, 2009

071266

PETITION FOR A SPECIAL PRIVILEGE

SP 2377

\$250.00 Publication Fee
Must Accompany This Petition
SUBMIT PETITION IN DUPLICATE

DECEMBER 7, 2007

To the Honorable, The Common Council of the City of Milwaukee:

The undersigned LAMAR OUTDOOR ADVERTISING
(Name of Individual, Partners, Corporation or LLC)

being the owners of the following property known by street address as 302 W. ROSEDALE AVE
(Street Address and Zip Code)
MILW. WI 53207

in the 14TH Aldermanic District respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section 66.0425 of the Wisconsin Statutes, that the following privilege be granted:

INSTALLATION OF CONCRETE PAD AND ELECTRICAL ENCLOSURE
(Here describe the privilege)

Of which a plan or sketch is herewith submitted. Petitioner agrees to comply with all laws and all ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, to furnish a bond and pay annual compensation as provided by law in the sum to be fixed by the proper city officers, and to file and keep current throughout the existence of the privilege, a certificate of insurance indicating applicant holds a public liability policy in at least the sums of \$25,000.00/\$50,000.00 bodily injury, and \$10,000.00 property damage, insuring the city against any liability that might arise by reason of the privilege.

Petitioner further agrees to remove said privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Should this special privilege be discontinued for any reason whatsoever, petitioner agrees to remove all construction work executed pursuant to this special privilege, to restore to its former condition and to the approval of the Commissioner of Public Works, any curb, pavement, or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Petitioner further agrees not to contest the validity of Section 66.0425 of the Wisconsin Statutes, or the legality of this special privilege in any way. LIMITED TO CONCRETE PAD AND ELECTRICAL ENCLOSURE.

Name (Please Print): KURT WEIS
(Individual, Partner, or Agent if corporation or LLC)

Signature: Kurt Weis

Corporation or LLC Name: LAMAR OUTDOOR ADVERTISING
(if applicable)

Mailing Address (If different than above): 2809 S. FIFTH COURT

City: MILWAUKEE State: WI Zip: 53207

Telephone: 414-257-3999 E-Mail: _____

Architect/Engineer/Contractor (If Applicable)

Name: N/A

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-Mail: _____

**FILE WITH CITY CLERK LICENSE DIVISION ROOM 105, CITY HALL, 200 EAST WELLS STREET, 414-286-2238.
Make check payable to "City of Milwaukee".**

CITY OF MILWAUKEE
07 DEC 18 AM 8:21
RONALD B. EDWARDS
CITY CLERK

July 31, 2009

To the Public Works Committee

Subject: Common Council Resolution File Number 071266

Dear Honorable Members:

Returned herewith is the Common Council Resolution File Number 071266, granting a special privilege to Lamar Outdoor Advertising to construct and maintain two concrete platforms, a fence enclosure and electrical equipment associated with an electronic billboard sign in the public right-of-way at 302 West Rosedale Avenue.

Lamar Outdoor Advertising was permitted to construct and maintain a billboard sign adjacent to the I-94/43 freeway on property that was owned by a railroad company. Subsequently, the City of Milwaukee acquired the property and it has been dedicated as right-of-way for the Kinnickinnic River Bike Trail.

Sometime after the property was acquired by the City of Milwaukee but prior to being dedicated as right-of-way, the applicant constructed two concrete platforms, a fence enclosure and additional electrical equipment required for an electronic billboard without acquiring permission. While the billboard sign itself is permitted to remain in the public right-of-way based upon agreements previously made, the concrete platforms, fence enclosure and additional electrical equipment can only be permitted to remain in the public right-of-way by the granting of a special privilege by the Milwaukee Common Council.

We are not aware that the presence of said items will have an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow said items to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

Art Dahlberg, Commissioner
Department of Neighborhood Services

MDL: ns
Attachment
c: Alderman Tony Zielinski

CITY OF MILWAUKEE FISCAL NOTE

A) DATE July 31, 2009

FILE NUMBER: 071266

Original Fiscal Note Substitute

SUBJECT: Substitute resolution granting a special privilege to Lamar Outdoor Advertising for two concrete pads, a fence and electrical equipment in the public right-of-way at 302 West Rosedale Avenue.

B) SUBMITTED BY (Name/title/dept./ext.): **JEFFREY S. POLENSKE, P.E./CITY ENGINEER/INFRASTRUCTURE SERVICES DIVISION/2400**

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Annual billing/initial Inspection		\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$2.77/4.04	\$120.00	
TOTALS				\$120.00	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) \$120.00
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

Annual billing/initial Inspection

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



CCF 071266 302 W Rosedale Ave 7-28-2009
Looking SW'ly at concrete platforms, fence
enclosure, and electrical equipment at base
of billboard.



CCF 071266 302 W Rosedale Ave 7-28-2009
Looking NW'ly across Rosedale Ave at billboard
in Kinnickinnic River Bike Trail ROW.

302 West Rosedale Avenue aka 2744 South 6th Street





Legislation Details (With Text)

File #: 080508 **Version:** 1
Type: Resolution **Status:** In Committee
File created: 7/30/2008 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Substitute resolution amending a special privilege to Pfister LLC for change of ownership for items previously granted permission; for deletion of items; and for addition of items in the public right-of-way for the premises at 424 East Wisconsin Avenue, in the 4th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: Special Privilege Petition, Letter from Department of Public Works, Fiscal Note, Pictures, Map, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/30/2008	0	COMMON COUNCIL	ASSIGNED TO		
8/1/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
7/20/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
080508
Version
SUBSTITUTE 1

Reference
901271
940413

Sponsor
THE CHAIR

Title
Substitute resolution amending a special privilege to Pfister LLC for change of ownership for items previously granted permission; for deletion of items; and for addition of items in the public right-of-way for the premises at 424 East Wisconsin Avenue, in the 4th Aldermanic District.

Analysis
This resolution amends a special privilege to Pfister LLC for change of ownership for a solarium (greenhouse-type structure), entrance enclosure, bronze medallion, moveable planters, dumpsters and granite pavers; for deletion of a sidewalk area dining facility (sidewalk café) and trash compactor; and for addition of a sculpture, several moveable planters, three ventilation ducts, private light fixtures, excess door swings, non-code compliant moveable awnings and a downward set of stairs in the public right-of-way for the premises at 424 East Wisconsin Avenue.

Body
Whereas, Pfister Corporation requested permission to install a trash compactor and nine dumpsters in the public right-of-way; and

Whereas, Permission for items was granted in 1990 under Common Council Resolution File Number 901271; and

Whereas, Pfister Hotel Corporation requested permission to construct and maintain a solarium (greenhouse-type structure); an entrance enclosure; a bronze medallion in the sidewalk pavement; granite pavers; a sidewalk café; and moveable planters in the public right-of-way; and

Whereas, Permission for said items was granted in 1994 under Common Council Resolution File Number 940413; and

Whereas, Sidewalk Cafes are presently permitted by the Milwaukee Code of Ordinances with the issuance of a Sidewalk Area Dining Facility Permit; and

Whereas, Pfister LLC now owns the property; and

Whereas, A site visit revealed the presence of a sculpture, mounted above the restaurant entrance at the corner of East Mason Street and North Jefferson Street, several additional moveable planters; three ventilation ducts; non-code compliant moveable awnings; excess door swings; and a downward set of stairs in the public right-of-way; and

Whereas, For the liability for items previously granted permission to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

Whereas, Said sculpture, ventilation ducts, downward stairs, non-code compliant moveable awnings and additional moveable planters may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Numbers 901271 and 940413 are hereby rescinded; and, be it

Further Resolved, That Pfister, LLC, 424 East Wisconsin Avenue, Milwaukee, Wisconsin 532021, is hereby granted the following special privileges:

1. To keep and maintain three, 2-foot diameter ventilation ducts projecting into the 14-foot wide, north-south alley. Said

ducts are centered approximately 38, 98, and 170 feet south of the southline of East Mason Street and project 2 feet into the 14-foot wide north-south alley adjacent to the subject property. All of said ducts are located a minimum of 10 feet above the adjacent alley grade, but project in excess of the 1-foot allowed under Section 245-4-23 of the Milwaukee Code of Ordinances.

2. To keep and maintain six concrete moveable planters in the north, 20-foot wide sidewalk area of East Wisconsin Avenue. Said planters are centered approximately 3 feet south of the northline of East Wisconsin Avenue and are evenly spaced between North Jefferson Street and the adjacent north-south alley. Said planters are 3 feet 4 inches in diameter and 2 feet 6 inches tall.
3. To keep and maintain four concrete moveable planters in the west, 15-foot wide sidewalk area of North Jefferson Street. Said planters are centered approximately 3 feet east of the westline of North Jefferson and are located between the northline of East Wisconsin Avenue and a point 65 feet north of the northline of East Wisconsin Avenue. Said planters are 3 feet 4 inches in diameter and 2 feet 6 inches tall.
4. To keep and maintain a downward stairway projecting 5 feet into the west, 15-foot wide sidewalk area of North Jefferson Street. Said stairway commences at a point approximately 15 feet north of the northline of East Wisconsin Avenue and extends 19 feet to the north.
5. To keep and maintain a solarium (greenhouse-type structure) projecting 8 feet 3 inches into the west, 15-foot wide sidewalk area of North Jefferson Street for an indoor café. The 14-foot tall solarium commences at a point approximately 100 feet north of the northline of East Wisconsin Avenue and extends north 63 feet.

The building shall be maintained in such a manner that the solarium can be removed from the public right-of-way, should such action be required by public necessity as determined by the Common Council subsequent to review by the Commissioner of Public Works and the Commissioner of the Department of Neighborhood Services.

Grantee shall maintain a minimum pedestrian clear path of 5 feet at all times. The sidewalk area adjacent to the solarium shall be kept clear of snow, ice and any other debris at all times.

6. To keep and maintain a line fence projecting perpendicularly 6 feet 8 inches into the west, 15-foot wide sidewalk area of North Jefferson Street. Said fence is centered approximately 180 feet north of the northline of East Wisconsin Avenue and is constructed on a 1-foot wide concrete base.
7. To keep and maintain a 12-foot 6-inch tall entrance structure enclosure with revolving door projecting 7 feet 6 inches into the 15-foot wide west sidewalk area of North Jefferson Street. Said entrance structure commences at a point approximately 65 feet north of the northline of East Wisconsin Avenue and extends 20 feet 4 inches to the north.
8. To keep and maintain a section of 12-inch by 24-inch granite pavers in the 15-foot sidewalk area of North Jefferson Street commencing at a point approximately 65 feet north of the northline of East Wisconsin Avenue and extending 20 feet 4 inches to the north.
9. To keep and maintain a 33-inch diameter bronze medallion within the sidewalk surface of the west, 15-foot wide sidewalk area of North Jefferson Street. Said medallion is centered approximately 76 feet north of the northline of East Wisconsin Avenue and approximately 11 feet east of the westline of North Jefferson Street.
10. To keep and maintain fourteen wooden moveable planters, thirteen in the west sidewalk area of North Jefferson Street and one in the south sidewalk area of East Mason Street. All of said planters are 1 foot 9 inches square and 2 feet tall. In North Jefferson Street, said planters are centered approximately 2 feet east of the westline of North Jefferson Street and are evenly spaced between the southline of East Mason Street and a point approximately 130 feet to the south. In East Mason Street, said planter is centered approximately 2 feet north of the northline of East Mason Street and 3 feet west of the westline of North Jefferson Street.
11. To keep and maintain 15 private light fixtures mounted to the building and projecting 8 inches into the public right-of-

-way. Seven light fixtures project into the west sidewalk area of North Jefferson Street being evenly spaced between the southline of East Mason Street and a point approximately 75 feet to the south. Eight light fixtures project into the south sidewalk area of East Mason Street being evenly spaced between the westline of North Jefferson Street and a point approximately 80 feet to the west. All of the aforementioned light fixtures are mounted to the building such that their minimum elevation is less than the 7 feet required under Section 245-4-25 of the Milwaukee Code of Ordinances.

12. To keep and maintain a sculpture centered at the intersection of the southline of East Mason Street and the westline of North Jefferson Street. Said sculpture is mounted at a minimum elevation of 15 feet above the adjacent sidewalk grade. The 18-inch wide sculpture and support project approximately 5 feet into the public way.

13. To keep and maintain four sets of double doors, each comprised of two 3-foot wide doors that, when fully open, project 3 feet into the south sidewalk area of East Mason Street. Said doors are evenly spaced between the westline of North Jefferson Street and a point approximately 80 feet to the west. Said doors project into the public way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

14. To keep and maintain non-code compliant moveable fabric awnings. Said awnings project up to 9 feet into the south 15-foot wide sidewalk area of East Mason Street in excess of the 6 feet allowed under Section 245-6-4 of the Milwaukee Code of Ordinances. Said moveable awnings commence at a point approximately 11 feet west of the westline of North Jefferson Street and extend 53 feet 6 inches to the west.

15. To keep and maintain a maximum of nine wheeled dumpsters located in the north-south alley in the block bounded by North Jefferson Street, East Mason Street, North Milwaukee Street and East Wisconsin Avenue. Said dumpsters may project up to 4 feet into the 14-foot wide alley.

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, Pfister, LLC, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a 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.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$19,329.60. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the

amount of the annual fixed fee, payable on or before July 1st of each year.

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

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

MDL: ns

June 30, 2009

080508

PETITION FOR A SPECIAL PRIVILEGE AMENDMENT

SP 2429

\$250.00 Publication Fee

SP: 1333 CC: 901271

June 2, 2008

Must Accompany This Petition

SUBMIT PETITION IN DUPLICATE

To the Honorable, The Common Council of the City of Milwaukee:

The Licensee: Plister, LLC
(Name of Individual, Partners, Corporation or LLC)

being the owners of the following property known by street address as 424 E Wisconsin Ave
(Street Address and Zip Code)

in the 4th Aldermanic District respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section 66.0425 of the Wisconsin Statutes, that the following privilege be granted:

Change of ownership for trash compactor, wheeled dumpsters, bronze medallion, moveable planters, greenhouse café, & entrance enclosure
(Here describe the privilege)

Of which a plan or sketch is herewith submitted. Petitioner agrees to comply with all laws and all ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, to furnish a bond and pay annual compensation as provided by law in the sum to be fixed by the proper city officers, and to file and keep current throughout the existence of the privilege, a certificate of insurance indicating applicant holds a public liability policy in at least the sums of \$25,000.00/\$50,000.00 bodily injury, and \$10,000.00 property damage, insuring the city against any liability that might arise by reason of the privilege.

Petitioner further agrees to remove said privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Should this special privilege be discontinued for any reason whatsoever, petitioner agrees to remove all construction work executed pursuant to this special privilege, to restore to its former condition and to the approval of the Commissioner of Public Works, any curb, pavement, or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Petitioner further agrees not to contest the validity of Section 66.0425 of the Wisconsin Statutes, or the legality of this special privilege in any way.

X Name (Please Print): JOE KURTH
(Individual, Partner, or Agent If corporation or LLC as shown above)

X Signature: [Signature]
(Individual, Partner, or Agent If corporation or LLC as shown above)

Corporation or LLC Name: Plister, LLC
(If applicable as shown above)

Mailing Address (If different than Property address above): _____

City: _____ State: _____ Zip: _____

Telephone: 414-390-3805 E-Mail: jekurth@theplisterhotel.com

(OVER)

Architect/Engineer/Contractor (If Applicable)

Name: GREG DWENS

Address: 424 E. W I Ave

City: MKE State: WI Zip: 53202

Telephone: 414-273-8222 E-Mail: GregDwens@thepfisterhotel.com

FILE WITH CITY CLERK LICENSE DIVISION ROOM 105, CITY HALL, 200 EAST WELLS STREET, 414-286-2238.
Make Check Payable to "City of Milwaukee".

CITY OF MILWAUKEE
08 JUL -2 AM 4:44
RONALD D. LEONHARDT
CITY CLERK

CITY OF MILWAUKEE
2008 JUL -2 PM 2:10
RONALD D. LEONHARDT
CITY CLERK

June 30, 2009

To the Public Works Committee

Subject: Common Council Resolution File Number 080508

Dear Honorable Members:

Returned herewith is the Common Council Resolution File Number 080508, amending a special privilege to Pfister LLC for change of ownership for a solarium (greenhouse-type structure), entrance enclosure, bronze medallion, moveable planters, dumpsters and granite pavers; for deletion of a sidewalk area dining facility (sidewalk café) and trash compactor; and for addition of a sculpture, several moveable planters, three ventilation ducts, private light fixtures, excess door swings, non-code compliant moveable awnings and a downward set of stairs in the public right-of-way for the premises at 424 East Wisconsin Avenue..

Pfister Corporation requested permission to install a trash compactor and nine dumpsters in the public right-of-way and permission for these items was granted in 1990 under Common Council Resolution File Number 901271. It should be noted that no sign of the trash compactor was observed during field visits to the property. Pfister Hotel Corporation requested permission to construct and maintain a solarium (greenhouse-type structure); an entrance enclosure; a bronze medallion in the sidewalk pavement; granite pavers; a sidewalk café; and moveable planters in the public right-of-way. Permission for these items was granted in 1994 under Common Council Resolution File Number 940413. Sidewalk cafés are currently allowed to occupy the public right-of-way with the issuance of a Sidewalk Area Dining Facility Permit and no longer require a special privilege.

Site visits revealed the presence of additional items in the public right-of-way abutting the subject premises. These items include private light fixtures projecting 8 inches into North Jefferson Street and East Mason Street at a minimum elevation that is less than the 7 feet required by Section 245-4-25; moveable awnings that project into East Mason Street in excess of the 6 feet allowed under Section 245-6-4 of the Milwaukee Code of Ordinances; additional moveable planters in North Jefferson Street; ventilation ducts in the adjacent north-south alley; downward stairway; excess door swings projecting into East Mason Street; and a sculpture at the corner of East Mason Street and North Jefferson Street mounted about the restaurant entrance.

To the Public Works Committee
June 30, 2009
Page 2

We are not aware that the presence of said items will have an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow said items to occupy the public right-of-way, will change the owner to Pfister LLC and will delete items no longer present in the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

Art Dahlberg, Commissioner
Department of Neighborhood Services

MDL: ns

Attachment

c: Alderman Robert Bauman

CITY OF MILWAUKEE FISCAL NOTE

A) DATE June 30, 2009

FILE NUMBER: 080508

Original Fiscal Note Substitute

SUBJECT: Substitute resolution amending a special privilege to Pfister LLC for change of ownership for items previously granted permission; for deletion of items; and for addition of items in the public right-of-way for the premises at 424 East Wisconsin Avenue.

B) SUBMITTED BY (Name/title/dept./ext.): JEFFREY S. POLENSKE, P.E./CITY ENGINEER/INFRASTRUCTURE SERVICES DIVISION/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Annual billing/initial Inspection		\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$2.77/4.04	\$19,329.60	
TOTALS				\$19,329.60	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) \$19,329.60
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:
Annual billing/initial Inspection

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:
Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



CCF 080508 424 E Wisconsin Ave 6-23-2009
Looking NE across Wisconsin Ave at planters in
N sidewalk area of Wisconsin Ave.



CCF 080508 424 E Wisconsin Ave 6-23-2009
Looking S'ly from corner of Mason & Jefferson
at planters and light fixtures in W sidewalk
of Jefferson.



CCF 080508 424 E Wisconsin Ave 6-23-2009
Looking NW across Jefferson St at entrance
enclosure and solarium.



**CCF 080508 424 E Wisconsin Ave 6-23-2009
Looking S towards Wisconsin at line fence and
at solarium in W sidewalk area of Jefferson St.**



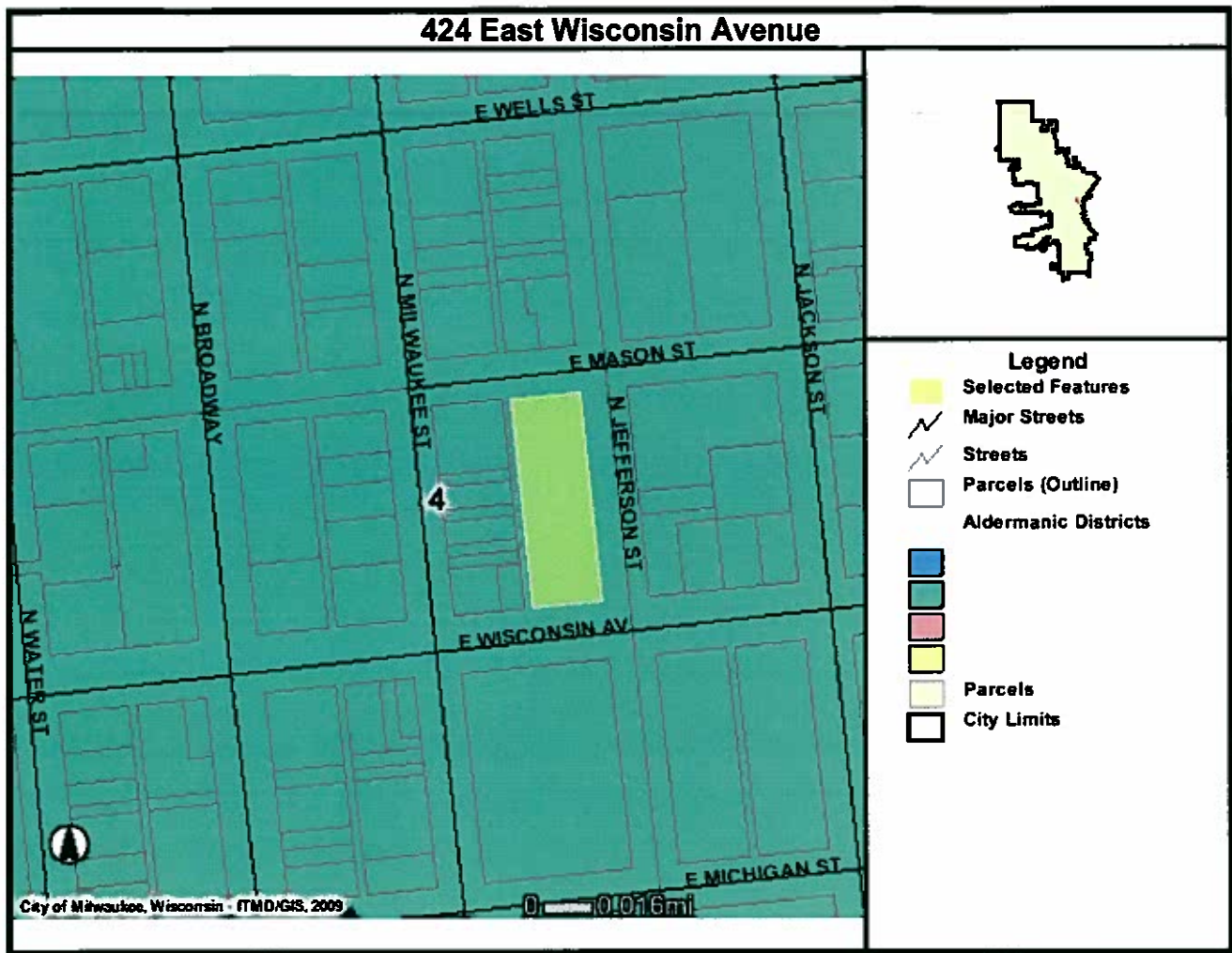
CCF 080508 424 E Wisconsin Ave 6-23-2009
Looking W across Jefferson St at downward
stairway in Jefferson.



CCF 080508 424 E Wisconsin Ave 6-23-2009
Looking S'ly across E Mason St at awnings,
light fixtures, door swings and sculpture in S
sidewalk of Mason.



CCF 080508 424 E Wisconsin Ave 6-23-2009
Looking SE from Mason St at three vent ducts
projecting into the adjacent N-S alley.





Legislation Details (With Text)

File #: 090415 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution granting a special privilege to SVC of Wisconsin Ltd to install and maintain two sculptural chairs for the premises at 1247 North Water Street, in the 3rd Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: Special Privilege Petition and Drawing, Letter from Dept of Public Works, Fiscal Note, Pictures, Map, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		
8/5/2009	0	CITY CLERK	REFERRED TO		
9/2/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
090415
Version
SUBSTITUTE 1

Reference

Sponsor
THE CHAIR

Title

Substitute resolution granting a special privilege to SVC of Wisconsin Ltd to install and maintain two sculptural chairs for the premises at 1247 North Water Street, in the 3rd Aldermanic District.

Analysis

This resolution grants a special privilege to SVC of Wisconsin Ltd to install and maintain two sculptural chairs in the public right-of-way for the premises at 1247 North Water Street.

Body

Whereas, SVC of Wisconsin Ltd, the applicant, is seeking permission to install and maintain two sculptural chairs in the public right-of-way in order to attract attention to its dining establishment; and

Whereas, Said sculptural chairs 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 SVC of Wisconsin Ltd, c/o Joseph J. Sorge, 1247 North Water Street, Milwaukee, WI 53202 is hereby granted the following special privilege:

To install and maintain two 7-foot tall sculptural chairs in the south, variable width sidewalk area of East Knapp Street. Said chairs are centered about a point approximately 12 feet west of the westline of North Water Street and 5 feet north of the southline of East Knapp Street. The sculptural chairs are 5 feet 1 inch long and 3 feet 11 inches wide.

Said sculptural chairs shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, SVC of Wisconsin Ltd, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a 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. The insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$85.33. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

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

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

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

MDL:ns

August 28, 2009

090415

PETITION FOR A SPECIAL PRIVILEGE

SP 2470

**\$250.00 Publication Fee
Must Accompany This Petition
SUBMIT PETITION IN DUPLICATE**

7/8 .20 09

To the Honorable, The Common Council of the City of Milwaukee:

The Licensee SVC of Wisconsin, Ltd.
(Name of Individual, Partners, Corporation or LLC)

being the owners of the following property known by street address as 1247 N. Water St 53202
(Street Address and Zip Code)

in the 4th Aldermanic District respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section 66.0425 of the Wisconsin Statutes, that the following privilege be granted:

Placement of sculptural art / chairs at sidewalk of premises.
(Here describe the privilege)

Of which a plan or sketch is herewith submitted. Petitioner agrees to comply with all laws and all ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, to furnish a bond and pay annual compensation as provided by law in the sum to be fixed by the proper city officers, and to file and keep current throughout the existence of the privilege, a certificate of insurance indicating applicant holds a public liability policy in at least the sums of \$25,000.00/\$50,000.00 bodily injury, and \$10,000.00 property damage, insuring the city against any liability that might arise by reason of the privilege.

Petitioner further agrees to remove said privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Should this special privilege be discontinued for any reason whatsoever, petitioner agrees to remove all construction work executed pursuant to this special privilege, to restore to its former condition and to the approval of the Commissioner of Public Works, any curb, pavement, or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Petitioner further agrees not to contest the validity of Section 66.0425 of the Wisconsin Statutes, or the legality of this special privilege in any way.

Name (Please Print): JOSEPH J. SORGE
(Individual, Partner, or Agent if corporation or LLC as shown above)

Signature: [Handwritten Signature]
(Individual, Partner, or Agent if corporation or LLC)

Corporation or LLC Name: SVC OF WISCONSIN, LTD.
(If applicable, as shown above)

Mailing Address (If different than property address above): _____

City: _____ State: _____ Zip: _____

Telephone: 224-8287 E-Mail: _____

Architect/Engineer/Contractor (If Applicable)

Name: Flux Design

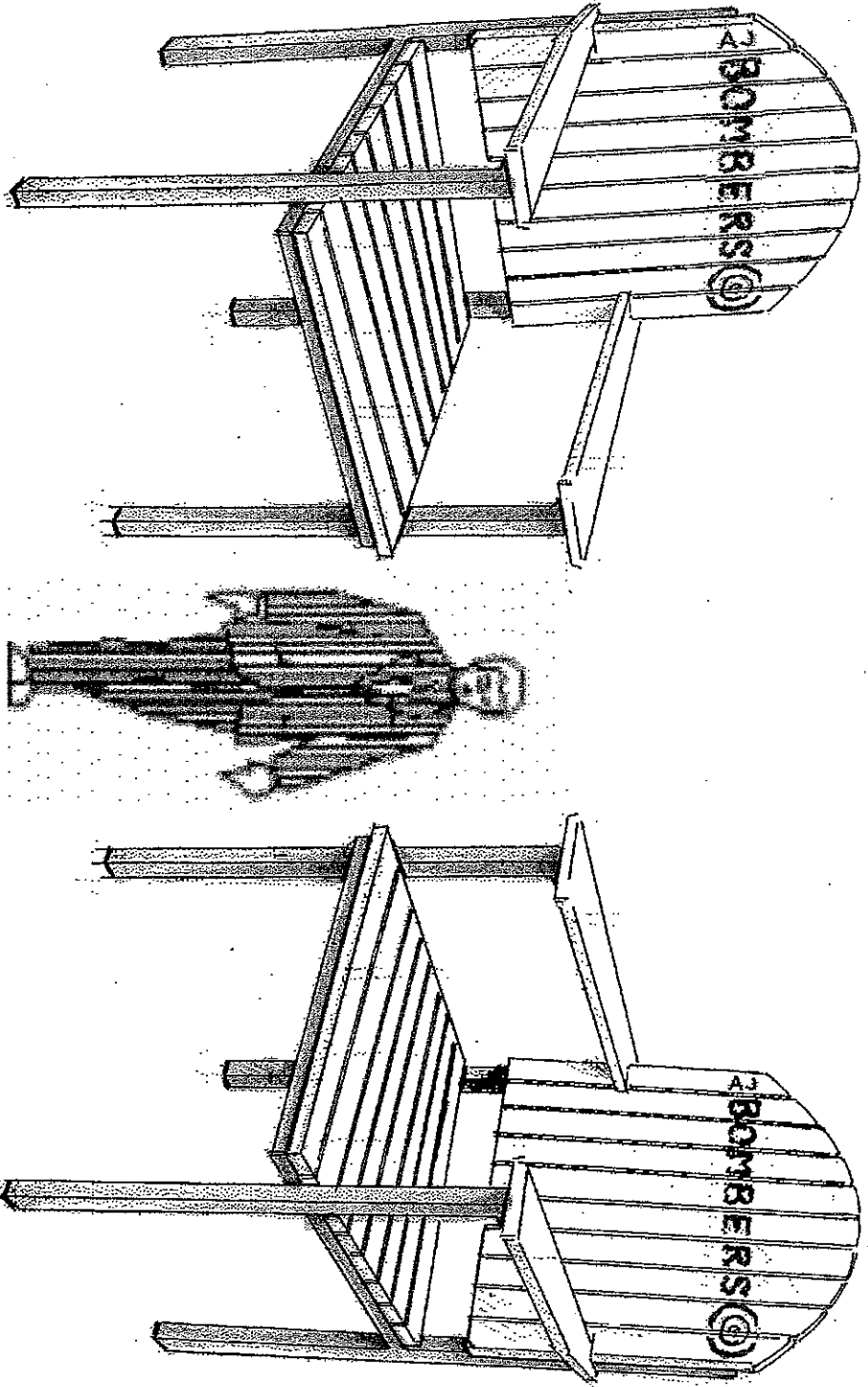
Address: 311 E. Vienna

City: Milwaukee State: WI Zip: 53202

Telephone: 414 906 1990 E-Mail: adam@flux.com

**FILE WITH CITY CLERK LICENSE DIVISION ROOM 105, CITY HALL, 200 EAST WELLS STREET, 414-286-2238.
Make check payable to "City of Milwaukee".**

CITY OF MILWAUKEE
2009 JUL - 8 AM 8:29
RONALD D. LEONHARDT
CITY CLERK



SCULPTURAL CHAIRS

<p>www.thinkflux.com</p>	<p>AJ BOMBERS fluxdesign</p>	<p>LARGE CHAIRS</p>	<p>NO SCALE CONCEPT LAYOUT</p>	<p>ROSALES MUERER</p>	<p>PERSPECTIVE VIEW</p>	<p>R: A</p>
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August 28, 2009

To the Public Works Committee

Subject: Common Council Resolution File Number 090415

Dear Honorable Members:

Returned herewith is the Common Council Resolution File Number 090415, granting a special privilege SVC of Wisconsin Ltd to install and maintain two sculptural chairs in the public right-of-way for the premises at 1247 North Water Street.

Applicant is desirous to maintain two sculptural chairs in the public right-of-way as a means of drawing attention to its establishment. The chairs, which are constructed out of metal, are about 5 feet long, 4 feet wide and 7 feet tall. They are located in the variable width, south sidewalk of East Knapp Street centered about a point approximately 12 feet west of the westline of North Water Street and 5 feet north of the southline of East Knapp Street. It should be noted that the sculptural chairs do not impend pedestrian traffic along East Knapp Street.

We are not aware that the presence of said chairs will have an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow said chairs to continue to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

Art Dahlberg, Commissioner
Department of Neighborhood Services

MDL: ns

Attachment

c: Alderman Nik Kovac

CITY OF MILWAUKEE FISCAL NOTE

A) DATE August 28, 2009

FILE NUMBER: 090415

Original Fiscal Note Substitute

SUBJECT: Substitute resolution granting a special privilege to SVC of Wisconsin Ltd to install and maintain two sculptural chairs for the premises at 1247 North Water Street.

B) SUBMITTED BY (Name/title/dept./ext.): **JEFFREY S. POLENSKE, P.E./CITY ENGINEER/INFRASTRUCTURE SERVICES DIVISION/2400**

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Annual billing/initial Inspection		\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$2.77/4.04	\$85.33	
TOTALS				\$85.33	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) \$85.33
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

Annual billing/initial Inspection

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

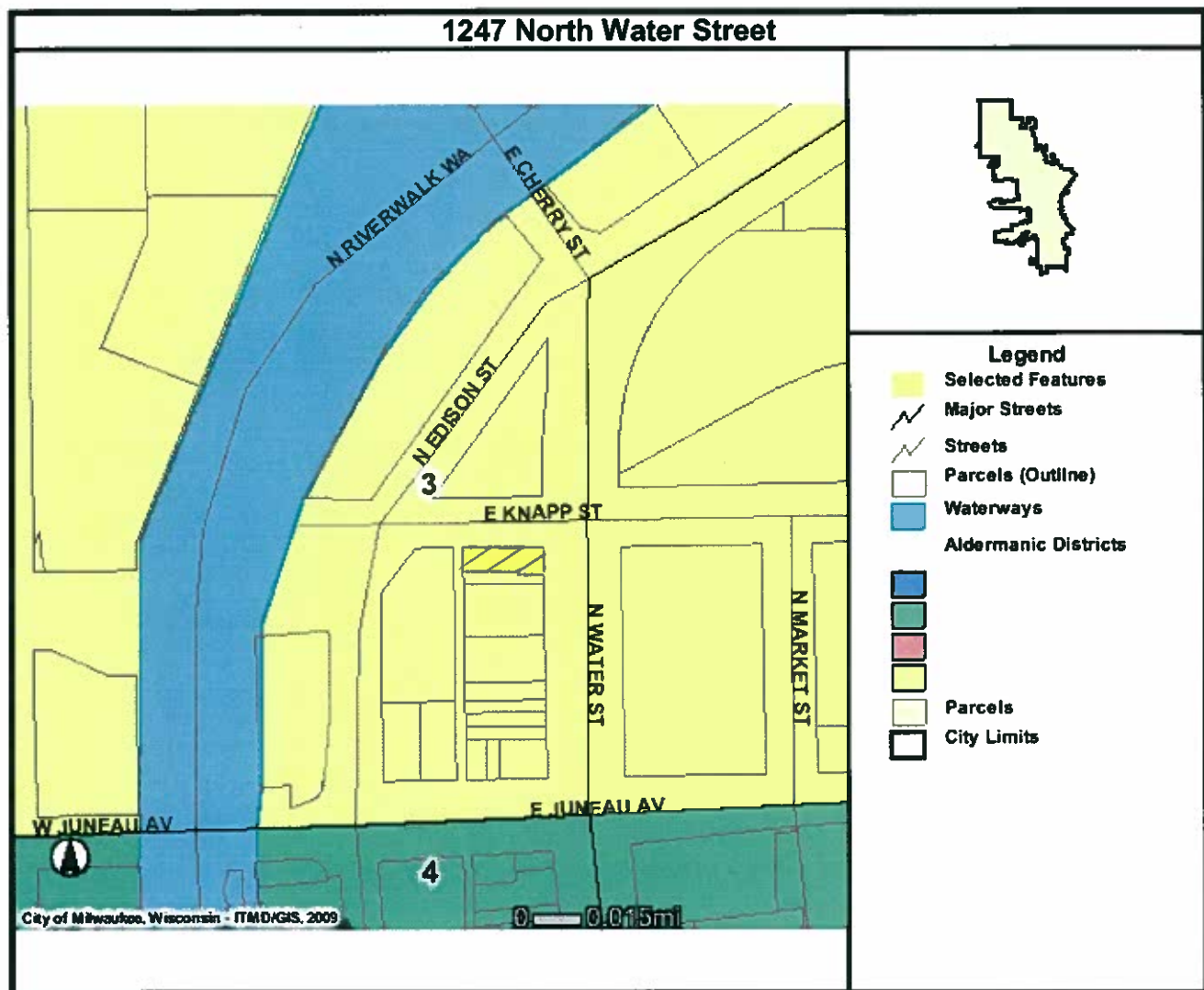


CCF 090415 1247 N Water St 8-27-2009
Looking SW'ly from Knapp St at sculptural
chairs.



CCF 090415 1247 N Water St 8-27-2009
Looking W along S sidewalk area of E Knapp St

Note: Picnic tables in background are allowed
under a Sidewalk Cafe permit.





Legislation Details (With Text)

File #: 090264 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 6/16/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution amending a special privilege for change of ownership to Reid's New Golden Gate Funeral Home Inc for a covered walk in the public right-of-way for the premises at 5665 North Teutonia Avenue, in the 1st Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: Special Privilege Petition, Letter from Dept of Public Works, Fiscal note, Pictures, Map, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
6/16/2009	0	COMMON COUNCIL	ASSIGNED TO		
6/18/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
8/31/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
090264
Version
SUBSTITUTE 1

Reference
871283

Sponsor
THE CHAIR

Title
Substitute resolution amending a special privilege for change of ownership to Reid's New Golden Gate Funeral Home Inc for a covered walk in the public right-of-way for the premises at 5665 North Teutonia Avenue, in the 1st Aldermanic District.

Analysis
This resolution amends a special privilege for change of ownership to Reid's New Golden Gate Funeral Home Inc for a covered walk in the public right-of-way for the premises at 5665 North Teutonia Avenue.

Body
Whereas, Golden Gate Funeral Home Inc requested permission to install and maintain a covered walk in the public right-of-way; and

Whereas, Permission for said covered walk was granted in 1988 under Common Council Resolution File Number 871283; and

Whereas, Reid's New Golden Gate Funeral Home Inc now owns the property; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 871283 is hereby rescinded; and, be it

Further Resolved, That Reid's New Golden Gate Funeral Home Inc, 5665 North Teutonia Avenue, Milwaukee, WI 53209 is granted the following special privilege:

To keep and maintain a covered walk projecting 5 feet 6 inches into the north side of West Reichert Place, which has a rural cross section. Said covered walk commences at a point approximately 72 feet west of the westline of North Teutonia Avenue and extends 21 feet to the west. The covered walk structure is built upon two 30-inch square pier foundations. The minimal vertical clearance between and the asphalt pavement below is 7 feet 6 inches.

Said covered walk is generally constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wire brackets or diagonal braces shall be permitted lower than 8 feet above the adjacent pavement level. The coverings shall be of approved material. All fixtures and materials for illumination of the covered walks shall be indicated on the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walks. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

Due to the fact that the West Reichert Place has a rural cross section and that parking for the funeral home is perpendicular to the edge of the street, the grantee is not required to keep a "Loading Zone" or "No Parking" status adjacent to the covered walk.

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

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Reid's New Golden Gate Funeral Home Inc, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a 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.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$75.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

MDL:ns

August 25, 2009

090264



PETITION FOR A SPECIAL PRIVILEGE ccl-246 (6/09)

SP 2466

- New application \$250.00 Fee
- Amendment to add items to Special Privilege # _____ (\$125.00 Fee)
- Amendment to remove items from Special Privilege # _____ (No fee)
- Amendment for change of ownership for Special Privilege # 1252 (CC 871283)
(No fee)

- File petition with the City Clerk License Division, City Hall, 200 E. Wells Street, Room 105, Milwaukee, WI 53202, telephone (414) 286-2238. www.milwaukee.gov/license
- Fee must be submitted with petition. Checks should be made payable to the City of Milwaukee.
- Petition must be submitted in duplicate.

To the Honorable, The Common Council of the City of Milwaukee:

The Licensee REID'S NEW GOLDEN GATE FUNERAL HOME, INC.
(Name of Individual, Partners, Corporation or LLC)

being the owners of the following property known by street address as 5665 N Teutonia Ave
(Street Address and Zip Code)

in the 9th Aldermanic District respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section 66.0425 of the Wisconsin Statutes, that the following privilege be granted:

Description of Special Privilege: Change of ownership for covered walk

Of which a plan or sketch is herewith submitted. Petitioner agrees to comply with all laws and all ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, pay annual compensation as provided by law in the sum to be fixed by the proper city officers, and to file and keep current throughout the existence of the privilege, a certificate of insurance indicating applicant holds a public liability policy in at least the sums of \$25,000.00/\$50,000.00 bodily injury, and \$10,000.00 property damage, insuring the city against any liability that might arise by reason of the privilege.

Petitioner further agrees to remove said privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Should this special privilege be discontinued for any reason whatsoever, petitioner agrees to remove all construction work executed pursuant to this special privilege, to restore to its former condition and to the approval of the Commissioner of Public Works, any curb, pavement, or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Petitioner further agrees not to contest the validity of Section 66.0425 of the Wisconsin Statutes, or the legality of this special privilege in any way.

Name (Please Print): ARTHUR REID, JR
(Individual, Partner, or Agent if corporation or LLC as shown above)

Signature: Arthur Reid Jr
(Individual, Partner, or Agent if corporation or LLC)

Corporation or LLC Name: _____
(If applicable, as shown above)

(OVER)

Mailing Address (If different than property address above): 5665 N. TEUTONIA AVE

City: MILWAUKEE State: WIS Zip: 53209

Telephone: 414-358-0538 E-Mail: _____

Architect/Engineer/Contractor (If Applicable)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-Mail: _____

CITY OF MILWAUKEE
2009 JUN 16 AM 10:47
RONALD D. LEONHARDT
CITY CLERK

August 25, 2009

To the Public Works Committee

Subject: Common Council Resolution File Number 090264

Dear Honorable Members:

Returned herewith is the Common Council Resolution File Number 090264, amending a special privilege for change of ownership to Reid's New Golden Gate Funeral Home Inc for a covered walk in the public right-of-way for the premises at 5665 North Teutonia Avenue.

Golden Gate Funeral Home Inc requested permission to install and maintain a covered walk in the north side of West Reichert Place, which does not have a formal "sidewalk area" since it has a rural cross section. Permission for the covered walk was granted in 1988 under Common Council Resolution File Number 871283. Presently, the owner of the premises is Reid's New Golden Gate Funeral Home Inc.

We are not aware that the presence of said covered walk will have an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow said covered walk to continue to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

Art Dahlberg
Commissioner
Department of Neighborhood Services

MDL:ns
Attachment

c: Alderman Ashanti Hamilton

CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** August 25, 2009

FILE NUMBER: 090264

Original Fiscal Note Substitute

SUBJECT: Substitute resolution amending a special privilege for change of ownership to Reid's New Golden Gate Funeral Home, Inc. for a covered Walk in the public right-of-way for the premises at 5665 North Teutonia Avenue. in the 1st Aldermanic District.

B) **SUBMITTED BY (Name/title/dept./ext.):** Jeffrey S. Polenske, PE / City Engineer / Infrastructure Services Division / extension 2400

C) **CHECK ONE:** ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:** DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:			\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$2.77/4.04	\$75.00	
TOTALS				\$75.00	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) \$173.77
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**
Annual billing/initial Inspection

H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:**
Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



CCF 090264 5665 N Teutonia Ave 8-17-09
Looking N across Reichert Pl at covered
walk structure.



CCF 090264 5665 N Teutonia Ave 8-17-09
Looking NW'ly across Reichert Pl at covered
walk structure.

