



**City of Milwaukee**  
**Common Council Minutes**  
**COMMON COUNCIL**

**City Hall**  
**200 East Wells Street**  
**Milwaukee, WI 53202**

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**Tuesday, April 14, 2009**

**9:00 AM**

**Common Council Chambers**

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The meeting was called to order at 9:15 a.m.

The roll was called.

**Present: 14 -**

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

**Excused: 1 -**

Hines Jr.

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

The question was put: Are there any corrections to the Common Council Journal of Proceedings for the regular meeting of March 25, 2009?

There being none, the minutes of the meeting were approved without objection.

## UNFINISHED BUSINESS:

1. [081040](#) Substitute resolution assigning the honorary street name, “Mother Lucy Payne”, to North 11th Street between West Chambers Street and West Hadley Street, in the 6th and 15th Aldermanic Districts.

Whereas, Lucy Payne, born in Coose County, Alabama, the 5th of 16 children, came to Milwaukee in 1939 at the age of 14, and spent her nearly 70 years in the City making a positive difference in Milwaukeeans lives; and

Whereas, Through a combination of work ethic and determination, Lucy Payne was the first African-American female to be hired by Briggs and Stratton, where, during her 25 years of service, she consistently went out of her way to put in kind words and assistance for others seeking employment with the company; and

Whereas, United in marriage to the Reverend Morris Payne in 1946, Lucy Payne worked alongside her husband at the True Light Missionary Baptist Church every Sunday, providing hot meals for the hungry and always treating every person with the utmost respect; and

Whereas, Lucy Payne invested both literally and figuratively in her North 11th Street neighborhood, owning and maintaining four separate homes, providing safe harbor to tenants with little or no means to make the rent, assisting neighbors in the upkeep of their properties and cleaning the neighborhood streets each and every morning; and

Whereas, Affectionately referred to as “Mama” by neighborhood residents and others in the community at large, Lucy Payne opened her home and heart to 60 foster children over the years, affording needed stability in these young persons lives; and

Whereas, By these and countless other selfless actions, and her unshakable faith in the inherent goodness of all persons, Mother “Mama” Lucy Payne served as an inspiration and positive influence to all, becoming a veritable pillar of her North 11th Street community; 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 using the names of individuals when assigning honorary street names; and

Whereas, The Common Council finds the honorary naming of North 11th Street, from West Chambers Street to West Hadley Street, as “Mother Lucy Payne” would, for the reasons specified above, meet the criteria of s. 113-3-6; now, therefore, be it

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

“Mother Lucy Payne” shall be assigned to the segment of North 11th Street between West Chambers Street and West Hadley Street; and be it

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

**Sponsors:** THE CHAIR

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

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Witkowiak, Witkowski Zielinski

**No:** 1 - Dudzik

**Excused:** 1 - Hines Jr.

2. [081319](#) Substitute resolution assigning the honorary street name, "Pastor Willie F. Brooks, Sr.," to West Brown Street from North 22nd to North 24th Streets in the 15th Aldermanic District.

Whereas, Pastor Brooks and his faithful wife, Jimmie, steadfastly and unselfishly served the congregants of the Guiding Light Baptist Church and the residents of the surrounding community for 35 years before the Pastor's lamented passing on July 16, 2008; and

Whereas, Pastor Brooks hosted a prayer breakfast each morning for the men of the Guiding Light community and lovingly reached out to all who struggled to find gainful employment and to overcome addiction through the church's Drug and Alcohol Rehabilitation Program; and

Whereas, The resolve of women at Guiding Light was reinforced and their spirits uplifted through Pastor Brook's weekly Moments of Inspiration Program designed to discover how to face and overcome life's challenges through the Bible; and

Whereas, Pastor Brooks and Guiding Light provided much needed tutoring for neighborhood schoolchildren in the church's After School Program; and

Whereas, Pastor Brooks and Guiding Light operated a Summer Youth Enrichment Program, facilitated by the Pastor's wife of 53 years, Jimmie, which provided tutoring and enrichment courses crucial to the wellbeing and success of neighborhood children which included both breakfast and lunch for children who might otherwise go hungry; and

Whereas, Pastor Brooks operated the church's food pantry which he made available to those in need anytime day or night and would even deliver if recipients who could not pickup the foodstuffs on their own; and

Whereas, Pastor and Mrs. Brooks were known affectionately as Papa and Mama Brooks by virtually everyone in the church and the surrounding neighborhood because of the warm, nurturing, family atmosphere at Guiding Light; and

Whereas, Pastor Brooks was honored with Milwaukee's Black Excellence Award for outstanding community service and the Men of Valor Award from the Church of God in Christ; and

Whereas, The Guiding Light Baptist Church is located in the 2200 block of West Brown Street and the church's outreach and programming facility, the Guiding Light Community Youth Center, is located in the 2300 block of West Brown 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 2-block segment of West Brown Street between North 22nd Street and North 24th Street as "Pastor Willie F. Brooks, Sr.," meets the code criteria; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the honorary name of "Pastor Willie F. Brooks, Sr.," be assigned to the 2-block segment of West Brown Street between North 22nd Street and North 24th 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 petitioner will fully reimburse the City for any such replacement.

**Sponsors:** THE CHAIR

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

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Witkowiak, Witkowski Zielinski

**No:** 1 - Dudzik

**Excused:** 1 - Hines Jr.

Various commendatory and condolatory resolutions were read and ordered on file without objection.

THE LICENSES COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1. [081584](#) An ordinance relating to statements required of individuals seeking to be considered disabled persons when applying for loading zone permits.

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

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

101-23.7. Loading and Unloading Zone Permits

1. DEFINITIONS. In this section:

b. "Disabled person" means an individual who submits, at the time an original or renewal loading zone permit is applied for, a statement from a physician or chiropractor licensed to practice in any state or a Christian Science practitioner residing in the state of Wisconsin certifying >>the individual meets <<any of the following>>, though specifically omitting any descriptions, list of symptoms, diagnosis or any other details of the exact nature of the individual's physical or mental ailment<<:

..LRB

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

**Sponsors:** Ald. Bohl

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

*All members present indicated they had done so.*

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

APPROVAL OF THE FOLLOWING:

2.        [081285](#)        Motion relating to the recommendations of the Licenses Committee relative to various licenses.

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

**Sponsors:**        THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,  
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski  
Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

## THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

## APPROVAL OF THE FOLLOWING:

1. [081526](#) Motion relating to the recommendations of the Public Safety Committee relative to various licenses.  
The Common Council of the City of Milwaukee hereby accepts the recommendations of the Public Safety Committee as contained in the listings attached to this file.  
**Sponsors:** THE CHAIR  
*The question was put: Have the members of the Common Council read the report and recommendations of the Public Safety Committee in this matter?*  
  
*All members present indicated they had done so.*  
**A motion was made by ALD. DONOVAN that this Motion be APPROVED. The motion PREVAILED by the following vote:**  
**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski  
**No:** 0  
**Excused:** 1 - Hines Jr.

## PASSAGE OF THE FOLLOWING:

2. [081524](#) A substitute ordinance relating to parking controls in various Aldermanic Districts.  
The Mayor and Common Council of the City of Milwaukee do ordain as follows:  
  
Part 1. Section 101-23-3 of the Code relating to No Parking is amended by adding the following:  
  
On the south side of West Winnebago Street from North 8th Street to a point 75 feet west  
  
Part 2. Section 101-23-4-d of the Code relating to Two-Hour Parking is amended by adding the following:  
  
On the east side South 41st Street from West Oklahoma Avenue to a point 165 feet south  
  
**Sponsors:** THE CHAIR  
**A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The motion PREVAILED by the following vote:**



**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

3. [081525](#) A substitute ordinance relating to traffic controls in various Aldermanic Districts.

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

Part 1. Section 101-13-8 of the Code relating to School Speed 20 MPH is amended by adding the following:

On West North Avenue from North 26th Street to North 28th Street

Part 2. Section 101-15 of the Code relating to Yield signs is amended by striking the following:

“On North 44th Street at West Auer Avenue”

Part 3. Section 101-16-1 of the Code relating to Stop signs is amended by adding the following:

On North 44th Street at West Auer Avenue

On North Denmark Street and West Rio Street in all directions

On West Lorraine Place and North 78th Street in all directions

On West Lorraine Place and North 80th Street in all directions

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

4. [081580](#) A substitute ordinance restricting the sale of motor vehicles on public property.

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

Part 1. Section 101-29-6 of the code is repealed.

(Note: the provisions being repealed read as follows:

101-29. Vehicles For Sale On Public Property.

6. APPLICABILITY. The provisions of this section shall apply to:

a. That area of the city bounded by West Pierce Street on the north, South 20th Street on the east, West Cleveland Avenue on the south, and South 38th Street on the west.

b. The area bounded by West Greenfield Avenue on the north, South 6th Street on the east, West Lincoln Avenue on the south and South 16th Street, and South Cesar E. Chavez Drive on the west.

c. The area bounded by West Cleveland Avenue on the north, South 6th Street on the east, West Oklahoma Avenue on the south, and South 9th Place on the west.)

**Sponsors:** Ald. Davis and Ald. Witkowski

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

**Aye:** 10 - Hamilton, Davis, Kovac, Bauman, Wade, Donovan, Puente, Witkowiak, Witkowski Zielinski

**No:** 4 - Bohl, Coggs, Murphy Dudzik

**Excused:** 1 - Hines Jr.

ADOPTION OF THE FOLLOWING:

5. [081095](#) Substitute resolution relative to application, acceptance and funding of the Community Collaborative - Disabled Victims of Sexual Assault and Domestic Violence Grant from IndependenceFirst.

Whereas, The City of Milwaukee appears to be eligible for grant funds from IndependenceFirst to provide this community-based initiative; and

Whereas, The operation of this grant project from 04/01/09 to 9/30/10 would cost \$80,000 provided entirely by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant

and Aid Projects Fund, the following amount for the project titled Community Collaborative - Disabled Victims of Sexual Assault and Domestic Violence Grant from IndependenceFirst:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$80,000

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

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

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

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

6. [081633](#) Substitute resolution relative to acceptance and subsequent expenditure of contributions received by the Milwaukee Health Department for promoting immunization initiatives.

Whereas, the contributions will enable the Health Department to promote immunization initiatives throughout the City of Milwaukee; and

Whereas, The Health Department anticipates receiving \$100,000 from various organizations and/or foundations for the promotion of immunization initiatives; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Health Department is authorized to accept \$100,000 of contributions for the department's immunizations initiatives and to expend such funds for this purpose or any purpose specified by the contributor, no more than the amount actually received, in accordance with established City policies and procedures; and, be it

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

Further Resolved, That the City Comptroller is authorized and directed to transfer appropriations and estimated revenue from the Special Purpose Account for Contribution, 0001-2110-0001-006300, and the Estimated Revenue Account for Contributions, 0001-2110-0001-009850, to the Health Department's Special Account, 0001-3810-006300-DXXX and the Health Department's Estimated Revenue Account, 0001-3810-0001-009850, up to the amount of \$100,000.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

7. [081634](#) Substitute resolution relative to acceptance and subsequent expenditure of contributions received by the Milwaukee Health Department for promoting community health education activities.

Whereas, The contributions will enable the Health Department to promote community health education activities throughout the City of Milwaukee; and

Whereas, The Health Department anticipates receiving \$100,000 from various organizations and/or foundations for the promotion of community health education activities; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Health Department is authorized to accept \$100,000 of contributions for the department's community health education activities and to expend such funds for this purpose or any purpose specified by the contributor, no more than the amount actually received, in accordance with established City policies and procedures; and, be it

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

Further Resolved, That the City Comptroller is authorized and directed to transfer appropriations and estimated revenue from the Special Purpose Account for Contribution, 0001-2110-0001-006300, and the Estimated Revenue Account for Contributions, 0001-2110-0001-009850, to the Health Department's Special Account, 0001-3810-006300-DXXX and the Health Department's Estimated Revenue Account, 0001-3810-0001-009850, up to the amount of \$100,000.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

8. [081653](#) Resolution authorizing participation in the National League of Cities' Prescription Discount Card Program administered and managed by CVS Caremark Corporation. Whereas, 57,000 Milwaukee city residents may be without health insurance coverage ("uninsured") based on Wisconsin Department of Health Services survey estimates; many are likely "working uninsured", residents working for employers that do not provide health insurance coverage and earning too much to qualify for Wisconsin's BadgerCare program, yet unable to afford health insurance coverage on their own; and
- Whereas, The sudden and severe decline in the U.S. and Milwaukee economies has likely increased significantly the number of uninsured as city residents lose their jobs, do not qualify for Wisconsin's BadgerCare program and yet cannot afford Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) premiums or other health insurance; and
- Whereas, More residents may become uninsured as the weak economy forces them to accept jobs without health insurance benefits at wages that make affording health insurance on their own impossible, or as employers battered by falling revenues eliminate employee health insurance benefit plans to save money or shift costs to employees who cannot afford them; and
- Whereas, The cost of prescription medications, which have become crucial for maintaining good health, has increased dramatically in recent years and is an onerous

burden on the uninsured creating economic hardship and potentially jeopardizing health as uninsured residents forgo filling needed prescriptions because they cannot afford them; and

Whereas, The National League of Cities (“NLC”) launched a Prescription Discount Card Program in October, 2008, created, administered and managed by the CVS Caremark Corporation to benefit residents of participating cities and used by several other national organizations including the National Association of Counties (“NACo”); and

Whereas, The NLC Prescription Discount Cards are free to participating cities and there are no fees or limits on use for cardholders; and

Whereas, Cardholders receive discounts on prescriptions not covered by insurance averaging 20% off regular, retail prices at 59,000 participating pharmacies (over 80 Milwaukee city locations) including CVS, Walgreens, Pick ’n Save, Target, Wal-Mart, local hospitals and independent pharmacies; and

Whereas, Residents of Milwaukee, Jefferson and Ozaukee counties have access to a similar Prescription Discount Card offered by the NLC through an identical program with the National Association of Counties; and

Whereas, Program participation has been growing rapidly since its launch with 48 cities participating by the end of February, 2009, 78 cities signed up as of March 23, 2009, with another 150 cities expressing interest in participating, including San Jose, CA, Colorado Springs, CO, Columbus, OH, and Los Angeles; and

Whereas, Information on the use of the NLC Prescription Discount Card by residents is limited because of the program’s short history, but data shows 973 residents saved over \$20,000 through the program during February, 2009, in 48 cities; and

Whereas, The NLC and CVS will provide all necessary materials to promote the program at no cost including approximately 50,000 discount cards pre-printed with the City of Milwaukee logo, a co-branded website ([www.caremark.com/nlc](http://www.caremark.com/nlc) <<http://www.caremark.com/nlc>>) where residents can learn about the program and other ways to save on prescription medications, locate participating pharmacies and print discount cards as needed, and counter displays for the 50,000 pre-printed discount cards for use at distribution points chosen by the city (e.g. City Hall, libraries, city housing and recreation centers, health clinics, etc.); and

Whereas, A sample of participating communities indicates use of the NLC Prescription Drug Discount Program has been higher than expected while program set-up was easy and there are virtually no demands on city resources for ongoing

maintenance; and

Whereas, City residents will benefit through the City's participation in the National League of Cities' Prescription Discount Card Program at no cost to the City; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Health Department is directed to make the City of Milwaukee a participant in the National League of Cities' Prescription Discount Card Program by completing tasks and providing reasonable assistance as requested by the NLC and CVS Caremark to initiate and maintain this participation for the benefit of city residents; and, be it

Further Resolved, The Health Department will make reasonable efforts to make residents aware of this program, assign personnel to oversee set-up and ongoing operations as needed, and provide Council members with NLC generated reports of aggregate use of the program by residents as requested.

**Sponsors:** Ald. Davis

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

CONFIRMATION OF THE FOLLOWING:

9. [081597](#) Appointment of Nicole McDowell to the Commission on Domestic Violence and Sexual Assault by the Milwaukee Public Schools Superintendent. (5th Aldermanic District)

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

THE FINANCE & PERSONNEL COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1. [081527](#) A substitute ordinance to further amend the 2009 rates of pay of offices and positions in the City Service under control of the Common Council.

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

Part 1. Section 2 of ordinance File Number 080521 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Salary Grade 006, delete the title “Water Research Chemist.”

Under Salary Grade 007, delete the title “Water Quality Analyst” and add the title “Water Quality Operations Manager.”

Part 2. Section 6 of ordinance File Number 080521 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2007 - December 31, 2006):

Under Pay Range 480 delete the rates of pay and substitute therefor the following:

Pay Range 480

Biweekly Rate:

\$836.94	\$973.19	\$1,024.67	\$1,048.71	\$1,074.70	\$1,100.60	\$1,126.60
\$1,156.34						

Part 3. Section 6 of ordinance File Number 080521 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2008 - December 30, 2007):

Under Pay Range 480 delete the rates of pay and substitute therefor the following:

Pay Range 480

Biweekly Rate:

\$857.86	\$997.52	\$1,050.29	\$1,074.93	\$1,101.57	\$1,128.12	\$1,154.77
\$1,185.25						

□ Part 4. Section 6 of ordinance File Number 080521 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2009 - December 28, 2008):



Under Pay Range 480 delete the rates of pay and substitute therefor the following:

Pay Range 480

Biweekly Rate:

\$879.31 \$1,022.46 \$1,076.55 \$1,101.80 \$1,129.11 \$1,156.32 \$1,183.64  
\$1,214.88

Part 5. Section 8 of ordinance File Number 080521 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 598, add the title "Water Quality Analyst."

Part 6. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 7. The provisions of Section 2 of this ordinance are deemed to have been in force and effect from and after Pay Period 1, 2007 (December 31, 2006).

The provisions of Section 3 of this ordinance are deemed to have been in force and effect from and after Pay Period 1, 2008 (December 30, 2007).

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

The provisions of all other parts of this ordinance are deemed to be in force and effect from and after its passage and publication.

Part 8. This ordinance will take effect and be in force from and after its passage and publication.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,  
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski  
Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

2. [081528](#) A substitute ordinance to further amend the 2009 offices and positions in the City Service under control of the Common Council.

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

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

Under "Health Department", delete the title "Center for Health Equity (OOO)" and delete one position of "Health Inequities Reduction Coordinator (OOO)" and one position of "Health Information Specialist (OOO)"; amend footnote "(OOO)" to read as follows: "To expire 12/31/09 unless the Milwaukee Intensive Nurse Home Visiting Program is extended"; amend footnote "(PPP)" to read as follows: "To expire 04/31/10 unless the Milwaukee Nurse-Family Partnership Program from the University of Wisconsin-School of Medicine and Public Health is extended"; under "Family and Community Health Service Division, Milwaukee Breast Cancer Awareness Program", add one position of "Public Health Nurse (X)(G)(NN)(GG)" and add footnote "(NN)" to read as follows: "To expire 6/30/09 unless the Wisconsin Well Women Program Wise Woman Pilot Grant, available from the State of Wisconsin Department of Health Services, is extended."

Under "Library, Administrative Services Decision Unit", delete one position of "Administrative Assistant III" and add one position of "Administrative Assistant IV"; under "Neighborhood Library and Extension Services Decision Unit, Extension Services Bureau, Neighborhood Services Division", delete one position of "Neighborhood Libraries and Community Partnerships Director (X)(Y)" and add one position of "Deputy Library Director - Public Services (X)(Y)."

Under "Department of Public Works, Water Works, Water Quality Organization", delete one position of "Water Research Chemist (X)" and add one position of "Water Quality Operations Manager (X)."

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

Part 3. The provisions of this ordinance are deemed to be in force and effect from and after the first day of the first pay period following passage and publication.

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

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

ADOPTION OF THE FOLLOWING:

3. [070014](#) Substitute resolution to ratify and confirm the final agreements between the City of Milwaukee and Milwaukee Police Association (Police Aide Unit).
- Whereas, The total agreements between the city negotiating team and Milwaukee Police Association (Police Aide Unit) for the period commencing January 1, 2007, through December 31, 2009, have been reduced to writing; and
- Whereas, The memorandum of understanding embodying the agreement reached by the parties to such negotiations, copies of which are attached to Common Council File No. 070014 and incorporated herein as though fully set forth at length, was executed subject to ratification by the Common Council; and
- Whereas, The union membership has ratified the memorandum of understanding and a copy of a letter to that effect is attached to Common Council File No. 070014 incorporated herein as though fully set forth at length; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the agreement between the city negotiating team and Milwaukee Police Association (Police Aide Unit) be approved; and, be it
- Further Resolved, That the city negotiating team is hereby authorized and directed to reduce the agreement to a formal contract between the union and the city; and, be it
- Further Resolved, That the proper city officials are hereby authorized and directed to execute a formal contract between the City of Milwaukee and Milwaukee Police Association (Police Aide Unit) which reflect the terms of the agreement; and, be it
- Further Resolved, That the proper city officials are hereby authorized and directed to take the necessary action or to make the necessary recommendations to the Common Council or the appropriate committees or boards to implement the terms of this agreement; and, be it
- Further Resolved, That such sums as are necessary for the implementation of the aforementioned labor contract in accordance with its terms and conditions be obtained for and charged to the appropriate departmental budget accounts in accordance with the customary reporting and accounting requirements.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

4. [081098](#) Substitute Resolution relative to application, acceptance and funding of the 2009 Milwaukee Intensive Nurse Home Visiting Program from Columbia St. Mary’s. Whereas, The City of Milwaukee appears to be eligible for grant funds from the Columbia St. Mary’s to provide this home visiting and health disparities program; and

Whereas, The operation of this grant project from 01/01/09 to 12/31/09 would cost \$86,997 entirely provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Columbia St. Mary’s is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects Fund, the following amount for the project titled Milwaukee Intensive Nurse Home Visiting Program:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$86,997

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

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

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

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

#### HEALTH DEPARTMENT

DELETE:

Center for Health Equity (OOO)  
Health Inequities Reduction Coordinator (OOO)  
Health Information Specialist (OOO)

Amend footnote (OOO) as follows:

To expire 12/31/09 unless the Milwaukee Intensive Nurse Home Visiting Program is extended.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

5. [081406](#) Substitute resolution authorizing attendance at conventions, seminars and other travel.

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

One member of the Common Council (CC-CC); “2009 International Council of Shopping Centers Spring Convention”; May 17-20, 2009; Las Vegas, NV;

\$2,100.00.

; and, be it

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

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

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

**Sponsors:** THE CHAIR

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

**Aye:** 9 - Hamilton, Davis, Kovac, Bauman, Coggs, Wade, Donovan, Witkowiak Witkowski

**No:** 5 - Bohl, Puente, Murphy, Dudzik Zielinski

**Excused:** 1 - Hines Jr.

6. [081532](#) Substitute resolution amending the carryover of 2008 authorization for general obligation and revenue based borrowing.
- Whereas, The Municipal Budget adopted for the calendar year 2008 (the "Budget"), plus additional authorizations approved by adoption of prior resolutions of intent to issue bonds or notes, include borrowing amounts shown in the attached detailed schedule (the "Schedule") and covered by the resolutions recited in the Schedule; and
- Whereas, Common Council File Number 080959 authorized carryover of certain borrowing authority from the Budget, and omitted certain items that should have been carried over; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 080959 is amended as follows:
- 1) The dropped borrowing authorization in the Budget shall total \$98,493,648.09 of unutilized borrowing authority; and

2) The sum of \$319,625,960.86 of the 2008 Municipal Budget authorized for general obligation and revenue based borrowing as detailed in the Schedule by amount, purpose, and by initial resolution number, with respect to the issuance and sale of such general obligation and revenue based debt, shall continue in full force and effect. The referred to detailed schedule is as appended and is made an integral part of this file.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

7. [081610](#) Resolution authorizing the sale and issuance of General Obligation Promissory Notes for contingent borrowing for excess 2008 expenditures.

Whereas, There were unanticipated expenses incurred for fiscal year 2008 relating to snow removal and other purposes; and

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

Whereas, The Common Council is desirous of using 2009 contingent borrowing for issuing and selling promissory notes pursuant to sec. 67.12(12), Stats. for the purpose of general and current municipal expenses for financing 2008 unanticipated expenditures; and

Whereas, The Common Council desires that these notes be permitted to be issued with the Corporate Purpose Notes authorized by Resolution File Number 080960; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to use 2009 contingent borrowing purposes to issue general obligation short-term promissory notes pursuant to the provisions of sec. 67.12(12), Stats., in an amount not to exceed \$4,000,000 for the purposes of general and current municipal expenses: to finance unanticipated 2008 expenditures; and, be it

Further Resolved, The notes may be issued as an authorized purpose for Contingent Borrowing as provided for in Resolution File Number 080960.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

8. [081625](#) Substitute resolution amending the Intergovernmental Cooperation Agreement between the City of Milwaukee and the Employees' Retirement System and the Annuity and Pension Board relating to expenses in connection with the administration and operation of the Employees' Retirement System.

Whereas, On December 20, 2002, the Common Council adopted Resolution file number 020952, approving the Intergovernmental Cooperation Agreement between the City of Milwaukee and the ERS and the Board, which was attached to the file; and

Whereas, An Intergovernmental Cooperation Agreement between the City and the ERS and the Board, dated February 18, 2003, was agreed to for the period from January 19, 2001 forward, which provides that the City advance to the ERS budget-authorized funds for the administration and operation of the ERS to cover expenses incurred by the ERS from January 19, 2001 forward; and

Whereas, On November 9, 2007, the Common Council adopted Resolution file number 070957, amending the Intergovernmental Cooperation Agreement between the City and the ERS and the Board for indirect service charges relating to use of office space and payment of salary and employee benefits for the Secretary and Executive Director of the Employees' Retirement System; and

Whereas, The City and the ERS have agreed that the repayment methodology of annually advanced, budget-authorized funds, from the City to the ERS, for the administration and operation of the ERS should be modified, according to the attached amendment; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Intergovernmental Cooperation Agreement between the City of Milwaukee and the Employees' Retirement System and Annuity and Pension Board be amended as attached; and the proper city officials are authorized to execute the amendment on behalf of the city.

**Sponsors:** THE CHAIR

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



**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

9. [081631](#) Substitute resolution relative to application, funding and expenditure of the Milwaukee Nurse-Family Partnership Program from the University of Wisconsin-School of Medicine and Public Health.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the University of Wisconsin-School of Medicine and Public Health to provide this home visiting program; and

Whereas, The operation of this grant project from 03/27/09 to 4/30/10 would cost \$113,624 entirely provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects Fund, the following amount for the project titled Milwaukee Nurse-Family Partnership Program:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$113,624

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

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

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

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

Under

Amend Footnote (PPP) to read as follows:

To expire 4/30/10 unless the Milwaukee Nurse-Family Partnership Program from University of Wisconsin-School of Medicine and Public Health is extended.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

10. [081632](#) Substitute resolution relative to application, acceptance and funding of the Wisconsin Well Woman Program Wise Woman Pilot Grant from the State of Wisconsin - Department of Health Services.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Department of Health Services to provide screening and lifestyle interventions to low-income and under-served women 35-64 years of age; and

Whereas, The operation of this grant project from 04/01/09 to 06/30/09 would cost \$85,000 provided entirely by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin Department of Health Services is authorized and the Health

Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent of the 2009 Special Revenue-Grant and Aid Projects Fund, the following amounts for the program titled Wisconsin Well Woman Program Wise Woman Pilot Grant:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$85,000

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

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

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

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

Under

Health Department  
 Family and Community Health Service Division  
 Milwaukee Breast Cancer Awareness Program

ADD the following:

Public Health Nurse (X) (G) (NN) (GG)

Add footnote (NN) as follows:

To expire 6/30/09 unless the Wisconsin Well Woman Program Wise Woman Pilot Grant, available from the State of Wisconsin Department of Health Services, is extended.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

11. [081654](#) Substitute resolution authorizing transfer of \$100,000 from the Receivership Fund Special Purpose Account assigned to the control of the City Attorney to an account assigned to the control of the Department of City Development for a Foreclosure Mediation Program.

**Sponsors:** THE CHAIR

*Amendment #1*

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

- [081654](#) Substitute resolution authorizing transfer of \$100,000 from the Receivership Fund Special Purpose Account assigned to the control of the City Attorney to an account assigned to the control of the Department of City Development for a Foreclosure Mediation Program.

Whereas, There are currently over 1,800 vacant lender-owned properties and over 4,700 open foreclosure filings in the City of Milwaukee; and

Whereas, The Legal Aid Society of Milwaukee reports that over 90% of homeowners facing foreclosure do not receive legal assistance in the foreclosure process; and

Whereas, A key to stemming the number of foreclosures that result in sheriff's sales is to ensure that homeowners have the opportunity to communicate with their lenders and servicers for the purposes of determining whether a loan modification or workout is possible; and

Whereas, Court-based mediation programs are an effective method for this communication and negotiation to occur; and

Whereas, Foreclosure mediation programs have been initiated in other cities and have achieved success rates of 30-50%, keeping significant numbers of homeowners in their homes; and

Whereas, A coalition of community representatives and volunteers have worked together to create the structure for Foreclosure Mediation Program in Milwaukee; and

Whereas, Marquette University Law School will oversee the Foreclosure Mediation Program including providing undergraduate and graduate program participants as law clerks and co-mediators; and

Whereas, The City will participate with a portion of the initial cost; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Comptroller is authorized to transfer \$100,000 from the Receivership Fund Special Purpose account (0001-1490-0001-S201-006300)(2009) assigned to the control of the City Attorney to an account (0001-1900-0001-S201-006300)(2009) assigned to the control of the Department of City Development for a Foreclosure Mediation Program; and, be it

Further Resolved, That the Department of City Development is authorized to use these funds to contract with the Marquette University Law School for foreclosure mediation services.

**Sponsors:** THE CHAIR

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

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 1 - Bohl

**Excused:** 1 - Hines Jr.

## PLACING ON FILE THE FOLLOWING:

12. [081529](#) Communication from the Department of Administration - Budget and Management Analysis Division regarding various vacancy requests, fund transfers and equipment requests.
- Sponsors:** THE CHAIR
- A motion was made by ALD. BAUMAN that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski
- No:** 0
- Excused:** 1 - Hines Jr.
13. [081602](#) Communication from the City Comptroller relating to an Audit of City Treasurer Cash Controls.
- Sponsors:** THE CHAIR
- A motion was made by ALD. BAUMAN that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski
- No:** 0
- Excused:** 1 - Hines Jr.
14. [081669](#) Communication from the Department of Employee Relations relative to classification studies scheduled for City Service Commission action.
- Sponsors:** THE CHAIR
- A motion was made by ALD. BAUMAN that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski
- No:** 0
- Excused:** 1 - Hines Jr.
15. Obsolete files:
- a. [081199](#) Substitute resolution rescinding reserved commitments from the 2008 Common Council Contingent Fund.

**Sponsors:** THE CHAIR

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

**The motion PREVAILED by the following vote:**

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,  
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski  
Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

- b. [081337](#) Resolution relating to expenditure of funds to be reimbursed by greater than anticipated revenue.

**Sponsors:** THE CHAIR

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

**The motion PREVAILED by the following vote:**

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,  
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski  
Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

## THE JUDICIARY &amp; LEGISLATION COMMITTEE RECOMMENDS:

## ADOPTION OF THE FOLLOWING:

1. [081412](#) Substitute resolution to settle claims of Cermele & Associates for defense of various police officers.

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the sum of \$18,668.15 payable to Cermele & Associates, 6310 West Bluemound Rd., Suite 200, Milwaukee, WI 53213 to reimburse him for legal fees for defense of the following police officers:

POLICE OFFICERS	AMOUNT
David Novak, Michael Pendergast, Steven Johnson, Justin Tollefson	\$ 6,195.35
David Novak, Robert Lemanczyk, Steven Johnson, Justin Tollefson	\$ 5,775.65
David Novak, Michael Pendergast, Steven Johnson, Justin Tollefson	\$ 6,697.15
TOTAL	\$18,668.15

; and, be it

Further Resolved, That the check for \$18,668.15 is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to the Damages and Claims Account -636506- Fund No. 0001 - Organization 1490- Program 2631 - Sub Class S118.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

2. [081574](#) Substitute resolution supporting Wisconsin Senate Bill 141 requiring electronic seat



check reminders on child care vehicles.

Whereas, Children being transported in child care vehicles are from time to time left behind in such vehicles either through neglect or oversight in the confusion and hubbub that often accompanies the transport of children; and

Whereas, Children left behind in child care vehicles are generally too small or helpless to exit such vehicles on their own and are therefore trapped in such vehicles, often for hours, when left behind; and

Whereas, Helpless children trapped in child care vehicles for hours in the cold of Milwaukee winters or the heat of Milwaukee summers can suffer extreme physical trauma which may result in serious and permanent injury or death; and

Whereas, Six children left behind and trapped in child care vehicles have died in Milwaukee since 1991; and

Whereas, A child safety alarm, also known as an electronic seat check reminder system, is commercially available which will sound an alarm and illuminate the interior of the child care vehicle when it is parked unless the vehicle operator disarms the alarm by activating a switch located at the rear of the vehicle's passenger compartment; and

Whereas, The vehicle operator will be forced to pass by each seat in the child care vehicle to reach the seat check reminder alarm disarming switch at the rear of the passenger compartment and by so doing will be afforded the opportunity to inspect each seat to be sure all children have exited the vehicle before the vehicle is parked; and

Whereas, The seat check reminder provides an additional safeguard to prevent leaving children behind in child care vehicles by sounding a "panic" alarm if not disarmed when the vehicle is parked alerting other child care workers, neighbors or passersby to potential danger; and

Whereas, The estimated costs of \$80 to \$150 to purchase and install electronic seat check reminder systems is not onerous to child care centers considering the additional measure of safety such devices provide for the children transported; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Administration, Intergovernmental Relations Division is directed to lobby for passage of Wisconsin Senate Bill 141 to require installation of Wisconsin Department of Children and Families approved child safety alarms, also known as electronic seat check reminder systems, on child care vehicles used to transport children to and from

a child care provider.

**Sponsors:** Ald. Coggs, Ald. Davis, Ald. Wade and Ald. Murphy

*Alds. Wade and Murphy asked to be added as a co-sponsors.*

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

3. [081575](#) Substitute resolution supporting state legislation relating to distance requirements between certain alcohol beverage licensed establishments and child daycare centers. Whereas, Section 90-14, Milwaukee Code of Ordinances prohibits the granting of Class "A" and Class "B" licenses to establishments selling intoxicating liquor within 300 feet of any church, school or hospital, yet sets no similar 300-foot restriction on such establishments operating near child daycare centers; and

Whereas, These code provisions are based on a 1947 state law imposing the 300-foot requirement in all Wisconsin municipalities for purposes of uniformity; and

Whereas, The number of child daycare centers in Milwaukee has increased noticeably in recent years; and

Whereas, Section 295-311-2-h-2, Milwaukee Code of Ordinances enacted in 2007 partially addresses child daycare location in the vicinity of Class "A" and Class "B" establishments by prohibiting child daycare centers not located in schools, libraries or religious, community or cultural centers from locating within 300 feet of Class "A" or Class "B" establishments; and

Whereas, Locating an establishment licensed to sell intoxicating liquor within 300 feet of a child daycare center will regularly and frequently expose the children of such child daycare center to behavior, language and activities commonly associated with the purchase and consumption of intoxicating liquor; and

Whereas, The behavior, language and activities commonly associated with the purchase and consumption of intoxicating liquor is widely believed to be detrimental to the physical, mental, emotional and moral development of children; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Intergovernmental Relations Division is directed to lobby for passage of state

legislation to distance establishments granted certain alcohol beverage licenses from child daycare centers.

**Sponsors:** Ald. Coggs and Ald. Davis

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

4. [081592](#) Resolution authorizing payment of the claim of Nathan Neibauer, in the amount of \$3,000.00.

Whereas, The claimant, Nathan Neibauer (C.I. File No. 06-L-80), through his attorneys, Cermele and Associates, S.C., has filed a claim for damages against the City of Milwaukee pursuant to Wis. Stat. § 62.67, for injuries and damages incurred on March 13, 2006, as a result of a vehicle accident with an uninsured motorist; and

Whereas, The claimant has agreed to settle his claim in the amount of \$3,000.00; and

Whereas, Pursuant to Common Council Resolution File No. 890916, the City Attorney's Office retained the services of the law firm of Crivello, Carlson & Mentkowski, S.C., to administer the City of Milwaukee's uninsured motorist self-insurance plan; and

Whereas, The law firm of Crivello, Carlson & Mentkowski, S.C., recommends and the Common Council of the City of Milwaukee deems it expeditious and just to settle this claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and hereby are authorized and directed to issue a check in the amount of \$3,000.00, payable to Nathan Neibauer and Cermele and Associates, S.C.-Trust Account, in full and final settlement of said claim, said check to be delivered to the City Attorney upon his request, said amount to be charged to the Damages and Claims Fund, Account No. 636505, Fund No. 0001, Organization No. 1490, Program No. 2631, Sub Class No. S118; and, be it

Further Resolved, That the law firm of Crivello, Carlson & Mentkowski, S.C., shall upon payment to claimant obtain a release of claim and deliver the original release to the City Attorney.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

5. [081614](#) Substitute resolution authorizing the denial of the Wis. Stat. §74.35 claims filed with the City of Milwaukee.

Whereas, On or before January 31, 2009, the claimants filed with the City Clerk claims pursuant to Wis. Stat. §74.35; and

Whereas, The claimants, are:

Milwaukee Turners                      1030-40 N. 4th St.

Abundant Life Apartments              6421-27 W. Port Ave.

Eternal Life Church of God In Christ    6515 W. Port Ave.

WHPC-La Corona LLC                      1655 S. 3rd St.

; and,

Whereas, The claimants allege that the there was a levy and collection of unlawful tax assessed against their properties; and

Whereas, The claimants timely filed an objection to the assessments with the City Clerk; and

Whereas, The Assessor has investigated the claims and deemed the collection of taxes lawful; and

Whereas, The claimants may seek judicial review of the Assessor's determinations in the circuit court within 90 days; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the above-listed Wis. Stat. §74.35 claims filed with the City of Milwaukee be denied.

**Sponsors:**        THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

6. [081615](#) Resolution canceling City invoices against Hilton M. White and Henry D. Bailey.

Whereas, Mr. White and Mr. Bailey have filed Chapter 7 Bankruptcy; and

Whereas, Both bankruptcy cases have no assets; and

Whereas, The claims would be discharged in the bankruptcy as general unsecured claims; and

Whereas, The Department of Public Works has agreed to cancel the invoices; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the following claims are cancelled.

Invoice to be Cancelled or Adjusted:

Department	Invoice No.	Amount of Judg.	Defendant
DPW-Administration	5140000319	\$26,626.59	Hilton M. White
DPW-Administration	94337	\$10,223.19	Henry D. Bailey

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

7. [081622](#) Substitute resolution relative to various legislative bills.

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

Resolved, That it hereby opposes the following legislative bills and hereby instructs the Division of Intergovernmental Relations to appear before the proper committees in opposition to said bills and use its best endeavors in opposition to the same viz:

---AB-147 Regulating the amount of a forfeiture for failure to remove snow.

---AB-149 The interest rate on delinquent property taxes.

---Proposed state ballast water permit requiring commercial ocean-going ships and those transporting cargo between Great Lakes ports to take steps to reduce aquatic invasive species in the ballast water they release into Wisconsin waters.

Further Resolved, That it hereby instructs the Division of Intergovernmental Relations to watch and report on the following bill:

---AB-89 Prohibiting the Milwaukee Public Schools from imposing residency requirements on teachers.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

8. [081662](#) Substitute resolution directing the Intergovernmental Relations Division-Department of Administration to petition the Wisconsin Department of Transportation to reduce city match requirements for arterial and collector street projects.

Whereas, Under the federal American Recovery and Reinvestment Act (“ARRA”), the State of Wisconsin has been allocated \$529.1 million for state and local highway projects, of which \$158.7 million is suballocated to Urbanized Areas and \$15.9 is set aside for transportation enhancements, leaving \$354.5 million to be spent at the discretion of the State; and

Whereas, In Stage 1 of the solicitation and distribution process, the Wisconsin Department of Transportation has already earmarked approximately \$300 million of these discretionary dollars, with heavy emphasis on interstate and highway construction projects, and no monies directed at work on City of Milwaukee streets; and

Whereas, The Milwaukee Transportation Management Area, which will receive \$38.7 million of the Urbanized Area suballocation to fund 100% of eligible costs of approved projects, includes not only the City of Milwaukee, but many surrounding communities; and

Whereas, A significant portion of Milwaukee's street network, including a percentage of Milwaukee's Major Streets Program - typically 80% funded via the State Transportation Program with a 20% city match - and all of Milwaukee's Residential Streets Program - funded solely with city dollars - are ineligible for the Urbanized Area allocation monies due to the program's stringent federal guidelines; and

Whereas, These ineligible streets and thoroughfares are the lifeblood of the city, providing individuals the initial and vital connection to employment, education, health care, culture and recreation, rendering repair and upkeep of so-called "ineligible" streets essential to the economic well-being of Milwaukee; and

Whereas, There remains roughly \$54.5 million in state discretionary dollars to be allocated in Stage 2 of the solicitation process; and

Whereas, Allocating a portion of the remaining ARRA state discretionary dollars to the City of Milwaukee, by covering the requisite 20% city match on Major Streets and Bridge projects, explicitly recognizes the invaluable role that the city plays in the economic well-being of Wisconsin; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council directs the Intergovernmental Relations Division-Department of Administration to petition the Wisconsin Department of Transportation to direct a portion of its undistributed ARRA discretionary dollars to fund the 20% local share of projects within Milwaukee's Major Streets and Bridges programs.

**Sponsors:** Ald. Bohl and Ald. Hamilton

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

CONFIRMATION OF THE FOLLOWING:

9. [081560](#) Appointment of Jerry Broitzman to the Board of Assessment by the Mayor. (5th Aldermanic District)

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

DISALLOWANCE AND INDEFINITE POSTPONEMENT OF THE FOLLOWING:

10. Claims against the city:

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

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

b. [081259](#) Resolution relating to an appeal from Patty Eggers for property damage. (14th Aldermanic District)

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

c. [081497](#) Resolution relating to an appeal from Nina Darty for property damage. (7th Aldermanic District)

**Sponsors:** THE CHAIR



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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

## THE ZONING, NEIGHBORHOODS &amp; DEVELOPMENT COMMITTEE RECOMMENDS:

## PASSAGE OF THE FOLLOWING:

1. [081414](#) An ordinance relating to certificates of occupancy and zoning.  
The Mayor and Common Council of the City of Milwaukee do ordain as follows:  
  
Part 1. Section 200-33-8.5 of the code is repealed and recreated to read:  
  
200-33. Fees.  
8.5. CERTIFICATES OF OCCUPANCY. a. Certificates of Occupancy. a-1. The required fee for certificates of occupancy in existing buildings or parts thereof with gross areas of less than 10,000 square feet, open lots, outdoor storage and outdoor circuses shall be \$200.  
a-2. The required fee for certificates of occupancy in existing buildings or parts thereof with gross areas of 10,000 square feet or more shall be \$400.  
a-3. The required fee for certificates of occupancy in sites with multiple existing buildings shall be \$350 per 10,000 square feet, with a minimum of \$350.  
a-4. The required fee for certificates of occupancy in new buildings with gross areas of less than 10,000 square feet shall be as follows:  
a-4-a. Common areas: \$75.  
a-4-b. Each rental or condominium tenant area: \$50.  
a-4-c. Portions of rental or condominium areas: \$50.  
a-4-d. Residential apartment buildings not in condominium ownership: \$50 if all dwelling units are completed at the time of inspection.  
a-5. The required fee for certificates of occupancy in new buildings with gross area of more than 10,000 square feet shall be as follows:  
a-5-a. Common areas: \$125.  
a-5-b. Each rental or condominium tenant area of less than 10,000 square feet: \$50.  
a-5-c. Each rental or condominium tenant area of more than 10,000 square feet: \$100.  
a-5-d. Portions of rental or condominium areas less than 10,000 square feet: \$50.  
a-5-e. Portions of rental or condominium areas more than 10,000 square feet: \$100.  
a-5-f. Residential apartment buildings not in condominium ownership: \$100 if all dwelling units are completed at the time of inspection.  
a-6. The required fee for certificates of occupancy not requiring inspections shall be \$75.  
a-7. The required fee for certificates of occupancy with a single inspection shall be \$125.  
a-8. The required fee for duplicate certificates of occupancy shall be \$50.  
a-9. The required fee for certificates of occupancy for changes to a business name shall be \$50.  
b. Conditional Certificate of Occupancy. The application fee for a conditional

certificate of occupancy shall be \$150. This fee shall be payable at the time the application is submitted to the department of city development.

c. Temporary Certificate of Occupancy. c-1. If issued by the department of neighborhood services, the fee for a temporary certificate of occupancy for buildings with gross area of 10,000 square feet or less shall be \$100.

c-2. The fee for a temporary certificate of occupancy for buildings with gross area of greater than 10,000 square feet shall be \$150.

d. There shall be a processing fee of \$3 for each certificate of occupancy.

Part 2. Section 200-33-32 of the code is repealed.

Part 3. Section 200-33-46-b of the code is amended to read:

46. RAZING.

b. The permit fee for interior demolition of any building or structure shall be computed at [[[\$0.002]] >>1%<< of the cost of demolition. The minimum fee shall be \$60.

Part 4. Section 200-42-2, 3-a-0 and b-0 of the code is amended to read:

200-42. Certificate of Occupancy.

2. WHEN REQUIRED. a. It shall be unlawful to occupy or use, or offer to occupy or use any building, structure or premises now existing or hereafter erected unless or until a certificate of occupancy [[or certificate of zoning]] has been issued by the commissioner of city development, except as provided in s. 200-43 and s. 295-303. A separate certificate of occupancy shall be obtained for each occupancy and use stated in ch. 295 or any other regulation of this code. A new certificate of occupancy [[or certificate of zoning]] shall be required each time there is a change in the operator or tenant of a non-residential premises.

3. WHEN ISSUED. a. In the case of a proposed use, as described in ch. Comm 62, Wis. Adm. Code, as amended, that is not within the same group of uses as the prior use, and where the proposed use is as hazardous or more hazardous, based on life and fire risk, than the prior use, or whenever the proposed use is an elementary or secondary school >>, or a daycare or a rooming house, << or a tavern or a sit-down restaurant, as described under s. 295-201-501, or where otherwise requested, the commissioner of city development shall issue a certificate of occupancy:

b. Unless otherwise required by law, in the case of a proposed use, as described in ch. Comm 62, Wis. Adm. Code, as amended, that is within the same group of uses as the prior use, or in the case of a proposed use that is not within the same group of uses as the prior use and that is less hazardous, based on life and fire risk, than the prior use, except whenever the proposed use is an elementary or secondary school, >>a daycare, a rooming house, << a tavern or a sit-down restaurant, as described under s. 295-201-501, or where otherwise requested, the commissioner of city

development shall issue a [[zoning]] certificate >>of occupancy<< indicating conformance with the use requirements set forth in ch. 295 and:

Part 5. Section 295-301-0 of the code is amended to read:

295-301. Authority. The administration of this chapter shall be vested in the commissioner of city development, who is charged with the duty and authority to issue certificates of occupancy [[, certificates of zoning]] and construction permits. The commissioner shall issue no certificate or permit for the use or development of any land or structure, nor for the erection, alteration, relocation, extension or substantial improvement of any structure, or part thereof, if the intended use or the plans and specifications therefor are not in all respects in conformity with the provisions of this chapter. In issuing permits, all city departments, officers and employes shall check all proposed work, activities, construction and uses for compliance with the provisions of the zoning code.

Part 6. Section 295-303-0 of the code is amended to read:

295-303. Occupancy. Pursuant to s. 200-42, it shall be unlawful to occupy or use any building, structure or premises unless a certificate of occupancy [[or certificate of zoning]] has been issued by the commissioner of city development. A separate certificate shall be obtained for each occupancy or use, as specified in this chapter. However, pursuant to s. 200-43, a temporary certificate of occupancy may be issued by the commissioner of neighborhood services for occupancy and use of any building, structure or premises prior to completion of construction. In addition, a conditional certificate of occupancy may be issued by the commissioner of city development for a period of up to 180 days for the temporary occupancy and use of any building, structure or premises, or part thereof, prior to the approval of a variance or special use permit by the board or the approval of a zoning map amendment by the common council. Issuance of a conditional certificate of occupancy shall not imply that the board or common council is going to approve the applicant's request. The commissioner of city development is authorized to require whatever temporary precautionary measures are necessary to safeguard the public as a condition of issuance of a conditional certificate of occupancy. A conditional certificate of occupancy may be issued only when the following criteria have been met:

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,  
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski  
Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

2. [081416](#) Substitute ordinance relating to the First Amendment to a Detailed Planned Development known as Mercy Housing, to increase the number of residential units from 89 to 91, on land located on the North Side of West Windlake Avenue and East of South 13th Street, in the 12th Aldermanic District.

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

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

Section 295-907(2)(c).0141.

(1) In accordance with the provisions of Section 295-907 of the Code relating to the establishment of planned development districts, the Common Council approves the subject amended Detailed Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map reaffirms the zoning for the area bounded and described as follows:

The zoning line within West Windlake Avenue, the centerline of West Grant Street, the zoning line within South 13th Street, a line 276 feet South and parallel to the south line of West Becher Street and the northeast line of the property at 1220 West Windlake Avenue extended.

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

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

Part 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

ADOPTION OF THE FOLLOWING:

3. [081607](#) Substitute resolution granting the appeal of the Historic Preservation Commission's denial of a certificate of appropriateness for the property located at 3123-3125 North Sherman Blvd.

Whereas, The property owners of 3123-3125 N. Sherman Blvd, Paul and Carol Rubitsky, appealed the denial of a certificate of appropriateness for their property related to applying aluminum trim to the soffits and eaves at the property; and

Whereas, The Rubitskys appealed this denial to the Zoning, Neighborhoods and Development Committee; and

Whereas, The Committee heard from the property owners and staff of the Historic Preservation Commission at its meeting on April 8, 2009; and

Whereas, The Committee, by a vote of 4 to 1, granted the appeal of the denial by the Historic Preservation Commission of the certificate of appropriateness; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the appeal of the denial by the Historic Preservation Commission of a certificate of appropriateness for the property located at 3123-3125 North Sherman Blvd. has been granted.

**Sponsors:** THE CHAIR

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

**Aye:** 12 - Hamilton, Davis, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 2 - Kovac Bauman

**Excused:** 1 - Hines Jr.

PLACING ON FILE THE FOLLOWING:

4. Obsolete files:

- a. [050701](#) Ordinance relating to the change in zoning from Downtown-Civic Activity (C9D(a)) to Regional Business (RB2) for Miller Park, located South of the East-West Freeway (I-94) and West of Miller Parkway (U.S. 41), in the 10th Aldermanic District.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

- b. [050992](#) An ordinance relating to regulations for downtown zoning districts and overlay zones.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

- c. [051415](#) An ordinance relating to a job training component in tax incremental districts.

**Sponsors:** Ald. Davis and Ald. Murphy

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

- d. [051513](#) A substitute ordinance relating to zoning regulations for escort services and tattooing and body-piercing establishments.

**Sponsors:** Ald. Witkowski

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

- e. [081482](#) An ordinance relating to board of zoning appeals consideration of variance and special use permit applications for day care centers.

**Sponsors:** Ald. Davis and Ald. Bauman

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.



## THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

## ADOPTION OF THE FOLLOWING:

1. [081460](#) Substitute resolution appropriating \$40,000 from the 2009 Economic Development Committee Fund to various business groups for economic development and job creation activities.

Whereas, The Economic Development Committee Fund is used for promoting the City's economic development programs and job creation activities; and

Whereas, The African-American Chamber of Commerce of Greater Milwaukee, the Hispanic Chamber of Commerce and the Hmong Chamber of Commerce play a vital role in supporting the City's economic development and job creation activities by providing crucial technical services for capacity growth to their members; and

Whereas, Discussions with these 3 organizations have been ongoing and have concentrated on economic development and job creation among those sectors of the communities that the organizations service; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that \$40,000 is appropriated from the 2009 Economic Development Committee Fund Special Purpose Account, 0001-1300-S123-006300, to the following organizations to support economic development and job creation activities by providing crucial technical services for capacity growth to their members:

\$20,000 to the African-American Chamber of Commerce of Greater Milwaukee.

\$10,000 to the Hispanic Chamber of Commerce.

\$10,000 to the Hmong Chamber of Commerce.

; and, be it

Further Resolved, That the funds appropriated to these organizations shall not be used for staffing purposes; and, be it

Further Resolved, That each of these organizations shall submit a report to the Common Council by December 31, 2009, evaluating the effectiveness of its economic development and job creation activities for capacity growth; and, be it

Further Resolved, That the appropriate City officials are directed to negotiate and enter into an agreement with each of these organizations for the purpose of accepting City funds to be used for economic development and job creation activities by

providing crucial technical services for capacity growth to their members.

**Sponsors:** Ald. Davis, Ald. Wade and Ald. Witkowiak

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

CONFIRMATION OF THE FOLLOWING:

2. [081340](#) Appointment of Mike Coakley to the Business Improvement District Board #8 (Historic King Drive) by the Mayor. (6th Aldermanic District)

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

3. [081564](#) Reappointment of David Flores to the Milwaukee Arts Board by the Mayor. (3rd Aldermanic District)

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

PLACING ON FILE THE FOLLOWING:

4. [071451](#) A substitute ordinance relating to emerging business enterprise requirements and increasing the percent participation standard.

**Sponsors:** Ald. Hamilton and Ald. Davis

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

5. [080462](#) Communication from various government agencies relating to payment of prevailing wages to persons employed by developers receiving government financial assistance on certain projects.

**Sponsors:** Ald. Hamilton

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

## THE PUBLIC WORKS COMMITTEE RECOMMENDS:

## ADOPTION OF THE FOLLOWING:

## 1. Resolutions relating to special privileges:

- a. [081044](#) Substitute resolution amending a special privilege to First Place Condominium Owners Association, Inc. for addition of private light fixtures, electrical outlets and appurtenant electrical conduit for the premises at 106 West Seeboth Street, in the 12th Aldermanic District.

Whereas, The applicant requested permission to construct and maintain a retaining wall in the public right-of-way; and

Whereas, Permission for said retaining wall was granted under Common Council Resolution File Number 070900 in March 2008; and

Whereas, The current request is to construct and maintain private light fixtures and appurtenant electrical conduit in the public right-of-way; and

Whereas, A site visit revealed the presence of electrical outlet boxes in the public right-of-way; and

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

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 070900 is hereby rescinded; and, be it

Further Resolved, That First Place Condominium Owners Association, Inc., c/o Mandel Group, 301 East Erie Street, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To install and maintain 6 private light fixtures and 2 electrical outlets in the west sidewalk area of South 1st Place. The light fixtures and outlets are located in the bounds of the 4-foot wide, 45-foot long planting bed that commences at a point approximately 18 feet north of the northline of West Seeboth Street and extends to the north.
2. To install and maintain underground electrical conduit in the west sidewalk area of South 1st Place. The conduit commences at a point 20 feet north of the northline of West Seeboth Street and extends north 40 feet then turns and extends 8 feet to the west. Total length of said conduit is approximately 48 feet.

3. To install and maintain 8 private light fixtures and 2 electrical outlets in the north sidewalk area of West Seeboth Street. The light fixtures and outlets are located in the bounds of the 4-foot wide, 65-foot long planting bed that commences at a point approximately 17 feet west of the westline of South 1st Place and extends to the west.

4. To install and maintain underground electrical conduit in the north sidewalk area of West Seeboth Street. Said conduit commences at a point approximately 23 feet west of the westline of South 1st Place and extends west 55 feet then turns and extends 6 feet to the north. Total length of said conduit is 61 feet.

5. To keep and maintain a concrete curb retaining wall in the public right-of-way of West Seeboth Street located approximately 139 feet west of the westline of South 1st Place. Said 8-inch wide retaining wall varies between 6 inches and 2 feet 8 inches in height. The wall commences at northline of West Seeboth Street and extends in a southerly direction curving to the east where it connects to the south curblines West Seeboth Street. Total length of said curb wall is 51 feet 6 inches.

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

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by accepting this special privilege the grantee, First Place Condominium Owners 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 bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$5,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the

special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer an annual fee, which has an initial amount of \$372.78. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

- b. [081181](#) Substitute resolution granting a special privilege to Wheaton Franciscan Healthcare - St Joseph, Inc. for a barrier free access ramp, moveable planter, fence gate swing, planter holder, and brick planter edging in the public right-of-way for the premises at 5020 West Burleigh Street, in the 10th Aldermanic District.

Whereas, The applicant is requesting permission to construct and maintain a barrier free access ramp in order to improve accessibility to the subject property; and

Whereas, A site visit revealed the presence of a moveable planter, fence gate swing,

planter holder, and brick planter edging in the public right-of-way; and

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

Resolved, By the Common Council of the City of Milwaukee, that that Wheaton Franciscan Healthcare - St Joseph, Inc., 5000 West Burleigh Street, Milwaukee, Wisconsin 53210, is hereby granted the following special privileges:

1. To construct and maintain a barrier free access ramp that will project 3 feet 2 inches into the east, variable width sidewalk area of North 51st Boulevard. Said ramp and platform will commence at a point approximately 2 feet 4 inches north of the northline of West Burleigh Street and will extend 13 feet 4 inches to the north. The applicant is required to construct a strip of concrete sidewalk that is at minimum 2 inches in width in order to maintain a 5-foot wide clear pedestrian path.
2. To keep and maintain a 3-foot long metal planter holder at the second floor level of the subject premises. Said planter holder, which projects 1-foot into the variable width sidewalk area of North 51st Boulevard, is centered approximately 35 feet north of the northline of West Burleigh Street.
3. To keep and maintain an above-grade brick edging for an at-grade planting bed in located in the east, variable width sidewalk area of North 51st Boulevard. The planter commences at a point approximately 49 feet north of the northline of West Burleigh Street. Total length of the 3-inch wide edging is 28 feet.
4. To keep and maintain a fence gate that, when fully open, projects 3 feet 6 inches into the variable width, east sidewalk area of North 51st Boulevard, in excess of the 12-inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said gate is centered approximately 47 feet north of the northline of West Burleigh Street.
5. To keep and maintain a 3-foot diameter wood barrel moveable planter in the variable width sidewalk area of North 51st Boulevard. Said planter is centered approximately 1 foot 6 inches west of the eastline of North 51st Boulevard and 44 feet north of the northline of West Burleigh Street.

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

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

Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Wheaton Franciscan Healthcare - St Joseph, Inc., shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$5,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$62.13. 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.



**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

- c. [081264](#) Substitute resolution granting a special privilege to Peter Sandoni for a storm enclosure in the public right-of-way for the premises at 125 East National Avenue, in the 12th Aldermanic District.

Whereas, The applicant desires to construct and maintain a storm enclosure at the premises at 125 East National Avenue; and

Whereas, Said storm enclosure 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 Peter Sandoni, 125 East National Avenue, Milwaukee, WI 53204 is hereby granted the following special privilege:

To construct and maintain a 8-foot 7-inch wide storm enclosure projecting up to 3 feet into the 9-foot wide south sidewalk area of East National Avenue. Said storm enclosure is centered approximately 120 feet east of the eastline of South 1st Street.

Said storm enclosure shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said storm enclosure 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, Peter Sandoni, shall:

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

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

3. Pay to the City Treasurer an annual fee, which has an initial amount of \$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.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

2. [081546](#) Resolution relative to the cost participation under the 2009 Congestion Mitigation/Air

Quality Program for the installation of time of day actuated “No Turn on Red” signs at twelve intersections Citywide in various Aldermanic Districts at a total estimated cost of \$68,363.23 with an estimated grantor share of \$54,690.58, and an estimated City share of \$13,672.65.

Whereas, The Project Agreement for the installation of time of day actuated “No Turn on Red” signs under the 2009 Congestion Mitigation/Air Quality (CMAQ) Program was approved by the Common Council under File Number 931820; and

Whereas, The intersections of West Center Street and North 51st Street, North Downer Avenue and East Hartford Avenue, North Downer Avenue and East Kenwood Boulevard, East Hartford Avenue and North Maryland Avenue, East Kenwood Boulevard and North Maryland Avenue, West Lisbon Avenue and North 68th Street, West Morgan Avenue and South 20th Street, West Morgan Avenue and South 27th Street, West State Street and North 6th Street, West Washington Boulevard and North 55th Street, West Wells Street and North 35th Street, and West Wisconsin Avenue and North 13th Street have existing “No Turn on Red” signs which are in effect at all times, including times when the restriction is not needed, resulting in unnecessary congestion, wasting fuel and increasing emissions; and

Whereas, Engineering studies have been performed at the aforementioned intersections to operate the time of day actuated “No Turn on Red” signs only when conditions such as high pedestrian volumes, before and after school, or other factors, warrant the restriction; and

Whereas, The operation of these time of day actuated “No Turn on Red” signals will result in a reduction of congestion, emissions, and fuel consumption over the existing all day “No Turn on Red” restrictions at the aforementioned intersections; and

Whereas, The total estimated cost of the installation of traffic control signal improvements in conjunction with the project is \$68,363.23; and

Whereas, Twenty percent of the participating costs, or \$13,672.65, 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 \$54,690.58, 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 execute the contract with WISDOT for the installation of traffic control signal improvements at the twelve intersections Citywide under the 2009 CMAQ Program 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, 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.-2984-10-90  
Twelve Intersections Citywide

City of Milwaukee Share  
Fund Number-0333  
Project/Grant Number-ST320090000  
\$13,672.65

Grantor Reimbursable Cash - Traffic Control  
Fund Number-0306  
Project/Grant Number-SP032090100  
\$54,690.58

Total-\$68,363.23

Previously Authorized for Traffic Control Improvements-\$0.00  
Current Estimated Cost of the Total Project Including this Resolution-\$68,363.23  
Original Estimated Cost of the Total Project (Common Council Resolution File  
Number 931820)-\$10,000

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,  
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski  
Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

3. [081586](#) 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 \$75,000 for a total estimated cost of these projects being \$467,700.

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:

#### 5th Aldermanic District

N. 83rd St. - A point south of W. Keefe Ave. to W. Keefe Ave. (ST211030110)  
File Number 081265: Asphalt pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding (4 - 9-foot width of tree border area), and grading. (Nonassessable Reconstruction Paving Fund -- \$25,000 Additional Funds). The total estimated cost for this project including the requested amount is \$83,700. This project is anticipated to be completed during the 2009 construction season.

#### 9th Aldermanic District

W. Calumet Rd. - N. 51st Blvd. to N. 60th St. (ST21100156): 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 -- \$25,000). The total estimated cost for this project including the requested amount is \$190,000. This project is anticipated to be completed during the 2010 construction season.

## 10th Aldermanic District

N./S. 70th St. - W. O'Connor St. to W. Mt. Vernon Ave. (ST211100121): 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 -- \$25,000). The total estimated cost for this project including the requested amount is \$194,000. This project is anticipated to be completed during the 2010 construction season.

; and, be it

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

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

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

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

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

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

4. [081587](#) Substitute resolution approving levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes with the City cost of these projects approved by this resolution is estimated to be \$705,000 for a total estimated cost of \$804,000.

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

#### 5th Aldermanic District

N. 85th St. - W. Auer Ave. to W. Townsend St. (ST211070112) File Number 061097: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (9-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$6,000; Nonassessable Reconstruction Paving Fund -- \$250,000). The total estimated cost for this project including the requested amount is \$280,000. This project is anticipated to be completed during the 2009 construction season.

#### 11th Aldermanic District

W. Dakota St. - S. 68th St. to S. 72nd St. (Portions in the City of West Allis) (ST211060112/ST214090109) File Number 060842: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (9-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$1,000; Nonassessable Reconstruction Paving Fund -- \$160,000; Developer Paving Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$203,000. This project is anticipated to be completed during the 2009 construction season.

#### 13th Aldermanic District

W. Goldcrest Ave. - S. 18th St. to S. 20th St. (ST211090103) File Number 070782: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (9-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$5,000; Nonassessable Reconstruction Paving Fund -- \$125,000). The total estimated cost for this project including the requested amount is \$143,000. This project is anticipated to be completed during the 2009 construction season.

S. 18th St. - W. Ramsey Ave. to W. Goldcrest Ave. (ST211090104) File Number 070782: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (8-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$5,000; Nonassessable Reconstruction Paving Fund -- \$90,000). The total estimated cost for this project including the requested amount is \$107,000. This project is anticipated to be completed during the 2009 construction season.

S. 19th St. - A point 300 feet m/l south of W. Goldcrest Ave. to W. Goldcrest Ave. (ST211090124) File Number 080123: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (9-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$1,000; Nonassessable Reconstruction Paving Fund -- \$50,000). The total estimated cost for this project including the requested amount is \$71,000. This project is anticipated to be completed during the 2009 construction season.

; and

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

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

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

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

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

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

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

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

Further Resolved, That projects N. 85th St. (ST211070112), W. Dakota St. (ST211060112), W. Goldcrest Ave. (ST211090103), S. 18th St. (ST211090104), and S. 19th St. (ST211090124) will be billed after January 1, 2011, but not before 12 months after the project contract has been completed.



**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

5. [081588](#) 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 \$1,105,000 for a total estimated cost of these projects being \$17,476,000.

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

1st Aldermanic District

W. Congress St. - N. 17th St. to N. 18th St. (SM495090025): Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$67,000. This project is anticipated to be completed during the 2010 construction season.

W. Cornell St. - N. 22nd St. to N. 23rd St. (SM495090036): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$67,000. This project is anticipated to be completed during the 2009 construction season.

W. Eggert Pl. - N. 31st St. to N. Teutonia Ave. (SM495090027): 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.

Area bounded by W. Hampton Ave., W. Olive St., N. 17th St., and N. 24th Pl. (SM495090022): Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$1,430,000. This project is anticipated to be completed during the 2010 construction season.

W. Hampton Ave. - N. 20th St. to N. 24th Pl. (SM495090040): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total

estimated cost for this project including the requested amount is \$306,000. This project is anticipated to be completed during the 2010 construction season.

W. Kinzie St. - N. 31st St. to N. Teutonia Ave. (SM495090026): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$56,000. This project is anticipated to be completed during the 2009 construction season.

W. Lawn Ave. - N. 24th St. to 100 feet east of N. 25th St. (WT410101002): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$110,000. This project is anticipated to be completed during the 2010 construction season.

W. Roosevelt Dr. - N. 21st St. to W. Congress St. (SM495090035): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$41,000. This project is anticipated to be completed during the 2009 construction season.

W. Ruby Ave. - N. 23rd St. to N. 24th St. (SM495090038): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$53,000. This project is anticipated to be completed during the 2010 construction season.

W. Sheridan Ave. - 150 feet m/l west of N. 37th St. to N. 37th St. (SM495090029): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$44,000. This project is anticipated to be completed during the 2009 construction season.

Area bounded by W. Silver Spring Dr., Lincoln Creek, N. 27th St., and N. 41st St. (SM495090024): Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$2,424,000. This project is anticipated to be completed during the 2010 construction season.

N. Teutonia Ave. - Lincoln Creek to W. Eggert Pl. (SM495090031): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$39,000. This project is anticipated to be completed during the 2009 construction season.

W. Villard Ave. - N. 31st St. to N. Teutonia Ave. (SM495090030): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$74,000. This

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

N. 13th St. - 50 feet north of W. Birch Ct. to W. Silver Spring Dr. (WT410101031): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$60,000. This project is anticipated to be completed during the 2010 construction season.

N. 18th St. - 270 feet m/l north of W. Olive St. to W. Congress St. (SM495090042): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$130,000. This project is anticipated to be completed during the 2009 construction season.

N. 19th Pl. - W. Olive St. to W. Congress St. (SM495090032): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$165,000. This project is anticipated to be completed during the 2009 construction season.

N. 19th St. - W. Olive St. to W. Congress St. (SM495090033): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$165,000. This project is anticipated to be completed during the 2009 construction season.

N. 21st St. - W. Roosevelt Dr. to W. Cornell St. (SM495090034): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$190,000. This project is anticipated to be completed during the 2009 construction season.

N. 22nd St. - W. Congress St. to W. Cornell St. (SM495090039): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$215,000. This project is anticipated to be completed during the 2010 construction season.

N. 23rd St. - W. Ruby Ave. to W. Cornell St. (SM495090037): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$140,000. This project is anticipated to be completed during the 2010 construction season.

N. 25th St. - 100 feet south of W. Rohr Ave. to W. Rohr Ave. (WT410101001): Relaying water main. (Nonassessable Water Fund -- \$15,000). 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.

N. 38th St. - W. Sheridan Ave. to 325 feet m/l south of W. Sheridan Ave. (SM495090028): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$79,000. This project is anticipated to be completed during the 2009 construction season.

#### 2nd Aldermanic District

W. Baldwin St. - W. Fond du Lac Ave. to W. Medford Ave. (WT410101008): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$60,000. This project is anticipated to be completed during the 2010 construction season.

W. Capitol Dr. - N. 60th St. to N. 64th St. (WT410100010): Relaying water main. (Nonassessable Water Fund -- \$25,000). The total estimated cost for this project including the requested amount is \$300,000. This project is anticipated to be completed during the 2010 construction season.

W. Fond du Lac Ave. (southwest) - W. Constance Ave. to W. Hampton Ave. (WT410101011): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$85,000. This project is anticipated to be completed during the 2010 construction season.

W. Grantosa Dr. (north side) - N. 77th St. to W. Gertrude Dr. (WT410101030): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$170,000. This project is anticipated to be completed during the 2010 construction season.

W. Hampton Ave. - W. Fond du Lac Ave. to N. 68th St. (WT410101012): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2010 construction season.

W. Luscher Ave. - N. 77th St. to N. Evans St. (WT410101029): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$140,000. This project is anticipated to be completed during the 2010 construction season.

W. Medford Ave. - N. 64th St. to N. 68th St. (WT410101010): Relaying water main. (Nonassessable Water Fund -- \$30,000). The total estimated cost for this project including the requested amount is \$390,000. This project is anticipated to be completed during the 2010 construction season.

N. 64th St. - W. Congress St. to W. Ruby Ave. (WT410101009): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$130,000. This project is anticipated to be completed during the 2010 construction season.

N. 65th St. - W. Villard Ave. to W. Lawn Ave. (WT410101020): Relaying water main. (Nonassessable Water Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$240,000. This project is anticipated to be completed during the 2010 construction season.

#### 3rd Aldermanic District

N. Prospect Ave. - E. Woodstock Pl. to E. Kenilworth Pl. (SM495090018): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$153,000. This project is anticipated to be completed during the 2009 construction season.

Alley between N. Bartlett Ave., E. North Ave., N. Oakland Ave. and E. Thomas Ave. (SM495090016): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$142,000. This project is anticipated to be completed during the 2010 construction season.

#### 5th Aldermanic District

W. Marion St. - N. 91st St. to N. 92nd St. (WT410100002): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2010 construction season.

Area bounded by W. Melvina St., W. Auer Ave., N. 83rd St., and N. Argonne Dr. (SM495090021): Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$2,908,000. This project is anticipated to be completed during the 2010 construction season.

N. 91st St. - W. Capitol Dr. to W. Marion St. (WT410100001): Relaying water main. (Nonassessable Water Fund -- \$30,000). The total estimated cost for this project including the requested amount is \$400,000. This project is anticipated to be completed during the 2010 construction season.

#### 6th Aldermanic District

W. Reservoir Ave. at N. 5th St. (WT410101032): Install Hydrant. (Nonassessable Water Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$15,000. This project is anticipated to be completed during the 2009 construction season.

N. 2nd St. - 200 feet south of W. Reservoir Ave. to W. Reservoir Ave. (WT410101003): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2010 construction season.

#### 7th Aldermanic District

Area bounded by W. Congress St., W. Glendale Ave., N. Sherman Blvd., and N. 38th St. (SM495090023): Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$1,453,000. This project is anticipated to be completed during the 2010 construction season.

#### 8th Aldermanic District

W. Branting Ln. - S. 32nd St. to S. 33rd St. (WT410101022): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2010 construction season.

#### 9th Aldermanic District

W. Custer Ave. - N. 44th St. to N. 45th St. (WT410101013): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2010 construction season.

#### 10th Aldermanic District

W. Capitol Dr. - W. Appleton Ave. to N. 77th St. (WT410100011): Relaying water main. (Nonassessable Water Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$230,000. This project is anticipated to be completed during the 2010 construction season.

W. Dixon St. - S. 64th St. to S. 67th St. (SM495090020): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$174,000. This project is

anticipated to be completed during the 2010 construction season.

S. 64th St. - W. Fairview Ave. to W. Adler St. (SM495090019): Relaying sanitary and storm sewers. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$231,000. This project is anticipated to be completed during the 2010 construction season.

N. 91st St. - W. Park Hill Ave. to W. St. Paul Ave. (WT410100003): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$130,000. This project is anticipated to be completed during the 2010 construction season.

#### 11th Aldermanic District

W. Beloit Rd. - W. Oklahoma Ave. to S. 92nd St. (WT410100007): Water main extension. (Nonassessable Water Fund -- \$40,000). The total estimated cost for this project including the requested amount is \$550,000. This project is anticipated to be completed during the 2010 construction season.

W. Crawford Ave. - S. 88th St. to S. 89th St. (WT410100005): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$60,000. This project is anticipated to be completed during the 2010 construction season.

Area bounded by W. Howard Ave., W. Beloit Rd., S. 88th St., and S. 97th St. (SM495090041): Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$753,000. This project is anticipated to be completed during the 2009 construction season.

W. Wick Pl. - S. 67th St. to S. 68th St. (WT410101027): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$100,000. This project is anticipated to be completed during the 2010 construction season.

S. 62nd St. - W. Harrison Ave. to S. 63rd St. (WT410101026): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$120,000. This project is anticipated to be completed during the 2010 construction season.

S. 66th St. - 130 feet south of W. Arthur Ave. to W. Cleveland Ave. (WT410101025): Relaying water main. (Nonassessable Water Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$240,000.

This project is anticipated to be completed during the 2010 construction season.

#### 12th Aldermanic District

S. Cesar E. Chavez Dr. - W. Mineral St. to W. Scott St. (SM495090017): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$142,000. This project is anticipated to be completed during the 2009 construction season.

W. Maple St. - S. 6th St. to S. 13th St. (WT410100012): Abandoning water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$75,000. This project is anticipated to be completed during the 2010 construction season.

S. 14th St. - W. Burnham St. to W. Becher St. (WT410101028): Relaying water main. (Nonassessable Water Fund -- \$20,000). 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.

#### 13th Aldermanic District

W. Alvina Ave. - S. 20th St. to S. 26th St. (WT410101024): Relaying water main. (Nonassessable Water Fund -- \$30,000). The total estimated cost for this project including the requested amount is \$440,000. This project is anticipated to be completed during the 2010 construction season.

W. Henry Ave. - S. 21st St. to S. 22nd St. (WT410101023): 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. 58th St. - W. Forest Home Ave. (south lane) to 300 feet south of W. Forest Home Ave. (WT410101423): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$65,000. This project is anticipated to be completed during the 2010 construction season.

#### 14th Aldermanic District

S. Clement Ave. - E. Otjen St. to E. Potter Ave. (WT410101006): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$80,000. This project is anticipated to be completed during the 2010 construction season.



S. Logan Ave. - 60 feet north of E. Homer St. to E. Otjen St. (WT410101007): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$100,000. This project is anticipated to be completed during the 2010 construction season.

#### 15th Aldermanic District

N. 41st St. - W. Garfield Ave. to W. North Ave. (WT410101016): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$100,000. This project is anticipated to be completed during the 2010 construction season.

N. 42nd St. - W. Spaulding Pl. to W. Garfield Ave. (WT410101015): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$65,000. This project is anticipated to be completed during the 2010 construction season.

#### City of Greenfield

W. Leroy Ave. - S. 61st St. to S. 64th St. (WT410101018): Relaying water main. (Nonassessable Water Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$225,000. This project is anticipated to be completed during the 2010 construction season.

W. Marcy Ln. - S. Honey Creek Dr. to S. 63rd St. (WT410101017): Relaying water main. (Nonassessable Water Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$175,000. This project is anticipated to be completed during the 2010 construction season.

S. 63rd St. - W. Plainfield Ave. to W. Marcy Ln. (WT410101019): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2010 construction season.

#### St. Francis

S. Ahmedi Ave. - E. Elizabeth Ave. to E. Tripoli Ave. (WT410101005): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$130,000. This project is anticipated to be completed during the 2010 construction season.

E. Cora Ave. - S. Kansas Ave. to S. Ahmedi Ave. (WT410101004): Relaying water

main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$60,000. This project is anticipated to be completed during the 2010 construction season.

S. Vermont Ave. - E. Armour Ave. to E. Cudahy Ave. (WT410101021): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2010 construction season.

; and, be it

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

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

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

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

6. [081590](#) Resolution authorizing the transfer of funds from the Street Improvement-State and/or Federal Aid Program to the Street Reconstruct or Resurface Program - Regular City Program for funding of E. Lincoln Ave. from E. Bay St. to S. Lincoln Memorial Dr. improvements under the Local Roads Improvement Program, with the City Cost of \$426,050.25 and a Grantor Cost of \$353,949.75 for a total estimated cost of \$780,000.

Whereas, State Statute 86.31 established a Local Roads Improvement Program (LRIP) to provide up to 50% reimbursement by the State of eligible costs for local street improvements; and

Whereas, In 2006-2007, under the LRIP Program, the City of Milwaukee is entitled to receive reimbursement up to a maximum amount of \$353,949.75 for this street improvement; and

Whereas, Resolution 040261 authorized the agreement, but did not set up the funding;  
and

Whereas, Funds for this project to be undertaken under the LRIP Program are budgeted in the Street Improvement - State and/or Federal Aid Program Fund in the 2009 Capital Improvement Program (Fund 0333 and Fund 0330); and

Whereas, It is advantageous and necessary that these funds be transferred to the Street Reconstruct or Resurface Program - Regular City Program (Fund 0333); and

Whereas, The projects funded with this program area anticipated to be constructed in the 2009 construction season; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Comptroller is hereby authorized to transfer appropriations to Infrastructure Services Division Account No. 0333-ST211090140; Street Reconstruct or Resurface Program - Regular City Program from the accounts as follows for the LRIP Program;

Infrastructure Services Division Account

Grantor's Share

Account No. 0306-SP032090100  
Cost \$353,949.75

Major Streets Improvement -  
Authorized Borrowing  
Account No. 0333-ST320090000  
Cost - \$426,050.25

; and, be it

Further Resolved, That only project contractual expenditures are to be billed toward the LRIP program grant amount; and, be it

Further Resolved, That the City Comptroller will make a memorandum entry at the completion of the LRIP program projects to record the transaction to the Street Improvement - State and/or Federal Aid Program for grant audit purposes; and, be it

Further Resolved, That the Commissioner of Public Works has the authority to apply for LRIP Discretionary Funds for projects which meet the program criteria as he deems appropriate.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

7. [081591](#) Resolution authorizing the City Engineer to apply for twelve (12) Congestion Mitigation and Air Quality grants.
- Whereas, The Wisconsin Department of Transportation is soliciting applications for funds under the Congestion Mitigation and Air Quality (CMAQ) Program; and
- Whereas, The program is intended to improve air quality by encouraging alternatives to single occupancy motor vehicles and by making traffic flow more efficiently by optimizing traffic signals; and
- Whereas, Department of Public Works intends to submit applications for the following projects:
1. Milwaukee Smart Trips Pilot Program
  2. Pedestrian Countdown Timers at 47 Signalized Intersections
  3. Pedestrian Countdown Timers at 53 Signalized Intersections
  4. Computer Optimization of 103 Traffic Signals on E/W Capitol Drive and West Fond du Lac Avenue
  5. Computer Optimization of 34 Traffic Signals in the Bay View Area
  6. Install Semi-actuated operation at 32 Signalized Intersections, City wide
  7. Install Semi-actuated operation at 10 Connecting Highway Intersections
  8. Compressed Natural Gas fast fill station
  9. Emission Reduction Initiative
  10. Enhanced bus shelter stations

11. Multi-model transit centers
12. Norris Park Redevelopment Initiative

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Engineer is authorized to submit applications for the Congestion Mitigation and Air Quality Program for the following projects:

1. Milwaukee Smart Trips Pilot Program - ( \$310,000 )
2. Pedestrian Countdown Timers at 47 Signalized Intersections - ( \$357,600 )
3. Pedestrian Countdown Timers at 53 Signalized Intersections - ( \$418,600 )
4. Computer Optimization of 103 Traffic Signals on E/W Capitol Drive and West Fond du Lac Avenue - ( \$260,000 )
5. Computer Optimization of 34 Traffic Signals in the Bay View Area - ( \$90,300 )
6. Install Semi-actuated operation at 32 Signalized Intersections, City wide - ( \$501,500 )
7. Install Semi-actuated operation at 10 Connecting Highway Intersections - ( \$201,200 )
8. Compressed Natural Gas fast fill station - ( \$3,000,000 )
9. Emission Reduction Initiative - ( \$1,295,000 )
10. Enhanced bus shelter stations - ( \$385,000 )
11. Multi-model transit centers - ( \$1,500,000 )
12. Norris Park Redevelopment Initiative - ( \$775,000 )

Total Estimated Cost - \$9,094,200 ( \$7,275,360 Federal Share / \$1,818,840 Local Share)

; and, be it

Further Resolved, That any successful grant projects will be brought to the Common Council for approval to enter into Project Agreements and authorize funding.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

8. [081593](#) Resolution granting the Layton Boulevard West Neighbors Inc permission to place a monument sign within a median of South Layton Boulevard in the 8th Aldermanic District in the City of Milwaukee.
- Whereas, Layton Boulevard West Neighbors Inc is a non-profit association of residents of the Historic Layton Boulevard Neighborhood, working to improve their neighborhood; and
- Whereas, Layton Boulevard West Neighbors Inc desires to place a monument sign to help identify the neighborhood; and
- Whereas, Layton Boulevard West Neighbors, Inc. is willing to maintain said monument sign; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, Layton Boulevard West Neighbors, Inc. is granted permission to install and maintain a monument sign in the public right-of-way of South Layton Boulevard; and, be it
- Further Resolved, That Layton Boulevard West Neighbors Inc is hereby granted permission for the following:
- To keep and maintain a 5-foot tall monument sign in the 14-foot wide median of South Layton Boulevard centered approximately 220 feet north of the northline of West Becher Street. The sign will be constructed of masonry and will be 4 feet wide and 2 feet 6 inches thick. Said monument sign will be constructed atop an existing concrete foundation.
- ; and, be it
- Further Resolved, That Layton Boulevard West Neighbors, Inc. shall obtain all necessary permits for the installation of said sign in the public right-of-way; and, be it
- Further Resolved, That Layton Boulevard West Neighbors, Inc. shall keep and maintain the signs to the satisfaction of the Commissioner of Public Works; and, be it

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

**Sponsors:** Ald. Donovan

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

9. [081603](#) Resolution authorizing the Commissioner of Public Works to execute Project Agreements with the Wisconsin Department of Transportation for projects funded by The American Recovery and Reinvestment Act of 2009.
- Whereas, The United States Congress has passed and President Obama has signed into law The American Recovery and Reinvestment Act of 2009 (ARRA); and
- Whereas, The appropriation for highways under the ARRA is administered by the Federal Highway Administration (FHWA); and
- Whereas, The FHWA has assigned the administration of the highway appropriation to the Department of Transportation of the individual 50 states; and
- Whereas, The Wisconsin Department of Transportation (WISDOT) is soliciting applications for highway, bridge and transportation enhancement projects under the ARRA; and
- Whereas, The Department of Public Works intends to apply for those projects indicated on the list attached to this resolution; and
- Whereas, Projects selected for the ARRA will be funded 100 percent by these federal funds; and
- Whereas, The City of Milwaukee could be responsible for costs incurred on design activities if the preliminary engineering is not complete by December 1, 2009; and

Whereas, The timelines that the FHWA and WISDOT have imposed on the project development makes it impractical to seek Common Council authority to enter into the project agreements after they have been submitted to the City of Milwaukee; and

Whereas, Since the ARRA projects are in addition to the normal capital paving program, the Department of Public Works may engage consultants to undertake the preliminary engineering on the ARRA projects; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is authorized to execute the project agreements for projects funded by the ARRA, as soon as they are received from the WISDOT; and, be it

Further Resolved, That a list of successful projects will be transmitted to the Common Council once they are known.

**Sponsors:** THE CHAIR

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

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Witkowiak, Witkowski Zielinski

**No:** 1 - Dudzik

**Excused:** 1 - Hines Jr.

10. [081624](#) Resolution authorizing the City Engineer to apply for four Highway Safety Improvement Program grants.

Whereas, The Wisconsin Department of Transportation is soliciting applications for funds under the Highway Safety Improvement (HSIP) Program; and

Whereas, The program is intended to reduce the number and severity of vehicle and pedestrian crashes; and

Whereas, The Department of Public Works (DPW) has identified four projects for infrastructure related improvements; and

Whereas, DPW intends to submit applications for the following projects:

1. North Dr. Martin Luther King Jr. Dr. & West North Avenue
2. West Kilbourn Avenue & North 6th Street
3. North Teutonia Avenue & West Villard Avenue
4. Three Connecting Highway Intersections

; now, therefore, be it



Resolved, By the Common Council of the City of Milwaukee, that the City Engineer is authorized to submit applications for the Highway Safety Improvement Program at the following locations:

1. North Dr. Martin Luther King Jr. Dr. & West North Avenue
2. West Kilbourn Avenue & North 6th Street
3. North Teutonia Avenue & West Villard Avenue
4. Three Connecting Highway Intersections

; and, be it

Further Resolved, That any successful grant projects will be brought to the Common Council for approval to enter into Project Agreements.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

11. [081626](#) Resolution authorizing an easement with Wisconsin Bell, Inc. on the City-owned property at 2254 South Allis Street, in the 14th Aldermanic District.
- Whereas, Wisconsin Bell, Inc., doing business as AT&T Wisconsin, provides telecommunication services to the City of Milwaukee ("City") through facilities on the City-owned property at 2254 South Allis Street; and

Whereas, Wisconsin Bell, Inc. has requested an eight-foot by twelve-foot permanent easement at the Southeast corner of the subject lot to install, maintain and upgrade its current facilities under the conditions outlined in the AT&T-Wisconsin General Easement, a copy of which is attached to this Common Council File; and

Whereas, Wisconsin Bell, Inc. has offered the City \$6,000 as consideration for the easement, which represents fair compensation given the low impact on the property and its continued availability to the neighborhood as a parking lot; and

Whereas, The Department of City Development and the Department of Public Works have reviewed the easement and recommend approval; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said easement with

Wisconsin Bell, Inc. at 2254 South Allis Street is approved and that the proper City officials are authorized to execute the easement; and, be it

Further Resolved, That the sale proceeds, less a 30 percent fee to the Redevelopment Authority of the City of Milwaukee, shall be credited to the Parking Fund.

**Sponsors:** Ald. Zielinski

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

12. [081629](#) Resolution approving a First Amendment to Grant of Easement Agreement related to Accessibility Improvements to the Riverwalk segment located on property owned by Fred Usinger, Inc., in the 4th Aldermanic District.

Whereas, Fred Usinger, Inc., a Wisconsin Corporation (“Grantor”), desires to grant the Board of Business Improvement District No. 15 (“Grantee”) and the City of Milwaukee (“City”) certain easement rights on and across a portion of its property to accommodate a segment of proposed Riverwalk Improvement (the “Accessibility Improvements”); and

Whereas, The proposed Accessibility Improvements will provide ADA access to an existing segment of Riverwalk as required by a Settlement Agreement dated July 6, 2006 among the United States of America, Business Improvement District No. 15, Milwaukee County and the City; and

Whereas, The Grantee and Grantor previously entered into a Grant of Easement Agreement dated December 30, 1994, and now wish to enter into a First Amendment to Grant of Easement Agreement, a copy of which is attached to this Common Council File, to provide public access to the Accessibility Improvements; and

Whereas, The City is a party to this First Amendment to evidence the City’s limited and conditional commitment to reimburse certain of Grantor’s expenses to induce the Grantor to provide the grant of easement to include the Accessibility Improvements; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officials are directed to execute and enter into the First Amendment to Grant of Easement Agreement; and, be it

Further Resolved, That the proper City officials are directed to accept said Easement and that the Commissioner of City Development is directed to sign for acceptance of such easement; and, be it

Further Resolved, That the proper City officials, in consultation with the City Attorney's office, are authorized to make non-substantive changes to the First Amendment to Grant of Easement Agreement as necessary to achieve the intent of the City's action.

**Sponsors:** THE CHAIR

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

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

**Abstain:** 1 - Witkowiak

13. [081638](#) Substitute resolution approving a 2009 Three-Year Harbor Statement of Intentions for the Port of Milwaukee.

Whereas, The Three-Year Harbor Statement of Intentions attached to this resolution describes proposed improvements which are in the best interest of the Port of Milwaukee, City of Milwaukee; and

Whereas, The Port of Milwaukee has carefully reviewed the estimated project costs, funding sources, physical location and alternatives to the proposed projects; and

Whereas, This Three-Year Harbor Statement of Intentions is used by the Wisconsin Department of Transportation for planning purposes only and is not a petition for Federal and/or State aid; and

Whereas, The Finance Committee of Board of Harbor Commissioners approved the Three-Year Harbor Statement of Intentions at its meeting on March 10, 2009; and

Whereas, All projects included in the three-year program are contingent upon future Common Council approval of each project prior to proceeding with the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Three-Year Harbor Statement of Intentions attached to this file is approved.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

14.        [081648](#)        Resolution authorizing and approving conveyance of Milwaukee Public School land at 2977 South 20th Street, (Clairmont), in the 13th aldermanic district.

Whereas, Milwaukee Board of School Directors, the school district organized under Chapter 119 of the Wisconsin Statutes (“MPS”), The Boerke Company, Inc., Quarles & Brady, LLP and Central City Valuation Services have entered into an agreement dated January 12, 2007 providing for the marketing development and conveyance of real property declared surplus by MPS; and

Whereas, MPS has declared the Clairmont property located at 2977 South 20th Street, Milwaukee, Wisconsin (the “Property”) to be surplus and undertaken marketing efforts resulting in the proposed conveyance of the Property upon terms and conditions set forth in the Term Sheet (“Term Sheet”) associated with this Common Council file; and

Whereas, Legal title to MPS real property is held in the name of the City of Milwaukee, in trust for MPS; and

Whereas, The conveyance of surplus MPS property requires adoption of a resolution by the Common Council authorizing and approving such conveyance; and

Whereas, The Common Council desires to approve the conveyance of the Property upon the terms outlined in the Term Sheet; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the conveyance of the Property upon the terms and conditions outlined in the Term Sheet, is hereby approved and the proper City officers are hereby authorized and directed to execute the necessary instruments of conveyance.

**Sponsors:**        THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

PLACING ON FILE THE FOLLOWING:

15. [081585](#) Communication from the Commissioner of Public Works relating to the Kilbourn Avenue Bridge project.

**Sponsors:** Ald. Bauman

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

THE PUBLIC WORKS COMMITTEE FURTHER RECOMMENDS:

---The following items may be referred from the SPECIAL Public Works Committee meeting held on Tuesday, April 14, 2009 at 8:00 A.M.

16. [081589](#) 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 \$6,578,921.21 for a total estimated cost of these projects being \$7,553,500.00.

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:

1st and 6th Aldermanic Districts

W. Capitol Drive (STH 190) W. Atkinson Ave. and N. Teutonia Ave. State Enhancement Phase III (ST32010101)(ST04084500)(2984-13-73) File Number 001201: Streetscape Enhancements, including removing and replacing concrete walk with stamped colored concrete, placing planters and trash receptacles. (Grantor Non-Reimbursable Paving Fund--\$265,583.66; Grantor Reimbursable Paving Fund - \$39,837.55; Department of City Development Non-Assessable Paving Funds-\$75,500.00 of Which \$345.00 is 100% DCD Non-Assessable Funds).

These funds are to be transferred to the construction account

(ST32010113/ST04084500) (2984-13-73).

Previously authorized for construction: \$0.00

Current estimated cost of the total project including this resolution : \$875,000.00

Original estimated cost of the total project (File Number 001201): \$875,000.00

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

#### 3rd Aldermanic District

N. Prospect Ave. - E. Woodstock Pl. to E. Kenilworth Pl. (SM495090018) File Number 081588: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$143,000). The total estimated cost for this project including the requested amount is \$153,000. This project is anticipated to be completed during the 2009 construction season.

N. Summit Ave. - E. Kenilworth Pl. to E. Windsor Pl. (SM495070067) File Number 070081: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$216,000). The total estimated cost for this project including the requested amount is \$235,000. This project is anticipated to be completed during the 2009 construction season.

E. Windsor Pl. - N. Summit Ave. to N. Lake Dr. (SM495070087) File Number 070266: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$65,000). The total estimated cost for this project including the requested amount is \$85,000. This project is anticipated to be completed during the 2009 construction season.

E. Woodstock Pl. - N. Terrace Ave. to N. Prospect Ave. (SM495070051) File Number 070081: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$455,000). The total estimated cost for this project including the requested amount is \$484,000. This project is anticipated to be completed during the 2009 construction season.

#### 4th Aldermanic District

W. Clybourn St. - N. 26th St. to N. 30th St. (SM495060044) File Number 080237: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$880,000). The total estimated cost for this project including the requested amount is \$915,000. This project is anticipated to be completed during the 2009 construction season.

N. Plankinton Ave. - W. Michigan St. to W. Wells St. (SM495080069) File Number 081186: Combined sewer relay and lining. (Nonassessable Sewer Maintenance Relay

Fund -- \$250,000 Additional Funds). The total estimated cost for this project including the requested amount is \$290,000. This project is anticipated to be completed during the 2009 construction season.

N. 12th Ln. - 330 feet m/l south of W. Vliet St. to 140 feet m/l south of W. Vliet St. (SM495070089) File Number 070266: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$52,000). The total estimated cost for this project including the requested amount is \$62,000. This project is anticipated to be completed during the 2009 construction season.

N. 25th St. - W. Michigan St. to 230 feet m/l north of W. Michigan St. (SM495070126) File Number 071055: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$45,000). The total estimated cost for this project including the requested amount is \$55,000. This project is anticipated to be completed during the 2009 construction season.

N. 27th St. - W. St. Paul Ave. to W. State St. (SM495060058) File Number 061380: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$1,450,000). The total estimated cost for this project including the requested amount is \$1,500,000. This project is anticipated to be completed during the 2009 construction season.

#### 8th Aldermanic District

S. 36th St. - W. National Ave. to W. Scott St. (WT410081013) File Number 070266: Relay water main. (Nonassessable Water Fund -- \$225,000). The total estimated cost for this project including the requested amount is \$245,000. This project is anticipated to be completed during the 2009 construction season.

#### 8th and 11th Aldermanic Districts

S. 35th St. - W. Oklahoma Ave. to a point north of W. Oklahoma Ave. (ST211090128) File Number 080603: Island removal; median revision. (Nonassessable Reconstruction Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$15,000. This project is anticipated to be completed during the 2009 construction season.

#### 11th Aldermanic District

W. Jerelyn Pl. - S. 53rd St. to W. Andover Rd. (WT410081006) File Number 070266: Relay water main. (Nonassessable Water Fund -- \$55,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2009 construction season.

W. Lincoln Ave. - a point east of S. 35th St. to S. 36th St. (ST211090129) File Number 080603: Grind pavement as needed and construct variable thickness asphaltic concrete pavement. Remove curb and gutter. Remove and construct concrete islands. (Nonassessable Reconstruction Paving Fund -- \$48,000). The total estimated cost for this project including the requested amount is \$58,500. This project is anticipated to be completed during the 2009 construction season.

S. 53rd St. - 230 feet north of W. Jerelyn Pl. to W. Jerelyn Pl. (WT410081007) File Number 070266: Relay water main. (Nonassessable Water Fund -- \$40,000). The total estimated cost for this project including the requested amount is \$55,000. This project is anticipated to be completed during the 2009 construction season.

#### 12th Aldermanic District

W. Hayes Ave. - S. 7th St. to S. 9th Pl. (WT410081026) File Number 070266: Water main extension. (Nonassessable Water Fund -- \$195,000). The total estimated cost for this project including the requested amount is \$215,000. This project is anticipated to be completed during the 2009 construction season.

S. 8th St. - W. Lincoln Ave. to W. Harrison Ave. (WT410081025) File Number 070266: Relay water main. (Nonassessable Water Fund -- \$430,000). The total estimated cost for this project including the requested amount is \$460,000. This project is anticipated to be completed during the 2009 construction season.

#### 13th Aldermanic District

W. Armour Ave. - 20 feet east of S. 5th St. to S. 5th Pl. (WT410081022) File Number 070266: Relay water main. (Nonassessable Water Fund -- \$100,000). The total estimated cost for this project including the requested amount is \$115,000. This project is anticipated to be completed during the 2009 construction season.

W. Martin Ln. - S. Howell Ave. to 580 feet west of S. 1st St. (WT410081023) File Number 070266: Relay water main. (Nonassessable Water Fund -- \$255,000). The total estimated cost for this project including the requested amount is \$270,000. This project is anticipated to be completed during the 2009 construction season.

S. 5th Pl. - W. Allerton Ave. to W. Armour Ave. (WT410081021) File Number 070266: Relay water main. (Nonassessable Water Fund -- \$100,000). The total estimated cost for this project including the requested amount is \$115,000. This project is anticipated to be completed during the 2009 construction season.

S. 7th St. - W. Abbott Ave. to W. Mallory Ave. (WT410081024) File Number



070266: 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.

#### 15th Aldermanic District

W. Center St. - N. 8th St. to N. 9th St. (SM495080056) File Number 080809: Combined sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$75,000). The total estimated cost for this project including the requested amount is \$85,000. This project is anticipated to be completed during the 2009 construction season.

N. 15th St. - W. Wright St. to W. Center St. (SM495080045) File Number 080237: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$327,000). The total estimated cost for this project including the requested amount is \$339,000. This project is anticipated to be completed during the 2009 construction season.

#### City of Greenfield

W. Allerton Ave. - 150 feet east of S. Placid Dr. to 120 feet east of S. 60th St. (WT410081011) File Number 070266: Relay water main. (Nonassessable Water Fund -- \$240,000). The total estimated cost for this project including the requested amount is \$255,000. This project is anticipated to be completed during the 2009 construction season.

W. Bottsford Ave. - S. Placid Dr. to S. 60th St. (WT410081009) File Number 070266: Relay water main. (Nonassessable Water Fund -- \$205,000). The total estimated cost for this project including the requested amount is \$220,000. This project is anticipated to be completed during the 2009 construction season.

S. Placid Dr. - 130 feet north of W. Bottsford Ave. to W. Allerton Ave. (WT410081010) File Number 070266: Relay water main. (Nonassessable Water Fund -- \$95,000). The total estimated cost for this project including the requested amount is \$110,000. This project is anticipated to be completed during the 2009 construction season.

S. 59th St. - 165 feet north of W. Bottsford Ave. to W. Bottsford Ave. (WT410081008) File Number 070266: Relay water main. (Nonassessable Water Fund -- \$27,000). The total estimated cost for this project including the requested amount is \$42,000. 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.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

17.        [081630](#)        Substitute resolution approving the final schematic design of public artwork to be incorporated into streetscape improvements constructed on East Wisconsin Avenue as part of the Milwaukee Central Business District Primary Pedestrian Corridors Development Project, and authorizing the commission of the artwork.
- Whereas, The Common Council has previously approved project agreements with the Wisconsin Department of Transportation (WISDOT) in the amount of approximately \$24 million under Common Council File Numbers 981733, 990806, 021033 and 040147 for the development of primary pedestrian corridors in the Milwaukee Central Business District as part of the Federal Congestion Mitigation/Air Quality (CMAQ) Program; and
- Whereas, Congestion Mitigation/Air Quality (CMAQ) grant funds cover eighty percent of improvement costs, with twenty percent matching funds provided by the City; and
- Whereas, Streetscape improvements being implemented with the development of the primary pedestrian corridors includes trees, shrubbery and other plantings, lighting upgrades, distinctive sidewalk and crosswalk treatments, street furnishings, public art and other pedestrian amenities; and
- Whereas, Approximately one to two percent of project funds have typically been set aside for the installation of public art on similar Federal projects as part of community sensitive design initiatives; and

Whereas, A Downtown Streetscape Public Art Advisory Committee comprised of representatives of Downtown business and neighborhood associations, the arts community, City of Milwaukee, WISDOT and other affected stakeholders was established to guide and oversee the development and integration of public art into the downtown streetscape; and

Whereas, Funds in the amount of \$295,355 have been encumbered in the project engineering account, ST320050401, for a contract for the design and installation of a public art demonstration project on a portion of E. Wisconsin Avenue from the Milwaukee River to the North Prospect Avenue/East Mason Street intersection in conformance with the guidance and recommendations of the Streetscape Public Art Advisory Committee; and

Whereas; On March 23, 2009, the Downtown Streetscape Public Art Advisory Committee approved the final schematic design for a public art demonstration project to be implemented on a portion of E. Wisconsin Avenue east of N. Van Buren Street, and recommended approval of the schematic design and commissioning of the artwork by the City of Milwaukee as part of this project; and

Whereas; The final schematic design consists of a sequence of three interrelated photographic animations contained within five individual kiosks attached to light poles on the north side of East Wisconsin Avenue east of North Van Buren Street as defined in the artwork statement and work plan attached to this file; and

Whereas, Approval by the City of Milwaukee is required to commission the artwork defined in the final schematic design; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the final schematic design of the public art demonstration project as approved by the Downtown Streetscape Public Art Advisory Committee for integration of public art into the streetscape is hereby approved; and, be it

Further Resolved, That the Commissioner of Public Works is hereby authorized to commission the public artwork as approved, and to proceed to the development and installation of the artwork as part of the streetscape.

**Sponsors:** THE CHAIR

*Ald. Bauman moved for adoption of said file notwithstanding the recommendation of said committee.*

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

**Aye:** 12 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Puente, Murphy, Witkowiak, Witkowski Zielinski

**No:** 2 - Donovan Dudzik

**Excused:** 1 - Hines Jr.

Communications from city officers were read and ordered on file without objection.

## MATTERS FOR IMMEDIATE ADOPTION:

1. [081686](#) Resolution approving various final certified survey maps.

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

NAME	TAX KEY NUMBER(S)
Agya Paul Sidhu and Manjeet Kaur Sidhu (DCD #2735)	5569990000
City of Milwaukee - Real Estate (DCD #2740)	2822720100, 2822719000
City of Milwaukee - Real Estate (DCD #2741)	2821828100
City of Milwaukee - Real Estate (DCD #2742)	2821824100
BC Pabst Holdings, LLC (DCD #2744)	3620482000, 3620481000

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

2. [081719](#) Resolution authorizing the Commissioner of Health to approve expenditures of funds from an escrow account held by the United States for purposes related to the city's lead abatement program

Whereas, The United States Attorney for the Eastern District of Wisconsin brought legal action against Will J. Sherard and W. J. Sherard Realty Company (defendants) in Case No. 05-C-0486 in the United States District Court seeking to compel the defendants to abate lead-based paint hazards on approximately 40 residential properties located in the City of Milwaukee; and

Whereas, A Consent Decree was entered in this legal action and a Court Order was

issued in May of 2007 requiring defendants to undertake lead-based paint hazard risk assessments for each property, and to subsequently abate identified hazards; and

Whereas, A Civil Contempt Order was entered on July 3, 2008, for failure of the defendants to comply with the consent decree; and

Whereas, The Civil Contempt Order provided monetary penalties for continuing delays in compliance; and

Whereas, The United States Attorney's office has informed the City Attorney and the Commissioner of Health that it intends to establish an escrow account under control of the United States Attorney for receipt of amounts owed by defendants as a result of the Consent Decree and Court Orders; and

Whereas, The United States Attorney's Office, intending that funds in the escrow account be expended for lead-based paint risk assessment and abatement, has further requested that the Commissioner of Health provide direction relating to expenditure of amounts from the proposed escrow account; and

Whereas, Providing the direction requested by the United States Attorney's Office furthers the successful collaboration between the Health Department and the United States in lead-based hazard abatement in the City of Milwaukee; now, therefore, be it

Resolved, That the Commissioner of Health is authorized to provide direction to the United States Attorney, or his or her designees, relating to the proper disbursement from escrow held by the United States Attorney for the purpose of lead-based paint hazard risk assessment and abatement; and, be it

Further Resolved, That the Commissioner may direct the amounts to be paid and the companies, corporations, individuals or other entities to be paid relating to lead-based paint hazard assessment and abatement activities, and maintaining an itemized record thereof; and, be it

Further Resolved, That if the Commissioner determines that the City should be reimbursed for expenses in the administration of the United States escrow account, or in the assessment and abatement activities that are the intended purpose of the escrow, then the Commissioner is authorized to accept payment from the escrow; and, be it

Further Resolved, That the City Comptroller is authorized to take appropriate action to establish proper account values upon receipt of moneys by the Commissioner of Health from the United States escrow account, to be expended under separate resolution.

**Sponsors:** Ald. Donovan

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

**Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,  
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski  
Zielinski

**No:** 0

**Excused:** 1 - Hines Jr.

Announcements were made.

There being no further business to come before the Common Council, the meeting was adjourned at 10:36 a.m.