



City of Milwaukee
Common Council Minutes
COMMON COUNCIL

City Hall
200 East Wells Street
Milwaukee, WI 53202

Tuesday, March 18, 2008

9:00 AM

Common Council Chambers

The meeting was called to order at 9:38 a.m.

The roll was called.

Present: 14 -

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

Excused: 1 -

McGee Jr.

The Pledge of Allegiance was said followed by 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 February 26, 2008?

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

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

THE LICENSES COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

1. [071283](#) 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.

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 indicated that they had done so.

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

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

No: 0

Excused: 1 - McGee Jr.

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

1. [071473](#) Motion relating to the recommendations of the Public Safety Committee relative to various licenses.

Return renewal application of Tyrone Luckett to committee, despite the recommendation of the Committee.

A motion was made by ALD. DONOVAN that this Motion be AMENDED. This motion PREVAILED by the following vote:

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

No: 0

Excused: 1 - McGee Jr.

The 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.

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

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

No: 0

Excused: 1 - McGee Jr.

PASSAGE OF THE FOLLOWING:

2. [071385](#) 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 east side of North Commerce Street from East North Avenue to a point 80 feet north

On the east side of North Commerce Street from a point 170 feet north of East North Avenue to a point 130 feet north thereof

On the west side of North Commerce Street from East North Avenue north to the

dead end

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

“On the west side of North 33rd Street from West Kilbourn Avenue to West State Street from 7:00 AM to 5:00 PM Except Saturday and Sunday”

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

“On North 33rd Street from West Kilbourn Avenue to West Wells Street, Except Saturday and Sunday”

Part 4. Section 101-27-9 of the Code relating to Night Parking Exceptions is amended by adding the following:

On South Delaware Avenue from East Russell Avenue to East Oklahoma Avenue

Part 5. Section 101-32-3-c-1 of the Code relating to One-Hour Meter Parking is amended by striking the following:

“On West National Avenue from South 4th Street to South 7th Street from 9:00 AM to 6:00 PM”

Part 6. Section 101-32-3-c-2 of the Code relating to One-Hour Meter Parking is amended by adding the following:

On West National Avenue from South 4th Street to South 6th Street from 9:00 AM to 6:00 PM

On the north side of West National Avenue from South 6th Street to South 7th Street from 9:00 AM to 6:00 PM

Part 7. Section 101-32-3-d-2 of the Code relating to Two-Hour Meter Parking is amended by adding the following:

On the south side of West National Avenue from South 6th Street to South 7th Street from 9:00 AM to 6:00 PM

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

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

No: 0

Excused: 1 - McGee Jr.

3. [071386](#) A substitute ordinance relating to traffic controls in various Aldermanic Districts.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-10-2 of the Code relating to No Right Turn on Red Signal is amended by striking the following:

“On South 6th Street at West Bolivar Avenue northbound”

Part 2. Section 101-13-8 of the Code relating to School Speed 20 MPH is amended by adding the following:

On South 6th Street from West Plainfield Avenue to a point 515 feet south of West Bolivar Avenue

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

On North 71st Street at West Marion Street

On West Scott Street at South 28th Street in all directions

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

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

No: 0

Excused: 1 - McGee Jr.

4. [071508](#) A substitute ordinance relating to penalties for violations of fireworks provisions.

Part 1. Section 105-47-3 of the code is repealed and recreated to read:
105-47. Fireworks.

3. PENALTY. a. Any person violating this section shall upon conviction forfeit not less than \$500 nor more than \$1,000, and upon default thereof shall be imprisoned in the county jail or house of correction for a period not to exceed 40 days, or until the

forfeiture costs are paid.

b. A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall forfeit not more than \$1,000, and upon default thereof shall be imprisoned in the county jail or house of correction for a period not to exceed 40 days, or until the forfeiture costs are paid.

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

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

No: 0

Excused: 1 - McGee Jr.

5. [071510](#) A substitute ordinance relating to ambulance certification requirements.

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

Part 1. Section 60-1-3-a-0 of the code is amended to read:

60-1. General Provisions.

3. REFUND OF FEES BY HEALTH DEPARTMENT. a. ~~[[If]]>>Except as otherwise provided, if<< an application for a license or permit issued by the health department is withdrawn, or if such a license or permit is denied or not issued, the following amounts shall be retained by the health department to defray the city's cost of processing the application pursuant to this chapter:~~

Part 2. Section 60-2-4 of the code is created to read:

60-2. Ambulance Certificate.

4. If an initial application or application for renewal is denied, no fee paid shall be refunded.

Part 3. Section 75-15 of the code is repealed and recreated to read:

75-15. Ambulance Certification Regulations.

1. DEFINITIONS. In this section:

a. "Advanced life support" ("ALS") means advanced life support as defined in s. HFS 112.03(1), Wis. Adm. Code.

b. "Agreement" means the ambulance service standards agreement identified in sub. 2-b-2.

- c. "Ambulance" means a certified emergency vehicle used to transport sick, disabled or injured individuals as defined in ss. 146.50(1)(am) and 340.01(3)(i), Wis. Stats.
- d. "Ambulance rate" means the base fee for ambulance conveyance which cannot be exceeded by certified providers on city authorized dispatch.
- e. "Basic life support" ("BLS") means basic life support as defined in s. HFS 110.03(7), Wis. Adm. Code.
- f. "Board" means the ambulance service board.
- g. "Certified provider" means a provider from the private sector that applied for and obtained a certificate to supply services within the Milwaukee emergency medical services system as a certified provider.
- h. "Committee" means the committee designated by the common council as responsible for ambulance service regulations.
- i. "Emergency medical services" (EMS) means those services which are required as a result of an unforeseen attack of illness or an injury. These include rescue, ambulance, hospital emergency department, communications and public education services.
- j. "EMT" means emergency medical technician as defined in s. HFS 110.03(14), Wis. Adm. Code.
- k. "Fire department" means the city of Milwaukee fire department.
- l. "Incident" means each event that causes MFD dispatch, through its usual procedures to refer a request for ambulance transport service to a certified provider, by telephone or other electronic means.
- m. "Milwaukee emergency medical services system" means a system composed of fire department personnel and equipment, and private sector personnel and equipment for the purpose of providing advanced life support and basic life support responses and conveyances within city limits.
- n. "Milwaukee fire department dispatch" ("MFD dispatch") means the dispatch center operated by the fire department at any location for receiving and dispatching all calls for emergency medical assistance.
- o. "Private sector" means any person, firm, partnership or corporation within the city providing ambulance services on a fee-for-service basis.

p. "Service area" means a geographically defined area within the city assigned in accordance with sub. 13.

2. AMBULANCE SERVICE BOARD.

a. Establishment. An 8-member ambulance service board is established consisting of:

a-1. A member of the public safety committee appointed by the president of the common council.

a-2. City health commissioner.

a-3. Public member appointed by the mayor and confirmed by the common council.

a-4. City homeland security director.

a-5. City EMS medical director. This member shall not participate in disciplinary matters.

a-6. Representatives of 2 of the 4 hospital systems of Wheaton/Franciscan, Aurora, Columbia/St. Mary's and Froedtert, appointed on a rotating basis biennially. A hospital representative shall not be a current medical director of a provider.

a-7. Designee of the Milwaukee county medical society EMS committee, who shall not be a current medical director of a provider.

b. Duties.

b-1. The board shall advise the committee on all matters pertaining to issuance, renewal, suspension, revocation and reinstatement of certified provider certificates, and shall, consistent with sub. 13, assist in the development and modification of service plans.

b-2. The board, with the assistance of the city attorney, the chief of the fire department and the certified providers shall oversee development and implementation of the agreement between the city and the certified providers, for specifying appropriate rules, regulations, procedures and service standards as required for the safe operation of the Milwaukee emergency medical services system.

3. CERTIFICATION. No one from private sector shall within the city act as a certified provider within the Milwaukee emergency medical services system without first having obtained a certificate as provided under this section. This section applies only to private sector providers supplying services to the city of Milwaukee emergency medical services system.

4. APPLICATION FOR CERTIFICATION AS CERTIFIED PROVIDER AND SERVICE AREA.

a. Application for certificates as a certified provider under this section shall be filed with the health department on forms approved by the committee. The board and the committee are authorized to require sufficient information to determine the qualifications of the applicant to engage in the business of providing basic life support and advanced life support ambulance conveyances to the Milwaukee emergency

medical services system. The application signed in proper form shall be presented to the common council, for referral to the committee for its recommendation.

b. Each applicant shall be fingerprinted and shall furnish, together therewith, his or her name, date of birth, address, employer's name and address, a statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance other than traffic violations, and any other information required by the committee, subject to s. 111.335, Wis. Stats. On renewals of previously issued certificates, it shall not be necessary to fingerprint the applicant. If the applicant for a certificate is a partnership, all partners shall sign the application and be fingerprinted. If the applicant for a certificate is a corporation, the president, vice-president, secretary and treasurer shall sign the application and be fingerprinted.

c. The commissioner of health shall promulgate an appropriate initial or renewal application form to all providers by not later than September 1 of each year. All applications for initial or renewal certification shall be filed not later than September 30, to be eligible for certification for the next service period.

5. FEES. An applicant filing an initial application for a certificate as a certified provider or an application for renewal shall pay the fee required in ch. 60.

6. INVESTIGATION. Upon receipt of the application for a certificate as a certified provider, the matter shall be referred to the chief of police, who shall cause an investigation of the applicant's moral character to be made for the protection of the public health, welfare and safety. As part of the investigation, the chief of police shall report to the health department all convictions, other than traffic violations, of the applicant, together with any other information in the possession of the police department as to the business conduct and moral character of the applicant.

7. HEARING.

a. Upon referral of an application for certification as a certified provider from the common council to the committee, the committee shall schedule a hearing thereon. Prior to the hearing, the committee shall submit the application to the board for its consideration and advice.

b. The applicant shall receive notice of the hearing not less than 10 days prior to the hearing. At the hearing, the applicant may be represented by counsel, present witnesses and cross-examine any adverse witnesses under oath, and receive a transcript of the hearing at the applicant's expense.

c. At the conclusion of the hearing, a recommendation shall be made by the committee to the common council. Any member of the committee who votes to deny an application shall state the basis for the vote on the record.

8. CERTIFICATE ISSUANCE. The health department shall issue to each person qualifying under this section a certificate as a certified provider on which there shall be the person's true first name, surname and middle initial, the number of the certificate, and the period of time for which the certificate is valid. The certificate shall be in such form so to avoid alteration. The certificate shall be maintained by the provider and be exhibited to any person requesting to see it. Furthermore, the health department shall assign to each qualified person a series of numbers, which shall be used to identify the provider's ambulances. These numbers shall be placed on the front doors of the ambulances and shall be at least 5 inches high and in a color to contrast with the background on which it is placed.

9. APPROVAL OR DENIAL OF CERTIFICATE.

a. The committee may recommend the denial of any application for certification as a certified provider for any of the following reasons:

a-1. The applicant is not of good character.

a-2. The applicant has violated any of the required or prohibited practices set forth in this section.

a-3. The applicant's previous certificate has been revoked for any reason whatsoever.

a-4. The applicant's inability to substantially understand the required business regulations provided by this section.

a-5. The qualifications of the applicant, when compared with the qualifications of applicants receiving a recommendation of approval, is deficient in any material respect.

a-6. The applicant's failure in the past or refusal in the future to act in accordance with this section or with the terms of the agreement.

a-7. The applicant's physical location for operations is not within the city limits.

b. The common council may upon receipt of the recommendations of the committee for approval or denial of applications for certification as certified providers, grant the number of certificates which, in its discretion and judgment, the public welfare, safety and interest require. Thereafter, a list of those providers granted certification as certified providers by the common council shall be provided to the board for designation of service area assignments in a manner consistent with sub. 13.

10. INSPECTION. No ambulance shall be granted a permit to operate under the terms of this section until it has been inspected and found to be in a thoroughly safe condition for the transportation of the sick and injured. The inspection shall be made by the Wisconsin department of transportation, division of state patrol, which shall determine that the ambulance complies with all the requirements set forth in s. 146.50, Wis. Stats. Verification of the inspection shall be provided to the board at the annual certification hearing.

11. FINANCIAL RESPONSIBILITY.

a. A certified provider shall furnish the city with a certificate of insurance, issued by a company authorized to do business in the state of Wisconsin, confirming that the certified provider has been issued a current policy insuring the provider against loss or damage that may result to any person or property, the policy of insurance to be in the limits of \$1,000,000 for any one person injured or killed, \$3,000,000 for all persons injured or killed in case of one accident resulting in bodily injury or death of more than one person, and \$3,000,000 for injury or destruction to the property of others in the case of accident. The policy shall guarantee payment of any final judgment rendered against the provider within the limits provided in this paragraph irrespective of the financial responsibility or any act of omission of the certified provider. The city of Milwaukee shall be named as an additional insured.

b. Cancellation. All certificates shall be executed by an insurance company licensed to do business in the state of Wisconsin and shall have affixed an affidavit of no interest. All certificates shall be approved as to form and execution by the city attorney before they are accepted by the health department, and shall contain a provision or endorsement by which the insurance carrier shall be required to notify the fire department by registered mail or personal service of the cancellation of the insurance policy. Notice of cancellation shall be received by the fire department at least 30 days prior to the effective date of cancellation. If at any time the policy of insurance is cancelled by the issuing company, or the authority of such issuing company to do business in the state of Wisconsin is revoked, the fire chief shall require the certified provider to replace the policy with another policy satisfactory to the chief, and in default thereof the certified provider's certificate issued under this section shall be suspended until proof of valid policy is presented by a certified provider.

c. Exceptions. Private sector providers, not participating within the Milwaukee emergency medical services system, need not file the insurance required herein.

12. REQUIREMENTS. All certified providers shall adhere to the following general conditions and specifications concerning Milwaukee emergency medical service systems incidents:

a. Seek reimbursement from those requesting service from the Milwaukee emergency medical services system or any third-party payer, and provide the most economical service in accordance with accepted medical practice. The city will not be responsible for collection or payment of any charge for services rendered by reason of its having dispatched the service relative to this section, with the exception of services provided to those individuals pursuant to sub. 18.

b. Not pursue beyond a reasonable limit compensation for conveyance where a conveyed party has demonstrated an inability to pay the service charge.

c. Charge an ambulance rate, which is approved by the common council. The approval of the ambulance rate may be taken in conjunction with the common council's approval of the ambulance service plan, in accordance with the ambulance rate provisions of sub. 14.

d. Charge fees for equipment and procedures other than the rates established under par. c. The fees shall be determined by the commissioner of health and approved by the common council. The commissioner shall review the fees on an annual basis, with any necessary adjustments being submitted to the common council for approval in conjunction with approval of the ambulance rate under par. c.

13. SERVICE AREAS.

a. Criteria. In establishing and re-establishing the number and geographical boundaries of the service areas, the common council shall endeavor to provide effective ambulance service within the Milwaukee emergency medical services system. The common council shall take into consideration all the information obtained through the certification process, including the service capacities of each certified provider and the previous performances, if any, of each certified provider.

b. Assignment of Service Areas.

b-1. Service Plan Development. Following common council certification of one or more providers from the private sector as certified providers, the fire department shall propose a service plan and transmit it to the board which shall develop a proposed service plan to be utilized during the next service period. In developing the service plan, the fire department and board shall take into consideration all the information obtained through the certification process, including the service capacities of each certified provider and the previous performances, if any, by each certified provider. The plan shall include the number of service areas, the geographical size and boundaries of each service area, and a designation of a certified provider for assignment to each service area. The number of service areas shall be determined by the best interests of the Milwaukee emergency medical services system. The geographical size and boundaries of each service area shall be determined by the service capabilities and past performance of each certified provider to be assigned to a service area. Each certified provider designated for service area assignment shall, within 15 days of announcement by the board of its proposed service plan, file a written response of its acceptance or objection to the plan. Each certified provider accepting the plan shall also file with the board a properly executed agreement. The board shall thereafter submit the plan to the committee for its review and recommendation to the common council. Upon approval by the common council of any service plan for the next scheduled service period, the plan shall be implemented by the Milwaukee emergency medical services system for that period, subject to subd. 2.

b-2. Duration. Service plans shall be approved by the common council annually

commencing on January 1, 2008. Notwithstanding such approval, the board shall recommend modifications of the size of the service areas and assignments of certified providers to service areas during the pendency of any service period, and the common council, with the recommendation of the board, shall modify any service plan during the pendency of any service period, if it is determined that one or more certified providers are not meeting the requirements of the agreement. The board shall also review the service plan and geographical size and boundaries of each service area on an annual basis, to determine if the certified providers are complying with requirements of the agreement and if service area adjustments are necessary. The board shall provide the common council with the board's reasons for recommending or not recommending any changes in the service plan or service areas subsequent to the board's annual review.

c. Revocation of Service Area. In addition to any revocation under the agreement or sub. 19, the board shall revoke the assignment of any service area for any certified provider no longer certified.

14. DETERMINING RATES BILLED BY PRIVATE SECTOR PROVIDERS.

a. The commissioner of health annually shall review and report to the common council by April 1 with respect to the ambulance conveyance rate established under par. c and recommend, if appropriate, an adjustment in the conveyance rate.

b. Upon request, the legislative reference bureau shall provide the commissioner with information from health-related cost indexes, including the medical care component of the Milwaukee consumer price index issued by the U.S. bureau of labor statistics.

c. The rate charged for conveyance shall be as follows:

c-1. For patients who are residents of the city of Milwaukee, for basic life support, \$410 and, for basic life support-emergency, \$410. When patients require treatment without transport, a \$75 basic life support non-transport fee shall apply.

c-2. For patients who are not residents of the city of Milwaukee, for basic life support, \$474 and, for basic life support - emergency, \$474. When patients require treatment without transport, a \$125 basic life support non-transport fee shall apply.

c-3. In addition to the charges provided in subds. 1 and 2, a charge of \$12 per mile shall be assessed for mileage, mileage to be defined as the distance traveled with the patient in the ambulance from the point of patient origin to destination.

d. In those instances where a certified provider has a contract with any insurer or health maintenance organization with respect to establishment of fees for ambulance services for persons insured through the organization, the fees established in the contract shall take precedence over those in par. c and sub. 15, and the certified provider shall charge only those fees established in the contract.

15. BASIC LIFE SUPPORT ANCILLARY CHARGES BILLED BY PRIVATE SECTOR PROVIDERS. Pursuant to sub. 12-d, certified providers are authorized to charge the following basic life support ancillary charges:

a.	Airway		
a-1.	Oropharyngeal		\$1.94
a-2.	Nasopharyngeal	7.68	
b.	Bag mask ventilator, adult or pediatric		38.42
c.	Bandaging		
c-1.	Trauma dressing	4.58	
c-2.	Kling 4"	1.96	
c-3.	5/9" dressing	0.47	
d.	Blanket	8.92	
e.	Burn sheet	9.23	
f.	Cervical collar		26.31
g.	Cold pack	1.76	
h.	Combi-tube/intubation charge		65.00
i.	Defibrillation supplies		85.00
j.	Electrodes	2.33	
k.	Gloves	1.86	
l.	Head immobilizer		15.44
m.	Hot pack	2.05	
n.	KED strap		23.21
o.	Laryngoscope blades	7.37	
p.	Linens	5.69	
q.	OB kit with silver swaddler		22.83
r.	Oxygen and supplies		75.00
s.	Personal protective equipment		
s-1.	Gown	4.58	
s-2.	Goggles	9.23	
t.	Prosplints		
t-1.	Full arm, large		23.45
t-2.	Full arm, small		22.67
t-3.	Combo		31.36
t-4.	Full leg, large		49.21
t-5.	Full leg, small		42.30
t-6.	Wrist and forearm		14.12
u.	Pocket mask	20.18	
v.	Resuscitation bag & mask	38.42	
w.	Splints		

w-1.	12"	3.50
w-2.	18"	5.20
w-3.	24"	6.99
x.	Sterile saline or water	3.47
y.	Suction	
y-1.	Canister	5.82
y-2.	Suction tip	2.71
y3.	Tubing	3.02

z. Drug charges: drugs allowed by the state of Wisconsin emergency medical technician basic scope of practice and approved by the Milwaukee county council on emergency medical services, shall be charged at the same rates established under sub. 17-d.

16. CHARGES FOR ADVANCED LIFE SUPPORT PATIENT SERVICES

DELIVERED BY PRIVATE PROVIDERS. Whenever a certified provider performs an advanced life support conveyance under the agreement, the certified provider is authorized to charge the same rates as established for the fire department, pursuant to sub. 17-a and b. When performing an advanced life support, certified providers are authorized to charge the same ancillary charges established for the fire department under sub. 17-c and d. These charges shall in no way be construed so as to circumvent the role of the fire department as the designated responder to advanced life support service calls.

17. CHARGES FOR PATIENT SERVICES DELIVERED BY THE FIRE DEPARTMENT.

The fire department shall bill for and collect all revenues generated from advanced life support conveyances and service provisions using fee schedules that have been adopted by the Milwaukee county association of fire chiefs and the intergovernmental cooperation council of Milwaukee county and the common council. The rate charged for conveyance and services delivered by fire department paramedic fleet shall be as follows:

- a. For advanced life support for patients who are residents of Milwaukee county.
 - a-1. Paramedic non-invasive service and/or treatment without conveyance \$75
 - a-2. Paramedic invasive service and/or treatment without conveyance \$350
 - a-3. Paramedic service with transport Level ALS-1 \$585
 - a-4. Paramedic service with transport Level ALS-2 \$635
- b. For advanced life support for patients who are not residents of Milwaukee county.
 - b-1. Paramedic non-invasive service and/or treatment without conveyance \$125
 - b-2. Paramedic invasive service and/or treatment without conveyance \$380
 - b-3. Paramedic service with transport Level ALS-1 \$635
 - b-4. Paramedic service with transport Level ALS-2 \$685

c. Advanced life support ancillary charges.

- c-1. ALS supplies \$70
- c-2. Intubation \$65
- c-3. I.V. and supplies \$50
- c-4. Defibrillation \$85
- c-5. EKG \$85
- c-6. Oxygen and supplies \$75

d. Drugs included in the Milwaukee county medical services program adopted by the Milwaukee county association of fire chiefs and the intergovernmental cooperation council of Milwaukee county.

d-1. Items approved in Drug Group 1 are charged a rate of \$25 including: Albuterol, Amidoerone (30 mg), Altopine, Benadryl, Heparin Sodium by I.V., Lasix, Lidocaine, Ativan, Versed, Sodium Chloride, Solumedrol (up to 40 mg), Terbutaline, Diazepam, Dextrose 50%, Nitro Spray SL, Normal Saline (capped), D50, and Dtw.

d-2. Items approved in Drug Group 2 are charged a rate of \$30 including: Calcium Chloride, Epinephrine (I.M. or I.V., not by EPI-PEN), Dopamine, Lidocaine, and Sodium Bicarbonate.

d-3. Items approved in Drug Group 3 are charged a rate of \$40 including: Morphine, Narcan and Normal Saline.

- d-3-a. Epinephrine by EPI-PEN \$85
- d-3-b. Adenosine \$80
- d-3-c. Glucagon, up to 1 mg \$80
- d-3-d. Solumedrol, 41-125mg \$50

e. Mileage. In addition to the charges provided in pars. a to d, a charge of \$12 per mile shall be assessed for mileage, mileage to be defined as the distance traveled with the patient in the ambulance from the point of patient origin to destination.

18. CONVEYANCE OF POLICE PRISONERS AND THOSE IN PROTECTIVE CUSTODY. Certified providers under contract with the city for payment for conveyance of police prisoners for medical treatment, those incapacitated persons in protective custody and those in need of emergency detention, in situations where the person conveyed is unable to pay for conveyance, shall be paid a rate equal to 60% of the conveyance rate and mileage charge in sub. 14 and 60% of the services fees charge in sub. 15. Charges for services rendered by the fire department under this subsection shall be paid a rate equal to 60% of all patient services delivered by the department pursuant to sub. 17.

19. VIOLATIONS.

a. Suspension and Revocation. The common council may, subsequent to a hearing

conducted by the committee, suspend, revoke, deny or not renew a certificate issued under this section for any reasonable cause which shall be in the best interests and good order of the city, including, but not limited to, the following findings:

a-1. Conviction of a violation of this section.

a-2. Where the committee, on hearing of evidence, determines that the certified provider has been violating any of the provisions of this section even though the certified provider may not have been convicted in a court for this violation.

a-3. Conviction of a criminal statute or city ordinance involving moral turpitude.

a-4. Violation of a city ordinance where the violation is connected with or a part of carrying on the business for which the certificate is issued.

a-5. Failure to obtain any permit required under the ordinances of the city or laws of the state of Wisconsin, or employing persons not authorized to do any specific work as required under the ordinances of the city, or the laws of the state of Wisconsin.

a-6. Failure to comply with any of the provisions of the agreement.

b. Hearing.

b-1. Whenever the committee has scheduled a hearing for determining whether to recommend suspension or revocation of a certified provider's certificate, the certified provider shall receive written notice of the hearing not less than 10 days prior to the hearing. The notice shall specify the nature of the complaint against the certified provider.

b-2. The certified provider may attend the hearing and be represented by counsel, may present witnesses and confront and cross-examine any adverse witnesses under oath, and may obtain a transcript of the hearing at the certified provider's own expense.

b-3. At the conclusion of the hearing, the committee shall make its recommendation to the common council. If the recommendation is to suspend or revoke a certified provider's certificate, each member of the committee voting in favor of the action shall state the basis therefore on the record.

b-4. The certified provider shall be provided with written notice of any recommendation of the committee. If the recommendation is to suspend or revoke the certified provider's certificate, the provider may, within 10 days of the notice, appeal the recommendation by filing written notice with the city clerk. If notice of appeal is filed, a copy of the transcript of the hearing shall be provided to each common council member at least 3 days prior to the common council vote on whether to accept or reject the recommendation of the committee.

c. Penalty. Anyone who acts as a certified provider without having obtained a certificate to do so, or who violates any other part of this section, shall upon conviction be subject to a forfeiture of not less than \$100 nor more than \$250, and in default of payment, be committed to the county jail or house of correction for a period of time not to exceed 10 days. Each day in which any person shall operate as a certified provider without having obtained a certificate, or after revocation of the same,

shall constitute a separate offense.

20. ANNUAL REPORT. The fire chief shall present an annual status report to the common council on all fire department advanced life support billing activities, including descriptions of the amounts invoiced, collected and outstanding, no later than June 30 commencing June 30, 2008.

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

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

No: 0

Excused: 1 - McGee Jr.

ADOPTION OF THE FOLLOWING:

6. [061570](#) Substitute resolution approving an Emergency Medical Services agreement between the City of Milwaukee and private ambulance providers.

Whereas, The Common Council directed the City Attorney and the Fire Chief to negotiate an Emergency Medical Services agreement with the City of Milwaukee's emergency medical services ambulance service providers through Common Council Resolution Number 060422, passed July 31, 2006; and

Whereas, The City Attorney, the Fire Chief and the private ambulance service providers have negotiated an agreement that is mutually acceptable to all; and

Whereas, The Emergency Medical Services agreement provides for performance standards, as recommended by the Basic Life Support Task Force, that will benefit the citizens of the City of Milwaukee; and

Whereas, This agreement is in the best interests of the health, safety and welfare of the citizens of the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Emergency Medical Services agreement, a copy of which is attached to this file, between the City of Milwaukee and private ambulance service providers be approved; and, be it

Further Resolved, That the proper City officials are directed to execute the agreement on behalf of the City.

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

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

No: 0

Excused: 1 - McGee Jr.

7. [071474](#) Resolution authorizing the Milwaukee Police Department to apply for, accept and expend contributions of not more than \$50,000 from the Greater Milwaukee Foundation for costs related to the operation of the canine unit.
- Whereas, Section 304-24 of the City of Milwaukee Code of Ordinances regulates the receipt, appropriation and expenditure of contributions received by the City; and
- Whereas, The City of Milwaukee was authorized to enter into an agreement with the Greater Milwaukee Foundation (GMF) for the establishment of a Police Endowment Fund by resolution at File # 050165, adopted June 14, 2005; and
- Whereas, The GMF has offered to donate \$7,500 to the Milwaukee Police Department (MPD) to assist in covering the costs of the Canine Unit which may include, but is not limited to, the purchase, maintenance and training of dogs, and may offer additional funding for these purposes in the future; and
- Whereas, It is expected that additional donations to the Canine Unit totaling up to \$42,500 from the GMF may be offered over the next 3 to 5 years; and
- Whereas, The Canine Unit has been effective in preventing and detecting criminal activity; and
- Whereas, Costs associated with the operation of the Canine Unit have historically been covered by contributions from the federal asset forfeiture program and private contributions; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee Police Department is authorized to apply for, accept and expend an amount of \$7,500 from the Greater Milwaukee Foundation for costs associated with the operations of the Canine Unit; and, be it
- Further Resolved, That the Milwaukee Police Department is further authorized to apply for amounts totaling not more than an additional \$42,500 from the Greater Milwaukee Foundation for costs associated with the operation of the Canine Unit, and to accept and expend such contributions; and, be it
- Further Resolved, That upon receipt and deposit of these amounts, the City

Comptroller is directed to establish a special account within the budget for the expenditure of the contributions; and, be it

Further Resolved, That the City Comptroller is directed to transfer appropriations and estimated revenue from the Contribution Fund-General, account number 0001-2110-D001-006300, and the estimated revenue account for contributions, account number 0001-2110--0001-009850 to the Police Department's special account 0001-331-0001-Dxxx-006300, and the Police Department's estimated revenue account 0001-3310-0001-9850 for the purposes set forth in this resolution in amounts not to exceed \$50,000.

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

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

No: 0

Excused: 1 - McGee Jr.

8. [071475](#) Resolution amending Milwaukee Police Department authority to accept contributions from the Greater Milwaukee Foundation for traffic safety equipment, further authorizing acceptance and expenditure of not more than \$40,500 additional contributions.

Whereas, Section 304-24 of the City of Milwaukee Code of Ordinances regulates the receipt, appropriation and expenditure of contributions received by the City; and

Whereas, The City of Milwaukee was authorized to enter into an agreement with the Greater Milwaukee Foundation (GMF) for the establishment of a Police Endowment Fund by resolution at File # 050165, adopted June 14, 2005; and

Whereas, Contributions of traffic safety equipment will assist the Milwaukee Police Department with traffic safety; and

Whereas, It appears that the GMF may offer to contribute amounts up to \$40,500 to the Milwaukee Police Department over the next 3 to 5 years for purchase of traffic safety equipment in addition to the \$9,500 accepted Common Council Resolution File # 071321, adopted February 5, 2008, for a total of \$50,000; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Resolution File # 071321 be amended to authorize the Milwaukee Police Department to accept contributions from the Greater Milwaukee Foundation of not more than \$50,000 to be expended toward the purchase of traffic safety equipment; and, be it

Further Resolved, That the City Comptroller is directed to transfer appropriations and estimated revenue from the Contribution Fund-General, account number 0001-2110-D001-006300, and the estimated revenue account for contributions, account number 0001-2110--0001-009850 to the Police Department's special account 0001-331-0001-Dxxx-006300, and the Police Department's estimated revenue account 0001-3310-0001-9850 in amounts not to exceed \$50,000 for the costs of traffic safety consistent with the terms of the agreement establishing the Police Endowment Fund of the Greater Milwaukee Foundation by Resolution File # 050165, adopted June 14, 2005 .

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

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

No: 0

Excused: 1 - McGee Jr.

- 9. [071487](#) Resolution relative to the application, acceptance and funding of an Advanced Training Grant- Police Ethics and Integrity Training.

Whereas, The City of Milwaukee appears eligible for grant funds from the State of Wisconsin Department of Justice, Training and Standards Bureau, for an Advanced Training grant; and

Whereas, The operation of this grant from July 1, 2007 to June 30, 2008 would cost \$23,000, of which \$-0- would be provided by the city and \$23,000 (100%) would be provided 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 Justice, Training and Standards Bureau is authorized and that the Police Department shall accept this grant without further approval unless the terms of the grant change as indicated in section 304-81, Milwaukee Code of Ordinances; and, be it

Further Resolved, That the Comptroller of the City of Milwaukee is authorized to:

- 1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue Grant and Aid Projects Fund, the following amounts for the Advanced Training Grant:

Project/Grant Amount	Fund	Org	Program	BY	Subclass	Account	Project
GR0000800000	0150	9990	0001	0000	R999	000600	\$23,000.
Grantor Share		\$23,000					

2. Create the necessary Grant and Aids Project/Grant and Project/Grant levels; budget against these Project/Grant values the amounts required under the grant agreement;

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

Further Resolved, That these funds are budgeted for the Milwaukee Police Department which is authorized to:

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

2. Transfer funds within the project budgets as long as the amount expended for each specific purpose does not exceed the amount authorized by the budget by 10 percent.

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

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

No: 0

Excused: 1 - McGee Jr.

PLACING ON FILE THE FOLLOWING:

10. [071486](#) Resolution relative to the application, acceptance and funding of an Advanced Training Grant- Understanding High Risk Police Activities.

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

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

No: 0

Excused: 1 - McGee Jr.

11. [071513](#) Communication from the Milwaukee Homicide Review Commission related to its activities.

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

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

No: 0

Excused: 1 - McGee Jr.

THE FINANCE & PERSONNEL COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [071388](#) A substitute ordinance to further amend the 2008 rates of pay of offices and positions in the City Service under control of the Common Council.

Ald. Zielinski moved that this matter be held to a later point in the meeting.

There was no objection.

Ald. Zielinski moved to amend by deleting the following:

Part 2. Section 2 of ordinance File Number 070604 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Salary Grade 013, add the title "Chief of Staff-Police."

Under Salary Grade 014, add the title "Police Information Systems Director."

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

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

No: 2 - Davis Witkowski

Excused: 1 - McGee Jr.

- [071388](#) A substitute ordinance to further amend the 2008 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 070604 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 6, 2007 - March 11, 2007):

Under Salary Grade 004, add the title "Water Distribution Supervisor 1 5/."

Part 2. Section 5 of ordinance File Number 070604 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 5, 2008 - February 24, 2008):

Under Pay Range 406, add the following sentence to footnote 1/: "Effective March 3, 2008 through Friday, April 4, 2008 Paula Dorsey has been replaced by Kenneth

Wischer as District Council 48 Contract Administrator and will not be paid at rates consistent with Pay Range 936.”

Part 3. Section 5 of ordinance File Number 070604 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 8, 2008 - April 6, 2008):

Under Pay Range 406, delete the following sentence in footnote 1/ that reads: “Effective March 3, 2008 through Friday, April 4, 2008 Paula Dorsey has been replaced by Kenneth Wischer as District Council 48 Contract Administrator and will not be paid at rates consistent with Pay Range 936.”

Part 4. Section 16a of ordinance File Number 070604 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 5, 2008 - February 24, 2008):

Under Pay Range 750 add the footnote designation “6/” after the title Operations Driver/Worker and add footnote 6/ to read as follows: “6/Effective March 3, 2008 through Friday, April 4, 2008, one position held by Kenneth Wischer, in the Operations Division of the Department of Public Works, to be paid at rates consistent with Pay Range 936 while performing contract administrator duties.”

Part 5. Section 16a of ordinance File Number 070604 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 8, 2008 - April 6, 2008):

Under Pay Range 750 delete the footnote designation “6/” after the title Operations Driver/Worker and delete footnote 6/ in its entirety.

Part 6. Section 20 of ordinance File Number 070604 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):

Delete the biweekly rates of pay shown for Pay Ranges 850 through 857 and substitute therefor the following biweekly rates of pay:

Pay Range 850

Official Rate-Biweekly

\$1,347.28	1,403.15	1,560.12	1,717.49	1,891.01
2,082.39	2,273.41			

Pay Range 853

Official Rate-Biweekly

\$1,698.77 1,736.30 2,144.57 2,229.87 2,407.49

Pay Range 856

Official Rate-Biweekly

\$2,172.29 2,258.09 2,347.32 2,440.09 2,536.64

Pay Range 857

Official Rate-Biweekly

\$2,440.09 2,536.64 2,637.01 2,741.37 2,849.79
2,962.69

Under Pay Range 857 add the job title and footnote designation "Fire Captain Incident Safety Officer 2/".

Part 7. Section 20 of ordinance File Number 070604 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):

Delete the biweekly rates of pay shown for Pay Ranges 850 through 857 and substitute therefor the following biweekly rates of pay:

Pay Range 850

Official Rate-Biweekly

\$1,391.07 1,448.75 1,610.82 1,773.31 1,952.47
2,150.07 2,347.30

Pay Range 853

Official Rate-Biweekly

\$1,753.98 1,792.73 2,214.27 2,302.34 2,485.73

Pay Range 856

Official Rate-Biweekly

\$2,242.89 2,331.48 2,423.61 2,519.39 2,619.08

Pay Range 857

Official Rate-Biweekly

\$2,519.39 2,619.08 2,722.71 2,830.46 2,942.41
3,058.98

Part 8. Section 20 of ordinance File Number 070604 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):

Delete the biweekly rates of pay and footnotes shown for Pay Ranges 850 through 857 and substitute therefore the following biweekly rates of pay and footnotes:

Pay Range 850

Official Rate-Biweekly

\$1,447.03 1,506.44 1,673.37 1,840.73 2,025.27
2,228.80 2,431.94

Fire Paramedic 1/
Firefighter 1/

1/ Effective March 1, 1990, all Emergency Medical Technician-II's in this classification who are assigned by the Chief Engineer, Fire, to perform paramedic services shall receive a 5% annual lump sum, non-pensionable premium payment for as long as Milwaukee County reimburses the City of Milwaukee for such premium. This premium shall be calculated as 5% of the employee's applicable annual base salary. This premium shall cease in the event that Milwaukee County eliminates its funding for the 5% premium. Effective January 1, 2006, the first \$1,000 of this amount shall be included in an employee's final average salary solely for purposes of computing pension benefits and shall not be included in the determination of any other benefits.

Pay Range 853

Official Rate-Biweekly

\$1,820.82 1,860.74 2,294.92 2,385.63 2,574.53

Heavy Equipment Operator 1/ 2/

1/ Effective March 1, 1990, all Emergency Medical Technician-II's in this classification who are assigned by the Chief Engineer, Fire, to perform paramedic services shall receive a 5% annual lump sum, non-pensionable premium payment for as long as Milwaukee County reimburses the City of Milwaukee for such premium. This premium shall be calculated as 5% of the employee's applicable annual base salary. This premium shall cease in the event that Milwaukee County eliminates its

funding for the 5% premium. Effective January 1, 2006, the first \$1,000 of this amount shall be included in an employee's final average salary solely for purposes of computing pension benefits and shall not be included in the determination of any other benefits.

2/ Employees promoted from the Firefighter classification to the Heavy Equipment Operator classification shall be appointed at the top pay step.

Pay Range 856

Official Rate-Biweekly

\$2,324.40 2,415.65 2,510.54 2,609.20 2,711.88

Administrative Fire Lieutenant 2/ 3/

Fire Lieutenant 1/ 2/ 3/

Fire Paramedic Field Lieutenant 1/ 2/ 3/ 4/

Paramedic Field Lieutenant 1/ 2/ 3/ 4/

Paramedic Lieutenant 1/ 2/ 3/

Vehicle Operations Instructor 3/

1/ Effective March 1, 1990, all Emergency Medical Technician-II's in this classification who are assigned by the Chief Engineer, Fire, to perform paramedic services shall receive a 5% annual lump sum, non-pensionable premium payment for as long as Milwaukee County reimburses the City of Milwaukee for such premium. This premium shall be calculated as 5% of the employee's applicable annual base salary. This premium shall cease in the event that Milwaukee County eliminates its funding for the 5% premium. Effective January 1, 2006, the first \$1,000 of this amount shall be included in an employee's final average salary solely for purposes of computing pension benefits and shall not be included in the determination of any other benefits.

2/ Employees promoted from the Firefighter classification to the Administrative Fire Lieutenant, Fire Lieutenant, Fire Paramedic Field Lieutenant, Paramedic Lieutenant, or Paramedic Field Lieutenant classifications shall be appointed at the fourth pay step.

3/ Effective Pay Period 5, 1992, employees occupying this classification shall receive on a biweekly basis an amount equal to one percent of biweekly base salary in consideration for underfilling. This amount shall be included in an employee's final average salary solely for purposes of computing pension benefits and shall not be included in the determination of any other benefits.

4/ Positions to be reclassified to Fire Lieutenant upon becoming vacant.

Pay Range 857

Official Rate-Biweekly

\$2,609.20 2,711.88 2,818.62 2,929.60 3,044.91
3,164.97

Administrative Captain-EMS 1/ 2/

Administrative Fire Captain 2/

Fire Captain 1/ 2/

Vehicle Operations Training Coordinator 2/

1/ Effective March 1, 1990, all Emergency Medical Technician-II's in this classification who are assigned by the Chief Engineer, Fire, to perform paramedic services shall receive a 5% annual lump sum, non-pensionable premium payment for as long as Milwaukee County reimburses the City of Milwaukee for such premium. This premium shall be calculated as 5% of the employee's applicable annual base salary. This premium shall cease in the event that Milwaukee County eliminates its funding for the 5% premium. Effective January 1, 2006, the first \$1,000 of this amount shall be included in an employee's final average salary solely for purposes of computing pension benefits and shall not be included in the determination of any other benefits.

2/ Employees promoted from the Fire Lieutenant, Administrative Fire Lieutenant, or Vehicle Operations Instructor classification to the Fire Captain, Administrative Fire Captain, Administrative Captain-EMS or Vehicle Operations Training Coordinator classifications shall be appointed at the fourth step of Pay Range 857.

Part 9. Section 23 of ordinance File Number 070604 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 5, 2008 - February 24, 2008):

Under Pay Range 936, add the footnote designation "1/" after the title District Council 48 Contract Administrator and add footnote 1/ to read as follows: "1/Effective March 3, 2008 through March 7, 2008 only, Kenneth Wischer shall be paid an additional \$2 per hour over his current pay rate in PR750, while performing contract administrator duties of District Council 48 Contract Administrator as a replacement for Paula Dorsey."

Part 10. Section 23 of ordinance File Number 070604 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 6, 2008 - March 9, 2008):

Delete Pay Range 936 in its entirety and replace with the following:

Pay Range 936
Official Biweekly Rates
\$1,903.85

District Council 48 Contract Administrator

Effective Pay Period 8, 2008, under Section 23, delete Pay Range 936 in its entirety and replace with the following:

Pay Range 936
Official Biweekly Rates
\$1,449.83

District Council 48 Contract Administrator

Part 11. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 12. The provisions of Part 1 this ordinance are deemed to have been in force and effect from and after Pay Period 6, 2007 (March 11, 2007).

The provisions of Part 6 this ordinance are deemed to have been in force and effect from and after Pay Period 1, 2007 (December 31, 2006).

The provisions of Part 7 this ordinance are deemed to have been in force and effect from and after Pay Period 1, 2008 (December 30, 2007).

The provisions of Parts 2, 4 & 9 this ordinance are deemed to have been in force and effect from and after Pay Period 5, 2008 (February 24, 2008).

The provisions of Part 10 of this ordinance are deemed to have been in force and effect from and after Pay Period 6, 2008 (March 9, 2008).

The provisions of Parts 3 & 5 of this ordinance are deemed to have been in force and effect from and after Pay Period 8, 2008 (April 6, 2008).

The provisions of Part 8 of this ordinance are deemed to be in force and effect from and after Pay Period 1, 2009 (December 28, 2008).

Part 13. This ordinance will take effect and be in force from and after its passage and publication.

As amended.

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

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

No: 1 - Witkowski

Excused: 1 - McGee Jr.

- 2. [071389](#) A substitute ordinance to further amend the 2008 offices and positions in the City Service under control of the Common Council.
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.
Ald. Zielinski moved that this matter be held to a later point in the meeting.

There was no objection.

A motion was made by ALD. ZIELINSKI that this Ordinance be ASSIGNED TO the FINANCE & PERSONNEL COMMITTEE . The motion PREVAILED by the following vote:

Aye: 11 - Hamilton, D'Amato, Bauman, Bohl, Wade, Donovan, Puente, Murphy, Dudzik, Zielinski Hines Jr.

No: 3 - Davis, Witkowiak Witkowski

Excused: 1 - McGee Jr.

- 3. [071498](#) An ordinance relating to the distribution of city code and charter to various governmental agencies.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 50-20-2 of the code is repealed and recreated to read:

50-20. Sale and Distribution of City Code and Charter.

2. DISTRIBUTION. Copies of the city charter and code shall be distributed without charge as follows:

Agency Number of Copies			
	Column A:	Column B:	Column C:
	City Charter	Code, Volume 1	Code, Volume 2
		Code, Volume 2	Code, Volume 3

A B C D

Administration

Budget and Management	1	1	1	1		
Emerging Business Enterprise Program	1	1	1	1		
City Attorney's Office		41		41	41	41
City Clerk's Office						
Administration	11		11		11	
Legislative Reference		15		15	15	15
License Division			6			
City Comptroller's Office			1		1	1
City Development					4	
Development Center		1		2	14	1
City Treasurer	2		2		2	
County Board Chair		1		1	1	1
County Corporation Counsel			1		1	1
County Executive	1		1		1	1
County Legal Resource Center	3		3		3	
Employe Relations						
Director					1	
Administration						1
Fire and Police Commission			1		1	1
Fire	2		2		2	2
Harbor Commission			2		2	2
Health Department		1		1	1	1
Historic Preservation Commission	1		1		1	1
Housing Authority		1		1	1	1
Library	16	13	13	13		
Mayor's Office		1		1	1	
Municipal Court		5		5	5	5
Neighborhood Services		7		14	119	8
Police	11	31	21	29		
Public Works						
Administrative Services			10	10	9	10
Infrastructure Services			3		3	3
Operations	1		1		1	
Redevelopment Authority				1	1	1
School Board	1		3		3	3
State Legislative Reference Bureau	1		1		1	
Wisconsin Center District			2		2	2
Wisconsin Gas Company					1	
Zoning Appeals, Board of		1	1	4	1	

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

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

No: 0

Excused: 1 - McGee Jr.

ADOPTION OF THE FOLLOWING:

4. [070015](#) Substitute resolution approving, ratifying and confirming the memorandum of understanding covering wages, hours and conditions of employment agreement between the city negotiating team and the Milwaukee Professional Fire Fighters' Association, Local #215, IAFF, AFL-CIO for the period of January 1, 2007, through December 31, 2009.
- Whereas, The agreement between the city negotiating team and the Milwaukee Professional Fire Fighters' Association, Local #215, IAFF, AFL-CIO, for the time period commencing January 1, 2007, through December 31, 2009, has been reduced to writing; and
- Whereas, The memorandum of understanding embodying the agreement reached by the parties, a copy of which is attached to Common Council File No. 070015 and incorporated herein as though fully set forth at length, was executed by the parties subject to ratification by the Common Council; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the agreement between the city negotiating team and the Milwaukee Professional Fire Fighters' Association, Local #215, IAFF, AFL-CIO, is 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 directed to execute a formal labor contract embodying the terms and conditions of the attached Memorandum of Understanding between the City of Milwaukee and the Milwaukee Professional Fire Fighters' Association, Local #215, IAFF, AFL-CIO; and, be it
- Further Resolved, That the city negotiating team is directed to prepare any ordinance changes or resolutions to effectuate the agreement; and, be it
- Further Resolved, That the proper city officials are 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; and, be it

Further Resolved, That all resolutions or parts of resolutions contravening this resolution are rescinded.

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

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

No: 0

Excused: 1 - McGee Jr.

5. [071260](#) Substitute resolution authorizing carryover of certain fund balances from 2007 to 2008 in accordance with Section 65.07(1)(p), Wisconsin Statutes.

Whereas, It has been the practice of the Mayor and the Common Council of the City of Milwaukee to maintain as low a tax rate as is possible, consistent with the standard of services requested by the citizens of Milwaukee; and

Whereas, The authorization to carry over certain available fund balances to permit achieving or completing a previously authorized and funded purpose, program, project, or equipment purchase is in the best interests of the City and assists in reducing the amounts that must be levied on taxable property in the City of Milwaukee; and

Whereas, The Budget and Management Division and the Committee on Finance and Personnel have reviewed 2007-2008 carryover requests and recommend in this resolution those carryovers which appear to be in compliance with Section 65.07(1) (p), Wisconsin State Statutes, Capital Guidelines, Grant and Aid Guidelines, Community Development Agency Guidelines, and other prudent criteria; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby authorizes and directs the City Comptroller to carry over the accounts enumerated in Exhibit A (attached to this file) in the amounts set forth in the recommended column; and, be it

Further Resolved, That the City Comptroller is hereby authorized and directed to close out each Capital Purpose Account in accordance with the requirements of

Common Council Resolution File Number 031033, et.al., Section V; and, be it

Further Resolved, That the departments affected by this resolution are hereby authorized to expend the carried over funds in accordance with the intent of the original appropriations; and, be it

Further Resolved, That each amount indicated for carryover for Special Ledger accounts is the maximum balance that can be carried over to 2008. Any balance over those amounts indicated are to revert to the Tax Stabilization Fund, in accordance with Section 304-29-3, Milwaukee Code of Ordinances; and, be it

Further Resolved, That Notwithstanding the above authorizations, that if the Comptroller, at the time of transferring this money to the succeeding year's appropriations, determines that any of the above authorized funds exceeds that three-year carryover authorization, the Comptroller is hereby directed to close the funds in excess of the three-year authorization to the appropriate close-out account.

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

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

No: 0

Excused: 1 - McGee Jr.

6. [071278](#) Substitute resolution rescinding reserved commitments and appropriating funds from the 2007 Common Council Contingent Funds for the purpose of closing the 2007 financial books due to unanticipated shortfalls in current year operating expenses. Whereas, To facilitate closing of Year 2007 financial books, rescinding reserved commitments and transfers from 2007 Common Contingent Fund are necessary; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the following amounts reserved in the Common Council Contingent Fund (#0001-9990-C001-006300) (2007) from Common Council file 070339 be rescinded for appropriation as follows:

1. \$1,975,000 from the Common Council Contingent Fund (#0001-9990-C001-006300) (2007) reserved for the Police Department account (#0001-3310-R999-006000) (2007);
2. \$650,000 from the Common Council Contingent Fund (#0001-9990-C001-006300) (2007) reserved for the Department of Public Works

Operations Division Account (#0001-5450-R999-006000) (2007);
3. \$350,000 from the Common Council Contingent Fund
(#0001-9990-C001-006300) (2007) reserved for the Department of Public Works
Operations Division Account (#0001-5450-R999-006300) (2007).

; and, be it

Further Resolved, That \$11,286.04 from the Common Council Contingent Fund
(#0001-9990-C001-006300) (2007) be transferred to the Department of
Administration account (#0001-1510-R999-006000) (2007) if necessary; and, be it

Further Resolved, That up to \$24,661.01 from the Common Council Contingent Fund
(#0001-9990-C001-006300) (2007) be transferred to the Department of Employee
Relations Account (#0001-1650-S172-006300) (2007) if necessary; and, be it

Further Resolved, That up to \$18,753.39 from the Common Council Contingent Fund
(#0001-9990-C001-006300) (2007) be transferred to the Department of Employee
Relations Account (#0001-1650-R999-006300) (2007) if necessary; and, be it

Further Resolved, That up to \$99,613.23 from the Common Council Contingent Fund
(#0001-9990-C001-006300) (2007) be transferred to the Department of Employee
Relations Account (#0001-1650-S171-006300) (2007) if necessary; and, be it

Further Resolved, That up to \$6,912.99 from the Common Council Contingent Fund
(#0001-9990-C001-006300) (2007) be transferred to the Department of City
Development Account (#0001-1910-S209-006300) (2006) if necessary; and, be it

Further Resolved, That up to \$1,082.55 from the Common Council Contingent Fund
(#0001-9990-C001-006300) (2007) be transferred to the Comptroller Account
(#0001-2110-S163-006300) (2007) if necessary; and, be it

Further Resolved, That up to \$1,807,741.63 from the Common Council Contingent
Fund (#0001-9990-C001-006300) (2007) be transferred to the Fire Department
Account (#0001-3280-R999-006000) (2007) if necessary; and, be it

Further Resolved, That up to \$81,030.27 from the Common Council Contingent Fund
(#0001-9990-C001-006300) (2007) be transferred to the Fire Department Account
(#0001-3280-R999-006300) (2007) if necessary; and, be it

Further Resolved, That up to \$1,647,369.69 from the Common Council Contingent
Fund (#0001-9990-C001-006300) (2007) be transferred to the Police Department
Account (#0001-3310-R999-006000) (2007) if necessary; and, be it

Further Resolved, That up to \$143,957.34 from the Common Council Contingent Fund (#0001-9990-C001-006300) (2007) be transferred to the Police Department Account (#0001-3310-R999-006300) (2007) if necessary; and, be it

Further Resolved, That up to \$29,921.87 from the Common Council Contingent Fund (#0001-9990-C001-006300) (2007) be transferred to the Police Department Account (#0001-3310-R999-006800) (2007) if necessary; and, be it

Further Resolved, That up to \$428,203.50 from the Common Council Contingent Fund (#0001-9990-C001-006300) (2007) be transferred to the Department of Public Works Infrastructure Division Account (#0001-5230-R999-006000) (2007) if necessary; and, be it

Further Resolved, That up to \$470,196.66 from the Common Council Contingent Fund (#0001-9990-C001-006300) (2007) be transferred to the Department of Public Works Infrastructure Division Account (#0001-5230-R999-006300) (2007) if necessary; and, be it

Further Resolved, That up to \$441,476.57 from the Common Council Contingent Fund (#0001-9990-C001-006300) (2007) be transferred to the Department of Public Works Operations Division Account (#0001-5230-R999-006300) (2007) if necessary.

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

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

No: 0

Excused: 1 - McGee Jr.

7. [071363](#) Resolution approving the form of the Preliminary Official Statement used in connection with the sale of City of Milwaukee debt.

Whereas, The City Comptroller has prepared a Preliminary Official Statement (the form of which is attached hereto), and will prepare an Official Statement, for the purpose of providing comprehensive financial and economic information respecting the City of Milwaukee in connection with the sale of the City of Milwaukee, Wisconsin, General Obligation Bonds, Notes, and/or Revenue Anticipation Notes ("RANs") (individually, an "Offered Obligation", and collectively, the "Offered Obligations"); and

Whereas, Financial and economic information has been compiled by the Office of the Comptroller from its annual financial report, property tax records maintained by the Assessor's Office and from other books and records of the City; and

Whereas, Concurrently with the delivery of the Offered Obligations, the City will deliver its certificates signed by its Comptroller stating that the descriptions and statements, including financial statements, as pertaining to the City contained in the Official Statements as of their dates and the date of sale and delivery of each Offered Obligation, were and are true and correct in all material respects and do not contain an untrue statement of a material fact or omit to state a material fact required to be included therein or necessary to make the statements contained therein in the light of circumstances in which they were made not misleading; and

Whereas, Such certificates will further confirm to the effect that insofar as the descriptions and statements including financial data, contained in the Official Statements of or pertaining to non-governmental bodies and governmental bodies other than the City are concerned, such descriptions, statements and data have been obtained from sources believed by the City to be reliable, and that the City has no reason to believe that they are untrue or incomplete in any material respect; and

Whereas, It is the intention of the Common Council to approve the aforementioned Preliminary Official Statement on the basis of the representations of the Comptroller to be included in the certificates signed by the Comptroller and delivered concurrently with the delivery of each Offered Obligation; and

Whereas, The City desires to use the Master Continuing Disclosure Certificate approved by Common Council File Number 031384 adopted on February 10, 2004 in connection with the issuance of the Offered Obligations; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the form of the Preliminary Official Statement as attached hereto, and to be used in connection with the sale of the City of Milwaukee, Wisconsin, General Obligation Bonds, Notes, and/or RANs, (the "Offered Obligations") be and hereby are approved; and, be it

Further Resolved, That the Preliminary Official Statement was and is true and correct in all material respects and do not contain an untrue statement of a material fact or omit to state a material fact required to be included therein or necessary to make the statements contained therein in the light of circumstances in which they were made not misleading; and, be it

Further Resolved, That the Comptroller is hereby authorized to prepare an Official Statement, in substantially the same form of the Preliminary Official Statement, after the same have been completed by the insertion of the maturities, interest rates and other details of the debt and by making such other insertions, changes or corrections as the Comptroller, based on the advice of the City's financial advisor and legal counsel (including the City Attorney or Bond Counsel), deem necessary or

appropriate; and the Common Council hereby authorizes the Official Statement and the information contained therein to be used by the underwriters of the debt in connection with the sale of the Offered Obligations; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that the Comptroller is hereby authorized to execute Supplemental Certificate(s) of the Master Continuing Disclosure Certificate for the Offered Obligations.

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

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

No: 0

Excused: 1 - McGee Jr.

8. [071452](#) Resolution authorizing an appropriation of \$460,000 from the Common Council Contingent Fund to the Remission of Taxes Special Purpose Account and directing payment of a civil judgment in favor of U.S. Bank against the City in the amount of \$440,430.03, plus simple interest at 0.8% from January 1-31, 2008, and simple interest at 1.0% thereafter until date of payment.

Whereas, U.S. Bank has brought suit against the City for allegedly excessive assessments of the properties of 12 branch banks; and

Whereas, A civil judgment has been entered against the City on behalf of U.S. Bank for \$440,430.03 plus simple interest at 0.8% for the month of January, 2008, and simple interest at 1.0% thereafter until the date of payment; and

Whereas, The Assessor's Office and the City Attorney have determined that an appeal is not appropriate or in the best interests of the City; and

Whereas, A total amount of \$500,000 has been budgeted in the 2008 Remission of Taxes Special Purpose Account; and

Whereas, There are multiple claims pending seeking remission of taxes alleging excessive assessments under the procedures in s. 74.37, Wis. Stats.; and

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

Resolved, By the Common Council of the City of Milwaukee, that an amount of \$460,000 be appropriated from the 2008 Common Council Contingent Fund Account No. 0001-9990-C001-006300 and placed within the 2008 Remission of

Taxes Special Purpose Account, and that the proper City officers are authorized and directed to issue a City check in the amount of \$440,430.03 plus simple interest at 0.8% for the period January 1-31, 2008, and simple interest at 1.0% thereafter until date of payment, made payable to the order of U.S. Bank and the law firm of Michael, Best & Friedrich in final settlement of this lawsuit, said amount up to \$460,000 to be charged to the 2008 Remission of Taxes Special Purpose Account No. 001-9990-S163-006300; and be it

Further Resolved, That for and in consideration of the payment authorized in this resolution, plaintiff and its attorney will provide to the City a satisfaction of judgment of the court action.

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

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

No: 0

Excused: 1 - McGee Jr.

9. [071493](#) Substitute resolution authorizing the sale and issuance of General Obligation Promissory Notes for contingent borrowing for excess 2007 expenditures. Whereas, There were unanticipated expenses incurred for fiscal year 2007 relating to snow removal and other purposes; and
- Whereas, The 2008 Budget authorizes \$110,000,000 of borrowing for contingent purposes; and
- Whereas, The Common Council is desirous of using 2008 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 2007 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 071100; 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 2008 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 \$4,700,000 for the purposes of general and current municipal expenses: to finance unanticipated 2007 expenditures; and, be it

Further Resolved, In Resolution File Number 071100 adopted on January 15, 2008, Exhibit A is amended to add the following:

"Purpose: Contingent Borrowing: Unanticipated 2007 Expenditures
Resolution File No.: 071493
Adoption Date: <TBD>
Notes to be sold: \$4,700,000"

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

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

No: 0

Excused: 1 - McGee Jr.

PLACING ON FILE THE FOLLOWING:

10. [070547](#) Communication from the Comptroller's Office transmitting a report titled Audit of the Milwaukee Police Department Crime Data System.

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

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

No: 0

Excused: 1 - McGee Jr.

11. [071274](#) Communication from the Department of Employee Relations relative to classification studies scheduled for Fire and Police Commission action.

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

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

No: 0

Excused: 1 - McGee Jr.

12. [071374](#) Communication from the Comptroller transmitting a report entitled Office of the Comptroller Report of Audit Activities.

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

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

No: 0

Excused: 1 - McGee Jr.

13. [071390](#) Communication from the Department of Administration - Budget and Management Analysis Division transmitting various vacancy requests, fund transfers and equipment requests.

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

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

No: 0

Excused: 1 - McGee Jr.

14. [071494](#) Communication from the Chief of Police relative to the administrative & structural changes to the police department.

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

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

No: 0

Excused: 1 - McGee Jr.

15. [071501](#) Communication from the Department of Employee Relations requesting an amendment to the salary ordinance and positions ordinance regarding the DC 48 Contract Administrator.

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

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

No: 0

Excused: 1 - McGee Jr.

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. [050275](#) Substitute resolution directing the Intergovernmental Relations Division- Department of Administration to seek introduction and passage of state legislation relating to property tax relief.

Whereas, Low-income residents of Wisconsin are overburdened with property taxes despite relief offered through the Homestead Tax Credit Program and the Wisconsin Property Tax Deferral Loan Program; and

Whereas, The maximum household income level of \$24,500 in the Homestead Tax Credit Program has not been adjusted for inflation since 2001; and

Whereas, The Wisconsin Property Tax Deferral Loan Program, run by the Wisconsin Housing and Economic Development Authority (WHEDA), has for eligibility an income of no more than \$20,000 of all reportable income for Wisconsin income tax purposes along with social security benefits and other types of nontaxable income received by all persons residing in the house, and defers a maximum amount of \$2,500 in property taxes for persons 65 years of age or older who are low-income homeowners; and

Whereas, Limited income and mobility exacerbates the burden of increasing property taxes for the elderly; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Intergovernmental Relations Division- Department of Administration is directed to seek introduction and passage of state legislation that provides an annual adjustment of the Homestead Property Tax Credit Program for inflation going back to 2001 to present, and for future annual inflation adjustments as well; and, be it

Further Resolved, That this tax relief shall also include modification of the Wisconsin Property Tax Deferral Loan Program whereby the income threshold for the program is raised to \$30,000, a title fee of \$75 is collected only the first time an application is made for the program, and property taxes for all or part of property taxes may be postponed; and, be it

Further Resolved, That WHEDA advertize the Wisconsin Property Tax Deferral Loan Program through whatever means possible including newspapers, pamphlets and the internet.

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

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

No: 0

Excused: 1 - McGee Jr.

2. [071443](#) Resolution authorizing payment of the claim of Russell Sommer.
- Whereas, The claimant, Russell Sommer, C.I. File No: 07-S-374, has filed a claim against the City of Milwaukee in the amount of \$2,399.87; and
- Whereas, The City of Milwaukee has agreed to pay the claim in the amount of \$2,399.87; and
- Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it expeditious and just to pay this claim; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$2,399.87, payable to the order of Russell Sommer, 2551 South Wentworth, Milwaukee, WI 53207, in full and final payment of this claim, upon receipt of a release of claims, approved as to form and execution by the City Attorney; said amount to be charged to the Damages and Claims Account 006300 - Fund No. 0001 - Organization 1490 - Program 0001 - Sub Class S118.
- A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Davis, D'Amato, Bauman, Bohl, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 1 - McGee Jr.
3. [071444](#) Resolution authorizing payment of the claim of Brian Maletzke.
- Whereas, The claimant, Brian Maletzke, C.I. File No: 07-L-98, has filed a claim against the City of Milwaukee in the amount of \$6,403.53; and
- Whereas, The City of Milwaukee has agreed to pay the claim in the amount of \$6,403.53; and
- Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it expeditious and just to pay this claim; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$6,403.53, payable to the order of Brian Maletzke, 3909 North 80th Street, Milwaukee, WI 53222, in full and final payment of this claim, upon receipt of a release of claims, approved as to form and execution by the City Attorney; said amount to be charged to the Damages and Claims Account 006300 - Fund No. 0001 -

Organization 1490 - Program 0001 - Sub Class S118.

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

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

No: 0

Excused: 1 - McGee Jr.

4. [071445](#) Resolution authorizing payment of the claim of Randy Paszkiewicz.

Whereas, The claimant, Randy Paszkiewicz, C.I. File No: 07-L-98, has filed a claim against the City of Milwaukee in the amount of \$11,015.14; and

Whereas, The City of Milwaukee has agreed to pay the claim in the amount of \$11,015.14; and

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

Resolved, By the Common Council of the City of Milwaukee, that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$11,015.14, payable to the order of Randy Paszkiewicz, 5366 South 9th Street, Milwaukee, WI 53221, in full and final payment of this claim, upon receipt of a release of claims, approved as to form and execution by the City Attorney; said amount to be charged to the Damages and Claims Account 006300 - Fund No. 0001 - Organization 1490 - Program 0001 - Sub Class S118.

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

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

No: 0

Excused: 1 - McGee Jr.

5. [071469](#) Substitute Resolution to settle claim of Cermele & Associates for defense of various police officers.

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the sum of \$42,885.73 payable to Cermele & Associates, 6310 West Bluemound Road, Suite 200, Milwaukee, WI 53213 to reimburse them for legal fees for defense of the following police officers:

POLICE OFFICERS	AMOUNT
Lewis Brown, Adam Freund, Matthew Drought	\$1,364.00
David Bublitz, Brent Miscichoski	\$713.79
James Hutchinson	\$420.87
Shannon Lewandowski	\$534.33
Laura Litwin, Christopher Kaine	\$458.11
Kevin Matte	\$1,461.00
Matthew Seitz, Carrie Radtke, Adam Freund	\$1,086.87
Randolph Bruso	\$235.83
Adrian Harris, Pernell Reynolds	\$1,560.00
Jovan Petkovich, Edward Ciano, James Peterson	\$1,548.00
Paula Tatman	\$1,018.08
Maurice Woulfe, Gary Post	\$600.00
POLICE OFFICERS	AMOUNT
Richard Hoffman, Daniel Robinson	\$4,734.60
Joel Moeller	\$314.36
Donald Sanford, Darrell Flemming	\$7,639.51
Daniel Vidmar	\$430.00
Scott Voeks and Greg Colker	\$819.12

Kevin Matte	\$1,089.00	
Chris Chu and Malcolm McNeil		\$1,507.00
Steve Dettmann	\$539.00	
Marc Moore	\$429.00	
Robert Lacy	\$297.00	
Mike Anderson and Mike Lopez		\$1,188.00
Chris Schlachter and Librado Bracero		\$1,518.00
Steven Jaeck and Michael Valuch		\$935.00
Jeffrey Buckson and Ray Harris		\$1,466.00
Dontae Harmon and Dexter Love		\$822.91
Brian Brosseau	\$5,892.00	
Malcolm McNeil and Christopher Chu		\$1,485.00
Christopher Elser	\$287.00	
Heather Coss and Timothy Martin		\$492.35
TOTAL	\$42,885.73	

; and, be it

Further Resolved, That the check for \$42,885.73 is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to the Damages and Claims Account -636506- Fund No. 0001 - Organization 1490- Program 2631 - Sub Class S118.

Drafter

City Attorney

enm

2/29/08

1032-2006-3315/129717

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

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

No: 0

Excused: 1 - McGee Jr.

6. [071478](#) Resolution authorizing City entry into a settlement agreement with Kilbourn Tower, LLC regarding amounts owed under an Agreement for Sale and a Note concerning the parcel at 923 E. Kilbourn Street and a vacated right-turn bypass that the City sold to Kilbourn Tower, LLC in 2003.
- Whereas, The City of Milwaukee ("City"), (i) by Common Council Resolution File No. 000270 approved vacation of the right-turn-bypass part of the Property, (ii) by Resolution File No. 020423 approved an out-of-program agreement for public-improvement alterations necessitated by Kilbourn Tower, LLC (KT's) project, (iii) by Resolution File No. 020798 approved an ordinance and subterranean space lease allowing KT to develop underground parking beneath East Kilbourn and North Prospect Avenues, (iv) by Resolution File No. 020968 declared the Property surplus and authorized its sale to KT, (v) by Resolution File No. 021013 approved an ordinance and first amendment to Detailed Planned Development for the KT project, (vi) by Resolution File No. 021220 directed that \$700,000 of the \$950,000 Property-sale price be transferred to the Neighborhood Improvement Development Corporation ("NIDC") for financing city-wide development and rehabilitation of affordable housing for low and moderate-income families, and directed NIDC to recommend by May 1, 2003 a project or projects for use of the funds, (vii) by Resolution File No. 021294 approved an ordinance and airspace lease allowing a part of KT's building to extend over the lot line of the Property, (viii) by Resolution File No. 030390, authorized DPW to issue a permit allowing for occupancy of the eastbound lanes along the median of East Kilbourn Avenue for KT construction purposes, (ix) by Resolution File No. 040948 approved an ordinance and second amendment to Detailed Planned Development, (x) by Resolution File No. 050122, approved a special privilege to KT for planters in the public right-of-way, (xi) by Resolution File No. 061496 approved construction of improvements to the median at East Kilbourn Avenue and authorized assessing KT (and its successors in interest) and the Property and interests therein for the project, and (xii) by Resolution File No. 060304, directed DPW to restore the median with KT reimbursing the City; and

Whereas, Per Resolution 020968, the City and KT entered into an "Agreement for Sale" dated as of March 21, 2003 ("Development Agreement"), pursuant to which

the City sold to KT for \$950,000 (the "Purchase Price") the Property; and

Whereas, Per Development Agreement Sec. 1, KT gave City a Purchase Money Note dated May 22, 2003 for \$950,000 (i.e. the amount of the Purchase Price) (the "Note") that included terms concerning when the Purchase Price was to be paid, and, repayment of the Note was guaranteed by two separate "Personal Guaranty" documents, each also dated May 22, 2003 - with one from Ted Kellner ("Kellner") and one from Joel Lee ("Lee"), and with each guarantor, respectively, guaranteeing to City 50% of KT's obligations to make payment to City as required by the Note; and

Whereas, Per Development Agreement Sec. 3, KT paid to City a Performance Deposit in the amount of \$70,000 (the "Deposit") to secure KT's duty to construct what is now known as the Kilbourn Towers Condominium ("KT Condo") and to secure KT's duty to cover \$250,000 in landscaping upgrades of the East Kilbourn Avenue Boulevard near the KT Condo (the "Blvd. Work"); and

Whereas, The \$250,000 for the Blvd. Work was a material component of the Purchase Price; and

Whereas, KT has not paid the Note asserting the City is in breach of the Development Agreement for allowing construction of the University Club Tower Condominiums ("U-Club Condo") to the immediate south of the Property; and

Whereas, The City has asserted that KT is in breach of the Development Agreement and Note for, among other things, not obtaining the City's consent before re-financing a loan between KT and M&I and for not timely paying the Note with interest (the Purchase Price); and

Whereas, The City did the Blvd. Work as contemplated by Resolution 060304; and

Whereas, DCD and KT negotiated the "Settlement Agreement and Release" that is part of this file (the "Settlement Agreement"); and

Whereas, Under the Settlement Agreement, KT would pay the City the \$950,000 Purchase Price within 4 days of the Council's and Mayor's approval of this Resolution, and upon signing the Settlement Agreement, whereupon the City would return the \$32,440.62 that KT paid DPW as a deposit for certain utility work, the City would return the \$70,000 performance deposit, the City would waive the over \$300,000 in interest that has accrued on the Purchase Price at the default rate of interest, and KT and City would mutually release one another from claims and lawsuits; now, therefore, be it

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

Commissioner is authorized and directed to sign on behalf of the City, and to cause the City to enter, the Settlement Agreement, as drafted and made part of this file; and, be it

Further Resolved, That, upon receipt of the sums due City under the Settlement Agreement, the DPW Commissioner and proper City officials are authorized to apply so much of a \$250,000 component of the \$950,000 payment under the Settlement Agreement as needed to cover the special assessments and expenses associated with the Blvd. Work, and to forward any balance remaining to the appropriate City officers for deposit into the City's general fund; and, be it

Further Resolved, That, after City receives payment of the full \$950,000 Purchase Price, the proper City officials are authorized to return to KT the \$32,440.62 balance remaining regarding the KT utility-work deposit, and to return to KT the \$70,000 performance deposit, and to issue and record against the Property a Certificate of Completion - all as contemplated by the Settlement Agreement; and, be it

Further Resolved, That, concerning Common Council Resolution File No. 021220, a \$700,000 component of the \$950,000 payment that KT must pay to City shall continue to be segregated for application by NIDC for financing city-wide development and rehabilitation of affordable housing for low and moderate-income families, providing, however, that any such use by NIDC must first be approved by the Common Council, and NIDC is again directed to recommend to the Council, this time by July 1, 2008, a project or projects for such use of those funds.

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

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

No: 1 - Bohl

Excused: 1 - McGee Jr.

PLACING ON FILE THE FOLLOWING:

7. [071495](#) Communication from the City Attorney transmitting a semiannual report as to the determination and disposition of all claims pending and closed through December 31, 2007.

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

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

No: 0

Excused: 1 - McGee Jr.

DISALLOWANCE AND INDEFINITE POSTPONEMENT OF THE FOLLOWING:

8. Various claims against the city:

- a. [071259](#) Resolution relating to the claim of Rose Patterson for property damage. (7th Aldermanic District)

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

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

No: 0

Excused: 1 - McGee Jr.

- b. [071447](#) Resolution relating to the claim of Daniel Wiken, Tania Cook and American Family Insurance for property damage.

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

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

No: 0

Excused: 1 - McGee Jr.

- c. [071448](#) Resolution relating to the claim of Denise Berndsen for personal injuries and property damage.

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

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

No: 0

Excused: 1 - McGee Jr.

- d. [071461](#) Resolution relating to a claim from Sanford Parsons regarding revocation of an occupancy permit. (3rd Aldermanic District)

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

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

No: 0

Excused: 1 - McGee Jr.

- e. [071476](#) Resolution relating to the claim of Suzanne Zakry, Agent for Irgens Development Partners, LLC for property damage. (4th Aldermanic District)

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

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

No: 0

Excused: 1 - McGee Jr.

THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [070548](#) A substitute ordinance relating to revision of regulations for automatic changeable message signs.
- Originally proposed substitute F.*
- This was withdrawn by Ald. Murphy.*
- Ald. Murphy then offered proposed substitute E.*
- Ald. Bohl called for the previous question.*
- There was no objection.*
- A motion was made by ALD. MURPHY that this Ordinance be SUBSTITUTED. The motion PREVAILED by the following vote:**
- Aye:** 9 - Bauman, Bohl, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.
- No:** 5 - Hamilton, Davis, D'Amato, Wade Witkowiak
- Excused:** 1 - McGee Jr.

- [070548](#) A substitute ordinance relating to revision of regulations for automatic changeable message signs.
- Section 295-407-4-d-9 shall be created to read:*
- d-9. The permit holder of a electronic automatic changeable message sign shall provide to the city, free of charge, not less than 25% of the advertising time on that off-premise sign for the purpose of displaying public service announcements during that calendar week. Not less than 50% of the time made available to the city for public service announcements shall be between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. The city channel 25 staff, in cooperation with other city departments, shall develop the content of the public service announcements and shall coordinate the scheduling of the public service announcements with the sign permit holder(s).*
- A motion was made by ALD. BAUMAN that this Ordinance be AMENDED. This motion FAILED by the following vote:**
- Aye:** 2 - Bauman Hines Jr.
- No:** 12 - Hamilton, Davis, D'Amato, Bohl, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski

Excused: 1 - McGee Jr.

Amend File 070548 such that s. 295-407-7-d is amended to read:

d. Automatic Changeable Message Signs. No person may erect a new off-premise automatic changeable message sign, or convert an existing off-premise sign with a static display area to an off-premise automatic changeable message sign, without first obtaining a special use permit from the board if the new or existing sign will be or is located >>in a residential zoning district<< more than 1,000 feet from a freeway or the Lake Parkway.

Ald. Murphy moved that the Common Council enter the Committee of the Whole for the purpose of hearing from the Legislative Reference Bureau regarding the intent of this amendment.

On the motion: FAIL (7-7); Davis, D'Amato, Bohl, Wade, Puente, Witkowiak, and Hines NO

A motion was made by ALD. D'AMATO that this Ordinance be AMENDED. The motion FAILED by the following vote:

Aye: 6 - Hamilton, Davis, D'Amato, Wade, Witkowiak Hines Jr.

No: 8 - Bauman, Bohl, Donovan, Puente, Murphy, Dudzik, Witkowski Zielinski

Excused: 1 - McGee Jr.

Whereas, It is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that on-premise and off-premise signs be regulated according to location, size, maintenance and operation; and

Whereas, It is appropriate to revise signage regulations due to innovations in technology, and any change in signage regulations should be assessed according to community concerns and traffic safety; and

Whereas, On-premise automatic changeable message signs are already prevalent in the City, and recently outdoor advertising companies have transitioned off-premise traditional, static signs to electronic automatic changeable signs, but the City's current zoning code does not provide specific regulations for electronic automatic changeable message signs; and

Whereas, Off-premise automatic changeable message signs are most often located along high-speed, heavily trafficked roadways, in areas with dense traffic patterns, and the level of distraction that electronic signs create should be minimized and mitigated; and

Whereas, In a September, 2007, memorandum, the Federal Highway Administration noted that in its review of respective states' regulations that have been approved by the Federal Highway Administration, duration of each display is generally between 4 and 10 seconds, and also noted that 8 seconds is recommended, and many municipalities have adopted an 8-second message display regulation; and

Whereas, It is the understanding of the Common Council that there is a study that is to be underway by the Federal Highway Administration in June, 2008, which will assess the impact of frequency of message change on driver safety, and that the study will be concluded no later than March 31, 2010; and

Whereas, It is the intent of the Common Council that the City's policies relating to automatic changeable message signs be reevaluated when this study is completed and released to the public, and at that time the City may adopt policies consistent with the study; now, therefore

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

Part 1. Section 295-311-1-a-1 of the code is amended to read:

295-311. Appeals.

1.BOARD OF ZONING APPEALS.

a-1. There is created a board of zoning appeals which shall have the powers granted by state statutes and the authority to interpret this chapter, to approve, conditionally approve or deny variances and special use permits, to resolve disputes concerning floodplain district boundaries and to hear and decide appeals of administrative decisions of the commissioner of city development or the commissioner or neighborhood services that may arise under this chapter >>, except as provided in subdiv. 3,<<or state statutes.

Part 2. Section 295-311-1-a-3 of the code is renumbered a-4.

Part 3. Section 295-311-a-3 of the code is created to read:

a-3. Appeals based on decisions arising from interpretation of s. 295-407-4-d-5-b and 7 of the code shall be heard by the administrative review appeals board.

Part 4. Section 295-407-3-c of the code is repealed and recreated to read:

295-407. Signs.

3.SPECIAL SIGNS TYPES.

c. Automatic Changeable Message Signs. Automatic changeable message signs shall be permitted according to the provisions of sub. 4 and sub. 7-d.

Part 5. Section 295-407-4 to 8 of the code is repealed and recreated to read:

4. AUTOMATIC CHANGEABLE MESSAGE SIGNS. For purposes of this subsection, an automatic changeable message sign is an on-premise or off-premise advertising sign, display or device that changes the message copy on the sign by means of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area, and includes tri-vision signs and mechanically-operated signs. In addition to the provisions for on-premise and off-premise signs, as provided in subs. 2 and 7, automatic changeable message signs shall conform to the provisions included in this subsection.

a. The display area of automatic changeable message signs shall be included in the calculation of the total display area of the applicable sign type.

b. No signs containing flashing, intermittent or moving sections or intermittent or flashing lights, except for intermittent display of time and temperature, shall be permitted.

c. The display area, other than time and temperature displays, and each portion thereof may be changed not more frequently than once every 60 seconds.

d. In addition to the provisions of par. a to c, off-premise electronic and tri-vision automatic changeable message signs shall conform to the following conditions:

d-1. The display area of off-premise signs, other than time and temperature displays, and each portion thereof may be changed not more frequently than once every 8 seconds.

d-2. No off-premise electronic automatic changeable message sign shall be located within 400 feet of any residential district from which the sign face is visible. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of the residential zoning district, in a straight line and without regard to intervening structures.

d-3. The minimum distance between any 2 off-premise electronic or tri-vision automatic changeable message signs which are visible to drivers facing the same direction shall be 1,000 feet. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of another sign, in a straight line and without regard to intervening structures.

d-4. Audio speakers and all forms of pyrotechnics are prohibited.

d-5-a. Nuisance light on residential properties shall be prohibited pursuant to s. 80-19. Spill light shall be considered a nuisance when measurement in the nearest habitable area of the residential property at the location where the alleged nuisance occurs reveals that such light produces 0.2 foot candles or more measured perpendicular to the ground at approximately 4 feet from the ground or floor surface at which the measurement is taken. For purposes of this paragraph, spill light shall mean any artificial light flowing onto an adjacent residential property.

d-5-b. A permit holder may appeal the commissioner's order to abate a nuisance order issued pursuant to s. 80-8 by submitting an appeal to the administrative review appeals board as provided by s. 320-11 no later than 30 days after the order is imposed.

d-6. The commissioner of neighborhood services may enforce a light standard of

5,000 NITs (candelas per square meter) during daylight hours, and 500 NITs (candelas per square meter) between dusk to dawn.

d-7. If the commissioner of public works finds that an off-premise electronic automatic changeable message sign is causing interference with traffic signals or controls, creates a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device, or otherwise obstructs a motorist's line of sight with traffic signals or controls, the commissioner shall order the sign be turned off, and the commissioner shall meet with the permit holder within 48 hours to determine action to rectify the operation of the sign so as to mitigate the interference. The permit holder may appeal the commissioner's order by submitting an appeal to the administrative review appeals board as provided by s. 320-11 no later than 30 days after the order is imposed.

d-8. The continuing operation of a malfunctioning sign that causes a glare shall be considered an acute traffic hazard. The commissioner of public works shall order the sign be turned off and the commissioner shall meet with the permit holder within 48 hours to determine action to rectify the operation of the sign so as to mitigate the hazard.

5. MAINTENANCE, ABANDONMENT AND REMOVAL. See ss. 244-3, 275-32 and 275-34 for regulations relating to the maintenance, abandonment and removal of signs.

6. PERMITS REQUIRED. See s. 244-2 for information on sign permit requirements.

7. OFF-PREMISE SIGNS. a. Applicability. The standards and regulations of this subsection shall apply to all off-premise signs. Where the standards in this section conflict with those found elsewhere in this code, the most restrictive standards shall apply.

b. Standards. b-1. General. See the regulations for the applicable zoning district for standards relating to the number, location and size of off-premise signs.

b-2. Combustible Signs. No portion of a combustible off-premise wall sign may be located above the sill of a 2nd story window or more than 30 feet above grade, whichever is lower.

b-3. Minimum Distance Between Signs. The minimum distance between any 2 off-premise freestanding or roof signs shall be 500 feet. The minimum distance between an off-premise freestanding or roof sign and an off-premise wall sign shall be 200 feet. The minimum distance between any 2 off-premise wall signs shall be 200 feet. The minimum distance requirement does not apply in the following situations:

b-3-a. Where off-premise signs are wall or roof signs located on opposite sides of a street from which they are intended to be viewed.

b-3-b. Where off-premise signs are separated by buildings or other permanent structures in such a way that the display area of only one off-premise sign is visible

from a street at one time.

b-4. Distance Measurement. The distance between signs shall be measured in a straight line, without regard to intervening structures, between the nearest components of the 2 signs in question.

b-5. Maximum Height. b-5-a. The maximum height of off-premise freestanding signs shall be 40 feet above grade, except in a local business, commercial service, residential and specialty use or neighborhood retail district, where the maximum height shall be 35 feet unless a sign is located within 50 feet of a building having a height of 35 feet or more.

b-5-b. An off-premise freestanding sign may be located and maintained along a public viaduct or bridge to a height of not more than 50 feet above the roadway of such viaduct or bridge, provided that the sign is set back from the viaduct, bridge or adjoining building a distance equal to or greater than the height of the sign above the roadway.

b-6. Height Measurement. The height of any off-premise freestanding sign is the vertical dimension of the sign measured from the grade of the roadway to which the sign is oriented to the highest point of the sign. However, where a structure bridges the roadway to which an off-premise freestanding sign is oriented and where the structure is within 100 feet of the sign, the height of the sign may be measured from the grade of the bridge structure at the point closest to the sign.

b-7. Minimum Required Setbacks. b-7-a. Wall Signs. Off-premise wall signs located on front walls of buildings shall be set back a minimum of 5 feet from building corners. Off-premise wall signs located on side or rear walls of buildings shall be set back from building corners a minimum distance equal to 10% of the sign's width or 3 feet, whichever is less, but not less than one foot.

b-7-b. Freestanding Signs. For off-premise freestanding signs, the minimum required setback from any street lot line shall be 30 feet or a distance equal to the height of the sign, whichever is greater. No portion of any off-premise freestanding sign may extend into the public right-of-way or project over any public or private access drive.

b-7-c. Roof Signs. Off-premise roof signs shall be set back 5 feet from any exterior wall facing a public street and 2.5 feet from any other exterior wall.

b-8. Required Residential Buffers. No portion of any off-premise sign may extend into any of the following required residential buffers:

b-8-a. 60 lineal feet from a rear lot line abutting any residential district.

b-8-b. 50 lineal feet from a side lot line abutting any residential district for an off-premise sign having a display area up to 300 square feet.

b-8-c. 75 lineal feet from a side lot line abutting any residential district for an off-premise sign having a display area in excess of 300 square feet.

b-9. Signs Near Public Right-of-Way. Any component of an off-premise sign located within 3 feet of the public right-of-way shall be at least 10 feet above grade.

b-10. Lighting Reflectors. Lighting reflectors may extend 12 feet beyond the face of an off-premise sign but may not extend into any required setback or buffer areas.

c. Signs Adjacent to Freeways and Parkways. Off-premise signs adjacent to

freeways or the Lake Parkway shall conform to the following standards:

c-1. Setbacks. c-1-a. The minimum setback from the freeway or Lake Parkway right-of-way for a sign located in an industrial district shall be 75 feet plus 10 feet for each 100 square feet of sign area over 750 square feet.

c-1-b. The minimum setback from the freeway or Lake Parkway right-of-way for a sign located in a commercial district shall be 500 feet.

c-2. Minimum Spacing. The minimum distance between any 2 off-premise signs located on the same side of a freeway or the Lake Parkway shall be 1,000 feet.

c-3. Prohibited Locations. Off-premise signs are prohibited within 1,000 feet of the High Rise Bridge or the Hoan Memorial Bridge/Lake Parkway. In this paragraph, "High Rise Bridge" means that portion of Interstates 94 and 43 located between the center line of West St. Paul Avenue and the center line of West National Avenue, and "Hoan Memorial Bridge/Lake Parkway" means those portions of Interstate 794 and State Trunk Highway 794 located between East St. Paul Avenue extended and the south city limits.

d. Automatic Changeable Message Signs. No person may erect a new off-premise automatic changeable message sign, or convert an existing off-premise sign with a static display area to an off-premise automatic changeable message sign, without first obtaining a special use permit from the board if the new or existing sign will be or is located more than 1,000 feet from a freeway or the Lake Parkway.

8. EXCEPTIONS. Notwithstanding any other provisions of this chapter, the following signs are permitted if they meet the standards specified in this subsection:

a. Signs placed by public utilities or units of government for the safety or welfare of the public, such as signs identifying high voltage underground cable or signs related to the construction of capital improvement projects by units of government.

b. Official fire- or police-related signs or signs required to be maintained by law or governmental order, such as warning, traffic, parking or similar regulatory signs, or warning signs at a railroad crossings.

c. Public service information signs with no commercial messages.

d. Political signs, provided that in the case of an election for office or a referendum, such sign is removed within 30 days of the end of the election campaign period, as defined in

s. 12.04(1)(a), Wis. Stats.

e. Any of the following temporary signs, provided such signs do not exceed 6 feet in height, are not located in the public right-of-way and are not illuminated:

e-1. Special event signs not exceeding 6 square feet advertising community-wide events of general interest and sponsored by non-commercial groups, placed for 15 days or less.

e-2. Signs erected and maintained on lots to advertise the leasing, rental or sale of buildings or other improvements located on such lots. Only one such sign shall be permitted on each street frontage. Signs shall not exceed the maximum area specified in the sign regulations of the zoning districts in which they are located.

- e-3. Residential real estate signs not exceeding 6 square feet relating to open house events or providing directions.
- e-4. Signs pertaining to the construction of buildings or the sale or lease of vacant land. No sign of this type shall exceed applicable height or area limitations or be illuminated. A construction sign shall be removed within 30 days of issuance of a certificate of occupancy for the building or structure to which the sign pertains.
- f. The changeable copy or message portion of a theater marquee or reader board.
- g. Painted murals, permanent banners and flags not containing commercial messages.
- h. Signs placed on the interiors of buildings such that the signs cannot be seen by the general public from outdoors.
- i. Holiday decorations, lights and displays.
- j. Construction or advisory signs installed by units of government.
- k. Signs of up to 18 square feet in area and not more than 6 feet in height identifying specific geographic areas having common characteristics but multiple ownerships, such as residential subdivisions, commercial shopping areas and industrial parks.
- L. "NO TRESPASSING," "NO DUMPING" and similar signs not exceeding 6 square feet in area.
- m. Signs painted on or attached to motor vehicles in a manner allowing normal operation of such vehicles.

9. PROHIBITED SIGNS. The following signs are prohibited:

- a. Animated signs, including pennants, streamers, roof-mounted balloons and other inflatable objects, unless part of a master sign program.
- b. Automatic changeable message signs, except:
 - b-1. Signs providing time or temperature information only.
 - b-2. Signs with messages that change not more than once every 60 seconds, except as specified in sub. 4-d.
 - b-3. Signs that are part of an approved master sign program.
- c. Portable signs.
- d. Flashing signs.
- e. Signs attached to or painted on a vehicle parked on a premises for the sole purpose of advertising or relaying commercial messages to the public.
- f. Signs attached to light poles, canopy supports or utility masts.
- g. Temporary banner signs, except as permitted under sub. 3.
- h. Abandoned signs.

Part 6. Section 295-409-0 of the code shall be amended to read:

295-409. Lighting. In all zoning districts, >>with the exception of automatic changeable message signs, as provided in s. 295-407-4-d<<, all on-site lighting shall have cut-off fixtures that ensure that lighting levels and glare are controlled as follows:

Part 7. Table 295-605-5 of the code is amended to read:

Table 295-605-5 COMMERCIAL DISTRICT SIGN STANDARDS

Zoning District		NS1	NS2	LB1	LB2	RB1	RB2	CS
Freestanding Signs	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted
Maximum number	1 per site	1 per site	1 per site	1 per street frontage*	1 per street frontage*	1 per street frontage*	1 per site*	1 per site*
Type "A" max. display	area (sq. ft.)	60	40	100	60	150	100	60
Type "B" max. display	area (sq. ft.)	32	20	50	32	75	50	32
Maximum height	10	6	14	14	20	20	14	
Wall Signs	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type "A" max. display	area (sq. ft.)	40	40	60	40	60	60	40
Type "B" max. display	area (sq. ft.)	25	25	32	25	32	32	25
Projecting Signs	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type "A" max. display	area (sq. ft.)	50	50	60	50	100	60	50
Type "B" max. display	area (sq. ft.)	25	25	30	25	50	30	25
Awning Signs	type "A" permitted only	type "A" permitted only	type "A" permitted only	type "A" permitted only	type "A" permitted only	type "A" permitted only	type "A" permitted only	type "A" permitted only
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type "A" max. display	area (sq. ft.)	20	10	20	20	20	10	20
Canopy and Hood Signs	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type "A" max. display	area (sq. ft.)	50	50	60	50	100	60	50
Type "B" max. display	area (sq. ft.)	25	25	30	25	50	30	25
Roof Signs	not permitted	not permitted	permitted	type "A" permitted only	permitted	permitted	type "A" permitted only	permitted
Maximum number	NA	NA	1 per building	1 per building	1 per building	1 per building	1 per building	1 per building
Type "A" max. display	area (sq. ft.)	NA	NA	100	100	100	100	100
Type "B" max. display	area (sq. ft.)	NA	NA	32	0	32	32	0

Off-premise Signs not permitted not permitted permitted >>**<< permitted
 >>**<< permitted >>**<< permitted >>**<< permitted >>**<<
 Maximum number NA NA 1 per site 1 per site 1 per site 1 per site 1 per
 site
 Maximum display area per sign (sq. ft.) NA NA 300 300 300 300
 300
 Minimum distance between Signs NA NA 500 ft. between any 2 ground or roof
 signs; 200 ft. between a ground or roof sign and a wall sign; 200 ft. between any 2
 wall signs
 Maximum height, freestanding sign (ft.) NA NA 35 35 35 35 35
 Maximum height, wall sign (ft.) NA NA 40 40 40 40 40
 Maximum height, roof sign NA NA 25 ft. above roof
 * Except 2 shall be permitted if the site fronts on 3 streets or has continuous street
 frontage of at least 240 feet. >>** Subject to special use permit requirement set forth
 in s. 295-407-7-d.<<

Part 8. Section 295-705-7-b-8-d of the code is created to read:
 295-705. Design Standards.

7. SIGNS.

b. Limited-Permission Sign Standards.

b-8. Off-Premise Signs.

b-8-d. Off-premise automatic changeable message signs shall be subject to the
 special use permit requirement set forth in 295-407-7-d.

Part 9. Table 295-805-5 of the code is amended to read:

Table 295-805-5 INDUSTRIAL DISTRICT SIGN STANDARDS

Zoning District					
IO1/IO2	IL1/IL2	IM	IH		
Freestanding Signs	permitted	permitted	permitted	permitted	
Maximum number	1 per street frontage	1 per site*	1 per site*	1 per site*	
Type "A" max. display area (sq. ft.)		80	100	80	100
Type "B" max. display area (sq. ft.)		40	50	40	50
Maximum height	15	15	15	30	
Wall Signs	permitted	permitted	permitted	permitted	
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1
	per 25 lineal ft.				
Type "A" max. display area (sq. ft.)		60	120	60	120
Type "B" max. display area (sq. ft.)		32	60	32	60
Projecting Signs	permitted	permitted	permitted	permitted	
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1
	per 25 lineal ft.				

Type "A" max. display area (sq. ft.) 50 60 50 60
 Type "B" max. display area (sq. ft.) 25 30 25 30
 Awning Signs type "A" permitted only
 Maximum number 1 per 25 lineal ft. 1 per 25 lineal ft. 1 per 25 lineal ft. 1
 per 25 lineal ft.
 Type "A" max. display area (sq. ft.) 20 20 20 20
 Canopy and Hood Signs permitted permitted permitted permitted
 Maximum number 1 per 25 lineal ft. 1 per 25 lineal ft. 1 per 25 lineal ft. 1
 per 25 lineal ft.
 Type "A" max. display area (sq. ft.) 50 60 50 60
 Type "B" max. display area (sq. ft.) 25 30 25 30
 Roof Signs type "A" permitted only permitted type "A" permitted only permitted
 Maximum number 1 per building 1 per building 1 per building 1 per building

 Type "A" max. display area (sq. ft.) 50 no limit 50 no limit
 Type "B" max. display area (sq. ft.) NA 100 NA 100
 Off-premise Signs permitted >>**<< permitted >>**<< permitted >>**<<
 permitted >>**<<
 Maximum number 1 per site 1 per site 1 per site 1 per site
 Maximum display are per sign (sq. ft.) 672 672 300 672
 Minimum distance between Signs 500 ft. between any 2 ground or roof signs;
 200 ft. between a ground or roof sign and a wall sign; 200 ft. between any 2 wall signs

 Maximum height, freestanding sign (ft.) 35 35 40 40
 Maximum height, wall sign (ft.) 40 40 60 60
 Maximum height, roof sign 25 ft. above roof
 *Except 2 shall be permitted if the site fronts on 3 streets or has continuous street
 frontage of at least 240 feet. >>** Subject to special use permit requirement set forth
 in s. 295-407-7-d.<<

Part 10. Part 2 of Common Council File 070982, passed November 9, 2007, is amended to read: Part 2 of this ordinance shall be null and void [[June 18, 2008]] >>upon the effective date of Common Council File 070548<<[4/5/2008].

Part 11. Section 295-407-4-d of this ordinance, pertaining to off-premise automatic changeable message signs, shall be null and void on and after March 31, 2010.

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

Aye: 9 - Hamilton, D'Amato, Bauman, Bohl, Donovan, Puente, Murphy, Dudzik Witkowski

No: 5 - Davis, Wade, Witkowiak, Zielinski Hines Jr.

Excused: 1 - McGee Jr.

2. [071128](#) Substitute ordinance relating to the change in zoning from Two-Family Residential to Local Business on land located East of South 17th Street and South of West Mitchell Street, in the 12th Aldermanic District.

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

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

Section 295-601.2.0031. The zoning map is amended to change the zoning for the area bounded and described by the centerline of South 17th Street, a line 147 feet South and parallel to the south line of West Mitchell Street, a line 120 feet East and parallel to the east line of South 17th Street, and a line 97 feet South and parallel to the south line of West Mitchell Street, from Two-Family Residential (RT4) to Local Business (LB2).

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

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

No: 0

Excused: 1 - McGee Jr.

3. [071255](#) An ordinance relating to the building and zoning code definition of "projecting sign".

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

Part 1. Section 200-08-71 of the code is amended to read:

200-08. Definitions.

71. PROJECTING SIGN means a sign attached to and projecting outward from a building face or wall, generally at a right angle to the building. This term includes a sign that is located entirely or partially in the public right-of-way, as well as a sign that is located entirely on private property. [[A projecting sign also includes freestanding signs where any part of the sign projects into the public right-of-way.]]

Part 2. Section 295-201-593 of the code is amended to read:

295-201. Definitions.

593. SIGN, PROJECTING means a sign attached to and projecting outward from a building face or wall, generally at a right angle to the building. This term includes a sign that is located entirely or partially in the public right-of-way, as well as a sign that is located entirely on private property. [[A projecting sign also includes freestanding signs where any part of the sign projects into the public right-of-way.]]

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

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

No: 0

Excused: 1 - McGee Jr.

4. [071409](#) Substitute ordinance relating to the establishment of a Master Sign Program Overlay Zone for property located at 6840 North 107th Street for a monument sign, in the 5th 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 295-1017.0007. The zoning map is amended to establish a Master Sign Program Overlay Zone (MSP) for the area bounded and described by the zoning line along the right-of-way of West Fond du Lac Avenue, the zoning line along the right-of-way of North 107th Street and the north line of Parcel 2 of Certified Survey Map No. 4629.

Part 2. In accordance with the provisions of Section 295-1017(2)(a) of the Code relating to the establishment of Master Sign Program Overlay Zones, the Common Council approves the sign program, 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 thereof as though fully set forth herein.

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

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

No: 0

Excused: 1 - McGee Jr.

THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. [071038](#) Resolution appropriating \$50,000 from the Economic Development Committee Fund for a study of disparate practices with respect to businesses which contract with the City.
Whereas, The 1989 United States Supreme Court decision City of Richmond v. J.A. Croson Co. found that evidence of a pattern of discriminatory acts is required to enact race-based remedial programs; and

Whereas, In response to the Croson decision, Milwaukee County, the City of Milwaukee and the Milwaukee Public Schools commissioned a study which was completed in April, 1992, to determine whether specifically identified discriminatory practices in the Milwaukee construction, procurement and professional services marketplaces prevented minority business enterprises (MBEs) and women-owned business enterprises (WBEs) from successfully competing with non-minority businesses; and

Whereas, The City of Milwaukee has an interest in promoting equal opportunity in business through the awarding of contracts for construction, services and the purchase of contracts, and it is now necessary that a new disparity study be conducted to ensure equal opportunity; and

Whereas, Mason Tillman Associates, commissioned by the City of Milwaukee, issued a report entitled "Study to Determine the Effectiveness of the City's Emerging Business Enterprise Program," dated August 2007, found underutilization of emerging business enterprises in certain types of contracts, particularly an underutilization of African American emerging business enterprises on the City's construction and goods and other services contracts when compared to the availability of the businesses in the City's market area; and

Whereas, According to this study, the underutilization of African American businesses compared to their availability suggests that there may be a disparity if the data were subjected to a statistical test; and

Whereas, Given the documented utilization pattern, the study recommends that the City conduct a statistical analysis of disparity to determine if race-conscious remedies may be warranted; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that \$50,000 is appropriated from the Economic Development Committee Fund Special Purpose, Account, 0001-1310-S123-006300, to the Department of Administration - Business

Operations Division for the services of a consultant to conduct a study of disparity practices with respect to the businesses which contract with the City.

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

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

No: 0

Excused: 1 - McGee Jr.

2. [071449](#) Substitute resolution relating to expenditures from the Healthy Neighborhoods Initiative capital account.
- Whereas, The 2008 City Budget includes \$200,000 in general obligation borrowing and capital budget expenditures for a Healthy Neighborhoods Initiative; and
- Whereas, The Healthy Neighborhoods Initiative is intended to leverage the involvement of property owners and neighborhood residents in the promotion and improvement of their neighborhoods; and
- Whereas, The Greater Milwaukee Foundation has already made a commitment to provide financial support to the Healthy Neighborhoods Initiative; and
- Whereas, The Neighborhood Improvement Development Corporation possesses the experience and administrative capacity necessary for successful implementation of the Initiative; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Neighborhood Improvement Development Corporation (NIDC) is authorized to administer the Healthy Neighborhoods Initiative and shall provide a report to the Common Council on implementation of the Healthy Neighborhoods Initiative no later than September 30, 2008; and, be it
- Further Resolved, That expenditures from the Healthy Neighborhoods Initiative capital account shall be subject to the following conditions:
1. Every expenditure shall be matched on a dollar-for-dollar basis by financial commitments from non-City-government entities.
 2. No expenditure shall be made until NIDC receives documentation of involvement of a community organization or neighborhood association in any project selected for City funding through the Healthy Neighborhood Initiative.

3. City funds from the Healthy Neighborhood Initiative capital account shall be used to fund residential improvement loans or grants and neighborhood improvements.

; and, be it

Further Resolved, That, in administering the Healthy Neighborhoods Initiative, NIDC shall give priority to expenditures in neighborhoods that are already participating in the Greater Milwaukee Foundation Healthy Neighborhoods Initiative and neighborhoods not located within the Community Development Block Grant area.

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

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

No: 0

Excused: 1 - McGee Jr.

3. [071505](#) Substitute resolution renewing the sister city relationship between Milwaukee and Galway, Ireland.

Whereas, The Common Council created the Sister Cities Committee to assist in the establishment and maintenance of sister city relationships pursuant to Sister Cities International guidelines; and

Whereas, The Sister Cities Committee reviews requests for new relationships, investigates and makes recommendations to the Common Council concerning the establishment of new relationships, and the maintenance or termination of existing sister city relationships; and

Whereas, The sister city relationship between the City of Milwaukee and the City of Galway, Ireland, was established through the passage of Common Council Resolution Number 010680, on December 21, 2001; and

Whereas, The Sister Cities Committee has reviewed the renewal application of the City of Galway, Ireland, and recommends that a sister city relationship continue pursuant to ch. 335 of the Code; and

Whereas, The sister city relationship between the City of Milwaukee and the City of Galway, Ireland, will continue to benefit both cities in the areas of economic development, health care, education, cultural exchange, social awareness and tourism; and

Whereas, This sister city relationship will receive local support through the nonprofit

Irish Festivals, Inc.; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the renewal of a sister city relationship between the City of Milwaukee, U.S.A., and the City of Galway, Ireland, is authorized; and, be it

Further Resolved, That the Mayor shall implement the renewal of this sister city relationship by entering into the agreement attached to this file; and, be it

Further Resolved, That this sister city relationship shall expire after 5 years unless extended for another 5 years by Common Council resolution.

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

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

No: 0

Excused: 1 - McGee Jr.

PLACING ON FILE THE FOLLOWING:

4. [071416](#) Communication from Dr. Keenan Grenell relating to the Final Report from the Regional Task Force on Science, Technology, Engineering and Mathematics Education.

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

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

No: 0

Excused: 1 - McGee Jr.

- [071439](#) Substitute resolution relating to the allocation of Community Development Block Grant contingency funds for the Milwaukee Christian Center graffiti removal project.

The question was put: Have the requirements of s. 4-26-1 of the Milwaukee City Charter been satisfied.

The Clerk indicated that they have been satisfied.

Ald. Donovan called for the previous question.

There was no objection.

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

Aye: 8 - D'Amato, Bauman, Bohl, Donovan, Dudzik, Witkowiak, Witkowski Zielinski

No: 6 - Hamilton, Davis, Wade, Puente, Murphy Hines Jr.

Excused: 1 - McGee Jr.

A motion was made by ALD. DAVIS that this Resolution be HELD IN COUNCIL. This motion FAILED by the following vote:

Aye: 7 - Hamilton, Davis, Bohl, Wade, Puente, Murphy Hines Jr.

No: 7 - D'Amato, Bauman, Donovan, Dudzik, Witkowiak, Witkowski Zielinski

Excused: 1 - McGee Jr.

Ald. Donovan moved to amend by striking the amount of \$100,000 and adding the amount of \$50,000.

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

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

No: 0

Excused: 1 - McGee Jr.

071439

Substitute resolution relating to the allocation of Community Development Block Grant contingency funds for the Milwaukee Christian Center graffiti removal project.

Whereas, A major objective of Community Development Block Grant funding is Neighborhood Improvement Project programming; and

Whereas, The Milwaukee Christian Center graffiti removal program is a citywide service provided for eligible residential and commercial structures; and

Whereas, Graffiti complaints to the Department of Neighborhood Services graffiti hotline have increased by more than 50% from 3,311 in 2002 to 4,981 in 2007 while funds for graffiti removal from Community Development Block Grant funds have been reduced drastically; and

Whereas, Residents and policy makers recognize that graffiti is a problem that if ignored has the potential to destroy neighborhoods by driving property values down and residents and jobs out; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Community Development Block Grant contingent funds be allocated to the Milwaukee Christian Center graffiti removal project in the amount of \$50,000; and, be it

Further Resolved, That the Community Economic Development Grants Administration is responsible for awarding a subrecipient contract for these approved activities; and, be it

Further Resolved, That the subrecipient organization shall submit a budget and activity reports in the amounts and according to any conditions approved by the Common Council and in accordance with Common Council File Number 74-92-5v, to the Community Development Grants Administration and the City Comptroller; and, be it

Further Resolved, That payments for CDBG cost incurred shall be paid in accordance with approved CDBG reimbursement policy based on the approval by the Community Development Grants Administration; and be it

Further Resolved, That except as modified by this resolution, the guidelines for handling the Community Development Block Grant Program set forth in Common Council File Number 74-92-5v are fully applicable to the 2008 Community Development Entitlement Funding Program.

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

Aye: 7 - D'Amato, Bauman, Donovan, Dudzik, Witkowiak, Witkowski Zielinski

No: 7 - Hamilton, Davis, Bohl, Wade, Puente, Murphy Hines Jr.

Excused: 1 - McGee Jr.

THE PUBLIC WORKS COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [071361](#) An ordinance relating to costs and fees for official street renamings and honorary street namings.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-116.5 of the code is created to read:

81-116.5. Street Naming, Honorary. The application fee for an honorary street naming shall be \$100.
(See s. 113-3.)

Part 2. Section 81-117 of the code is repealed and recreated to read:

81-117. Street Renaming. 1. The application fee for an official street renaming shall be \$100.

2. The applicant shall pay all postage costs relating to the postcard survey of residents, businesses and property owners that is required in conjunction with an application for an official street renaming.
(See s. 113-3.)

Part 3. Section 113-3-4-b of the code is amended to read:

113-3. Naming of Public Buildings, Facilities and Streets.

4. PROCEDURE.

b. Following submission of a naming, renaming or honorary street naming proposal, and, in the case of an official street renaming, the application fee required by ch. 81, the relevant city department or agency shall evaluate the proposed name in terms of the criteria contained in this section. In the case of an official street renaming, the department or agency shall also conduct a postcard survey of residents, businesses and owners of property along the street >>, with all postage costs relating to the survey to be borne by the applicant<<. An official street renaming proposal shall not be given further consideration by the city unless the results of the postcard survey indicate that at least 50 percent of all property owners, residents and businesses along the street support the proposal. One postcard shall be sent to each owner of property along the street and to each address along the street, including each individual apartment, unit, room or suite number. No postcard survey shall be required if the renaming is initiated by the city and the renaming is necessary to eliminate a threat to

public safety, such as but not limited to a situation where 2 streets have the same name and identical addresses exist or could be created.

Part 4. Section 113-3-4-e-5 and 6 of the code is created to read:

e-5. In the case of a proposed official street renaming or a proposed honorary street naming, the common council committee hearing shall not be scheduled until the applicant has paid, to the relevant city department or agency, all costs of fabricating and installing the new street signs.

e-6. In the case of a proposed official street renaming, the common council committee hearing shall not be scheduled until the applicant has paid, to the relevant city department or agency, all postage costs relating to the postcard survey required by par. b.

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

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

No: 0

Excused: 1 - McGee Jr.

2. [071459](#) A substitute ordinance to grant an airspace lease to BOSTCO, LLC for an existing pedestrian bridge over a portion of North 4th Street between West Wisconsin Avenue and West Michigan Street.

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

Part 1. FINDINGS. In accordance with the provisions of sec. 66.0915(3), Wis. Stats., (2005-2006), the Common Council of the City of Milwaukee hereby authorizes, directs and agrees that the City of Milwaukee, through the proper city officers, enter into a lease with BOSTCO, LLC for 99 years for the maintenance of an existing pedestrian bridge over North 4th Street between West Wisconsin Avenue and West Michigan Streets, as described in the lease, and connecting two structures owned by BOSTCO, LLC, and the Common Council of the City of Milwaukee hereby finds that the area defined by the airspace lease is not needed for street, alley or other public purposes, and that the bridge will continue to serve the public interest in promoting convenient access to buildings essential to the redevelopment of the downtown area.

Part 2. Attached and made part of the Common Council File No. 071459 is a copy of such lease in substantially the same form as the lease that will be signed, except for technical changes to reflect revisions to the legal description and resulting rental fee.

Part 3. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 4. The Department of City Development, through its real estate section, shall process, with City department funds, the recording of this ordinance with the Milwaukee County Register of Deeds and shall forward the recording information complete with a final copy of the ordinance and lease to the City Engineer and the City Comptroller.

Part 5. This ordinance shall take effect and be in force from and after its passage and publication.

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

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

No: 0

Excused: 1 - McGee Jr.

ADOPTION OF THE FOLLOWING:

3. Various resolutions relating to special privileges:

a. [070029](#) Substitute resolution granting a special privilege to Broadway 301, LLC for one single and one set of double excess door swings in the public right-of-way for the premises at 301 North Broadway, in the 4th Aldermanic District.

Whereas, The applicant is requesting permission to install excess door swings in the public right-of-way; and

Whereas, A site visit confirmed the placement and number of door swings in the public right-of-way; and

Whereas, Said door swings 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 Broadway 301, LLC, Do Commission Row LLC, 1661 North Water Street, #509, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct and maintain a single door that, when fully open, projects 2 feet 8 inches into the west, 20-foot wide sidewalk area of North Broadway. Said door is

centered approximately 116 feet north of the northline of East Buffalo Street. The door swing projects more than the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

2. To construct and maintain one set of double doors, comprised of two 3-foot wide doors, that, when fully open, project 2 feet 8 inches into the west, 20-foot wide sidewalk area of North Broadway. Said doors, which are centered approximately 105 feet north of the northline of East Buffalo Street, project into the public way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

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 acceptance of this special privilege the grantee, Broadway 301, LLC, shall:

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

2. File with the City Clerk a 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 \$35.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

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

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

No: 0

Excused: 1 - McGee Jr.

- b. [071000](#) Substitute resolution amending a special privilege for change of ownership to Wheaton Franciscan Healthcare-St. Joseph, Inc. for encroachment into the public right-of-way of items previously granted permission and addition of curb extensions, gate swings and bollards for the premises at 3001 North 51st Street, in the 10th Aldermanic District.

Whereas, St. Joseph's Regional Medical Center, Inc. requested permission to construct and maintain an elevator tower, ramp, stairs and excess door swing leading to the upper floors of the parking structure at 3001 North 51st Street, as well as to keep and maintain the existing tree grates and pedestrian-scale lights with electrical conduits located on North 51st Street; and

Whereas, Permission for said items was granted in 2003 under Common Council File Number 021440; and

Whereas, Wheaton Franciscan Healthcare-St. Joseph, Inc. now owns the property; and

Whereas, A site visit to confirm the presence of items revealed that items were moved

or never installed; and

Whereas, The aforementioned site visit revealed the presence of curb extensions, metal gate swings and bollards encroaching into the public right-of-way; and

Whereas, Said curb extensions, metal gate swings and bollards may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; and

Whereas, For the liability to be formally transferred to the current property owner for items previously granted permission, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 021440 is hereby rescinded; and, be it

Further Resolved, That Wheaton Franciscan Healthcare-St. Joseph, Inc., 5000 West Chambers Street, Milwaukee, WI 53210, is hereby granted the following special privileges:

1. To keep and maintain an elevator tower projecting 6 feet 3 inches into the 16-foot wide west sidewalk area. Said tower is constructed of glass, drywall and steel and rises four stories above the sidewalk. The enclosure begins approximately 42 feet north of the north line of West Chambers Street and extends north 16 feet 4 inches.

2. To keep and maintain a barrier free access ramp with metal handrail in the west, 16-foot wide sidewalk area of North 51st Street. The south portion of said ramp commences at a point approximately 18 feet north of the northline of West Chambers Street and extends north 11 feet 6 inches. The southern ramp section encroaches 6 feet 4 inches. The north portion of said ramp commences at a point approximately 24 feet north of the northline of West Chambers Street and extends north 12 feet 5 inches. The northern ramp section encroaches 1 foot 1 inch.

3. To keep and maintain six, 5-foot diameter tree grates located in the 16-foot wide west sidewalk area of North 51st Street centered approximately 11 feet 6 inches east of the westline of North 51st Street and 58, 104, 443, 471, 494, and 521 feet south of the southline of West Burleigh Street

4. To keep and maintain three, 5-foot diameter tree grates in the 16-foot wide east sidewalk area of North 51st Street centered approximately 11 feet 6 inches west of the eastline of North 51st Street and 87, 163, and 487 feet south of the southline of West Burleigh Street.

5. To keep and maintain eight, 9-foot high pedestrian-scale lights located in the 16-foot wide west sidewalk area of North 51st Street centered approximately 8 feet east of the westline of North 51st Street and 213, 245, 276, 308, 343, 372, 395 and 416 feet south of the southline of West Burleigh Street.

6. To keep and maintain nine, 9-foot high pedestrian-scale lights located in the 16-foot wide east sidewalk area of North 51st Street centered approximately 8 feet west of the eastline of North 51st Street and 213, 245, 267, 287, 308, 343, 372, 395, and 416 feet south of the southline of West Burleigh Street.

7. To keep and maintain underground conduit for the electrical wiring for the lights in items 5 and 6 above.

8. To keep and maintain curb extensions for a driveway in the public right-of-way located in the 11-foot wide north sidewalk area of West Chambers Street. Said curb extensions are centered approximately 100 feet east of the eastline of North 52nd Street and are approximately 1 foot wide.

9. To keep and maintain two metal gates that swing into the east 16-foot wide sidewalk area of North 52nd Street. Said metal gates are 9 feet 6 inches wide and project 2 feet 6 inches into the sidewalk area.

10. To keep and maintain five, 3-foot 6-inch tall, 6-inch diameter bollards located 7 feet 9 inches east of the eastline of North 51st Street adjacent to the aforementioned elevator tower within the west 16-foot wide sidewalk area of North 51st street. Said bollards are spaced evenly along the 16-foot 4-inch long tower enclosure.

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 \$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 \$967.84. 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.

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

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

No: 0

Excused: 1 - McGee Jr.

- c. [071157](#) Substitute resolution amending a special privilege for change of ownership to Roundy's Supermarkets, Inc. for encroachment into the public right-of-way of North Broadway of a commemorative monument adjacent to the premises at 241 North Broadway, in

the 4th Aldermanic District.

Whereas, Roundy's, Inc. requested permission to construct and maintain a commemorative monument in honor of its 125th anniversary; and

Whereas, Permission for said monument was granted in 1998 under Common Council File Number 971334; and

Whereas, Roundy's Supermarkets, Inc. is now the entity responsible for the monument; and

Whereas, For the liability to be formally transferred to the current responsible party, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 971334 is hereby rescinded; and, be it

Further Resolved, That Roundy's Supermarkets, Inc., P.O. Box 473, MS-2650, Milwaukee, WI 53201, is hereby granted the following special privilege:

To keep and maintain a red granite monument outside the northwest corner of the gazebo-like structure located in the 28-foot wide median area of North Broadway between East Buffalo Street and East Chicago Street. The monument is located 135 feet south of the southline of East Buffalo Street and 39 feet east of the westline of North Broadway. Said monument is 20 inches wide, 16 inches deep, 34 inches high at the front top edge and 35 inches high in the rear top edge and has a bronze plaque on the top surface.

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

Said historical monument shall be maintained or removed from the public right-of-way, 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, Roundy's Supermarkets, 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 \$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 \$35.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

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

No: 0

Excused: 1 - McGee Jr.

4. [071450](#) Resolution relating to the funding of 2 U.S. Department of Homeland Security FY 2007 IPP Port Security Grants.

Whereas, On December 11, 2007, the Common Council adopted File Numbers 071028 and 071063, resolutions authorizing the acceptance and funding of U.S. Department of Homeland Security FY 2007 IPP Port Security Grants in the amounts of \$630,580 and \$82,500, respectively; and

Whereas, Both grants require a 25% City match; and

Whereas, Following adoption of Files 071028 and 071063, the City became aware of grant program requirements that require changes in the sources of the City matches specified in the resolutions; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the first "Further Resolved" clause of Common Council File Number 071028 is rescinded and recreated to read:

"Further Resolved, That the City Comptroller is authorized and directed to:

Commit funds within the City's capital project fund, the following amounts for the project titled Homeland Security FY 2007 IPP Port Security Grant:

Port of Milwaukee
Project I.D. 2007-GB-T7-0332
Account No. SP032070100
Grantor Share: \$630,580

Account No. PT180040100
006300-0481-4280-XXXX-R999-0000
City Share: \$159,046
Account No. 0306-9990-R999-SP032070102
City Share: \$50,848
Total: \$210,194

; and, be it"

; and, be it

Further Resolved, That the first "Further Resolved" clause of Common Council File Number 071063 is rescinded and recreated to read:

Further Resolved, That the City Comptroller is authorized and directed to:

Commit funds within the City's operating budget, the following amounts for the project titled Homeland Security FY 2007 IPP Port Security Grant:

Port of Milwaukee
Project I.D. 2007-GB-T7-0128
Account No. SP032070199
Grantor Share: \$82,500

Account No. 006300-0480-4280-XXXX-R428-2007
City Share: \$27,500

; and, be it

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

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

No: 0

Excused: 1 - McGee Jr.

5. [071479](#) Resolution authorizing the Commissioner of Public Works to execute a Revised Project Agreement titled "State/Municipal Agreement for a Highway Improvement Project" between the City of Milwaukee and Wisconsin Department of Transportation associated with the bridge rehabilitation of the North Teutonia Avenue Bridge over West Silver Spring Drive with 80 percent Federal and/or State aid under the Local Bridge Replacement Program.

Whereas, The Common Council of the City of Milwaukee adopted Resolution File Number 060918 authorizing and directing the Commissioner of Public Works to execute an agreement with the Wisconsin Department of Transportation (WISDOT) for bridge rehabilitation of the North Teutonia Avenue Bridge over West Silver Spring Drive with 80 percent Federal and/or State aid under the Local Bridge Replacement Program; and

Whereas, Construction costs have been refined and increased since the original agreement was drafted two years ago; and

Whereas, The WISDOT has submitted a Revised Project Agreement that includes additional monies for the construction associated with the bridge rehabilitation for City execution; and

Whereas, Construction funds for this project will be requested in a separate resolution, now therefore, be it

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

of Public Works is hereby authorized to execute the Revised Project Agreement updating and revising the construction costs associated with the bridge rehabilitation of the North Teutonia Avenue Bridge over West Silver Spring Drive with 80 percent Federal and/or State aid under the Local Bridge Replacement Program., a copy of which is attached to Common Council File Number 071479 and incorporated in this resolution as though set forth therein in full.

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

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

No: 0

Excused: 1 - McGee Jr.

6. [071480](#) Resolution authorizing the Commissioner of Public Works to execute a Revised Project Agreement between the City of Milwaukee and Wisconsin Department of Transportation associated with the West Vliet Street intersection with North 40th Street project in the City of Milwaukee under the Hazard Elimination Safety Program, and to transfer funds for the additional preliminary engineering costs associated with the revised agreement of \$45,310.00, with a City share of \$4,531.00 and a grantor's share of \$40,779.00.

Whereas, The Common Council of the City of Milwaukee adopted Resolution File Number 051254 authorizing and directing the Commissioner of Public Works to execute an agreement with the Wisconsin Department of Transportation (WISDOT) for safety improvements at the intersection of West Vliet Street and North 40th Street with 90 percent Federal and/or State aid funds under the Hazard Elimination Safety (HES) Program; and

Whereas, As part of the preliminary engineering process, we received requests from the WISDOT to include additional engineering analysis in the documentation for the intersection; and

Whereas, Costs for this additional work were not included in the original agreement with the WISDOT; and

Whereas, Construction costs have been refined and increased since the original agreement was drafted two years ago; and

Whereas, The WISDOT has submitted a Revised Project Agreement that includes additional monies for the preliminary engineering and construction associated with the necessary median reconfigurations for City execution; and

Whereas, Future resolutions will address the construction funding for this project, now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized to execute the Revised Project Agreement updating and revising the engineering and construction costs associated with the West Vliet Street intersection with North 40th Street project, a copy of which is attached to Common Council Number 071480 and incorporated in this resolution as though set forth therein in full; and, be it

Further Resolved, That the City Comptroller is hereby authorized to create within the Capital Improvement Fund, Grant and Aid Projects, the necessary Project/Grant Chartfield Values for preliminary engineering for the projects (Expenditure) and transfer to any of these accounts the amount required under the grant agreement and City Accounting Policy but not to exceed a 10 percent increase of the total amounts reserved for the grantor's share and local share or \$5,000 whichever is greater, as follows:

Infrastructure Services Division Accounts

ST320060301
West Vliet Street
Intersection with North 40th Street
State Project I.D. 2984-18-01

City Share Non-Assessable Paving Fund
ST320080000
Fund 0333
\$4,531.00

Grantor Reimbursable Paving Fund
SP032080100
Fund 0306
\$40,779.00

Total estimated additional engineering \$45,310.00

Previously authorized for preliminary engineering \$19,690.00

Current estimated cost of total project including this resolution \$305,000.00

Original estimated cost of total project (Res. No. 051254) \$196,899.00

; and, be it

Further Resolved, That the City Engineer is hereby authorized and directed to approve and make periodic payments to the WISDOT upon receipt of invoices for the City's share of the costs to the project.

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

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

No: 0

Excused: 1 - McGee Jr.

7. [071481](#) Resolution authorizing the City Comptroller to transfer funds to various State and/or Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs totaling \$48,000.00, City share is \$9,600.00 and the Grantor's share is \$38,400.00.

Whereas, The Common Council has previously adopted resolutions authorizing the City Comptroller to transfer funds to various State and/or Federal Aid project subaccounts for preliminary engineering and construction; and

Whereas, Additional planning and review during the design stage and additional work during the construction stage have resulted in increased costs charged against the projects; and

Whereas, Additional funds are, therefore, necessary for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs for the projects; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Comptroller is hereby authorized and directed to transfer funds to the project grant chartfields as follows:

Project Grant Value
State I.D. 2984-36-00
ST320042601
West Washington Boulevard
North 47th Street to North 60th Street

City Share Non-Assessable Paving
ST320080000

Fund 0333
\$3,600.00

Grantor Reimbursable Paving
SP032080100
Fund 0306
\$14,400.00

Construction is scheduled for 2008

Previously authorized for preliminary engineering: \$196,262.00
Current estimated cost of total project including this resolution: \$1,249,000.00
Original estimated cost of total project (Resolution #040400): \$1,029,730.00

Project Grant Value
State I.D. 2650-00-00
ST30780801
North Highland Boulevard (Local Bridge)

City Share Non-Assessable Paving
ST320080000
Fund 0333
\$6,000.00

Grantor Reimbursable Paving
SP032080100
Fund 0306
\$24,000.00

Previously authorized for preliminary engineering: \$894,260.00
Current estimated cost of total project including this resolution: \$6,583,260.00
Original estimated cost of total project (Resolution #861643): \$4,050,000.00

Summary of projects in this resolution:
City Share Non-Assessable Paving (0333): \$9,600.00
Grantor Reimbursable Paving (0306): \$38,400.00

Resolution total: \$48,000.00

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

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

No: 0

Excused: 1 - McGee Jr.

8. [071482](#) Resolution authorizing the Commissioner of Public Works to execute a Cost Sharing Agreement with Milwaukee County for the planned improvement of West Mill Road from USH 45 to North 91st Street and authorizing costs for plan review of \$8,000, which will be funded 100 percent by the City of Milwaukee.

A motion was made by ALD. BOHL that this Resolution be HELD IN COUNCIL. The motion PREVAILED by the following vote:

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

No: 1 - Donovan

Excused: 1 - McGee Jr.

9. [071483](#) Resolution relating to application for, and acceptance and funding of, a CERES Foundation, Inc. Grant as part of the Greater Milwaukee Foundation.
Whereas, The City of Milwaukee appears to be eligible for a CERES Foundation, Inc. Grant as part of the Greater Milwaukee Foundation; and

Whereas, The Department of Public Works-Operations Division (Forestry Section) would use this grant to conduct a greening project; and

Whereas, This project would include the following components:

Replace portions of asphalt playground with trees and turf at 5 selected schools: Hartford University School, Milwaukee Spanish Immersion School, Humboldt Park School, Sherman Multicultural Arts School and Pierce Elementary School (School selection was based on criteria established by the Green Schools grant. Should listed schools not participate; other school participants will be chosen from the same list).

; and

Whereas, The implementation of this research project will cost \$270,000, of which \$150,000 (55%) will be provided by the grantor with \$120,000 (45%) provided by an existing USDA Forest Service Grant, Green Schools (Resolution 060437); now, therefore, be it

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

Public Works is authorized to apply, accept and fund a CERES Foundation, Inc. Grant titled "Green School Yards" in the amount of \$150,000 without further Common Council approval, unless the terms of the grant change in a manner described in s. 304-81 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Encumber in the parent accounts of the 2008 Capital Grant and Aid Project Fund the following amounts for the project Resource Conservation Challenge Grant:

Project/Grant	SP032080100
Fund	0306
Org	5010
Program	0001
Budget Year	0000
Sub Class	R999
Account	000600
Project	Grantor Share
Amount	\$150,000

2. Create a Capital Grant and Aid Project Fund and the necessary expenditure and revenue accounts, appropriate to these accounts the amounts required under the Grant Agreement, and transfer the corresponding offsetting estimated revenue.

3. Establish the necessary Grant and Aid performance sub-measures.

; and, be it

Further Resolved, That these funds are appropriated to the Department of Public Works-Operations Division (Forestry Section), which is authorized to:

1. Make expenditures from these funds for specified purposes as indicated in the program budget, a copy of which is attached to this file.

2. Transfer funds within the project budget as long as the amount expended for each specific purpose does not exceed the amount authorized by the budget by 10% or more.

3. Enter into subcontracts and leases to the extent detailed in the project budget.

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

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

No: 0

Excused: 1 - McGee Jr.

10. [071484](#) Resolution relating to application for, and acceptance and funding of, a US Environmental Protection Agency Resource Conservation Challenge Grant. Whereas, The City of Milwaukee appears to be eligible for a Resource Conservation Challenge Grant from the US Environmental Protection Agency; and
- Whereas, The Department of Public Works-Operations Division (Sanitation Section) would use this grant to conduct a recycling education and outreach project; and
- Whereas, This project would include the following components:
1. Target low-compliance recycling routes and initiate recycling education and outreach delivered through three different methods of personal contact including block captain system, neighborhood school and a community group door-to-door campaign.
 2. Quantify the impact of the education and outreach on recycling rates through pre- and post-personal contact method measuring of set-out rates on targeted low-compliance routes.
 3. Rank the effectiveness of each method of personal contact to help determine future education and outreach activities.
- ; and

Whereas, The implementation of this research project will cost \$43,500, of which 100% will be provided by the grantor with no match funds required by the City; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works is authorized to apply, accept and fund a Resource Conservation Challenge Grant entitled "Recycling with a Personal Touch" in the amount of \$43,500 from the US Environmental Protection Agency without further Common Council approval, unless the terms of the grant change in a manner described in s. 304-81 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Encumber in the parent accounts of the 2008 Special Revenue Accounts-Grant and Aid Projects the following amounts for the project Resource Conservation Challenge Grant:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Sub Class	R999
Account	000600
Project	Grantor Share
Amount	\$43,500

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

3. Establish the necessary Grant and Aid performance sub-measures.

; and, be it

Further Resolved, That these funds are appropriated to the Department of Public Works-Operations Division (Sanitation Section), which is authorized to:

1. Make expenditures from these funds for specified purposes as indicated in the program budget, a copy of which is attached to this file.
2. Transfer funds within the project budget as long as the amount expended for each specific purpose does not exceed the amount authorized by the budget by 10% or more.
3. Enter into subcontracts and leases to the extent detailed in the project budget.

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

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

No: 1 - Dudzik

Excused: 1 - McGee Jr.

11. [071488](#) 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 \$986,100 for a total estimated cost of \$1,176,100.

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:

2nd Aldermanic District

N. 50th St. - W. Hope Ave. to W. Congress St. (ST211060146) File Number 060842: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, and sodding. (Assessable Reconstruction Paving Fund -- \$59,800; Nonassessable Reconstruction Paving Fund -- \$65,000). The total estimated cost for this project including the requested amount is \$137,800. This project is anticipated to be completed during the 2008 construction season.

4th Aldermanic District

N. 25th St. - W. McKinley Ave. to W. Vliet St. (ST211089005) File Number 070946: Installing traffic calming devices. (Assessable Reconstruction Paving Fund -- \$2,600; Nonassessable Reconstruction Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$14,600. This project is anticipated to be completed during the 2008 construction season.

9th Aldermanic District

W. Donna Dr. - N. Granville Dr. to N. 107th St. (ST211070113) File Number 061097: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, and sodding. (Assessable Reconstruction Paving Fund -- \$66,400; Nonassessable Reconstruction Paving Fund -- \$98,000). The total estimated cost for this project including the requested amount is \$194,400. This project is anticipated to be completed during the 2008 construction season.

11th Aldermanic District

W. Ohio Ave. - S. 76th St. to S. 84th St. (ST211070107) File Number 061097: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, and sodding. (Assessable Reconstruction Paving Fund -- \$80,500; Nonassessable Reconstruction Paving Fund -- \$200,000). The total estimated cost for this project including the requested amount is \$332,500. This project is anticipated to be completed during the 2008 construction season.

W. Warnimont Ave. - S. 82nd St. to S. 84th St. (ST211060115) File Number

060138: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, and sodding. (Assessable Reconstruction Paving Fund -- \$3,600; Nonassessable Reconstruction Paving Fund -- \$70,000). The total estimated cost for this project including the requested amount is \$90,600. This project is anticipated to be completed during the 2008 construction season.

S. 82nd Ct. - W. Ohio Ave. to a point 200 feet m/l north of W. Ohio Ave. (ST211070154) File Number 061289: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, and sodding. (Assessable Reconstruction Paving Fund -- \$17,000; Nonassessable Reconstruction Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$36,000. This project is anticipated to be completed during the 2008 construction season.

12th Aldermanic District

S. Barclay St. - E. Pittsburgh Ave. to S. Water St./E. Seeboth St. (ST211080118) File Number 070660: Asphalt pavement reconstruction, replace curb and gutter and sidewalk and driveway approaches where necessary, and sodding. (Assessable Reconstruction Paving Fund -- \$24,500; Nonassessable Reconstruction Paving Fund -- \$50,000). The total estimated cost for this project including the requested amount is \$81,500. This project is anticipated to be completed during the 2008 construction season.

13th Aldermanic District

Alley between W. Barnard Ave., W. Layton Ave., S. 20th St., and S. 21st St. (ST212070114) File Number 060138: Concrete alley pavement reconstruction, replace some abutting walk or driveway approaches, grading, and storm drainage facilities where necessary. (Assessable Alley Paving Fund -- \$19,370; Nonassessable Alley Paving Fund -- \$18,330). The total estimated cost for this project including the requested amount is \$50,700. This project is anticipated to be completed during the 2008 construction season.

14th Aldermanic District

S. Herman St. - A point south of E. Norwich St. to E. Howard Ave. (ST21110137) File Number 061097: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, and sodding. (Assessable Reconstruction Paving Fund -- \$57,000; Nonassessable Reconstruction Paving Fund -- \$45,000). The total estimated cost for this project including the requested amount is \$110,000. This project is anticipated to be completed during the 2008 construction season.

15th Aldermanic District

N. 24th St. - W. Center St. to W. Hadley St. (ST211060119) File Number 061097:
Replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, and tree removal where necessary. (Assessable Reconstruction Paving Fund -- \$29,000; Nonassessable Reconstruction Paving Fund -- \$60,000). The total estimated cost for this project including the requested amount is \$128,000. This project is anticipated to be completed during the 2008 construction season.

; and

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

Whereas, Notices have been sent to all interested persons and public 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 Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

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

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

Further Resolved, That the Department of Public Works is authorized to use the

funding as specified in the above description of work; and, be it

Further Resolved, That projects: N. 50th St. (ST211060146), N. 25th St. (ST211089005), W. Donna Dr. (ST211070113), W. Ohio Ave. (ST211070107), W. Warnimont Ave. (ST211060115), S. 82nd Ct. (ST211070154), S. Barclay St. (ST211080118), Alley W. Barnard Ave. (ST212070114), S. Herman St. (ST21110137), and N. 24th St. (ST211060119) will be billed after January 1, 2010, but not before 12 months after the project contract has been completed.

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

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

No: 0

Excused: 1 - McGee Jr.

12. [071489](#) 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 \$5,413,000 for a total estimated cost of these projects being \$5,994,000.

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

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

1st Aldermanic District

N. Teutonia Ave. over W. Silver Spring Dr. (Bridge and Approaches) (ST32002001/BR32000301) (2080-07-00) File Number 991756: Concrete deck and approach replacement. (Grantor Non-Reimbursable Paving Fund--\$99,000; Grantor Reimbursable Paving Fund -- \$15,000; City Share Non-assessable Paving Fund -- \$29,000; Grantor Non-Reimbursable Structure Fund -- \$593,000; Grantor Reimbursable Structure Fund -- \$89,000; City Share Non-Assessable Structure Fund--\$170,000).

These funds are to be transferred to the construction account (ST320020xx/BR320003xx) (2080-07-70).

Previously authorized for bridge construction: \$0.00

Current estimated cost of the total project including this resolution: \$1,159,000.00

Original estimated cost of the total project (File Number 991756): \$439,000.00
This project is anticipated to be completed during the 2008 construction season.

W. Silver Spring Dr. at N. Teutonia Ave. (Intersection Modifications)
(ST320050601) (2080-08-00) File Number 040866: Intersection modifications.
(Grantor Non-Reimbursable Paving Fund --\$587,000; Grantor Reimbursement
Paving Fund -- \$88,000; City Share Non-assessable Paving Fund -- \$75,000).

These funds are to be transferred to the construction account (ST3200506xx)
(2080-08-70).

Previously authorized for street construction: \$0.00
Current estimated cost of the total project including this resolution: \$1,000,000.00
Original estimated cost of the total project (File Number 040866): \$850,000.00
This project is anticipated to be completed during the 2008 construction season.

3rd Aldermanic District

N. Warren Ave. - E. Brady St. to E. Boylston St. (SM495040178) File Number
050317: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund --
\$434,000). The total estimated cost for this project including the requested amount is
\$454,000. This project is anticipated to be completed during the 2008 construction
season.

7th Aldermanic District

W. Melvina St. - N. 46th St. to W. Leon Tr. (SM495070159) File Number 071055:
Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$144,000).
The total estimated cost for this project including the requested amount is \$156,000.
This project is anticipated to be completed during the 2008 construction season.

8th Aldermanic District

W. Maple St. - S. 21st St. to S. 23rd St. (SM495070186) File Number 071167:
Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund --
\$185,000). The total estimated cost for this project including the requested amount is
\$197,000. This project is anticipated to be completed during the 2008 construction
season.

10th Aldermanic District

N. Avondale Blvd. - W. Lisbon Ave. to W. Center St. (SM495070128) File
Number 071055: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay

Fund -- \$281,000). The total estimated cost for this project including the requested amount is \$293,000. This project is anticipated to be completed during the 2008 construction season.

W. Burleigh St. - N. 73rd St. to N. 76th St. (SM495070134) File Number 071055: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$280,000). The total estimated cost for this project including the requested amount is \$292,000. This project is anticipated to be completed during the 2008 construction season.

N. Sholes Ave. - W. Center St. to W. Hadley St. (SM495070158) File Number 071055: Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$76,000). The total estimated cost for this project including the requested amount is \$86,000. This project is anticipated to be completed during the 2008 construction season.

12th Aldermanic District

W. Burnham St. (Various Locations) - S. 11th St. to S. 17th St. (SM495070055) File Number 070081: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$458,000). The total estimated cost for this project including the requested amount is \$486,000. This project is anticipated to be completed during the 2008 construction season.

W. Forest Home Ave. - W. Historic Mitchell St. to S. 16th St. (SM495070140) File Number 070944: Combined sewer relay and lining. (Nonassessable Sewer Maintenance Relay Fund -- \$343,000), The total estimated cost for this project including the requested amount is \$355,000. This project is anticipated to be completed during the 2008 construction season.

S. 11th St. - W. Grant St. to W. Lincoln Ave. (SM495070187) File Number 071167: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$175,000). The total estimated cost for this project including the requested amount is \$190,000. This project is anticipated to be completed during the 2008 construction season.

S. 13th St. - The Kinnickinnic River to W. Harrison Ave. (SM495070132) File Number 071055: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$63,000). The total estimated cost for this project including the requested amount is \$73,000. This project is anticipated to be completed during the 2008 construction season.

S. 14th St. - W. Windlake Ave. to W. Forest Home Ave. (SM495070141) File Number 070944: Combined sewer relay and lining. (Nonassessable Sewer

Maintenance Relay Fund -- \$365,000). The total estimated cost for this project including the requested amount is \$377,000. This project is anticipated to be completed during the 2008 construction season.

12th and 13th Aldermanic Districts

S. 16th St. (Various Locations) - A point 235 feet m/l north of W. Burnham St. to W. Lincoln Ave. (SM495070137) File Number 071055: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$664,000). The total estimated cost for this project including the requested amount is \$676,000. This project is anticipated to be completed during the 2008 construction season.

Various Aldermanic Districts

Various Locations (ST211080129) File Number 071490: Asphalt resurfacing of various streets by contract. (Nonassessable Reconstruction Paving Fund -- \$200,000). The total estimated cost for this project including the requested amount is \$200,000. This project is anticipated to be completed during the 2008 construction season.

; 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.

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

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

No: 0

Excused: 1 - McGee Jr.

13. [071490](#) 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 \$15,000 for a total estimated cost of these

projects being \$350,000.

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:

Greenfield

W. Edgerton Ave. at W. Loomis Rd. (WT410081107): Water main alteration. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$150,000. This project is anticipated to be completed during the 2009 construction season.

Various Aldermanic Districts

Various Locations (ST211080129): Asphalt resurfacing of various streets by contract. The total estimated cost for this project is \$200,000. This project is anticipated to be completed during the 2008 construction season.

; and, be it

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

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

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

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

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

No: 0

Excused: 1 - McGee Jr.

14. [071491](#) 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 \$47,000 for a total estimated cost of these projects being \$810,000.

Resolved, By the Common Council of the City of Milwaukee, that it is necessary and

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

11th Aldermanic District

W. Eden Pl. - S. Sunset Dr. to S. Massachusetts Ave. (ST211020113): 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 -- \$11,000). The total estimated cost for this project including the requested amount is \$130,000. This project is anticipated to be completed during the 2008 construction season.

S. 55th St. - W. Morgan Ave. to W. Oklahoma Ave. (ST211010155): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$15,000, additional funds). File Number 070489 authorized \$22,000. The total estimated engineering cost including this request is \$37,000. The total estimated cost for this project including the requested amount is \$360,000. This project is anticipated to be completed during the 2008 construction season.

S. 94th St. - A point 600 feet m/l north of W. Howard Ave. to W. Eden Pl. (ST211080111): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$10,000, additional funds). File Number 061382 authorized \$19,800. The total estimated engineering cost including this request is \$29,800. The total estimated cost for this project including the requested amount is \$235,000. This project is anticipated to be completed during the 2008 construction season.

15th Aldermanic District

Alley between W. Brown St., W. Fond du Lac Ave. N. 14th St., N. 15th St. (ST212080113): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$11,000). The total estimated cost for this project including the requested amount is \$85,000. This project is anticipated to be completed during the 2008 construction season.

; 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.

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

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

No: 0

Excused: 1 - McGee Jr.

15. [071512](#) Resolution directing a report on the filling of potholes in the streets of the City of Milwaukee.
- Whereas, The combination of the increase in the number of residential street construction projects not being approved by the Common Council due to residents' objections, combined with the reduction the City's street maintenance activities in recent years due to its fiscal challenges, and the severe weather during the winter of 2007-08 have contributed to an increase in the number of potholes in City streets; and
- Whereas, Potholes create a hazard for Milwaukee's motorists and may result in additional vehicle maintenance costs for vehicle owners; and
- Whereas, The development of a plan to systemically and on an ongoing basis fill potholes in Milwaukee's streets is needed to ensure that the issue of potholes in City streets is adequately addressed; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works is directed to prepare and submit a plan within 90 days specifying how

it will systematically and on an ongoing basis address the issue of potholes in City of Milwaukee streets.

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

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

No: 0

Excused: 1 - McGee Jr.

PLACING ON FILE THE FOLLOWING:

16. [071415](#) Communication from the Department of Public Works, Special Events Office relating to the activities and costs related to the implementation of a pilot special event-parking program.

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

No: 0

Excused: 1 - McGee Jr.

17. [071422](#) Communication from the Department of Public Works relative to the multi-space parking meters.

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

No: 0

Excused: 1 - McGee Jr.

18. [071517](#) Communication from the Department of Public Works relating to the status of funding for the Milwaukee Connector public transit project.

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

No: 0

Excused: 1 - McGee Jr.

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

[071599](#)

Resolution requesting the U.S. Congress to block the U.S. Air Force's award of a contract to Northrop Grumman and European Aeronautic Defense and Space Company to replace aerial refueling tankers.

Whereas, The U.S. Air Force awarded a contract to Northrop Grumman/ European Aeronautic Defense and Space Company (EADS) to replace aerial refueling tankers; and

Whereas, The contract awarded ignores the fact that Boeing and Northrop Grumman/ EADS were assigned identical ratings across all 5 evaluation factors and that Boeing had the better offering in terms of most probable life cycle costs, lower risk and better capacity; and

Whereas, Flaws in the procurement process resulted in a significant gap between the aircraft the Air Force originally set out to procure - a medium-size tanker, as stated in the request for proposal - and the much larger tanker it ultimately selected; and

Whereas, Because of the way the Air Force treated Boeing's cost/price data, the company was effectively denied its right to compete with a commercial derivative product, contrary to the RFP and federal statute and regulation; and

Whereas, In evaluating past performance, the Air Force ignored the fact that Boeing - with 75 years of success in producing tankers - is the only company in the world that has produced a commercial derivative tanker equipped with an operational aerial-refueling boom; and

Whereas, It is in the best interest of the U. S. to preserve national security and the nation's industrial base and associated jobs; and

Whereas, The U. S. government is aggressively challenging Airbus, the parent company of EADS, subsidies at the World Trade Organization, accusing Airbus of obtaining grants and loans at unfair favorable rates; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, requests the U.S. Congress to block the U.S. Air Force's award of a contract to Northrop Grumman and European Aeronautic Defense and Space Company to replace aerial refueling tankers; and

Further Resolved, That the Common Council calls upon the National League of Cities

and the Wisconsin League of Municipalities to take formal action in support of awarding defense contracts to American companies on the grounds of national security and the preservation of our industrial base and associated jobs.

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

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

No: 2 - Davis D'Amato

Excused: 1 - McGee Jr.

Various announcements were made.

There being no further business to come before the Common Council, the meeting was adjourned at 12:37 p.m.

-- Jim Owczarski, Deputy City Clerk