



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

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

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**Tuesday, December 16, 2008**

**9:00 AM**

**Common Council Chambers**

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*Amended 12/12/08*

The meeting was called to order at 9:48 a.m.

The roll was called.

**Present: 15 -**

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

The Pledge of Allegiance was said followed by an invocation offered by Reverend Louis E. Sibley, III, pastor of the Mount Zion Missionary Baptist Church.

The question was put: Are there any corrections to the Common Council Journal of Proceedings for the regular meeting of November 25, 2008?

There being no corrections, the minutes of that 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. [080836](#) Substitute motion denying the new application for a food dealer license of Sara Khan, agent for Najmee Glass Works, LLC for the premises at 2635 W. Kilbourn Avenue, doing business as Judy's Red Hots.

Sara Khan, Agent for Najmee Glass Works, LLC, applied for a food dealer license from the City of Milwaukee on September 25, 2008, and

Whereas, The Health Department received an objection from Ald. Robert Bauman for a food dealer license for Sara Khan at 2635 W. Kilbourn Avenue in the 4th aldermanic district; and

The Common Council's Licenses Committee held an evidentiary hearing on the application on November 24, 2008; and

The Committee had objecting neighbors attend the hearing and heard police testimony; now, therefore,

It is moved, by the Common Council of the City of Milwaukee, that the food dealer license application of Sara Khan, Agent for Najmee Glass Works, LLC, for the premises at 2635 W. Kilbourn Avenue, ("Judy's Red Hots") be denied.

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

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

**No:** 1 - Bohl

2. [081020](#) Substitute motion to approve the recommendation of the Licenses Committee relative to the revocation of the Class "A" Liquor and Malt and Food Dealer licenses of Jack A. Castiglione, Agent for Paul's Beverage Center, LLC for "Paul's Beverage Center" at 6220 West Silver Spring Drive.

Whereas, The Licenses Committee held a hearing on December 5, 2008 relative to the revocation of the Class "A" Liquor and Malt and Food Dealer licenses of the premises located at 6220 West Silver Spring Drive ("Paul's Beverage Center"); and

Whereas, After hearing testimony presented at the committee hearing, the committee found that the evidence provided by the Milwaukee Police Department did support revocation of the licenses; and

Whereas, The Licenses Committee approved the revocation of the license on December 5, 2008 by a vote of four (4) ayes and one (1) no; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee hereby accepts the recommendation of the Licenses Committee for revocation of Class "A" Liquor and Malt and Food Dealer licenses of the premises located at 6220 West Silver Spring Drive ("Paul's Beverage Center").

*The court reporter was sworn in.*

*Have the members of the Common Council read the Report and Recommendations of the Licenses Committee and the exceptions filed in this matter?*

*All members present indicated that they had done so.*

*The question was put: Is Mr. Jack A. Castiglione or his counsel present and, if so, does either wish to address the Common Council?*

*Mr. Castiglione was present by his counsel, Andrew Arena.*

*Ald. Bohl moved that the Common Council resolve itself into a Committee of the Whole for the purpose of taking testimony in this matter.*

*There was no objection.*

*Attorney Arena appeared and addressed the Common Council.*

*Asst/ City Attorney Bruce Schrimpf appeared and addressed the Common Council.*

*Ald. Bohl moved that the Committee of the Whole rise.*

*There was no objection.*

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

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

**No:** 1 - Coggs

3. [080921](#) Motion relating to the recommendations of the Licenses Committee relative to various licenses.

*The question was put:*

*Have the members of the Common Council read the Report and Recommendations of the Licenses Committee and the exceptions filed in this matter?*

*All members present indicated that they had done so.*

*The question was put:*

*Are any of the following or their counsels present and, if so, do they wish to address the Common Council?*

*Oliva A. Arias/Pablo De La Cruz were present by Attorney Francisco Aleman.*

*James Heyden was present by counsel, Attorney E. Michael Guerin;.*

*Margaret E. Flynn was not present.*

*Ald. Bohl moved that the Common Council resolve itself into a Committee of the Whole for the purpose of taking testimony in these matters.*

*There was no objection.*

*Attorney Aleman appeared and addressed the Common Council.*

*Asst. City Attorney Bruce Schrimpf appeared and addressed the Common Council.*

*Attorney Guerin appeared and addressed the Common Council.*

*Mr. James A. Heyden, also appeared and, having been sworn, addressed the Common Council.*

*Asst. City Attorney Bruce Schrimpf appeared and addressed the Common Council.*

*Ald. Bohl moved that the Committee of the Whole rise.*

*There was no objection.*

*Return the Class "D" bartender license of Vickey L. Mendez to committee.*

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

*Return the Class "D" bartender license application of Katherine TOLEDO to committee.*

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

*Return the Class "B" tavern and Record Spin licenses of Oliva A. Arias and Pablo De La Cruz for La Espanola to committee.*

*Alds. Bohl, Coggs, and Puente voted NO with respect to the Committee report.*

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

**Aye:** 6 - Kovac, Bohl, Coggs, Wade, Puente Witkowiak

**No:** 9 - Hamilton, Davis, Bauman, Donovan, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

*Return the Class "B" tavern and record spin licenses of Andrea N. Chavis for the Phoenix Bar and Grill to committee.*

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

**Aye:** 9 - Hamilton, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski Hines Jr.

**No:** 6 - Davis, Kovac, Bauman, Wade, Donovan Zielinski

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.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

- 1. [080920](#) Motion relating to the recommendations of the Public Safety Committee relative to various licenses.

*The question was put:*

*Have the members of the Common Council read the Report and Recommendations of the Public Safety Committee in these matters?*

*All members present indicated that they had done so.*

*Return the Public Passenger Vehicle License application of Mohd Abu Sammour to committee, notwithstanding the recommendation of the Committee.*

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

PASSAGE OF THE FOLLOWING:

- 2. [080918](#) 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 101-23-2 of the Code relating to No Stopping is amended by adding the following:

On the north side of West McKinley Avenue from North Old World Third Street to North 6th Street from 3:00 PM to 6:00 PM Monday through Friday

Part 2. Section 101-23-3 of the Code relating to No Parking is amended by striking the following:

“On the north side of West Becher Street from South 25th Street to a point 40 feet east”

“On the south side of West Becher Street from South 25th Street to a point 40 feet west”

Part 3. Section 101-23-3 of the Code relating to No Parking is amended by adding the following:

On the north side of West National Avenue from South 25th Street to South Layton Boulevard

On the south side of West National Avenue from South Layton Boulevard to a point 90 feet west of South 28th Street

On the south side of West Wisconsin Avenue from North 89th Street to a point 50 feet east from 7:00 AM to 7:00 PM

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

“On West National Avenue from South 25th Street to South 26th Street”

“On South 12th Street from West Grant Street to West Lincoln Avenue”

Part 5. Section 101-23-4-d of the Code relating to Two-Hour Parking is amended by adding the following:

On the south side of West National Avenue from South 25th Street to South 26th Street

Part 6. Section 101-23-10-a of the Code relating to No Parking During Winter Months is amended by striking the following:

“On the south side of East Bennett Avenue from South Delaware Avenue to South Delaware Avenue”

Part 7. Section 101-23-10-a of the Code relating to Alternate Monthly Parking During Winter Months is amended by adding the following:

On East Bennett Avenue from South Delaware Avenue to South Delaware Avenue

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

3. [080919](#) 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 101-15 of the Code relating to Yield signs is amended by striking the following:

“On North 67th Street at West Fiebrantz Avenue”

Part 2. Section 101-16-1 of the Code relating to Stop signs is amended by adding the following:

On North 67th Street at West Fiebrantz Avenue

On North Broadway and East St Paul Avenue in all directions

On West Becher Street and South 25th Street in all directions

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

4. [081016](#) A substitute ordinance reordering and revising public passenger vehicle standards, equipment requirements and operating and inspection regulations for the purposes of clarifying language, eliminating obsolete provisions, and establishing annual license periods and renewal permit fees.

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

Part 1. Section 81-1-3-a-2 of the code is amended to read:

81-1. General Provisions.

3. REFUND OF FEES BY CITY CLERK'S OFFICE.



a-2. \$50, if the permit or license fee is ~~[[more than]]~~\$100 ~~>>~~to \$174~~<<~~.

Part 2. Section 81-1-3-a-3 of the code is created to read:

a-3. \$75, if the permit or license fee is \$175 or more.

Part 3. Section 81-58.5 of the code is amended to read:

81-58.5. Handicapped-Elderly Vehicle Permit.

1. Each handicapped-elderly vehicle permit shall be issued for a ~~[[2-year]]~~~~>>~~one-year~~<<~~period and expire on April 30 ~~[[in odd-numbered years]]~~~~>>~~irrespective of the date of issuance~~<<~~.

2. The fee for each ~~>>~~new~~<<~~ permit shall be ~~[[165]]~~~~>>~~\$175~~<<~~.

Part 4. Section 81-58.5-3 of the code is created to read:

3. The fee for renewal of each permit shall be \$100.

(See s. 100-50.)

Part 5. Section 81-60.5 of the code is amended to read:

81-60.5. Horse and Surrey Livery Permit.

1. Each horse and surrey livery permit shall be issued for a ~~[[2-year]]~~~~>>~~one-year~~<<~~period ~~[[beginning May 1 in odd-numbered years]]~~~~>>~~and expire on April 30 irrespective of the date of issuance~~<<~~.

2. The fee for each ~~>>~~new~~<<~~ permit shall be ~~[[165]]~~~~>>~~\$175~~<<~~.

Part 6. Section 81-60.5-3 of the code is created to read:

3. The fee for renewal of each permit shall be \$100.

(See s. 100-50.)

Part 7. Section 81-68-1 and 2 of the code is amended to read:

81-68. Luxury Limousine Permit. 1. Each luxury limousine permit shall be issued for a ~~[[2-year]]~~~~>>~~one-year~~<<~~ period and expire on April 30 ~~[[in odd-numbered years]]~~~~>>~~irrespective of the date of issuance~~<<~~.

2. The fee for each ~~>>~~new~~<<~~ permit shall be ~~[[165]]~~~~>>~~\$175~~<<~~.

Part 8. Section 81-68-3 of the code is repealed and recreated to read:

3. The fee for renewal of each permit shall be \$100.

(See s. 100-50.)

Part 9. Section 81-75.5 of the code is repealed.

Part 10. Section 81-76 of the code is amended to read:

81-76. Motorcycle [[with Sidecar]]>>Used for Tours<< Permit.

1. Each motorcycle [[with sidecar]]>>used for tours<< permit shall be issued for a [[2-year]]>>one-year<< period, expiring on April 30 [[in odd-numbered years]]>>irrespective of the date of issuance<<.

2. The fee for each >>new<< permit shall be [[80]]>>\$175<<.

Part 11. Section 81-76-3 of the code is created to read:

3. The fee for renewal of each permit shall be \$100.

(See s. 100-50.)

Part 12. Section 81-89 of the code is amended to read:

81-89. Pedicab Owner's Permit. 1. Each pedicab owner's permit shall be issued for a [[2-year]]>>one-year<< period, expiring on April 30 [[in odd-numbered years]]>>irrespective of the date of issuance<<.

2. The fee for each >>new<< permit shall be [[165]]>>\$175<<.

Part 13. Section 81-89-3 of the code is created to read:

3. The fee for renewal of each permit shall be \$100.

(See s. 100-50.)

Part 14. Section 81-101.3 of the code is amended to read:

81-101.3. Public Passenger Vehicle Fee, Special. The fee for >>any<< special inspection of a public passenger vehicle, [[which shall apply when the vehicle owner fails to obtain a current inspection sticker during an established period]], as provided

in s. 100-51, shall be \$75.

Part 15. Section 81-106.5 of the code is amended to read:

81-106.5. Shuttle Vehicle Permit. 1. Each shuttle vehicle permit shall be issued for a [[2-year]]>>one-year<< period, expiring on April 30 [[in odd-numbered years]]>> irrespective of the date of issuance<<.

2. The fee for each >>new<< permit shall be [[165]]>>\$175<<.

Part 16. Section 81-106.5-3 of the code is created to read:

3. The fee for renewal of each permit shall be \$100.

(See s. 100-50.)

Part 17. Section 81-126 of the code is amended to read:

81-126. Taxicab Permit. 1. Each meter fare or zone fare taxicab permit shall be issued for a [[2-year]]>>one-year<< period expiring on [[November 30 in odd numbered years]]>>October 30 irrespective of the date of issuance<<.

2. The fee for each >>new<< permit shall be [[165]]>>\$175<<.

Part 18. Section 81-126-3 of the code is created to read:

3. The fee for renewal of each permit shall be \$100.

(See s. 100-50.)

Part 19. Section 100-3-6.5 and 6.7 of the code created to read:

100-3. Definitions.

6.5. FIXED ROUTE means authorized scheduled trips from predetermined passenger pickup points to predetermined destinations.

6.7. HAIL means the vehicle may be hired by signaling the driver.

Part 20. Section 100-3-11-b-2 of the code is amended to read:

b-2. Specific vehicles not meeting this definition may be permitted if approved by the common council pursuant to s. [[100-66-2]]>>100-50-9.5<<.

Part 21. Section 100-3-21-0 of the code is amended to read:

21. PUBLIC PASSENGER VEHICLE means a vehicle which is used for the transportation of passengers for hire, including handicapped-elderly livery, horse and surrey livery, luxury limousine, pedicab, motorcycle used for tours, [[motorcycle with a sidecar used for tours,]] shuttle vehicle, and meter or zone fare taxicab. Public passenger vehicle does not include:

Part 22. Section 100-3-23.5 of the code is created to read:

23.5. STANDS means street curb locations which are designated for a particular type of permitted vehicles.

Part 23. Section 100-50-1-c of the code is amended to read:

100-50. Public Passenger Vehicle Permits.

1. PERMIT REQUIRED.

c. Any person violating this section shall be subject to the penalty provided in s. [[100-70-2]]>>100-62-2<<.

Part 24. Section 100-50-9-a of the code is amended to read:

9. COMMITTEE ACTION. a. [[If]]>>Except as provided in sub. 9.5, if<< the chief of police files no written report summarizing the arrest and convictions of the applicant which could form a basis for denial, the application shall be forwarded to the common council for approval.

Part 25. Section 100-50-9.5 of the code is created to read:

9.5. APPEAL OF ADMINISTRATIVE DENIAL, LIMOUSINES. a. In the event a determination is made by the city clerk that an application for a public passenger vehicle permit for a luxury limousine does not meet the definition under s. 100-3-11-b, no permit shall be issued unless the applicant requests, in writing on forms provided by the city clerk therefor, an appeal before the licensing committee, no more than 10 working days after the date on which the applicant was notified of the city clerk's determination. A hearing of an appeal shall be conducted as set forth in s. 100-54-4-d.

b. The recommendation of the committee regarding the permit must be based on evidence presented at the hearing. Probative evidence concerning whether the permit

should be granted may be presented on the following subjects:

- b-1. The characterization of the vehicle by the manufacturer in sales or promotional materials regularly distributed to the public.
- b-2. The original manufacturer's suggested retail price or present fair market value of the vehicle.
- b-3. The body style, number of doors, interior volume and rear passenger-carrying capacity of the vehicle.
- b-4. The type and number of any standard and optional equipment, custom nonproduction features and alterations from the manufacturer's original specifications.
- b-5. Any other factors which reasonable relate to the public health, safety and welfare.
- c. The committee may make a recommendation immediately following the hearing or on a later date. Written notice of the committee's recommendation will be provided if the decision is made at a later date or if the applicant was not present. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

Part 26. Section 100-50-11-e of the code is amended to read:

#### 11. ISSUANCE.

- e. The permit shall be conspicuously and prominently displayed in each vehicle by the owner and shall be kept there at all times. An exception ~~[[may be]]~~ is made to the permit display for any taxicab or shuttle vehicle marked as provided in s. ~~[[100-51-7-b]]~~ 100-51.5-1-c.

Part 27. Section 100-50-12-b-2-0 of the code is amended to read:

#### 12. REGULATIONS.

- b-2. A permittee shall own the vehicle for which a permit has been granted as sole titleholder and not as lien holder. However, the licensing committee may recommend the granting of a handicapped-elderly vehicle, luxury limousine, motorcycle, ~~[[motorcycle with sidecar]]~~ or shuttle vehicle permit for a vehicle leased or to be leased by the applicant if:

Part 28. Section 100-50-12-c of the code is repealed.

Part 29. Section 100-50-12-d to h of the code is renumbered c to g.

Part 30. Section 100-50-14-a-3 of the code is amended to read:

14. RENEWAL.

a-3. [[Any permittee who fails to apply for renewal prior to the expiration of his or her permit shall have the permit terminated on its expiration date.]] Any application filed after the expiration date >>of the license period following the license period for which the permit was issued<< shall be considered as a new permit application and be subject to the requirements for an original permit provided in this subchapter.

Part 31. Section 100-51 of the code is repealed and recreated to read:

100-51. Vehicle Inspection. 1. INSPECTION REQUIRED. No vehicle owner or lessee shall operate his or her vehicle, or allow his or her vehicle to be operated, as a public passenger vehicle for hire upon the streets of the city without the vehicle owner or lessee successfully completing each vehicle inspection required under this section.

2. WHEN REQUIRED. A vehicle inspection conducted by the police department or its designee shall be required for each vehicle in all of the following circumstances:

a. Prior to the issuance by the city clerk of any new or renewal permit under this subchapter.

b. Except as provided in sub. 3, during a designated renewal inspection period under sub. 5.

c. When replacing any vehicle under s. 100-50-12-e.

d. When transferring any permit to another person under s. 100-50-3-a, if the application for permit transfer involves the replacement of a vehicle.

e. When directed by the police department for any additional inspection on a random selection basis or when identified by complaint.

3. EXEMPTION. No vehicle inspection shall be required under sub. 2-b for any vehicle that meets all of the following criteria:

a. The same vehicle was inspected under sub. 2-c and was found to meet the vehicle standards and equipment requirements established in this subchapter.

b. The vehicle inspection under sub. 2-c was conducted within 30 days of the first day

of a designated renewal inspection period under sub. 5.

c. An application for renewal of a permit issued under this subchapter has been filed on or before the application filing deadline established by the city clerk.

4. ELIGIBILITY. a. No vehicle shall be inspected under sub. 2-b unless an application for renewal of a permit issued under this subchapter has been filed on or before the application filing deadline established the city clerk.

b. No vehicle shall be inspected unless, prior to inspection, the permit, certificate of vehicle registration, trip sheets, and, if a meter fare taxicab, meter permit and meter inspection slip are presented to the inspecting officer.

c. Applicants for transfer under s. 100-50-3-a and permittees replacing a vehicle under s. 100-50-12-e who cannot obtain a certificate of vehicle registration, because of a waiting period imposed by the Wisconsin department of transportation, may present an application showing proof of receipt of the application by the Wisconsin department of transportation and payment of the registration fee. Permittees providing proof of application shall present the certificate of vehicle registration to the city clerk as soon as it is issued.

d. No meter fare taxicab shall be inspected by the police department until the city sealer has examined the taximeter attached to the vehicle and found it to meet the requirements under s. 100-51.5-3-b.

5. RENEWAL INSPECTION DATES. a. Luxury limousines, shuttle vehicles, horse and surrey livery, motorcycles used for tours, and handicapped-elderly vehicles shall be inspected in the first 2 full working weeks of April.

b. Inspection of taxicabs shall be held in the first 2 full working weeks of October.

6. NOTICE OF INSPECTION. a. Annual Inspections. Permittees for vehicles required to be inspected under subsection 2-b shall be notified by United States first class mail, postage prepaid of the inspection date and time at least 2 weeks prior to inspection.

b. Random Inspections. Permittees of vehicles directed by the police department for any additional inspection under sub. 2-e shall be notified by United States first class mail, postage prepaid of the inspection date and time at least 2 days prior to inspection.

7. POLICE REPORT. The police department shall report to the licensing committee, in writing, at the end of each inspection period. The report shall include, but not be

limited to, vehicles appearing for inspection, vehicles passing inspection, vehicles removed from public service, and vehicles failing to appear for inspection.

8. INSPECTION ACTIONS. a. Inspection Sticker. The police department shall place in a conspicuous location a nonremovable sticker on the exterior of each public passenger vehicle thoroughly inspected by the police department and found to meet the vehicle standards and equipment requirements established in this subchapter. The city clerk may provide for an inconspicuous inspection sticker for luxury limousines.

b. Require Reinspection. The police department shall not issue an inspection sticker for, and shall require reinspection of, any vehicle that is found in violation of any of the vehicle standards and equipment requirements established in this subchapter. Violations found during any inspection shall be corrected and the vehicle shall be presented at the designated inspection station for reinspection on the next regularly scheduled inspection date, or on or before the last day of the annual inspection period, if applicable.

c. Remove Vehicle from Service. In addition to any action taken under par. b, the police department shall immediately suspend the permit of and remove from public service any vehicle that is found to be in a hazardous condition and unsafe for public patronage.

c-1. A red sticker shall be placed on the vehicle that shall read: THIS VEHICLE UNSAFE FOR PUBLIC PATRONAGE.

c-2. The sticker may only be removed by the police department upon a successful reinspection at the designated inspection station.

c-3. Removal, alteration, defacement or obscuration of the sticker by anyone other than the police department shall be subject to the penalty provisions of this chapter.

d. Suspend Permit. d-1. Without any further action, the police department shall immediately suspend the permit and notify the permittee by United States first class mail, postage prepaid mail of the suspension whenever any of the following occur:

d-1-a. The permittee fails to submit the vehicle on the designated date and time for any inspection or reinspection required under this section.

d-1-b. All violations found during any inspection are not corrected when the vehicle is presented at the designated inspection station for reinspection.

e. Any permit suspended under this section shall be immediately reinstated upon successful inspection or reinspection and payment of any special inspection fee



required under s. 81-101.3.

Part 32. Section 100-51.5 of the code is created to read:

100-51.5. Vehicle Standards and Equipment Requirements. 1. GENERAL REQUIREMENTS. a. Responsibility. No vehicle owner, lessee or other person shall operate his or her vehicle, or allow his or her vehicle to be operated, as a public passenger vehicle for hire upon the streets of the city without the vehicle first meeting the vehicle standards and equipment requirements established in this section.

b. Vehicle Standards. Vehicles shall meet all safety standards required by law and, as adjudged by the police department or its designee, be kept in good operating condition and appearance.

b-1. Vehicle interior and exterior shall be free of dirt, mud, oil, rips, tears, exposed springs, foodstuff, trash, waste material or any other substance or object capable of harm, damage or injury to, or interference with the person, clothing, personal property, comfort or convenience of any passenger, whether upon ingress or egress of such vehicle, or while riding therein.

b-2. Vehicle shall have an exterior which is free of any misshapen or deformed condition arising from collision, crash or other impact, excepting minor dents. Vehicles shall be free of holes in floorboards, and trunk shall be empty except for emergency equipment. Vehicle shall be free of exterior rust and exterior must be painted a uniform color so as not to have patches of unmatching paint on the vehicle.

b-3. All vehicles shall be washed a minimum of once per week.

c. Vehicle Markings. c-1. Each taxicab and shuttle vehicle, excepting a shuttle vehicle meeting the definition in s. 100-3-23-b, shall have the following clearly and permanently marked:

c-1-a. The word "Milwaukee" on the right and left sides of the vehicle.

c-1-b. The permit number, the type of permit and the name of the owner of the vehicle or the trade name under which the vehicle is operated, placed on the right and left sides of the vehicle on either the front or rear doors with the permit number at least 5 inches high in a color to contrast with the auto body color.

c-1-c. The permit number at least 5 inches high in a color to contrast with the auto body color marked on the trunk or rear door of the vehicle.

c-1-d. The permit number clearly displayed on the back of the driver's seat.

c-2. Vehicles with shuttle permits, excepting a shuttle vehicle meeting the definition in s. 100-3-23-b, shall have the word "shuttle" in a color to contrast with the auto body color permanently marked on the left and right side of the vehicle.

c-3. The licensing committee may require vehicle marking other than as required by this paragraph for specified types of vehicles.

d. Complaint Forms. Except as provided in par. e-1, each public passenger vehicle shall have available, in the passenger compartment in a conspicuous place plainly visible to all occupants of the vehicle, complaint forms provided by vehicle owners, in a format approved by the city clerk.

e. Complaint Placard. Except as provided in par f, each public passenger vehicle shall have posted, in the passenger compartment in a conspicuous place plainly visible to all occupants of the vehicle, a rate and service complaint placard provided by the city, in substantially the following form:

Milwaukee Taxicab Permit Number \_\_\_\_\_

NOTICE TO PASSENGERS

The Rates of Fare are:

[Fill in with approved rates and zone map, if required.]

Complaints regarding rates or service may be addressed in writing to:

License Division Manager, City Clerk's Office

Room 105, City Hall, 200 E. Wells St.

Milwaukee, WI 53202

[license@milwaukee.gov](mailto:license@milwaukee.gov)

Complainant: Please provide the name of the driver, vehicle number, company name, trip date and time, and details of the complaint.

f. Information provided to passengers. Luxury limousines and shuttle vehicles meeting the definition under s. 100-3-23-b shall provide to passengers, at the time the service is contracted for hire, the information provided on the complaint form and rate and service complaint placard required under this subsection.

g. Complaints. Complaints shall be in writing and contain the name of the driver, vehicle number, company name, trip date and time, and the details of the complaint.

2. EQUIPMENT REQUIREMENTS. In addition to any other vehicle standards and equipment requirements established in this section, each public passenger vehicle shall be equipped with a Milwaukee area street map or street guide and the following mechanical devices, in sound working condition:

a. All headlamps, tail lights, emergency blinkers and turn signals shall be operable and

in good working condition.

b. Each taxicab shall be equipped with a dome light mounted above the top line of the windshield.

c. Each motor vehicle shall have a heater and defroster that is in good working condition and shall be equipped with a permanently installed air conditioning system capable of reducing the interior temperature of the passenger section to 68 degrees Fahrenheit. A motor vehicle is exempt from the air conditioning requirement contained in this paragraph if the vehicle has been continually licensed as a public passenger vehicle by the vehicle owner prior to July 23, 2005.

d. The spare tire, if standard equipment, shall be securely attached and properly inflated.

e. All hood, trunk and door latches shall be in proper working order.

f. All windows shall be in proper working order and free of unsafe chips and cracks. No vehicle shall operate with curtains, shades or other means which hide its occupants from outside view. There shall be no obstructions to normal vision by the driver.

g. Operable and easily accessible safety belts for use by each person in the motor vehicle.

h. The windshield wipers shall be in proper working order and the blades shall be free of defects.

i. The horn shall be in sound working condition and be of the standard type for each motor vehicle.

j. Door handles, arm rests and window handles must be clean and intact.

k. The muffler, tailpipe and crossover pipe shall be securely connected and free of holes and punctures.

L. The condition of the steering apparatus, suspension and brakes shall be determined by a road test of whatever length to verify the safe operating condition of the devices.

m. The tire-tread depth shall not be less than 2/32 of an inch and each tire shall be free of cuts or breaks in the sidewall. Each tire shall be of the type approved for use as original equipment. No tire shall extend beyond the outer fender wall.

3. TAXICAB REQUIREMENTS. a. Body Colors. The body colors designated for

affiliated taxicabs shall be as follows:

a-1. Blue - All City Veteran Taxi.

a-2. Yellow - Yellow Cab Co-op.

a-3. Orange - Brew City Cab Cooperative.

a-4. White - Mitchell International Taxicab Association.

a-5. Red - American United Cab Company, Inc., a taxicab radio dispatch service.

a-6. The color black, brown, green and gray shall be reserved for taxicab owners not affiliated with the 5 taxicab entities specified in pars. a-1 to 5.

b. Taximeter. b-1. The taximeter shall not be in error more than 1% in deficiency and more than 4% in excess of the interval under test.

b-2. After sundown a suitable light, so arranged as to throw a continuous steady light thereon, shall illuminate the face of the taximeter.

b-3. The taximeter case is sealed and its cover and gear intact.

b-4. Taximeters shall not be transferred between vehicles without permission of the city sealer.

b-5. Taximeters shall not be programmed to charge rates higher than permitted.

#### 4. HANDICAPPED-ELDERLY VEHICLE REQUIREMENTS.

Handicapped-elderly livery vehicles shall be suited for the transportation of handicapped or elderly persons who by reason of physical or mental infirmity or age cannot be transported on public mass transportation vehicles or in taxicabs. These vehicles shall have:

a. Doorways wide enough to accommodate a wheelchair.

b. Ramps or lifting devices for elevating wheelchairs from the curb or sidewalk into the vehicle.

c. Adequate means of securing wheelchairs to the inside of the vehicle and safety belts for all handicapped persons.

d. A door, in addition to those normally provided on the vehicle for ingress and egress

from the vehicle, located at the rear of the vehicles to be used as a method of escape in case of an emergency.

5. HORSE AND SURREY LIVERY REQUIREMENTS. A horse and surrey livery shall:

- a. Be in thoroughly safe and sanitary condition for the transportation of the public.
- b. Comply with the equipment requirements of ch. 347, Wis. Stats., as amended, with respect to lamps and identification emblem for animal drawn, slow moving vehicles.
- c. Be provided with facility to remove all fecal matter and flush all urine from public ways.
- d. Fixed seating. Each horse and surrey livery shall provide passengers with fixed seating which has been installed by the manufacturer of the surrey.
- e. Posting of Signs. Each horse and surrey livery shall securely post and maintain placards indicating the following:
  - e-1. The seating capacity of the surrey which has been specified by the manufacturer, or established by the chief of police, and declared on the application for a new or renewal permit pursuant to s. 100-50-4-f-3.
  - e-2. A placard posted in the passenger compartment in a conspicuous place visible to all occupants of the vehicle stating: "No standing while vehicle is in motion."

6. MOTORCYCLE USED FOR TOURS REQUIREMENTS. A motorcycle used for tours shall:

- a. Be in a thoroughly safe condition for the transportation of the public.
- b. Comply with the equipment requirements of ch. 347, Wis. Stats., as amended.

7. PEDICAB REQUIREMENTS. A pedicab shall be in a thoroughly safe condition for the transportation of the public.

Part 33. Section 100-52-5 of the code is amended to read:

100-52. Rates Established.

5. OTHER PUBLIC PASSENGER VEHICLE RATES. Maximum rates for other vehicles including those permitted for handicapped and elderly, as horse and surrey, luxury limousine, pedicab, motorcycle used for tours, [[motorcycle with sidecar used

for tours]] or shuttle vehicle may be established by adoption of such rates by the common council.

Part 34. Section 100-53-1-0 of the code is amended to read:

100-53. Financial Responsibility.

1. REQUIRED. >>a.<< No person may operate[[ or obtain]]>>, or shall be issued<< a permit to operate>>, << a public passenger vehicle unless the person has given to the city>>, << and there is in full force and effect at all times while the person is driving or operating a public passenger vehicle, on file with the city clerk, one of the following:

Part 35. Section 100-53-1-a to d of the code is renumbered a-1 to 4.

Part 36. Section 100-53-1-b of the code is created to read:

b. The permit will be automatically suspended by 9 a.m. on the day the bond or policy ceases to be in effect. The permit will be reinstated upon presentation of documentation evidencing insurance coverage required in this section by operation of law.

Part 37. Section 100-53-2 of the code is repealed.

Part 38. Section 100-53-3 to 7 of the code is renumbered 100-53-2 to 6.

Part 39. Section 100-54-2-b of the code is amended to read:

100-54. Driver's License.

2. QUALIFICATIONS AND APPLICATION.

b. Possess a valid state of Wisconsin motor vehicle driver's license, excluding occupational [[permits]]>>licenses<<. An applicant desiring to operate a motorcycle [[or motorcycle with a sidecar]] for tours within the city shall possess a valid state of Wisconsin motorcycle driver license for the operation of "Class M" vehicles under ch. 343, Wis. Stats., and shall be licensed as a public passenger vehicle driver by the city of Milwaukee.

Part 40. Section 100-54-5-f of the code is amended to read:

f. [[Any licensee who fails to apply for renewal prior to the expiration of the license period immediately following the license period for which his or her license was issued

shall have the license terminated on its expiration date.]] Any application filed after the expiration date >>of the license period following the license period for which the license was issued<< shall be considered a new [[permit]]>>license<< application and is subject to the requirements for an original license provided in sub. 2.

Part 41. Section 100-59-1-a of the code is amended to read:

100-59. Operating Regulations for all Public Passenger Vehicles

1. LICENSE TO BE EXHIBITED. a. Any driver while operating a vehicle shall display in a location clearly visible to the passengers and, in a motor vehicle illuminated at night, a valid license granted under this chapter, which license shall display the photograph of the driver. In lieu of displaying the license in a conspicuous place in the vehicle, the license may be carried on the person of a driver engaged in the operation of [[a public passenger vehicle, excepting taxicabs, handicapped-elderly vehicles and shuttle vehicles meeting the definition under s. 100-3-23-a]] >>the following public passenger vehicles: horse and surrey livery, luxury limousine, pedicab, motorcycle, and shuttle vehicle meeting the definition under s. 100-3-23-b<<.

Part 42. Section 100-59-1-b of the code is amended to read:

b. Whenever a licensee's state of Wisconsin motor vehicle driver's license is revoked or suspended, the public passenger vehicle driver's license issued under this chapter to the licensee shall be >>automatically suspended and<<returned to the city clerk within 10 working days following the date on which the motor vehicle driver's license was revoked or suspended. [[If the public passenger vehicle driver's license is not returned to the city clerk's office within the specific period, the license will be automatically suspended.]] The public passenger vehicle driver's license will be reinstated upon presentation of documentation evidencing the possession of a valid state of Wisconsin motor vehicle driver's license. [[If the licensee fails to present within 45 days of the date the public passenger vehicle license was suspended under this section documentation evidencing the possession of a valid state of Wisconsin motor vehicle driver's license, the city clerk shall issue a summons pursuant to s. 100-54-6-c demanding that the licensee appear before the licensing committee to show cause why the public passenger vehicle driver's license should not be revoked.]]

Part 43. Section 100-59-13 of the code is amended to read:

13. TRIP RECORDS. >>Prior to starting any shift, every driver shall fill in on the trip record his or her name, the shift date and start time, and the vehicle permit number. << Every driver shall complete in real time on a daily basis trip records, approved by the police department as to format, which shall show the date, time and place each passenger was picked up and the date, time and place each passenger was

discharged. [[Each daily record shall contain the driver's name and vehicle permit number.]] The permittee shall retain trip records for at least 6 months, and the original records shall be readily available for inspection upon request by the police department.

Part 44. Section 100-59-14-a of the code is amended to read:

#### 14. DAILY SAFETY CHECKLIST.

a. Every public passenger vehicle driver prior to the beginning of each shift shall inspect the vehicle to make sure that all equipment on the vehicle is operable and in good working condition and that the vehicle is maintained in a reasonably clean condition on the inside and outside. [[All vehicles shall be washed a minimum of once per week.]]

Part 45. Section 100-60 of the code is repealed and recreated to read:

#### 100-60. Additional Operating Regulations.

1. METER FARE TAXICABS. a. Taxi Stand Use. a-1. No taxicab standing at the head of a taxi stand line shall refuse to carry any orderly person applying for a taxicab who agrees to pay the proper fare, but this shall not prevent any person from selecting any taxicab he or she may desire on the stand whether it be at the head of the line or not.

a-2. As the taxicabs leave the line with passengers, those behind shall move up, and any taxicab seeking a place on the stand shall approach the same only from the rear of the stand and shall stop as near as possible to the last taxicab already on the line. No taxicab shall stand within 5 feet of any crosswalk.

b. Radio Service Prohibited. b-1. No person may provide radio service to any unlicensed taxicab or taxicab whose license has been suspended or revoked.

b-2. Penalty. Any person violating subd. b-1 shall be subject to the penalty provided in s. 100-62-2.

c. Double Loading. Double loading is prohibited unless expressly authorized by the first passenger. No driver may plant, or permit to be planted, any person for the purpose of assuming the role of a first passenger to attempt to evade the provisions of this paragraph. Any person consenting to act as a plant for the purpose of falsely assuming the role of a first passenger shall be considered with the driver to be violating this paragraph.



d. Maximum Period. A driver of a taxicab shall respond to a service request within 30 minutes upon receiving the request.

2. HORSE AND SURREY LIVERY. a. Hours of Operation. Unless otherwise authorized by the chief of police, no horse and surrey livery service shall be conducted between 7 a.m. and 9 a.m. and 3 p.m. and 6 p.m. on weekdays, except during the months of November, December, January and February, when no horse and surrey livery service shall be conducted between 7 a.m. and 9 a.m. and 3 p.m. and 6:30 p.m. on weekdays.

b. Sanitation. No driver of a horse and surrey livery may permit urine or fecal matter of such animal to remain on any street, alley, gutter, sidewalk, lawn, field or any public or private property as set forth in ss. 79-11 and 79-12, and it shall be solely the responsibility of the driver of the animal to immediately remove all fecal matter by shovel or like instrument, and dilute and flush the urine.

c. Maximum Number of Passengers. No horse and surrey shall carry more passengers than can be seated comfortably on the seats without exceeding the seating capacity of the surrey as posted pursuant to s.100-51.5-5-e-1, except up to 2 children under 5 years of age who each shall be carried in the arms of separate persons 18 years of age or older.

d. Riding with Driver Prohibited. The driver of any horse and surrey livery shall not permit any passenger to sit alongside the driver while the driver is engaged in the operation of the horse and surrey livery.

e. Operation on Certain Streets Restricted. No horse and surrey livery shall be operated on East State Street, West State Street, East Wells Street or West Wells Street for more than one block length at a time. Whenever a horse and surrey livery operates for one block on one of the specified streets, it shall then turn onto an intersecting street.

f. Horse and Surrey Stands. Livery services shall stop, stand or park only at stands approved for that purpose pursuant to s.101-23-9.

g. Serious Injury. g-1. Whenever a horse and surrey animal is injured in an accident so severely that the police department believes euthanasia may be necessary, the police department shall immediately contact the horse and surrey livery permittee, inform the permittee of the situation and, in consultation with the permittee, determine whether euthanasia is required.

g-2. If the police department and the permittee agree that euthanasia is required and determine that the licensed veterinarian on call is able to come to the accident site in a

period of time that will not prolong excessive suffering by the animal, the permittee shall immediately summon the veterinarian to the accident site. Euthanasia shall then be permitted only when both of the following conditions are met:

g-2-a. The euthanasia is performed by a veterinarian licensed by the state of Wisconsin who concurs with the determination of the police department and the permittee that euthanasia is necessary.

g-2-b. The euthanasia is administered by painless lethal injection.

g-3. The police department may euthanize a horse and surrey animal with close range gunfire directed at the animal's brain under any of the following circumstances:

g-3-a. The police department and the permittee agree that euthanasia is required but determine that the veterinarian cannot come to the accident site in a period of time that will not prolong excessive suffering by the animal.

g-3-b. The police department is unable to make contact with the permittee, and the police department determines that, in order to prevent excessive suffering by the animal, the animal must be euthanized immediately.

g-3-c. The police department determines that the animal poses an immediate and serious threat to public safety.

3. SHUTTLE VEHICLES. a. Each person holding a permit for a shuttle vehicle operating on a fixed route and schedule shall post a current route schedule in the vehicle and submit a copy to the city clerk.

b. No shuttle vehicle operating on a fixed route and schedule may deviate from the route filed with the city clerk, without the person holding a permit for the shuttle vehicle having first filed an amended route and schedule form with the city clerk's office at least 48 hours prior to the change in route and schedule.

Part 46. Section 100-61 of the code is repealed and recreated to read:

100-61. Driver Operating Activity. Table 100-61 indicates the driver operating activity classifications relating to means of hiring vehicles, types of passenger occupancy, and routes and schedules requirements for all public passenger vehicles permitted under this chapter, excepting shuttle vehicles meeting the definition under s. 100-3-23-b. The following are the activity classifications indicated in Table 100-61:

a. "Y" indicates a permitted activity.

b. "R" indicates an activity authorized on a restricted basis.

c. "N" indicates a prohibited activity.

Table 100-61 DRIVER OPERATING ACTIVITY TABLE

Y = Permitted Activity R = Restricted Activity N = Prohibited Activity		Means of	
Hiring Vehicles	Passenger Occupancy	Routes and Schedules	Exclusive Ride
Public Passenger	Vehicle Type	Stands	Hail
Ride Sharing	Reserved Group	Fixed Route	Variable Schedule
Handicapped-Elderly Vehicle	Y N	Y N	Y Y N Y
Horse and Surrey Livery	Y Y	Y Y	R Y N Y
Luxury Limousine	N N	Y Y	N Y N Y
Motorcycle Used for Tours	Y N	Y Y	N N N Y
Pedicab	Y Y Y Y	N N	N N Y
Shuttle Vehicle	Y N	Y N	Y Y Y N
Taxicab Meter Fare	Y Y	Y Y	R Y N Y
Taxicab Zone Fare	Y Y	Y N	Y N N Y

Part 47. Section 100-62 to 68 of the code is repealed.

Part 48. Section 100-70 of the code is renumbered 100-62.

Part 49. Section 100-62-2-0 of the code is amended to read:

100-62. Penalty.

2. Any person who violates s. 100-50-1 or [[100-60-3-a]]>>100-60-1-b-1<< shall upon conviction be subject to the following forfeitures together with the costs of prosecution, and, in default of payment be confined in the county jail or house of correction until such forfeiture and costs are paid, but not to exceed 40 days:

Section 50. Section 100-62-3 of the code is amended to read:

3. Any person who violates s. [[100-51-7-c to q]]>>100-51.5-1 or 2<<, s. 100-59-1, 6, 13 or 14, or s. [[100-61-3]]>>100-60-2-b<< shall upon conviction forfeit not less than \$25 nor more than \$200 together with the costs of prosecution, or in default of payment may be imprisoned in the county house of correction for a period not to exceed 8 days.

Part 51. This ordinance shall be effective January 1, 2009.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

ADOPTION OF THE FOLLOWING:

5. [081051](#) Resolution authorizing the acceptance and expenditure of up to \$20,000 in private contributions to the Fire Department for use in emergency medical services research studies.
- Whereas, Section 304-24 of the Milwaukee Code of Ordinances regulates the receipt, appropriation and expenditures of contributions received by the City; and
- Whereas, Common Council resolutions have authorized the Milwaukee Fire Department to accept contributions for various programs including special teams training, fire safety public education programs, wellness/fitness programs, and Project Staying Alive education programs; and
- Whereas, The Medical College of Wisconsin has pledged contributions totaling \$7,000 to the Milwaukee Fire Department for training, education, equipment and supplies related to emergency medical service research studies; and
- Whereas, This research includes studies such as the Hypertonic Saline Trial involving trauma patients and the Immediate Myocardial Metabolic Enhancement and Resuscitation Outcome Consortium (ROC) Primed trials for persons in cardiac arrest; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Milwaukee Fire Department is authorized to accept up to \$20,000 in private contributions for the purpose of conducting emergency medical research studies, and to expend such funds for this purpose, but no more than the amount actually received, in accordance with established City policies, for the department to conduct emergency medical services research studies; and, be it
- Further Resolved, That upon receipt and deposit of these funds, the City Comptroller is directed to establish a special account within the Milwaukee Fire Department budget for the expenditure of the funds; and, be it
- Further Resolved, That the City Comptroller is directed to transfer appropriations and estimated revenue from the Special Purpose Account-Contributions, account number 0001- 2110-0001-D001-006300, and the Estimated Revenue Account for Contributions, account number 0001-9990-0001-009850 to the Fire Department special account 0001-3280-0001-Dxxx- 006800, and the Fire Department estimated

revenue account 0001-3280-0001-009850, up to the amount of \$20,000.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

- 6. [081075](#) Resolution approving an agreement between the City of Milwaukee Fire Department and the Wisconsin Department of Transportation to ensure that emergency response capabilities are not adversely affected by the I-94 N-S Corridor Reconstruction Project.

Whereas, The Wisconsin Department of Transportation will be conducting an I-94 N-S Corridor Reconstruction project: and

Whereas, The project area is defined as interstates I-94, I-43 and I-894 from College Avenue on the south, Loomis Road on the west and Howard Avenue on the north; and

Whereas, The Wisconsin Department of Transportation will provide \$40,000 to the Fire Department to provide planning, coordination and staffing services in an effort to mitigate emergency incidents in the project area; and

Whereas, The Fire Department will stay informed of project roadway closures and construction progress for a 2-year period commencing on November 1, 2008 and ending on December 31, 2010; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the agreement between the City of Milwaukee Fire Department and the Wisconsin Department of Transportation to ensure that emergency response capabilities are not adversely affected by the I-94 N-S Corridor Reconstruction Project, a copy of which is attached, is approved; and, be it

Further Resolved, That the City Comptroller is authorized to:

- 1. Commit funds within the Grant Parent Account of the 2008 Special Revenue Grant and Aid Projects fund the following amounts for the project/program entitled I-94 N-S Corridor Reconstruction Project;

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000

Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$40,000

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

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

1. Expend from the amount budgeted sums for the specified purposes, as indicated in the grant budget, and incur costs consistent with the award date;
2. Expend from the 2008 grant budget funds for training department staff;
3. 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%.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

7. [081106](#) Resolution relating to approval of the updated “Domestic Animal Control Services Agreement” for the Milwaukee Area Domestic Animal Control Commission. Whereas, All nineteen (19) municipalities in Milwaukee County approved a resolution in 1997 approving the original “Domestic Animal Control Services Agreement” for participation in the Milwaukee Area Domestic Animal Control Commission (MADACC); and

Whereas, The Common Council of the City of Milwaukee approved its original participation under said agreement; and

Whereas, After ten (10) years of operation, it is desirous and necessary to update the original agreement; and

Whereas, The MADACC Board of Directors has voted to recommend that this resolution be adopted approving the attached revised participation agreement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the attached revised participation agreement is hereby approved; and, be it

Further Resolved, That the proper City officials are hereby authorized and directed to execute said 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

8. [081121](#) Resolution approving a Grant/Intergovernmental Cooperation Agreement with the Milwaukee Board of School Directors for Police Services.

Whereas, On September 26, 2006, the Common Council adopted Resolution File Number 060665, approving an agreement for the 2006-2007 school year between the City and the Milwaukee Board of School Directors (“Board”) to assign fully marked police squads with 2 on-duty officers to patrol certain schools between 3:00 p.m. and 4:30 p.m. each school day; and

Whereas, On December 11, 2007, the Common Council adopted Resolution File Number 071004, continuing the cooperation agreement for police services between the City and the Board for the 2007-2008 school year; and

Whereas, The Board desires to continue the services of police squads patrolling schools that the Board’s Director of the Division of School Safety and the Police Department mutually determine would benefit from the patrols for the 2008-2009 school year; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the grant for the provision of additional law enforcement services be accepted and the Police Department shall accept this grant without further approval unless the terms of the grant change, as indicated in s. 304-81 of the Code of Ordinances; and, be it

Further Resolved, That the proper City officers are authorized to execute the Intergovernmental Cooperation Agreement with the Board, a copy of which is attached to this file; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amount for program titled “MBSD Grant”:

Project/Grant	Fund	Org	Program	BY	Subclass	Account
GR00008000000	0150	9990	0001	0000	R999	000600

Project Amount  
Grantor Share \$60,000

2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels, budget against these Project/Grant values the amount 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 Police Department, which is authorized to:

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

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%.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

PLACING ON FILE THE FOLLOWING:

9. [081039](#) Communication from the Milwaukee Police Department relating to its inspection of public passenger vehicles.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0



## THE FINANCE &amp; PERSONNEL COMMITTEE RECOMMENDS:

## PASSAGE OF THE FOLLOWING:

1. [080924](#) A substitute ordinance to further amend the 2009 rates of pay of offices and positions in the City Service under control of the Common Council.  
The Mayor and Common Council of the City of Milwaukee do ordain as follows:  
  
Part 1. Section 2 of ordinance File Number 080521 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2009 - December 28, 2008):  
  
Under Salary Grade 002, delete the titles "Equipment Inventory Supervisor", "Pension Counselor", "Payroll Coordinator" and "Stores Assistant Supervisor."  
  
Under Salary Grade 003, delete the titles "Diversity Specialist", "Occupational Health Nurse" and "Sewer Examiner Supervisor."  
  
Under Salary Grade 004, delete the titles "Geographic Information Supervisor", "Health Insurance Specialist 4/", "Health Project Coordinator-CCR", "Health Project Coordinator (FIMR)", "Health Project Coordinator (LEAD)", "Legislative Research Analyst Associate" "Meter Reader Assistant Supervisor", "Meter Repair Assistant Supervisor 5/", "Payroll Coordinator-Senior", "Review Analyst Associate", delete footnote "4/" in its entirety and add the title "Legislative Fiscal Analyst-Associate."  
  
Under Salary Grade 005, delete the titles "Diversity Specialist-Senior", "Health Center Administrator", "Housing Rehabilitation Coordinator", "Medical Assistance Outreach Coordinator", "Occupational Health Nurse-Senior", "Training & Development Specialist" and add the title "Medical Assistance Program Supervisor."  
  
Under Salary Grade 006, delete the titles "Architectural Services Specialist", "Assistant Principal Planner", "Community Lead Program Manager, "Contract Liaison Officer", "EDP Auditor", "Fiscal Review Analyst-Senior", "Legislative Research Analyst-Senior", "Personnel Analyst-Lead", "Plan Examination Assistant Supervisor", "Producer", "Senior Housing Manager"; add the titles "Legislative Fiscal Analyst-Senior" and "City Channel Manager."  
  
Under Salary Grade 007, delete the titles "Childcare Program Manager", "DCD Personnel Officer", "Economic Development Specialist-Senior", "Environmental Health Program Supervisor" and "Recruiting & Training Specialist."  
  
Under Salary Grade 008, delete the titles "Maintenance Operations Manager", "Municipal Health Services Program Manager", "Plan Examination Supervisor" and

"Project Manager 2/" and delete footnote "2/" in its entirety.

Under Salary Grade 009, delete the titles "Diversity & Outreach Officer", "Healthcare Access & Services Manager", "Neighborhood Development Manager", "Public Relations Officer", "Publications & Information Manager"; add the titles "Public Information Manager", "Strategic Development Manager" and "Human Resources Compliance Officer."

Under Salary Grade 010, delete the titles "Planning Administration Manager" and "Sewer Services District Manager-Senior."

Under Salary Grade 011, delete the title "Compass Project Policy Director."

Under Salary Grade 012, delete the title "Assistant Planning Director" and add the title "City Planning Manager."

Under Salary Grade 013, delete the titles "Electrical Engineer V" and "Street Lighting Engineer."

Under Salary Grade 015, delete the title "Planning Director."

Part 2. Section 8 of ordinance File Number 080521 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2009 - December 28, 2008):

Under Pay Range 541, add the footnote designation "6/" following the title "Code Enforcement Inspector II" and add the following footnote "6/ Effective Pay Period 1, 2009, one position filled by Jeffery Berry to be paid rates consistent with Pay Range 556."

Part 3. Section 18 of ordinance File Number 080521 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 812, delete the title "Chief Document Examiner" and add the title "Chief Latent Print Examiner."

Part 4. Section 19 of ordinance File Number 080521 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2004 - December 21, 2003):

Under Pay Ranges 831 through 842, delete the current biweekly rates of pay and substitute therefor the following biweekly rates of pay:

Pay Range 831

Biweekly Rate

1,916.19	1,991.81	2,070.49	2,152.30	2,237.37	2,325.90
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Pay Range 835

Biweekly Rate

2,152.30	2,237.37	2,325.90	2,417.90	2,513.61	2,613.02
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Pay Range 836

Biweekly Rate

2,237.37	2,325.90	2,417.90	2,513.61	2,613.02	2,716.54
----------	----------	----------	----------	----------	----------

Administrative Lieutenant of Police 1/3/

Administrative Lieutenant of Police (Health and Safety) 1/3/

Communications Maintenance Manager 2/3/

Lieutenant of Detectives 1/3/

Lieutenant of Police 1/3/

3/ Effective Pay Period 1, 2004, employees in Pay Range 836 shall receive an amount equal to one percent of base salary in lieu of any other compensation for time spent underfilling authorized positions at the direction of the employee's commanding officer. This payment shall be construed as part of the employee's base salary solely for the purpose of computing pension benefits and shall not be included in the determination of any other benefits.

Pay Range 839

Biweekly Rate

2,513.61	2,613.02	2,716.54	2,824.14	2,936.14	3,052.53
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Pay Range 842

Biweekly Rate

2,824.14	2,936.14	3,052.53	3,173.64	3,299.54	3,430.48
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Part 5. Section 19 of ordinance File Number 080521 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2005 - December 21, 2004):

Under Pay Ranges 831 through 842 delete the current biweekly rates of pay and substitute therefor the following biweekly rates of pay:

Pay Range 831

Biweekly Rate

1,981.34 2,059.53 2,140.89 2,225.48 2,313.44 2,404.98

Pay Range 835

Biweekly Rate

2,225.48 2,313.44 2,404.98 2,500.11 2,599.07 2,701.86

Pay Range 836

Biweekly Rate

2,313.44 2,404.98 2,500.11 2,599.07 2,701.86 2,808.90

- Administrative Lieutenant of Police 1/3/
- Administrative Lieutenant of Police (Health and Safety) 1/3/
- Communications Maintenance Manager 2/3/
- Lieutenant of Detectives 1/3/
- Lieutenant of Police 1/3/

3/ Effective Pay Period 1, 2004, employees in Pay Range 836 shall receive an amount equal to one percent of base salary in lieu of any other compensation for time spent underfilling authorized positions at the direction of the employee's commanding officer. This payment shall be construed as part of the employee's base salary solely for the purpose of computing pension benefits and shall not be included in the determination of any other benefits.

Pay Range 839

Biweekly Rate

2,599.07 2,701.86 2,808.90 2,920.16 3,035.97 3,156.32

Pay Range 842

Biweekly Rate

2,920.16 3,035.97 3,156.32 3,281.54 3,411.72 3,547.12

Part 6. Section 19 of ordinance File Number 080521 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2006 - January 1, 2006):

Under Pay Ranges 831 through 842 delete the current biweekly rates of pay and substitute therefor the following biweekly rates of pay:

Pay Range 831

Biweekly Rate

2,046.72 2,127.49 2,211.54 2,298.92 2,389.78 2,484.34

Pay Range 835

Biweekly Rate

2,298.92 2,389.78 2,484.34 2,582.61 2,684.84 2,791.02

Pay Range 836

Biweekly Rate

2,389.78 2,484.34 2,582.61 2,684.84 2,791.02 2,901.59

- Administrative Lieutenant of Police 1/3/
- Administrative Lieutenant of Police (Health and Safety) 1/3/
- Communications Maintenance Manager 2/3/
- Lieutenant of Detectives 1/3/
- Lieutenant of Police 1/3/

3/ Effective Pay Period 1, 2004, employees in Pay Range 836 shall receive an amount equal to one percent of base salary in lieu of any other compensation for time spent underfilling authorized positions at the direction of the employee's commanding officer. This payment shall be construed as part of the employee's base salary solely for the purpose of computing pension benefits and shall not be included in the

determination of any other benefits.

Pay Range 839

Biweekly Rate

2,684.84 2,791.02 2,901.59 3,016.53 3,136.16 3,260.48

Pay Range 842

Biweekly Rate

3,016.53 3,136.16 3,260.48 3,389.83 3,524.31 3,664.17

Part 7. Section 22 of ordinance File Number 080521 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2008 - December 30, 2007):

Delete the current biweekly rates of pay under Pay Ranges 863-867 and substitute therefor the following:

Pay Range 863

Biweekly Rate

2,830.46 2,942.41 3,058.98 3,180.13 3,306.26 3,437.32

Pay Range 865

Biweekly Rate

3,180.13 3,306.26 3,437.32 3,573.69 3,715.46 3,862.90

Pay Range 867

Biweekly Rate

4,247.46 4,416.25 4,591.71 4,774.34 4,964.18 5,161.61

Part 8. Part II, Section 12, of ordinance File Number 080521 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2009 - December 28, 2008):

Under Part II, Section 12, delete (e)(2) and (3) and replace with the following:

(2) Increases Within Salary Grade: Except as provided below, management pay plan employees, other than elected officials, shall be eligible for a salary increase of 0% to

4% within a 12-month rating period up to the maximum of the salary grade. This salary increase shall be based upon administrative guidelines developed by the Department of Employee Relations. This salary increase shall be effective on the employee's anniversary date provided job performance during the rating period has been fully satisfactory. Job performance during the rating period must be documented by a minimum of one written performance review.

In the event of a less than satisfactory performance during the rating period, a department head may delay or withhold an annual salary increase. Department heads who intend to delay or withhold an annual salary increase must notify the Department of Employee Relations and the affected employee before taking such action. Employees have a right to appeal this decision before the City Service Commission.

In the Common Council - City Clerks Office, incumbents of the titles of Legislative Assistant, Staff Assistant to the Council President, Legislative Coordinator-Senior, and Executive Administrative Assistant II shall only be eligible for a salary increase of 3.1% within a 12-month rating period up to the maximum of the salary grade. This salary increase shall be effective on the employee's anniversary date provided job performance during the rating period has been fully satisfactory. Those incumbents at the maximum of the salary grade may be considered for an Exceptional Achievement Award as described below.

(3) Exceptional Achievement Award: Except as provided above, management pay plan employees at the maximum of the salary grade, other than elected officials, may be awarded for exceptional performance that is measurable and consistent with the mission and objectives/outcomes established by policy makers for the department, a nonpensionable, non-base building lump sum equal to 1% of the midpoint of the employee's current salary grade. Job performance during the rating period must be documented by a minimum of one written performance review. These awards must be approved by the Department of Employee Relations and an individual may not receive more than one award during a 12 month period. The Department of Employee Relations shall establish administrative guidelines for approving these awards.

Part 9. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 10. The provisions of Section 4 of this ordinance are deemed to be in force and effect from and after Pay Period 1, 2004 (December 21, 2003).

The provisions of Section 5 of this ordinance are deemed to be in force and effect from and after Pay Period 1, 2005 (December 19, 2004).

The provisions of Section 6 of this ordinance are deemed to be in force and effect

from and after Pay Period 1, 2006 (January 1, 2006).

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

The provisions of Sections 1, 2 and 8 of this ordinance are deemed to be in force and effect from and after Pay Period 1, 2009 (December 28, 2008).

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

Part 11. This ordinance will take effect and be in force from and after its passage and publication.

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

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

**No:** 1 - Puente

2. [080925](#) A substitute ordinance to further amend the 2009 offices and positions in the City Service under control of the Common Council.

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

Part 1. Section 1 of ordinance File Number 080522 relative to offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2009 - December 28, 2008):

Under "Department of Administration, Budget and Management Division", delete one position of "Office Supervisor II" and add one position of "Administrative Specialist." Under "Department of Administration, Homeland Security Division", amend footnote "(B)" to read as follows: "Position authority to expire when current 6-month grant funding expires."

Under "Department of City Development, General Management and Policy Development Decision Unit, Officer of the Commissioner", delete one position of "Program Assistant III"; under "Real Estate and Development", delete one position of "Development Manager (Y)" and add one position of "Strategic Development Manager (Y)"; under "Planning Section", delete one position of "Assistant Planning Director", one position of "Planning Director (Y)" and add one position of "City Planning Manager."

Under "Common Council-City Clerk, Central Administration Division, Clerical Section", delete one position of "Office Supervisor II" and add one position of "Administrative Specialist"; under "Council Records Section", delete one position of "Office Supervisor I" and add one position of "Administrative Services Specialist";



under "Public Information Division, Public Relations Section", delete one position of "Publications and Information Manager" and add one position of "Public Information Manager"; under "Television Services Section", delete one position of "Producer" and add one position of "City Channel Manager."

Under "Department of Employee Relations, Administration Division, Office of Diversity and Outreach", delete one position of "Diversity Outreach Officer (Y) and add one position of "Human Resources Compliance Officer (Y)."

Under "Fire Department", add footnote designation "(Y)" to one position of "Assistant Fire Chief"; under "Firefighting Division Decision Unit", add one position of "Fire Lieutenant"; under "Paramedic Service", delete one position of "Paramedic Field Lieutenant (C)(I)/Fire Lieutenant (C)(I)."

Under "Fire Department, Supporting Services Decision Unit - Metropolitan Medical Response System Program Grant," amend footnote "(A)" to read as follows: "To expire 6/30/11 unless the Metropolitan Medical Response System Program Grant is extended."

Under "Fire Department, Supporting Services - Fire Lieutenant, Project Staying Alive Coordinator," amend footnote "(X)" to read as follows: "To expire 12/31/2009 unless the 2009 PSN Eastern District Gun Violence Reduction grant is extended or unless contribution accounts become insufficient to support the Safe Schools/Healthy Students Initiative, Project Staying Alive program."

Under "Fire Department , Firefighting Division Decision Unit, delete three positions of "Battalion Chief, Fire" and add twenty-four positions of "Firefighter" and three positions of "Fire Captain - Incident Safety Officer."

Under "Health Department, Adolescent Community Health Grant (J)", delete one position of "Health Project Coordinator-Plain Talk (X) (Y) (NNN) (QQQ) (RRR)" and add one position of "Health Project Coordinator-Plain Talk (X) (Y) (NNN) (QQQ) (RRR) (B)" and add footnote "(B)" to read as follows: "To expire 12/31/09 unless replacement funding is received."

Under "Family and Community Health Services Division, Women's, Infant's and Children's Nutrition Program Grant (C)", delete one position of "Public Health Nurse (X)(C)" and add one position of "Public Health Nurse (X) (G) (C)" and amend footnote "(C)" to read as follows: "To expire 12/31/09 unless the Women's, Infant's and Children's Grant, available from the Wisconsin Department of Health and Family Services, is extended"; Under "Tobacco Control Community Coalition II Grant (T)" add one position of "Health Project Coordinator (Tobacco & Men's Health) (X) (Y) (T)" and amend footnote "(T)" to read as follows: "To expire 12/31/09 unless the Tobacco Control Community Coalition II Grant, available from the State of Wisconsin

Division of Health and Family Services is extended”; amend footnote “(V)” to read as follows: “To expire 12/31/09 unless the SURVNET Grant available from the Wisconsin Division of Health and Family Services, is extended”; under “Comprehensive Home Visiting Grant (E)”, delete one position of “Office Assistant II (E) (D)”, one position of “Office Assistant II (E)” and amend footnote “(E)” to read as follows: “To expire 12/31/09 unless the Comprehensive Home Visiting Grant is extended”; under “Milwaukee Fetal Infant Mortality Review Grant (M)”, delete one position of “Health Project Assistant (X) (M)”; under “Adolescent Community Health Grant (J)”, delete one position of “Nutritionist Coordinator (X) (J)” and one position of “Public Health Nurse (X) (G) (J) (MMM)(S)” and add one position of “Public Health Nurse (X) (G) (J) (MMM)”, one position of “Public Health Educator (X) (J)”, one position of “Office Assistant II (J)”, one position of “Health Project Assistant (X) (M) (J)”; Preventive Health Grant (I)”, delete one position of “Public Health Educator (X) (J)(I)” and one position of “Office Assistant II (J)(I)” and add one position of “Nutritionist Coordinator (X)(J)(I).”

Under “Disease Control and Environmental Health Services Division”, amend footnote “(A)” to read as follows: “To expire 12/31/09 unless the CDC Public Health Preparedness Grant is extended. Public Health Emergency Response Planning Coordinator also partially funded by the Bioterrorism-Focus CRI/Pandemic Influenza Grant. Also partially funds Health Project Coordinator-Immunizations”; delete the title “Weinhardt Computerized HIV Intervention Grant (AAA)” and one position of “Nurse Practitioner (AAA) (X) (BBB)” and add the title “Dual Protection Partnership Initiative Grant (BBB)” and one position of “Nurse Practitioner (X) (BBB) (AAA)” and amend footnote “(BBB)” to read as follows: “To expire 12/31/09 unless the Dual Protection Partnership Initiative from the State of Wisconsin Division of Public Health-Family Planning Program (DPH-FP) and the Family Planning Health Services, Inc. (FPHS, Inc.) is extended”; amend footnote “(F)” to read as follows: “To expire 12/31/09 unless the Sexually Transmitted Diseases Grant, available from the State of Wisconsin Division of Health and Family Services, is extended”; amend footnote “(NNN)” to read as follows: “To expire 11/30/09 unless the Plain Talk Initiative - United Way is extended. Partially funds one position of Health Project Coordinator - Plaintiff”; amend footnote “(S)” to read as follows: “To expire 04/15/09 unless the Medical Assistance Outreach Grant is extended. Partially funds one position of Public Health Educator II”; amend footnote “(HH)” to ready as follows: “To expire 12/31/09 unless the Hepatitis B Immunization Grant is extended. A portion of the Health Interpreter Aide may be funded by other sources”; under “Childhood Lead Detection Program (Z)”, delete one position of “Lead Hazard Prevention Manager (X) (Z)” and add one position of “Lead Grant Project Manager (X) (Y) (Z)”; under “Childhood Immunization Disparities Grant (YY)”, delete one position of “Office Assistant II (YY) (0.5 FTE)” and add one position of “Office Assistant II (YY) (DD) (0.5 FTE)” and amend footnote “(I)” to read as follows: “To expire 12/31/09 unless the Preventive Health Grant is extended”; amend footnote “(J)” to read as follows: “To expire

12/31/09 unless the Adolescent Community Health Grant is extended. Also partially funds one position each of Nutritionist Coordinator”; amend footnote “(Z)” to read as follows: “To expire 12/31/09 unless the Childhood Lead Detection Grant is extended”; amend footnote “(DD)” to read as follows: “To expire 12/31/09 unless the Immunization Action Plan Grant is extended. Also partially funds one position of Public Health Nurse and one position of Office Assistant II (0.5 FTE)””; amend footnote “(KK)” to read as follows: “To expire 12/31/09 unless the MBCAP-Well Women Grant is extended”; amend footnote “(MMM)” to read as follows: “To expire 12/31/09 unless the Early Identification and Detection of Pregnancy Grant is extended. Partially funds one position of Public Health Nurse.”

Under “Health Department”, add one position of “Environmental & Disease Control Specialist (X) (CCC).”

Under Library, Administrative Services Decision Unit”, delete one position of “Program Assistant II” and add two positions of “Custodial Worker II-City Laborer”; under “Neighborhood Library & Extension Services Decision Unit”, delete three positions of “Library Circulation Assistant I” and six positions of “Librarian II” and delete two positions of “Library Services Assistant”, two positions “Library Circulation Aide (0.56 FTE)”, two positions of “Library Branch Manager”, two positions of “Library Reference Assistant” and one position of “Library Driver”; under “Central Library Decision Unit”, add one position of “Librarian II.”

Under “Department of Neighborhood Services, Code Enforcement Section”, add footnote designation “(B)” to one position of “Code Enforcement Inspector II (X)” and add footnote “(B)” to read as follows: “Soft red circle one position held by Jeffery Berry at Pay Range 556.”

Under “Police Department”, add footnote designation (Y) to one position of “Chief of Staff” and four positions of “Assistant Chief of Police.”

Under “Police Department, Administration Services Decision Unit”, amend footnote “(G)” to read as follows: “Milwaukee Area Human Trafficking Task Force Grant. Position authority to expire 2/28/10 unless the Milwaukee Area Human Trafficking Task Force Grant funding is extended.”

Under “Police Department, Operation Decision Unit”, amend footnote “(S)” to read as follows: “State Beat Patrol Grant: To expire 12/31/2009 unless the Beat Patrol Grant, available from the State of Wisconsin, Office of Justice Assistance is extended.”

Under “Department of Public Works, Operation Division, Fleet Operations/Dispatch Section”, add three positions of “Operations Driver/Worker”; under “Fleet Services

Section”, add three positions of “Vehicle Service Technician”; under “Fleet Operations/Dispatch Section”, add two positions of “Operations Driver/Worker”; under “Facilities Development & Management Section”, add two positions of “Custodial Worker II/City Laborer” and one position of “Maintenance Technician II”; under “Sanitation Section”, add two positions of “Operations Driver Worker (D)”; under “Forestry Section”, add seven positions of “Urban Forestry Specialist.” 7

Part 2. Section 1 of ordinance File Number 080522 relative to offices and positions in the City Service is hereby amended as follows:

Under “Police Department, Administration Services Decision Unit, Identification Division”, delete one position of “Chief Document Examiner” and add one position of “Chief Latent Print Examiner.”

Part 3. Section 7 of ordinance File Number 080522 relative to offices and positions in the City Service is hereby amended as follows (Pay Period 1, 2009 - December 28, 2008):

Under section 7, add the titles “Ambulance Service Board” and “Review Board for Taxicab charges, fares and regulation.”

Part 4. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 5. The provisions of Part 1 and 3 of this ordinance are deemed to be in force and effect from and after Pay Period 1, 2009 (December 28, 2008).

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

Part 6. This ordinance will take effect and be in force from and after its passage and publication.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

3. [081033](#) A substitute ordinance regarding tuition benefits for management pay plan employees.

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

Part 1. Section 350-206 of the code is amended to read:

350-206. Tuition Benefits; Management Pay Plan Employees. Employees in the management pay plan shall be eligible for tuition benefits relating to tuition, laboratory fees and required textbooks. For the [[2-year calendar period of 2007 and 2008,]]>>2009 calendar year, tuition<< benefits [[are a combined maximum of \$2,400]]>>shall be \$1,200<<. The following provisions apply:

1. Up to \$500 of tuition benefits per year may be used for job-related certifications or license fees.
2. Up to a [[combined]] maximum of [[[\$2,400]]>>\$1,200<< in tuition benefits may be used for membership dues during[[calendar years 2007 and 2008]] >>the 2009 calendar year<<.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

4. [081046](#) An ordinance relating to fees for animal licenses.

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

Part 1. Section 60-7-3 of the code is amended to read:

60-7. Animal Licenses.

3. Application for a license may be made from January 1 to April 1 without paying a late filing fee. Any license applied for after April 1 shall cost an additional [[[\$10]] >>\$12<< for an unspayed or unneutered cat or dog, and [[[\$5]] >>\$6<< for a spayed or neutered cat or dog, unless the applicant has proof that the animal has been acquired or that it has just reached the age of 5 months within the last 30 days prior to application or that the applicant has established city residency within the last 30 days prior to the application. (See s. 78-17.)

Part 2. Section 60-7-4 to 6 of the code is created to read:

4. The fee for an unspayed or unneutered dog or cat which has not reached the age of 5 months prior to July 1 shall be \$12.

5. The fee for a spayed or neutered dog or cat which has not reached the age of 5 months prior to July 1 shall be \$6.

6. The fee for a replacement animal license shall be \$2.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

ADOPTION OF THE FOLLOWING:

5. [070012](#) Substitute resolution to ratify and confirm the final agreement between the City of Milwaukee and the Milwaukee Police Supervisors' Organization.
- Whereas, The agreement between the city negotiating team and the Milwaukee Police Supervisors Association for the time period commencing January 1, 2004 through December 31, 2006, has been reduced to writing; and
- Whereas, The memorandum of understanding embodying the agreement reached by the parties and the arbitrator's award, copies of which are attached to Common Council File No. 070012 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 Police Supervisors Organization 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 Police Supervisors' Organization; 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. PUENTE that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**

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

**No:** 0

**Abstain:** 1 - Puente

6. [080962](#) Resolution authorizing the issuance of \$25,000,000 general obligation notes to pay a general and current municipal expense associated with the Community Development Block Grant and other grant programs.
- Whereas, The budget for the fiscal year 2009 (the "Fiscal Year") of the City of Milwaukee authorizes contingent borrowing in the form of general obligation bonds or notes, for any purposes not contemplated at the time the budget was adopted in the amount of at least \$50,000,000; and
- Whereas, Section 67.12(12), Wis. Stats., authorizes the issuance of general obligation notes for the purpose of paying a general and current municipal expense, such as expenses associated with the Community Development Block Grant and other grant programs; and
- Whereas, For the Fiscal Year, under the City of Milwaukee Community Block Grant Agreement it is anticipated that grant award funds will be approved but such funds have not been released to the City; that under other grant programs, it is anticipated that funds will be approved but such funds have not been released to the City; and the City needs \$25,000,000 to fund the programs pending approval and receipt of the grant funds; and
- Whereas, The Common Council is desirous of issuing and selling up to \$25,000,000 of promissory notes for Fiscal Year operation costs in the event such grants are not received as anticipated; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Commissioners of the Public Debt are authorized to sell and issue general obligation short-term promissory notes under s. 67.12(12), Wis. Stats., in an amount not to exceed \$25,000,000 for the purpose of funding the difference between the amount budgeted and the grants received for the Fiscal Year for the Community Development Block Grant Award Program, and other grant programs; and, be it

Further Resolved, That said promissory notes shall be issued pursuant to amounts provided for in the Fiscal Year's budget for Contingent Borrowing; and, be it

Further Resolved, That notes pursuant to this resolution are designated an approved use for Contingent Borrowing as authorized to be issued by Resolution File Number 080960.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

7. [081076](#) Resolution authorizing the Milwaukee Fire Department's application, acceptance and funding of the 2009 PSN (Project Safe Neighborhoods) Eastern District Gun Violence Reduction grant from the State of Wisconsin Office of Justice Assistance.

Whereas, The Milwaukee Fire Department has been the recipient of past grants sponsored by the State of Wisconsin Office of Justice Assistance; and

Whereas, On November 21, 2007, the Common Council adopted Resolution File 070875 authorizing the acceptance and expenditure of up to \$650,000 in private contributions from the Milwaukee Public Schools and Children's Hospital to train members of the Milwaukee Fire Department and purchase various supplies for the Safe Schools/Healthy Students Initiative, Project Staying Alive program; and

Whereas, The Milwaukee Fire Department appears to be eligible to receive a 100% grantor funded 2009 PSN Eastern District Gun Violence Reduction grant in the amount of \$30,000 to fund a Project Staying Alive Coordinator at the Fire Lieutenant rank for that same program; and

Whereas, The operation of this grant project from January 1, 2009 through December 31, 2009 would cost \$30,000, which requires no city match; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Milwaukee Fire Department is authorized to apply for and accept a 2009 PSN Eastern District Gun Violence Reduction grant in the amount up to \$30,000 and to expend such funds for that purpose, no more than the amount actually received, in accordance with established City policies; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Grant Parent Account of the 2009 Special Revenue Grant and Aid Projects fund the following amounts for the project/program entitled 2009



Project Safe Neighborhoods Program;

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$30,000

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

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

1. Expend from the amount budgeted sums for the specified purposes, as indicated in the grant budget, and incur costs consistent with the award date;
2. Expend from the 2009 grant budget funds for training department staff;
3. 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%; and, be it

Further Resolved, That Common Council File Number 080522, as amended, relative to offices and positions in the City Service, is amended as follows:

Under "Fire Department, Supporting Services - Fire Lieutenant, Project Staying Alive Coordinator," replace the text of footnote (X) to read as follows: "To expire 12/31/2009 unless the 2009 PSN Eastern District Gun Violence Reduction grant is extended or unless contribution accounts become insufficient to support the Safe Schools/Healthy Students Initiative, Project Staying Alive program."

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

8. [081077](#) Resolution relating to the application, acceptance and expenditure of the 2008 Metropolitan Medical Response System grant.

Whereas, The U.S. Department of Homeland Security awarded FY2008 grant funds to 124 Metropolitan Medical Response System (MMRS) jurisdictions to enhance their preparedness in the event of domestic terrorism; and

Whereas, The operation of this grant project from 7/1/08 to 6/30/11 would cost \$321,221, entirely provided by the grantor; and

Whereas, The grant emphasizes preparation in managing incidents related to domestic terrorism, but will also support the department's operations in other events that threaten public safety; and

Whereas, Upon approval of this resolution, the Milwaukee Fire Department would use the funds to continue one position of MMRS Coordinator and purchase essential supplies and equipment required to prepare for and manage incidents resulting from domestic terrorism; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Milwaukee Fire Department is authorized to apply for, accept and expend a grant entitled Metropolitan Medical Response System Fiscal Year 2008 totaling \$321,221; and, be it

Further Resolved, That the City Comptroller 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 program/project titled 2008 Metropolitan Medical Response System:

Proj/Grt	Fund	Org	Program	By Subclass	Acct	Project	Amount
GR0000800000		0150	9990	0001 0000	R999	000600	Grantor share \$321.221.00

2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels, budget against these Project/Grant values the amount required under the grant agreement.

;and, be it

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

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

2. Expend from the 2008 grant budget funds for the items of equipment as may be deemed necessary for the effective operation of the program.

;and, be it

Further Resolved, That Common Council File Number 080522, as amended, relative to offices and positions in the City Service, is amended as follows:

Under “Fire Department, Supporting Services Decision Unit - Metropolitan Medical Response System Program Grant,” replace the text of the footnote (A) under Battalion Chief Fire - MMRS Coordinator to read as follows: “To expire 6/30/11 unless the Metropolitan Medical Response System Program Grant is extended.”

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

9. [081092](#) Resolution relative to application, acceptance and funding of a Beat Patrol Program Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin, Office of Justice Assistance for additional beat patrol officers to work with the residents to identify and resolve crime and quality of life issues which impact upon the neighborhood; and

Whereas, The operation of this grant from 01/01/2009 to 12/31/2009 would cost \$483,357 of which \$150,000 (31%) would be provided by the grantor and \$333,357 (69%) would be provided by the city; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, 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 City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue Grant and Aid Projects fund, the following amount for the program titled: Beat Patrol Program Grant:

Project/Grant	Fund	Org	Program	BY	Subclass	Account
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GR0000900000      0150    9990    0001      0000    R999      000600

Project	Amount
Grantor Share	\$150,000

2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels; budget against these Project/Grant values the amount 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 for specified purposes as indicated in the grant budget and incur costs consistent with the award date;

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 percent; and, be it

Further Resolved, That the 2009 Positions Ordinance be amended as follows to reflect the change:

(S) State Beat Patrol Grant: To expire 12/31/2009 unless the Beat Patrol Grant, available from the State of Wisconsin, Office of Justice Assistance is extended.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

10.      [081093](#)      Substitute resolution relative to the application, acceptance and funding of the 2009 Consolidated Contract from the State of Wisconsin Division of Health and Family Services.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Department of Health and Family Services for the 2009 Consolidated Contract; and

Whereas, The operation of this grant project from 01/01/09 to 12/31/09 would cost \$1,822,083 of which \$430,303 (24%) would be provided by the city and \$1,391,780 (76%) would be provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled 2009 Consolidated Contract:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$1,391,780

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

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

Further Resolved, That these funds are budgeted to the Health 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;
2. Expend from the 2009 grant budget funds for specific items of equipment;
3. Expend from the 2009 grant budget funds for training and out-of-town travel by departmental staff;
4. Enter into subcontracts as detailed in the grant budget; and, be it

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

HEALTH DEPARTMENT

Under

Family and Community Health Services Division  
Milwaukee Fetal Infant Mortality Review Grant (M)

DELETE:

Health Project Assistant (X) (M)            1 position

Under

Family and Community Health Services Division  
Adolescent Community Health Grant (J)

DELETE:

Nutritionist Coordinator (X) (J)            1 position  
Public Health Nurse (X) (G) (J) (MMM)(S)            1 position

ADD:

Public Health Nurse (X) (G) (J) (MMM)            1 position  
Public Health Educator (X) (J)            1 position  
Office Assistant II (J)            1 position  
Health Project Assistant (X) (M) (J)            1 position

Under

Family and Community Health Services Division  
Preventive Health Grant (I)

DELETE:

Public Health Educator (X) (J)(I)            1 position  
Office Assistant II (J)(I)            1 position

ADD:

Nutritionist Coordinator (X)(J)(I)            1 position

Under

Disease Control and Environmental Health Services Division  
Childhood Lead Detection Program (Z)

DELETE:

Lead Hazard Prevention Manager (X) (Z)            1 position

ADD:

Lead Grant Project Manager (X) (Y) (Z)            1 position

Under

Disease Control and Environmental Health Services Division  
Childhood Immunization Disparities Grant (YY)

DELETE:

Office Assistant II (YY) (0.5 FTE)            1 position

ADD:

Office Assistant II (YY) (DD) (0.5 FTE)            1 position

Amend footnote (I) as follows:

To expire 12/31/09 unless the Preventive Health Grant is extended.;

Amend footnote (J) as follows:

To expire 12/31/09 unless the Adolescent Community Health Grant is extended. Also partially funds one position each of Nutritionist Coordinator.;

Amend footnote (Z) as follows:

To expire 12/31/09 unless the Childhood Lead Detection Grant is extended.;

Amend footnote (DD) as follows:

To expire 12/31/09 unless the Immunization Action Plan Grant is extended. Also partially funds one position of Public Health Nurse and one position of Office Assistant II (0.5 FTE).;

Amend footnote (KK) as follows:

To expire 12/31/09 unless the MBCAP-Well Women Grant is extended.;

Amend footnote (MMM) as follows:

To expire 12/31/09 unless the Early Identification and Detection of Pregnancy Grant is extended. Partially funds one position of Public Health Nurse.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

- 11. [081094](#) Substitute resolution relative to the application, acceptance and funding of the 2009 Public Health Preparedness (CDC) Grant from the State of Wisconsin Division of Health and Family Services.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Department of Health and Family Services for the 2009 Public Health Preparedness (CDC) Grant; and

Whereas, The operation of this grant project from 01/01/09 to 12/31/09 would cost \$351,200 entirely provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

- 1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled 2009 Public Health Preparedness (CDC) Grant:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999



Account	000600
Project	Grantor Share
Amount	\$351,200

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

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

Further Resolved, That these funds are budgeted to the Health 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;

2. Expend from the 2009 grant budget funds for specific items of equipment;

3. Expend from the 2009 grant budget funds for training and out-of-town travel by departmental staff;

4. Enter into subcontracts as detailed in the grant budget; and, be it

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

#### HEALTH DEPARTMENT

Amend footnote (A) to read as follows:

To expire 12/31/09 unless the CDC Public Health Preparedness Grant is extended. Public Health Emergency Response Planning Coordinator also partially funded by the Bioterrorism-Focus CRI/Pandemic Influenza Grant. Also partially funds Health Project Coordinator-Immunizations.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

12. [081096](#) Substitute resolution relative to application, acceptance and funding of the 2009 Hepatitis B Immunization Grant from the State of Wisconsin - Department of Health

and Family Services.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Division of Health and Family Services to assure that pregnant women who test positive for hepatitis B are identified and that their infants and household contacts receive appropriate treatment; and

Whereas, The operation of this grant project from 01/01/09 to 12/31/09 would cost \$46,904 entirely 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 Division of Health and Family Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Ordinance 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

- 1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled Hepatitis B Immunization Grant:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$46,904

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

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

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

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

Health Department

Amend footnote (HH) as follows:

To expire 12/31/09 unless the Hepatitis B Immunization Grant is extended. A portion of the Health Interpreter Aide may be funded by other sources.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

- 13. [081097](#) Substitute resolution relative to the application, acceptance and funding of the 2009 Comprehensive Home Visiting Grant from the State of Wisconsin Division of Health and Family Services.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Division of Health and Family Services to improve pregnancy outcomes, enhance family functions, prevent child abuse and neglect and assure child readiness for school; and

Whereas, The continued operation of this grant program from 01/01/09 to 12/31/09 would cost \$834,585 comprised of \$812,085 (97%) grantor share and \$22,500 (3%) City Share; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

- 1. Commit funds within the Project/Grant parent of the 2009 Special Revenue Grant and Aid Projects Fund, the following amounts for the program titled Comprehensive Home Visiting Grant:

Project/Grant	GR0000900000	Fund	0150
Org	9990		
Program	0001		
Budget Year	0000		
Subclass	R999		

Account	000600
Project	Grantor Share
Amount	\$812,085

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

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

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

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

#### HEALTH DEPARTMENT

Under

Family and Community Health Services Division  
Comprehensive Home Visiting Grant (E)

DELETE:

Office Assistant II (E) (D) 1 position

Add:

Office Assistant II (E) 1 position

Change footnote (E) to read as follows:

To expire 12/31/09 unless the Comprehensive Home Visiting Grant is extended.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

14. [081099](#) Substitute resolution relative to application, acceptance and funding of the 2009 Medical Assistance Outreach-VITA Grant from the Milwaukee Foundation through the Social Development Commission.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Milwaukee Foundation through the Social Development Commission to assist low-income families in obtaining medical insurance and food stamps and to measure the impact of the Milwaukee Health Department’s programs at three sites; and

Whereas, The operation of this grant project from 01/1/09 to 04/15/09 would cost \$15,000 entirely provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects fund, the following amounts for the project titled Medical Assistance Outreach Grant:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$15,000

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

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

authorized to:

Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date; and, be it

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

Under

Health Department

Change footnote (S) as follows:

(S) To expire 04/15/09 unless the Medical Assistance Outreach Grant is extended. Partially funds one position of Public Health Educator II.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

- 15. [081100](#) Substitute resolution relative to application, acceptance and funding of the Plain Talk Initiative - United Way Grant from the United Way.

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

Whereas, The operation of this grant project from 9/01/08 to 11/30/09 would cost \$25,000 entirely provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

- 1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amount for the project titled Plain Talk Initiative - United Way Grant:

Project/Grant	GR0000800000
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Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$25,000

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

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

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Enter into subcontracts and leases as detailed in the grant budget; and
3. Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff.

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

Change Footnote (NNN) to read as follows:

To expire 11/30/09 unless the Plain Talk Initiative - United Way is extended. Partially funds one position of Health Project Coordinator - Plaintalk.

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

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

**No:** 1 - Dudzik

16. [081101](#) Substitute resolution relative to the application, acceptance and funding of the 2009 Sexually Transmitted Diseases Grant from the State of Wisconsin Division of Health and Family Services.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Division of Health and Family Services to reduce the incidence and

complications of sexually transmitted diseases through preventive health education services and focused disease intervention activities; and

Whereas, The operation of this grant project from 01/01/09 to 12/31/09 would cost \$602,710 entirely provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to commit funds within the Project/Grant Parent of the 2009 Special Revenue Grant and Aid Project fund, the following amount for the project titled Sexually Transmitted Diseases Grant:

Project Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$602,710

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

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

1. Expend from the amount budgeted sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 2009 grant budget for training and out-of town travel for staff;
3. Expend from the 2009 grant budget for equipment as specified in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2009 Positions



Ordinance C.C. File Number 080522, should be amended as follows:

Change footnote (F) to read as follows:

To expire 12/31/09 unless the Sexually Transmitted Diseases Grant, available from the State of Wisconsin Division of Health and Family Services, is extended.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

- 17. [081102](#) Substitute resolution relative to application, acceptance and funding of the Dual Protection Partnership Initiative from the State of Wisconsin Division of Public Health-Family Planning Program (DPH-FP) and the Family Planning Health Services, Inc. (FPHS, Inc.)

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Division of Public Health-Family Planning Program (DPH-FP) and the Family Planning Health Services, Inc. (FPHS, Inc.) to improve access for low-income women to receive dual protection services and supplies; and

Whereas, The operation of this grant project from 01/01/09 to 12/31/09 would cost \$159,587 provided entirely by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin Division of Public Health-Family Planning Program (DPH-FP) and the Family Planning Health Services, Inc. (FPHS, Inc.) is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

- 1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled Dual Protection Partnership Initiative from the State of Wisconsin Division of Public Health-Family Planning Program (DPH-FP) and the Family Planning Health Services, Inc. (FPHS, Inc.):

Project/Grant	GR0000900000
Fund	0150
Org	9990

Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$159,587

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

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

1. Expend from the amount budgeted sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 2009 grant budget for training and out-of-town travel for staff;
3. Expend from the 2009 grant budget for equipment as specified in the grant budget; and, be it

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

Under

#### HEALTH DEPARTMENT

Disease Control and Environmental Health Services Division

#### DELETE:

Weinhardt Computerized HIV Intervention Grant (AAA)

Nurse Practitioner (AAA) (X) (BBB)

#### ADD:

Dual Protection Partnership Initiative Grant (BBB)

Nurse Practitioner (X) (BBB) (AAA) 1 position

Change footnote (BBB) to read as follows:

To expire 12/31/09 unless the Dual Protection Partnership Initiative from the State of Wisconsin Division of Public Health-Family Planning Program (DPH-FP) and the Family Planning Health Services, Inc. (FPHS, Inc.) is extended.

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

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

**No:** 1 - Dudzik

18. [081103](#) Substitute resolution relative to the application, acceptance and funding of the 2009 SURVNET Grant from the State of Wisconsin Division of Health and Family Services.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Centers for Disease Control through the Wisconsin Division of Health and Family Services to maintain a county-wide system for reporting communicable diseases; and

Whereas, The operation of this grant project from 01/01/09 to 12/31/09 would cost \$55,857 entirely provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled SURVNET Grant:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$55,857

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

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

authorized to:

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

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

Change footnote (V) to read as follows:

To expire 12/31/09 unless the SURVNET Grant available from the Wisconsin Division of Health and Family Services, is extended.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

19.        [081104](#)        Substitute resolution relative to the application, acceptance and funding of the 2009 Tobacco Control Grant from the State of Wisconsin Division of Health and Family Services.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Division of Health and Family Services to support a broad-based community tobacco coalition in order to achieve a strategic community plan to eliminate tobacco-related health disparities and the morbidity and mortality associated with tobacco use; and

Whereas, The operation of this grant project from 01/01/09 to 12/31/09 would cost \$506,020 entirely 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 Division of Health and Family Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent of the 2009 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled 2009 Tobacco Control Grant:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$506,020

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

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

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

; and, be it

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

HEALTH DEPARTMENT  
 Family and Community Health Services Division  
 Tobacco Control Community Coalition II Grant (T)

ADD:

Health Project Coordinator (Tobacco & Men’s Health) (X) (Y) (T)

1 position

Change footnote (T) to read as follows:

To expire 12/31/09 unless the Tobacco Control Community Coalition II Grant, available from the State of Wisconsin Division of Health and Family Services is extended.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

20. [081105](#)

Substitute resolution relative to the application, acceptance and funding of the 2009 Women, Infants and Children’s Grant from the State of Wisconsin Division of Health and Family Services.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the United States Department of Agriculture through the Wisconsin Department of Health and Social Services for supplemental nutritious food and nutrition education; and

Whereas, The operation of this grant project from 01/01/09 to 12/31/09 would cost \$1,067,677 entirely provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects fund the following amounts for the program titled Women’s, Infant’s and Children’s Grant:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
BY	0000

Subclass	R999
Acct	000600
Project	Grantor Share
Amount	\$1,067,677

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

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

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

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

Under

HEALTH DEPARTMENT  
 Family and Community Health Services  
 Women’s, Infant’s and Children’s Nutrition Program Grant (C)

DELETE:

Public Health Nurse (X) (C)            1 position

ADD:

Public Health Nurse (X) (G) (C)      1 position

Change footnote (C) to read as follows:

To expire 12/31/09 unless the Women’s, Infant’s and Children’s Grant, available from the Wisconsin Department of Health and Family Services, is extended.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

21. [081107](#) Substitute resolution authorizing attendance at conventions in 2009 by employees of city departments and board and commission members and further authorizing expenditure of departmental budgeted funds for that purpose.
- Whereas, Funding for convention travel for city employees and board and commission members has been included in the 2009 Budget in the operating accounts of those departments, boards, and commissions; and
- Whereas, This resolution is in accordance with travel regulations and procedures in Authorized Travel Regulations and Procedures Ordinance (Section 350-181) of the Milwaukee Code of Ordinances; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the guidelines for convention attendance by employees of city departments and board and commission members, as listed in Exhibit A attached to this resolution, is hereby authorized; and, be it
- Further Resolved, That attendance at conventions in 2009 as listed on Exhibit B attached to this resolution is hereby authorized; and, be it
- Further Resolved, That attendance at conventions by employees of city departments and board and commission members in addition to those listed on Exhibit B shall require approval by the Common Council of the City of Milwaukee in accordance with Section 350-181 of the Milwaukee Code of Ordinances; and, be it
- Further Resolved, That the funds for attendance at these conventions is provided from the operating accounts of the departments, boards, and commissions requesting attendance; and, be it
- Further Resolved, That the dollar amount shown for each authorized convention listed in Exhibit A is an estimate of the convention attendance expenses and is included to facilitate the necessary dollar advances for such purposes; and, be it
- Further Resolved, That actual city payment (or reimbursement) for convention expenses incurred and reported by the convention attendee, reporting requirements, control procedures, etc., shall be in accordance with Section 350-181 of the Milwaukee Code of Ordinances.

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



**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

22. [081108](#) Substitute resolution authorizing city departments to expend monies appropriated in the 2009 city budget for Special Purpose Accounts, Debt Service Fund, Provisions for Employees' Retirement Fund, Delinquent Tax Fund, Common Council Contingent Fund, Grant and Aid Fund, and Special Capital Projects or Purposes.

Whereas, Section 65.06(6)(b) of the Wisconsin Statutes (1981-1982) states: "The Common Council at any time after the adoption of the budget may, by resolution adopted by a majority vote of the members thereof direct the proper officers of any department to expend such sum or sums of money as are specially appropriated out of any specific fund under its control for any of the several purposes enumerated therein. The adoption of such resolution shall be the authority for such department to proceed and expend such specified sum for the purpose as directed therein"; and

Whereas, That the amounts included in Exhibit A attached to Common Council File No. 081108 be appropriated from the 2009 Budget for Special Purpose Accounts, Debt Service Fund, Provision for Employees' Retirement Fund, Delinquent Tax Fund, Common Council Contingent Fund, Grant and Aid Fund, and Special Capital Projects for the purposes as specified and that departments be authorized to expend the appropriated moneys; now, therefore, be it

Resolved, That for the purpose of interpreting and applying the provisions of Section 16.05 City Charter (Department of Administration-Business Operations Division duties) the words "appropriated to the assigned department," used above shall not be intended to mean "for use of all departments..." and, be it

Further Resolved, That the Comptroller is hereby authorized to transfer \$22,378,500 from the Tax Stabilization Fund as specified in the 2009 Budget; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that the 2009 Special Purpose Accounts and amounts assigned and authorized for expenditure to specified departments in this resolution shall be deemed to have been appropriated to the assigned department for the specific municipal public purpose intended in the budget, and for no other departmental purpose; and, be it

Further Resolved, That such Special Purpose Accounts shall therefore be deemed eligible for carryover under the provision of Section 65.07(1)(p) Wisconsin Statutes; and, be it

Further Resolved, That the Treasurer is hereby authorized to expend moneys from the



it

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

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

PLACING ON FILE THE FOLLOWING:

24. [080678](#) Communication from the Department of Employee Relations relating 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

25. [080926](#) Communication from the Department of Administration - Budget and Management Analysis Division regarding 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

26. [081034](#) Communication from the Department of Employee Relations relating to revisions to the Management Pay Plan for 2009.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

27. [081036](#) Communication from the Department of Employee Relations relating to various salary changes resulting from Common Council amendments to the 2009 Budget.
- A motion was made by ALD. MURPHY that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
28. [081037](#) Communication from the Budget and Management Analysis Division relating to various position changes resulting from Common Council amendments to the 2009 Budget.
- A motion was made by ALD. MURPHY that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
29. Various obsolete files:
- a. [080750](#) A charter ordinance implementing various provisions of the 2009 city budget.
- A motion was made by ALD. MURPHY that this Charter Ordinance be PLACED ON FILE. This motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- b. [080752](#) Resolution implementing various provisions of the 2009 city budget.
- A motion was made by ALD. MURPHY that this Resolution be PLACED ON FILE. This motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- c. [080825](#) An ordinance to further amend the 2008 rates of pay of offices and positions in the City Service under control of the Common Council.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,  
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,  
Zielinski Hines Jr.

**No:** 0

- d. [080826](#) An ordinance to further amend the 2008 offices and positions in the City Service under control of the Common Council.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade,  
Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski,  
Zielinski Hines Jr.

**No:** 0

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [081017](#) A substitute ordinance revising and updating protections against housing and employment discrimination and providing for the promotion of equity and equal rights. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Chapter 109 of the code is repealed and recreated to read:

CHAPTER 109  
EQUAL RIGHTS

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SUBCHAPTER 1  
PURPOSE; EQUAL RIGHTS COMMISSION

109-1. Findings; Declaration of Policy. 1. A vibrant, livable, successful and productive city is made possible by the talents, contributions and well-being of its diverse residents. It is the policy of the city that the equal rights of all those who live and work in the city are assured, and that equal rights and equal opportunities within the context of the larger commercial and social fabric of the Milwaukee community are promoted.

2. The practice of providing equal opportunities in housing and employment to persons without regard to sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identity or expression, past or present membership in the military service, familial status, or an individual's affiliation with, or perceived affiliation with any of these categories, is a desirable goal of the city and a matter of legitimate concern to its government. Discrimination against any city resident endangers the rights and privileges of all. The denial of equal opportunity intensifies group conflict, undermines the foundations of democratic society and adversely affects the general welfare of the community. Denial of equal opportunity in housing compels individuals and families who are discriminated against to live in housing below the standards to which they are entitled. Denial of equal opportunity in employment deprives the community of the fullest productive capacity of those of its members so discriminated against and denies to them the sufficiency of earnings necessary for maintaining the standards of living consistent with their abilities and talents.

3. Provision for adequate safeguards against discrimination is a proper and necessary function of city government. To protect the health, safety and general welfare of all inhabitants of the city, and all persons employed within the city, it is declared to be the public policy of this city to foster and enforce to the fullest extent the protection by law to equal opportunity in housing and gainful employment without regard to sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identity or expression, past or present membership in the military service, familial status, or an individual's affiliation with, or perceived affiliation with any of these protected categories, and workplace free from discrimination. To fully effectuate this policy of promoting nondiscrimination, the city

shall endeavor to eliminate all discrimination that may occur in housing and employment in the city.

4. Where applicable, this chapter shall be interpreted and applied consistently with the provisions of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. sections 3601, et seq., 24 C.F.R. sections 100, et seq., and ss. 66.1011, 106.50 and 111.31, Wis. Stats., and any successor provisions of state and federal law.

109-3. Definitions. In this chapter:

1. COMMISSION means the equal rights commission.
2. COMPLAINANT means any person who files a complaint alleging a violation of this chapter.
3. CONCILIATION means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent and the commission.
4. CONCILIATION AGREEMENT means a written agreement setting forth the resolution of the issues in conciliation.
5. COVERED MULTI-FAMILY DWELLINGS means buildings consisting of 4 or more units if such buildings have one or more elevators, and ground floor units in other buildings consisting of 4 or more units.
6. EMPLOYEE means any person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go or work or be at any time in any place of employment, but does not mean a person employed by the person's parents, spouse or child, or any individual employed by the state or federal government.
7. EMPLOYER means any person engaging in any activity, enterprise or business employing one or more individuals but shall not include a social club or fraternal society under ch. 188, Wis. Stats., with respect to a particular job for which the club or society seeks to employ or employs a member, if the particular job is advertised only within the membership.
8. EMPLOYMENT AGENCY means any person who regularly undertakes to procure employees or opportunities for employment for any other person.
9. FAMILIAL STATUS means one or more individuals, who have not attained the age of 18 years, being domiciled with a parent or another person having legal custody of such individuals; or the designee of the parent or other person having such custody,



with the written permission of the parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

10. **DISABILITY** means, with respect to a person, any of the following:

a. A physical or mental impairment which substantially limits one or more of the person's major life activities.

b. A record of having an impairment.

c. Being perceived as having an impairment.

d. This term does not include current, illegal use of or addiction to a controlled substance. The behavioral manifestations of a mental disability may be taken into consideration in determining whether or not the applicant is qualified. A housing provider may consider a history of disruptive, abusive, or dangerous behavior.

11. **GENDER IDENTITY OR EXPRESSION** means a gender-related identity, appearance, expression or behavior of an individual, regardless of the individual's assigned sex at birth.

12. **HOUSING** means any building, structure or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a residence, home or place of habitation of one or more human beings, including a mobile home as defined in s. 66.0435, Wis. Stats., and a trailer as defined in s. 246-1-5 and any land which is offered for sale, lease or use as a site for a building, structure or part thereof intended or designed to be used or occupied as a residence, home or place of habitation of one or more human beings, including a mobile home park as defined in s. 66.0435, Wis. Stats., and a trailer house community as defined in s. 246-1-6. The definition of "housing" is qualified by the exceptions in s. 109-43.

13. **LABOR ORGANIZATION** means either of the following:

a. Any organization, agency or employee representation committee, group, association or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment.

b. Any conference, general committee, joint or system board or joint council which is subordinate to a national or international committee, group, association or plan under par. a.

14. **MARITAL STATUS** means the status of being married, separated, divorced,

widowed or single.

15. PERSON means one or more individuals, labor organizations, corporations, partnerships, associations, cooperatives, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy or receivers or other fiduciaries, and the agent or agents of any of the foregoing but, because of actual, potential or perceived conflicts of interest, shall not include the city of Milwaukee, the housing authority and the redevelopment authority of the city of Milwaukee, any agency of the city, or any other municipal, state or federal governmental body or any agent, officer or employee acting in the course of such employment.

16. PROTECTED PERSON means any individual intended to be protected from violations of prohibited discrimination in housing and employment under this chapter.

17. RESPONDENT means the person or other entity accused in a complaint of an unfair housing or employment practice and any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under s. 109-51-3-a.

18. SEXUAL HARASSMENT means unwelcome sexual advances; unwelcome physical contact of a sexual nature; or verbal or physical conduct of a sexual nature which includes, but is not limited to, deliberate or repeated unsolicited gestures, verbal or written comments and display of offensive sexually graphic materials.

19. SEXUAL ORIENTATION means homosexuality, heterosexuality and bisexuality by preference or practice.

20. SOURCE OF INCOME means, but is not limited to, moneys received from public assistance, pension and supplementary security income. Source of income means income that is legally derived and that is subject to reasonable and good-faith efforts to verify the lawfulness of its derivation.

21. TRANSFER shall not include the transfer of property by will or gift.

109-5. Equal Rights Commission. 1. There is established an equal rights commission consisting of 7 members, to be appointed by the mayor subject to confirmation by the common council. A chair shall be elected from the membership of the commission at the first regular meeting of each calendar year by a majority of the members of the commission. Members shall be city residents, appointed from a representative cross-section of the community and shall continue to hold office only so long as they shall reside within the city.

2. Each member of the commission shall be appointed for a term of 3 years except that 3 members initially appointed by the mayor shall serve for 1 year, and 2 members shall be appointed for a term of 2 years. Each member shall hold office until a successor is appointed and confirmed. A vacancy occurring other than by expiration of the member's term shall be filled by appointment of the mayor and confirmation by the common council for the unexpired term.

3. Four members shall constitute a quorum for the purpose of conducting business, and a majority of members present shall be required to adopt or approve any action of the commission.

4. The commission shall:

a. Meet not less than 4 times annually for monitoring the employment, contracting, and program activities of the city, prepare and provide timely reports to the mayor and common council on efforts to promote equal rights, equal opportunities, positive community relations, and to eliminate discrimination and inequities in city government and the city.

b. Receive complaints alleging violation of this chapter and pursue remedies by means of mediation, conciliation, litigation or other appropriate means supported by findings of fact and conclusions of law.

c. Not have or exercise jurisdiction over any complaint that sets forth or states any facts or allegations that are the subject matter within the jurisdiction of any state or federal agency, including, but not limited to the U.S. Equal Employment Opportunity Commission or the State of Wisconsin, Department of Workforce Development, regardless of whether the Complainant has chosen to file with that said agency or not.

d. Render from time to time, but not less than once a year, a written report of its activities and recommendations to the mayor and the common council.

e. Adopt rules and regulations consistent with this chapter and the laws of the state to carry out the policy and provisions of this chapter and the powers and duties of the commission.

f. Issue subpoenas under s. 885.01(4), Wis. Stats., or its successor provisions, to assist in the execution of its duties.

g. Designate commissioners or commission staff to carry out its duties.

h. Conduct hearings under this chapter and, upon appropriate findings of fact and conclusions of law, take action:

h-1. Ordering a respondent to redress any injury occasioned by violation of this chapter.

h-2. Ordering a respondent to cease and desist from violation of this chapter.

h-3. Undertaking any action necessary to effectuate the purpose of this chapter or to bring a respondent into compliance with this chapter including referral to the city attorney of matters and complaints that may be resolved by equitable or other relief in actions brought in Wisconsin circuit court or other courts of competent jurisdiction.

i. Initiate proceedings seeking forfeiture for violation of this chapter or any lawful order issued by the commission under this chapter.

j. Enforce the provisions of ch. 112. The commission shall exercise all authority granted under this subsection with respect to violations of ch. 112, including, but not limited to the power to receive complaints, remedy violations, adopt rules, issue subpoenas and order redress following a hearing regarding violation of ch. 112.

k. Use the procedures described in s. 109-51 in acting on complaints concerning violations of ch. 112 as follows:

k-1. Any party aggrieved by failure to act on a complaint filed or by the decision of an administrative law judge pursuant to the procedures described in s. 109-51 may seek review pursuant to s. 109-51 within the time limits and the procedures provided in that section.

k-2. If the commission is abolished or reconstituted and its authority transferred to a successor entity, the successor entity shall have full authority to enforce the provisions of ch. 112.

k-3. If the commission, due to lack of funding or staffing, is unable to enforce the provisions of ch. 112, any agency enforcing rights protected under ch. 109 shall also have full authority to enforce the provisions of ch. 112.

109-7. Staffing and Support. 1. The department of employee relations shall assign staff and provide support to the commission as necessary and appropriate to assist the commission in fulfilling its mission and responsibilities.

2. The department of employee relations shall assist the commission by staffing its meetings, drafting reports and other documents, maintaining commission documents, initial processing of complaints, and providing resources necessary to the proper hearing of complaints.

## SUBCHAPTER 2

## EQUAL RIGHTS AND CITY ACCOUNTABILITY

109-21. Objective. All sectors of society engaged in the life of the city have a role in promoting equal rights, equity, and a social fabric free of discrimination. City government is uniquely positioned to assume a primary leadership role in these efforts. To achieve this leadership objective, each department, agency and unit of city government shall be accountable for promoting social and economic equity for all residents of the city, and structuring their work so that the outcomes are directed toward social and economic equity for all residents.

109-23. Reports by Departments. The department of employee relations, with the cooperation of all departments, shall regularly provide the commission with information of efforts and activities undertaken across city government to achieve the leadership objective described in s. 109-21. This information shall from time to time identify programs and activities conducted by the city to promote equal rights and equal opportunity both within city government and goals, challenges and strategies. The department of employee relations shall provide the commission with information about activities and accomplishments with respect to the requirements in s. 350-203. Upon the request of the commission, other city departments, agencies and units shall report to the commission orally, in writing or both, at the pleasure of the commission.

109-25. Report to the Mayor and Common Council. The commission shall provide a written communication to the mayor and the common council, not less than annually, summarizing the activities of the commission and the progress of the city in meeting the leadership objective described in s. 109-21. This communication shall further include an examination of those conditions in the city at large which contribute to or detract from equal rights and an environment free from discrimination in housing and employment. The communication shall provide recommendations for furthering the purposes and objectives described in ss. 109-1 and 109-21.

## SUBCHAPTER 3 HOUSING AND EMPLOYMENT DISCRIMINATION

109-41. Housing Discrimination Prohibited. No person may engage in any act of discrimination with respect to housing against any individual on the basis of sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identity or expression, past or present membership in the military service, familial status, or based upon affiliation with, or perceived affiliation with any of these protected categories. No person may:

1. Refuse to sell or rent after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny housing to any protected person.

2. Discriminate against any protected person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection therewith.

3. Make, print or publish, or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of housing that indicates any unlawful preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination to the exclusion of any protected person.

4. Represent to any protected person that any housing is not available for inspection, sale or rental when the housing is in fact so available.

5. Whose business includes engaging in residential real estate-related transactions, discriminate against any protected person in making available such a transaction, or in the terms or conditions of such a transaction.

a. In this subsection "residential real estate-related transaction" means any of the following:

a-1. The making or purchasing of loans providing financial assistance for either of the following:

a-1-a. The purchase, construction, improvement, repair or maintenance of a dwelling.

a-1-b. The creation of a security interest in residential real estate.

a-2. The selling, brokering or appraising of residential real property.

b. Nothing in this subsection prohibits a person engaged in the business of making or furnishing appraisals of residential real property from taking into consideration factors other than sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identity or expression, past or present membership in the military service, familial status, or based upon affiliation with, or perceived affiliation with any of these protected categories. Inquiries concerning source of income may be made if they are reasonably directed toward determining solvency, reliability, credit record or ability to pay, and are not a subterfuge to evade the purposes of this chapter.

6. In the business of insuring against hazards, refuse to enter into or exact different terms, conditions or privileges with respect to a contract of insurance against hazards to a dwelling on the basis of an individual's protected status.

7. Refuse to renew a lease, causing the eviction of a tenant from rental housing, or

engaging in the harassment of a tenant on the basis of the tenant's protected status.

8. Deny any person access to membership or participation in any multiple-listing service, real estate brokers' association or other service, organization or facility relating to the business of selling or renting dwellings or discriminate against a person on the basis of the person's protected status.

9. Induce or attempt to induce any person to sell, rent or lease any dwelling by representations regarding the present or prospective entry into the neighborhood of a person of a particular sex, race, religion, color, national origin or ancestry, age, disability, source of income, economic status, marital status, sexual orientation, gender identity or expression, past or present membership in the military service, familial status, or based upon affiliation with, or perceived affiliation with any of these protected categories, or by representations to the effect that such present or prospective entry will or may result in:

a. The lowering of real estate values in the area concerned.

b. A deterioration in the character of the area concerned.

c. An increase in criminal or anti-social behavior in the area concerned.

d. A decline in the quality of the schools or other public facilities serving the areas.

10. a. Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing to any buyer or renter because of a disability of:

a-1. That buyer or renter.

a-2. A person residing in or intending to reside in that dwelling after it is sold, rented or made available.

a-3. Any person associated with that buyer or renter.

b. For purposes of this subsection, "discrimination" includes but is not limited to:

b-1. A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

b-2. A refusal to make reasonable accommodation in rules, policies, practices or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling.

b-3. In connection with the design and construction of covered multi-family dwellings for first occupancy after March 13, 1991, a failure to design and construct dwellings in a manner that:

b-3-a. The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons.

b-3-b. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs.

b-3-c. All premises within the dwellings contain the following features of adaptive design: an accessible route into and through the dwelling; light switches, electrical outlets, thermostats and other environmental controls in accessible locations; reinforcements in bathroom walls to allow later installation of grab bars; and usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

b-3-d. Compliance with the appropriate requirements of the American National Standard for building and facilities providing accessibility and usability for physically disabled people, commonly cited as ANSI A117.1, suffices to satisfy the requirements of subpar. c.

109-43. Exceptions. Nothing in this chapter shall:

1. Prevent any person from renting or leasing housing, or any part thereof, to solely male or female persons if the housing or part thereof is rented with the understanding that toilet and bath facilities must be shared with the landlord or with other tenants.
2. Limit the applicability of reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.
3. Prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in the religion is restricted on account of race, color or national origin.
4. Prohibit a private club not in fact open to the public, which as an incident to its



primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

5. Regarding familial status, apply with respect to housing for older persons.

a. As used in this subsection, "housing for older persons" means any housing:

a-1. Provided under any state or federal program that is specifically designed and operated to assist elderly persons as defined in the state or federal program.

a-2. Intended for and solely occupied by persons 62 years of age or older.

a-3. Intended and operated for occupancy by at least one person 55 years of age or older per unit. Housing for older persons shall include at a minimum all of the following:

a-3-a. Significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide housing opportunities for older persons.

a-3-b. At least 80 percent of the units are occupied by at least one person 55 years of age or older per unit.

a-3-c. Publication of and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

b. Housing shall not fail to meet the requirements for housing for older persons by reason of:

b-1. Persons residing in such housing as of January 2, 1991, who do not meet the age requirements in par. a-2 or 3, provided that new occupants of the housing meet the age requirements of par. a-2 or 3.

b-2. Unoccupied units, provided that the units are reserved for occupancy by persons who meet the age requirements of par. a-2 or 3.

6. Prohibit the development of housing designed specifically for persons with a disability and discrimination on the basis of disability with respect to such housing.

7. Prevent a landlord, with respect to an eyesight-impaired, hearing-impaired or mobility-impaired person who owns a guide or service animal, from:

- a. Imposing reasonable rental regulations on such animals, as necessary for health, safety and welfare, but any lease provision which purports to waive or avoid the requirements of these provisions shall be void and unenforceable.
  - b. Requiring the animal's owner to provide current proof that the animal has successfully passed a course of training at a bona fide school for training such animals.
  - c. Charging a tenant for any damage caused by the animal.
  - d. In the case of an owner-occupied dwelling, pars. a to c shall not apply if the owner or a member of his or her immediate family occupying the dwelling unit possesses and, upon request, presents to the guide or service animal owner a certificate signed by a physician which states that the owner or family member is allergic to animals.
8. Affect any person's decision to share occupancy of a lodging room, apartment or dwelling unit with another person.
  9. Regarding familial status, apply to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than 2 families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his or her residence.
  10. Prohibit conduct against a person because the person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance.
- 109-45. Employment Discrimination Prohibited. No person may engage in any act of discrimination with respect to employment against any individual on the basis of sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identity or expression, past or present membership in the military service, familial status, or based upon affiliation with, or perceived affiliation with any of these protected categories.
1. No person individually, or in concert with others, may fail or refuse to hire or discharge any individual, or otherwise discriminate against any individual with respect to his or her compensation, terms, conditions or privileges of employment in violation of this section; provided that an employer who is discriminating with respect to compensation in violation of this subsection shall not, in order to comply with this subsection, reduce the wage rate of any employee.
  2. No person individually, or in concert with others, may limit, segregate or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his

or her status as an employee in violation of this section.

3. No employment agency may fail or refuse to refer for employment or otherwise to discriminate against, any individual in violation of this section.

4. No labor organization may:

a. Exclude or expel from its membership or otherwise discriminate against any individual in violation of this section.

b. Limit, segregate or classify its membership or applicants for membership, or classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his or her status as an employee or as an applicant for employment in violation of this section.

c. Cause or attempt to cause an employer to discriminate against an individual in violation of this section.

5. No person may print or publish or cause to be printed or published any notice or advertisement relating to employment by the person or membership in or any classification or referral for employment by a labor organization, or relating to any classification or referral for employment by an employment agency, indicating any preference, limitation, specification or discrimination in violation of this section, subject to the limitations in s. 109-47.

6. No person may refuse to reasonably accommodate an employee's or prospective employee's disability, subject to the limitations in s. 109-47-5.

7. No employer, labor organization, or employment agency or other person may engage in sexual harassment.

a. It shall constitute employment discrimination in violation of this subsection when any of the following occurs:

a-1. An employee's acquiescence in or submission to sexual harassment is made either explicitly or implicitly a term or condition of employment.

a-2. An employee's acquiescence in or submission to sexual harassment is used as the basis or any part of the basis for employment decisions affecting the employee.

a-3. Sexual harassment has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

b. An employer, employment agency or labor organization is presumed responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized by the employer.

c. An employer, employment agency or labor organization is responsible for acts of sexual harassment of its employees by persons other than its agents or supervisory employees if those acts occur while the complaining employee is performing service growing out of or incidental to his or her employment and if the employer or its agents or supervisory employee knew or should have known of the conduct.

8. CONTRACT TO INCLUDE PROVISION. All contracting agencies of the city shall include in all contracts hereafter negotiated, or renegotiated by them, a provision obligating the contractor not to discriminate against any qualified employee or qualified applicant for employment because of sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identity or expression, past or present membership in the military service, familial status, or based upon affiliation with, or perceived affiliation with any of these protected categories, and shall require the contractor to include a similar provision in all subcontracts.

109-47. Exceptions and Special Cases. 1. RELIGION. For purposes of this section, discrimination because of religion includes, but is not limited to, refusing to reasonably accommodate an employee's or prospective employee's religious observance or practice unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise or business.

a. It is not employment discrimination because of religion for a religious association not organized for private profit, or an organization or corporation which is primarily owned or controlled by the religious association, to give preference to an applicant or employee who is a member of the same or a similar religious denomination, in hiring or promotion to an instructional or policy-making position including, but not limited to, the position of chaplain or counselor.

b. It is not employment discrimination because of religion for a fraternal organization, as defined in s. 614.01(1), Wis. Stats., to give preference to an employee or applicant who is a member or is eligible for membership in the fraternal organization, with respect to hiring or promotion to the position of officer, administrator or salesperson.

2. BONA FIDE OCCUPATIONAL QUALIFICATION. Notwithstanding s. 109-45, it shall not be an unlawful employment practice for an employer, employment agency or labor organization to indicate within a notice or advertisement for

employees, a preference, limitation, specification or discrimination based on religion, sex, age, disability, national origin or ancestry, color, lawful source of income, marital status, sexual orientation, gender identity or expression, past or present membership in the military service, familial status, or based upon affiliation with, or perceived affiliation with any of these protected categories; or to employ, classify or refer for employment any individual on the basis of religion, sex, age, disability, national origin or ancestry, color, lawful source of income, marital status, sexual orientation, gender identity or expression, past or present membership in the military service, familial status, or based upon affiliation with, or perceived affiliation with any of these protected categories where it is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

3. BONA FIDE DISTINCTIONS. Notwithstanding any other provision of s. 109-45, it shall not be an unlawful employment practice for an employer to apply different standards of compensation or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity, or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of sex, race, religion, color, national origin or ancestry, age, disability, source of income, marital status, sexual orientation, gender identity or expression, past or present membership in the military service, familial status, or based upon affiliation with, or perceived affiliation with any of these protected categories.

4. AGE. a. It shall not be unlawful age discrimination to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension or insurance plan which is not a subterfuge to evade the purposes of s. 109-45, except that no such employee benefit plan shall excuse the failure to hire any person.

b. Discrimination on the basis of age does not apply to any person less than 40 years of age.

5. DISABILITY. Discrimination because of disability is not prohibited if the employer, labor organization or employment agency can show that the disability is reasonably related to the individual's ability to adequately undertake the job-related responsibilities of that individual's employment. It is prohibited discrimination for an employer to contribute a lesser amount to the fringe benefits, including life or disability insurance coverage, of an employee because of his or her disability.

6. MARITAL STATUS. It is not employment discrimination because of marital status to prohibit an individual from directly supervising or being directly supervised by that individual's spouse.

109-49. Other Acts Prohibited. 1. No person may coerce, intimidate, threaten or

interfere with any person in the exercise or enjoyment of any right granted or protected by this chapter, or with any person who has aided or encouraged another person in the exercise or enjoyment of any right granted or protected by this chapter.

2. No person may aid, abet, incite, compel or coerce the doing of any act which violates this chapter or obstructs or prevents any person from complying with the provisions of this chapter.

3. No person, whether individually or in concert with others, may take any retaliatory action against or otherwise discriminate against any person who has opposed any discriminatory practices proscribed by this chapter or who has made a complaint, testified or assisted in any proceeding under this chapter.

109-51. Complaint Procedure. The commission shall use the following procedures in acting on complaints of discrimination, including violations of the provisions of ch. 112:

1. An aggrieved person ("the complainant") may, not later than 300 days after an alleged discriminatory practice has occurred, file a written complaint to the commission alleging a discriminatory practice or violation. The commission shall not accept or investigate any complaint unless it is in writing and verified by the complainant.

2. When a complaint or inquiry is presented to the commission or to designated staff of the department of employee relations, and it appears that the commission does not have jurisdiction pursuant to 109-5 4-c, the complainant shall be referred to appropriate state or federal enforcement agencies, and the complainant shall be advised that the commission does not have jurisdiction over the matter.

3. An aggrieved person whose complaint has been denied by a federal or state agency on the basis of a lack of subject matter jurisdiction, and all appeals of the denial have been exhausted, may, not later than 60 days from the date of written notice of the federal or state determination or final appeal, file a complaint with the commission alleging a discriminatory practice or violation subject to further review by the Commission for jurisdiction and timeliness.

4. Upon the receipt and acceptance of a written complaint:

a. The commission shall serve notice upon the aggrieved person acknowledging the filing and advising the aggrieved person of the time limits within 30 days after receipt of the complaint.

b. Not later than 10 days after the filing or the identification of an additional respondent under par. a, the commission shall serve on the respondent a notice identifying the alleged discriminatory housing or employment practice and advising the respondent of the procedural rights and obligations of respondents under this chapter,

together with a copy of the original complaint.

c. Each respondent may file, not later than 10 days after receipt of notice from the commission, an answer to the complaint.

d. The commission shall initiate and complete a probable cause investigation within 100 days after receipt of the complaint unless the circumstances render it impracticable, in which case, the commission shall notify the complainant and respondent in writing of the reasons for not doing so.

5. a. A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under sub. 3, to the person, from the commission.

b. The notice, in addition to meeting the requirements of sub. 3, shall explain the basis for the commission's belief that the person to whom the notice is addressed is properly joined as a respondent.

6. The department of employee relations may employ such investigators and administrative law judges as it deems necessary to hear and decide complaints of discrimination and to assist in the administration of this chapter. An administrative law judge may propose findings of fact and make recommendations to the commission for resolution of a complaint.

7. If an investigator finds probable cause to believe that any discrimination has been or is being committed, the commission shall endeavor to eliminate the practice by conference, conciliation or persuasion. Upon completion of an investigation, the investigator shall prepare a final investigative report containing:

a. The names and dates of contacts and witnesses.

b. A summary and dates of correspondence and other contacts with the aggrieved person and the respondent.

c. A summary description of other pertinent records.

d. A summary of witness statements.

e. Answers to interrogatories.

8. If agreement is reached, a written conciliation agreement shall be approved by the commission and signed by the complainant, the respondent and the representative of the commission. The signed conciliation agreement shall have the effect of a

commission order.

9. Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the commission determines that disclosure is not required to further the purposes of the chapter.

10. a. In case of failure to eliminate the discrimination, the commission shall issue and serve a written notice of hearing before an administrative law judge specifying the nature of the discrimination which appears to have been committed, and requiring the respondent to answer the complaint in writing within 10 days after receipt of the notice of hearing and to appear at the hearing on the appointed date. The notice shall specify a time of hearing not less than 10 days after service of the notice of hearing.

b. In accordance with the requirements of s. 68.11, Wis. Stats., each party at the hearing may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Witnesses shall be sworn by the person conducting the hearing. The administrative law judge may issue subpoenas.

c. The administrative law judge may take notes of the testimony and shall mark and preserve all exhibits. The testimony at the hearing shall be recorded.

11. If, after hearing, the administrative law judge finds by a preponderance of the evidence that the respondent has engaged in discrimination, the administrative law judge shall make proposed written findings and order such action by the respondent as will redress the injury done to the complainant in violation of this chapter, bring respondent into compliance with its provisions and generally effectuate the purpose of this chapter. The commission shall serve a certified copy of the administrative law judge's proposed findings and order on the respondent and complainant.

12. If the administrative law judge finds that the respondent has not engaged in discrimination as alleged in the complaint, the commission shall serve a certified copy of the administrative law judge's proposed findings on the complainant and the respondent together with an order dismissing the complaint.

13. Upon finding that employment discrimination has taken place, an administrative law judge may award back pay. Back pay liability may not accrue from a date more than 2 years prior to the filing of a complaint with the commission. Interim earnings or amounts earnable with reasonable diligence by the person discriminated against shall not operate to reduce back pay allowable, but shall be withheld from the person discriminated against and immediately paid to the state unemployment reserve fund or, in the case of welfare payments, to the welfare agency making the payments.



109-53. Review of Decision. 1. a. Pursuant to s. 68.09 Wis. Stats., and s. 320-11, any party aggrieved by the investigator's failure to find probable cause or the administrative law judge granting or denying in whole or in part the relief sought shall be entitled to seek review by written request filed with the commission within 30 days of notice to such person of the determination. If review is not sought within the time prescribed, the commission may set aside the proposed findings and order, and remand the action to the administrative law judge for such action necessary to effectuate the purpose of the chapter, or the commission may adopt the proposed findings and orders, and upon adoption, such determination shall become a final determination.

b. A request for review shall state the grounds upon which the person aggrieved contends that the decision should be modified or reversed.

c. The commission shall review the determination within 45 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.

d. The person aggrieved may file with the request for review or within the time specified by the commission, statement of facts, and argument or legal brief in support of the person's position and, at the same time, shall serve a copy of the request for review and the statement of facts and argument or legal brief upon all other parties to the original proceeding. Each party may file a response not later than 10 days after receipt of the copy of the aggrieved party's request for review.

e. The commission shall mail or deliver to all parties in this action, within 20 days after making a determination, a copy of its decision on review, which shall state the reasons for its decision and advise such persons of the right to appeal that decision, the time in which the appeal shall be taken and the office or person with whom notice of appeal shall be filed. This determination shall be a final determination.

2. Any party to a proceeding resulting in a final determination may seek judicial review by certiorari within 30 days of the receipt of the final determination, pursuant to ch. 68, Wis. Stats.

109-55. Forfeiture. 1. Any person who willfully violates this chapter or any lawful order of the commission under this chapter shall, for the first violation, forfeit not less than \$500 nor more than \$5,000.

2. For each successive violation within 5 years of having been adjudged to be in violation of this chapter or any lawful order of the commission under this chapter, the person shall forfeit not less than \$1,000 nor more than \$10,000.

3. Each day or fraction thereof on which such person shall willfully violate this chapter or a lawful order of the commission under this chapter shall be deemed a separate offense.

109-57. Enforcement. 1. Whenever in the judgment of the commission, the enforcement of a forfeiture imposed for violation of this chapter or of an order under this chapter is necessary, the commission shall refer the matter in writing to the city attorney for enforcement in the name of the city or the commission.

2. Upon referral, the city attorney may seek enforcement of this chapter in a court of competent jurisdiction and as provided in ss. 66.0114 and 66.1011(2), Wis. Stats., or otherwise.

3. At any time after a complaint is filed, the commission may request the city attorney to file a petition in circuit court, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this chapter, including an order or decree restraining the respondent from performing an act tending to render ineffectual an order the commission may enter with respect to the complaint.

#### SUBCHAPTER 4. NEIGHBORHOOD AND COMMUNITY RELATIONS

109-61. Community and Neighborhood Engagement. The commission shall, with the support and assistance of the department of employee relations, and such other departments, agencies, boards and commissions as may from time to time be appropriate, establish and maintain collaborative relationships with area human rights organizations, with the academic community, and with the private sector, for promoting equal rights by recognizing accomplishments and best practices, by facilitating community discussions relating to the equal rights and equal opportunities within respective neighborhoods and the city as a whole, and by providing, sponsoring or participating in informational and educational programs addressing equal rights issues, the laws prohibiting discrimination and promoting equal opportunities, and the availability of services and programs. Primary objectives for engagement with neighborhoods and the community shall include the promotion of diversity and community cohesion.

109-63. Clearinghouse. The commission shall, with the support and assistance of the department of employee relations, provide a clearinghouse of information and publications relating to human rights, equal rights and non-discrimination, including information about services and programs available to the public. Clearinghouse information shall include summaries of the numbers and types of referrals made and complaints handled by the commission and, to the extent practicable, the matters handled by other equal rights agencies and organizations in the community.

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

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

**No:** 1 - Dudzik

2. [081085](#) An ordinance clarifying and revising provisions of the city's code of ethics and providing penalties for failure to timely file a statement of economic interests. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 303-7-2 of the code is repealed and recreated to read:

303-7. Conflict of Interest Prohibited; Exception.

2. ADVISORY OPINIONS. a. Any individual, including former officials and other city employees, either personally, or on behalf of an organization or governmental body, may make a written request of the board for an advisory opinion relating to the propriety of any matter or matters to which the person, organization or governmental body is or may become a party.

b. Any appointing officer, with the consent of a prospective appointee, may make a written request of the board for an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party.

c. The board shall review a written request for an advisory opinion and may advise the person making the request. Advisory opinions shall be in writing. The board's deliberations and actions upon requests shall be in meetings not open to the public.

d. If the material facts contained in a written request for an advisory opinion are correct, then it is prima facie evidence of intent to comply with this chapter when an individual making the request abides by the board's advisory opinion.

e. No member of the board or its staff may make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.

f. Requests for confidential advisory opinions, records obtained or filed in connection with requests for confidential advisory opinions and confidential advisory opinions rendered shall be closed in whole to public inspection. This shall not be interpreted to preclude the board from compiling or publishing summaries of opinions rendered under this subsection if identification is not made, either directly or indirectly, of the requestor or of any organization identified in the opinion.

Part 2. Section 303-11-1-d and 2 of the code is repealed and recreated to read:

303-11. Financial Disclosure.

1. REQUIRED.

d. The ethics board shall provide consultation and advice upon request of the election commission relating to the financial disclosure requirements in sub 4.

2. FAILURE TO FILE. a. Late Filing. Any individual failing to file a statement of economic interests with the ethics board within the time limits required by sub. 1 shall, upon subsequently filing a completed statement 11 or more days after the date required for filing, pay a late filing fee of \$25. An additional late filing fee of \$5 per day shall be assessed for each day that expires after 30 days from the date due until a completed statement is filed, the total sum of these daily fees not to exceed \$100. Any statement of economic interests that is filed late shall not be considered a completed statement without payment of the appropriate fee for late filing.

b. Notice to Appointing Authority. The ethics board shall notify any appropriate appointing authority of the failure of an official or employee to file a required report within 15 days of the date on which the report was required to be filed.

c. Notice of Delinquent Filing. The ethics board shall cause a letter to be mailed first class, postage prepaid and addressed to the last known address of any individual who has not filed the required report within 30 days of the date on which the report was to be filed notifying the individual of the filing requirements, the assessment of late filing fees as provided in par. a, and that the matter of the delinquent filing may be referred to the city attorney for prosecution as provided in par. d.

d. Violation and Penalty. If after 45 days from the date required for filing of a statement of economic interests, a public official or employee subject to filing requirements under this section has failed to file a complete statement, the chair of the ethics board or designated staff member may cause an affidavit to be prepared and delivered to the city attorney stating upon knowledge and belief that an individual is in violation of the reporting requirements of this section, identifying the individual by name and position, declaring that the notice to be provided the individual in accord with par. c. was sent, and identifying the date the notice was sent and the address to which it was mailed. Upon receipt of the affidavit, the city attorney may file charges with the municipal court for violation of this section. Any person convicted of a violation of this section for failure to file a required and complete statement of economic interests within 45 days of the required date, shall be subject to a forfeiture of not less than

\$250 nor more than \$1,000, and shall upon failure to pay the forfeiture be imprisoned in the county jail or house of correction for not less than 10 days nor more than 40 days.

Part 3. Section 303-11-4 of the code is created to read:

4. FINANCIAL DISCLOSURE BY CANDIDATES FOR ELECTED OFFICE. a.

Any candidate for city public office shall file a statement of economic interests with the city election commission no later than 4:30 p.m. on the 3rd day following the deadline for filing nomination papers for the office which the candidate seeks at the time of filing of nomination papers. The information on the statement shall be current as of December 31 of the year preceding the filing deadline.

b. To assure consistency with the disclosures required of city officials and employees, the election commission shall consult with the ethics board relating to the content and requirements of the statement of economic interests to be filed by candidates for elected city office.

c. If a candidate for city office fails to file a statement of economic interests under this chapter within the required time, the candidate's name shall be omitted from the election ballot.

d. Any candidate for city office who files a false statement of economic interests under this subsection shall upon conviction be subject to a forfeiture of not less than \$250 nor more than \$1,000, and shall upon failure to pay the forfeiture be imprisoned in the county jail or house of correction for a period of not less than 10 days nor more than 40 days.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

ADOPTION OF THE FOLLOWING:

3. [081004](#) Substitute resolution relating to a claim from Edward V. Madritsch for property damage.

Whereas, Members of the Judiciary and Legislation Committee have reviewed the records to this claim in the amount of \$7,700.00 related to damage allegedly sustained to a basement in a private home due to a slow and incorrect response by the City and a faulty City inspection system of the sewer overflow pump. Based on this review, members of the Committee recommend the claimant be reimbursed \$4,000 in

payment of this claim; now, therefore, be it

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 total sum of \$4,000 payable to Edward Madritsch, 5854 N. 35th St., Milwaukee, WI 53209, to reimburse for the loss; and, be it

Further Resolved, That the check is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to Account No. 636505, Fund -0001, Organization - 1490, Program - 2631, Sub Class - S118. This resolution would release the City from any further liability arising from this incident.

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

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

**No:** 1 - Dudzik

4. [081010](#) Substitute resolution relating to an appeal from Connie Croft for property damage.

Whereas, Members of the Judiciary and Legislation Committee have reviewed the records to this claim in the amount of \$145.79 related to damage allegedly sustained to a vehicle by a city pothole. Based on this review, members of the Committee recommend the claimant be reimbursed \$145.79 in payment of this claim; now, therefore, be it

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 total sum of \$145.79 payable to Connie Croft, 4218 W. Derby Place, Milwaukee, WI 53209, to reimburse for the loss; and, be it

Further Resolved, That the check is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to Account No. 636505, Fund - 0001, Organization - 1490, Program - 2631, Sub Class - S118. This resolution would release the City from any further liability arising from this incident.

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

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

**No:** 1 - Dudzik

5. [081054](#) Substitute resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 2006 and 2007 tax rolls, plus interest applicable to date of repayment, if appropriate.

*AMENDMENT #1.*

*Ald. Hamilton moved to amend the file by adding the word "2009" before "Remission on taxes fund" in paragraphs 3 and 4*

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

- [081054](#) Substitute resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 2006 and 2007 tax rolls, plus interest applicable to date of repayment, if appropriate.

Whereas, Assessments were made against certain parcels of real estate for the years 2006 and 2007 as contained in Common Council Resolution File No. 081054 ; and

Whereas, The Board of Review has decreased these assessments as shown in this file; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers are authorized and directed to issue city checks in the amounts as shown in this file, payable to the City Treasurer or taxpayer as applicable, to be refunded to the taxpayer where appropriate, plus interest at the rate applicable pursuant to Section 70.511 of Wisconsin Statutes, for an appeal that was filed as shown in this file, applicable from date of payment to date of repayment, said amounts to be charged to the 2009 Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and said checks to be delivered to the Customer Services Unit of the Treasurer's Office for disbursement; and, be it

Further Resolved, That the proper city officers are authorized and directed to reflect the reduction in State Tax Credits as shown in this file by means of journal entries, charging the 2009 Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and crediting the State Tax Credit Fund; and, be it

Further Resolved, That interest for Key No. 360-0088-112-5 shall be applicable from date of payment to August 21, 2007 for the year 2006, and, that interest for Key No. 361-1403-113-X shall be applicable from date of payment to November 28, 2006 for the year 2006, and that interest for Key No. 361-1520-111-X shall be

applicable from date of payment to November 28, 2006 for the year 2006, and that interest for Key No. 361-1521-110-7 shall be applicable from date of payment to November 28 2006 for the year 2006, and that interest for Key No. 361-1535-114-6 shall be applicable from date of payment to November 28, 2006 for the year 2006, and that interest for Key No. 391-0752-000-0 shall be applicable from date of payment to November 28, 2006 for the year 2006, and that interest for Key No. 392-1818-112-4 shall be applicable from date of payment to August 21, 2007 for the year 2006, and that interest for Key No. 031-0101-110-X shall be applicable from date of payment to January 25, 2008 for the year 2007, and that interest for Key No. 361-0814-122-5 shall be applicable from date of payment to November 26, 2007 for the year 2007, and that interest for Key No. 392-0605-111-X shall be applicable from date of payment to November 9, 2007 for the year 2007, and that interest for Key No. 392-0614-111-9 shall be applicable from date of payment to November 9, 2007 for the year 2007, and that interest for Key No. 429-0221-000-2 shall be applicable from date of payment to November 29, 2007 for the year 2007, that interest for Key No. 434-1701-100-6 shall be applicable from date of payment to July 14, 2008 for the year 2007; and, be it

Further Resolved, That delinquent interest and penalties on any account covered by this resolution are hereby canceled.

*As amended.*

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

6. [081055](#) Substitute resolution to cancel real estate taxes levied against a certain parcel identified by Tax Key No. 355-0431-116-1, 2202 N. Bartlett Avenue, Milwaukee, Wisconsin (Pierce Milwaukee LLC), on the 2007 manufacturing tax roll, plus interest applicable to date of repayment, if appropriate.

*Amendment #2.*

*Ald. Hamilton moved to amend file by adding the word "2009" before "Remission of taxes fund" in paragraphs 3 and 4.*

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0



081055

Substitute resolution to cancel real estate taxes levied against a certain parcel identified by Tax Key No. 355-0431-116-1, 2202 N. Bartlett Avenue, Milwaukee, Wisconsin (Pierce Milwaukee LLC), on the 2007 manufacturing tax roll, plus interest applicable to date of repayment, if appropriate.

Whereas, An assessment in the amount of \$4,018,200 (Land: \$2,401,200 - Improvements: \$1,617,000) was made against the real estate property know as Tax Key Number 355-0431-116-1, for the year 2007; and

Whereas, The Wisconsin Tax Appeals Commission of the Wisconsin Department of Revenue has decreased this assessment to \$3,223,500 (Land: \$3,223,400 - Improvements: \$100), for a reduction of \$794,700; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers are authorized and directed to issue a city check in the amount of \$18,383.80 payable to the City Treasurer or taxpayer as applicable, to be refunded to the taxpayer where appropriate, plus interest at the rate applicable pursuant to Section 70.511(2)(b) of Wisconsin Statutes, for an appeal that was filed August 21, 2007, from date of payment to date of repayment, said amount to be charged to the 2009 Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300 and said check to be delivered to the Customer Services Unit of the Treasurer's Office for disbursement; and, be it

Further Resolved that the proper city officers are authorized and directed to reflect the reduction in State Tax Credits as follows:

Section 79.10 (2)    \$1,139.60    (City:    \$870.69  
County: \$268.91)

by means of journal entries, charging the 2009 Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and crediting the State Tax Credit Fund; and, be it

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

*As amended.*

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

## PLACING ON FILE THE FOLLOWING:

7. [070993](#) Communication from the City Attorney relative to expenditures from the Outside Counsel/Expert Witness Fund Special Purpose Account.
- A motion was made by ALD. HAMILTON that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
8. [080642](#) Communication from the Comptroller's Office relating to a report titled Audit of Election Commission Absentee Ballot Processing.
- A motion was made by ALD. HAMILTON that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
9. [080669](#) Communication from the Department of Public Works related to how it researches responses to claims against the department.
- A motion was made by ALD. HAMILTON that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0

## DISALLOWANCE AND INDEFINITE POSTPONEMENT OF THE FOLLOWING:

10. Various Claims against the City:
- a. [080578](#) Resolution relating to an appeal from Attorney Chris Barnes, Gibson & Sharps, on behalf of Bethany Weasler 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0

- b. [080692](#) Resolution relating to an appeal from James Groh 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- c. [080896](#) Resolution relating to the claim of CJD Moving Systems, Inc. for property damage.
- A motion was made by ALD. HAMILTON that this Resolution be REFERRED TO to the JUDICIARY & LEGISLATION COMMITTEE . This motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- d. [081000](#) Resolution relating to the claim of Ronald & Barbara Eder relating to property damage. (11th 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- e. [081001](#) Resolution relating to the claim of Verneice Henderson relating to 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- f. [081002](#) Resolution relating to the claim of Kathy Bellis, Agent for West Bend Mutual Insurance Company on behalf of Scott K. Pesick 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

- g. [081003](#) Resolution relating to the claim of Will & Adrienne Moore relating to property damage. (2nd 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

- h. [081009](#) Resolution relating to an appeal from Steven Pechloff 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

- i. [081012](#) Resolution relating to an appeal from Sherry Nash for property damage. (2nd 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

- j. [081013](#) Resolution relating to an appeal from Janice Radtke for property damage. (14th 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

- k. [081072](#) Resolution relating to an appeal from Edward Swartz for property damage. (5th 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- L. [081073](#) Resolution relating to an appeal from Shenequa Netterville for property damage. (9th 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- m. [081115](#) Resolution relating to an appeal from Latia Ference for property damage. (10th 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:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- [080711](#) Substitute resolution authorizing the return of real estate located at 319-321 E. Center St., in the 6th Aldermanic District to its former owner. (Jerome Holmes)
- Whereas, The property located at 319-321 E. Center St., previously owned by Jerome Holmes, has delinquent taxes for 2005-2007 and bond GF04068 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated July 28, 2008; and
- Whereas, Jerome Holmes would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since July 28, 2008; and
- Whereas, Jerome Holmes has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in

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

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 319-321 E. Center St., a cashier's check must be submitted in the amount indicated by the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 0CV004983 known as the 2008-01 In Rem Parcel 276, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

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

*Prior to this action, Ald. Hamilton moved to take this file from file.*

*Granted without objection.*

*Ald. Hamilton then moved to take this file from committee.*

*Granted without objection.*

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

[080720](#)

Substitute resolution authorizing the return of real estate located at 2727 N. 8th St., in the 15th Aldermanic District to its former owner. (Citifinancial Mortgage Company, Mortgagee)

Whereas, The property located at 2727 N. 8th St., previously owned by Citifinancial Mortgage Company, Mortgagee, has delinquent taxes for 2005-2007 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated July 28, 2008; and

Whereas, Citifinancial Mortgage Company, Mortgagee would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and

penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since July 28, 2008; and

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

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 2727 N. 8th St., a cashier's check must be submitted in the amount indicated by the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 0CV004983 known as the 2008-01 In Rem Parcel 256, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

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

*Priot to this action, Ald. Hamilton moved to take this file from file.*

*Granted without objection.*

*Ald. Hamilton then moved to take this file from committee.*

*Granted without objection.*

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

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

## PASSAGE OF THE FOLLOWING:

1. [080269](#) Substitute ordinance relating to a change in zoning from General Planned Development to a Detailed Planned Development known as City Lights, Phase 1, on lands located South of West Greves Street and East of North 25th Street for professional office space at 200 North 25th Street, in the 8th Aldermanic District.

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

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

Section 295-907(2)(c).0134.

(1) In accordance with the provisions of Section 295-907(2) of the Code relating to the procedures and establishment of planned development districts, the Common Council approves the subject Detailed Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for that part of the Southwest 1/4 of Section 30, Town 7 North, Range 22 East, in the City of Milwaukee, Milwaukee County, Wisconsin, more fully described as:

Commencing at the South 1/4 corner of said Section 30; thence North 01°11'19" West, along the east line of the Southwest 1/4 of said Section 30, a distance of 573.00 feet; thence South 88°40'41" West, a distance of 555.57 feet to the point of beginning of the hereinafter described lands; thence continue South 88°40'41" West along said line, a distance of 51.11 feet; thence North 01°19'19" West, a distance of 32.19 feet; thence South 88°25'25" West, a distance of 209.66 feet; thence South 00°52'13" East, a distance of 31.26 feet; thence South 88°40'41" West, a distance of 219.14 feet; thence North 01°13'46" West, a distance of 186.18 feet; thence South 88°41'25" West, a distance of 108.23 feet; thence South 01°23'08" East, a distance of 79.60 feet; thence South 82°00'39" West, a distance of 115.51 feet; thence North 07°59'21" West, a distance of 38.51 feet; thence South 82°00'39" West, a distance of 104.69 feet; thence North 07°59'21" West, a distance of 146.00 feet; thence North 82°00'39" East, a distance of 189.00 feet; thence South 07°59'21" East, a distance of 72.80 feet; thence North 88°40'28" East, a distance of 158.71 feet; thence North 01°17'36" West, a distance of 114.74 feet to the south right-of-way of the Chicago Milwaukee St. Paul and Pacific Railroad Company; thence North 84°59'58" East, along said south right-of-way, a distance of 85.71 feet; thence North



88°56'12" East, along said south right-of-way, a distance of 531.34 feet; thence South 00°49'35" East, a distance of 161.24 feet; thence South 89°16'27" West, a distance of 142.62 feet; thence South 01°26'01" East, a distance of 172.04 feet to the point of beginning. Said lands contain 213,268 square feet (4.90 acres).

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

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

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

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

2. [080740](#) Substitute ordinance relating to a change in zoning from Local Business to General Planned Development on land located on the South Side of West Lincoln Avenue and East of South 5th Place, for affordable housing with supportive services, in the 14th Aldermanic District.

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

Part 1. There is added to the Milwaukee Code of Ordinances ("Code") a new section

to read as follows:

Section 295-907(2)(a).0049.

(1) In accordance with the provisions of Section 295-907(2) of the Code relating to the procedures and establishment of planned development districts, the Common Council approves the subject General Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for the area bounded and described as follows:

Lots 4 and 5 in Block 3 in T. Kuczynsky's Subdivision No. 2 being a subdivision of a part of Block 3 in Dr. E. Chase's Subdivision of part of the Northeast 1/4 of Section 8, Township 6 North, Range 22 East, in the City of Milwaukee, County of Milwaukee and State of Wisconsin.

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

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

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

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

3. [080742](#) Substitute ordinance relating to the change in zoning from Local Business to Detailed Planned Development on land located West of North Farwell Avenue and South of East Kenilworth Place, for residential, retail and parking development, in the 3rd Aldermanic District.

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

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

Section 295-907(2)(c).0132.

(1) In accordance with the provisions of Section 295-907(2) of the Code relating to the procedures and establishment of planned development districts, the Common Council approves the subject Detailed Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for that part of Glidden & Lockwood’s Addition in the Northwest 1/4 of Section 22, Township 7 North, Range 22 East, Block 30 of the Northeasterly 30 feet of Lot 10 and Block 30 Lots 8-9 and the Southwesterly 30 feet of Lot 10.

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

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

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

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

4. [080871](#) A substitute ordinance regulating the maintenance of abandoned residential properties pending foreclosure and during foreclosure proceedings.

Whereas, Events in national and local residential housing markets have resulted in significant increases in mortgage loan defaults and in foreclosures on residential properties; and

Whereas, Increased numbers of defaults and foreclosures have resulted in increased numbers of vacant, abandoned and otherwise unoccupied homes in the City of Milwaukee and elsewhere; and

Whereas, Vacant and abandoned residential properties contribute to a decline in assessed values of properties adjacent and near to an abandoned residence, create an increased risk of fire, offer opportunities for crime including drug-trafficking and vandalism, often constitute an attractive public nuisance, and, when neglected, threaten the health, safety and welfare of neighborhoods due to accumulation of litter, trash weeds and overgrown bushes, infestation by insects and other vermin, and the dangers of unshoveled snow and ice; and

Whereas, Residential premises facing foreclosure may be vacant for many months and even years, and often accumulate building code violations which the legal owners, though unavailable, are responsible to remedy and for which the legal owners remain liable; and

Whereas, Banks, lenders and other financial institutions, their agents and servicing companies, generally have rights or responsibilities to secure and preserve properties constituting the collateral for loans in default, and to prevent wastage; and

Whereas, Banks, lenders and other financial institutions with interests in residential

properties are increasingly disconnected from the communities they serve and are often based or headquartered in states other than Wisconsin or even in foreign countries; and

Whereas, The practice of “bundling,” transferring, and “securitizing” loan and mortgage documents has contributed to difficulties in identifying and locating parties that assert a legal interest in residential properties as collateral for a loan that is in default; and

Whereas, In some instances involving residential mortgage loan defaults, the bank, lender, other financial institution, or their agent or servicing company, fails to adequately secure a vacant and abandoned premises and to keep the premises free from wastage, thereby resulting in deterioration of the premises and contributing to neighborhood blight and other conditions that threaten health, safety and welfare; and

Whereas, Section 62.11(5), Wis. Stats., and ss. 4-03 and 4-10, Milwaukee city charter, empower the common council to act for the government and good order of the city, for its commercial benefit, and for the health, safety and welfare of the public; now therefore

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

Part 1. Section 200-22.5 of the code is created to read:

200-22.5. Maintenance of Abandoned Residential Properties Pending Foreclosure.

1. PURPOSE AND SCOPE. The purpose of this section is to establish an abandoned residential property registration program and to regulate the maintenance of abandoned residential properties by parties asserting a collateral or other legal or equitable interest in the property. This section is intended to reduce and prevent neighborhood blight, to ameliorate conditions that threaten the health, safety and welfare of the public, to promote neighborhood stability and residential owner occupancy by preserving the condition and appearance of residential properties, and to maintain residential property values and assessments. Nothing in this section shall be construed as waiving, relieving or otherwise excusing an owner of residential property from compliance with all applicable building codes and ordinances and the owner or owners shall at all times remain responsible and liable therefore.

2. DEFINITIONS. In this section:

a. “Abandoned property” or “abandoned premises” means a property that is vacant as the result of the relinquishment of possession or control by a mortgager or the mortgager’s assigns whether or not the mortgager or mortgager’s assigns have relinquished equity and title. Property may be deemed abandoned when there is

evidence of conditions, taken separately or as a whole, that would lead a reasonable person to conclude that the property was abandoned including, but not limited to, evidence of overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices, accumulation of junk, litter, trash or debris, absence of window treatments such as blinds, curtains or shutters, absence of furnishings and personal items, and statements by neighbors, delivery agents or similarly situated persons that the property is vacant.

b. "Accessible Structure" means a building that is accessible through a compromised door, wall, window or similar structure and which is unsecured in a manner that allows access to interior space by unauthorized persons.

c. "Agent" means a person, firm or other entity that, by agreement for payment of services, is responsible to a bank, lender, other financial institution or individual, for securing, maintaining, foreclosing upon or selling any residential property as the result of loan default or mortgage foreclosure proceedings whether or not the proceedings are judicial or initiated as the result of a power of sale clause in the mortgage document. In this section, agent does not include a servicing company. Except, however, an attorney shall not be deemed to be an agent if that attorney is retained solely to represent a bank, lender or other financial institution in connection with a foreclosure proceeding in a court of competent jurisdiction.

d. "Financial institution" means any individual, firm, corporation or entity other than a lender or duly constituted bank that asserts a collateral interest in residential real property as the result of an assignment, sale or transfer of a mortgage or similar instrument.

e. "Foreclosure" means the judicial process prescribed by ch. 846, Wis. Stats., and the process for non-judicial sale authorized by a power of sale clause in a mortgage document.

f. "Mortgage" means a written instrument creating a lien on real property whereby the mortgager retains the interest that the mortgager had at the time of mortgage until that interest is divested by some later act.

g. "Occupied property" or "occupied premises" means a premises on which any person over one year of age, including an owner or operator, lives, sleeps, cooks or otherwise maintains actual possession.

h. "Servicing company" means an individual, firm or entity that, as a regular part of its business, provides services to the owner or holder of one or more mortgage liens which services may include collection of payments, creation and administration of escrow and insurance accounts, assessment of late-payment charges, managing loss

mitigation, and securing and managing foreclosed properties on behalf of the holder of a mortgage lien or the holder's attorney or agent.

i. "Vacant premises" means a building that is not lawfully occupied.

3. INSPECTION OF RESIDENTIAL PROPERTY. a. Initial Inspection. Whenever a bank, lender or other financial institution shall directly, or through an agent or servicing company, initiates foreclosure proceedings upon residential real property, the bank, lender or other financial institution, either directly or through its agent or servicing company, shall cause a physical inspection to be made of the property not later than 30 days from the date of notice and in no event later than 30 days after the filing of foreclosure proceedings. One or more photographs shall be taken of the residential property accurately portraying the condition of the exterior premises. Photographs shall be dated and preserved.

b. Periodic Inspections. Any bank, lender or financial institution, or its agent or servicing company, shall perform a re-inspection of a residential premises subject to foreclosure proceedings at least once every 30 days following the initial inspection until such time as the property is no longer in default as a result of agreement with the owner, or is sold at a sheriff's sale or is otherwise lawfully conveyed to a new owner. One or more photographs shall be taken at each re-inspection and shall be dated and preserved in the same manner as is required upon initial inspection.

4. REGISTRATION OF ABANDONED RESIDENTIAL PROPERTY. a. If, upon inspection of residential property required by sub. 3, it should be determined that the property is abandoned, the bank, lender, other financial institution or its responsible agent or servicing company, shall register the property in the name of the lien holder with the commissioner on a form prescribed by the commissioner that includes, but is not limited to, information identifying the location of the property, the last known owner or owners of the property, the date foreclosure proceedings were commenced and the docket number of the foreclosure action, a description of the external condition of the property and whether there is an accessible structure on the property. Registration information shall identify the agent or servicing company, if any, that is authorized by the lien holder to enter upon the property and to conduct repairs or maintenance as required in sub. 5-a.

b. Registration of abandoned property shall be made within 5 working days of inspection. The fee for registration of abandoned residential property is prescribed in s. 200-33-47-a. If it should appear that the registration is filed 6 or more days after the inspection, a late fee will be charged as prescribed in s. 200-33-47-b. The registration form and fee may be transmitted electronically or by any other means to be determined by the commissioner. The registration shall be valid from the date the registration form is completed and filed with the commissioner if the registration fee is

received by the commissioner within 7 days of receipt of the registration form. If the registration fee is not received within 7 days of receipt of the registration form, a late fee will be charged as prescribed in s. 200-33-47-b.

c. The registration will be dissolved and considered void upon receipt by the commissioner of written evidence of a sale in foreclosure, redemption of the property by the lien holder or other transfer of the lien holder's interest. The commissioner may, in appropriate circumstances, provide for conversion of the registration required in this subsection to a registration of residential property as provided in s. 200-51.5.

5. REGISTRANT DUTIES. a. The property maintenance duties of a registrant are limited to the following: a-1. Assuring that there are no accessible structures on the premises.

a-2. Assuring that there are no conditions upon the property presenting an immediate risk to health and safety of the public including removing or abating fire hazards, removing or containing potentially toxic materials and explosives, securing the perimeters of swimming pools, ponds or other bodies of water, and maintaining public walkways and thoroughfares free from ice, snow, mud and other debris consistent with the requirements of par. 3.

b. A registrant shall include a statement in the registration form identifying any action taken or planned to be taken to comply with the requirements of par. a. From and after registration of the abandoned residential property, or from and after the time that registration is required to be made, and until the abandoned residential property has been sold at a sheriff's foreclosure sale or has otherwise been legally conveyed to a new owner, the commissioner may make a finding that the conditions of the residential premises constitute an immediate threat to the health, safety and welfare of the public and, upon such finding, may issue a written order to the registrant to abate the condition. If the registrant, or party with a duty to register, fails to comply with the order of the commissioner within 10 days, the registrant, or party with a duty to register, shall be held liable and punished in the same manner and to the same extent as the owner of the property if the unabated condition is found to be in violation of the following:

b-1. Section 79-12. Littering of Premises.

b-2. Section 79-13. Sidewalks to be Kept Clean.

b-3. Section 80-13. Odors from Privy Vaults, Drains, Sewers.

b-4. Section 80-17. Hay Fever Weeds, etc.



b-5. Section 80-31. Breeding Place for Flies.

b-6. Section 80-49. Nuisance Vehicles.

b-7. Section 105-16. Icicles on Buildings.

b-8. Section 214-11. Storing of Fuel in a Dwelling.

b-9. Section 214-12. Securing of Pressurized Gas Cylinders.

b-10. Section 217-13-4. Locks.

b-11. Section 236-41. Hazardous Substance Spills.

b-12. Section 275-32-7. Vacant Structures; Boarding

b-13. Section 275-35. Graffiti Abatement.

b-14. Section 275-81-5. Maintenance Of Premises.

b-15. Section 275-81-6. Rat Harborages.

c. The minimum requirements of a registrant, or party with a duty to register, for preservation and protection of residential premises, absent a specific order of the commissioner to abate a condition of the premises, shall be consistent with the rules, regulations and other requirements published by the Federal Housing Administration (FHA) of the United States Department of Housing and Urban Development for the preservation and protection of single-family residential properties secured by FHA loans as those requirements may be amended by FHA mortgagee letters or otherwise, and as applied by the FHA to the state of Wisconsin including guidelines related to winterization and heating systems. Under these guidelines, debris removal shall be deemed to include snow and ice removal, the elimination of weeds and other plant growths in s. 80-17. The commissioner may require a registrant, or party with a duty to register, to repay the department the reasonable costs incurred by the department related to abatement of conditions that are subject to FHA guidelines identified in this paragraph or which are subject to an order under par. b and threaten the health, welfare and safety of the public.

d. A registrant shall maintain written records, including photographs, of any re-inspection required by sub. 3-b that identifies any change in condition of the abandoned real property requiring correction under pars. a. and b, and identifying actions taken or planned to assure compliance. Written records of re-inspection shall be made available to the commissioner or commissioner's designee upon request.

e. A registrant, or registrant's agent or servicing company, shall provide notice to the commissioner, in a manner to be prescribed by the commissioner, within 15 working days, of any agreement executed by the lawful owner with the party or parties asserting a mortgage lien interest curing or otherwise forgiving default of the mortgage lien, or within 15 days of a sheriff's sale in foreclosure or other sale or lawful conveyance of the abandoned residential property, and declaring that registrant is no longer responsible for inspection of the registered property or for securing or maintaining the property. Upon receipt of the notice required in this paragraph, the commissioner shall dissolve the registration.

6. PENALTIES. a. Failure to Inspect. Any person, firm, bank, lender, financial institution or an agent or servicing company that fails its duty to inspect or re-inspect residential property under sub. 3 shall, upon conviction, forfeit not less than \$250 nor more than \$1,000, together with the cost of the action, and in default of payment thereof may be imprisoned in the house of correction or county jail of Milwaukee county not less than 10 days nor more than 40 days.

b. Failure to Register. Any person, firm, bank, lender, financial institution or an agent or servicing company that fails its duty to register abandoned residential property under sub. 4 shall, upon conviction, forfeit not less than \$500 nor more than \$2,000, together with the cost of the action, and in default of payment thereof may be imprisoned in the house of correction or county jail of Milwaukee county not less than 20 days nor more than 80 days.

c. Failure to Secure and Maintain. Any person, firm, bank, lender, financial institution or an agent or servicing company having a duty to register abandoned residential property that fails its duty to secure and maintain the property under sub. 5-a and b shall, upon conviction, forfeit not less than \$350 nor more than \$1,500, together with the cost of the action, and in default of payment thereof may be imprisoned in the house of correction or county jail of Milwaukee county not less than 14 days nor more than 60 days.

d. Failure to Maintain Records or Provide Written Notice. Any person, firm, bank, lender, financial institution or responsible agent or servicing company that fails to maintain records required in sub. 5-c or to provide the notices required in sub. 5-d shall, upon conviction, forfeit not less than \$100 nor more than \$500, together with the cost of the action, and in default of payment thereof may be imprisoned in the house of correction or county jail of Milwaukee county not less than 4 days nor more than 20 days.

Part 2. Section 200-33-47 of the code is created to read:

200-33. Fees.

47. REGISTRATION OF ABANDONED RESIDENTIAL PROPERTY. a. The fee for registration of an abandoned residential property required by s. 200-22.5-4 shall be \$35.

b. If a completed registration form is not received by the commissioner within 5 days of inspection and a determination of abandonment of residential property, or if the registration fee required in par. a is not received by the commissioner within 7 days of receipt of the registration form, there shall be an additional late fee of \$10.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

5. [080928](#)

Substitute ordinance relating to a change in zoning from Industrial Light to Detailed Planned Development, on lands located on the North Side of East North Avenue and West of North Cambridge Avenue at 1436 East North Avenue for student dormitory housing, retail and other related uses, in the 3rd Aldermanic District.

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

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

Section 295-907(2)(c).0135.

(1) In accordance with the provisions of Section 295-907(2) of the Code relating to the procedures and establishment of planned development districts, the Common Council approves the subject Detailed Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for that part of Lot 16 in the Southeast 1/4 of Section 16, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at a point 50 feet North of the south line of said 1/4 Section and 35 feet West of the southwest corner of Lot 15, Block 222 in Walworth's Subdivision of the East 977 feet of Lots 15 and 16 in said 1/4 Section, running thence North and parallel

to the west line of said Lot 15, Block 222, in said Walworth's Subdivision, 77 feet to a point; thence West and parallel to the south line of said 1/4 Section, 125 feet to a point which is 127 feet North of the south line of said 1/4 Section and 160 feet West of the west line of said Lot 15, Block 222, in said Walworth's Subdivision; thence South and parallel to the west line of said Lot 15, Block 222, Walworth's Subdivision aforesaid, 77 feet to a point 50 feet North of the south line of said 1/4 Section; thence East parallel to the south line of said 1/4 Section, 125 feet to the point of beginning; and

That part of Lots 15 and 16, in the Southeast 1/4 of Section 16, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at a point which is 50 feet North of the south line of said Southeast 1/4 of Section 16 and 160 feet West of the west line of Lot 15, Block 222, Walworth's Subdivision of the East 977 feet of Lots 15 and 16 in said 1/4 Section; thence North and parallel to the west line of said Block 222 extended and Block 217 in said Walworth's Subdivision, 462.40 feet to a point which is 149.2 feet South of the north line of said Government Lot 15; thence West and parallel to the north line of said Government Lot 15 to a point in the easterly shore line of the Milwaukee River; thence Southwesterly along said shore line to a point 50 feet North of the south line of said 1/4 Section; thence East and parallel to the south line of said 1/4 Section to the point of beginning; and

That part of Government Lots 15 and 16 in the Southeast 1/4 of Section 16, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at a point 50 feet North of the south line of said 1/4 Section and 35 feet West of the southwest corner of Lot 15, Block 222 in Walworth's Subdivision of the East 977 feet of Lots 15 and 16 in said 1/4 Section; running thence North and parallel to the west line of said Lot 15, a distance of 77 feet to the point of beginning of the land herein described; thence West and parallel to the south line of said 1/4 Section, 125 feet to a point which is 127 feet North of the south line of said 1/4 Section and 160 feet West of the west line of said Lot 15, Block 222 in said Walworth's Subdivision; thence North on a line parallel to the west line of said Block 222 extended and the west line of Block 217 in said Walworth's Subdivision, 385.40 feet to a point which is 149.2 feet South of the north line of said Government Lot 15; thence East and parallel to the north line of said Government Lot 15, a distance of 125 feet to a point which point is 35 feet West of the west line of said Block 217; thence South on a line parallel to the west line of said Blocks 217 and 222 extended, 385.40 feet to the point of beginning; and

Excepting that part conveyed in Quit Claim Deed recorded as Document No. 7505919.

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

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

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

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

ADOPTION OF THE FOLLOWING:

6. [080834](#) Substitute resolution authorizing an expenditure and approving a Cooperation Agreement with the Redevelopment Authority of the City of Milwaukee for Tax Incremental District No. 59, Bronzeville/America's Black Holocaust Museum Project, in the 6th Aldermanic District.

Whereas, In 2005, the City of Milwaukee ("City") created Tax Incremental District ("TID") No. 59 (Bronzeville). The Bronzeville TID covers a substantial area of the City, stretching from Burleigh Street on the north, Garfield Avenue on the south, King Drive on the east and North 7th Street on the west. Overall, the district is one of the

City's largest and the heart and soul of the Bronzeville Cultural and Entertainment District; it was created to become a year-around destination place, while enhancing the area surrounding West North Avenue, and promoting a culturally rich ambiance through various cultural and entertainment venues such as art galleries, performing arts center, authentic cuisine and a community cultural center; and

Whereas, The TID has programmed funding for selective land acquisition in the cultural and entertainment area of the district and provides funding for street improvements, signage, a loan or grant fund to assist new construction or renovation projects, facade improvements and a residential renovation grant program. Total funds from all sources targeted at this program amount to \$4.5 million with the TID providing \$3.4 million; and

Whereas, America's Black Holocaust Museum ("Museum"), which operated at 2233 North 4th Street, was a key anchor of the Bronzeville Cultural and Entertainment District and for years served as a constructive reminder of past racial injustices throughout the nation; and

Whereas, In July of this year, the Museum closed its doors due to a lack of resources with which to operate and meet its debts; and

Whereas, The Museum's lender, North Shore Bank, in an effort to give the Museum an opportunity to reopen, has continued to delay foreclosure actions on the Museum's North 4th Street facility and has agreed to release its collateral interest in the Museum's exhibits; and

Whereas, The Redevelopment Authority of the City of Milwaukee ("Redevelopment Authority"), utilizing funds available from TID No. 59, proposes to acquire the Museum building to assure that this facility's future use is compatible with the objectives of the Bronzeville Cultural and Entertainment District; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Cooperation Agreement with the Redevelopment Authority, a copy of which is attached to this Common Council File, is approved, and that the proper City officials are directed to execute said Cooperation Agreement; and, be it,

Further Resolved, That the the sale amount of the building formerly occupied by the Black Holocaust Museum at 2233 North 4th Street shall be set by the City at not less than \$250,000.

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

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

**No:** 2 - Donovan Dudzik

7. [081068](#) Resolution permitting a minor modification to the First Amendment to the Detailed Planned Development known as Columbia St. Mary's Prospect East, Phase 1, on land located on the North Side of East North Avenue and West of North Terrace Avenue for pole lighting, in the 3rd Aldermanic District.

Whereas, Section 295-907-3(i) of the Milwaukee Code of Ordinances permits variation to planned developments after approval of the Common Council; and

Whereas, The detailed plan for a planned development known as Columbia St. Mary's was approved by the Common Council of the City of Milwaukee on January 15, 2008, under File No. 060259; and

Whereas, The placement of five pole lights on the top of the parking deck is consistent with the spirit and intent of the approved plan and will not adversely affect surrounding development and a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the minor modification to the approved plan permitting the addition of five pole lights to the top deck of the Columbia St. Mary's Water Tower Parking Structure is approved.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

8. [081071](#) Resolution directing a transfer of funds from the Capital Improvements Advance Planning Fund for the preparation of a Southwest Side Area Comprehensive Plan, in the 8th, 11th, 13th and 14th Aldermanic Districts.

Whereas, 1999 State of Wisconsin Act 9 (the Biennial Budget Act) required that the City of Milwaukee ("City") prepare a Comprehensive Plan by 2010; and

Whereas, Area Comprehensive Plans for specific areas of the City are components of the Comprehensive Plan; and

Whereas, The Department of City Development ("DCD") continues work on residential and commercial analysis as well as land-use policy development; and

Whereas, The preparation of Area Plans requires technical assistance provided by

outside consultants and funds are necessary to provide for such services as well as other planning-related activities; and

Whereas, The preparation of the Southwest Side Area Comprehensive Plan requires approximately \$75,000; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Comptroller is directed to transfer the amount of \$75,000 from Account No. UR01280136 to be used by DCD to support comprehensive planning and land-use policy development for the Southwest Side Area of the City; and, be it

Further Resolved, That the appropriate City staff are directed to begin preparation of the Southwest Side Area Comprehensive Plan for reference and use; and, be it

Further Resolved, That DCD is directed to enter into contracts or agreements, as necessary, to carry out the purpose and intent of this resolution.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

CONFIRMATION OF THE FOLLOWING:

9. [081125](#) Reappointment of Barbara Armstrong to the Standards and Appeals Commission by the Mayor. (4th Aldermanic District)

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

10. [081126](#) Reappointment of Brian Jost to the Standards and Appeals Commission by the Mayor. (12th Aldermanic District)

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0



11. [081127](#) Appointment of Sherri Reed Daniels to the Housing Authority by the Mayor. (6th Aldermanic District)

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

THE ZONING, NEIGHBORHOODS AND DEVELOPMENT COMMITTEE FURTHER RECOMMENDS:

---The following item may be referred from the SPECIAL Zoning, Neighborhoods and Development Committee meeting held on Tuesday, December 16, 2008 at 8:15 A.M.

12. [081070](#) Resolution approving a Project Plan and creating Tax Incremental District No. 72, Bishop's Creek, authorizing expenditures and approving the terms of Development Agreements and a Cooperation Agreement to implement the Project Plan, in the 1st and 7th Aldermanic Districts.

*Amendment #3*

*Ald. Witkowiak moved to amend the term sheet attached to the file titled "Common Bond Communities - Bishop's Creek Family Housing Project (Kaiser Tannery Redevelopment Phase 1A)" by adding the following under "Disbursements":*

*F. The disbursement of TID funds be contingent upon all financing sources for Phase 1A being finalized and the term sheet attached to the file titled "Bishop's Creek CDC Kaiser Tannery Redevelopment Project - Phase 1A" by adding the following under "Disbursements Funding #2".*

*F. the disbursement of TID funds be contingent upon all financing sources for Phase 1A being finalized.*

*Ald. Witkowski moved that the Common Council resolve itself into a Committee of the Whole for the purpose of hearing from the office of the Comptroller in this matter.*

*With two objections, so ordered.*

*Mr. Michael Daun, deputy comptroller, appeared and addressed the Common Council in this matter.*

*Ald. Witkowiak moved that the Committee of the Whole rise.*

*There was no objection.*

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

Whereas, Chapter 105 of the Laws of 1975 of the State of Wisconsin with amendments from other chapters of said Laws created Section 66.1105, Wisconsin Statutes, titled "Tax Increment Law;" and

Whereas, Section 66.1105(4) of the Tax Increment Law sets forth certain criteria that the Common Council of the City of Milwaukee ("Common Council") and the Redevelopment Authority of the City of Milwaukee ("Authority") must follow to create a Tax Incremental District ("District" or "TID") and approve a Project Plan for a District; and

Whereas, Pursuant to Section 66.1105(4)(a) through (gm), Wisconsin Statutes, the Authority conducted a public hearing on the Project Plan, designated the boundaries of a District and recommended that the District be created and submitted such recommendation to the Common Council for approval with the proposed Project Plan for Tax Incremental District No. 72, Bishop's Creek, City of Milwaukee ("Plan"), a copy of which is attached to this Common Council File; and

Whereas, Under the provisions of Section 66.1105(4)(gm)4.a., Wisconsin Statutes, not less than 50 percent, by area, of the real property within a proposed District must qualify as either a "blighted area" within the meaning of Section 66.1105(2)(a), Wisconsin Statutes; an area "in need of rehabilitation or conservation work" within the meaning of Section 66.1337(3), Wisconsin Statutes; or must be suitable for "industrial sites" within the meaning of Section 66.1101, Wisconsin Statutes, and be zoned for industrial use; or must be "suitable for mixed-use development" as defined in Section 66.1105(2)(cm), Wisconsin Statutes; and

Whereas, More than 50 percent, by area, of the real property in the District is "in need of rehabilitation and conservation work" as defined above; and

Whereas, Property standing vacant for an entire 7-year period immediately preceding adoption of this resolution and not suitable for "industrial sites," comprises less than 25 percent, by area, of the District; and

Whereas, The Plan contains statements and other factual information indicating that the improvement of such area is likely to substantially enhance the value of real property in

the District; and that project costs directly serve to promote development of the District consistent with the purpose(s) for which the District is created under Section 66.1105(4)(gm)4.a., Wisconsin Statutes; and

Whereas, A Cooperation Agreement between the City of Milwaukee (“City”) and the Authority is required to implement the Plan, a draft of which is attached to this Common Council File; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it finds and determines as follows:

1. The District is “in need of rehabilitation and conservation work” within the meaning of Section 66.1105(4)(gm)4.a., Wisconsin Statutes.
2. The improvement and/or redevelopment of such area, as hereinafter provided, are likely to enhance the value of real property in the District.
3. Project costs relate directly to promoting development consistent with the City's Master Plan and with the purpose(s) for which the District is created under Section 66.1105(4)(gm)4.a., Wisconsin Statutes.
4. The percentage of the aggregate value of the equalized taxable property of the District plus the incremental value of all other existing Districts does not exceed the statutory maximum 12 percent of the aggregate value of total equalized value of taxable property within the City; and, be it

Further Resolved, That Tax Incremental District No. 72, Bishop’s Creek, is created as of January 1, 2009, and that the boundaries of the District recommended by the Authority are approved as described and more precisely set forth in the Plan; and, be it

Further Resolved, That the Plan is approved as the Project Plan for said District and that the Plan is feasible, in conformity with the Master Plan for the City and will promote the orderly development of the City; and, be it

Further Resolved, That the proper City officials are directed to enter into Development Agreements for the purposes of implementing the Plan on terms substantially in accordance with the Term Sheets for the Project, copies of which are attached to this Common Council File; and, be it

Further Resolved, That the proper City officials are directed to enter into a Cooperation Agreement with the Authority to implement the Plan; and, be it

Further Resolved, That:

1. The City Clerk is directed to apply to the Wisconsin Department of Revenue for a "Determination of Tax Increments and Tax Incremental Base," for the District pursuant to the provisions of Section 66.1105(5), Wisconsin Statutes.
2. Pursuant to the provisions of Section 66.1105(5)(f), Wisconsin Statutes:
  - a. The Assessment Commissioner is directed to identify upon the assessment roll, returned and examined under Section 70.45, Wisconsin Statutes, those parcels of property, which are within Tax Incremental District No. 72 specifying thereon the name of the District.
  - b. The City Clerk is directed to make notations on the tax roll for the District similar to those required to be made under Section 70.65, Wisconsin Statutes.
3. The City Comptroller is directed to transfer the sum of \$1,585,000 plus capitalized interest for two years, from the Parent TID account to the Project Account No. TDO7280000 for paying Tax Incremental District No. 72 expenditures.
4. The City Comptroller is directed to establish all accounts and to make all appropriation transfers upon request by the Department of City Development for all revenue or expenditure activity under this resolution.

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

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

## THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

## ADOPTION OF THE FOLLOWING:

1. [081079](#) Substitute resolution authorizing an expenditure from the Development Fund for economic development purposes, in the 9th Aldermanic District.  
Whereas, The 2008 Capital Budget for the City of Milwaukee (“City”) provides for the Development Fund; and  
  
Whereas, The City has an ongoing commitment to job creation; and  
  
Whereas, Super Steel Products Corp. is a sheet metal manufacturer providing fabrication, assembly, engineering and design capabilities for heavy gauge steel manufacturers; and  
  
Whereas, Super Steel Products Corp. needs to complete mechanical and electrical upgrades to their facilities, purchase additional equipment and train employees to increase production capacity at said locations; and  
  
Whereas, Super Steel Products Corp. proposes to add 150 new welding and assembly jobs in the City with an average hourly wage of \$18.00 per hour; and  
  
Whereas, The City proposes to assist this project with a loan of \$200,000 based on the conditions set forth in a Term Sheet, a copy of which is attached to this Common Council File; now, therefore, be it  
  
Resolved, By the Common Council of the City of Milwaukee, that the proper City officials are authorized and directed to enter into a Cooperation Agreement with the Redevelopment Authority of the City of Milwaukee providing for a loan to Super Steel Products Corp. on the terms and conditions as set forth in said Term Sheet; and, be it  
  
Further Resolved, That the funds for this loan shall be provided from the Development Fund, Account No. UR03398300.  
  
**A motion was made by ALD. DAVIS that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**  
  
**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Dudzik, Witkowski, Zielinski Hines Jr.  
  
**No:** 1 - Murphy  
  
**Excused:** 1 - Witkowiak
2. [081084](#) Resolution authorizing attendance at meetings of the National League of Cities’ Board

of Directors and International Council.

Whereas, Ald. Joe Davis, Sr., has been elected to serve a 2-year term on the Board of Directors of the National League of Cities (NLC); and

Whereas, National League of Cities President Kathleen Novak has appointed Ald. Joe Davis, Sr., Vice-Chair of the NLC's International Council; and

Whereas, It is a significant honor for the City of Milwaukee to have a member of its Common Council selected for these important posts in the national organization that represents the interests of cities throughout this nation; and

Whereas, Participation on the NLC Board of Directors and International Council will require the expenditure of funds for travel, lodging and related expenses; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council authorizes the participation of Ald. Joe Davis, Sr., as member of the NLC's Board of Directors and Vice-Chair of the International Council; and, be it

Further Resolved, That the City Clerk is authorized to expend funds from the Economic Development Committee Fund Special Purpose Account (Account Number 0001-1310-S123-006300) for travel, lodging and per diem expenses related to Ald. Davis' attendance and participation at meetings of the NLC's Board of Directors and International Council and related official NLC business related to his roles as a board member and Vice-Chair of the International Council.

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

**Aye:** 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Witkowski, Zielinski Hines Jr.

**No:** 1 - Dudzik

**Excused:** 1 - Witkowiak

**Abstain:** 1 - Davis

3. [081091](#) Resolution to review and approve modifications to the contract used by the Community Development Grants Administration for 2009 community development activity and to authorize execution of contracts and subcontracts by City departments. Whereas, The Common Council of the City of Milwaukee has previously approved funding recommendations for the City's 2009 Community Development Block Grant program in Resolution No. 080861, 080862, 080863, 080864, 080865, 080866, (hereinafter referred to as the "2009 CDBG Funding Resolutions"); and

Whereas, Pursuant Common Council Resolution No. 74-92-5v, the Common Council

now wishes to make certain modifications to the form of contract to be used in the implementation of the CDBG program for 2009; to authorize the execution of contracts and subcontracts by such City departments; and to authorize a Interdepartmental Cooperation Agreement to be executed by CDGA and each City department which received CDBG funding in 2009; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the form of contract for use in implementation of the 2009 Community Development Block Grant program, with entities other than City departments or agencies receiving CDBG funds, in the form on file with the Common Council in Resolution No. 080861, 080862, 080863, 080864, 080865, and 080866 (Form CDA-8, Contract for Services and Vendors) is hereby approved, subject to such revisions and modifications as may be required from time to time by the City Attorney; and, be it

Further Resolved, That the form of contract for use in implementation of the 2009 Community Development Block Grant program by City departments and agencies receiving Community Development Block Grant funds, in the form on file with the Common Council in Resolution No. 080861, 080862, 080863, 080864, 080865, and 080866 (Interdepartmental Cooperation Agreement) is also hereby approved, subject to such revisions and modifications as may be required from time to time by the City Attorney; and, be it

Further Resolved, That the various City departments identified in the 2009 CDBG Funding Resolutions (including the City Comptroller, the Department of City Development, the Department of Neighborhood Services, Department of Public Works, the Health Department, the Milwaukee Fire Department, Milwaukee Public Library, RACM, and the Department of Administration,) are hereby authorized to enter into such contracts and subcontracts as may be required within the limits of the respective approved project budgets set forth in the 2009 CDBG Funding Resolutions, subject to the terms of the Interdepartmental Cooperation Agreement referred to in the preceding paragraph and entered into between CDGA and each such City department.

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

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

**No:** 0

**Excused:** 1 - Witkowiak

CONFIRMATION OF THE FOLLOWING:

4. [080993](#) Reappointment of William Delind to the Milwaukee Arts Board by the Mayor. (4th

Aldermanic District)

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

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

**No:** 0

**Excused:** 1 - Witkowiak



THE PUBLIC WORKS COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. Various resolutions relating to special privileges:
  - a. [071710](#) Substitute resolution to amend a special privilege to KJ Greentree LLC for addition of light poles and electrical conduit encroaching into the public right-of-way for the premises at 6767 North Industrial Road, in the 9th Aldermanic District.

Whereas, KJ Greentree LLC had requested permission to construct and maintain an underground communications package and to keep and maintain a private manhole and storm sewer in the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 060791 in 2006; and

Whereas, KJ Greentree LLC is currently requesting permission to install and maintain seven private light poles and associated electrical conduit in the public right-of-way; and

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

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 060791; and, be it

Further Resolved, That KJ Greentree LLC, 39 S LaSalle Street, Suite 1010, Chicago, Illinois 60603, is hereby granted the following special privileges:

    1. To install and maintain seven private light poles in the west, 26-foot wide sidewalk area of North Industrial Road. Said light poles are centered approximately 19 feet east of the westline of North Industrial Road and 335, 392, 449, 506, 563, 620, and 678 feet east of the eastline of North 74th Street.
    2. To install and maintain underground electrical conduit to provide power to the aforementioned private light poles. Said conduit commences at a point along the eastline of North Industrial Road approximately 491 feet east of the eastline of North 74th Street and extends 19 feet east where said conduit turns both north and south. Said conduit continues 187 feet to the south and 156 feet to the north. Total conduit length is 362 feet.
    3. To keep and maintain an underground conduit package consisting of one 3-inch

diameter conduit and two 4-inch diameter conduits crossing the 100-foot wide right-of-way of North Industrial Road. Said conduit package is approximately 1236 feet east of the eastline of North 76th Street where North 76th Street and West Green Tree Road/North Industrial Road intersect.

4. To keep and maintain an existing manhole in the public right-of-way adjacent to the property known as 6761 North Industrial Road. The center of said manhole is located 17 feet north of the southline of North Industrial Road and 2055 feet east of the eastline of North 76th Street where it intersects with West Green Tree Road/North Industrial Road.

5. To keep and maintain an existing 12-inch diameter storm sewer in the public way adjacent to the property known as 6761 North Industrial Road. Said sewer serves as a connection between a catch basin located on private property to the manhole described above. That portion of sewer within the public right-of-way is 40 feet in length and intersects the south street line of North Industrial Road at an angle of approximately 26 degrees at a point approximately 36 feet northwest of the center of the manhole, as measured along the street line. The top of said sewer is no less than 8 feet below grade.

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, KJ Greentree LLC, shall:

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

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$5,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and

insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$583.36. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

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

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

**No:** 0

**Excused:** 1 - Witkowiak

- b. [080355](#) Substitute resolution amending a special privilege for change of ownership to Bostco Condo Association Ltd for items previously granted permission and for addition of a sign encroaching into the public right-of-way for the premises at 331 West Wisconsin Avenue, in the 4th Aldermanic District.

Whereas, Common Council Resolution File Number 070526 combined two previously existing special privilege resolutions which had granted permission for a variety of items to encroach into the public right-of-way; and

Whereas, Common Council Resolution File Number 070526 was adopted on July 31, 2007; and

Whereas, The bridge columns that were included in the previous special privilege resolution have now been incorporated into the air space lease for a skywalk over North 4th Street; and

Whereas, Bostco Condo Association Ltd is now the entity responsible for common elements of the property; and

Whereas, Whereas, For the liability to be formally transferred to Bostco Condo Association Ltd, the Common Council needs to adopt an amending resolution; and

Whereas, A site visit revealed the presence of a business sign in the public right-of-way; and

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

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 070526 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Bostco Condo Association Ltd, 301 West Wisconsin Avenue, Suite 400, Milwaukee, Wisconsin 53203 is hereby granted the following special privileges:

1. To keep, use, and maintain a concrete platform and barrier-free access ramp with steel handrail, in the 15-foot wide, east sidewalk area of North 4th Street. Said ramp and platform are approximately 5 feet 6 inches wide and 31 feet 4 inches long and are centered approximately 139 feet south of the southline of West Wisconsin Avenue. Said platform has steps along its south end and west side near the south and opposite the south single door of item #2. Said steps do not encroach into the public right-of-way beyond 5 feet 6 inches.
2. To keep, use and maintain two excess door swing encroachments comprised of two single 3-foot wide doors, which project over the platform of item #1. Said doors are centered approximately 145 and 155 feet south of the southline of West Wisconsin Avenue. Said door swings project further than the 12 inches allowed under Sec. 245-4-8 of the Code of Ordinances of the City of Milwaukee.
3. To keep and maintain a marquee centered approximately 139 feet south of the southline of West Wisconsin Avenue in the 15-foot wide, east sidewalk area of North 4th Street. Said marquee is approximately 34 feet in length, parallel to the building, which is in excess of the length, parallel to the building, allowed by Section 245-10-3 of the Code of Ordinances of the City of Milwaukee. Section 245-10-3 permits a length, parallel to the building, equivalent to the width of the door(s) plus 10 feet. The

combined width of the existing doors under said marquee is approximately 15 feet. A minimum 10-foot clearance is maintained between the bottom of the marquee and the sidewalk.

4. To keep, use and maintain a concrete platform and barrier-free access ramp with steel handrail, in the 15-foot wide, east sidewalk area of North 4th Street. Said ramp and platform are approximately 5 feet 6 inches wide and 32 feet 7 inches long and are centered approximately 231 feet south of the southline of West Wisconsin Avenue. Said platform has steps along its north and west side near the north and opposite the double doors of item #6. Said steps do not encroach into the public right-of-way beyond 5 feet 6 inches.

5. To keep, use and maintain one excess door swing encroachment comprised of a single 3-foot wide door, which projects over the platform of item #4 and is centered approximately 233 feet south of the southline of West Wisconsin Avenue. Said door swing projects further than the 12 inches allowed under Sec. 245-4-8 of the Code of Ordinances of the City of Milwaukee.

6. To keep, use and maintain one excess door swing encroachment comprised of a set of double doors. Each door of the set is 3 feet wide and projects over the platform of item #4. The set is centered approximately 227 feet south of the southline of West Wisconsin Avenue. Said door swings project further than the 12 inches allowed under Sec. 245-4-8 of the Code of Ordinances of the City of Milwaukee.

7. To keep and maintain a covered walk in the 15-foot wide, east sidewalk area of North 4th Street. Said structure projects approximately 7 feet into the public right-of-way for a length of approximately 17 feet 6 inches and is supported by two steel supports, one located 2 feet south of the north end and one located 2 feet north of the south end. Said structure is centered approximately 231 feet south of the southline of West Wisconsin Avenue. There is a minimum 8-foot clearance between the bottom of the covering and the sidewalk grade.

8. To keep and maintain a 5-foot tall a-frame business sign in the 15-foot wide, east sidewalk area of North 4th Street. Said sign is centered approximately 235 feet south of the southline of West Wisconsin Avenue. The sign, when fully open, is 3 feet wide parallel to the curb and 3 feet wide perpendicular to the curb.

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, Bostco Condo Association Ltd, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a 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 \$10,000 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 \$414.21. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

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

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

**No:** 0

**Excused:** 1 - Witkowiak

- c. [080399](#) Substitute resolution amending a special privilege for change of ownership to Highbridge Condominium Owners Association Inc for a retaining wall and steps in the public right-of-way for the premises at 1888 North Water Street, in the 3rd Aldermanic District.

Whereas, New Land Enterprises requested permission to construct and maintain a retaining wall and concrete steps in the public right-of-way; and

Whereas, Permission for said items was granted in 2000 under Common Council File Number 991711; and

Whereas, Highbridge Condominium Owners Association Inc is now responsible for the property; and

Whereas, For liability for said items to be formally transferred to Highbridge Condominium Owners Association Inc, 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 File Number 991711 is hereby rescinded; and, be it

Further Resolved, That Highbridge Condominium Owners Association Inc, 5645 North Green Bay Avenue, Glendale, Wisconsin 53209, is hereby granted the following special privileges:

1. To keep and maintain an 8-inch thick concrete retaining wall in the south 15-foot wide sidewalk area of North Water Street. Said wall commences at a point approximately 425 feet easterly of the eastline of North Humboldt Avenue and ends at a point approximately 315 to the southeast as measured parallel to easterly line of North Water Street. The wall, which is generally located approximately 11 feet west of the easterly line of North Water Street, varies in height from 8 inches to 3 feet and is interrupted by five sets of concrete steps. For each set of steps, except for the main entrance steps, the wall turns perpendicularly towards the easterly right-of-way line of North Water Street on either side of each set of steps. Total length of said retaining wall, including the sidewalls for the aforementioned concrete steps, is 308 feet 4 inches.

2. To keep and maintain a set of concrete stairs and pillars with steel handrails at the main entrance to the building at 1888 North Water Street. Said steps and pillars with handrails are located approximately 550 feet west of the westline of North Humboldt Avenue and extend to the south a total distance of 27 feet 9 inches. The steps and pillars are five feet wide and are centered approximately 10 feet west of the easterly line of North Water Street. Each pillar stands 5 feet tall and is located at either end of the concrete steps.

3. To keep and maintain four sets of 3-foot wide concrete steps with handrails in the easterly sidewalk area of North Water Street, approximately 10 feet west of the easterly line of North Water Street and connecting the curb elevation to the raised concrete. Said steps are centered approximately 445, 515, 645 and 705 feet westerly of the westline of North Humboldt Avenue and measure 2 feet 11 inches, 4 feet 9 inches, 4 feet and 2 feet 11 inches, respectively.

4. To keep and maintain a set of concrete steps with handrails projecting 5 feet 2 inches into the easterly, 15-foot wide sidewalk area of North Water Street at vacated North Astor Street. Said 20-foot 5-inch wide steps are located approximately 340 feet west of the westline of North Humboldt Avenue.

5. To keep and maintain steel handrails within the easterly, 15-foot wide sidewalk area of North Water Street. Said handrails are located 3 inches west of the easterly line of North Water Street adjacent to several sets of concrete steps located on private property.

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, Highbridge Condominium Owners Association Inc, shall:

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

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000.00 such



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

Pay to the City Treasurer an annual fee, which has an initial amount of \$1404.69. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

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

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

**No:** 0

**Excused:** 1 - Witkowiak

- d. [080597](#) Substitute resolution amending a special privilege for change of ownership to Olympia-Downtown LLC for a building encroachment and addition of a garage door and overhead door housing in the public right-of-way for the premises at 946 North Van Buren Street, in the 4th Aldermanic District.
- Whereas, Esdras A. Baker requested permission to keep and maintain an existing

building encroachment and to construct and maintain a building facade in the public right-of-way; and

Whereas, Permission for said building encroachment and building facade was granted in 1967 under Common Council File Number 67-1710; and

Whereas, Olympia-Downtown LLC now owns the property; and

Whereas, The applicant has removed said building façade from the public right-of-way such that only the building encroachment remains; and

Whereas, A site visit revealed the presence of a garage door and overhead door housing in the public right-of-way; and

Whereas, For the liability for the building encroachment to be formally transferred to the current property owners, the Common Council needs to adopt an amending resolution; and

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

Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 67-1710 is hereby rescinded; and, be it

Further Resolved, That Olympia-Downtown LLC, 14201 West Overland Trail, New Berlin, Wisconsin 53151, is hereby granted the following special privileges:

1. To construct and maintain a garage door with overhead door housing in the south, variable width sidewalk area of East State Street. Said door and door housing are centered approximately 98 feet east of the eastline of North Van Buren Street. Said 8-foot wide garage door projects 4 inches beyond the building face. Said door housing is comprised of two sections: the east section projects 1 foot beyond the building face for a length of 7 feet; the west section projects 2 feet 6 inches beyond the building face for a length of 1 foot 6 inches. The door housing is located approximately 10 feet above the adjacent sidewalk grade.
2. To keep and maintain a portion of the building projecting an average of 5 inches into the south, variable width sidewalk are of East State Street. Said building encroachment commences at the eastline of North Van Buren Street and extends 127 feet to the east.

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, Olympia-Downtown 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 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 \$648.96. 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, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 1 - Witkowiak

- e. [080599](#) Substitute resolution amending a special privilege for change of ownership to Lyon Court Condominiums Inc for steps and covered walk and for addition of tree grates encroaching into the public right-of-way for the premises at 1515 North Van Buren Street, in the 3rd Aldermanic District.
- Whereas, New Land Enterprises requested permission to construct and maintain a set of concrete steps with sidewalks and a covered walk in the public right-of-way; and
- Whereas, Permission for said items was granted in 1999 under Common Council File Number 980666; and
- Whereas, Lyon Court Condominiums Inc is now responsible for the property; and
- Whereas, For the liability for said items to be formally transferred to Lyon Court Condominiums Inc, the Common Council needs to adopt an amending resolution; and
- Whereas, A site visit revealed the presence of four tree grates; and
- Whereas, Said tree grates may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 980666 is hereby rescinded; and, be it
- Further Resolved, That Lyon Court Condominiums Inc, c/o Prospect Management Company, 5645 North Green Bay Avenue, Glendale, Wisconsin 53209, is hereby granted the following special privileges:
1. To install and maintain four, 4-foot 6-inch square metal tree grates in the west, 14-foot wide sidewalk area of North Van Buren Street. Said tree grates are centered approximately 10 feet east of the westline of North Van Buren Street and 27, 63, 108 and 155 feet north of the northline of East Lyon Street.

2. To keep and maintain a set of concrete steps with decorative concrete sidewalls projecting 4 feet 4 inches into the west, 14-foot wide sidewalk area of North Van Buren Street. Said 12-foot wide set of steps with sidewalls is centered approximately 86 feet north of the northline of East Lyon Street.

3. To keep and maintain a covered walk projecting 4 feet 4 inches into the west, 14-foot wide sidewalk area of North Van Buren Street. Said covered walk only covers the aforementioned concrete steps with sidewalls described in Item #1 above. Since the street edge of the covered walk is 9 feet 8 inches from the curb of North Van Buren Street, the grantee will not be required to obtain a loading zone or other "No Parking" zone adjacent to the covered walk.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The structure frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 8 feet about the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination shall be approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the canopy. The name, street number or character of the location may be indicated only on the vertical portion of the canopy.

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, Lyon Court Condominiums Inc, shall:

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

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City

Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$217.50. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

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

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

**No:** 0

**Excused:** 1 - Witkowiak

f. [081049](#) Resolution rescinding various special privileges that are no longer necessary.

Whereas, Said special privileges granted permission for various encroachments in the public right-of-way; and

Whereas, The special privileges listed below are no longer necessary because the subject items have be removed from the public right-of-way by the owner or the

owner is a recognized utility with the Public Service Commission of Wisconsin; and

Whereas, For items removed from the public right-of-way, said owners notified the Department of Public Works that they no longer need the special privilege granted them; and

Whereas, Utilities registered with the Public Service Commission of Wisconsin are allowed to keep and maintain their facilities within the public right-of-way without a special privilege; and

Whereas, In order to release property owners from the bonding, insurance and annual special privilege fee requirements placed on the property owner as part of the granting of a special privilege, the Common Council needs to pass a resolution rescinding special privileges which are no longer needed; now, be it

Resolved, By the Common Council of the City of Milwaukee that the following special privilege resolutions are hereby rescinded:

1. Common Council Resolution File Number 78-1677 granted to Samuel Gilbert for a fence for the premises at 1740 West Pierce Street.
2. Common Council Resolution File Number 920363 granted to Alice Ledesma for a porch, platforms, trash containers, a door swing and concrete stairs for the premises at 639-43 South 4th Street.
3. Common Council Resolution File Number 921654 granted to Raitt Corporation to install and maintain a monitoring well for the premises at 2029 South 1st Street.
4. Common Council Resolution File Numbers 950350 granted to Emmanuel O. Abedokun for a covered walk for the premises at 1107 North Old World Third Street.
5. Common Council Resolution File Number 960277 granted to St Joseph's Hospital of the Franciscan Sisters for monitoring wells for the premises 4910-20 West Burleigh Street.
6. Common Council Resolution File Number 960957 granted to SIVA Truck Rental for a monitoring well for the premises at 2301 West St Paul Avenue.
7. Common Council Resolution File Number 961484 granted to Mirza Fahim Beg for monitoring wells for the premises at 4866 South 27th Street.
8. Common Council Resolution File Number 971454 granted to Bulk Petroleum for

monitoring wells for the premises at 905 West Center Street.

9. Common Council Resolution File Number 980159 granted to Charles E. Spahn for wood stairs, an excess door swing and an air conditioner for the premises at 2800 West Forest Home Avenue.

10. Common Council Resolution File Number 001124 granted to Voicestream PCS II Corporation for underground conduit at the premises at 8814 West Lisbon Avenue.

11. Common Council Resolution File Number 010704 granted to Lesaffre Yeast Corporation for a storage tank, utility trench, two masonry buildings, a chain link fence, an underground water supply pipe and underground clean water discharge pipe, all located on public right-of-way beneath the 27th Street Viaduct adjacent to the property known as 2702 West Greves Street.

12. Common Council Resolution File Number 020196 granted to Walker's Point Marble Arcade for a dumpster enclosure for the premises at 1101 South 2nd Street.

13. Common Council Resolution File Number 030421 granted to Grady Thomas for a covered walk, moveable planters and building encroachment for the premises at 1947 North Martin L. King Drive.

14. Common Council Resolution File Number 050117 granted to Rodimiro Perez and Maria Perez for a platform with ramp and excess door swing for the premises at 2079 South 15th Street.

15. Common Council Resolution File Number 050313 granted to Mitchell B Van Dyke LLC for an auxiliary sprinkler pipe for the premises at 330 and 331 South 3rd Street.

16. Common Council Resolution File Number 050314 granted to Mitchell B Van Dyke LLC for backup driveways for the premises at 330 South 3rd Street.

17. Common Council Resolution File Number 070112 granted to JimBill LLC for decorative ledges for the property at 700 East Kilbourn Avenue.

18. Common Council Resolution File Number 071368 granted to Lance Quigley for a covered walk for the premises at 5822 West Fond du Lac Avenue.

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

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



**No:** 0

**Excused:** 1 - Witkowiak

2. [080614](#) Substitute resolution to vacate a portion of North Palmer Street, east side, from East Abert Place south to its terminus, in the 6th Aldermanic District.

Whereas, It is proposed that a portion of North Palmer Street, east side, from East Abert Place south to its terminus be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

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

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

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

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

That part of North Palmer Street in the Northeast 1/4 of Section 8, Township 7 North, Range 22 East, described as follows: Commencing at the point of intersection of the south line of East Abert Place and the east line of North Palmer Street; thence Southerly, along said east line, to a point in the south line of Island Avenue Land Company's Subdivision No. 1, a recorded subdivision in said 1/4 Section; thence Westerly, along said south line, to a point 17.00 feet West of, as measured normal to, said east line; thence Northerly, parallel to said east line, to a point in the westerly extension of the south line of East Abert Place; thence Easterly, along said westerly extension, to the point of commencement is vacated; and, be it

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

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

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said

vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said right-of-way had not been vacated.

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

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

**No:** 0

**Excused:** 1 - Witkowiak

3. [080616](#) Substitute resolution to vacate a portion of West Lisbon Avenue, north side, between North 39th Street and North 40th Street and a portion of North 39th Street, west side, from West Lisbon Avenue north to a point, in the 15th Aldermanic District. Whereas, It is proposed that a portion of West Lisbon Avenue, north side, between North 39th Street and North 40th Street and a portion of North 39th Street, west side, from West Lisbon Avenue north to a point be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

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

Whereas, The applicant needs additional time to secure and provide the required deposit, but approval of said vacation is necessary to secure Wisconsin Housing and Economic Development Authority tax credit funding; and

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

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

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

That part of West Lisbon Avenue in the Northwest 1/4 of Section 24, Township 7 North, Range 21 East, described as follows: Commencing at the southeast corner of Lot 8 in Block 5 of Lisbon Avenue Park, a recorded subdivision, in said 1/4 Section;

thence Westerly, along the southerly line of Lot 8 aforesaid, 9.17 feet to a point of beginning of the land to be described; thence Northwesterly, along the southwesterly line of Lots 8 through 17 in said Block 5, also being the northerly line of West Lisbon Avenue, to a point in the east line of North 40th Street; thence Southerly, along the southerly extension of said east line, to a point lying 3.00 feet Southwesterly of, as measured normal to, the northerly line of West Lisbon Avenue, thence Southeasterly, parallel to said northerly line, to a point in the westerly extension of the southerly line of Lot 8; thence Easterly, along said westerly extension, to the point of beginning; and

That part of North 39th Street in the Northwest 1/4 of Section 24, Township 7 North, Range 21 East, described as follows: Commencing at the intersection of the northerly line of West Lisbon Avenue and the west line of North 39th Street; thence Northerly, along said west line, 221.88 feet to a point; thence Easterly, normal to said west line, 6.00 feet to a point; thence Southerly, parallel to said west line, 221.88 feet to a point; thence Westerly, normal to said west line, 6.00 feet to the point of commencement is vacated; and, be it

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

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

Further Resolved, That if the full money deposit is not received on or by December 15, 2008, this Common Council File will be referred back to the Public Works Committee for reconsideration once the full deposit is received; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said right-of-way had not been vacated.

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

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

**No:** 0

**Excused:** 1 - Witkowiak

4. [080810](#) Resolution approving a Second Amendment to Lease Agreement with Verizon Wireless relating to the lease of additional ground space at the Hawley Road Water Tower at 1235 N. 57th Street.

Whereas, The Common Council adopted Resolution File Number 960171 on June 25, 1996, establishing a policy for the leasing of City facilities for the provision of wireless telecommunications services; and

Whereas, The Common Council further adopted Resolution File Number 991575 on February 18, 2000, amending said policy; and

Whereas, These resolutions also designated the Department of Administration as the City's sole negotiating agent for marketing City-owned sites to communication services vendors; and

Whereas, Pursuant to Common Council File Number 971409, adopted on March 3, 1998, the City and Verizon Wireless entered into a lease agreement dated March 6, 1998, for the installation and operation of Verizon Wireless' communication and ancillary equipment at the Hawley Road Water Tower at 1235 N. 57th Street; and

Whereas, The Department of Administration has been working with the Water Works Division and the City Attorney's Office to negotiate a Second Amendment to Lease Agreement with Verizon Wireless relating to the lease of additional ground space at this property; and

Where, The lease agreement offers a fair market value to the City, protects other City interests, and is acceptable to all City participants; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves a Second Amendment to Lease Agreement with Verizon Wireless for the lease of additional ground space at the Hawley Road Water Tower, a copy of which is attached to this file, and authorizes the proper City officials to enter into said lease agreement on behalf of the City of Milwaukee.

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

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

**No:** 0

**Excused:** 1 - Witkowiak

5. [080845](#) Resolution authorizing the Commissioner of Public Works to execute a project agreement titled "State/Municipal Agreement for a Highway Improvement Project" with the Wisconsin Department of Transportation for the funding of the preliminary engineering for the rehabilitation of the West Wisconsin Avenue Lift Bridge over the Milwaukee River with 80% Federal/State aid under the Local Bridge Replacement and Rehabilitation Program, the estimated total preliminary engineering cost for the projects is \$1,200,000, of which the City share is \$240,000 and the grantor share is \$960,000.
- Whereas, Preliminary approval has been received from the Wisconsin Department of Transportation (WISDOT) along with this agreement to be executed by the City of Milwaukee for the rehabilitation of the West Wisconsin Avenue Lift Bridge over the Milwaukee River with 80% Federal/State aid; and
- Whereas, This bridge rehabilitation is included in the Department of Public Works Capital Bridge Program; and
- Whereas, The Department of Public Works shall notify the Common Council of the City of Milwaukee of any such cost overruns and/or changes in scope approved by the Department of Public Works; and
- Whereas, This project is programmed for construction starting in 2012 if federal/state aid is obtained; and
- Whereas, Funding for the construction phase of the bridge project will be included in a future 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 project agreement for the funding of the preliminary engineering for the rehabilitation of the West Wisconsin Avenue Lift Bridge over the Milwaukee River with 80% Federal/State aid under the Local Bridge Replacement and Rehabilitation Program, copies of which are attached to Common Council Resolution File Number 080845, and are incorporated by reference as though set forth in full: and, be it
- Further Resolved, That the Commissioner of Public Works is hereby authorized to undertake, or to engage a consultant to undertake, preliminary engineering for the rehabilitation of the bridge and to reimburse the WISDOT for preliminary engineering costs they incur for the improvement; 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 project and transfer the amount required under the agreement and City Accounting Policy but not to exceed a 10 percent increase of the total amount for the grantor's share and local share or \$5,000, whichever is greater, as follows:

Infrastructure Services Division Accounts

State I.D. 2190-08-00

West Wisconsin Avenue Bridge  
over the Milwaukee River

City Share Non-Assessable Fund, Structure

BR300080000

Fund 0303

\$192,000

Grantor Reimbursable Fund, Structure

SP032080100

Fund 0306

\$640,000

Grantor Non-Reimbursable Cash Fund, Structure

SP032080100

Fund 0306

\$128,000

City Share Non-Assessable Fund, Paving

ST320080000

Fund 0333

\$48,000

Grantor Reimbursable Fund, Paving

SP032080100

Fund 0306

\$160,000

Grantor Non-Reimbursable Cash Fund, Paving

SP032080100

Fund 0306

\$32,000

Previously authorized for preliminary engineering (structure and paving): 0

Current estimated costs of the total project including this resolution: \$11,200,000

Original estimated costs of the total project: \$11,200,000

; and, be it

Further Resolved, 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 of 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, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 1 - Witkowiak

6. [080909](#) 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 \$ 4,847,300 for a total estimated cost of \$ 5,820,000.

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

5th Aldermanic District

W. Florist Ave. (Excluding Structure) - N. Lovers Lane Rd. to N. 119th St. (ST211060131) File Number 051444: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (9-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$12,000; Nonassessable Reconstruction Paving Fund -- \$191,000). The total estimated cost for this project including the requested amount is \$217,000. This project is anticipated to be completed during the 2009 construction season.

N. 91st St. - W. Burleigh St. to W. Keefe Ave. (ST211080105) File Number 061382:

Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (9-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$12,800; Nonassessable Reconstruction Paving Fund -- \$475,000). The total estimated cost for this project including the requested amount is \$535,800. This project is anticipated to be completed during the 2009 construction season.

5th and 10th Aldermanic Districts

W. Hadley St. - N. 74th St. to N. 76th St. (ST211070119) File Number 061097: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding, (7-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$1,500; Nonassessable Reconstruction Paving Fund -- \$80,000). The total estimated cost for this project including the requested amount is \$93,500. This project is anticipated to be completed during the 2009 construction season.

; and

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

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

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

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

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

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

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

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

Further Resolved, That projects: W. Florist Ave. (Excluding Structure) (ST2110601310), N. 91st St. (ST211080105) and W. Hadley St. (ST211070119)



will be billed after January 1, 2011, 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, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 1 - Witkowiak

7. [080910](#) 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 \$116,000 for a total estimated cost of these projects being \$1,155,000.

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:

5th Aldermanic District

W. Chambers St. - N. 90th St. to N. 92nd St. (ST211100104): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$95,000. This project is anticipated to be completed during the 2010 construction season.

N. 93rd St. - W. Elmore Ave. to W. Melvina St. (including N. Willis Pl. - W. Lisbon Ave. to W. Elmore Ave. and W. Elmore Ct.) (ST211060110): 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 -- \$3,000 Additional Funds.) File Number 051444 authorized \$15,400. Total engineering cost is \$18,400. The total estimated cost for this project including the requested amount is \$137,000. This project is anticipated to be completed during the 2009 construction season.

8th Aldermanic District

W. Hayes Ave. - S. 27th St. to S. 29th St. (ST211100106): Paving the roadway with

asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$8,000). The total estimated cost for this project including the requested amount is \$85,000. This project is anticipated to be completed during the 2010 construction season.

S. 38th St. - W. Greenfield Ave. to W. National Ave. (Portions in the City of West Milwaukee) (ST211060154) File Number 071381: Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, grading, and tree removal where necessary. (Nonassessable Reconstruction Paving Fund -- \$45,000 Additional Funds). The total estimated cost for this project including the requested amount is \$320,000. This project is anticipated to be completed during the 2009 construction season.

#### 11th Aldermanic District

W. Crawford Ave. - S. 84th St. to S. 92nd St. (ST211090107): 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 No. 071168 authorized \$18,000. Total engineering cost is \$28,000. The total estimated cost for this project including the requested amount is \$144,000. This project is anticipated to be completed during the 2009 construction season.

W. Eden Pl. - S. 77th St. to S. 79th St. (ST211100105): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$104,000. This project is anticipated to be completed during the 2010 construction season.

S. 63rd St. - W. Eden Pl. to W. Morgan Ave. (ST211100102): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$45,000. This project is anticipated to be completed during the 2010 construction season.

S. 77th St. - W. Warnimont Ave. to W. Eden Pl. (ST211100103): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$45,000. This project is anticipated to be

completed during the 2010 construction season.

#### 13th Aldermanic District

S. 1st St. - A point 170 feet m/l south of W. Armour Ave. to a point 160 feet m/l north of W. Allerton Ave. (ST211100101): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$145,000. This project is anticipated to be completed during the 2010 construction season.

#### Various Aldermanic Districts

Various Locations (ST212080001): Administration cost for alley paving engineering. (Nonassessable Alley Paving Fund-2008 Budgeted Funds - \$10,000 Additional Funds). File Number 071055 authorized \$25,000. The total estimated cost for this project including the requested amount is \$35,000. This project is anticipated to be completed in 2008.

; 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, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 1 - Witkowiak

8. [080911](#) Substitute resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$1,245,000 for a total estimated cost of these projects being \$9,565,000.

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

1st Aldermanic District

N. 20th St. - 80 feet m/l north of W. Congress St. to 200 feet m/l north of W. Roosevelt Dr. (SM495080067): Relaying storm sewer and lining. (Nonassessable Sewer Maintenance Relay Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$60,000. This project is anticipated to be completed during the 2009 construction season.

3rd Aldermanic District

N. Downer Ave. - E. Locust St. to E. Kenwood Blvd. (SM495070103) File Number 071055: Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000 Additional Funds). The total estimated cost for this project including the requested amount is \$421,000. This project is anticipated to be completed during the 2009 construction season.

N. Oakland Ave. - 125 feet m/l south of E. Hampshire St. to E. Hartford Ave. (SM495080024): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$90,000. This project is anticipated to be completed during the 2009 construction season.

N. Oakland Ave. - E. Thomas Ave. to E. North Ave. (SM495070106): Combined sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$103,000. This project is anticipated to be completed during the 2009 construction season.

3rd and 6th Aldermanic Districts

E. and W. Keefe Ave. - N. Humboldt Ave. to N. Port Washington Ave. (SM495080068): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$2,878,000. This project is anticipated to be completed during the 2009 construction season.

#### 4th Aldermanic District

N. Plankinton Ave. - W. Michigan St. to W. Wells St. (SM495080069): Relaying combined sewer and lining. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$185,000. This project is anticipated to be completed during the 2009 construction season.

W. Wisconsin Ave. - N. 2nd St. to N. Plankinton Ave. (SM495080070): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$131,000. This project is anticipated to be completed during the 2009 construction season.

#### 7th Aldermanic District

N. 37th St. - W. Melvina St. to W. Roosevelt Dr. (SM495080020): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$67,000. This project is anticipated to be completed during the 2009 construction season.

N. 49th St. - W. Auer Ave. to W. Townsend St. (SM495070032) File Number 061380: Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000 Additional Funds). The total estimated cost for this project including the requested amount is \$343,000. This project is anticipated to be completed during the 2009 construction season.

#### 8th Aldermanic District

W. Forest Home Ave. - 20 feet m/l west of the Kinnickinnic River to the Kinnickinnic River (BR320051301): Relaying storm sewer. The total estimated cost for this project is \$26,000. This project is anticipated to be completed during with State Funded Bridge Project during the 2009 construction season.

#### 10th Aldermanic District

N. Carlton Pl. - W. Lisbon Ave. to W. Center St. (SM495070127) File Number

071055: Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000 Additional Funds). The total estimated cost for this project including the requested amount is \$239,000. This project is anticipated to be completed during the 2009 construction season.

N. 72nd St. - W. Chambers St. to W. Hadley St. (SM495070129) File Number 071055: Relaying sanitary and storm sewers. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000 Additional Funds). The total estimated cost for this project including the requested amount is \$394,000. This project is anticipated to be completed during the 2009 construction season.

#### 12th Aldermanic District

S. 3rd St. - W. Lapham Blvd. to W. Mitchell St. (SM495080064): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$218,000. This project is anticipated to be completed during the 2009 construction season.

#### 13th Aldermanic District

S. 5th Pl. - W. Howard Ave. to W. Plainfield Ave. (SM495080066): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$315,000. This project is anticipated to be completed during the 2009 construction season.

#### 15th Aldermanic District

W. North Ave. - N. 31st St. to N. 40th St. (WT410080021): Relaying water main. The total estimated cost for this project is \$1,750,000. This project is anticipated to be completed during the 2009 construction season.

#### City Wide

Indirect Account/Engineering Studies throughout the City of Milwaukee (SM495080001) File Number 071053: (Nonassessable Sewer Maintenance Relay Fund -- \$100,000 Additional Funds). The total estimated cost for this project is \$600,000. This project is anticipated to be completed during the 2008 construction season.

#### Various Aldermanic Districts

Various Locations (ST212090001): Administration cost for alley paving engineering. (Nonassessable Alley Paving Fund-2009 Budgeted Funds -- \$35,000). The total

estimated cost for this project is \$35,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations (ST230090001): Administration cost for sidewalk paving engineering. (Nonassessable 2009 Budgeted Funds -- \$80,000). The total estimated cost for this project is \$80,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations (ST211090001): Administration cost for street paving engineering. (Nonassessable Reconstruction Paving Fund-2009 Budgeted Funds -- \$800,000). The total estimated cost for this project is \$800,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations (ST210090001): Administration cost for new street paving engineering. (Nonassessable New Paving Fund-2009 Budgeted Funds -- \$50,000). The total estimated cost for this project is \$50,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations (ST211090131): Asphalt resurfacing of various streets by contract. The total estimated cost for this project is \$300,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations (ST211090132): Sealcoating of various streets by contract. The total estimated cost for this project is \$280,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations (ST211090133): Crackfilling of various streets by contract. The total estimated cost for this project is \$200,000. This project is anticipated to be completed during the 2009 construction season.

;and, be it

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

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

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

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

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

**No:** 0

**Excused:** 1 - Witkowiak

9. [080912](#) 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 \$7,194,650 for a total estimated cost of these projects being \$7,581,650.

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

W. Roosevelt Dr. - 100 feet m/l east of N. 21st St. to N. 20th St. (SM495080026) File Number 080237: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$60,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2009 construction season.

3rd Aldermanic District

N. Prospect Ave. - E. Newberry Blvd. to E. Locust St. (WT410081097) File Number 080603: Relay water main. (Nonassessable Water Fund -- \$105,000). The total estimated cost for this project including the requested amount is \$120,000. This project is anticipated to be completed during the 2009 construction season.

4th Aldermanic District

W. State St. - N. 18th St. to N. 20th St. (SM495050045) File Number 050317: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$262,000). The total estimated cost for this project including the requested amount is \$276,000. This project is anticipated to be completed during the 2009 construction season.

5th Aldermanic District



N. 84th St. - W. Lorraine Pl. to W. Locust St. (SM495080029) File Number 080237: Relay sanitary and storm sewers. (Nonassessable Sewer Maintenance Relay Fund -- \$372,000). The total estimated cost for this project including the requested amount is \$382,000. This project is anticipated to be completed during the 2009 construction season.

#### 5th and 10th Aldermanic Districts

N. 75th St. - W. Chambers St. to W. Locust St. (SM495070135) File Number 071055: Relay sanitary and storm sewers. (Nonassessable Sewer Maintenance Relay Fund -- \$298,000). The total estimated cost for this project including the requested amount is \$310,000. This project is anticipated to be completed during the 2009 construction season.

N. 76th St. - W. Locust St. to W. Lisbon Ave. (SM495080016) File Number 080125: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$668,000). The total estimated cost for this project including the requested amount is \$683,000. This project is anticipated to be completed during the 2009 construction season.

#### 10th Aldermanic District

W. Girard Ave. - 185 feet m/l west of W. Appleton Ave. to N. 66th St. (SM495070178) File Number 080237: Relay sanitary sewer and lining. (Nonassessable Sewer Maintenance Relay Fund -- \$121,000). The total estimated cost for this project including the requested amount is \$131,000. This project is anticipated to be completed during the 2009 construction season.

N. 53rd St. - W. Center St. to W. Locust St. (SM495070154) File Number 071055: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$213,000). The total estimated cost for this project including the requested amount is \$225,000. This project is anticipated to be completed during the 2009 construction season.

N. 58th St. - W. Appleton Ave. to W. Burleigh St. (SM495070142) File Number 071055: Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$482,000). The total estimated cost for this project including the requested amount is \$494,000. This project is anticipated to be completed during the 2009 construction season.

N. 61st St. - W. Appleton Ave. to W. Burleigh St. (SM495070143) File Number 071055: Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$88,000). The total estimated cost for this project including the requested amount is \$98,000. This project is anticipated to be completed during the 2009 construction

season.

N. 72nd St. - W. Chambers St. to W. Hadley St. (SM495070129) File Number 071055: Relay sanitary and storm sewers. (Nonassessable Sewer Maintenance Relay Fund -- \$468,000). The total estimated cost for this project including the requested amount is \$490,000. This project is anticipated to be completed during the 2009 construction season.

#### 11th Aldermanic District

W. Howard Ave. - S. 51st St. to 120 feet west of S. 58th St. (WT410081402) File Number 080125: Relay water main. (Nonassessable Water Fund -- \$575,000). The total estimated cost for this project including the requested amount is \$630,000. This project is anticipated to be completed during the 2009 construction season.

S. 58th St. - 170 feet north of W. Howard Ave. to 80 feet south of W. Howard Ave. (WT410081409) File Number 070266: Relay water main. (Nonassessable Water Fund -- \$70,000). The total estimated cost for this project including the requested amount is \$85,000. This project is anticipated to be completed during the 2009 construction season.

#### 13th Aldermanic District

S. 6th St. (Realigned) - 350 feet south of W. Grange Ave. to 2,000 feet north of W. College Ave. (WT430083001) File Number 080431 Relay water main. (Nonassessable Water Fund -- \$136,650). The total estimated cost for this project including the requested amount is \$196,650. This project is anticipated to be completed during the 2009 construction season.

#### 14th Aldermanic District

E. Morgan Ave. - S. Brust Ave. to S. Iowa Ave. (SM495080017) File Number 080125: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$284,000). The total estimated cost for this project including the requested amount is \$294,000. This project is anticipated to be completed during the 2009 construction season.

#### 15th Aldermanic District

W. North Ave. - N. 31st St. to N. 40th St. (WT410080021) File Number 080911: Relay water main. (Nonassessable Water Fund -- \$1,750,000). The total estimated cost for this project is \$1,750,000. This project is anticipated to be completed during the 2009 construction season.

N. 22nd St. - W. Lloyd St. to W. North Ave. (TD06584001) File Number 051275: Asphalt pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding (width of tree border area varies from 6 feet to 7 feet), and grading. (TID 065 Fund -- \$247,000). The total estimated cost for this project including the requested amount is \$247,000. This project is anticipated to be completed during the 2009 construction season.

#### Various Aldermanic Districts

Various Locations (ST211080129) File Number 071489: Asphalt resurfacing of various streets by contract. (Nonassessable Reconstruction Paving Fund -- \$120,000 Additional Funds). The total estimated cost for this project including the requested amount is \$320,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations (ST211090131) File Number 080911: Asphalt resurfacing of various streets by contract. (Nonassessable Reconstruction Paving Fund -- \$300,000). The total estimated cost for this project including the requested amount is \$300,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations (ST211090132) File Number 080911: Sealcoating of various streets by contract. (Nonassessable Reconstruction Paving Fund -- \$280,000). The total estimated cost for this project including the requested amount is \$280,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations (ST211090133) File Number 080911: Crackfilling 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 2009 construction season.

#### City of Greenfield

S. 43rd St. - 450 feet north of W. Cold Spring Rd. to W. Cold Spring Rd. (WT410081408) File Number 070266: Relay water main. (Nonassessable Water Fund -- \$95,000). The total estimated cost for this project including the requested amount is \$110,000. This project is anticipated to be completed during the 2009 construction season.

; 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, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 1 - Witkowiak

10. [080935](#) Resolution authorizing an easement with Wisconsin Bell, Inc. on the City-owned property at 2639 South 62nd Street, in the 11th Aldermanic District.

Whereas, Wisconsin Bell, Inc., doing business as AT&T Wisconsin, provides telecommunication services to the City of Milwaukee ("City") through facilities adjacent to the City-owned property at 2639 South 62nd Street; and

Whereas, Wisconsin Bell, Inc. has requested a permanent easement on the Northeast six feet of the subject lot to install, maintain and upgrade its facilities under the conditions outlined in the AT&T - Wisconsin General Easement, a copy of which is attached to this Common Council File; and

Whereas, Wisconsin Bell, Inc. has offered the City \$5,000 as consideration for the easement, which represents fair compensation given the low impact on the property and its continued availability to the neighborhood as open space; and

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

Resolved, By the Common Council of the City of Milwaukee, that said easement with Wisconsin Bell, Inc. at 2639 South 62nd Street is approved and that the proper City officials are authorized to execute the easement; and, be it

Further Resolved, That the sale proceeds, less a 30 percent fee to the Redevelopment Authority of the City of Milwaukee, shall be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106.

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

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

**No:** 0

**Excused:** 1 - Witkowiak

11. [081089](#) Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of North 76th Street from West Center Street to West Appleton Avenue in the 2nd, 5th, and 10th Aldermanic Districts at a total estimated cost of \$277,990.68, with one hundred percent of the total cost funded by the Wisconsin Department of Transportation.
- Whereas, The Project Agreement for the paving of North 76th Street from West Center Street to West Appleton Avenue was approved by the Common Council File Number 041289; and
- Whereas, The Surface Transportation Program provides cost participation for traffic control improvements in conjunction with the paving of highways located on the Federal/State Aid Highway System; and
- Whereas, The total estimated cost of this project is \$277,990.68 for the alteration and upgrade of traffic control signals and the upgrade of traffic control signs; and
- Whereas, One hundred percent of the participating project cost, or \$277,990.68, is reimbursable from the Wisconsin Department of Transportation (WISDOT), and should be earmarked for this project in the 2009 Capital Grant and Aids Projects Fund Project/Grant Number SP032090100; and
- Whereas, The State cannot proceed with any project cost overruns and/or changes in scope of more than 5% without prior Department of Public Works approval; and
- Whereas, The Department of Public Works shall notify the Common Council of the City of Milwaukee at the next scheduled meeting of any such project cost overruns and/or changes in scope approved by the Department of Public Works; and
- Whereas, The Common Council of the City of Milwaukee recognizes that the City may be 100% liable for any such project cost overruns and/or changes in scope as approved by the Department of Public Works; and
- Whereas, The Common Council of the City of Milwaukee recognizes that the City may be liable for any costs incurred by the State should the City decide to withdraw from the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works and Comptroller are authorized to execute the contract with WISDOT for the installation of traffic control facilities in conjunction with the improvements to North 76th Street from West Center Street to West Appleton Avenue, a copy of which is attached to this resolution, and is incorporated into this resolution as though set forth in full; and be it

Further Resolved, That upon approval of this contract, that the Commissioner of Public Works is directed to install and modify traffic control facilities in conjunction with the improvements to North 76th Street from West Center Street to West Appleton Avenue; and, be it

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

Location:

Project I.D.- 2140-11-90

North 76th Street from West Center Street to West Appleton Avenue

Grantor Reimbursable Cash - Traffic Control

Fund Number-0306

Project/Grant Number-SP032090100

\$277,990.68

Total \$277,990.68

Previously Authorized for Traffic Control Improvements: \$0.00

Current Estimated Cost of the Total Project Including this Resolution:

\$11,526,990.68

Original Estimated Cost of the Total Project (Common Council File Number 041289): \$11,449,000.00.

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

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

**No:** 0

**Excused:** 1 - Witkowiak

12.        [081090](#)        Resolution authorizing the Department of Public Works to enter into a multi-year agreement with Milwaukee Journal Sentinel, Inc. to lease parking spaces in the City-owned parking structure at North 4th Street and West Highland Avenue.
- Whereas, The 980-space parking structure located at 324 West Highland Avenue was constructed in 1987, to serve the Bradley Center, on land formerly owned and used as a surface parking lot by the Journal Sentinel, Inc.; and
- Whereas, The Journal Sentinel, Inc. required monthly daytime and 24-hour parking for certain employees working at its facility in downtown Milwaukee; and
- Whereas, The Journal Sentinel, Inc. entered into a 10-year agreement with the City to lease parking spaces at the 324 West Highland Avenue structure commencing on October 1, 1988 with an option to extend an additional 10 years, which expired on October 31, 2008; and
- Whereas, The Journal Sentinel wishes to continue leasing up to 250 daytime parking spaces and up to 40 24-hour parking spaces at the 324 West Highland Avenue parking structure for a 10-year period commencing January 1, 2009 and expiring on December 31, 2018, with an option to extend the contract if mutually agreeable for one additional 10-year term; and
- Whereas, The monthly rates to be charged will be based upon the market rate as established by the City and charged to other monthly patrons effective January 1, 2009 at \$80 per month for daytime parkers and \$145 per month for 24-hour parkers for the balance of 2009 at which time the rates become subject to annual adjustments at the sole discretion of the City; and
- Whereas, Due to the tax-exempt status of the bonds issued for capital improvements of the parking structure, the City Comptroller will consult with bond personnel to determine if the tax-exempt status of the bonds are at issue and if so, work cooperatively with the Department of Public Works to develop and implement a least-cost financing option to issue and/or pay debt for capital improvements; and
- Whereas, By Common Council File Number 070560, adopted on July 31, 2007, the Department of Public Works is directed to submit each multi-year parking lease agreement to the Common Council for review and approval; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the Common Council authorizes the Department of Public Works to enter into a multi-year agreement with the Milwaukee Journal Sentinel, Inc. to lease parking spaces in the City-owned parking structure located at 324 West Highland Avenue, a copy of which

is attached to this file.

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

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

**No:** 0

**Excused:** 1 - Witkowiak

13.      [081109](#)      Resolution relative to the 2009 Capital Improvements Program to provide funds for street lighting work at various locations.
- Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works is hereby authorized and directed to modify and/or install street lighting at various locations; and, be it
- Further Resolved, That the Comptroller's Office is authorized and directed to transfer from the Street Lighting budget, Account Number ST240090000 up to \$7,850,000, to the general purpose sub-accounts indicated as follows:
- General Engineering  
Account Number: ST240090100
- Substation Repair  
Account Number: ST240090200
- Substation Enclosure Maintenance  
Account Number: ST240090300
- Street Lighting Related to Paving  
Account Number: ST240090400
- Street and Alley Lighting Conversion  
Account Number: ST240090500
- Remove Series Circuitry  
Account Number: ST240090700
- Pole, Cable and Miscellaneous Replacement  
Account Number: ST240090800
- Electrical Facilities Digitizing Project



Account Number: ST240090900

Uncollectible Pole Knockdown and Repair

Account Number: ST240091000

Total 2009 Funds Authorized: \$7,850,000

; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer funds as required without further Common Council authorization, the total amount of such transfer shall not exceed the amount authorized in the 2009 Street Lighting budget.

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

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

**No:** 0

**Excused:** 1 - Witkowiak

14. [081110](#) Resolution relative to the 2009 Capital Improvements Program to provide funds for traffic signs and signal work at various locations.
- Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works is hereby authorized and directed to modify and/or install traffic control signs and signals at various locations; and, be it
- Further Resolved, That the Comptroller's Office is authorized and directed to transfer from the Traffic Control Facilities budget, Account Number ST220090000 up to \$990,000, to the general purpose sub-accounts indicated as follows:
- General Engineering  
Account Number: ST220090100
- Miscellaneous Traffic Signal Modifications, Non-Paving  
Account Number: ST220090200
- Traffic Signal Reconstruction with Paving  
Account Number: ST220090300
- Miscellaneous Traffic Signs with Paving  
Account Number: ST220090500

Traffic Control Signs, Non-Paving  
Account Number: ST220090600

Uncollectible Traffic Control Knockdown Repair  
Account Number: ST220090700

Total 2009 Funds Authorized: \$990,000

; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer funds as required without further Common Council authorization, the total amount of such transfer shall not exceed the amount authorized in the 2009 Traffic Control Facilities budget.

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

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

**No:** 0

**Excused:** 1 - Witkowiak

15.        [081111](#)        Resolution authorizing the Commissioner of Public Works to execute a Cost Sharing Agreement with Milwaukee County for the planned improvement of West Silver Spring Drive (CTH E) from North 124th Street to North 90th Street and authorizing costs for plan review of \$8,000, which will be funded 100 percent by the City of Milwaukee.

Whereas, Milwaukee County's Department of Public Works has scheduled the improvement of West Silver Spring Drive (CTH E) from North 124th Street to North 90th Street for the summer of 2009; and

Whereas, Milwaukee County has undertaken the necessary preliminary engineering and plan preparation for the improvement; and

Whereas, The City of Milwaukee has requested and Milwaukee County has agreed to undertake work, as shown in attached agreement, with their paving contractor in conjunction with the improvement project at City of Milwaukee cost; and

Whereas, Future resolutions will address the construction funding for this project; and

Whereas, Milwaukee County has prepared a Cost Sharing Agreement to address

those costs that will be the responsibility of the City of Milwaukee as part of the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized to execute a Cost Sharing Agreement with the Milwaukee County for its share of the construction costs associated with the improvement of West Silver Spring Drive (CTH E) from North 124th Street to North 90th Street, a copy of which is attached to the Common Council File No. 081111 and is incorporated by reference as though set forth in full; and

Further Resolved, By the Common Council of the City of Milwaukee that the Comptroller is hereby authorized and directed to create within the Capital Improvement Fund, Grant and Aid Projects the necessary Project/Grant Chartfield Values for engineering review and transfer to this account 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 grantor's share and local share of \$5,000, whichever is greater as follows:

Infrastructure Services Division  
City Share  
Account No. ST320080000  
Fund 0333  
\$8,000

Previously authorized plan review cost: \$-0-

Current estimated cost of the total project including this resolution: \$3,808,000 -  
(Milwaukee County is lead agency)

Original estimated cost of the total project: \$3,800,000.

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

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

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

**No:** 0

**Excused:** 1 - Witkowiak

PLACING ON FILE THE FOLLOWING:

16. [081074](#) Communication from the Department of Public Works relating to projects earmarked

for federal stimulus funding.

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

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

**No:** 0

**Excused:** 1 - Witkowiak

17. [081120](#) Resolution approving a lease with Charles P. Bucolt Real Estate for a portion of the property at 4200 North Holton Street for relocation of the Election Commission equipment storage, in the 6th Aldermanic District.

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

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

**No:** 0

**Excused:** 1 - Witkowiak

THE PUBLIC WORKS COMMITTEE FURTHER RECOMMENDS:

---The following items may be referred from the SPECIAL Public Works Committee meeting held on Tuesday, December 16, 2008 at 8:30 A.M.

18. [080932](#) Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of South Chase/Howell Avenue from East/West Howard Avenue to East Ohio Avenue in the 13th and 14th Aldermanic Districts at a total estimated cost of \$118,598.41, with one hundred percent of the total cost funded by the Wisconsin Department of Transportation.

Whereas, The Project Agreement for the paving of South Chase/Howell Avenue from East/West Howard Avenue to East Ohio Avenue was approved by the Common Council File Number 051477; and

Whereas, The Surface Transportation Program provides cost participation for traffic control improvements in conjunction with the paving of highways located on the Federal/State Aid Highway System; and

Whereas, The total estimated cost of this project is \$118,598.41 for the alteration and upgrade of traffic control signals and the upgrade of traffic control signs; and

Whereas, One hundred percent of the participating project cost, or \$118,598.41, is reimbursable from the Wisconsin Department of Transportation (WISDOT), and should be earmarked for this project in the 2008 Capital Grant and Aids Projects Fund Project/Grant Number SP032080100; and

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

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

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

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

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works and Comptroller are authorized to enter into a funding agreement with WISDOT for the installation of traffic control facilities in conjunction with the improvements to South Chase/Howell Avenue from East/West Howard Avenue to East Ohio Avenue, a copy of which is attached to this resolution, and is incorporated into this resolution as though set forth in full; and be it

Further Resolved, That upon approval of this contract, that the Commissioner of Public Works is directed to install and modify traffic control facilities in conjunction with the improvements to South Chase/Howell Avenue from East/West Howard Avenue to East Ohio Avenue; and, be it

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

Location:

Project I.D.- 2060-03-90

South Chase/Howell Avenue from East/West Howard Avenue to East Ohio Avenue

Grantor Reimbursable Cash - Traffic Control  
Fund Number-0306  
Project/Grant Number-SP032080100  
\$118,598.41

Total \$118,598.41

Previously Authorized for Traffic Control Improvements: \$0.00  
Current Estimated Cost of the Total Project Including this Resolution: \$5,012,298.41  
Original Estimated Cost of the Total Project (Common Council File Number  
051477): \$4,973,700.00

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

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

**No:** 0

**Excused:** 1 - Witkowiak

19. [080850](#) Substitute resolution authorizing the assignment to the City of Mequon of the Agreement Between the City of Milwaukee and We Energies for the Purchase of Water at Wholesale.
- Whereas, The Common Council under Resolution No. 030549 authorized the proper City officials to execute the renewal of the agreement between the City of Milwaukee and Wisconsin Gas LLC d/b/a We Energies Water Services ("We Energies") to purchase water at wholesale to provide water service to areas of the City of Mequon and the Village of Thiensville (the "Water Services Agreement"); and
- Whereas, The Water Services Agreement is in force for ten years from and after the effective date of February 2, 2004 and automatically renews for subsequent ten-year periods; and
- Whereas, We Energies and the City of Mequon entered into an Asset Purchase Agreement dated September 5, 2008 pursuant to which We Energies has agreed to sell the water system assets of We Energies to the City of Mequon and expect to complete all transaction activities by December 31, 2008, (the "Transaction"); and
- Whereas, The Water Services Agreement provides that neither the Water Services Agreement nor any of the rights, interests, or obligations shall be assigned by either of the parties without the prior written consent of the other party; and
- Whereas, We Energies has formally requested in writing that the City of Milwaukee

consent to the assignment of the Water Services Agreement to the City of Mequon;  
and

Whereas, The City of Milwaukee has incurred direct and indirect costs to review various documents relevant to the Transaction, and to analyze and evaluate We Energies' request that the City of Milwaukee consent to the assignment by We Energies of its Water Service Agreement to the City of Mequon; now, therefore, be it

Resolved, By the Common Council of The City of Milwaukee, that the proper City officials are hereby authorized and directed to execute the document attached to this file, granting the City of Milwaukee's consent to the assignment of the Water Services Agreement to the City of Mequon upon receipt of the sum of \$15,000 paid by We Energies to the General Fund of the City of Milwaukee; and, be it

Further Resolved, That the Milwaukee Water Works file with the Public Service Commission of Wisconsin, a fully executed copy of the consent document.

*Ald. Dudzik withdrew an earlier motion to substitute.*

*Notwithstanding the recommendation of the Committee.*

*Ald. Murphy moved that the Common Council enter the Committee of the Whole for the purpose of hearing from the Superintendent and the Water Works.*

*With three objections, so ordered.*

*Ms. Carrie Lewis, superintendant of the Water Works, appeared and addressed the Common Council.*

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

*There was no objection.*

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

**Aye:** 5 - Bauman, Bohl, Donovan, Murphy Dudzik

**No:** 9 - Hamilton, Davis, Kovac, Coggs, Wade, Puente, Witkowski, Zielinski Hines Jr.

**Excused:** 1 - Witkowiak

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

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

**No:** 0

**Excused:** 1 - Witkowiak

[080850](#)

Substitute resolution authorizing the assignment to the City of Mequon of the Agreement Between the City of Milwaukee and We Energies for the Purchase of Water at Wholesale.

Whereas, The Common Council under Resolution No. 030549 authorized the proper City officials to execute the renewal of the Agreement between the City of Milwaukee and Wisconsin Gas LLC d/b/a We Energies Water Services (“We Energies”) for the Purchase of Water at Wholesale (“Water Services Agreement”); and

Whereas, The Water Services Agreement is in force for ten years from and after the effective date of February 2, 2004 and automatically renews for subsequent ten-year periods; and

Whereas, We Energies and the City of Mequon entered into an Asset Purchase Agreement dated September 5, 2008 pursuant to which We Energies has agreed to sell the water system assets of We Energies to the City of Mequon; and

Whereas, The Water Services Agreement provides that neither the Agreement nor any of the rights, interests, or obligations shall be assigned by either of the parties without the prior written consent of the other party; and

Whereas, We Energies has formally requested in writing that the City of Milwaukee consent to the assignment of the Water Services Agreement to the City of Mequon; now, therefore, be it

Resolved, By the Common Council of The City of Milwaukee, that the proper City officials are hereby authorized and directed to execute the document attached to this file, granting the City of Milwaukee’s consent to the assignment of the Water Services Agreement to the City of Mequon; and, be it

Further Resolved, That the Water Works file with the Public Service Commission of Wisconsin, a fully executed copy of the consent document.

*As substituted.*

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

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

**No:** 0



**Excused:** 1 - Witkowiak

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

IMMEDIATE ADOPTIONS:

1. [081165](#) Resolution relating to the transfer of 2008 HOME funds within various programmatic activities for the Department of City Development.

Whereas, The Common Council of the City of Milwaukee has previously approved the award of \$1,264,000 of HOME funding for the Department of City Development (DCD) Owner-Occupied Program, and the amount of \$314,000 to the DCD- Rental Rehabilitation Program for the 2008 funding year; and

Whereas, DCD has informed the Community Development Grants Administration of a shortfall in the DCD Owner-Occupied Program and would like to transfer the amount of \$160,000 from the HOME Rental Rehabilitation Program to the HOME Owner-Occupied Program; and

Whereas, The Community and Economic Development Committee recommends the transfer of the HOME funds in the amount of \$160,000 from the DCD Rental Rehabilitation Program to the DCD Owner-Occupied Program; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Community Development Grants Administration is authorized to transfer the HOME funds as noted above to the 2008 DCD HOME Programs; and, be it

Further Resolved, That the Department of City Development shall submit budgets and activity reports in amounts and according to any conditions approved by the Common Council and in accordance with File Number 74-92-5v, to the Community Development Grants Administration and the City Comptroller for review and approval; and, be it

Further Resolved, That payments for HOME cost incurred shall be paid in accordance with approved HOME reimbursement policy based on the approval by the Community Development Grants Administration and the City Comptroller; 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. COGGS that this Resolution-Immediate Adoption be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

2. [081175](#) Resolution approving various final certified survey maps.

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

NAME	TAX KEY NUMBER(S)
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Asset Acquisitions, Inc. (DCD #2723)	4670203000
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Layton State Bank (DCD #2725)	4950312110
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Cynthia Sobczak (DCD #2726)	5719994111
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**A motion was made by ALD. COGGS that this Resolution-Immediate Adoption be ADOPTED. The motion PREVAILED by the following vote:**

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

3. [081198](#) Resolution authorizing the Health Department to request and accept a contribution of influenza vaccine.

Whereas, Annual vaccination to prevent infection and illness from influenza is shown to reduce morbidity and mortality especially in vulnerable populations including the elderly, young children and persons who are ill or infirm; and

Whereas, It is the policy of the Milwaukee Health Department to encourage and to provide influenza vaccination as appropriate to each annual flu season; and

Whereas, A donation of 500 doses of the influenza vaccination FluMist®, is available from the National Association of County and City Health Officers (NACCHO); and

Whereas, Vaccination with FluMist® is safe and effective for the prevention of influenza and has been provided by the Milwaukee Health Department previously through community partnering agencies; now, therefore, be it

Resolved, That the Milwaukee Health Department by the Commissioner of Health or

the commissioner's designee, is authorized to request and accept a donation from the National Association of County and City Health Officers (NACCHO) of 500 doses of the vaccine FluMist®, and to distribute the donated vaccine through partnering agencies as may be deemed most beneficial for the prevention of influenza among residents of the Milwaukee community.

**This Resolution-Immediate Adoption was ADOPTED**

**Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

Various announcements were made.

There being no further business to come before the Common Council, the meeting was adjourned at 2:07 p.m.

-- Jim Owczarski, Deputy City Clerk