



# City of Milwaukee

City Hall  
200 East Wells Street  
Milwaukee, WI 53202

## Meeting Agenda PUBLIC WORKS COMMITTEE

**ALD. ROBERT BAUMAN, CHAIR**

**Ald. Joseph Dudzik, Vice-Chair**

**Ald. Willie Wade, Ald. Robert Donovan, and Ald. Robert Puente**

**Staff Assistant, Tobie Black, 286-2231**

**Fax: 286-3456, [tblack@milwaukee.gov](mailto:tblack@milwaukee.gov)**

**Legislative Liaison, Aaron Cadle, 286-8666,**

**[acadle@milwaukee.gov](mailto:acadle@milwaukee.gov)**

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Wednesday, February 16, 2011

9:00 AM

Room 301-B, City Hall

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1. [101271](#) Resolution relative to approving the levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes.  
**Sponsors:** THE CHAIR  
**Attachments:** [Cover Letter](#)  
[Official Notice Number 77](#)  
[Hearing Notice List](#)
2. [101270](#) 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 \$120,000 for a total estimated cost of these projects being \$3,045,000.  
**Sponsors:** THE CHAIR  
**Attachments:** [Hearing Notice List](#)
3. [101272](#) 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 \$50,000 for a total estimated cost of these projects being \$1,450,000.  
**Sponsors:** THE CHAIR  
**Attachments:** [Proposed Substitute A](#)  
[Hearing Notice List](#)
4. [101273](#) Resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$50,000 for a total estimated cost of these projects being \$650,000.  
**Sponsors:** THE CHAIR  
**Attachments:** [Hearing Notice List](#)
5. [090553](#) Substitute resolution to vacate an unimproved right-turn lane at the southeast corner of South 76th Street and West Oklahoma Avenue, in the 11th Aldermanic District.  
**Sponsors:** THE CHAIR

**Attachments:** [City Plan Commission Letter](#)  
[Exhibit A](#)  
[Fiscal Note](#)  
[Hearing Notice List](#)

6. [101256](#) Resolution approving a conduit occupancy license agreement between the City of Milwaukee and Kentucky Data Link for occupying a portion of the City's communications conduit system.
- Sponsors:** THE CHAIR
- Attachments:** [Occupancy License Agreement](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Fiscal Impact Statement](#)  
[Hearing Notice List](#)
7. [101257](#) Resolution authorizing the Commissioner of Public Works to install fiber and provide network connectivity at the expense of, and for the use and benefit of, Alverno College.
- Sponsors:** THE CHAIR
- Attachments:** [Hearing Notice List](#)
8. [101258](#) Resolution relative to the 2011 Capital Improvement Program to provide funds for underground conduit work at various locations.
- Sponsors:** THE CHAIR
- Attachments:** [Hearing Notice List](#)
9. [101282](#) Resolution authorizing the City Comptroller to transfer funds to various State and Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs of \$20,000.00, with City share being \$20,000.00 and the Grantor's share being \$0.00.
- Sponsors:** THE CHAIR
- Attachments:** [Comptroller's Certificate](#)  
[Hearing Notice List](#)
10. [101286](#) Resolution directing the Commissioner of Public Works to enter into an agreement with the Wisconsin Department of Transportation for the development, implementation and funding of traffic control and other safety measures and City staff meeting attendance necessary to mitigate traffic diversion on City streets due to construction activity on the Mitchell Interchange and I-94 North-South Corridor in 2011 and 2012; with the total cost being \$150,000 of which 100% is grantor funded.
- Sponsors:** Ald. Witkowski
- Attachments:** [Agreement](#)  
[Hearing Notice List](#)
11. [101250](#) Communication from the Department of Public Works relative to special event permits.

**Sponsors:** THE CHAIR  
**Attachments:** [Report](#)  
[Hearing Notice List](#)

This meeting will be webcast live at [www.milwaukee.gov/channel25](http://www.milwaukee.gov/channel25).

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

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

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

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



## Legislation Details (With Text)

<b>File #:</b>	101271	<b>Version:</b>	0
<b>Type:</b>	Resolution	<b>Status:</b>	In Committee
<b>File created:</b>	2/8/2011	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	
<b>Effective date:</b>			
<b>Title:</b>	Resolution relative to approving the levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	PUBLIC IMPROVEMENTS, STREET IMPROVEMENTS		
<b>Attachments:</b>	Cover Letter, Official Notice Number 77, Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/11/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
101271  
Version  
ORIGINAL  
Reference

Sponsor  
THE CHAIR  
Title

Resolution relative to approving the levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes.

Requestor  
INFRASTRUCTURE SERVICES DEPARTMENT

Drafter  
MLD:dr  
Report 8  
02/02/2011

February 2, 2011

File Number

To the Honorable, the Common Council

Dear Council Members:

The Common Council has adopted preliminary resolutions which determined it necessary and in the public interest to make various public improvements and to make special assessments therefore.

The Commissioner of Public Works is filing this report consisting of a list of projects. This report is subject to amendment at the next Public Works Committee Hearing. The plans and specifications of said improvements are on file in the City Engineer's Office.

I am herewith submitting a report regarding the above matter and recommend adoption of the amended resolution approving same.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

MLD:dr  
Afr 8  
Report Appended

**OFFICIAL NOTICE NUMBER 77  
PUBLIC HEARING ON PROPOSED IMPROVEMENTS  
AND SPECIAL ASSESSMENTS**

There will be a public hearing held by the Public Works Committee of the Common Council of the City of Milwaukee concerning the following improvements and special assessments. The Commissioner of Public Works has determined these improvements are necessary and in the public interest.

The hearing will be held at the date and time shown below:

<p><b>WEDNESDAY</b></p> <p><b>FEBRUARY 16, 2011</b></p> <p><b>ROOM 301-B – CITY HALL</b></p> <p><b>9:00 A.M.</b></p>
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**5th Aldermanic District**

**W. Concordia Ave. – N. 96th St. to N. Argonne Dr. (Portions in the City of Wauwatosa) (ST211050142):**

Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (7.0-foot width of tree border area), and grading.

**10th Aldermanic District**

**W. Wells St. – N. 44th St. to N. 45th Pl. (ST211070123):**

Concrete pavement reconstruction, replace curb and gutter and sidewalk and driveway approaches where necessary, sodding (0-foot width of tree border area), and grading.

**N. 44th St. – W. Blue Mound Rd. to W. Wells St. (ST211070122):**

Concrete pavement reconstruction, replace curb and gutter and sidewalk and driveway approaches where necessary, sodding (0-foot width of tree border area), and grading.

**13th Aldermanic District**

**W. Holmes Ct. – S. 18th St. to a point west of S. 18th St. (ST211100142):**

Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where needed, sodding (8.0-foot width of tree border area), and grading.

**W. Vogel Ct. – S. 18th St. to a point west of S. 18th St. (ST211100141):**

Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where needed, sodding (14.0-foot width of tree border area), and grading.

You may examine a copy of the report recommending these projects in Room 908, 841 North Broadway, Milwaukee, Wisconsin during the hours of 8:30 A.M. and 4:30 P.M., Monday through Friday.

This notice is published by authority of the Common Council of the City of Milwaukee in accordance with 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.

Office of the City Clerk, Milwaukee

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Ronald D. Leonhardt, City Clerk

February 1, 2011

## PW FILE NUMBER: 101271

[illegible]





## Legislation Details (With Text)

<b>File #:</b>	101270	<b>Version:</b>	0
<b>Type:</b>	Resolution	<b>Status:</b>	In Committee
<b>File created:</b>	2/8/2011	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	
<b>Effective date:</b>			
<b>Title:</b>	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 \$120,000 for a total estimated cost of these projects being \$3,045,000.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	PUBLIC IMPROVEMENTS, STREET IMPROVEMENTS		
<b>Attachments:</b>	Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/11/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
2/11/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number

101270

Version

Original

Sponsor

THE CHAIR

Title

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 \$120,000 for a total estimated cost of these projects being \$3,045,000.

Analysis

This resolution authorizes engineering studies and directs the Commissioner of Public Works to determine any benefits or damages which would result if the projects were to be constructed. After the Commissioner files his report, a Public Hearing will be held on those projects determined assessable. A resolution will be submitted after the Public Hearing authorizing construction. The City cost for engineering these projects is estimated to be \$120,000 with the total cost estimated to be \$3,045,000.

Body

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

1st Aldermanic District

N. 29th St. - W. Ruby Ave. to W. Hampton Ave. (ST211110172): Install traffic calming devices. (Nonassessable Reconstruction Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2011 construction season.

### 3rd Aldermanic District

N. Terrace Ave. - E. North Ave. to E. Bellevue Pl. (ST2111100110): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$20,000, Additional Funds). The total estimated cost for this project including the requested amount is \$660,000. This project was constructed in 2010. These funds are needed to close out the contract.

### 5th Aldermanic District

W. Townsend St. - N. 76th St. to N. 82nd St. (ST211110134): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$20,000, Additional Funds). The total estimated cost for this project including the requested amount is \$250,000. This project is anticipated to be completed during the 2011 construction season.

### 7th Aldermanic District

N. 29th St. - W. Meinecke Ave. to W. Center St. (ST211110103): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$20,000, Additional Funds). The total estimated cost for this project including the requested amount is \$300,000. This project is anticipated to be completed during the 2011 construction season.

### 9th Aldermanic District

W. County Line Rd. - N. 68th St. to N. 91st St./N. Swan Rd. (ST211100132): Paving the roadway with asphalt. Rural cross section. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$15,000, Additional Funds). The total estimated cost for this project including the requested amount is \$1,350,000. This project is anticipated to be completed during the 2011 construction season.

### 10th Aldermanic District

W. Mt. Vernon Ave. - N. 90th St. to N. 95th St. (ST211090126): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$30,000, Additional Funds). The total estimated cost for this project including the requested amount is \$385,000. This project was constructed in 2009. These funds are needed to close out the contract.

### 13th Aldermanic District

S. Brust Ave. - E. Layton Ave. to S. Whitnall Ave. (ST211110174): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary

grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2011 construction season.

; and, be it

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

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

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

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

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

Requestor  
Infrastructure Services Division  
Drafter  
MLD:dr  
Apr 8  
02/02/2011

## PW FILE NUMBER: 101270

[illegible]



## Legislation Details (With Text)

**File #:** 101272      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 2/8/2011      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** 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 \$50,000 for a total estimated cost of these projects being \$1,450,000.

**Sponsors:** THE CHAIR

**Indexes:** PUBLIC IMPROVEMENTS

**Attachments:** Proposed Substitute A, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/11/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

### Number

101272

### Version

ORIGINAL

### Sponsor

THE CHAIR

### Title

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 \$50,000 for a total estimated cost of these projects being \$1,450,000.

### Analysis

This resolution authorizes engineering studies on projects which by City Charter are nonassessable. After design plans and estimates of costs have been prepared, a resolution authorizing construction will be submitted to the Common Council. The City cost for engineering these projects is estimated to be \$50,000 with the total cost estimated to be \$1,450,000.

### Body

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

### City Wide

2010 Indirect Account/Engineering Studies throughout the City of Milwaukee (SM495100001): (Nonassessable Sewer Maintenance Relay Fund -- \$50,000, Additional Funds). The total estimated cost for this project including the requested amount is \$650,000. This project is anticipated to be completed during the 2011 construction season.

2011 Indirect Account/Engineering Studies throughout the City of Milwaukee (SM495110001):

(Nonassessable Sewer Maintenance Relay Fund -- \$800,000). The total estimated cost for this project is \$800,000. This project is anticipated to be completed during the 2011 construction season.

; and, be it

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

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

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

Requestor  
Infrastructure Services Division  
Drafter  
MLD:dr  
Npr 8  
02/02/2011

..Number

101272

..Version

Proposed Substitute A

..Sponsor

THE CHAIR

..Title

Substitute resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$45,000 for a total estimated cost of these projects being \$2,615,000.

..Analysis

This resolution authorizes engineering studies on projects which by City Charter are nonassessable. After design plans and estimates of costs have been prepared, a resolution authorizing construction will be submitted to the Common Council. The City cost for engineering these projects is estimated to be \$45,000 with the total cost estimated to be \$2,615,000.

..Body

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

City Wide

Sanitary Manhole Rehabilitation (SM494110102): (Infiltration/Inflow Reduction Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$2,500,000. This project is anticipated to be completed during the 2011 construction season.

2011 Sanitary Manhole Inspection Project (SM494110101): (Infiltration/Inflow Reduction Fund -- \$25,000). The total estimated cost for this project including the requested amount is \$115,000. This project is anticipated to be completed during the 2011 construction season.

;and, be it

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

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

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

..Requestor  
Infrastructure Services Division  
..Drafter  
MLD:dr  
Npr 8  
02/10/2011



## PW FILE NUMBER: 101272

[illegible]



## Legislation Details (With Text)

<b>File #:</b>	101273	<b>Version:</b>	0
<b>Type:</b>	Resolution	<b>Status:</b>	In Committee
<b>File created:</b>	2/8/2011	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	
<b>Effective date:</b>			
<b>Title:</b>	Resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$50,000 for a total estimated cost of these projects being \$650,000.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	PUBLIC IMPROVEMENTS		
<b>Attachments:</b>	Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/11/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

### Number

101273

### Version

ORIGINAL

### Reference

101172

### Sponsor

THE CHAIR

### Title

Resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$50,000 for a total estimated cost of these projects being \$650,000.

### Analysis

This resolution directs the installation and construction of certain public improvements which have been determined to be nonassessable by the Commissioner of Public Works. The City cost of the projects approved by this resolution is estimated to be \$50,000. The total estimated cost of these projects is \$650,000.

### Body

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

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

### City Wide

2010 Indirect Account/Engineering Studies throughout the City of Milwaukee (SM495100001) File

Number 090971: (Nonassessable Sewer Maintenance Relay Fund -- \$50,000, Additional Funds). The total estimated cost for this project including the requested amount is \$650,000. This project is anticipated to be completed during the 2011 construction season.

; now, therefore, be it

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

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

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

Requestor  
Infrastructure Services Division  
Drafter  
MLD:dr  
Nfr 8  
02/02/2011

Technical Correction - 2-10-11- tb

## PW FILE NUMBER: 101273

[illegible]



## Legislation Details (With Text)

**File #:** 090553      **Version:** 1

**Type:** Resolution      **Status:** In Committee

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

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Substitute resolution to vacate an unimproved right-turn lane at the southeast corner of South 76th Street and West Oklahoma Avenue, in the 11th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

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

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
9/10/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
2/11/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
2/11/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
090553  
Version  
SUBSTITUTE 1  
Reference

Sponsor  
THE CHAIR  
Title

Substitute resolution to vacate an unimproved right-turn lane at the southeast corner of South 76th Street and West Oklahoma Avenue, in the 11th Aldermanic District.

### Analysis

This substitute resolution vacates the above right-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by E&K Land LLC and will provide near-term aesthetic control of the corner and additional land for possible future expansion.

### Body

Whereas, It is proposed that an unimproved right-turn lane at the southeast corner of South 76th Street and West Oklahoma Avenue 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 the public service street, as platted in River's Bend, a recorded subdivision, in the Northwest 1/4 of Section 15, Township 6 North, Range 21 East, described as follows: Commencing at the point of intersection of the south line of West Oklahoma Avenue, as originally platted, and the present easterly line of South 76th Street; thence Southwesterly, along said present easterly line, 135.90 feet to a point in the east line of South 76th Street, as originally platted; thence Northerly, along the east line, 120.00 feet to its point of intersection with the westerly extension of said south line of West Oklahoma Avenue; thence Easterly, along said westerly extension, 60.00 feet to the point of beginning 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 unimproved right-turn lane had not been vacated.

Drafter

DCD:EAR:ear

02/11/11

January 31, 2011

To the Honorable Common Council  
Public Works Committee  
City of Milwaukee

Dear Committee Members:

File No. 090553 vacates an unimproved right turn lane at the southeast corner of South 76th Street and West Oklahoma Avenue in the 11th Aldermanic District. This vacation is requested by E&K Land LLC and will provide near term aesthetic control of this corner and additional land for possible future expansion.

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

Sewer easement	\$600.00
Equity in street tree	\$2,970.00
Benefit assessments	\$7,937.75
Total	\$11,507.75

Since the proposed vacation is not in conflict with City plans, the City Plan Commission at its regular meeting on January 31, 2011, recommended approval of the subject file.

Sincerely,

Rocky Marcoux  
Executive Secretary  
City Plan Commission of Milwaukee

cc: Ald. Joe Dudzik

N.W. 1/4 SEC. 15, T.6N., R.2E.

528

W. Oklahoma Ave.

SEC. LINE

60

60

120

248.61

125.00

STREET  
(VACATED)

50

66

PAR. X

120.00

135.90

135.00

C.S.M. NO.

TAX KEY NO.  
528-0701-200

79.47

104.68

RIVER'S

200.53

SEC. LINE

178

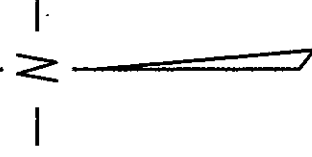
1

S. 76th

(VACATED)

554.99

301.78



BEND

60

50



PORTION OF PUBLIC  
SERVICE STREET PROPOSED  
TO BE VACATED

EXHIBIT "A"

FILE NO. 090553

INFRASTRUCTURE SERVICES DIVISION

MILWAUKEE, WISCONSIN

ASSIGNED TO: W.E. FUCHS

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

DRAWN BY: W.E.F.

DATE: SEPT. 30, 2009

PROJECT/GRANT NO.: WK52337286

SCALE: 1" = 50'

APPROVED BY:

*Marilyn Lindholm*

CENTRAL DRAFTING & RECORDS MANAGER

*Cam/CH* ENGINEER



## CITY OF MILWAUKEE FISCAL NOTE

A) DATE 09/01/09

FILE NUMBER:

Original Fiscal Note ☒ Substitute ☐

SUBJECT: Resolution to vacate an unimproved right-turn lane at the Southeast corner of South 76th Street and West Oklahoma Avenue, in the 11th Aldermanic District.

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

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

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

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

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

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

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

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:


PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

PW FILE NUMBER: 090553

[illegible]



## Legislation Details (With Text)

**File #:** 101256 **Version:** 0

**Type:** Resolution **Status:** In Committee

**File created:** 2/8/2011 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:**

**Effective date:**

**Title:** Resolution approving a conduit occupancy license agreement between the City of Milwaukee and Kentucky Data Link for occupying a portion of the City's communications conduit system.

**Sponsors:** THE CHAIR

**Indexes:** AGREEMENTS, COMMUNICATIONS SYSTEMS

**Attachments:** Occupancy License Agreement, Exhibit A, Exhibit B, Fiscal Impact Statement, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/11/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
101256  
Version  
ORIGINAL  
Reference

Sponsor  
THE CHAIR  
Title

Resolution approving a conduit occupancy license agreement between the City of Milwaukee and Kentucky Data Link for occupying a portion of the City's communications conduit system.

### Analysis

This resolution approves a conduit occupancy license agreement between the City of Milwaukee and Kentucky Data Link to occupy a portion of the City's communications conduit system in accordance with s. 98-7 of the Milwaukee Code of Ordinances.

### Body

Whereas, The City of Milwaukee owns and operates a conduit system located in the public right-of-way within the City; and

Whereas, Kentucky Data Link has registered in accordance with the provisions and criteria specified in s. 98-7, Milwaukee Code of Ordinances, for permission to place and maintain telecommunications facilities in the portions of the City's conduit system; and

Whereas, Section 98-7 provides for negotiation of a conduit occupancy license agreement specifying the terms and extent of the use of the City's conduit system; and

Whereas, A conduit occupancy license agreement has been developed, a copy of which is attached to this file as Exhibit A, describing the extent of Kentucky Data Link's use of the City's conduit

system; and

Whereas, Kentucky Data Link has agreed pursuant to s. 98-5 of the Code of Ordinances to permit for, under certain conditions and for a 4-year renewable term at the City's option, on a license basis, the placement of Kentucky Data Link's facilities within the portions of the City's conduit system designated in Kentucky Data Link's conduit maps on file in the Department of Public Works and summarized in Exhibit A of the conduit occupancy license agreement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the conduit occupancy license agreement between the City of Milwaukee and Kentucky Data Link, a copy of which is attached to the file, is approved; and, be it

Further Resolved, That the Commissioner of Public Works is authorized to make minor revisions to the agreement that do not change the intent of the license agreement; and, be it

Further Resolved, That the Commissioner of Public Works is authorized to execute the license agreement on behalf of the City.

Requestor  
DPW - Administration Division  
Drafter  
LRB125128-1  
Mary E. Turk  
2/1/11  
dh

**CONDUIT OCCUPANCY  
LICENSE AGREEMENT**

This License is entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2011, (the "Effective Date"), by and between the City of Milwaukee, a municipal corporation, having its principal place of business at City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 (herein called "Licensor") and Windstream KDL, Inc., having its principal place of business at 8825 Bond Street, Overland Park, KS 66214, (herein called "Licensee").

Whereas, Licensor owns and operates a conduit system located in the City of Milwaukee, County of Milwaukee, State of Wisconsin (herein called the "Conduit System"); and

Whereas, Licensee has registered in accordance with sec. 98-7, Milwaukee Code of Ordinances, for permission to place and maintain telecommunications facilities (herein "Licensee's Facilities") in the portions of the Licensor's Conduit System described on Exhibit A attached hereto; and

Whereas, Licensor has agreed pursuant to sec. 98-5, Milwaukee Code of Ordinances, to permit, under certain conditions and for a 4 year renewable term at the parties' option, on a license basis, the placement of Licensee's Facilities within the portions of the Licensor's Conduit System designated in Licensee's Facilities conduit maps on file in the office of the City Engineer and the Department of Public Works and summarized herein as Exhibit A; and

Whereas, Licensor's Common Council has approved this Conduit Occupancy License Agreement via Common Council Resolution File No. 100953 adopted on December 21st, 2010; and

Now, Therefore, In consideration of the foregoing and of the mutual covenants provided herein, the parties agree as follows:

A. SCOPE OF AGREEMENT

1. Grant of License. Subject to the provisions of this License, Licensors hereby grants to Licensee the right to use the portion of its Conduit System outlined on Exhibit A attached hereto and made a part hereof for the placement of Licensee's Facilities. Upon mutual agreement of the City Engineer on behalf of the Licensors and agreement of the Licensee, Exhibits A & B may be amended from time to time to reflect changes in the use of the Conduit System by Licensee.

2. Non-Vesting Provision. No use of Licensors's Conduit System by Licensee or payment of any charges required under this License shall create or vest in Licensee any easements or other ownership or property rights of any nature in the Conduit System. Furthermore, this License shall not constitute an assignment of any of Licensors's rights to use public or private property in which the Conduit System is located. In the event any property owner or municipal or other public authority terminates any permit or franchise or other right of Licensee to occupy the Conduit System, Licensee shall have the right to protest by appropriate proceedings, or renegotiate the termination of such permit or franchise. In such event, Licensee shall indemnify and hold Licensors harmless from any expense, legal action or cost, including reasonable attorney's fees, resulting from the exercise of its rights under this paragraph. In the event that Licensee has exhausted all its rights of appeal in protesting the above and has failed to obtain the relief sought in such proceedings or appeal or if any renegotiations have failed, Licensors shall have the right to terminate this License by giving at least one hundred twenty (120) days written notice to Licensee. Upon the effective date of termination undertaken in accordance with the provisions of the preceding sentence, this License

shall become null and void and neither party hereto shall have any further obligation to the other with respect thereto.

3. Permits and Approvals Required. Prior to the installation of its Facilities within the Conduit System located upon public/private property, Licensee shall obtain from the appropriate public and/or private authority any required authorization(s), permits or easements to install its Facilities within any portion of the Conduit System.

4. City's Maintenance Right. Licensor's right to maintain its Conduit System and to operate its facilities in conjunction therewith in such a manner as will best enable it to fulfill its own service requirements is in no manner limited by this License.

5. No Restriction on Licensor. Nothing contained in this License shall be construed to compel Licensor to construct, reconstruct, retain, extend, or place its Conduit System for use by Licensee unless needed for Licensor's own service requirements. Notwithstanding the foregoing, Licensee shall have the right to terminate this License Agreement upon ninety (90) days' prior written notice to Licensor in the event Licensee is unable, because of the condition of the Conduit System, to use the Conduit System in the manner originally contemplated herein.

6. Compliance with Law. Nothing contained in this License shall be construed as a limitation, restriction or prohibition against Licensor with respect to any agreement or arrangement which Licensor has heretofore entered into with others not parties to this License regarding the Conduit System covered by this License.

The parties hereto shall at all times observe and comply with, and the provisions of this License are subject to, all laws, ordinances and regulations which in any manner affect the rights and obligations of the parties hereto under this License, so long as such laws, ordinances or



regulations remain in effect. Licensee specifically agrees to comply with all the provisions of Chapter 98, Milwaukee Code of Ordinances, which provisions are specifically incorporated herein and made a part hereof.

**B. TERM OF LICENSE**

This License shall become effective on the Effective Date and shall continue in effect for 4 years unless terminated as provided herein or by operation of law. This License's term may be extended for additional four year periods, upon the terms and conditions (except for the License Fee which shall be reasonably recomputed by Licensor for each successive four year term) herein provided, if a written extension agreement is executed by Licensor's Commissioner of Public Works and Licensee.

**C. LICENSEE OPTION ON RELOCATION**

1. In the event Licensor is required for any reason to relocate its Conduit System, or any portion thereof, by any governmental authority and Licensor elects to relocate its Conduit System, or any portion thereof, Licensee shall have the option to:

(a) request the relocation of Licensee's Facilities along with Licensor's Conduit System and Licensee shall bear its pro rata share of any and all reasonable costs attributable to such relocation, or

(b) terminate this Conduit Occupancy License Agreement, without any further obligation to Licensor.

2. Cost Sharing Formula. In the event Licensee requests the relocation of Licensee's facilities as provided in Section C.1(a) above, Licensee's pro-rata share of any and all costs attributable to such relocation shall be calculated by multiplying Licensor's total cost of relocating

the Conduit System by a fraction, the numerator of which shall be the number of innerducts Licensee is occupying within the Conduit System, and the denominator of which shall be the total possible number of innerducts located within the Conduit System.

**D. CONSTRUCTION AND MAINTENANCE**

1. Conditions for Make-ready. Licensee shall provide to Licensor a copy of its construction design drawings (including any excess cable storage requirements) and installation schedule for Licensor's approval not less than 3 weeks prior to Licensee's requirement for Facilities installation within the Conduit System. Upon Licensor's receipt of a request submitted by Licensee to place its Facilities in Licensor's Conduit System, Licensor shall perform the necessary make-ready work for Licensee's use of the Conduit System. As used herein, the term "make-ready" work shall be limited to the act of rearranging existing cable or conduit material and shall not include repairs of current conduit or the construction of new conduit. Licensor shall conduct a survey to determine the charges for necessary make-ready work and for placement of Licensee's Facilities in the Conduit System, shall inform Licensee in writing of the good-faith estimate of charges for such work and commence the make-ready work only after receiving the written approval from Licensee. Licensee shall pay all direct and documented costs reasonably incurred by Licensor in performing such make-ready work. Licensee shall make payment to Licensor within thirty (30) days from Licensee's receipt of Licensor's itemized invoice and supporting documentation therefor.

2. Notice to Proceed. After the completion of the make-ready work, Licensee shall request in writing that Licensor place Licensee's Facilities in Licensor's Conduit System. Licensor shall commence the placement of Licensee's Facilities in an expeditious manner after notification from Licensee to proceed with the placement of its Facilities. Licensee shall pay Licensor for all direct

and documented costs reasonably incurred by Licensor in placing Licensee's cable in Licensor's Conduit System. Licensee shall make payment to Licensor within thirty (30) days from Licensee's receipt of Licensor's itemized invoice and supporting documentation therefor.

3. Construction Practices. Licensee shall, at its own expense, during the term of this License, maintain its Facilities covered by this License in a safe condition, properly identified and tagged, in accordance with regulations established by Licensor, so as not to physically conflict or electrically interfere with the Facilities placed in the Conduit System by Licensor or others.

4. Construction Management. Licensee shall notify Licensor ten (10) days in advance by written notice as provided in paragraph L., infra, or by telephone notice to Licensor's City Engineer at (414)286-2400 before any routine repair or maintenance of its Facilities. Except in the event of a Licensee emergency, as described in Section E.2 below, Licensee's employees, agents or contractors will be permitted to enter or work in Licensor's manholes/handholes only when an authorized employee or agent of Licensor is present. Licensor's agents shall have the authority, without subjecting Licensor to any liability therefor, to suspend Licensee's work or operations in and around Licensor's manholes/handholes if, in the sole discretion of said employee or agent, any hazardous conditions arise or any unsafe practices, including unsafe practices which may threaten the integrity of Licensor's facilities, are being followed by Licensee's employees, agents or contractors. In the event of a Licensor imposed suspension of Licensee's work, authorized representatives of Licensor and Licensee shall promptly meet at the earliest mutually possible time but no more than twelve (12) hours after the imposition of the suspension, to take all steps necessary to continue. Within that time, Licensor shall provide to Licensee written notice of steps to be taken by Licensee to eliminate any hazardous conditions or to revise any practices deemed to be unsafe. The presence of

Licensor's authorized agent shall not relieve Licensee of its responsibility to conduct all of its work in and around Licensor's manholes/handholes in a safe and workmanlike manner.

5. Each year, after the first year, of the term of this Agreement and any extensions thereof, Licensee shall provide the Licensor with an updated map indicating all City conduit occupied by the Licensee along with the payment of the Licensee Fee.

#### E. EMERGENCY PROCEDURES

1. Licensor Emergency. In the event of a Licensor emergency:

(a) Licensor's work shall take precedence over any and all operations of Licensee in Licensor's Conduit System;

(b) Licensor may rearrange Licensee's Facilities in a reasonable manner. Licensee shall reimburse Licensor for all reasonable and direct costs associated with such rearrangement of Licensee's Facilities.

2. Licensee Emergency. In the event of a Licensee emergency, Licensee shall promptly notify Licensor at its Department of Public Works City Engineer at (414)286-2400 during normal business hours or (414)286-3481 after 5:00 p.m. and before 8:00 a.m., prior to performing any maintenance or repair necessary to correct the emergency situation. After such notice is given, Licensee may enter the manholes, handholes and conduits of Licensor to perform any emergency repair or maintenance.

#### F. MAINTENANCE AND INSPECTION RIGHTS

1. Maintenance upon Licensee Default. If any part of Licensee's Facilities is not placed and maintained in accordance with the terms and conditions set forth in this License and Licensee has not corrected the violation within thirty (30) days from receipt of written notice thereof from

Licensor, then, in such event, Licensor may, at its option, correct said condition and notify Licensee in writing prior to performing such work. However, in the event such conditions pose an immediate threat to the safety of Licensor's employees or the public, interfere with the performance of Licensor's service obligations, or pose an immediate threat to the physical integrity of Licensor's Facilities, and prior notice to Licensee before Licensor performs such work is not possible or reasonable under the circumstances, Licensor may perform such work and/or take such action that it deems necessary without first giving written notice to Licensee and without subjecting itself to any liability for damage to Licensee's Facilities or for any interruption of Licensee's services. As soon as practicable thereafter, Licensor will advise Licensee in writing of the work performed or the action taken. Licensee shall be responsible for all direct expenses reasonably incurred by Licensor associated with any work or action performed by Licensor pursuant hereto and shall reimburse Licensor within thirty (30) days from its receipt of Licensor's itemized invoice and supporting documentation therefor.

2. Inspection Rights. Licensor reserves the right to make periodic inspections of any part of Licensee's Facilities in the Conduit System. Licensee shall have the right to have its employees or representatives present during the time of any such inspection. Licensor shall give Licensee at least five (5) business days' advance written notice of such inspections, except in those instances where, in the sole judgment of Licensor, safety considerations justify the need for such an inspection without the delay of providing five (5) business days' advance written notice. In that event, Licensor shall provide telephone notice to Licensee by calling 1-800-497-5578. The making of periodic inspections or the failure to do so shall not operate to impose upon Licensor any liability of

any kind whatsoever nor relieve Licensee of any responsibility, obligations or liability assumed under this License.

3. Occupancy Audit. At Licensee's written request to Licensor and deposit with Licensor of sufficient funds to cover the cost thereof (as determined by Licensor), Licensor shall provide within a reasonable time, a detailed audit of the actual Conduit System usage by Licensee including the percentage portion of use of each conduit by all parties occupying the relevant segment of conduit. Any funds deposited but not used in the preparation of such audit shall be promptly returned to Licensee.

#### G. FEES AND CHARGES

1. License Fee. The License fee due for Conduit Occupancy shall be \$10,539.04/year ("License Fee") established in accordance with sec. 98-13, Milwaukee Code of Ordinances. The License Fee has been calculated in accordance with the worksheet attached as Exhibit B.

2. Other Fees. Fees will be charged for all work pre-approved in writing by Licensee and performed by Licensor or its authorized representative in connection with furnishing the Conduit System accommodations as covered by this License and shall be based upon the Licensor's reasonable and direct cost, plus fifteen percent (15%) of such amount. Such charges will include, but not be limited to, prelicense survey, design, engineering, make-ready work, installation of Licensee telecommunications cable and inspection and, if required, removal of Licensee's Facilities. Licensee shall make payment to Licensor within thirty (30) days from its receipt of Licensor's itemized invoice and supporting documentation therefor.

3. Invoices. Licensor shall promptly invoice Licensee for all work performed hereunder by Licensor on behalf of or for the benefit of Licensee with respect to the Conduit System, but in no event later than ninety (90) days after the completion of such work.

#### H. LIABILITY AND INDEMNIFICATION

1. Licensor Liability. Licensor shall exercise caution to avoid damaging Licensee's Facilities and shall make an immediate report to Licensee of any and all damage caused by its employees, agents or contractors. Licensor agrees to reimburse Licensee for all reasonable, actual and direct costs incurred by Licensee for the physical repair of its Facilities damaged by the negligence of Licensor, its employees or agents. However, Licensor shall not be responsible or liable for damages to Licensee's Facilities caused by the negligence of other licensees whom Licensor has given permission to occupy its Conduit System. Licensor shall establish construction standards and practices for all licensees so as to avoid damage to Licensee's Facilities in the Conduit System.

2. Licensee Liability. Licensee shall exercise caution to avoid damaging Licensor's or other licensees' facilities and shall make a prompt report to Licensor of any and all damage caused by its employees, agents or contractors. Licensee agrees to reimburse Licensor or other licensees for all reasonable, actual and direct costs incurred by Licensor or other licensees for the physical repair of its Facilities damaged by the negligence of Licensee, its employees or agents.

3. Licensee Indemnification Obligation. Licensee assumes entire responsibility and liability for losses, expenses, demands and claims in connection with or arising out of an injury, or alleged injury (including death) to any person, or damage, or alleged damage, to property of Licensor or others sustained or alleged to have been sustained in connection with or to have arisen

out of, or resulting from the exercise by Licensee of its rights granted herein, including losses, expenses and damages sustained by Licensor, provided that Licensor shall have given prompt written notice to Licensee of the facts giving rise to such losses, expenses, damages or claims. Licensee hereby agrees to indemnify and hold harmless Licensor, its agents and employees from any and all suits or actions brought against them, or any of them, based on any such alleged injury or damage, except for loss caused by direct or negligent action or omission of Licensor, its agents or employees or other licensees, including any failure to comply with Paragraph A3 of this License, and pay all damages, costs, and expenses (including reasonable attorney's fees) in connection therewith. Licensee shall have complete control over defense of any claim and over the terms of any proposed settlement or compromise thereof. Licensor shall cooperate in every reasonable way to facilitate the defense or settlement of claims.

4. No Liability for Consequential Damages. Notwithstanding the above, neither party shall be liable to the other for indirect or consequential damages of the other party or of third parties, including, but not limited to, any interruption of service or for any loss of revenues resulting therefrom, whether caused by the negligence of either party or not.

#### I. TERMINATION

1. Mutual Termination. This License may terminate at any time upon written mutual agreement of the parties hereto.

2. Termination by Default. If at any time either party fails or refuses to perform any of the covenants or conditions contained in this License, and such failure or refusal shall continue for thirty (30) days after receipt of written notice by such party from the other party (or, in the event of Licensee's default from Licensor's Commissioner of Public Works), the non-defaulting party, at its



election and upon ten (10) days' advance written notice to the other party, may terminate this License. Notwithstanding the above, where a default cannot reasonably be cured within thirty (30) days, if the defaulting party shall proceed promptly to cure the same and prosecute such cure with all due diligence, the time for curing such defaults shall be extended for such a period of time as may be reasonably necessary to complete such cure. The waiver by either party of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or any subsequent breach of the same or any other term, covenant or condition herein contained.

3. Removal upon Termination. Upon termination of this License for any reason, Licensee shall remove its Facilities within ninety (90) days following such termination. In the event Licensee fails to remove its Facilities within such ninety (90) day period, said Facilities shall be deemed abandoned and Licensor, at its sole discretion and without liability, may remove the Facilities and Licensee shall reimburse Licensor for all actual and direct costs reasonably associated with such removal or Licensor may retain the Facilities in place and utilize the same for its own purposes.

4. Liability Not Extinguished. Termination of this License shall not affect either party's liabilities and obligations incurred hereunder prior to the effective date of such termination.

## J. INSURANCE

1. Insurer Qualification. Licensee shall carry comprehensive or commercial general liability insurance together with coverage for contractual liability, issued by insurance carriers licensed to do business in the State of Wisconsin and maintaining an A- or better rating as established by A.M. Best & Company. The amounts of such insurance shall be in the amount of not less than \$1,000,000 as to any one occurrence and \$2,000,000 general aggregate. Licensee shall

also carry such insurance as will protect it from all claims under any Worker's Compensation Law in effect that may be applicable to it. Licensee shall submit to Licensors certificates by each company insuring Licensee to the effect that it has insured Licensee for all liabilities of Licensee covered by this License Agreement.

2. Liability Not Reduced. The required minimum limits of coverage shown above do not limit or diminish Licensee's liability under this License.

3. Form of Certification. Licensee shall submit to Licensors a standard "ACORD" insurance certificate (or comparable form reasonably acceptable to Licensors) signed by an authorized representative of its insurance company, certifying that the insurance coverage required hereunder is in effect for the purposes of this License. Said insurance certificate shall certify that no material alteration, modification or termination of such coverage shall be effective without at least thirty (30) days' advance written notice of Licensors.

4. City as Additional Named Insured. All policies (excluding worker's compensation) shall include Licensors, as an additional insured.

5. Insurance Document Review. At Licensors' sole cost, Licensee shall permit any authorized representative of Licensors to examine Licensee's original insurance policies should Licensors so reasonably request. In the event Licensors reviews Licensee's insurance policies, Licensors shall keep all information concerning Licensee's insurance policies confidential to the extent permissible under law.

6. Failure to Provide Insurance. Should Licensee at any time neglect or refuse to provide the insurance required herein, or should such insurance be canceled or non-renewed, Licensors shall have the right to terminate this License or secure substitute coverages and Licensee shall reimburse

Licensors for all actual and direct expenses and premiums reasonably paid in connection with such substitute coverage.

7. Effective Period. All insurance required in accordance with this License must be effective before Licensors will authorize installation of Licensee's Facilities within the Conduit System and shall remain in force until such time as this License has terminated and such Facilities have either been removed from the Conduit System or abandoned by Licensee.

8. Alternate Coverage. A combination of primary and excess/umbrella liability policies will be acceptable as a means to meet the limits required under this License.

#### K. ASSIGNMENT

1. Assignment Requires Consent. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors or permitted assigns; provided, however, that no assignment hereof or of any rights or obligations hereunder shall be valid for any purpose without the prior written consent of each party hereto, which consent shall not be unreasonably withheld or unduly delayed; provided, further, however, that without such consent, Licensee shall have the right upon written notice to Licensors, to (a) assign or transfer this Agreement, in whole or in part, to any entity controlling, controlled by, or under common control with Licensee, or to any entity acquiring all or substantially all of Licensee's stock or assets, and/or (b) collaterally assign, mortgage, hypothecate, pledge or otherwise grant a security interest in this Agreement, in whole or in part, to secure a debt. In the event of any assignment or transfer by Licensee described in subsections (a) or (b) above, the assignee or transferee shall assume in full the obligations of Licensee under this Agreement, and Licensee shall be released from its obligations hereunder.

2. Obligations After Assignment. In the event of any assignment by either party undertaken pursuant to subparagraph (1) above, except as expressly set forth therein, the assigning or transferring party shall remain liable for all its obligations under this Agreement, unless: (a)(i) the other party consents to release, by written instrument, the assigning or transferring party from such obligations, and (ii) the assignee or transferee shall have affirmatively assumed in writing all of the obligations of the assigning or transferring party under this Agreement.

L. NOTICES. Except as expressly indicated in this Agreement, all notices and other communications to be given pursuant to this License shall be in writing and shall be deemed to have been duly given (i) if personally delivered to the person being served or to an officer of the corporate party being served; (ii) if mailed by United States certified mail, return receipt requested, postage prepaid; or (iii) if delivered by overnight carrier, delivery receipt requested, to the parties at the following addresses:

Licensors:

City of Milwaukee  
Attention: Commissioner of Public Works  
Room 501, Zeidler Municipal Building  
841 North Broadway  
Milwaukee, Wisconsin 53202

Licensee:

Windstream KDL, Inc.  
8825 Bond Street  
Overland Park, Kansas 66214  
Attention: Legal

With Copy Via E-mail to  
Bob Martin  
Robert.P.Martin@Windstream.com  
(920) 344-0098

or at such other address as the parties hereto may specify from time to time by written notice delivered in accordance herewith.

M. GENERAL PROVISIONS

1. Liens and Encumbrances. Except as otherwise provided in this Agreement, Licensee has no power, authority or right to create and will not permit any lien or encumbrance, including, without limitation, tax liens, mechanics liens, or other liens or encumbrances with respect to work performed or equipment furnished, in connection with the installation, repair, maintenance or operation of its Facilities installed within the Conduit System.

2. Governing Law. This License shall be governed by and construed in accordance with the laws of the State of Wisconsin without giving effect to its choice of law principles.

3. Severability. In the event that any one or more of the clauses, covenants or provisions contained in this License should be held to be unenforceable under any federal, state or city law, statute, code, administrative or regulatory rule, such invalidity or unenforceability shall not affect the remainder of this License, which shall remain in full force and effect.

4. Limitation on Use. Licensee shall not use the Licensor's Conduit System for the provision of "cable service" as that term is defined in federal or state law unless Licensee has obtained a Franchise to provide cable service from the City under the terms of Chapter 99, Milwaukee Code of Ordinances, or as a "cable communications system" or "cable system" as that term is defined in sec. 99-3-5, Milwaukee Code of Ordinances. Licensor's grant of this License is not intended nor should it be construed to be a grant of a cable television franchise under federal law or under Chapter 99, Milwaukee Code of Ordinances.

In Witness Whereof, The parties hereto have executed this License as of the day and year first above written.

IN THE PRESENCE OF:

CITY OF MILWAUKEE

\_\_\_\_\_

\_\_\_\_\_  
Commissioner of  
Public Works

COUNTERSIGNED:

\_\_\_\_\_

\_\_\_\_\_  
Comptroller

WINDSTREAM KDL, INC.

\_\_\_\_\_

\_\_\_\_\_

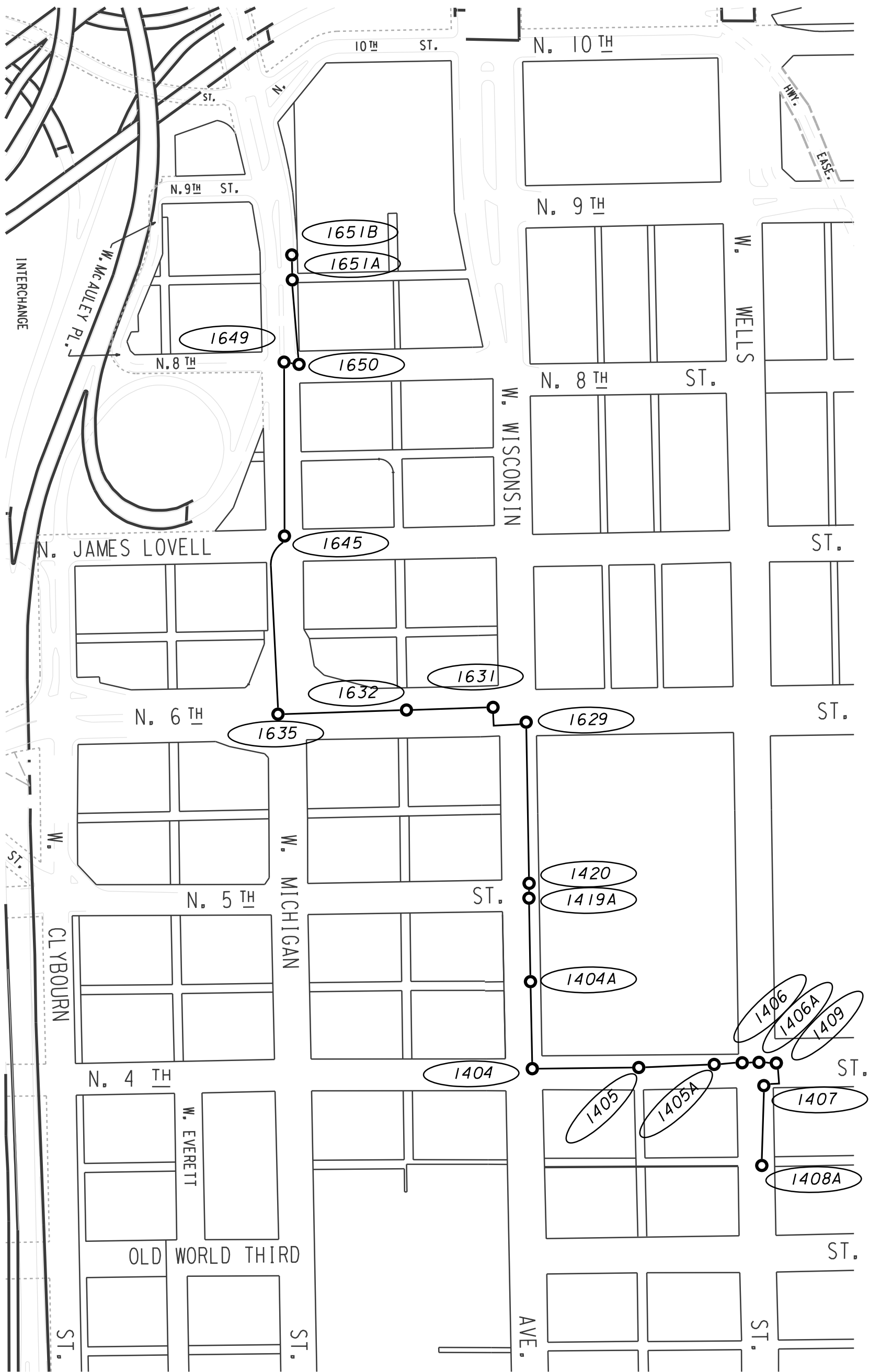
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Date

Approved as to form and execution  
this \_\_\_\_ day of \_\_\_\_\_, 2011.

---

Assistant City Attorney



TECHNOLOGY SUPPORT SECTION  
ADMINISTRATIVE SERVICES DIVISION  
DEPARTMENT OF PUBLIC WORKS  
MILWAUKEE, WISCONSIN

DUCT OCCUPANCY FOR

KENTUCKY DATA LINK

SCALE NONE

DRAWN BY N. STUIBER

PLAN DATE 2-11-11

CHECKED BY KLR

SHEET NO. 1 OF 1

PLAN FILE NO. EXHIBIT A



**EXHIBIT "B"****Conduit Rental Fee Worksheet  
Kentucky Data Link**

<b>LOCATION</b>	<b>MANHOLE FROM</b>	<b>MANHOLE TO</b>	<b>CONDUIT CLASS</b>	<b>LENGTH IN FEET</b>	<b>RATE PER FOOT</b>	<b>ANNUAL FEE</b>
<b><u>W. Michigan Ave from N. 9th St. proceeding East to N. 6th St.</u></b>						
	1651B	1651A	2a	54	\$ 1.95	\$ <b>105.30</b>
	1651A	1650	2a	180	\$ 1.95	\$ <b>351.00</b>
	1650	1649	2a	13	\$ 1.95	\$ <b>25.35</b>
	1649	1645	2a	388	\$ 1.95	\$ <b>756.60</b>
	1645	1635	2a	385	\$ 1.95	\$ <b>750.75</b>
<b><u>N. 6th St from W. Michigan Ave Ave proceeding North to W. Wisconsin Ave</u></b>						
	1635	1632	2a	280	\$ 1.95	\$ <b>546.00</b>
	1632	1631	2a	193	\$ 1.95	\$ <b>376.35</b>
	1631	1629	2a	97	\$ 1.95	\$ <b>189.15</b>
<b><u>W. Wisconsin Ave from N. 6th St. proceeding East to N. 4th St.</u></b>						
	1629	1420	2a	357	\$ 1.95	\$ <b>696.15</b>
	1420	1419A	2a	33	\$ 1.95	\$ <b>64.35</b>
	1419A	1404A	2a	180	\$ 1.95	\$ <b>351.00</b>
	1404A	1404	2a	197	\$ 1.95	\$ <b>384.15</b>
<b><u>N. 4th St from W. Wisconsin Ave proceeding North to W. Wells St</u></b>						
	1404	1405	2a	232	\$ 1.95	\$ <b>452.40</b>
	1405	1405A	2a	161	\$ 1.95	\$ <b>313.95</b>
	1405A	1406	2a	77	\$ 1.95	\$ <b>150.15</b>
	1406	1406A	2a	13	\$ 1.95	\$ <b>25.35</b>
	1406A	1409	2a	30	\$ 1.95	\$ <b>58.50</b>
<b><u>W. Wells St from N. 4th St proceeding East</u></b>						
	1409	1407	2a	53	\$ 1.95	\$ <b>103.35</b>
	1407	1408A	2a	182	\$ 1.95	\$ <b>354.90</b>
All Classes	Total Charges					\$ <b>6,054.75</b>



# City of Milwaukee Fiscal Impact Statement

Date Feb 14, 2011

File Number 101256

☒ Original

☐ Substitute

**Subject**

Resolution approving a conduit occupancy license agreement between the City of Milwaukee and Kentucky Data Link for occupying a portion of the City's communications conduit system.

**Submitted By (Name/Title/Dept./Ext.)**

David Henke/IT Manager/DPW-Administration/3248

**This File**

- ☐ Increases or decreases previously authorized expenditures.
- ☐ Suspends expenditure authority.
- ☐ Increases or decreases city services.
- ☐ Authorizes a department to administer a program affecting the city's fiscal liability.
- ☒ Increases or decreases revenue.
- ☐ Requests an amendment to the salary or positions ordinance.
- ☐ Authorizes borrowing and related debt service.
- ☐ Authorizes contingent borrowing (authority only).
- ☐ Authorizes the expenditure of funds not authorized in adopted City Budget.

**This Note**

- ☐ Was requested by committee chair

**Charge To**

- ☐ Department Account
- ☒ Capital Projects Fund
- ☐ Debt Service
- ☐ Other (Specify)
- ☐ Contingent Fund
- ☐ Special Purpose Accounts
- ☐ Grant & Aid Accounts

Purpose	Specify Type/Use	Expenditure	Revenue
Salaries/Wages			
Supplies/Materials			
Equipment			
Services			\$6054.75
Other			
TOTALS			

Form continued on following page.

**For expenditures and revenues which will occur on an annual basis over several years check the appropriate box below and then list each item and dollar amount separately.**

G

☐ 1-3 Years    ☒ 3-5 Years    \$6054.75

☐ 1-3 Years    ☐ 3-5 Years   

☐ 1-3 Years    ☐ 3-5 Years   

**List any costs not included in Sections E and F above.**

H

**Assumptions used in arriving at fiscal estimate.**

I

**Additional information.**

J

## PW FILE NUMBER: 101256

[illegible]



## Legislation Details (With Text)

**File #:** 101257 **Version:** 0

**Type:** Resolution **Status:** In Committee

**File created:** 2/8/2011 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:**

**Effective date:**

**Title:** Resolution authorizing the Commissioner of Public Works to install fiber and provide network connectivity at the expense of, and for the use and benefit of, Alverno College.

**Sponsors:** THE CHAIR

**Indexes:** AGREEMENTS, COMMUNICATIONS SYSTEMS, DEPARTMENT OF PUBLIC WORKS

**Attachments:** Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/11/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number

101257

Version

ORIGINAL

Reference

051269

Sponsor

THE CHAIR

Title

Resolution authorizing the Commissioner of Public Works to install fiber and provide network connectivity at the expense of, and for the use and benefit of, Alverno College.

Analysis

This resolution authorizes the Commissioner of Public Works to install fiber and provide network connectivity at the expense of, and for the use and benefit of, Alverno College. This will provide Alverno College connectivity to the WiscNet/BOREAS-Net Abilene/Internet2 education community node located at the at the DPW-NOC (Network Operations Center).

Body

Whereas, The City of Milwaukee wishes to promote higher education and enhance educational resources in the community; and

Whereas, Alverno College is a 4-year, liberal arts, independent, Catholic college for women, located in the City, offering weekday undergraduate programs and Alverno on the Weekend undergraduate programs for women, as well as graduate programs for women and men; and

Whereas, Alverno College has requested the assistance of the City of Milwaukee in obtaining high-speed network connectivity between its campus and its dormitory and to the Internet through WiscNet, at its expense; and

Whereas, WiscNet is a not-for-profit association established to further education, research, economic development and public service in the State of Wisconsin by creating and operating a digital communications network interconnecting public and private organizations, including the provision of internet services; and

Whereas, Common Council Resolution File Number 051269, adopted on February 7, 2006, authorized the Commissioner of Public Works to execute an agreement between the City of Milwaukee and the WiscNet Association to establish collocation facilities within the City of Milwaukee which made it feasible for UW-Milwaukee to become a node on BOREAS-Net; and

Whereas, This collocation facility enables Milwaukee area educational institutions to gain access to WiscNet and the next generation internets, including BoreasNet, Abilene/Internet2 and other national and international networks, enabling connectivity between higher education and cultural institutions within the City of Milwaukee, including the following: Marquette University, MATC, MAID, Milwaukee Public Museum, Milwaukee Public Television, Discovery World, Pier Wisconsin, VISIT Milwaukee, Milwaukee World Festival Inc. and Midwest Airlines Center; and

Whereas, The City of Milwaukee owns dark fiber and can provide network services in certain routes that would be beneficial to the extension and enhancement of Alverno College to further its mission; and

Whereas, It would be in the best interests of the City of Milwaukee to facilitate connectivity within the City for Alverno College; 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 install dark fiber and to provide network connectivity, at no cost to the City, in certain routes where capacity is available to enable Alverno College to connect to provide access to and entry to the WiscNet/BOREAS-Net collocation facility at the DPW-NOC (Network Operations Center).

Requestor

DPW - Administration Division

Drafter

LRB125141-1

Mary E. Turk

2/1/11

dh

## PW FILE NUMBER: 101257

[illegible]



## Legislation Details (With Text)

**File #:** 101258      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 2/8/2011      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution relative to the 2011 Capital Improvement Program to provide funds for underground conduit work at various locations.

**Sponsors:** THE CHAIR

**Indexes:** CAPITAL IMPROVEMENTS, COMMUNICATIONS SYSTEMS

**Attachments:** Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/11/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
101258  
Version  
ORIGINAL  
Reference

Sponsor  
THE CHAIR  
Title

Resolution relative to the 2011 Capital Improvement Program to provide funds for underground conduit work at various locations.

Analysis

This resolution provides funds for Underground Conduit installations and alterations at various locations in response to communication needs and paving projects, and it authorizes additional 2010 fund transfers for the general purposes indicated.

Body

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 underground conduit at various locations; and, be it

Further Resolved, That the Comptroller's office is authorized and directed transfer \$800,000 from the Underground Conduit budget, Account Number ST280110000 to the general purpose sub-accounts indicated below:

General Engineering  
Account Number: ST280110100

Major Conduit Installations  
Account Number: ST280110200

Conduit Alterations and Adjustments  
Account Number: ST280110300



Manhole Maintenance Required for Paving Projects  
Account Number: ST280110400

Total 2011 Funds Authorized: \$800,000  
Requestor  
Department of Public Works  
Drafter  
Infrastructure Services Division  
February 1, 2011  
MGL: ns  
Underground Conduit Budget

## PW FILE NUMBER: 101258

[illegible]



## Legislation Details (With Text)

<b>File #:</b>	101282	<b>Version:</b>	0
<b>Type:</b>	Resolution	<b>Status:</b>	In Committee
<b>File created:</b>	2/8/2011	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	
<b>Effective date:</b>			
<b>Title:</b>	Resolution authorizing the City Comptroller to transfer funds to various State and Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs of \$20,000.00, with City share being \$20,000.00 and the Grantor's share being \$0.00.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	AGREEMENTS, STREET IMPROVEMENTS, WISCONSIN DEPARTMENT OF TRANSPORTATION		
<b>Attachments:</b>	Comptroller's Certificate, Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/11/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number

101282

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution authorizing the City Comptroller to transfer funds to various State and Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs of \$20,000.00, with City share being \$20,000.00 and the Grantor's share being \$0.00.

Analysis

This resolution authorizes the City Comptroller to transfer funds to the previously established subaccounts for the remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction \$20,000.00. The City of Milwaukee's share is \$20,000.00 and the Grantor share is \$0.00

Body

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

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

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

### Project Grant Value

State I.D. 2505-08-70

ST520091610

South 13<sup>th</sup> Street - West Cleveland Avenue to West Windlake Avenue

City Share Non-Assessable Fund Paving  
ST320110000  
Fund 0333  
\$5,000

Estimated Total: \$5,000

Previously authorized for utility relocation: \$50,000.00  
Current estimated cost of total project including this resolution: \$2,635,378.90  
Original estimated cost of total project (Resolution 081512): \$2,280,500.00

State I.D. 2590-03-00  
ST320042301  
West Lisbon Avenue - North Sherman Boulevard to Soo Line Railroad

City Share Non-Assessable Fund Paving  
Account No. ST320110000  
Fund 0333  
\$5,000.00

Estimated Total: \$5,000.00

Previously authorized for construction: \$437,802.00  
Current estimated cost of total project including this resolution: \$3,242,287.24  
Original estimated cost of total project (Resolution #040400): \$1,533,935.00

State I.D. 2590-03-70  
ST520042310  
West Lisbon Avenue - North Sherman Boulevard to Soo Line Railroad

City Share Non-Assessable Fund Paving  
Account No. ST320110000  
Fund 0333  
\$5,000.00

Estimated Total: \$5,000.00

Previously authorized for Construction: \$32,300.00  
Current estimated cost of total project including this resolution: \$3,242,287.24  
Original estimated cost of total project (Resolution #090196): \$1,533,935.00

State I.D. 2555-06-00  
ST320081201  
West Burleigh Street - West Roosevelt Drive to North 60<sup>th</sup> Street

City Share Non-Assessable Fund Paving  
ST320110000  
Fund 0333  
\$5,000.00

Estimated Total: \$5,000.00

Previously authorized for Construction: \$102,000.00  
Current estimated cost of total project including this resolution: \$390,000.00  
Original estimated cost of total project (Resolution #071689): \$390,000.00

Summary of Projects in this Resolution:

City Share of Non-Assessable Paving: \$20,000.00

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

MK:amh

February 3, 2011

(1) Reso Vari Fed Sta Aid Pjec Saccou 010311.docx

**Capital Grant Resolution Certification from the**  
**Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. 101282 for ARRA and various projects' additional preliminary engineering and construction costs associated with changes in costs during planning and construction stages (City Share \$20,000.00; Grantor Share \$0) and approved the resolution as to:

- x   Sufficiency of funds
- x   Funding sources (per estimated **grant funding agreement**)
- x   Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

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The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: C. Wineski

Date: 2/3/11

2505-08-70 ST520091610 S 13<sup>th</sup> Street/Cleveland – Windlake City Share \$5,000  
2590-03-00 ST320042301 W Lisbon/ N Sherman – Soo Line Railroad City Share \$5,000  
2590-03-70 ST320042310 W Lisbon/N Sherman – Soo Line Railroad City Share \$5,000  
2555-06-00 ST320-08-1201 Burleigh/ Roosevelt – 60th Street City Share \$5,000

## PW FILE NUMBER: 101282

[illegible]



## Legislation Details (With Text)

<b>File #:</b>	101286	<b>Version:</b>	0
<b>Type:</b>	Resolution	<b>Status:</b>	In Committee
<b>File created:</b>	2/8/2011	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	
<b>Effective date:</b>			
<b>Title:</b>	Resolution directing the Commissioner of Public Works to enter into an agreement with the Wisconsin Department of Transportation for the development, implementation and funding of traffic control and other safety measures and City staff meeting attendance necessary to mitigate traffic diversion on City streets due to construction activity on the Mitchell Interchange and I-94 North-South Corridor in 2011 and 2012; with the total cost being \$150,000 of which 100% is grantor funded.		
<b>Sponsors:</b>	ALD. WITKOWSKI		
<b>Indexes:</b>	AGREEMENTS, EXPRESSWAY, WISCONSIN DEPARTMENT OF TRANSPORTATION		
<b>Attachments:</b>	Agreement, Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/11/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

### Number

101286

### Version

ORIGINAL

### Reference

### Sponsor

ALD. WITKOWSKI

### Title

Resolution directing the Commissioner of Public Works to enter into an agreement with the Wisconsin Department of Transportation for the development, implementation and funding of traffic control and other safety measures and City staff meeting attendance necessary to mitigate traffic diversion on City streets due to construction activity on the Mitchell Interchange and I-94 North-South Corridor in 2011 and 2012; with the total cost being \$150,000 of which 100% is grantor funded.

### Analysis

This resolution directs the Commissioner of Public Works to enter into an agreement with the Wisconsin Department of Transportation for the development, implementation and funding of traffic control and other safety measures and City staff meeting attendance necessary to mitigate traffic diversion on City streets due to construction activity on the Mitchell Interchange and I-94 North-South Corridor in 2011 and 2012; total cost \$150,000 of which 100% is grantor funded.

### Body

Whereas, The Wisconsin Department of Transportation will be completing reconstruction of the Mitchell Interchange and I-94 from the south city limits to West Howard Avenue in 2011 and 2012; and

Whereas, Construction activity on the Mitchell Interchange and the I-94 North/South Corridor is expected to result in the diversion of traffic on the local street system during this project due to long-term local street closures and lane and ramp closures on the freeway; and



Whereas, Preliminary approval has been received from the WisDOT, along with a Project Agreement to be executed by the City of Milwaukee, to provide reimbursement of actual costs for necessary services and items provided by the city for local street vehicular, pedestrian, and bicycle traffic impact mitigation measures and related staff attendance at project meetings in conjunction with the Mitchell Interchange and I-94 North/South Corridor construction; and

Whereas, The total estimated cost of local street vehicular, pedestrian, and bicycle traffic mitigation measures and related staff attendance at project meetings in 2011 and 2012 is \$150,000; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized and directed to execute the Project Agreement to provide reimbursement of the actual costs for necessary services and items provided by the city for local street vehicular, pedestrian, and bicycle traffic mitigation measures and related staff attendance at project meetings in conjunction with the reconstruction of the Mitchell Interchange and I-94 North/South Corridor in 2011 and 2012, copies of which are attached to Common Council Resolution File Number 101286 and is incorporated in this resolution by reference as though set forth in full; and, be it

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

Infrastructure Services Division Accounts:

Project I.D. 1030-20-99

2011 and 2012 Traffic Mitigation

Mitchell Interchange and I-94 North/South Corridor Reconstruction

Grantor Share

Fund Number 0306

Project Grant Number SP032100100

\$150,000.00

Requestor

Department of Public works

Drafter

Infrastructure Services Division

MDL: ns

January 5, 2011

**AGREEMENT BETWEEN**  
**THE WISCONSIN DEPARTMENT OF TRANSPORTATION**  
**AND**  
**THE CITY OF MILWAUKEE DEPARTMENT OF PUBLIC WORKS**

State Project I.D. 1030-20-99  
Contract No. 17  
2011-2012 Traffic Mitigation  
I-94 N-S Freeway Project

This agreement is a formal partnership, made and entered into between the Wisconsin Department of Transportation (DEPARTMENT) and the City of Milwaukee Department of Public Works (CITY) provides for services as described herein. The Wisconsin Department of Transportation and City of Milwaukee Department of Public Works are partnering during the I-94 N-S Freeway Project (PROJECT) to ensure safer and more efficient travel in the City of Milwaukee.

The DEPARTMENT advises implementation of a comprehensive and cost effective transportation management plan that will help ensure the safety, accessibility and mobility for the traveling public in the PROJECT area. 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. Included in the PROJECT area are local alternate route streets within two miles of the interstate roadways.

To mitigate traffic impacts caused by the PROJECT, the DEPARTMENT will provide \$150,000 to the CITY. In turn, the CITY will provide planning, coordination and staffing services (as outlined below) in an effort to mitigate traffic impacts in the PROJECT area and stay informed of PROJECT roadway closures and construction progress for a 2-year period commencing on January 1, 2011 and ending on December 31, 2012.

The monies provided by this agreement will allow for dedicated staff to assist in:

- Attendance at weekly construction traffic meetings
- Signal timing and equipment improvements
- Signing and pavement marking improvements
- Pedestrian and crosswalk improvements
- Bicycle route improvements
- Participation in incident “dry run” exercises
- Assist in development of a crisis-communications plan

**Project Approval Process**

For all signal hardware, signing, pedestrian, and/or bicycle route work, the CITY and DEPARTMENT shall agree upon the location(s) and specifications of proposed work. The CITY may perform work under this contract without prior agreement from the DEPARTMENT in the event of an emergency or unsafe condition.

## **Basis of Payment**

The CITY shall charge actual costs incurred and attributable to the work performed and described above under this agreement to the DEPARTMENT. The DEPARTMENT will provide to the CITY reimbursable funding for these functions in the amount of \$150,000. Total reimbursement to the CITY for traffic mitigation measures under this agreement will not exceed \$150,000. Billings shall be directed by the CITY to the attention of Chris Hager Wisconsin Department of Transportation, Southeast Region, 141 NW Barstow Street, P.O. Box 798, Waukesha, WI 53187-0798 and will include a statement of expenses supported by a description of items and services provided and expended. The DEPARTMENT shall pay the bill promptly upon receipt thereof.

## Notifications

Other correspondence and notifications required under this agreement shall be given as follows:

**Notice to the City:**

Chris Fornal  
Planning, Development, & ITS Engineer  
City of Milwaukee DPW  
841 N. Broadway, Room 919  
Milwaukee, WI 53202  
(414) 286-2452  
chris.fornal@milwaukee.gov

Jeff Mantes  
Commissioner  
City of Milwaukee DPW  
841 N. Broadway  
Milwaukee, WI 53202  
(414) 286-3301  
jeffrey.mantes@milwaukee.gov

**Notice to the Department:**

Brian Roper, PE  
Project Development Supervisor  
WisDOT-DTSD-SE Region  
141 NW Barstow  
Waukesha, WI 53187-0798  
(262) 548-6450  
brian.roper@dot.wi.gov

Chris Hager, PE  
Work Zone Transportation Management Plan Lead  
I-94 N- S Corridor Project  
WisDOT SE Region - Southeast Freeways PDS  
141 NW Barstow  
Waukesha, WI 53187-0798  
(414) 750-1487  
christopher.hager@dot.wi.gov

## Signatures

This agreement may only be amended by a written document signed by each of the parties hereto.

APPROVED \_\_\_\_\_  
For the City of Milwaukee Department of Works Date

APPROVED \_\_\_\_\_  
For the City of Milwaukee Comptroller Date

APPROVED \_\_\_\_\_  
For the Wisconsin Department of Transportation Date

APPROVED \_\_\_\_\_  
Governor, State of Wisconsin Date

## PW FILE NUMBER: 101286

[illegible]



## Legislation Details (With Text)

**File #:** 101250 **Version:** 0  
**Type:** Communication-Report **Status:** In Committee  
**File created:** 2/8/2011 **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:** **Final action:**  
**Effective date:**  
**Title:** Communication from the Department of Public Works relative to special event permits.  
**Sponsors:** THE CHAIR  
**Indexes:** DEPARTMENT OF PUBLIC WORKS, REPORTS AND STUDIES, SPECIAL EVENT SALES  
**Attachments:** Report, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/11/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

### Number

101250

### Version

Original

### Reference

### Sponsor

The Chair

### Title

Communication from the Department of Public Works relative to special event permits.

### Drafter

CC

dkf

1/31/10

**DEPARTMENT OF PUBLIC WORKS**

**SPECIAL EVENT PERMIT OFFICE**



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2010 REPORT

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## *2010 Special Event Permits Issued*

<i>Bicycle Events (rides, races)</i>	<i>15</i>
<i>Block Parties</i>	<i>291</i>
<i>Block Parties (sponsored)</i>	<i>173</i>
<i>DPW Sites (Catalano Sq., Media Garden, Arlington Heights Park, Civic Center Plaza, Water Tower Park, Kilbourn Park, etc.)</i>	<i>10</i>
<i>Festivals</i>	<i>50</i>
<i>Filming</i>	<i>19</i>
<i>Hotel Parking</i>	<i>75</i>
<i>Miscellaneous Events</i>	<i>142</i>
<i>Nighttime Trick-or-Treat Events</i>	<i>25</i>
<i>Parades/Processions</i>	<i>67</i>
<i>Parking Events</i>	<i>230</i>
<i>Runs/Walks</i>	<i>34</i>
<i>City Street Poles (Banners, Flags, Holiday Decorations)</i>	<i>14</i>
<i>Cross Street Banner Display</i>	<i>11</i>
<i>TOTAL</i>	<i>1,156</i>

## 2010 DPW SPECIAL EVENT PERMITS

DPW EQUIPMENT	TOTAL	FEES
SANITATION		
Barricades	8,820	27,851
Garbage Carts	89	1,925
Dumpsters	78	4,860
Snow Fence	106	1,484
Roll Off Boxes	9	1,170
DPW ADMINISTRATION		
Meter Hoods	9,277	141,279
INFRASTRUCTURE		
Traffic Control Plan	10	3,480
Traffic Signs	5,477	81,216
Street Poles (Banners, Flags, Holiday Decorations)	502	2,985
Cross Street Banner Display	13	390
MISCELLANEOUS		1,119
POLICE		
Class A Events	20	84,815
Class B Events	16	6,400
Class C Events	29	3,190
Class D Events	1,091	0
	1,156	<u>\$362,164</u>
Total Permits Issued	2010 – 1,156 2009 – 1,104	
Total Permit Fees	2010 – \$362,164 2009 – \$304,928	

## 2010 DPW SPECIAL EVENT PERMITS ISSUED

Aldermanic District	Bike Events	Block Parties	Sponsored Parties	DPW Sites	Fests	Filming	Hotel Parking	Misc. Events	Trick or Treat	Parades/ Processions	Parking Events	Runs /Walks	Street Poles	Cross Street Banner	TOTAL
DISTRICT 1	0	8	14	0	2	0	0	1	0	4	0	0	1	1	31
DISTRICT 2	0	12	5	0	0	0	0	1	0	1	0	1	0	0	20
DISTRICT 3	10	44	19	3	3	6	0	11	4	8	17	4	2	7	138
DISTRICT 4	1	2	17	5	18	9	75	41	0	13	204	17	7	2	411
DISTRICT 5	0	28	4	0	0	0	0	3	1	0	0	3	0	0	39
DISTRICT 6	2	40	34	0	4	0	0	14	1	5	0	0	1	1	102
DISTRICT 7	0	24	12	0	2	0	0	10	0	0	1	0	0	0	49
DISTRICT 8	0	4	11	2	2	0	0	10	3	5	3	2	0	0	42
DISTRICT 9	0	3	0	0	1	0	0	1	0	2	1	1	0	0	9
DISTRICT 10	0	48	2	0	1	0	0	10	3	4	0	3	1	0	72
DISTRICT 11	0	12	3	0	4	0	0	1	2	3	0	0	0	0	25
DISTRICT 12	0	5	15	0	6	2	0	15	0	9	4	0	1	0	57
DISTRICT 13	0	5	1	0	1	0	0	1	11	2	0	0	0	0	21
DISTRICT 14	2	23	10	0	5	1	0	7	0	6	0	1	0	0	55
DISTRICT 15	0	33	26	0	1	1	0	16	0	5	0	2	1	0	85
<b>TOTALS</b>	15	291	173	10	50	19	75	142	25	67	230	34	14	11	1156

## 2010 UNPAID SPECIAL EVENT PERMIT FEES

(13 permits issued remain unpaid for a total of \$346.00)

Permittee	Permit #	Permit Type	Amount Owed	Aldermanic District
Mr. James Driver Universal Peace In Christ Church 3615 West Fond du Lac Avenue Milwaukee, WI 53216	201011-0204	Revival	\$20.00	7
Ms. Minerva Santiago Clark Square Weed & Seed Initiative 1900 West Washington Street Milwaukee, WI 53204	201012-0256	Miscellaneous Event	\$31.00	12
Mr. James Hymon 3100 West Lisbon Avenue Milwaukee, WI 53208	201014-0269	Community Festival	\$20.00	15
Ms. Dorothy Gibbs 2444 North 41st Street Milwaukee, WI 53210	201015-0173	Birthday Party	\$20.00	7
Ms. Sabrina Hightower 3268 North 16th Street Milwaukee, WI 53206	201015-0530	Memorial Block Party	20.00	6
Ms. Gracelyn Wilson Northwest Side CDC 4265 North 30th Street Milwaukee, WI 53225	201016-0659	Parking	\$64.00	6
Ms. Adriane Griffin Northcott Neighborhood House, Inc. 2460 North 6th Street Milwaukee, WI 53212	201016-0463	Special Event	\$20.00	6

Permittee	Permit #	Permit Type	Amount Owed	Aldermanic District
Mr. Warner Jackson 1616 West Atkinson Avenue Milwaukee, WI 53206	201018-0501	Resource Fair sponsored by St. Mark & SDC	\$31.00	6
Mr. DeAngelo Gibson, Jr. 1920 West North Avenue Milwaukee, WI 53205	201018-0102	Community Event sponsored by Gospel Mob Records	\$31.00	15
Mr. Kenneth Londo Solid Rock Church 2800 West Center Street Milwaukee, WI 53210	201019-0269	Church Event	\$20.00	15
Mr. Ted Matkom Gorman & Company, Inc. 200 North Main Street Oregon, WI 53575	201019-0367	Villard Square Project Groundbreaking Event	\$20.00	1
Mr. James Haertel Best Place at Pabst 901 West Juneau Avenue Milwaukee, WI 53233	201020-0141	Schlitztoberfest	\$31.00	4
Mr. Robert Zenoni Pabst Theater 144 East Wells Street Milwaukee, WI 53202	201021-0028	Parking	\$18.00	4
		<b>TOTAL</b>	<b>\$346.00</b>	

## PW FILE NUMBER: 101250

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