



City of Milwaukee
Common Council Minutes
COMMON COUNCIL

City Hall
200 East Wells Street
Milwaukee, WI 53202

Tuesday, December 12, 2006

9:00 AM

Common Council Chambers

The meeting was called to order at 9:20 a.m.

The roll was called.

Present: 15 -

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

The Pledge of Allegiance was said followed by an invocation offered by Reverend Dee M. Anderson of the West Granville Presbyterian Church.

The question was put: Are there any corrections to the Common Council Journal of Proceedings for either the regular meeting of November 14 or the special meeting of November 29, 2006?

There being no corrections, the minutes of these meetings were approved.

Ald. Hamilton moved that the Common Council resolve itself into a Committee of the Whole for the purpose of making a presentation. There was no objection.

Representatives of the Milwaukee Riverside Pirates football team came forward escorted by Aldermen Mike D'Amato, Ashanti Hamilton, Willie Wade, and Jim Bohl.

Ald. Wade moved that the Committee rise. There was no objection.

Various commendatory and condolatory resolutions were read and approved without objection.

Ald. Hamilton requested unanimous consent for item #15. There was no objection.

Ald. McGee requested unanimous consent for item #17. There was no objection.

THE LICENSES COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

1. [060664](#) Motion relating to the recommendations of the Licenses Committee relative to various licenses.

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

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

2. [060896](#) Motion relating to the recommendations of the Licenses Committee relative to various licenses.

Change Class "D" bartender license of Samuel Love from non-renewal to renewal with a 10-day suspension.

A motion was made by ALD. DAVIS that this Motion be AMENDED. The motion FAILED by the following vote:

Aye: 7 - Hamilton, Davis, D'Amato, Bauman, McGee Jr., Wade Hines Jr.

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

Ald. Witkowiak moved for suspension of the rules for the purpose of offering an amendment orally. There was one objection.

Change Class "D" bartender license of Samuel Love from non-renewal to renewal with a 60-day suspension.

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

Aye: 11 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Murphy, Dudzik, Witkowiak Hines Jr.

No: 4 - Donovan, Puente, Witkowski Zielinski

Remove the bartender renewal application of Mark Caplan from the non-renewal list and send back to committee.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Remove the bartender application of Aurora Ramos from the non-renewal list and move to the grant list.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Return the class "D" bartender license of Reuben Herrera back to committee.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [060829](#) A substitute ordinance relating to parking controls in various Aldermanic Districts.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-23-3 of the Code relating to No Parking is amended by striking the following:

“On the north side of West St Paul Avenue from North 39th Street to North 42nd Street”

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

On the west side of North Booth Street from North Commerce Street south to the dead end

On the north side of East Dock Street from North Commerce Street east to the dead end

On the west side of North Fratney Street from North Commerce Street south to the dead end

On the east side of North Pierce Street from North Commerce Street south to the dead end

On the east side of North Weil Street from North Commerce Street south to the dead end

On the north side of West Abbott Avenue from South 13th Street to a point 110 feet west

In the alley bounded by West National Avenue, West Walker Street, South 10th Street and South 11th Street.

Part 3. Section 101-23-4-d of the Code relating to Two-Hour Parking is amended by adding the following:

On the west side of South 32nd Street from West Mitchell Street to a point 400 feet south

Part 4. Section 101-23-10-a of the Code relating to No Parking During Winter Months is amended by striking the following:

“On the south side of West Cherry Street from North 32nd Street to North 37th Street”

“On the north side of West Cherry Street from North 37th Street to North 40th Street”

Part 5. Section 101-23-10-a of the Code relating to No Parking During Winter Months is amended by adding the following:

On the north side of West St. Paul Avenue from North 39th Street to North 42nd Street

On the south side of West Cherry Street from North 32nd Street to North 35th Street

On the north side of West Cherry Street from North 35th Street to North 40th Street

Part 6. Section 101-26-5-1-b of the Code relating to Snow Parking Regulations - Four or More Inches is amended by adding the following:

On South 11th Street from West Grant Street to West Lincoln Avenue

Part 7. Section 101-27-3-b-1 of the Code relating to Alternate Side Night Parking is amended by adding the following:

On South 18th Street from West Lincoln Avenue to West Hayes Avenue

Part 8. Section 101-27-9 of the Code relating to Night Parking exceptions is amended by striking the following:

“On West St. Paul Avenue from North 27th Street to North 42nd Street”

“On South 11th Street from West Windlake Avenue to West Lincoln Avenue”

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

On West St. Paul Avenue from North 27th Street to North 39th Street

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

2. [060830](#) A substitute ordinance relating to traffic controls in various Aldermanic Districts.

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

Part 1. Section 101-9-1 of the Code relating to No Pedestrian Crossing is amended by striking the following:

“North crosswalk at North Water Street at East St. Paul Avenue”

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

“East Mason Street (northeast bypass) In lieu of stop sign East Mason Street and North Prospect Avenue”

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

“On East Linnwood Avenue at North Prospect Avenue”

Part 4. Section 101-16-1 of the Code relating to Stop signs is amended by adding the following:

On North 40th Street at West St. Paul Avenue

On West Grant Street at South 11th Street

On North 25th Street at West Monroe Street

On East Linnwood Avenue and North Prospect Avenue in all directions

Part 5. Section 101-16-2 of the Code relating to Through Highways is amended by striking the following:

“On West St. Paul Avenue from the Milwaukee River to the west line of North 42nd Street”

“On South 11th Street from West Windlake Avenue to West Lincoln Avenue”

Part 6. Section 101-16-2 of the Code relating to Through Highways is amended by adding the following:

On West St. Paul Avenue from the Milwaukee River to North 39th Street

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

3. [060976](#) An ordinance relating to disposal of police department sidearms.

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

Part 1. Section 105-122.5 of the code is repealed.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

ADOPTION OF THE FOLLOWING:

4. [060897](#) Resolution certifying ambulance service providers for the citywide emergency medical service system.

Whereas, The city is required by ordinance to certify ambulance service providers for the citywide emergency service system; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council certifies the following 4 ambulance service providers for the citywide emergency medical service system under s.75-15 of the Milwaukee Code of Ordinances:

1. Bell Ambulance Service, P. O. Box 070550, Milwaukee, WI 53207-0550.
2. Curtis-Universal Ambulance Service, Inc. , P. O. Box 2007, Milwaukee, WI 53201-2007.
3. Meda-Care Ambulance Service, Inc., 2515 West Vliet Street, Milwaukee, WI 53205.
4. Paratech Ambulance Service, Inc., P. O. Box 240076, Milwaukee, WI 53224-9004.

; and, be it

Further Resolved, That the Health Department shall issue permits or certificates in the manner prescribed by law.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- 5. [060977](#) Resolution relative to application, acceptance and funding of a Digital Recording of Custodial Interrogations Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Department of Justice, Office of Justice Assistance, for a Digital Recording of Custodial Interrogations Grant; and

Whereas, The operation of this grant project from 11/15/06 to 07/31/07 would cost \$97,900 to be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Wisconsin Department of Justice is authorized and the Police Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 030712; and, be it

Further Resolved, That the City Comptroller is authorized to:

- 1. Commit funds within the Project/Grant Parent of the 2006 Special Revenue -Grant and Aid Projects, the following amounts for the project fund titled Digital Recording of Custodial Interrogations Grant:

Proj/Grt	Fund	Org	Program	BY	Subclass	ACCT
GR0000600000	0150	9990	0001	0000	R999	000600

Project	Amount
Grantor Share	\$97,900

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

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

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

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

2. Expend from the grant budget funds for specific pieces of equipment.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

6. [060978](#) Resolution relative to application, acceptance and funding of a 2006 COPS Secure Our Schools Grant, and authorizing a subgrant to Milwaukee Public Schools for security measures in public schools.

Whereas, Under CFDA #16.710, The City of Milwaukee appears to be eligible for grant funds from the United States Department of Justice, Community Oriented Policing Services for a 2006 COPS Secure Our Schools Grant; and

Whereas, The operation of this grant from 9/01/2006 to 8/31/2008 would cost \$689,722 of which \$344,861 (50%) would be provided by the grantor and subgranted by the City of Milwaukee to MPS; and \$344,861 (50%) would be provided by MPS; and

Whereas, MPS has budgeted and will make expenditures that are eligible and appropriate as the local match; and

Whereas, MPS and the City of Milwaukee will execute a memorandum of understanding governing the subgrant of funds from the City of Milwaukee to MPS; and

Whereas, The City of Milwaukee, by subgranting 100% of these grant funds to MPS will be helping to improve the safety and security of Milwaukee's youth; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the U.S. Department of Justice is authorized and the Police Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 030712; and, be it

Further Resolved, That the Milwaukee Police Department is authorized to enter into a memorandum of understanding with Milwaukee Public Schools regarding the dutiful execution of the project and compliance with grant terms and conditions by MPS; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2006 Special Revenue-Grant and Aid Projects, the following amount for the program titled: COPS Secure Our Schools Grant:

Project/Grant	Fund	Org	Program	BY	Subclass	Account
GR0000600000	0150	9990	0001	0000	R999	000600

Project	Amount
Grantor Share	\$344,861

2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels; budget against these Project/Grant values the amount required under the grant agreement;
3. Establish the necessary City Share Project Values; and, be it

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

1. Subgrant the funds to the Milwaukee Public School District;
2. Require timely cost and progress reports from the Milwaukee Public School District.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

7. [060983](#) Resolution approving an extension of the Ambulance Service Plan for the Citywide Emergency Medical Service System.

Whereas, The Common Council adopted Resolution File Number 051031, approving a one-year extension of the Ambulance Service Plan for the Citywide Emergency Medical Service System for the period commencing January 1, 2006, and ending

December 31, 2006, or until a contract for ambulance service between the City of Milwaukee and ambulance service providers is developed and approved, whichever is less; and

Whereas, The current plan for the Citywide Emergency Medical Service Plan expires December 31, 2006; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves the extension of the current Ambulance Service Plan for the Citywide Emergency Medical Service System for the period commencing January 1, 2007, and ending December 31, 2007, or until a contract for ambulance service between the City of Milwaukee and the ambulance service providers set forth in Resolution File Number 051031, is developed and approved, whichever is less.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

8. [060989](#) Resolution amending 051584 relating to the ATF/Milwaukee Firearms Trafficking Task Force grant.

Whereas, The Common Council adopted Resolution File Number 051584 on April 11, 2006, approving an ATF/Milwaukee Firearms Trafficking Task Force Grant from the U.S. Department of Justice, Bureau of Justice Assistance; and

Whereas, Grant funding for the period of October 1, 2005 to September 30, 2006, was \$54,404; and

Whereas, An additional funding of \$38,202.09 has been provided by the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives; and

Whereas, The grant funding period has been extended to September 30, 2007; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Resolution File Number 051584 adopted on April 11, 2006, is amended by deleting the amount "\$54,404" in the 1st "Further Resolved" clause under Item 1, and inserting in lieu thereof the amount "\$92,606.09", thereby increasing the grant by \$38,202.09.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

9. [060990](#) Resolution relative to application, acceptance and funding of a continuing Operation Ceasefire Program Grant.

Whereas, The City of Milwaukee appears to be eligible for ATF/Operation Ceasefire Program grant funds from the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives; and

Whereas, Grant funding for the period of October 1, 2005 to September 30, 2006 was \$14,000; and

Whereas, An additional funding of \$9,000 has been provided by the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives; and

Whereas, The grant funding period has been extended to September 30, 2007; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Police Department is authorized to accept the additional grant funding without further approval unless its terms change as indicated in Common Council file 030712; and, be it

Further Resolved, That the City Comptroller is authorized to increase the current grant budget by \$9,000 for a grant total of \$23,000; and, be it

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

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Transfer funds within the project budget as long as the amount expended for each specific purpose does not exceed the amount authorized by the budget by 10 percent.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

APPROVAL OF THE FOLLOWING:

10. [060949](#) Motion relating to the recommendations of the Public Safety Committee relative to various licenses.
- The Common Council of the City of Milwaukee hereby accepts the recommendations of the Public Safety Committee as contained in the listings attached to this file.
- A motion was made by ALD. DONOVAN that this Motion be APPROVED. The motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0

CONFIRMATION OF THE FOLLOWING:

11. [060923](#) Reappointment of Ernesto Baca to the Fire and Police Commission by the Mayor. (12th Aldermanic District)
- A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 1 - Davis

PLACING ON FILE THE FOLLOWING:

12. [060827](#) Communication from the Milwaukee Police Department relating to its inspection of public passenger vehicles.
- A motion was made by ALD. DONOVAN that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0

[060272](#) A substitute ordinance establishing resident-only parking zones within the University of Wisconsin-Milwaukee commuter impacted parking area.

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

Part 1. Section 101-27.7-11 of the code is renumbered 101-27.7-12.

Part 2. Section 101-27.7-11 of the code is created to read:

101-27.7. Residential Daytime Parking Privilege for Commuter Parking Impacted Areas.

11. RESIDENT-ONLY PARKING PERMIT. a. Established. Within the University of Wisconsin-Milwaukee impacted area described in sub. 9-c-18, in addition to the residential parking privileges otherwise provided in this section, resident-only parking zones are created whereby vehicles bearing valid resident-only parking permits issued pursuant to this subsection may be parked without regard to posted parking prohibitions on specifically designated streets within the area.
- b. Locations of resident-only parking zones. Resident-only parking zones shall be designated in the manner provided in subs. 5 and 6. Resident-only parking zones may only be designated on one side of a roadway on streets where parking is available on both sides of the roadway. The designated streets shall be those as illustrated in appendix A attached to common council file number 060272. After adoption by the common council, a record of designated resident-only parking zones shall be maintained as indicated in sub. 9-c.
- c. Parking Permitted. c-1. A person whose residence lies within a resident-only parking zone may apply for a resident-only parking permit. The holder of a resident-only parking permit shall be permitted to stand or park the vehicle to which the permit applies in a resident-only parking zone without regard to posted parking prohibitions. While a vehicle for which a resident-only parking permit has been issued is so parked, the permit shall be displayed so as to be clearly visible through the lower left side of the windshield of the vehicle. A resident-only parking permit shall not guarantee or reserve to the holder a parking space within a resident-only parking zone.
- c-2. Any person eligible for a special privilege parking permit under s. 101-27.5 and whose residence lies within a resident-only parking zone may obtain 2 parking permits for parking 2 vehicles in the resident-only parking zone.
- d. Application, Issuance, Revocation, and Transferability. Application for resident-only parking permits shall be made, and such permits issued and revoked, in the same manner provided in subs. 7, 8 and 12. Resident-only parking permits are transferable to the same extent as provided in sub. 12.
- e. Compliance. A resident-only parking permit shall not authorize the holder thereof to stand or park a motor vehicle within a resident-only parking zone in places where parking or stopping is otherwise prohibited by ss. 346.52 and 346.53, Wis. Stats., and ss. 101-23, 101-23.7, 101-26.5, 101-26.7 and 101-27, nor exempt the holder from the observance of any traffic regulation other than the posted parking prohibition.
- f. Service Vehicle and Guest Parking Permitted. Service vehicles and guests shall be allowed to park within a resident-only parking zone without regard to posted parking prohibitions provided that single day parking permission has been obtained as provided in s. 101-27-10. A vehicle license plate and an applicable address within the resident-only parking permit zone shall be recorded. Permission may be granted

for the same license plate for not more than 3 days per month.

Part 3. This ordinance takes effect April 1, 2007.

Notwithstanding the recommendation of the committee.

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

Aye: 11 - Hamilton, Davis, D'Amato, Bauman, Wade, Donovan, Murphy, Dudzik, Witkowiak, Witkowski Hines Jr.

No: 4 - Bohl, McGee Jr., Puente Zielinski

THE FINANCE & PERSONNEL COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [060723](#) Substitute ordinance to further amend the 2006 rates of pay of offices and positions in the City Service under control of the Common Council.

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

Part 1. Section 2 of ordinance File Number 050456 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Salary Grade 009, delete the title "Port Operations Supervisor."

Under Salary Grade 012, delete the title "Chief Virologist" and add the titles "Chief Molecular Scientist" and "Port Operations Manager."

Part 2. Section 2a of ordinance File Number 050456 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 148, amend footnote "1/" to read as follows: "One vacant position of Assistant City Attorney to be included at the maximum rate of pay Range 148 for Vincent D. Moschella, presently filling a Deputy City Attorney and one vacant position of Assistant City Attorney to be included at the maximum rate of Pay Range 148 for Linda Burke, presently filling a position of Deputy City Attorney."

Part 3. Section 19 of ordinance File Number 050456 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 836, delete the title "Communications Maintenance Manager 2/" and delete footnote "2/" in its entirety.

Under Pay Range 839, add the title "Communication Systems Manager 2/" and add footnote "2/" to read as follows: "Position to be civilianized and reallocated to Salary Grad 009 when vacated by Samuel Steffen."

Part 4. Section 23 of ordinance File Number 050456 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective September 12, 2006):

Add Pay Range 948 as follows:

Pay Range 948

Official Rate-Daily
\$84.15

Election Inspector 1/

1/ Election Inspectors to receive an additional \$10.00 for each voting machine meeting and instruction class attended by the Election Inspector prior to each election, provided that the Election Inspector subsequently serves at the election immediately following such voting machine meeting and instruction class. The Chief Inspector shall receive \$25.00 per day in addition to the rate specified above.

Part 5. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 6. The provisions of Part 4 of this ordinance are deemed to have been in force and effect from and after September 12, 2006.

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

Part 7. This ordinance will take effect and be in force from and after its passage and publication.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

2. [060834](#) Substitute ordinance to further amend the 2007 rates of pay of offices and positions in the City Service under control of the Common Council.

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

Part 1. Section 2 of ordinance File Number 060493 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Salary Grade 009, delete the title "Port Operations Supervisor."

Under Salary Grade 012, delete the title "Chief Virologist" and add the titles "Chief Molecular Scientist" and "Port Operations Manager."

Part 2. Section 2a of ordinance File Number 060493 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 148, amend footnote "1/" to read as follows: "One vacant position of Assistant City Attorney to be included at the maximum rate of pay Range 148 for Vincent D. Moschella, presently filling a Deputy City Attorney and one vacant position of Assistant City Attorney to be included at the maximum rate of Pay Range 148 for Linda Burke, presently filling a position of Deputy City Attorney."

Part 3. Section 19 of ordinance File Number 060493 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 836, delete the title "Communications Maintenance Manager 2/" and delete footnote "2/" in its entirety.

Under Pay Range 839, add the title "Communication Systems Manager 2/" and add footnote "2/" to read as follows: "Position to be civilianized and reallocated to Salary Grad 009 when vacated by Samuel Steffen."

Part 4. Section 23 of ordinance File Number 060493 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective September 12, 2006):

Add Pay Range 948 as follows:

"Pay Range 948

Official Rate-Daily
\$84.15

Election Inspector 1/

1/ Election Inspectors to receive an additional \$10.00 for each voting machine meeting and instruction class attended by the Election Inspector prior to each election, provided that the Election Inspector subsequently serves at the election immediately following such voting machine meeting and instruction class. The Chief Inspector shall receive \$25.00 per day in addition to the rate specified above."

Part 5. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 4. The provisions of Part 5 of this ordinance are deemed to have been in force and effect from and after September 12, 2006.

The provisions of all other parts of this ordinance are deemed to be in force and effect

from and after the first day of the first pay period following passage and publications.

Part 7. This ordinance will take effect and be in force from and after its passage and publication.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

3. [060835](#) Substitute ordinance to further amend the 2007 offices and positions in the City Service under control of the Common Council.

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

Part 1. Section 1 of ordinance File Number 060494 relative to offices and positions in the City Service is hereby amended as follows (Effective September 12, 2006):

Under "Election Commission, Election Service Division", add twenty positions of "Election Inspector."

Part 2. Section 1 of ordinance File Number 060494 relative to offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2007 - December 31, 2006):

Under "Common Council-City Clerk, Central Administration Division", add one position of "Human Resources Coordinator."

Under "Department of City Development, General Management & Policy Development Decision Unit, Administration & Control Division", add one position of "Director of Finance & Administration"; under "General Accounting", add one position of "Lead Accountant TID/BID/Housing Development."

Under "Election Commission, Election Service Division", add one position of "Elections Recruiter/Trainer."

Under "Fire and Police Commission", delete one position of "Fire & Police Commission Monitor/Executive Director (Y)" and one position of "Assistant Monitor (X)" and add one position of "Fire & Police Commission Executive Director (Y)" and two positions of "Investigator."

Under "Fire Department, Firefighting Division Decision Unit", delete fifty-three positions of "Fire Captain" and add fifty-three positions of "Fire Captain (A)" and nine

positions of “Firefighter” and add footnote “(A)” to read as follows: “(A) Soft red circle one position of Battalion Chief at Step 4 of pay range 863”; under “Fire Cause Investigation Unit”, delete one position of “Fire Captain/Fire Investigation and two positions of “Fire Lieutenant/Fire Investigator”; under “Auxiliary Positions” delete nine positions of “Firefighter.”

Under “Health Department, Family and Community Health Services, Home Environmental Health Program, Lead Based Paint Hazard Control Grant (GGG)”, add footnote designation “(EEE)” to one position of “Lead Hazard Prevention Manager (X)(GGG)”, three positions of “Lead Risk Assessor II (X)(GGG)”, one position of “Chemist II (GGG)”, one position of “Lab Assistant II (GGG)”, one position of “Health Services Assistant II (.5 FTE)(X)(GGG)” and one position of “Program Assistant II (X)(GGG)”; add the title “Milwaukee Intensive Nurse Home Visiting Program (OOO)” and add one position of “Public Health Nurse Supervisor (X)(OOO)”, three positions of “Public Health Nurse (X)(G)(OOO)”; add the title “MHD Center for Health Equity (OOO)” and add one position of “Health Inequities Reduction Coordinator (X)(OOO)” and one position “Health Information Specialist (OOO)” and add footnote “(OOO)” to read as follows: “To expire 12/31/07 unless the Milwaukee Intensive Nurse Home Visiting Program and MHD Center for Health Equity from Columbia St. Mary’s is extended.”

Under “Health Department, Healthy Behaviors and Healthcare Access Division, Adolescent Community Health Grant (J)”, add footnote designation “(NNN)” to one position of “Project Coordinator - Plain Talk (J)(K)(X)” and add footnote “(NNN)” to read as follows: “To expire 12/28/07 unless the Plain Talk Initiative - United Way is extended. Partially funds one position of Project Coordinator - Plain Talk; amend footnote “(BB)” to read as follows: “To expire 9/30/07 unless the Refugee Health Screening Grant is extended. Partially funds Health Interpreter Aide position” and amend footnote “(III)” to read as follows: “To expire 9/29/07 unless the Maternal Child Health Grant is extended”; under “Medical Assistance Outreach Program”, change footnote designation “(C)” to “(CC)” after one position of “Public Health Educator II (X)(S)(C)” and amend footnote “(EEE)” to read as follows: “To expire 12/31/06 unless the Lead Outreach Grant is extended. Partially funds the Lead Hazard Prevention Manager, three positions of Lead Risk Assessor II, Chemist II, Lab Assistant II, Health Services Assistant II and Program Assistant II”, amend footnote “(C)” to read as follows: “To expire 12/31/06 unless the Women, Infants and Children’s Grant, available from the Wisconsin Department of Health and Family Services, is extended”, amend footnote “(L)” to read as follows: “To expire 7/31/07 unless the HIV Women’s Project Grant, available from the Medical College of Wisconsin is extended” and amend footnote “(CC)” to read as follows: “To expire 7/31/07 unless the Covering Kids Grant is extended. Partially funds Health Interpreter Aide position.”

Under "Department of Public Works, Infrastructure Services Division, Field Operations - Streets & Bridges Decision Unit, Street Maintenance", add three positions of "Street Repair Crew Leader", one position of "Cement Finisher", two positions of "Special Street Repair Laborer" and five positions of "City Laborer."

Under "Department of Public Works, Operations Division, Fleet Services Section, Fleet Store Rooms", add one position of "Equipment Parts Assistant"; under "Sanitation Section, Field Operations" add three positions of "Operations Driver Worker (D)"; under "Fleet Operations/Dispatch Section", add three positions of "Operations Driver Worker"; under "Facilities Development & Management Section, Electrical Services", add two positions of "Electrical Mechanic"; under "Construction and Repairs", add four positions of "Carpenter"; under "Custodial Services", add three positions of "Custodial Worker II/City Laborer."

Part 3. Section 1 of ordinance File Number 060494 relative to offices and positions in the City Service is hereby amended as follows:

Under "Health Department, Laboratory Services Division, Virological Division", delete one position of "Chief Virologist (Y)" and add one position of "Chief Molecular Scientist (Y)."

Under "Healthy Behaviors and Healthcare Access Division, Preventive Health Grant (I)", delete one position of "Health Project Coordinator (X)(I)."

Under "Disease Control and Prevention Division, Immunization Action Plan Grant (DD)", delete one position of "Office Assistant II (DD) (.5 FTE)" and one position of "Public Health Nurse (G)(X)(DD)"; under "Childhood Immunization Disparities Grant (YY)", delete one position of "Health Services Assistant II (X)(P)(YY)" and one position of "Public Health Educator II-CID (X)(P)(YY)" and add one position of "Office Assistant II (YY)(.5 FTE)" and one position of "Public Health Nurse (G)(X)(YY)(DD)"; delete the title "Bioterrorism-Focus A Grant (A)" and delete one position of "Public Health Emergency Response Planning Coordinator (X)(A)(P)(BBB)" and one position of "Telecommunications Analyst-Associate (A)(P)"; add the title "CDC Public Health Preparedness Grant (A)" and add one position of "Public Health Emergency Response Planning Coordinator (X)(A)(P)"; delete the title "Bioterrorism Grant - Focus B (BBB)" and delete one position "Epidemiologist (X)(BBB)"; delete the title "Bioterrorism Grant - Focus CRI (P)" and delete one position "Health Project Coordinator-CRI (P)(X)" and one position of "Public Health Nurse (X)(G)(P)" and delete footnote "(BBB)" in its entirety; add the title "Bioterrorism Grant - Focus CRI/Pandemic Influenza (P)" and add one position of "Epidemiologist (X)(DD)(A)", one position of "Health Project Coordinator-CRI (P)(X)", one position of "Public Health Nurse (X)(G)(P)", one position of "Health

Promotion and Risk Communication Coordinator (X)(P)(DD)” and one position of “Telecommunications Analyst-Associate (P)” and amend footnote “(P)” to read as follows: “To expire 08/30/07 unless the Bioterrorism Focus CRI/Pandemic Flu Grant is extended. Also partially funds a Public Health Emergency Response Planning Coordinator”; amend footnote “(I)” to read as follows: “To expire 12/31/07 unless the Preventive Health Grant is extended. Also partially funds Public Health Nurse”; amend footnote “(J)” to read as follows: “To expire 12/31/07 unless the Adolescent Community Health Grant is extended”; amend footnote “(Z)” to read follows: “To expire 12/31/07 unless the Childhood Lead Detection Grant is extended”; amend footnote “(DD)” as follows: “To expire 12/31/07 unless the Immunization Action Plan Grant is extended. Also partially funds Health Promotion and Risk Communication Coordinator, Public Health Nurse and Epidemiologist”; amend footnote “(KK)” to read as follows: “To expire 12/31/07 unless the MBCAP-Well Women Grant is extended”; amend footnote “(A)” to read as follows: “To expire 12/31/07 unless the CDC Public Health Preparedness Grant is extended. Public Health Emergency Response Planning Coordinator also partially funded by the Bioterrorism Focus CRI/Pandemic Influenza Grant. Also partially funds Epidemiologist”; amend footnote “(E)” to read as follows: “To expire 12/31/07 unless the Comprehensive Home Visiting Grant is extended”; amend footnote “(F)” to read as follows: “To expire 12/31/07 unless the Sexually Transmitted Diseases Grant, available from the State of Wisconsin Division of Health and Family Services, is extended”; amend footnote “(V)” to read as follows: “To expire 12/31/07 unless the SURVNET Grant available from the Wisconsin Division of Health and Family Services, is extended”; amend footnote “(T)” to read as follows: “To expire 12/31/07 unless the Tobacco Control Community Coalition II Grant, available from the State of Wisconsin Division of Health and Family Services is extended”; amend footnote “(C)” to read as follows: “To expire 12/31/07 unless the Women, Infants and Children’s Grant, available from the Wisconsin Department of Health and Family Services, is extended.”

Under “Police Department, Administration Services Decision Unit, Communications Division”, delete one position of “Communications Maintenance Manager” and add one position of “Communication Systems Manager”; under “Operations Decision Unit, State Beat Patrol Grant” amend footnote “(S)” to read as follows: “To expire 12/31/07 unless the State Beat Patrol Program Grant, available from the State of Wisconsin, Office of Justice Assistance is extended.”

Under “Port of Milwaukee, Operations Division”, delete one position of “Port Operations Supervisor (X)” and add one position of “Port Operations Manager (X).”

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

Part 5. The provisions of Part 1 of this ordinance are deemed to have been in force

and effect from and after September 12, 2006.

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

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

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

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

4. [060848](#) Substitute ordinance to further amend the 2006 offices and positions in the City Service under control of the Common Council.

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

Part 1. Section 1 of ordinance File Number 050457 relative to offices and positions in the City Service is hereby amended as follows (Effective September 12, 2006):

Under "Election Commission, Election Service Division", add twenty positions of "Election Inspector."

Part 2. Section 1 of ordinance File Number 050457 relative to offices and positions in the City Service is hereby amended as follows:

Under "Health Department, Laboratory Services Division, Virological Division", delete one position of "Chief Virologist (Y)" and add one position of "Chief Molecular Scientist (Y)."

Under "Healthy Behaviors and Healthcare Access Division, Preventive Health Grant (I)", delete one position of "Health Project Coordinator (X)(I)"; under "Disease Control and Prevention Division, Immunization Action Plan Grant (DD)", delete one position of "Office Assistant (DD) (.5 FTE)" and one position of "Public Health Nurse (G)(X)(DD)"; under "Childhood Immunization Disparities Grant (YY)", delete one position of "Health Services Assistant II (X)(P)(YY)" and one position of "Public Health Educator II-CID (X)(P)(YY)" and add one position of "Office Assistant II (YY)(.5 FTE)" and one position of "Public Health Nurse (G)(X)(YY)(DD)"; delete the title "Bioterrorism-Focus A Grant (A)" and delete one position of "Public Health

Emergency Response Planning Coordinator (X)(A)(P)” and one position of “Telecommunications Analyst-Associate (A)(P)”;

add the title “CDC Public Health Preparedness Grant (A)” and add one position of “Public Health Emergency Response Planning Coordinator (X)(A)(P)”;

delete to title “Bioterrorism Grant - Focus B (BBB)” and delete one position “Epidemiologist (X)(BBB)”;

delete the title “Bioterrorism Grant - Focus CRI (P)” and delete one position “Health Project Coordinator-CRI (P)(X)” and one position of “Public Health Nurse (X)(G)(P)” and delete footnote “(BBB)” in its entirety;

add the title “Bioterrorism Grant - Focus CRI/Pandemic Influenza (P)” and add one position of “Epidemiologist (X)(BBB)(DD)(A)”;

one position of “Health Project Coordinator-CRI (P)(X)”;

one position of “Public Health Nurse (X)(G)(P)”;

one position of “Health Promotion and Risk Communication Coordinator (X)(P)(DD)” and one position of “Telecommunications Analyst-Associate (P)” and amend footnote “(P)” to read as follows: “To expire 08/30/07 unless the Bioterrorism Focus CRI/Pandemic Flu Grant is extended. Also partially funds a Public Health Emergency Response Planning Coordinator”;

amend footnote “(I)” to read as follows: “To expire 12/31/07 unless the Preventive Health Grant is extended. Also partially funds Public Health Nurse”;

amend footnote “(J)” to read as follows: “To expire 12/31/07 unless the Adolescent Community Health Grant is extended”;

amend footnote “(Z)” to read follows: “To expire 12/31/07 unless the Childhood Lead Detection Grant is extended”;

amend footnote “(DD)” as follows: “To expire 12/31/07 unless the Immunization Action Plan Grant is extended. Also partially funds Health Promotion and Risk Communication Coordinator, Public Health Nurse and Epidemiologist”;

amend footnote “(KK)” to read as follows: “To expire 12/31/07 unless the MBCAP-Well Women Grant is extended”;

amend footnote “(A)” to read as follows: “To expire 12/31/07 unless the CDC Public Health Preparedness Grant is extended. Public Health Emergency Response Planning Coordinator also partially funded by the Bioterrorism0Focus CRI/Pandemic Influenza Grant. Also partially funds Epidemologist”;

amend footnote “(E)” to read as follows: “To expire 12/31/07 unless the Comprehensive Home Visiting Grant is extended”;

amend footnote “(F)” to read as follows: “To expire 12/31/07 unless the Sexually Transmitted Diseases Grant, available from the State of Wisconsin Division of Health and Family Services, is extended”;

amend footnote “(V)” to read as follows: “To expire 12/31/07 unless the SURVNET Grant available from the Wisconsin Division of Health and Family Services, is extended”;

amend footnote “(T)” to read as follows: “To expire 12/31/07 unless the Tobacco Control Community Coalition II Grant, available from the State of Wisconsin Division of Health and Family Services is extended”;

amend footnote “(C)” to read as follows: “To expire 12/31/07 unless the Women, Infants and Children’s Grant, available from the Wisconsin Department of Health and Family Services, is extended.”

Under “Police Department, Administration Services Decision Unit, Communications Division”, delete one position of “Communications Maintenance Manager” and add one position of “Communication Systems Manager”;

under “Operations Decision

Unit, State Beat Patrol Grant” amend footnote “(S)” to read as follows: “To expire 12/31/07 unless the State Beat Patrol Program Grant, available from the State of Wisconsin, Office of Justice Assistance is extended.”

Under “Port of Milwaukee, Operations Division”, delete one position of “Port Operations Supervisor (X)” and add one position of “Port Operations Manager (X).”

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

Part 4. The provisions of Part 1 of this ordinance are deemed to have been in force and effect from and after September 12, 2006.

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

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

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

5. [060981](#) A charter ordinance relating to annuity increases for members of the policemen's annuity and benefit fund and abolishing the supplementary payment fund within the policemen's annuity and benefit fund.

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

Part 1. Section 35-01-71-f of the charter is created to read:

35-01. Policemen's Annuity and Benefit Fund.

71. ANNUITY INCREASES.

f. Pensioner as of January 1, 2006.

f-1. Commencing in 2006 the \$94 and \$33 supplemental annuities will be permanent for any pensioner (annuitant and widow annuitant).

f-2. Commencing in 2006 for any pensioner (annuitant and widow annuitant) their annuity will increase in accordance with the following formula:

f-2-a. If the sum of the December 2005 annuity payment plus the \$94 and the \$33 supplemental annuities is less than or equal to \$440, the total annuity payment inclusive of the \$94 and the \$33 supplemental annuities will be \$500.

f-2 b. If the sum of the December 2005 annuity payment plus the \$94 and the \$33 supplemental annuities is greater than \$440, the total annuity payment inclusive of the

\$94 and the \$33 supplemental annuities will increase by \$60.

Part 2. Section 35-05 of the charter is repealed.

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

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

6. [060982](#) A charter ordinance relating to retirement benefits for retired system members who resume city employment.

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

Part 1. Section 36-03-6-f of the charter is repealed.

(Note: The provisions being repealed read as follows:

36-03. Membership.

6. WHO NOT TO BECOME MEMBERS.

(f. Reemployment. f-1. A person who became a member of the retirement system on or after February 19, 1972 and who thereafter retires and receives a retirement allowance for at least 6 months shall not be restored to membership and shall have his or her retirement allowance suspended in the event he or she returns to full time employment with the city or a city agency after reaching the minimum service retirement age. Upon subsequent retirement, such person shall have the retirement allowance temporarily suspended during the period of reemployment restored.

f-2. A person who became a member of the retirement system on or after November 25, 1984 and who thereafter retires and receives a retirement allowance for at least 6 months shall not be restored to membership and shall have his or her retirement allowance suspended in the event he or she returns to employment other than full time employment with the city or city agency after reaching the minimum retirement age. Upon subsequent retirement, such person shall have the retirement allowance temporarily suspended during the period of reemployment restored.

f-3. A person who became a member of the retirement system prior to February 19, 1972 and who thereafter retires and receives a retirement allowance for at least 6 months shall not be restored to membership in the event he or she returns to employment with the city or city agency after reaching the minimum service retirement age except that any such person who returns to full time employment other than temporary employment with the city or a city agency and agrees in writing to waive his

or her retirement allowance during the period of reemployment shall have his or her allowance temporarily suspended and his or her membership restored upon subsequent retirement. Any such person who has executed a waiver shall be credited with his or her service as a member subsequent to the last restoration to membership and shall receive a retirement allowance therefore as if he or she was a new member and in addition shall have the retirement allowance temporarily suspended during a period of reemployment restored.)

Part 2. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed as provided in s. 66.0101(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

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

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

No: 2 - Davis Bohl

7. [061049](#) A charter ordinance relating to the investment of funds and administration of the deferred compensation plan for employees of the city, and making technical changes. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 5-50-3 and 4 of the charter is amended to read:

5-50. Deferred Compensation Plan.

3. INVESTMENT OF FUNDS. All amounts of compensation deferred under the plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property of rights shall be held in trust for the exclusive benefit of participants and beneficiaries as provided in s. 457 of the Internal Revenue Code. For purposes of this subsection, custodial accounts and contracts described in s. 457(g) of the Internal Revenue Code shall be treated as trusts. Such compensation, property, rights and income shall be invested at the discretion of the board in the manner authorized for deferred compensation funds under ~~[[s. 881.01(1)]]~~>>ss. 40.82(2) and 881.01<<, Wis. Stats. Such compensation, property, rights and income shall be held subject to the anti-alienation provisions contained in s. 66.81, Wis. Stats.

4. ADMINISTRATION. The common council may by ordinance establish a board to supervise the plan. The board shall serve as a fiduciary under s. 881.01~~[[1]]~~, Wis. Stats., with respect to assets of the plan>>, provided however, the board shall not be deemed to have breached its fiduciary duties for permitting participants and beneficiaries to exercise control over assets in their individual account; participants and

beneficiaries shall not be deemed to be fiduciaries by reason of exercising control over the assets in their individual account; and no person who is otherwise a fiduciary shall be liable for loss, or by reason of any breach, which results from participants or beneficiaries exercising control over assets in their individual account. Participants or beneficiaries shall be deemed to exercise control over the assets in their account if the board offers them a range of investment alternatives sufficient to provide them with a reasonable opportunity to choose from at least 3 investment alternatives, each of which is diversified, each of which has materially different risk and return characteristics, which in the aggregate enable the participant or beneficiary choosing among them to achieve a portfolio with aggregate risk and return characteristics at any point within the range normally appropriate for the participant or beneficiary, and each of which when combined with investments in the other alternatives tends to minimize through diversification the overall risk of a participant's or beneficiary's portfolio.<< The board may promulgate such rules as may be necessary to supervise and direct such plan and to secure approval of the Internal Revenue Service so that amounts of compensation deferred by a participant will be includable in the income of the participant or his or her beneficiary only when such amounts are paid or otherwise made available. Proper city officers are authorized to execute on behalf of the city such agreements as are formulated by the board in the implementation of the plan. Deferred compensation held in the name of the city or the custodian for the exclusive benefit of the participants and beneficiaries in accordance with the plan shall be invested at the direction of the board in accordance with the requirements of law. The comptroller shall prescribe accounting procedures for the plan. Whenever the city shall so contract with other employers, the board shall jointly administer 2 or more separate deferred compensation plans.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

ADOPTION OF THE FOLLOWING:

8. [060935](#) Substitute resolution authorizing city departments to expend monies appropriated in the 2007 city budget for Special Purpose Accounts, Debt Service Fund, Provisions for Employees' Retirement Fund, Delinquent Tax Fund, Common Council Contingent Fund, Grant and Aid Fund, and Special Capital Projects or Purposes.
- Whereas, Section 65.06(6)(b) of the Wisconsin Statutes (1981-1982) states: "The Common Council at any time after the adoption of the budget may, by resolution adopted by a majority vote of the members thereof direct the proper officers of any department to expend such sum or sums of money as are specially appropriated out of any specific fund under its control for any of the several purposes enumerated therein.

The adoption of such resolution shall be the authority for such department to proceed and expend such specified sum for the purpose as directed therein"; and

Whereas, That the amounts included in Exhibit A attached to Common Council File No. 060935 be appropriated from the 2007 budget for Special Purpose Accounts, Debt Service Fund, Provision for Employees' Retirement Fund, Delinquent Tax Fund, Common Council Contingent Fund, Grant and Aid Fund, and Special Capital Projects for the purposes as specified and that departments be authorized to expend the appropriated moneys; Now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that for the purpose of interpreting and applying the provisions of Section 16.05 City Charter (Department of Administration Procurement Services Division duties) the words "appropriated to the assigned department," used above shall not be intended to mean "for use of all departments..." and; be it

Further Resolved, That the Comptroller is hereby authorized to transfer \$23,175,000 from the Tax Stabilization Fund as specified in the 2007 budget; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that the 2007 Special Purpose Accounts and amounts assigned and authorized for expenditure to specified departments in this resolution shall be deemed to have been appropriated to the assigned department for the specific municipal public purpose intended in the budget, and for no other departmental purpose; and, be it

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

Further Resolved, That the Municipal Court shall submit a progress report to the Common Council by July 2007 on the Drivers Licensure and Employment Project Special Purpose Account, including evaluation criteria for determining the success of the Project; and, be it

Further Resolved, That the Treasurer is hereby authorized to expend moneys from the Remission of Taxes Fund to remit taxes levied in error and corrected by the Assessment Commissioner as provided in Section 70.43 of the Wisconsin Statutes; and, be it

Further Resolved, That the proper city officials are authorized to enter into necessary contracts for the purposes listed.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

9. [060936](#) Resolution appropriating \$50,000,001 from the 2007 Special purpose Account Reimbursable Services Advance Fund.

Whereas, The 2007 city budget authorizes a specific fund under the control of the Common Council for the purpose of advance funding of reimbursable materials and services; and

Whereas, Appropriations for such purpose can be made available only after the adoption of a resolution appropriating sums out of such fund for the purposes enumerated therein; and

Whereas, In anticipation of estimated revenues to be applied to such fund, it is necessary to temporarily transfer general city funds, in accordance with Section 925-140a, Wisconsin Statutes 1919; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the sum of \$50,000,001, be and hereby is, transferred from general city funds to the specific fund under the control of the Common Council for the purpose of incurring expenditures for reimbursable materials or services; and, be it

Further Resolved, That such sum is hereby appropriated to the city departments and agencies listed in Exhibit A in the amounts specified and that such departments and agencies be, and hereby are, authorized to use amounts so appropriated for the purpose of incurring expenditures for materials or services furnished for which such city departments and agencies are to be reimbursed; and, be it

Further Resolved, That the Water Department, which is funded from its own revenue (earnings, both current and retained), is hereby authorized to use its available cash reserves to perform reimbursable work prior to receiving revenue in reimbursement; and, be it

Further Resolved, That each department or agency listed in Exhibit A is hereby directed to take all necessary steps to assure that expenditures of such appropriations for reimbursable services are in fact recovered through timely billing and amounts so recovered are paid to the specific fund under the control of the Common Council for such purpose; and, be it

Further Resolved, That the proper city officers be, and hereby are, directed and authorized to return moneys transferred from general city funds to the specific fund

under the control of the Common Council for this purpose as revenues from reimbursable services are paid to the specific fund; and, be it

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

Further Resolved, That if the expenditure authorization provided in this resolution to any one department or agency becomes inadequate to handle the necessary reimbursable expenditures, it shall be the responsibility of the department or agency head to initiate a timely request through the Department of Administration Budget and Management Division for supplementary expenditure authorization.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

10. [060979](#) Resolution relative to application, acceptance and funding of a Beat Patrol Program Grant.

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

Whereas, The operation of this grant from 01/01/2007 to 12/31/2007 would cost \$461,383 of which \$150,000 (33%) would be provided by the grantor and \$311,383 (67%) would be provided by the city; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Police Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File # 030712; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2007 Special Revenue Grant and Aid Projects fund, the following amount for the program titled "Beat Patrol Program Grant":

Project/Grant	Fund	Org	Program	BY	Subclass	Account
GR0000700000	0150	9990	0001	0000	R999	000600

Project	Amount
Grantor Share	\$150,000

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

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

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

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

2. Transfer funds within the project budget as long as the amount expended for each specific purpose does not exceed the amount authorized by the budget by 10 percent; and, be it

Further Resolved, that the 2007 Positions Ordinance be amended as follows to reflect the change:

Amend footnote (S) as follows:

State Beat Patrol Grant: To expire 12/31/2007 unless the Beat Patrol Grant, available from the State of Wisconsin, Office of Justice Assistance is extended.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

11. [060987](#) Substitute resolution reserving \$40,000 in the 2006 Common Council Contingent Fund for the Tuition Reimbursement Special Purpose Account.

Whereas, The Department of Employee Relations - Tuition Reimbursement Special Purpose Account is used to reimburse tuition costs for City employees, which is a fringe benefit available to represented and non-represented employees; and

Whereas, The Tuition Reimbursement Special Purpose Account was funded in 2006 at \$740,000, and the Department of Employee Relations has projected an unfunded liability of \$40,000 for 2006, due to an increase in tuition reimbursements requested in 2005 and 2006, and a larger than expected portion of 2005 reimbursements becoming payable in 2006; and

Whereas, These expenses are non-discretionary, and are payable per negotiated contract between the City of Milwaukee and represented employees, and are available also to non-represented employees; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that an amount not to exceed \$40,000 shall be reserved in the Common Council Contingent Fund (001-9990-D001-006300-2006) for the Tuition Reimbursement Special Purpose Account (006300-0001-1650-0001-S171-2006); and, be it

Further Resolved, That the appropriate City officials are authorized and directed to take whatever steps are necessary to fulfill the intent of this resolution.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

12. [060991](#) Substitute resolution relating to the carryover of 2006 authorization for general obligation and revenue based borrowing.

Whereas, The Municipal Budget adopted for the calendar year 2006 (the "Budget"), plus additional authorizations approved by adoption of prior resolutions of intent to issue bonds or notes, include borrowing amounts shown in the detailed schedule (the "Schedule"), attached to this file and covered by the resolutions recited in the Schedule; and

Whereas, The Budget contains carryover and new authorization for general obligation and revenue based borrowing in the aggregate amount of \$770,516,710; and

Whereas, General obligation and/or revenues based notes (other than for refunding purposes) in the aggregate amount of \$426,871,935 have been issued in 2006; and

Whereas, There is dropped from the borrowing authorization in the Budget a total amount of \$161,947,156 unutilized borrowing authority; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the sum of \$181,697,619 of the 2006 Municipal Budget authorized for general obligation and revenue based borrowing (\$180,920,786 covered by initial resolutions and \$776,833 not currently covered by initial resolution) as detailed in the Schedule by amount, purpose, and by initial resolution number, with respect to the issuance and sale of such general obligation and revenue based debt, shall continue in full force and effect. The referred to detailed schedule is as appended and is made an integral part of this file.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

13. Resolutions authorizing the sale and issuance of general obligation bonds for various purposes:

a. [060992](#) Substitute resolution authorizing the sale and issuance of general obligation bonds for providing financial assistance to blight elimination, slum clearance, redevelopment, and urban renewal programs and projects.

Whereas, The 2007 Budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the aggregate amount of \$2,700,000 for providing financial assistance to blight elimination, slum clearance, redevelopment, and urban renewal projects under ss. 66.1105, 66.1301 to 66.1329 and 66.1331 to 66.1337; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby authorizes and declares its purpose to issue and sell general obligation bonds in the aggregate amount of \$2,700,000 for providing financial assistance to blight elimination, slum clearance, redevelopment, and urban renewal projects under ss. 66.1105, 66.1301 to 66.1329 and 66.1331 to 66.1337.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

b. [060993](#) Substitute resolution authorizing the sale and issuance of general obligation bonds for libraries.

Whereas, The 2007 Budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the aggregate amount of \$790,000 for library improvements; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the aggregate amount of \$790,000 for library improvements.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- c. [060994](#) Substitute resolution authorizing the sale and issuance of general obligation bonds for buildings for the housing of machinery and equipment.
- Whereas, The 2007 Budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the aggregate amount of \$28,209,700 for buildings for the housing of machinery and equipment; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the aggregate amount of \$28,209,700 for buildings for the housing of machinery and equipment.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- d. [060995](#) Substitute resolution authorizing the sale and issuance of general obligation bonds for harbor improvements.
- Whereas, The 2007 Budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the aggregate amount of \$650,000 for harbor improvements; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the aggregate amount of \$650,000 for harbor improvements.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- e. [060996](#) Substitute resolution authorizing the sale and issuance of general obligation bonds for parking lots and other parking facilities.

Whereas, The 2007 Budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the aggregate amount of \$595,000 for parking lots and other parking facilities; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the aggregate amount of \$595,000 for parking lots and other parking facilities.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- f. [060997](#) Substitute resolution authorizing the sale and issuance of general obligation bonds for engine houses and facilities.

Whereas, The 2007 Budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the aggregate amount \$260,000 for engine houses and facilities; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the aggregate amount of \$260,000 for engine houses and facilities.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- g. [060998](#) Substitute resolution authorizing the sale and issuance of general obligation bonds for equipment of the fire department, and reasonable facilities for fire protection apparatus or equipment.

Whereas, The 2007 Budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the aggregate amount of \$2,558,000 for equipment of the fire department, and reasonable facilities for fire protection apparatus or equipment; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the aggregate amount of \$2,558,000 for equipment of the fire department, and reasonable facilities for fire protection apparatus or equipment.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- h. [060999](#) Substitute resolution authorizing the sale and issuance of general obligation bonds for police facilities.
- Whereas, The 2007 Budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the aggregate amount of \$1,670,000 for police facilities; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the aggregate amount of \$1,670,000 for police facilities.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- i. [061000](#) Substitute resolution authorizing the sale and issuance of general obligation bonds for bridges.
- Whereas, The 2007 Budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the aggregate amount of \$4,316,000 for bridge projects; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the aggregate amount of \$4,316,000 for bridges.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- j. [061001](#) Substitute resolution authorizing the sale and issuance of general obligation bonds for street lighting and street improvements.

Whereas, The 2007 Budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the aggregate amount of \$11,436,790 for street lighting and street improvements; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the aggregate amount of \$11,436,790 for street lighting and street improvements.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- k. [061002](#) Substitute resolution authorizing the sale and issuance of general obligation bonds for parks and public grounds.

Whereas, The 2007 Budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the aggregate amount of \$1,965,000 for parks and public grounds; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the amount of \$1,965,000 for parks and public grounds.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- L. [061003](#) Substitute resolution authorizing the sale and issuance of general obligation bonds for paying project costs in accordance with project plans for tax incremental districts under s. 66.1105.

Whereas, The 2007 Budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the aggregate amount of \$70,280,000 for paying project costs in accordance with project plans for tax incremental districts under s. 66.1105; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the aggregate amount of \$70,280,000 for paying project costs in accordance with project plans for tax incremental districts under s. 66.1105.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- m. [061004](#) Substitute resolution authorizing the sale and issuance of general obligation bonds for school purposes.
- Whereas, The 2007 Budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the aggregate amount of \$6,000,000 for school purposes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the aggregate amount of \$6,000,000 for school purposes.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- n. [061005](#) Substitute resolution authorizing the sale and issuance of general obligation bonds for sewerage and sewage disposal.
- Whereas, The 2007 Budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the aggregate amount of \$28,000,000 for sewerage and sewage disposal; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the aggregate amount of \$28,000,000 for sewerage and sewage disposal.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

14. [061006](#) Substitute resolution authorizing the Commissioners of the Public Debt to market general obligation promissory notes pursuant to the provisions of Ch. 67, Stats.

Whereas, General obligation bonds and notes have been authorized in the 2003, 2004, 2005, 2006, and 2007 municipal budgets; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in accordance with sec. 67.12(12), Stats., the Commissioners of the Public Debt are authorized and requested to issue and sell general obligation "corporate purpose notes" in the aggregate amount of \$439,045,353 for each of the public purposes and in the amounts shown on Exhibit A, attached to this file; and, be it

Further Resolved, That debt issued for purposes and amounts set forth in Exhibit A apart from this resolution shall not like wise be issued pursuant to this resolution; and, be it

Further Resolved, That the general obligation "corporate purpose notes" herein authorized shall be sold by the Commissioners of the Public Debt at public or private sale, and/or directly to the Public Debt Amortization Fund, and at such times as the Commissioners shall determine to be prudent and appropriate; and, be it

Further Resolved, That the general obligation promissory notes herein authorized shall be issued on or before February 28, 2008; and, be it

Further Resolved, That the Commissioners of the Public Debt are authorized to prepare the forms and establish the procedures required in the issuance and sale of general obligation promissory notes herein authorized in accordance with the provisions of Ch. 67, Stats., and the provisions of the City of Milwaukee ordinances, such notes to be in a form approved by the City Attorney and to be executed by those officers of the City whose signatures are required by law; and, be it

Further Resolved, That the general obligation promissory notes herein authorized shall be sold at a price of not less par and accrued interest thereon; and, be it

Further Resolved, That general obligation promissory notes sold on a tax-exempt basis shall be dated as of the expected date of delivery, or the first or fifteenth day of the month in which they are issued, bear interest, payable semi-annually or at maturity, at coupon rates as determined by the Commissioners of the Public Debt, not to exceed 9.5%; with an issue True Interest Cost Rate not to exceed 7.5%; that general obligation promissory notes sold on a taxable basis shall be dated as of the expected date of delivery, or the first or fifteenth day of the month in which they are issued, bear interest, payable semi-annually or at maturity, at coupon rates as determined by the Commissioners of the Public Debt, not to exceed 12%; with an issue True Interest Cost Rate not to exceed 10%; that the Commissioner of the Public Debt may establish call dates at par for any or all of the notes; that the Commissioners of the Public Debt shall specify the due dates for, and the amounts of, the payment of

principal of said notes, not to exceed 10 years, and interest thereon, and that such payment schedule shall be entered upon the permanent record of the Commissioners of the Public Debt and formally communicated to the City Clerk; and, be it

Further Resolved, That a direct annual irrevocable tax shall be levied in each year that such notes are outstanding, in an amount sufficient to pay and for the express purpose of paying the interest on said notes, as it falls due, and also to pay and discharge the principal thereof at maturity, and shall be extended upon the tax roll of the City of Milwaukee and shall be collected by the officers of the City in the same manner and at the same time as taxes for general City purposes for such years are extended and collected, and when so collected, the proceeds of said taxes shall be used solely for paying the principal and interest on such notes so long as any bonds of said issue remain outstanding; and, be it

Further Resolved, That interest on or principal of the notes falling due at any time when there shall be on hand insufficient funds from proceeds of the tax levy for the payment of such interest or principal shall be paid promptly when due from other funds of the City, which funds shall be reimbursed thereof out of the proceeds of the taxes above levied when such taxes shall have been collected; and, be it

Further Resolved, That the Continuing Disclosure Certificate, in substantially the form of the Supplemental Certificate authorized by File Number 031384 adopted on February 10, 2004, is authorized to be executed and delivered by the Comptroller for the notes; and, be it

Further Resolved, That the City of Milwaukee authorizes and directs the appropriate officers and employees of the City to take all action necessary or appropriate to comply with and carry out all of the provisions of the Continuing Disclosure Certificate as amended from time to time. Notwithstanding any other provision of the resolution, failure of the City to perform in accordance with the Continuing Disclosure Certificate shall not constitute a default under the resolution and the Continuing Disclosure Certificate may be enforced only as provided therein; and, be it

Further Resolved, That a global certificate shall be issued for each stated maturity date and registered only in the name of CEDE & Co. as nominee of The Depository Trust Company, New York, New York, for delivery and immobilization by the Depository Trust Company following the closing. The Depository Trust Company will act as securities depository of the notes. The City will make payment of principal, redemption premium if any, and interest on the notes on the due dates to the Depository Trust Company, or its nominee, as registered owner of the notes, in same-day funds. Notices, if any, given by the City to the registered owner of the notes will be given to the Depository Trust Company. In the event that the securities depository relationship with the Depository Trust Company for the notes is terminated

and the City does not appoint a successor securities depository, the City will prepare, authenticate and deliver at its expense fully-registered certificated notes in the denominations of \$5,000 or in the integral multiple thereof in the aggregate principal amount by maturity then outstanding to the beneficial owners of the notes; provided however, that should any notes be owned by the Public Debt Amortization Fund, such note may be registered in the name of the Public Debt Amortization Fund and be in denominations of any amount; and be it

Further Resolved, That with respect to the issuance of any general obligation corporate purpose notes sold on a tax-exempt basis, the City covenants with the holders from time to time of said notes that (i) throughout the term of said notes and (ii) through the date that the final rebate, if any, must be made to the United States in accordance with Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") it will comply with the provisions of Sections 103 and 141 through 150 of the Code, and the applicable regulations of the Internal Revenue Service adopted thereunder, that must be satisfied in order that interest on said notes shall be and continue to be excluded from gross income for federal income tax purposes under said Section 103; and, be it

Further Resolved, That the cost of issuing the notes and marketing same shall be paid from amounts appropriated for said purpose, or the proceeds of the note sale, or deducted from same, and the project account or accounts credited with the net proceeds of the sale or sales.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

15. [061007](#) Substitute resolution authorizing the Commissioners of the Public Debt to market general obligation "corporate purpose bonds" pursuant to the provisions of Ch. 67, Stats.

Whereas, General obligation bonds have been authorized in the 2003, 2004, 2005, 2006, and 2007 municipal budgets; and

Whereas, Initial resolutions have been adopted authorizing the issuance of such general obligation bonds; and

Whereas, The Common Council desires to combine general obligation bonds authorized under the various initial resolutions into one issue and to designate such bonds as "corporate purpose bonds"; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in accordance with sec. 67.05(13), Stats., the Commissioners of the Public Debt are authorized and requested to issue and sell general obligation "corporate purpose bonds" in the aggregate amount of \$403,095,353 for each of the public purposes provided by the underlying initial resolutions and in the amounts shown in Exhibit A, attached to this file; and, be it

Further Resolved, That debt issued for purposes and amounts set for in Exhibit A, attached to this file and apart from this resolution shall not like wise be issued pursuant to this resolution; and, be it

Further Resolved, That the general obligation "corporate purpose bonds" herein authorized shall be sold by the Commissioners of the Public Debt at public sale, and/or directly to the Public Debt Amortization Fund, and at such times as the Commissioners shall determine to be prudent and appropriate; and, be it

Further Resolved, That the general obligation "corporate purpose bonds" herein authorized shall be issued on or before February 28, 2008; and, be it

Further Resolved, That the Commissioners of the Public Debt are authorized to prepare the forms and establish the procedures required in the issuance and sale of general obligation "corporate purpose bonds" herein authorized in accordance with the provisions of Ch. 67, Stats., and the provisions of the City of Milwaukee ordinances, such bonds to be in a form approved by the City Attorney and to be executed by those officers of the City whose signatures are required by law; and, be it

Further Resolved, That the general obligation "corporate purpose bonds" herein authorized shall be sold at a price of not less par and accrued interest thereon; and, be it

Further Resolved, That general obligation "corporate purpose bonds" sold on a tax-exempt basis shall be dated as of the date of delivery, or the first or fifteenth day of the month in which they are issued, bear interest, payable semi-annually, at coupon rates as determined by the Commissioners of the Public Debt, not to exceed 9.5%; with an issue True Interest Cost Rate not to exceed 7.5%; that general obligation "corporate purpose bonds" sold on a taxable basis shall be dated as of the date of delivery, or the first or fifteenth day of the month in which they are issued, bear interest, payable semi-annually, at coupon rates as determined by the Commissioners of the Public Debt, not to exceed 12%; with an issue True Interest Cost Rate not to exceed 10%; that the Commissioner of the Public Debt may establish call dates at par for any or all of the bonds; that the Commissioners of the Public Debt shall specify the due dates for, and the amounts of, the payment of principal of said bonds, not to exceed 20 years, and interest thereon, and that such payment schedule shall be

entered upon the permanent record of the Commissioners of the Public Debt and formally communicated to the City Clerk; and, be it

Further Resolved, That a direct annual irrevocable tax shall be levied in each year that such bonds are outstanding, in an amount sufficient to pay and for the express purpose of paying the interest on said bonds, as it falls due, and also to pay and discharge the principal thereof at maturity, and shall be extended upon the tax roll of the City of Milwaukee and shall be collected by the officers of the City in the same manner and at the same time as taxes for general City purposes for such years are extended and collected, and when so collected, the proceeds of said taxes shall be used solely for paying the principal and interest on such bonds so long as any bonds of said issue remain outstanding; and, be it

Further Resolved, That interest on or principal of the bonds falling due at any time when there shall be on hand insufficient funds from proceeds of the tax levy for the payment of such interest or principal shall be paid promptly when due from other funds of the City, which funds shall be reimbursed thereof out of the proceeds of the taxes above levied when such taxes shall have been collected; and, be it

Further Resolved, That the Continuing Disclosure Certificate, in substantially the form of the Supplemental Certificate authorized by File Number 031384 adopted on February 10, 2004, is authorized to be executed and delivered by the Comptroller for the notes; and, be it

Further Resolved, That the City of Milwaukee authorizes and directs the appropriate officers and employees of the City to take all action necessary or appropriate to comply with and carry out all of the provisions of the Continuing Disclosure Certificate as amended from time to time. Notwithstanding any other provision of the resolution, failure of the City to perform in accordance with the Continuing Disclosure Certificate shall not constitute a default under the resolution and the Continuing Disclosure Certificate may be enforced only as provided therein; and, be it

Further Resolved, That a global certificate shall be issued for each stated maturity date and registered only in the name of CEDE & Co. as nominee of The Depository Trust Company, New York, New York, for delivery and immobilization by the Depository Trust Company following the closing. The Depository Trust Company will act as securities depository of the bonds. The City will make payment of principal, redemption premium if any, and interest on the bonds on the due dates to the Depository Trust Company, or its nominee, as registered owner of the bonds, in same-day funds. Notices, if any, given by the City to the registered owner of the bonds will be given to the Depository Trust Company. In the event that the securities depository relationship with the Depository Trust Company for the bonds is terminated and the City does not appoint a successor securities depository, the City

will prepare, authenticate and deliver at its expense fully-registered certificated bonds in the denominations of \$5,000 or in the integral multiple thereof in the aggregate principal amount by maturity then outstanding to the beneficial owners of the bonds; provided however, that should any bond be owned by the Public Debt Amortization Fund, such bond may be registered in the name of the Public Debt Amortization Fund and be in denominations of any amount; and, be it

Further Resolved, That with respect to the issuance of any general obligation corporate purpose bonds sold on a tax-exempt basis, the City covenants with the holders from time to time of said bonds that (i) throughout the term of said bonds and (ii) through the date that the final rebate, if any, must be made to the United States in accordance with Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") it will comply with the provisions of Sections 103 and 141 through 150 of the Code, and the applicable regulations of the Internal Revenue Service adopted thereunder, that must be satisfied in order that interest on said bonds shall be and continue to be excluded from gross income for federal income tax purposes under said Section 103; and, be it

Further Resolved, That the cost of issuing the bonds and marketing same shall be paid from amounts appropriated for said purpose, or the proceeds of the bond sale, or deducted from same, and the project account or accounts credited with the net proceeds of the sale or sales.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

16. [061008](#) Substitute resolution authorizing the Commissioners of the Public Debt to market general obligation revenue anticipation notes pursuant to the provisions of Ch. 67, Stats.

Whereas, s. 67.12(12), Stats., authorizes the issuance of General Obligation Notes for paying any general and current municipal expense; and

Whereas, s. 67.12(1), Stats., authorizes any municipality entitled to receive deferred payments from the State to issue municipal obligations in an amount not to exceed 60% of the total actual and anticipated receipt of deferred payments in the fiscal year; and

Whereas, pursuant to s. 79.02, Stats., the City of Milwaukee is anticipating the receipt of shared revenue payments from the State of Wisconsin in 2007 (the "Budget Year") in the amount of at least \$200,000,000; and

Whereas, the foregoing amounts represent no more than 50% of the City's General Fund operating revenues for the Budget Year; and

Whereas, operating expenditures are incurred on a uniform basis throughout the year; and

Whereas; the City must finance the operating budget on an interim basis between now and the receipt of State shared revenue payments in July and November of the Budget Year; and

Whereas, the City is interested in borrowing to finance the operating budget on an interim basis and pledges the anticipated revenue included in the budget for the Budget Year due and not yet paid as security for repayment of such obligations; and

Whereas, Resolution File Number 061006 also authorizes the issuance of General Obligation Notes, and it is desirable to permit the issuance of both issues of notes in one issue; now, therefore, be it

Resolved, by the Common Council of the City of Milwaukee in accordance with sec. 67.12(12), Stats., that the Commissioners of the Public Debt are authorized and requested to issue and sell general obligation revenue anticipation notes in an amount not to exceed \$90,000,000 for the purpose of paying general and current municipal expenses in the operating budget on an interim basis pending receipt of State shared revenue payments in July and November of the Budget Year; and, be it

Further Resolved, that the general obligation revenue anticipation herein authorized shall be sold by the Commissioners of the Public Debt at public or private sale, and/or directly to the Public Debt Amortization Fund, and at such times as the Commissioners shall determine to be prudent and appropriate; and, be it

Further Resolved, that the general obligation revenue anticipation notes herein authorized shall be issued on or before August 31, 2007; and, be it

Further Resolved, that the Commissioners of the Public Debt are authorized to prepare the forms and establish the procedures required in the issuance and sale of general obligation revenue anticipation notes herein authorized in accordance with the provisions of Ch. 67, Stats., and the provisions of the City of Milwaukee ordinances, such notes to be in a form approved by the City Attorney and to be executed by those officers of the City whose signatures are required by law; and, be it

Further Resolved, that the general obligation revenue anticipation notes herein authorized shall be sold at a price of not less par plus accrued interest thereon; and, be it

it

Further Resolved, that general obligation revenue anticipation notes shall be dated as of the expected date of delivery, or the first or fifteenth day of the month in which they are issued, bear interest, payable semi-annually or at maturity, at coupon rates as determined by the Commissioners of the Public Debt, not to exceed 7.0%; with an issue True Interest Cost Rate not to exceed 6.0%; that the Commissioner of the Public Debt may establish call dates at par for any or all of the notes; that the Commissioners of the Public Debt shall specify the due dates for, and the amounts of, the payment of principal of said notes, not to exceed 2 years, and interest thereon, and that such payment schedule shall be entered upon the permanent record of the Commissioners of the Public Debt and formally communicated to the City Clerk; and, be it

Further Resolved, that a direct annual irrevocable tax shall be levied in each year that such notes are outstanding, in an amount sufficient to pay and for the express purpose of paying the interest on said notes, as it falls due, and also to pay and discharge the principal thereof at maturity, and shall be extended upon the tax roll of the City of Milwaukee and shall be collected by the officers of the City in the same manner and at the same time as taxes for general City purposes for such years are extended and collected, and when so collected, the proceeds of said taxes shall be used solely for paying the principal and interest on such notes so long as any notes of said issue remain outstanding; and, be it

Further Resolved, that interest on or principal of the notes falling due at any time when there shall be on hand insufficient funds from proceeds of the tax levy for the payment of such interest or principal shall be paid promptly when due from other funds of the City, which funds shall be reimbursed thereof out of the proceeds of the taxes above levied when such taxes shall have been collected; and, be it

Further Resolved, that the Continuing Disclosure Certificate, in substantially the form of the Supplemental Certificate authorized by File Number 031384 adopted on February 10, 2004, is authorized to be executed and delivered by the Comptroller for the notes; and, be it

Further Resolved, that the City of Milwaukee authorizes and directs the appropriate officers and employees of the City to take all action necessary or appropriate to comply with and carry out all of the provisions of the Continuing Disclosure Certificate as amended from time to time. Notwithstanding any other provision of the resolution, failure of the City to perform in accordance with the Continuing Disclosure Certificate shall not constitute a default under the resolution and the Continuing Disclosure Certificate may be enforced only as provided therein; and, be it

Further Resolved, That a global certificate shall be issued for each stated maturity date and registered only in the name of CEDE & Co. as nominee of The Depository Trust Company, New York, New York, for delivery and immobilization by the Depository Trust Company following the closing. The Depository Trust Company will act as securities depository of the notes. The City will make payment of principal, redemption premium if any, and interest on the notes on the due dates to the Depository Trust Company, or its nominee, as registered owner of the notes, in same-day funds. Notices, if any, given by the City to the registered owner of the notes will be given to the Depository Trust Company. In the event that the securities depository relationship with the Depository Trust Company for the notes is terminated and the City does not appoint a successor securities depository, the City will prepare, authenticate and deliver at its expense fully-registered certificated notes in the denominations of \$5,000 or in the integral multiple thereof in the aggregate principal amount by maturity then outstanding to the beneficial owners of the notes; provided however, that should any notes be owned by the Public Debt Amortization Fund, such note may be registered in the name of the Public Debt Amortization Fund and be in denominations of any amount; and be it

Further Resolved, that the City covenants with the holders from time to time of said notes that (i) throughout the term of said notes and (ii) through the date that the final rebate, if any, must be made to the United States in accordance with Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") it will comply with the provisions of Sections 103 and 141 through 150 of the Code, and the applicable regulations of the Internal Revenue Service adopted thereunder, that must be satisfied in order that interest on said notes shall be and continue to be excluded from gross income for federal income tax purposes under said Section 103; and, be it

Further Resolved, that the Common Council hereby declares that as additional security for the repayment of the notes with interest thereon, the City will pledge and irrevocably segregate upon receipt through December 31, 2007 shared revenue payments due in November, 2007, in an amount sufficient to pay the principal and interest due on the notes at maturity; and, be it

Further Resolved, that if a note matures after December 31, 2007, the proper City officers be and hereby are authorized and directed to irrevocably deposit with the City's Fiscal Agent on or before December 31, 2007 general fund revenues and/or amounts from the Debt Service Fund, an amount sufficient to purchase direct obligations of, or obligations guaranteed by, the U.S. Government sufficient to pay the principal of and interest due on such note at maturity; and, be it

Further resolved, that notes pursuant to this resolution may be issued in one issue along with notes authorized by Resolution File Number 061006; and be it

Further Resolved, that the cost of issuing the notes and marketing same shall be paid from amounts appropriated for said purpose, or the proceeds of the note sale, or deducted from same, and the project account or accounts credited with the net proceeds of the sale or sales.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

17. [061009](#) Substitute resolution authorizing the issuance of \$16,000,000 general obligation notes pursuant to 67.12(12), Wis. Stats., to pay a general and current municipal expense associated with the Community Development Block Grant and other grant programs. (Comptroller)

Whereas, The budget for the fiscal year 2007 (the "Fiscal Year") of the City of Milwaukee authorizes contingent borrowing in the form of general obligation bonds or notes, for any purposes not contemplated at the time the budget was adopted in the amount of at least \$20,000,000; and

Whereas, Section 67.12(12), Wis. Stats., authorizes the issuance of general obligation notes for the purpose of paying a general and current municipal expense, such as expenses associated with the Community Development Block Grant and other grant programs; and

Whereas, For the Fiscal Year, under the City of Milwaukee Community Block Grant Agreement it is anticipated that grant award funds will be approved but such funds have not been released to the City; that under other grant programs, it is anticipated that funds will be approved but such funds have not been released to the City; that the City anticipates receiving \$26.8 million in grant funds; and the City needs \$16,000,000 to fund the aforementioned programs pending approval and receipt of the grant funds; and

Whereas, The Common Council is desirous of issuing and selling up to \$16,000,000 of promissory notes for Fiscal Year operation costs in the event such grants are not received as anticipated; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioners of the Public Debt are authorized to sell and issue general obligation short-term promissory notes under s. 67.12(12), Wis. Stats., in an amount not to exceed \$16,000,000 for the purpose of funding the difference between the amount budgeted and the grants received for the Fiscal Year for the Community Development Block Grant Award Program, and other grant programs; and, be it

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

Further Resolved, That said promissory notes be sold by the Commissioners of the Public Debt at a private sale; or public competitive sale; or to the Public Debt Amortization Fund for the purpose of investment; or to the Public Debt Amortization Fund for immediate cancellation; and, be it

Further Resolved, That the promissory notes shall be issued on or before December 31, 2007; and, be it

Further Resolved, That said promissory notes with interest shall be payable periodically as determined by the Commissioners of the Public Debt within a period not to exceed 10 years from the date of the issuance of said notes; and, be it

Further Resolved, That in the event the Commissioners of the Public Debt advise the Common Council that said notes have been sold at a private sale or public competitive sale or to the Public Debt Amortization Fund as an investment, the Common Council hereby declares that it will levy an irrevocable tax sufficient to pay each installment of principal and interest as it becomes due and payable; and, be it

Further Resolved, That the general obligation short-term promissory notes herein authorized shall be sold by the Commissioners of the Public Debt at such times as the Commissioners shall determine to be prudent and appropriate; and, be it

Further Resolved, That the Commissioners of the Public Debt are authorized to prepare the forms and establish the procedures required in the issuance and sale of general obligation short-term promissory notes herein authorized in accordance with the provisions of Ch. 67, Stats., and the provisions of the City of Milwaukee ordinances, such notes to be in a form approved by the City Attorney and to be executed by those officers of the City whose signatures are required by law; and, be it

Further Resolved, That the general obligation short-term promissory notes herein authorized shall be sold at a price of not less par and accrued Interest thereon; and, be it

Further Resolved, That such general obligation short-term promissory notes shall be dated as of the expected date of delivery, or the first or fifteenth day of the month in which they are issued, bear interest, payable semi-annually, at coupon rates as determined by the Commissioners of the Public Debt, not to exceed 9.25%; with an issue True Interest Cost Rate not to exceed 7.25%; that the Commissioners of the Public Debt shall specify the due dates for, and the amounts of, the payment of

principal of said notes, not to exceed 10 years, and interest thereon, and that such payment schedule shall be entered upon the permanent record of the Commissioners of the Public Debt and formally communicated to the City Clerk; and, be it

Further Resolved, That a direct annual irrepealable tax shall be levied in each year that such notes are outstanding, in an amount sufficient to pay and for the express purpose of paying the interest on said notes, as it falls due, and also to pay and discharge the principal thereof at maturity, and shall be extended upon the tax roll of the City of Milwaukee and shall be collected by the officers of the City in the same manner and at the same time as taxes for general City purposes for such years are extended and collected, and when so collected, the proceeds of said taxes shall be used solely for paying the principal and interest on such notes so long as any notes of said issue remain outstanding; and, be it

Further Resolved, That interest on or principal of the notes falling due at any time when there shall be on hand insufficient funds from proceeds of the tax levy for the payment of such interest or principal shall be paid promptly when due from other funds of the City, which funds shall be reimbursed thereof out of the proceeds of the taxes above levied when such taxes shall have been collected; and, be it

Further Resolved, That a global certificate shall be issued for each stated maturity date and registered only in the name of Cede & Company as nominee of the Depository Trust Company, New York, New York for delivery and immobilization by the Depository Trust Company following the closing. The Depository Trust Company will act as securities depository of the notes. The City will make payment of principal, redemption, premium if any, and interest on the notes on the due dates to the Depository Trust Company, or its nominee, as registered owner of the notes, in same-day funds. Notices, if any, given by the City to the registered owner of the notes will be given to the Depository Trust Company. In the event that the securities depository relationship with the Depository Trust Company for the notes is terminated and the City does not appoint a successor securities depository, the City will prepare, authenticate and deliver at its expense fully-registered certificated notes in the denominations of \$5,000 or in the integral multiple thereof in the aggregate principal amount by maturity then outstanding as directed by the registered owners of the notes; and, be it

Further Resolved, That the City covenants with the holders from time to time of said notes that (i) throughout the term of said notes and (ii) through the date that the final rebate, if any must be made to the United States in accordance with Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") it will comply with the provisions of Sections 103 and 141 through 150 of the Code, and the applicable regulations of the Internal Revenue Service adopted thereunder, that must be satisfied in order that interest on said notes shall be and continue to be excluded from gross

income for federal income tax purposes under said Section 103; and, be it

Further Resolved, That the Continuing Disclosure Certificate, in substantially the form of the Supplemental Certificate authorized by File Number 031384 adopted on February 10, 2004, is authorized to be executed and delivered by the Comptroller for the notes; and, be it

Further Resolved, That the City of Milwaukee authorizes and directs the appropriate officers and employees of the City to take all action necessary or appropriate to comply with and carry out all of the provisions of the Continuing Disclosure Certificate as amended from time to time. Notwithstanding any other provision of the resolution, failure of the City to perform in accordance with the Continuing Disclosure Certificate shall not constitute a default under the resolution and the Continuing Disclosure Certificate may be enforced only as provided therein; and, be it

Further Resolved, That the cost of-Issuing the notes and marketing same shall be paid from the proceeds of the note sale, or deducted from same, and the project account or accounts credited with the net proceeds of the sale or sales.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

18. [061011](#) Substitute resolution relative to the application, funding and expenditure of the 2007 Consolidated Contract.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Department of Health and Family Services for the 2007 Consolidated Contract; and

Whereas, The operation of this grant project from 01/01/07 to 12/31/07 would cost \$2,080,653 of which \$372,537 (18%) would be provided by the city and \$1,708,116 (82%) would be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Wisconsin Department of Health and Family Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 030712 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2007 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled 2007 Consolidated Contract:

Project/Grant	GR0000700000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$1,708,116

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

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

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

1. Expend from the amount budgeted sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 2007 grant budget funds for specific items of equipment;
3. Expend from the 2007 grant budget funds for training and out-of-town travel by departmental staff;
4. Enter into subcontracts as detailed in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2006 Positions Ordinance, C.C. File 050457, should be amended as follows:

HEALTH DEPARTMENT

Healthy Behaviors and Healthcare Access Division
Preventive Health Grant (I)

Delete:

(1) Health Project Coordinator (X) (I)

Disease Control and Prevention Division
Immunization Action Plan Grant (DD)

Delete:

- (1) Office Assistant II (DD) (.5 FTE)
- (1) Public Health Nurse (G) (X) (DD)

Childhood Immunization Disparities Grant (YY)

Delete:

- (1) Health Services Assistant II (X) (P) (YY)
- (1) Public Health Educator II-CID (X) (P) (YY)

Add:

- (1) Office Assistant II (YY) (.5 FTE)
- (1) Public Health Nurse (G) (X) (YY) (DD)

Delete:

Bioterrorism-Focus A Grant (A)

Delete:

- (1) Public Health Emergency Response Planning Coordinator (X)(A)(P)
- (1) Telecommunications Analyst-Associate (A)(P)

Add:

CDC Public Health Preparedness Grant (A)

- (1) Public Health Emergency Response Planning Coordinator (X)(A)(P)

and

Amend footnote (I) as follows:

To expire 12/31/07 unless the Preventive Health Grant is extended. Also partially funds Public Health Nurse;

Amend footnote (J) as follows:

To expire 12/31/07 unless the Adolescent Community Health Grant is extended;

Amend footnote (Z) as follows:

To expire 12/31/07 unless the Childhood Lead Detection Grant is extended;

Amend footnote (DD) as follows:

To expire 12/31/07 unless the Immunization Action Plan Grant is extended. Also partially funds Health Promotion and Risk Communication Coordinator, Public Health Nurse and Epidemiologist;

Amend footnote (KK) as follows:

To expire 12/31/07 unless the MBCAP-Well Women Grant is extended;

Amend footnote (A) to read as follows:

To expire 12/31/07 unless the CDC Public Health Preparedness Grant is extended. Public Health Emergency Response Planning Coordinator also partially funded by the Bioterrorism-Focus CRI/Pandemic Influenza Grant. Also partially funds Epidemiologist.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

19. [061012](#) Substitute resolution relative to the application, funding and expenditure of the 2007 Comprehensive Home Visiting Grant.

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

Whereas, The continued operation of this grant program from 01/01/07 to 12/31/07 would cost \$827,085 comprised of \$812,085 (98%) grantor share and \$15,000 (2%) City Share; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the

State of Wisconsin Division of Health and Family Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 030712 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent of the 2007 Special Revenue Grant and Aid Projects Fund, the following amounts for the program titled Comprehensive Home Visiting Grant:

Project/Grant	GR0000700000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$812,085

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

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

1. Expend from the amount budgeted sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date; and
2. Expend from the 2007 grant budget for training and out-of-town travel by departmental staff;
3. Expend from the 2007 grant budget funds for specific items of equipment; and
4. Enter into subcontracts and leases as detailed in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2006 Positions Ordinance C.C. File Number 050457, should be amended as follows:

Amend footnote (E) to read as follows:

To expire 12/31/07 unless the Comprehensive Home Visiting Grant is extended.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

20. [061013](#) Substitute resolution relative to the application, funding and expenditure of the 2007 Sexually Transmitted Diseases Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Division of Health and Family Services to reduce the incidence and complications of sexually transmitted diseases through preventive health education services and focused disease intervention activities; and

Whereas, The operation of this grant project from 01/01/07 to 12/31/07 would cost \$637,346 entirely provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Wisconsin Division of Health and Family Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 030712 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2007 Special Revenue Grant and Aid Project fund, the following amount for the project titled Sexually Transmitted Diseases Grant:

Project Grant	GR0000700000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$637,346

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

under the grant agreement; and, be it

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

1. Expend from the amount budgeted sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date.
2. Expend from the 2007 grant budget for training and out-of town travel for staff.
3. Expend from the 2007 grant budget for equipment as specified in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2006 Positions Ordinance C.C. File Number 050457, should be amended as follows:

Amend footnote (F) to read as follows:

To expire 12/31/07 unless the Sexually Transmitted Diseases Grant, available from the State of Wisconsin Division of Health and Family Services, is extended.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

21. [061014](#) Substitute resolution relative to the application, funding and expenditure of the 2007 SURVNET Grant.

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

Whereas, The operation of this grant project from 01/01/07 to 12/31/07 would cost \$62,225 entirely provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Wisconsin Division of Health and Family Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 030712 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2007 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled SURVNET Grant:

Project/Grant	GR0000700000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$62,225

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

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

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 2007 grant budget funds for training and out-of-town travel by departmental staff;
3. Expend from the 2007 grant budget funds for specific items of equipment.
4. Enter into subcontracts and leases as detailed in the grant budget.

Further Resolved, That the Common Council direct that the 2006 Positions Ordinance C.C. File Number 050457, should be amended as follows:

Amend footnote (V) to read as follows:

To expire 12/31/07 unless the SURVNET Grant available from the Wisconsin Division of Health and Family Services, is extended.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

22. [061015](#) Substitute resolution relative to the application, funding and expenditure of the 2007 Tobacco Control Grant.

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

Whereas, The operation of this grant project from 01/01/07 to 12/31/07 would cost \$270,193 entirely provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin Division of Health and Family Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 030712 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent of the 2007 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled Tobacco Control Grant:

Project/Grant	GR0000700000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$270,193

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

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

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

Expend from the 2007 grant budget funds for training and out-of-town travel by departmental staff.

Enter into subcontracts and leases as detailed in the grant budget.

Further Resolved, That the Common Council direct that the 2006 Positions Ordinance C.C. File Number 050457, should be amended as follows:

Amend footnote (T) to read as follows:

To expire 12/31/07 unless the Tobacco Control Community Coalition II Grant, available from the State of Wisconsin Division of Health and Family Services is extended.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

23. [061016](#) Substitute resolution relative to the application, funding and expenditure of the 2007 Women, Infants and Children's Grant.

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

Whereas, The operation of this grant project (CFDA #10.557) from 01/01/07 to 12/31/07 would cost \$848,472 entirely provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Wisconsin Department of Health and Social Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 030712 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2007 Special Revenue-Grant and Aid Projects fund the following amounts for the program titled Women, Infants and Children’s Grant:

Project/Grant	GR0000700000
Fund	0150
Org	9990
Program	0001
BY	0000
Subclass	R999
Acct	000600
Project	Grantor Share
Amount	\$848,472

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

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

1. Expend from the amount budgeted sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date.
2. Expend from the 2007 grant budget funds for training and out-of-town travel by departmental staff.
3. Expend from the 2007 grant budget funds for specific items of equipment; and
4. Enter into subcontracts and leases as detailed in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2006 Positions Ordinance C.C. File Number 050457, should be amended as follows:

Amend footnote (C) to read as follows:

To expire 12/31/07 unless the Women, Infants and Children’s Grant, available from the Wisconsin Department of Health and Family Services, is extended.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

24. [061017](#) Substitute resolution amending Common Council File 060498 relative to application, funding and expenditure of the Bioterrorism Grant - Focus CRI.

Whereas, Common Council File 060498 authorizes The City of Milwaukee Health Department to apply for, accept and fund the Bioterrorism Grant - Focus CRI from the Centers for Disease Control through the State of Wisconsin Division of Health and Family Services to aid cities in increasing their capacity to aid cities in increasing their capacity to deliver medicines and medical supplies during a large-scale public health emergency from 09/01/06 to 08/30/07. This grant provided for a grantor share of \$176,000; and

Whereas, The grantor share for this program is increased by \$352,780 in order to provide funding for the Pandemic Influenza project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Centers for Disease Control through the State of Wisconsin Division of Health and Family Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 030712 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent account of the 2006 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled Bioterrorism Grant Focus CRI/Pandemic Influenza:

Project/Grant	GR0000600000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$352,780

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

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

authorized to:

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

Expend from the 2006 grant budget funds for training and out-of-town travel by departmental staff.

Enter into leases and subcontracts as indicated in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2006 Positions Ordinance C.C. File Number 050457, should be amended as follows:

Health Department
Disease Control and Prevention Division

Delete:

Bioterrorism Grant - Focus B (BBB)
Epidemiologist (X) (BBB)

Bioterrorism Grant - Focus CRI (P)
Health Project Coordinator-CRI (P) (X)
Public Health Nurse (X) (G) (P)

Delete footnote (BBB):

To expire 12/31/06 unless the Bioterrorism Grant Focus B is extended.

Add:

Bioterrorism Grant - Focus CRI/Pandemic Influenza (P)
Epidemiologist (X) (BBB)(DD) (A)
Health Project Coordinator-CRI (P) (X)
Public Health Nurse (X) (G) (P)
Health Promotion and Risk Communication Coordinator(X) (P) (DD)
Telecommunications Analyst-Associate (P)

Amend footnote (P) to read as follows:

To expire 08-30-07 unless the Bioterrorism Focus CRI/Pandemic Flu Grant is extended. Also partially funds a Public Health Emergency Response Planning Coordinator.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

25. Various obsolete files:

a. [041539](#) Resolution authorizing bonding relating to a Milwaukee Housing Trust Fund.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

b. [050508](#) A substitute charter ordinance relating to service retirement allowances for elected officials.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

c. [060468](#) An ordinance relating to financing of a City of Milwaukee Housing Trust Fund.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

d. [060847](#) An ordinance to further amend the 2006 rates of pay of offices and positions in the City Service under control of the Common Council.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

26. [060478](#) Communication from the Department of Employee Relations transmitting a communication relative to classification studies scheduled for Fire and Police Commission action.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

27. [060836](#) Communication from the Department of Administration - Budget and Management Analysis Division transmitting various vacancy requests, fund transfers and equipment requests.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

28. [060851](#) Communication from the Department of Employee Relations transmitting a communication relative to classification studies scheduled for City Service Commission action.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

29. [060937](#) Communication from the City Attorney's office relative to amending the Salary Ordinance.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

30. [061055](#) Communication from the Budget and Management Analysis Division relative to various position changes resulting from Common Council amendments to the 2007 Budget adopted on November 10, 2006.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. [060634](#) Substitute resolution authorizing the proper City officers to enter into a contract for the collection of receivables of the City of Milwaukee.

Whereas, on July 31, 2006, the Common Council passed Resolution File No. 066162 authorizing the City Attorney to request proposals for the collection contract for City receivables; and

Whereas, the City Attorney advertised for proposals two times in the Milwaukee Journal/Sentinel, two times in the Milwaukee Business Journal, and two times in the Daily Reporter, between September 15 and September 29, 2006, and the City Purchasing Director sent an e-notify message to over 500 vendors; and

Whereas, the City Attorney received six proposals; and

Whereas, the City Attorney and the evaluation team, consisting of representatives from the Treasurer's Office, the Department of Neighborhood Services, the Department of Public Works, the City Attorney's Office, and the City Purchasing Director reviewed the six proposals, conducted oral presentations and interviews, and ranked the proposals, and now recommends that the City enter into the contract, attached, with The Kohn Law Firm for the collection of City receivables, to commence January 1, 2007; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that a contract with the Kohn Law Firm in substantially the same form as is attached to this file is approved, and the proper City officers are hereby authorized to execute said contract.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

2. [060956](#) Resolution granting deferred payments of special assessments for Marilyn Huddleston and Joseph Huddleston 3747 North 26th Street, in the 7th Aldermanic District, and Arthur & D Kaszubowski, 2948 South 47th Street, in the 8th Aldermanic District.

Whereas, The Deferred Assessment Board of the City of Milwaukee considered the applications of Worthy Indigents for deferred payments of special assessments and recommended the same be granted; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the following property owners, being the owners of the properties described, are hereby confirmed as Worthy Indigent residents as provided in Section 115-44 of the Milwaukee Code of Ordinances, and that payments of the special assessments are hereby deferred:

Property Owner: Marilyn Huddleston and Joseph Huddleston

Property Address: 3747 North 26th Street

Special Assessment Serial Number: JL004251

Tax Key Number: 270-0204-000

Legal Description: FRANKLIN HEIGHTS OF LOTS 13 TO 21 INCL IN PEASE'S SUBD IN S 1/2 OF NW 1/4 SEC 7-7-22 BLOCK 1 S 10' LOT 4 & 25' LOT 5

; and

Property Owner: Arthur & D Kaszubowski

Property Address: 2948 South 47th Street

Special Assessment Serial Number: JF001449

Tax Key Number: 512-1210-000

Legal Description: R J TALSKY SUBD NO 1 IN SE 1/4 SEC 11-6-21 BLOCK 1 LOT 10

; and, be it

Further Resolved, That after December 20, 2006, and upon receipt of said properties' tax bill from the City Treasurer, the City Comptroller shall issue to the City Treasurer a check in the amount of \$287.84 for JL004251 and \$318.33 for JF001449 to pay the 1st installments of said special assessments, and that following the issuance of the check, the deferred special assessments shall be processed in the manner specified in File Number 74-1975; and, be it

Further Resolved, That said Comptroller is also authorized to expend a sum equal to the recording fees in excess of the amounts deferred.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

3. [060957](#) Resolution providing for continuance of Deferred Payment of Assessments for Worthy Indigent Resident Property Owners.

Whereas, The Common Council previously confirmed certain resident property owners as Worthy Indigents; and

Whereas, The Deferred Assessment Board has completed its annual review of the resident owners confirmed in prior years; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that after December 20, 2006, and upon receipt of the tax bills for the listed properties from the City Treasurer, the Department of Public Works shall process necessary documents to have checks issued to the City Treasurer in the amount listed to pay the 2006 special assessment installments so indicated for confirmed Worthy Indigent resident property owners:

Original Tax Key Number	Installment Amount	Bond Number	Number
468-0941-5	\$ 56.98	HK002223	2
504-1139-1	\$ 68.98	DF002527	6
669-0115-2	\$410.99	DF000258	6

; and, be it

Further Resolved, That following the issuance of said checks the deferred special assessments shall be processed in the manner specified in File Number 74-1975; and, be it

Further Resolved, That the following previously granted deferred assessments for confirmed Worthy Indigent resident property owners shall remain in force:

Tax Key Number	Bond Number
311-1879-100-5	RF001388
468-0941-5	HK002223
504-1139-1	DF002527
669-0115-2	DF000258

; and, be it

Further Resolved, That said Department is also authorized to expend a sum equal to the recording fee needed for special assessments deferred; and, be it

Further Resolved, That a copy of this resolution be furnished to the City Comptroller and the City Treasurer.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

4. [061020](#) Resolution authorizing an agreement between the City of Milwaukee and HCP Real Estate, Inc., for assignment under Wisconsin Statute Section 75.106 of the City's right to an in-rem foreclosure judgment against 118 West Abert Place, in the 6th Aldermanic District.

Whereas, Based on City of Milwaukee ("City") records, Joseph Blandino owns tax-delinquent property at 118 West Abert Place ("Parcel"); and

Whereas, The City and HCP Real Estate, Inc., ("HCP") believe that the Parcel may be environmentally impacted or a "brownfield" based on historical land use and other limited investigations that have been done; and

Whereas, HCP (whose members are Thomas H. Frentzel and Thomas W. Frentzel) wishes to use the brownfield redevelopment tool available under Wisconsin Statute Section 75.106 to acquire the Parcel via City assignment of the City's right to a Wisconsin Statute Section 75.521 in-rem foreclosure judgment; and

Whereas, Department of City Development ("DCD"), Real Estate staff, completed an "Internal Protocol/Questionnaire for Community Improvement In-Rem Foreclosure Actions" as required by Common Council File No. 030680 requesting that the City commence an in-rem foreclosure action against the Parcel, and the City did include the Parcel in its 2006 No. 1 In-Rem File, Milwaukee County Circuit Court Case No. 06-CV-003677 (Parcel 105); and

Whereas, HCP wishes to enter into a "75.106 In-Rem Assignment Contract" ("75.106 Contract") and to accept assignment of the City's right to an in-rem foreclosure judgment in exchange for: paying \$3,500 toward the City's foreclosure expenses; paying the City for the assignment (\$10,950 less a redevelopment fee of 25 percent made payable to the Redevelopment Authority of the City of Milwaukee) and less DCD-approved, remediation expenses up to a maximum credit of \$8,211.50;

paying all unforeclosed tax-roll amounts; and testing and remediating the Parcel to the extent required by the Wisconsin Department of Natural Resources; and

Whereas, For HCP to be reimbursed for remediation expenses, HCP must, within 12 months of acquiring title (by means of foreclosure judgment), provide proof of payment for eligible remediation expenses, and the reimbursement proceeds will come from and not exceed the \$8,211.50 portion of the net sale proceeds, with any remaining part of the sale proceeds being paid to City; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that DCD, Real Estate staff, and the City Attorney's office are directed to finalize negotiations of the 75.106 Contract between the City and HCP consistent with the terms and conditions outlined herein; and, be it

Further Resolved, That the proper City officials are authorized to execute said 75.106 Contract and take all actions required or contemplated thereunder; and, be it

Further Resolved, That the City Treasurer and City Attorney shall prosecute Section 75.521 in-rem foreclosure against the Parcel so that judgment may be assigned to HCP per the terms of the 75.106 Contract; and, be it

Further Resolved, That foreclosure expense amounts paid to the City under the 75.106 Contract (herein called "Foreclosure Expense Moneys") shall be deposited in a City general fund liability account (customer deposit 201104-0001-1490) under the control of the City Treasurer, to be used and applied per said 75.106 Contract (including, but not limited to, paying for or reimbursing foreclosure expenses incurred by the City Attorney or by the City Treasurer); and, be it

Further Resolved, That if the City is successful in its foreclosure efforts and judgment of foreclosure on the Parcel is granted to HCP, the Redevelopment Authority of the City of Milwaukee shall be paid its 25 percent fee out of the purchase price, and shall hold the \$8,211.50 portion of the purchase price in a Redevelopment Authority Good Faith Trust Account for reimbursement to HCP for eligible remediation expenses as per the terms and conditions in the 75.106 Contract; and, be it

Further Resolved, That if any part of the \$3,500 Foreclosure Expense Moneys remain after reimbursing the Treasurer's Office and the City Attorney's Office foreclosure expenses, then those remaining funds, along with any part of the purchase price not paid to the Redevelopment Authority of the City of Milwaukee for its 25 percent fee and not paid to HCP as reimbursed remediation expenses, shall be transferred and deposited in the Tax-Deed Remediated Property Account 0110-107802 to help offset the principal amount of the delinquencies against the Parcel.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

CONFIRMATION OF THE FOLLOWING:

5. [061041](#) Appointment of Frances Swigart to the Ethics Board by the Mayor. (3rd Aldermanic District)

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

6. [060799](#) Substitute resolution authorizing the return of real estate located at 2500 N. Holton St., in the 3rd Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (Gregory Smith, Registered Agent for Alexian Investment Group)

A motion was made by ALD. D'AMATO that this Resolution be PLACED ON FILE. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

7. [060800](#) Substitute resolution authorizing the return of real estate located at 508 E. Wright St., in the 3rd Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (Gregory Smith, Registered Agent for Alexian Investment Group)

A motion was made by ALD. D'AMATO that this Resolution be PLACED ON FILE. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

DISALLOWANCE AND INDEFINITE POSTPONEMENT OF THE FOLLOWING:

8. Various claims against the city:

- a. [060703](#) Resolution relating to an appeal from Atty. Kelin Olson on behalf of Nimiko Miner for personal injuries.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- b. [060915](#) Resolution relating to an appeal from Paul Holzhauser for property damage. (10th Aldermanic District)

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- c. [061030](#) Resolution relating to the claim of Rose Struck for personal injuries. (3rd Aldermanic District)

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [060585](#) An ordinance relating to the restoration of certain nonconforming structures.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-415-4-c and d of the code is repealed and recreated to read:

295-415. Nonconformities.

4. NONCONFORMING STRUCTURES.

c. Deterioration or Damage. A nonconforming structure which has deteriorated or is damaged by fire or other casualty such that its reconstruction ratio, as calculated pursuant to sub. 2-e, exceeds 50%, may not be reconstructed unless either of the following is true:

c-1. Such reconstruction will result in the structure conforming to all applicable regulations of the zoning district in which it is located and will not increase the dimensional nonconformity of the structure.

c-2. The nonconforming structure was damaged or destroyed on or after March 2, 2006, and the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation. If this is true, the structure may be restored to the size, location and use that it had immediately before the damage or destruction occurred. In addition, the new structure may be larger than the nonconforming structure immediately before the damage or destruction if the larger size is necessary for the structure to comply with applicable state or federal requirements.

d. Exception For Nonconforming Residential Structures. A nonconforming residential structure may be enlarged, altered or reconstructed provided that the applicant can demonstrate either of the following:

d-1. The structure is not an accessory structure and the enlargement, alteration or reconstruction will not increase any dimensional nonconformity of the structure.

d-2. The structure was damaged or destroyed on or after March 2, 2006, and the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation. If this is true, the structure may be restored to the size, location and use that it had immediately before the damage or destruction occurred. In addition, the new structure may be larger than the nonconforming structure immediately before the damage or destruction if the larger size is necessary for the

structure to comply with applicable state or federal requirements.

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

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

No: 0

Excused: 1 - Witkowiak

2. [060735](#) Substitute ordinance relating to the change in zoning from Parks District to Two-Family Residential, on land located at 3401 West Hampton Avenue, in the 7th Aldermanic District.
- Resolved, That the Mayor and Common Council of the City of Milwaukee, do ordain as follows:

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

Section 295-501.2(b).0006. The zoning map is amended to change the zoning for the area described and bounded by the zoning line within West Silver Spring Drive, the centerline of North 34th Street, a line 123.76 feet South and parallel to the south line of West Silver Spring Drive, and a line 97 feet West and parallel to the west line of North 34th Street, from Parks District (PK) to Two-Family Residential (RT3).

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

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

No: 0

Excused: 1 - Witkowiak

3. [060756](#) Substitute ordinance approving the First Amendment to the Detailed Planned Development known as Cherry Court, located on the North Side of West Cherry Street and West of North 24th Street, in the 4th Aldermanic District.
- The Mayor and Common Council of the City of Milwaukee ("Common Council"), do ordain as follows:

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

Section 295-907(2)(b).0100.

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

(2) The zoning map is revised to change the zoning for the area bounded and described by the zoning line within the right-of-way along North 24th Street, the zoning line within the right-of-way along West Cherry Street, the zoning line within the right-of-way along West Galena Street and a line 288 feet West and parallel to the west side of North 24th Street.

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

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

Part 3. In accordance with the provisions of Section 295-907 of the Code, the City Clerk shall transmit a certified copy of the action taken by the Common Council to the Department of City Development.

Part 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

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

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

No: 0

Excused: 1 - Witkowiak

4. [060912](#) Substitute ordinance relating to the change in zoning from Warehousing and Light Manufacturing to Mixed Activity for a development known as The Brewery Project, on land located generally North of West Highland Avenue and West of North 8th Street, in the 4th Aldermanic District.
- Resolved, That the Mayor and Common Council of the City of Milwaukee, do ordain as follows:

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

Section 295-701(7).0004. The zoning map is amended to change the zoning for the area bounded by the zoning line within West Winnebago Street, the zoning line within North 8th Street, the zoning line within West Highland Avenue, the zoning line within vacated North 10th Street, a line 129.71 feet South and parallel to the south line of West Juneau Avenue, the zoning line within North 11th Street, the zoning line within vacated North 11th Street to the point of commencement along the zoning line of West Winnebago Street, from Warehousing and Light Manufacturing (C9H) to Mixed Activity (C9G).

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

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

No: 0

Excused: 1 - Witkowiak

ADOPTION OF THE FOLLOWING:

5. [060895](#) Substitute resolution approving a Project Plan and creating Tax Incremental District No. 68 (Fifth Ward - First Place), authorizing Contingent Borrowing and approving the terms of a Riverwalk Development Agreement, in the 12th Aldermanic District.
- Whereas, Chapter 105 of the Laws of 1975 of the State of Wisconsin with amendments from other chapters of said Laws created Section 66.1105, Wisconsin Statutes, titled "Tax Increment Law;" and

Whereas, Section 66.1105(4) of the Tax Increment Law sets forth certain criteria that the Common Council of the City of Milwaukee (“Common Council”) and the Redevelopment Authority of the City of Milwaukee (“Redevelopment Authority”) must follow to create a Tax Incremental District (“District” or “TID”) and approve a Project Plan for the District; and

Whereas, Pursuant to Section 66.1105(4)(a) through (gm), Wisconsin Statutes, the Redevelopment Authority conducted a public hearing on the Project Plan for TID No. 68 (Fifth Ward - First Place), designated the boundaries of the District, recommended that the District be created and submitted such recommendation to the Common Council for approval with a proposed Project Plan for TID No. 68 (“Plan”), a copy of which is attached to this Common Council File; and

Whereas, Under the provisions of Section 66.1105(4)(gm)4.a., Wisconsin Statutes, not less than 50 percent, by area, of the real property within a proposed District must qualify as either a “blighted area” within the meaning of Section 66.1105(2)(a), Wisconsin Statutes; an area “in need of rehabilitation or conservation work” within the meaning of Section 66.1337(2m)(b), Wisconsin Statutes; or must be suitable for “industrial sites” within the meaning of Section 66.1101, Wisconsin Statutes, and be zoned for industrial use; and

Whereas, Based upon field survey and available public information and records, more than 50 percent, by area, of the real property in the District, as identified in Exhibit 1 of the Plan, consists of properties, which in the aggregate, are a “blighted area” within the meaning of Section 66.1101 and, therefore, satisfies the requirements of Section 66.1105(4)(gm)4.a., Wisconsin Statutes; and

Whereas, The Plan contains statements and other factual information indicating that the improvement of such area is likely to enhance significantly the value of real property in the District; that project costs directly serve to promote development of the District consistent with the purpose(s) for which the District is created under Section 66.1105(4)(gm)4.a., Wisconsin Statutes, and that the aggregate value of equalized taxable property of the District plus the incremental value of all existing Districts has been determined to be less than 12 percent of the total value of equalized taxable property within the City of Milwaukee (“City”); and

Whereas, Common Council File No. 051132 authorized the sale and issuance of General Obligation Corporate Purpose Bonds, which included \$140,004,734 of bonds for Tax Incremental Purposes and the anticipated use of \$60,000,000 of Contingent Borrowing Authority; and

Whereas, The Common Council is desirous of authorizing Contingent Borrowing in the amount of \$4,843,263.06 to provide funding for TID No. 68 expenditures; now,

therefore, be it

Resolved, By the Common Council of the City of Milwaukee, regarding Tax Incremental District No. 68, City of Milwaukee, that it finds and determines as follows:

1. The District is a “blighted area” within the meaning of Section 66.1105(4)(gm)4.a., Wisconsin Statutes.
2. The improvement and/or redevelopment of such area, as hereinafter provided, is likely to enhance significantly the value of substantially all of the other real property in such District.
3. Project costs relate directly to promoting development consistent with the City's Master Plan and with the purpose(s) for which the District is created under Section 66.1105(4)(gm)4.a., Wisconsin Statutes.
4. The percentage of the aggregate value of the equalized taxable property of the District plus the incremental value of all existing Districts does not exceed the statutory maximum 12 percent of the aggregate value of total equalized value of taxable property within the City; and, be it

Further Resolved, That TID No. 68 is created as of January 1, 2007, and that the boundaries of the District recommended by the Redevelopment Authority are approved as described and more precisely set forth in the Plan; and, be it

Further Resolved, That the Plan is approved as the Project Plan for said District and that the Plan is feasible, in conformity with the Master Plan for the City and will promote the orderly development of the City; and, be it

Further Resolved, That:

1. The City Clerk is directed to apply to the Wisconsin Department of Revenue for a “Determination of Tax Increments and Tax Incremental Base,” for the District pursuant to the provisions of Section 66.1105(5), Wisconsin Statutes.
2. Pursuant to the provisions of Section 66.1105(5)(f), Wisconsin Statutes:
 - a. The Assessment Commissioner is directed to identify upon the assessment roll, returned and examined under Section 70.45, Wisconsin Statutes, those parcels of property which are within TID No. 68, City of Milwaukee, specifying thereon the name of the District.

b. The City Clerk is directed to make notations on the tax roll for the District similar to those required to be made under Section 70.65, Wisconsin Statutes.

c. The Commissioner of City Development, or his/her designee, is directed to act on behalf of the Common Council as coordinator of all Plan activities, which in his/her judgment are necessary to carry out the Plan and the intent of this resolution.

3. The City Comptroller is directed to transfer the sum of \$4,402,966.06, plus capitalized interest (estimated at \$440,297), from the Parent TID Account to Project Account No. TDO__80000, for the purpose of providing funds necessary to implement the Plan using Contingent Borrowing Authority approved under Common Council File No. 051144.

4. The City Comptroller, in conjunction with the Commissioner of City Development, is directed to perform such acts and to create such Tax Incremental accounts and subaccounts and to make appropriate transfers upon written request by the Department of City Development for all revenue or expenditure activity under this resolution.

5. The proper City officials are directed to enter into a Riverwalk Development Agreement on terms substantially in accordance with those set forth in the Term Sheet, a copy of which is attached to this Common Council File.

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

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

No: 0

Excused: 1 - Witkowiak

6. [060911](#) Substitute resolution approving a Project Plan and creating a Tax Incremental District for The Brewery Project, authorizing Contingent Borrowing and expenditures, and approving the terms of a Development Agreement to implement the Project Plan, in the 4th Aldermanic District.

Whereas, Chapter 105 of the Laws of 1975 of the State of Wisconsin with amendments from other chapters of said laws created Section 66.1105, Wisconsin Statutes, titled "Tax Increment Law;" and

Whereas, Section 66.1105(4) of the Tax Increment Law sets forth certain criteria that the Common Council of the City of Milwaukee ("Common Council") and the Redevelopment Authority of the City of Milwaukee ("Authority") must follow to create a Tax Incremental District ("TID") and approve a Project Plan for the District;

and

Whereas, Pursuant to Section 66.1105 (4)(a) through (gm), Wisconsin Statutes, the Authority conducted a public hearing on the Project Plan for The Brewery Project Tax Incremental District (“District”), designated the boundaries of the District, recommended that the District be created, and submitted such recommendation to the Common Council for approval with a proposed Project Plan for the District (“Plan”), a copy of which is attached to this Common Council File; and

Whereas, Under the provisions of Section 66.1105(4)(gm)4.a., Wisconsin Statutes, not less than 50 percent, by area, of the real property within a proposed TID must qualify as either a “blighted area” within the meaning of Section 66.1105(2)(a), Wisconsin Statutes; an area “in need of rehabilitation or conservation work” within the meaning of Section 66.1337(2m)(b), Wisconsin Statutes; be suitable for “industrial sites” within the meaning of Section 66.1101, Wisconsin Statutes, and be zoned for industrial use; or be “suitable for mixed-use development” as defined in Section 66.1105(2)(cm), Wisconsin Statutes; and

Whereas, Based upon field survey and available public information and records, more than 50 percent, by area, of the real property located within the proposed District, as identified in the Plan consists of properties which are blighted and, therefore, the District meets one of the criteria essential to creation of a TID as set forth in Section 66.1105(4)(gm)4.a., Wisconsin Statutes; and

Whereas, Property standing vacant for an entire 7-year period immediately preceding adoption of this resolution and not suitable for “industrial sites,” comprises less than 25 percent, by area, of the District; and

Whereas, The Plan contains statements and other factual information indicating that the improvement of the area is likely to increase the value of real property in the District, that project costs directly serve to promote the development of the District consistent with the purposes for which the District is created under Section 66.1105(4)(gm)4.a., Wisconsin Statutes; and

Whereas, The equalized taxable property in the District, plus the incremental value of all existing TID’s, has been determined to be less than 12 percent of the total value of equalized taxable property within the City of Milwaukee (“City”); and

Whereas, Common Council File No. 051132 authorized the sale and issuance of General Obligation Corporate Purpose Bonds, which included \$140,004,734 of bonds for TID Purposes, and included the anticipated use of \$60,000,000 of Contingent Borrowing Authority; and

Whereas, The Common Council is desirous of authorizing Contingent Borrowing to provide funding for the District; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it finds and determines as follows:

1. The District is “a blighted area” within the meaning of Section 66.1105(4)(gm)4.a., Wisconsin Statutes.

2. The improvement and/or redevelopment of such District is likely to enhance significantly the value of substantially all of the other real property in such District.

3. Project costs relate directly to promoting development consistent with the City's Master Plan and with the purpose(s) for which the District is created under Section 66.1105(4)(gm)4.a., Wisconsin Statutes.

4. The percentage of the aggregate value of the equalized taxable property of the District plus the incremental value of all other existing TID's does not exceed the statutory maximum 12 percent of the aggregate value of total equalized value of taxable property within the City.

5. The District is created as of January 1, 2007, and the boundaries of the District recommended by the Authority are approved as described and more precisely set forth in the Plan.

6. The Plan is approved as the Project Plan for said District and that the Plan is feasible, in conformity with the Master Plan for the City and will promote the orderly development of the City.

7. The City Clerk is directed to apply to the Wisconsin Department of Revenue for a “Determination of Tax Increments and Tax Incremental Base,” for the District pursuant to the provisions of Section 66.1105(5), Wisconsin Statutes.

8. Pursuant to the provisions of Section 66.1105(5)(f), Wisconsin Statutes:

a. The Assessment Commissioner is directed to identify upon the assessment roll, returned and examined under Section 70.45, Wisconsin Statutes, those parcels of property which are within the District, specifying thereon the name of the District.

b. The City Clerk is directed to make notations on the tax roll for the District similar to those required to be made under Section 70.65, Wisconsin Statutes.

9. The Brewery Project Tax Incremental District shall be designated Tax Incremental

District No. 67.

10. The City Comptroller is authorized and directed to transfer the sum of \$29,003,000, plus capitalized interest (estimated at \$2,600,000), from the Parent TID Account to the Project Account, TDO6780000, for the purpose of providing funds necessary to implement the Plan.

11. The City Comptroller, in conjunction with the Commissioner of the Department of City Development, is directed to perform such acts and to create such accounts and subaccounts and make appropriate transfers upon written request by the Department of City Development for all revenue or expenditure activity under this resolution.

12. The proper City officials are directed to enter into a Development Agreement for the District on terms substantially in accordance with those set forth in the Term Sheet contained in Exhibit 4 of the Plan.

13. The Commissioner of the Department of City Development is directed to act on behalf of the Common Council as coordinator of all Plan activities, which in his judgment are necessary to carry out the Plan and the intent of this resolution.

14. The Common Council hereby declares its purpose to issue general obligation bonds in an amount not to exceed \$31,603,000 (\$29,003,000 Plan plus capitalized interest of \$2,600,000) for paying eligible Plan expenditures using Contingent Borrowing Authority approved under Common Council File No. 051144.

15. That \$31,603,000 of the Contingent Borrowing Authority for TID's contemplated in Common Council File Nos. 051132 and 051144 is authorized to be used for paying the TID expenditures of this District.

16. The City Comptroller, in conjunction with the Commissioner of the Department of City Development, is directed to perform such acts and to create such TID accounts and subaccounts and make appropriate transfers upon written request by the Department of City Development for all revenue or expenditure activity under this resolution.

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

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

No: 0

Excused: 1 - Witkowiak

7. [060913](#) Substitute ordinance establishing a Development Incentive Zone overlay known as The Brewery Project, on land located generally North of West Highland Avenue and West of North 8th Street, in the 4th Aldermanic District.

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

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

Section 295-1007.0010. The zoning map is amended to establish the Development Incentive Zone (DIZ) for the area bounded by the zoning line within West Winnebago Street, the zoning line within North 8th Street, the zoning line within West Highland Avenue, the zoning line within vacated North 10th Street, a line 129.71 feet South and parallel to the south line of West Juneau Avenue, the zoning line within North 11th Street, the zoning line within vacated North 11th Street to the point of commencement along the zoning line of West Winnebago Street.

Part 2. In accordance with the provisions of Section 295-1007(2)(a) of the Code relating to the establishment of Development Incentive Zones, the Common Council approves the list of permitted and prohibited uses, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part thereof as though fully set forth herein.

Part 3. In accordance with the provisions of Section 295-1007(2)(a) of the Code relating to the establishment of Development Incentive Zones, the Common Council approves the performance standards, a copy of which is attached to this Common Council File as Exhibit B which is on file in the office of the City Clerk and made a part thereof as though fully set forth herein.

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

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

No: 0

Excused: 1 - Witkowiak

8. [060963](#) Resolution declaring improved, tax-deed property surplus to municipal needs and authorizing sales in the 2nd, 3rd, 4th, 6th, 7th, 8th, 11th, 12th, 13th, 14th and 15th aldermanic districts.

Whereas, Chapter 304-49 of the Milwaukee Code of Ordinances (“Code”) specifies the disposition process for surplus, City-owned real estate; and

Whereas, The Common Council of the City of Milwaukee (“Common Council”) has, by adoption of resolution and other policy direction, supplemented the Code with procedural steps designed to streamline the process for returning property to the tax roll and into the hands of responsible parties; and

Whereas, Those steps in the surplus property disposition process can be summarized as follows:

After the City Plan Commission declares property surplus to municipal needs and the Common Council approves an asking price, the Department of City Development (“DCD”) shall market property in the following preferential order:

1. To qualified nonprofit organizations who can purchase property prior to being placed on the market either at the specified asking price if over \$10,000, or for \$750 if valued at \$10,000 or less, provided that the proposed use and the contemplated improvements are deemed to be compatible with neighborhood context in all respects. (Whenever a nonprofit organization is acting as a facilitator of a transaction for a homebuyer/owner-occupant, DCD may convey property directly to a third party deemed qualified by the nonprofit organization.)
2. If there is no nonprofit organization interest, area residents may be given an exclusive opportunity to purchase property for 30 days prior to property being exposed to the open market.
3. If no acceptable area resident offers are received, property shall be advertised to the general public with stipulated bid due dates via an open listing method.
4. If no acceptable offers are received after initial open listing, property then goes on an extended listing and offers can be accepted at any time on a first-come basis.

; and

Whereas, The City Plan Commission and the Public Works Committee have determined that the following properties have no possible municipal use:

PROPERTY ADDRESS, TAX KEY NUMBER, LISTING PRICE,
ALDERMANIC DISTRICT

2420 South 6th Street, TK #498-0507-000-4, \$38,000.00, 14th

2259-61 South 18th Street, TK #469-1003-000-0, \$30,100.00, 13th

1018 South 21st Street, TK #434-0234-000-3, \$9,300.00, 12th

3072-74 North 28th Street, TK #309-0136-100-9, \$35,400.00, 7th
1438-40 North 34th Street, TK #365-1182-000-0, \$10,500.00, 4th
1901 West Cherry Street, TK #363-2847-000-9, \$67,300.00, 4th
3409-11 West Galena Street, TK #365-1050-000-2, \$39,600.00, 4th
2500 North Holton Street, TK #321-1507-100-8, \$83,100.00, 3rd
2392-98 South Kinnickinnic Avenue, TK #499-1892-100-0, \$347,600.00, 14th
2516 West Lloyd Street, TK #350-2248-000-4, \$34,100.00, 15th
2521 West Locust Street, TK #310-2604-000-3, \$11,300.00, 7th
2616-18 North Murray Avenue, TK #319-0932-000-6, \$264,400.00, 3rd
1936 South Muskego Avenue, TK #470-9997-000-2, \$37,600.00, 8th
2624 South Pine Avenue, TK #500-0421-000-7, \$90,400.00, 14th
2644 North Richards Street, TK #321-1711-000-0, \$16,600.00, 6th
1138 West Scott Street, TK #432-0363-000-0, \$52,100.00, 12th
5302 West Van Beck Avenue, TK #573-0305-000-2, \$145,200.00, 11th
1822 West Vine Street, TK #351-1138-000-5, \$9,800.00, 15th
1207 West Washington Street, TK #432-0343-000-1, \$17,000.00, 12th
7834 West Winfield Avenue, TK #153-0202-000-8, \$114,000.00, 2nd
508 East Wright Street, TK #321-1506-000-6, \$46,300.00, 3rd

; and

Whereas, The Zoning, Neighborhoods and Development Committee recommends selling said properties, directs the Commissioner of DCD, or designee, to accept offers to purchase on behalf of the City and directs the Commissioner of DCD to close those transactions provided that:

1. Offers conform in all respects to procedural guidelines.
2. Offers, net of commissions, are greater than 75 percent of list price.
3. Buyers are not delinquent on the payment of real estate taxes, special assessments or any other municipal charges for any property a buyer may own in the City of Milwaukee, whether such property is owned individually or in partnership with others and/or under any other name.
4. Buyers do not have outstanding orders to correct code or other violations issued by any enforcement agency for any property a buyer may own in the City of Milwaukee, or have a history of non-compliance with any such agencies, whether such property is owned individually or in partnership with others and/or under any other name.
5. Buyers are not known to have been convicted of crimes the nature of which can be reasonably assumed to be detrimental to the health and quality of life in neighborhoods including, but not by way of limitation, mortgage fraud, property flipping, drug trafficking, sexual assault and other violent crime.
6. Buyers agree to bring property into code compliance within the time specified by the Department of Neighborhood Services.

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said properties are declared surplus; and, be it

Further Resolved, That the Commissioner of DCD is directed to dispose of the property in accordance with the procedures described herein; and, be it

Further Resolved, That the Commissioner of DCD is directed to market unbuildable adjoining vacant lots with said property, said vacant lots being declared surplus as if fully set forth herein; and, be it

Further Resolved, That the Commissioner of DCD is directed to make price reductions of up to 25 percent if and when property attracts no offers to purchase after being exposed to the market on at least two occasions; and, be it

Further Resolved, That the Commissioner of DCD shall deposit the proceeds from all sales, net of commissions, closing related expenses and a 25 percent disposition cost reimbursement to the Redevelopment Authority of the City of Milwaukee, into the Reserve for Tax Deficit Fund Account No. 0001-334106.

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

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

No: 0

Excused: 1 - Witkowiak

9. [060964](#) Resolution approving final Certified Survey Maps for property in the 4th Aldermanic District.

Whereas, The Milwaukee Code of Ordinances, Chapter 119-5, Subdivision Regulations, requires City Plan Commission ("CPC") approval, conditional approval or disapproval of all Certified Survey Maps ("CSM's"), which provide dedication of land to the City of Milwaukee ("City") for public purposes; and

Whereas, The City received four final CSM's, copies of which are attached to this Common Council File, which dedicate land to the City for public purposes; and

Whereas, In compliance with the above-referenced chapter of the Milwaukee Code of Ordinances, CPC has reviewed and recommended approval of said CSM's; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the following CSM's are approved:

OWNER'S NAME, DCD #, TAX KEY NO.

Brewery Project, LLC, DCD #2591, Tax Key No. 3611535114

Brewery Project, LLC, DCD #2592, Tax Key No. 3910752000

Brewery Project, LLC, DCD #2593, Tax Key No. 3611520110

Brewery Project, LLC, DCD #2594, Tax Key No. 3611521110

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

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

No: 0

Excused: 1 - Witkowiak

10. [060985](#) Resolution authorizing a Riverwalk Development Agreement for construction of a Riverwalk segment adjoining the property at 1890 North Commerce Street, in the 6th Aldermanic District.

Whereas, 1890 Commerce, LLC, the owner/developer (“Developer”) of the property located at 1890 North Commerce Street (“Property”) desires to construct a riverwalk along the Milwaukee River and adjacent to the Property (“Riverwalk”); and

Whereas, The Developer is willing to construct, maintain and repair the Riverwalk; and

Whereas, The City of Milwaukee (“City”) is willing to provide the Developer with certain funds from Tax Incremental District (“TID”) No. 22 (Beerline B), not to exceed \$1,239,381.90, to finance 70 percent of the cost of constructing the Riverwalk and 50 percent of the cost of the dockwall; and

Whereas, In consideration of City reimbursement for a portion of the construction cost of the Riverwalk, the Developer is willing to convey a non-exclusive, permanent, public-access easement to the City; and

Whereas, The City has been requested to execute and deliver that certain Riverwalk Development Agreement by and among the Developer, the Redevelopment Authority of the City of Milwaukee (“RACM”) and the City substantially in the form as submitted herewith to evidence the agreements therein contained; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officials are directed to execute a Riverwalk Development Agreement, a copy of which is attached to this Common Council File; and, be it

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

Further Resolved, That the proper City officials, in consultation with the City Attorney’s office, are authorized to make non-substantive changes to the Riverwalk Development Agreement without further Common Council action as necessary to achieve the intent of the City’s action and to provide for construction of the Riverwalk; and, be it

Further Resolved, That the City shall make available to RACM up to \$1,239,381.90 in funds from TID No. 22, as authorized in Common Council File No. 051169, to allow RACM to supply the reimbursement to the Developer for the specified share of the cost of constructing the Riverwalk improvements.

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

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

No: 0

Excused: 1 - Witkowiak

11. [061026](#) Resolution approving the blight designation and acquisition of the City-owned vacant lots at 1408-1420 West Center Street by the Redevelopment Authority and approving the Land Disposition Report for these properties and the Redevelopment Authority-owned properties in the 2700 block of North Teutonia Avenue for sale to GFG Real Estate and Horizon Development Group for mixed-use development, in the 15th Aldermanic District.

Whereas, GFG Real Estate and Horizon Development Group have offered to purchase from the Redevelopment Authority of the City of Milwaukee ("Authority") the Authority-owned properties in the 2700 block of North Teutonia Avenue and three City-owned vacant lots in the 1400 block of West Center Street for development of the Handsome Plaza Retail Center and Teutonia Gardens apartment homes; and

Whereas, To facilitate preparation of the sale agreements, all property should be in the common ownership of the Authority; and

Whereas, For the Authority to acquire property without adopting a redevelopment plan, the Authority must hold a public hearing and declare the property blighted pursuant to Section 66.1333, Wisconsin Statutes; and

Whereas, On November 16, 2006, the Authority held a Public Hearing on the proposed blight designation and property sale as required by Wisconsin Statutes; and

Whereas, Pursuant to Wisconsin Statutes and as a condition precedent to the sale, lease or transfer of land, the Authority submits herewith a Land Disposition Report describing the terms and conditions of the proposed sale; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Land Disposition Report dated November 16, 2006, with respect to the proposed sale of the following property is approved.

REDEVELOPMENT PROJECT AREAS

Hopkins-Teutonia, Teutonia-Hadley & Blight Elimination

PARCEL ADDRESSES

2723 North Teutonia Avenue

2725-27 North Teutonia Avenue

2745-49 North Teutonia Avenue

2761 North Teutonia Avenue

2777 North Teutonia Avenue

1445R West Hadley Street

1408 West Center Street

1414 West Center Street

1418-20 West Center Street

REDEVELOPER

GFG Real Estate and Horizon Development Group

; and, be it

Further Resolved, That the proper City officials are authorized to execute an Emerging Business Enterprise Agreement with the Redeveloper; and, be it

Further Resolved, That if any lots are encumbered by old City deed restrictions that prohibited construction, required use as green space or were prohibited from division and/or combination, the Commissioner of the Department of City Development or designee are authorized to execute Release of Deed Restrictions so that clear title may be granted to the Redeveloper; and, be it

Further Resolved, That the sale proceeds, less sale expenses and a 25 percent fee reimbursement to the Authority, shall be returned to the Reserve For Tax Deficit Fund and the Community Development Grants Administration.

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

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

No: 0

Excused: 1 - Witkowiak

12. [061033](#) Resolution approving the surplus declaration and blight designation of the City-owned properties in the vicinity of North 31st Street and West Garfield Avenue for acquisition and remediation by the Redevelopment Authority of the City of Milwaukee, in the 15th Aldermanic District.
- Whereas, The Redevelopment Authority of the City of Milwaukee (“Authority”) intends to apply to the United States Environmental Protection Agency (“EPA”) for funding to remediate brownfields, including the property at 2227 North 31st Street that was acquired by the City of Milwaukee through in-rem foreclosure; and
- Whereas, The EPA requires that the Authority, as grant recipient, be the property owner rather than the City of Milwaukee; and
- Whereas, This property is near the City-owned vacant lots at 2154, 2211 and 2213-15 North 31st Street and 2200 and 2206 North 32nd Street that are likely to be assembled for sale to an area developer and all properties should be in common ownership to facilitate document preparation; and
- Whereas, For the Authority to acquire property that is not in a redevelopment project area, the Authority must hold a public hearing and declare the property blighted pursuant to Section 66.1333, Wisconsin Statutes; and
- Whereas, The Authority held a public hearing on November 16, 2006, after which it determined the properties at 2227, 2154, 2211 and 2213-15 North 31st Street and 2200 and 2206 North 32nd Street met the statutory definition of blight as summarized in a Blight Designation Summary Report, a copy of which is attached to this Common Council File, and requested Common Council approval of the blight designation and acquisition by the Authority; and
- Whereas, The City Plan Commission has determined that these properties are surplus to municipal needs; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the City-owned properties at 2227, 2154, 2211 and 2213-15 North 31st Street and 2200 and 2206 North 32nd Street are declared surplus to municipal needs and blighted pursuant to Section 66.1333, Wisconsin Statutes; and, be it

Further Resolved, That the Commissioner of the Department of City Development, or designee, is authorized to execute the appropriate deed to transfer the properties to the Authority without monetary consideration for remediation and marketing for redevelopment.

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

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

No: 0

Excused: 1 - Witkowiak

13. [061034](#) Resolution approving the Land Disposition Report for the Redevelopment Authority-owned properties in the vicinity of North Dr. Martin Luther King, Jr. Drive and West Hadley Street for sale to Martin Luther King Economic Development Corporation for development of King Commons II, in the 6th Aldermanic District. Whereas, By adoption of File No. 021196 on December 20, 2002, and File No. 031459 on March 2, 2004, the Common Council of the City of Milwaukee approved the sale of property to the Martin Luther King Economic Development Corporation for development of King Drive Commons, a phased, mixed-use initiative in the area bounded by 1st, Center, 7th and Locust Streets that was to be financed in part through affordable housing tax credits allocated by the Wisconsin Housing and Economic Development Authority ("WHEDA"); and
- Whereas, Because of the high competition for WHEDA tax-credit allocations, Phase II of King Drive Commons did not receive its tax-credit allocation until 2006, which date was past the expiration of the original purchase authorization; and
- Whereas, The Redeveloper is ready to commence construction on Phase II and has requested reauthorization of its option to purchase; and
- Whereas, On November 16, 2006, the Redevelopment Authority of the City of Milwaukee held a Public Hearing on the proposed reauthorization of an Option to Purchase for sale of the property as required by Wisconsin Statutes; and
- Whereas, Pursuant to Wisconsin Statutes and as a condition precedent to the sale, lease or transfer of land, the Redevelopment Authority submits herewith a Land Disposition Report describing the terms and conditions of the proposed sale; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Land Disposition Report dated November 16, 2006, with respect to the proposed sale of

the following properties is approved.

REDEVELOPMENT PROJECT AREA

Hadley-3rd & Blight Elimination

PARCEL ADDRESSES

2767-79 North Dr. Martin Luther King, Jr. Drive

329-333 West Hadley Street

2772 and 2776-78 North 4th Street

205, 209, 215 and 217 West Hadley Street

2731 and 2735 North 2nd Street

2759-61 and 2763 North 2nd Street

2730-32, 2734-36, 2738, 2742, 2746, 2750 and 2754-56 North 2nd Street

REDEVELOPER

Martin Luther King Economic Development Corporation to be assigned to King Drive Commons II, LLC

; and, be it

Further Resolved, That the proper City officials are authorized to execute an Emerging Business Enterprise Agreement with the Redeveloper; and, be it

Further Resolved, That if any lots are encumbered by old City deed restrictions that prohibited construction, required use as green space or were prohibited from division and/or combination, the Commissioner of the Department of City Development or designee are authorized to execute Release of Deed Restrictions so that clear title may be granted to the Redeveloper; and, be it

Further Resolved, That the Option to Purchase with the Redeveloper for additional vacant lots in its target area to develop single-family, owner-occupied housing to complement the rental component of the King Drive Commons Initiative is extended as summarized in the Land Disposition Report.

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

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

No: 0

Excused: 1 - Witkowiak

CONFIRMATION OF THE FOLLOWING:

14. [061039](#) Reappointment of Henry Szymanski to the Board of Zoning Appeals by the Mayor. (14th Aldermanic District)

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

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

No: 0

Excused: 1 - Witkowiak

15. [061040](#) Reappointment of Scott Winkler to the Board of Zoning Appeals by the Mayor. (3rd Aldermanic District)

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

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

No: 0

Excused: 1 - Witkowiak

THE ZONING, NEIGHBORHOODS AND DEVELOPMENT COMMITTEE FURTHER RECOMMENDS:

16. [060300](#) A substitute ordinance relating to automatic changeable message signs.

As Substitute B

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

Aye: 8 - Hamilton, D'Amato, Bohl, McGee Jr., Wade, Donovan, Witkowski Zielinski

No: 7 - Davis, Bauman, Puente, Murphy, Dudzik, Witkowiak Hines Jr.

060300

A substitute ordinance relating to automatic changeable message signs.

Whereas, In order to maintain the public safety and welfare in the city's physical environment, it is necessary to regulate on-premise and off-premise signs; and

Whereas, It is appropriate to revise signage regulations due to innovations in technology, and to differentiate regulations according to on-premise and off-premise signs; and

Whereas, Any change in signage regulations should be assessed according to community concerns, including brightness and traffic safety; and

Whereas, Upon passage of this ordinance, off-premise signs which primarily face the freeway may be changed not more frequently than once every 30 seconds;

Whereas, Due to changes in sign technology, it is necessary to assess the future applicability of a 6-second signage regulation for off-premise signs which do not primarily face the freeway, and community concerns, including brightness and traffic safety; and

Whereas, The authorization of a study conducted by the department of public works will provide the necessary data to assess the impacts that changeable off-premise signs which do not primarily face the freeway have on public safety and welfare; and

Whereas, An opportunity for a study involves the sign located on the southeast corner of Oakland and North Avenues, in the 3rd aldermanic district; now, therefore,

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

Part 1. Section 295-407-3-b of the code is repealed and recreated to read:

295-407. Signs.

3.SPECIAL SIGN TYPES.

b.Automatic Changeable Message Signs. b-1.Automatic changeable message signs shall be permitted provided messages, other than time or temperature displays, are not changed more frequently than once every 60 seconds, excepting off-premise signs which primarily face the freeway, which may be changed not more frequently than once every 30 seconds.

b-2.The display area of changeable message signs shall be included in the calculation of the total display area of the applicable sign type.

b-3.Illumination shall be steady in nature, not flashing or scrolling at any time.

Part 2. Notwithstanding the provisions of part 1, for purposes of assessing the impacts that changeable off-premise signs which do not primarily face the freeway

have on public safety and welfare, the off-premise sign located on the southeast corner of Oakland and North Avenues may be changed not more frequently than once every 6 seconds; and the department of public works shall report in writing to the common council, prior to the end of the period specified in part 3, relating to the operation of this off-premise sign.

Part 3. Part 2 of this ordinance shall be null and void 6 months after passage and publication of this ordinance.

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

Aye: 8 - Hamilton, D'Amato, Bohl, McGee Jr., Wade, Donovan, Witkowski Zielinski

No: 7 - Davis, Bauman, Puente, Murphy, Dudzik, Witkowiak Hines Jr.

17. [061021](#) Substitute resolution approving the terms of a Development Agreement for Tax Incremental District No. 48 (Park East).

Whereas, The Common Council of the City of Milwaukee ("Common Council") approved the creation of Tax Incremental District No. 48 ("TID No. 48") on March 5, 2002, via File No. 011182 and amended such TID on May 3, 2005, via File No. 041514; and

Whereas, The Common Council, in accordance with Section 304-93 of the Milwaukee Code of Ordinances and the updated Economic Feasibility Study for TID No. 48, desires to enter into a Development Agreement between the City of Milwaukee, the Redevelopment Authority of the City of Milwaukee and USL Land LLC for a riverwalk and public infrastructure project approved within the original Tax Incremental District; and

Whereas, The updated Economic Feasibility Study, a copy of which is attached to this Common Council File, demonstrates that TID No. 48 will generate private investment sufficient to cover anticipated project costs and is projected to be retired by 2029; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officials are directed to execute one or more Development Agreements in accordance with a Term Sheet, a copy of which is attached to this Common Council File; and, be it

Further Resolved, That funding for said riverwalk and public infrastructure project requires further Common Council action.

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

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

No: 0

Excused: 1 - Witkowiak

18. [061024](#) Substitute resolution conditionally approving an amended Land Disposition Report for the Redevelopment Authority-owned properties at 2601 West Wisconsin Avenue and 612-20 North 26th Street for sale to Sherman Associates, Inc., for mixed-use development, in the 4th Aldermanic District.

Whereas, By adoption of File No. 051102 on January 18, 2006, the Common Council of the City of Milwaukee approved the sale of property at 2601 West Wisconsin Avenue for development of a mixed-use building containing approximately 15,000 square feet of retail space and 70 rental housing units that would be financed in part through affordable housing tax credits allocated by the Wisconsin Housing and Economic Development Authority ("WHEDA"); and

Whereas, Said resolution also authorized the sale of the Redevelopment Authority of the City of Milwaukee's ("Redevelopment Authority") property at 612 and 620 North 26th Street for assemblage with an adjacent property for construction of additional housing units for homeownership to complement the primary development site; and

Whereas, The Redeveloper did not receive a 2006 tax-credit allocation from WHEDA, but has worked with WHEDA and will be resubmitting its application for a 2007 allocation and requested reauthorization of its proposal; and

Whereas, On November 16, 2006, the Redevelopment Authority held a Public Hearing on the proposed reauthorization of an Option to Purchase for sale of the property as required by Wisconsin Statutes; and

Whereas, Pursuant to Wisconsin Statutes and as a condition precedent to the sale, lease or transfer of land, the Redevelopment Authority submits herewith a Land Disposition Report describing the terms and conditions of the proposed sale; and

Whereas, at the December 11, 2006, Zoning Neighborhoods and Development Committee meeting, modifications were proposed to the Land Disposition Agreement pertaining to the term of the option period and potential for future revisions to the site and placement of the building on the site; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Land Disposition Report dated November 16, 2006 with the modifications detailed in the attached amendment with respect to the proposed sale of the following property is

approved, contingent upon the Redevelopment Authority's subsequent approval of the amended Land Disposition Report:

REDEVELOPMENT PROJECT AREA

27th & Wisconsin & Blight Elimination

PARCEL ADDRESSES

2601 West Wisconsin Avenue

612 North 26th Street

620 North 26th Street

REDEVELOPER

Sherman Associates, Inc.

; and, be it

Further Resolved, That the proper City officials are authorized to execute an Emerging Business Enterprise Agreement with the Redeveloper.

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

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

No: 0

Excused: 1 - Witkowiak

---These items may be referred from the SPECIAL Zoning, Neighborhoods and Development Committee Meeting held on Monday, December 11, 2006.

THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. [060278](#) Substitute resolution relating to the transfer of HOME reprogramming funds from Gorman & Company to the Milwaukee Urban League.

Whereas, The Common Council of the City of Milwaukee has previously approved the award of \$275,000 of HOME reprogramming funding to Gorman & Company for building rehab of the Dr. Wesley Scott Senior Living project; and

Whereas, The Gorman & Company has indicated to the Community Development Grants Administration that the funds should be awarded directly to the Milwaukee Urban League for a new rehabilitation initiative of Windsor Court Apartments in the amount of \$260,000. The remaining amount of \$15,000 will be returned to the HOME contingency account; and

Whereas, The Community and Economic Development Committee recommends the transfer of the HOME reprogramming funds in the amount of \$260,000 to the Milwaukee Urban League and the remaining amount of \$15,000 be returned to the HOME Contingency account; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Community Development Grants Administration is authorized to transfer the HOME reprogramming funds to the Milwaukee Urban League and the remainder to the HOME Contingency account; and, be it

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

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

Further Resolved, That except as modified by this resolution, the guidelines for handling the Community Development Block Grant Program set forth in Common Council File Number 74-92-5v are fully applicable to the 2006 Community Development Entitlement Funding Program.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

2. [060840](#) Substitute resolution authorizing the issuance of Industrial Development Revenue Bonds, Series 2007 (Pettit National Ice Center, Inc. Project), in the 10th Aldermanic District.

Whereas, The City of Milwaukee, Wisconsin, (referred to herein as the "City") is a municipal corporation organized and existing under and pursuant to the laws of the State of Wisconsin and is authorized by Section 66.1103, Wisconsin Statutes, as amended (hereinafter sometimes referred to as the "Act"), to construct, equip, re-equip, acquire by gift, lease or purchase, install, reconstruct, rebuild, rehabilitate, improve, supplement, replace, maintain, repair, enlarge, extend or remodel industrial projects including recreational facilities, and to enter into revenue agreements for the same in order to promote the rights to gainful employment, business opportunities and general welfare of its inhabitants; and

Whereas, The City is authorized by the Act to issue industrial development revenue bonds payable solely from funds made available therefor by an eligible participant pursuant to the terms of a revenue agreement entered into with the City; and

Whereas, The principal of, premium, if any, and interest on bonds issued under authority of the Act do not constitute an indebtedness of the City within the meaning of any state constitutional provision or statutory limitation, and do not constitute or give rise to a charge against the City's general credit or taxing powers or a pecuniary liability of the City; and

Whereas, On November 14, 2006, the Common Council of the City of Milwaukee ("Common Council") duly adopted an initial resolution, File No. 060865, relating to the financing with proceeds of Industrial Development Revenue Bonds (the "Bonds") of a portion of the costs of the acquisition of the recreational ice skating facility commonly known as the Pettit National Ice Center (referred to herein as the "Project"), located in the City at 500 South 84th Street, to be owned and operated by Pettit National Ice Center, Inc., a Wisconsin nonprofit corporation (referred to herein as the "Borrower"); and

Whereas, Following publication of a notice thereof in the official newspaper of the City, a public hearing was held and conducted on December 5, 2006, by an official of the Department of City Development in a manner that provided a reasonable opportunity to be heard for persons with differing views on both issuance of the Bonds and the location and nature of the facility to be financed with the Bonds; and

Whereas, Subsequent to the adoption by the Common Council of the aforesaid initial resolution, the Borrower proceeded with its plans for the Project and caused to be prepared for review by representatives of the City and the City Attorney, drafts of the following documents:

1. Financing and Bond Purchase Agreement (a copy of which is attached to this Common Council File as Exhibit B, incorporated herein by reference and referred to herein as the "Revenue Agreement") among the City, the Borrower and TCF National Bank (the "Bond Purchaser") pursuant to which (i) the City agrees to issue the Bonds and lend the proceeds thereof to the Borrower to finance the Project and related costs, (ii) the Borrower agrees to repay such loan with interest (in repayment amounts sufficient to meet debt service on the Bonds), as set forth therein, and (iii) the Bond Purchaser agrees to purchase the Bonds.

2. Mortgage, Assignment of Leases and Rents, and Security Agreement from the Borrower to the Bond Purchaser in which the Borrower grants a mortgage lien on certain of Borrower's real property and a security interest in certain of Borrower's personal property (referred to herein as the "Mortgage"); and

Whereas, The issuance of the Bonds by the City and the pledge of the payments and other revenues from the Borrower under the Revenue Agreement, as herein recited and provided, is pursuant to the provisions of the Act; and

Whereas, The Borrower has made representations to the City supported by the appropriate documentation that the cost of the Project to be financed with the Bonds, together with related costs, is an amount expected to exceed \$2,250,000; and

Whereas, The Act authorizes the issuance of the Bonds to finance costs incurred by the Borrower with respect to the Project; and

Whereas, The revenues from the Revenue Agreement shall be used to meet payments of the principal of, premium, if any, and interest on the Bonds, and the issuance and sale of the Bonds by the City shall be subject to the execution and delivery by the Borrower of the Revenue Agreement; now, therefore, be it

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

1. Determinations. The Common Council hereby finds and determines that:
 - a. The anticipated cost of the Project including all costs in connection therewith permitted to be financed with the Bonds under the Act exceeds \$2,250,000.
 - b. The loan payments to be made by the Borrower in each year in accordance with

Section 8.01 of the Revenue Agreement are sufficient to pay the principal of, premium, if any, and interest on the Bonds.

c. Except as provided in Section 10.06 of the Revenue Agreement, no reserve fund need be established or maintained in connection with the retirement of the Bonds or the maintenance of any property financed as part of the Project.

d. The issuance of the Bonds to finance costs of the Project is hereby declared to be a public purpose and in the best interests of the City in that, without limitation, the right to gainful employment, business opportunities and general welfare of the residents of the City will be thereby promoted and commerce and industry in the City, and in particular in the area of the City where the Project is located, will be stimulated and revitalized.

e. The anti-discrimination provision contained in Section 10.18 of the Revenue Agreement is hereby approved by the City.

2. Issuance of Bonds. The City shall issue its Bonds in the original aggregate principal amount of Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000) for the purpose of financing costs of the Project permitted to be financed in accordance with the Act. The Bonds shall be sold to the Bond Purchaser in accordance with the terms and conditions set forth in the Revenue Agreement. The Bonds shall be issued pursuant to the Act and shall mature and bear interest as provided in the Revenue Agreement. All details pertaining to the Bonds set forth in the Revenue Agreement are hereby adopted as and for the details approved by the City. The issuance of the Bonds is hereby approved for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended.

The Bonds do not constitute general obligation indebtedness of the City. The Bonds shall not constitute an indebtedness of the City within the meaning of any state constitutional provision, statutory limitation or Charter provision or limitation, and shall not constitute or give rise to a pecuniary liability of the City or a charge against the City's general credit or taxing powers; and such limitations shall be plainly stated on the face of each of the Bonds. The Bonds and the interest thereon and any other costs and expenses of the City in connection therewith shall be payable solely from the payments and other revenues that may be available therefor under the terms of the Revenue Agreement or, in the event of default thereon, as otherwise provided in the Revenue Agreement and permitted by law. The Bonds shall not be considered to be so-called "moral obligation" bonds of the City of the character payable at the discretion of the City.

The Bonds shall be executed on behalf of the City by the Mayor and countersigned by the City Comptroller and City Clerk or persons authorized by law to sign on their

behalf. The Bonds shall have impressed or imprinted thereon the corporate seal of the City. Facsimile signatures and seals may be used as permitted by law.

3. Approval and Execution of Documents. Subject to such changes or revisions therein as the City Attorney may approve or require, and as Foley & Lardner LLP, as Bond Counsel, may approve, the Revenue Agreement, in substantially the form as submitted herein, and the Mortgage are hereby approved. The Mayor, City Comptroller and City Clerk, or persons authorized by law to sign on their behalf, are authorized on behalf of the City to execute and deliver the Revenue Agreement. The Mayor, City Comptroller and City Clerk and persons authorized by law to sign on their behalf and other officials of the City are hereby authorized to prepare or to have prepared and to execute, file and deliver, as appropriate, all such documents, financing statements, opinions, certificates of incumbency, non-litigation, arbitrage and other necessary certificates, affidavits and closing or post-closing instruments (including but not limited to amendments of the Revenue Agreement not requiring the consent of the Bondowners pursuant to Sections 1301 and 1302 of the Revenue Agreement) as may be required by this Resolution or deemed necessary by said officials or by the City Attorney. The City Attorney is authorized to deliver to Bond Counsel the opinion of the City Attorney in customary form.

4. Certain Provisions of the Revenue Agreement. The Revenue Agreement provides, among other things, that:

a. The maintenance and repair of the Project (including all property financed as part of the Project), insurance with respect to the Project (including all property financed as part of the Project), taxes and payments-in-lieu of taxes, if any, in connection with the Project and other charges with respect to the Project will be provided by the Borrower. The City has no obligation with respect thereto. The proceeds of any recovery under the foregoing insurance policies shall be used as provided in the Revenue Agreement.

b. The Borrower shall make payments pursuant to the Revenue Agreement (directly to the Bond Purchaser or subsequent owner of the Bonds and for the account of the City) in amounts sufficient to pay, when due, the principal of, premium, of any, and interest on the Bonds.

5. Administration. The City Comptroller shall bear the administrative responsibility and have the obligation of supervising all administrative obligations which devolve upon the City with respect to this Resolution and the Revenue Agreement and shall promptly inform the Common Council if debt service payments are not made, as and when required, and as to all other matters of interest arising from the transaction referred to in this Resolution. The City Comptroller shall consult with the City Attorney's Office from time-to-time, as may be necessary, in order to perform the City Comptroller's

duties in accordance with legal requirements.

6. Supervision of Bond Sale. The Commissioners of the Public Debt shall superintend the sale of the Bonds in accordance with the provisions of this Resolution.

7. Governing Law. The Revenue Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin. There shall be no recovery of money damages against the City for any breach of any such contract or instrument except if, as and to the extent permitted therein and by applicable law.

8. Limited Liability. No act or failure to act on the part of the City shall ever result in any liability (i) to any purchaser or any owner of any Bond, (ii) to any underwriters, in cases where the Bonds are sold through or with the assistance of underwriters, or (iii) to any other person or entity claiming any right by reason of any interest in any Bond or Bonds except where the City's act or failure to act is due to willful misfeasance, bad faith or reckless disregard of those limited obligations which are imposed on the City by the Act and are expressly provided in this Resolution.

9. Indemnity of the City. The City declares that it would not have adopted this Resolution or executed any instrument in implementation of or contemplated by this Resolution without the following indemnity provisions. In the Revenue Agreement, the Borrower agrees to indemnify and hold harmless the City from and against, among other things, any and all losses, claims, damages, expenses (including counsel fees) and liabilities arising from, in connection with, or the result of, the adoption of this Resolution, the issuance of the Bonds, the execution and delivery of the Revenue Agreement and the performance and observance by or on behalf of the City of those things on the part of the City agreed to be performed or observed thereunder. Nothing in the foregoing indemnity shall protect the City against its own default, gross negligence or willful misconduct.

If any action shall be brought against the City in respect of which indemnity may be sought under the foregoing indemnity against the Borrower, the City shall promptly notify the Borrower in writing, and the Borrower shall assume the defense thereof including the employment of counsel and the payment of all expenses. In any such action, the City shall have the right to employ separate counsel, but the fees and expenses of such counsel shall be at the expense of the City unless the Borrower and the City shall have mutually agreed to the employment of such counsel. The Borrower shall not be liable for any settlement of such action effected without its written consent, but if settled with the written consent of the Borrower or if there be a final judgment for the plaintiff in any action, the Borrower agrees to indemnify and hold harmless the City from and against any loss or liability by reason of such settlement or judgment.

In the event it should become necessary to interpret or construe the meaning of any

word, phrase or sentence or other provision or requirement of this indemnity, such interpretation and construction shall be in accordance with the laws and statutes of the State of Wisconsin. Any ambiguity in the language of this indemnity will be resolved in favor of the City except to the extent when to do so, would manifestly conflict with the intent of the parties or result in substantial injustice. If any question of validity or enforcement of this indemnity should arise, the laws and statutes of the State of Wisconsin shall apply.

10. Opinion of Bond Counsel. Contemporaneously with the closing of the issuance of the Bonds, Foley & Lardner LLP, as Bond Counsel, shall deliver to the City a certificate, dated the closing date, to which shall be attached an executed counterpart of said Bond Counsel's opinion in form satisfactory to the City Attorney, and which certificate shall certify that the City may in all respects rely upon said opinion to the same extent as though addressed specifically to the City.

11. Additional Bonds. Notwithstanding any provision relating to the issuance of additional bonds at any future time, the City shall not have any obligation to issue such additional bonds and such additional bonds shall not be issued without the adoption of a resolution by the Common Council wherein the issuance of such additional bonds is expressly authorized.

12. No Representations. No representations or warranties are made by the City as to the financial condition of the Borrower or as to any other thing or matter other than as expressed herein.

13. Repeal. If and to the extent that any prior resolution of the Common Council is inconsistent with this Resolution, such prior resolution, but only to the extent of such inconsistency, is hereby repealed.

14. Publication of Notice. Notice of the sale of the Bonds, in the form of Exhibit A, a copy of which is attached to this Common Council File, shall be published forthwith in the City's official newspaper (for the publication of notices under Chapter 985 of the Wisconsin Statutes) as a class 1 notice under Chapter 985 of the Wisconsin Statutes. The City Clerk shall obtain proof, in affidavit form, of such publication, and shall compare the Notice, as printed, with the form of Exhibit A to ascertain that no mistake has been made therein.

15. Fee. Issuance of the Bonds is expressly conditioned on the City being paid, upon issuance, a fee equal to 0.5 percent of the principal amount of the Bonds issued, less any application fee previously paid to the City.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

3. [060863](#) Substitute resolution relating to the return of 2006 HOME funds from DAAR Development Corp. and awarding the funding to another Community Based Organization.

Whereas, The Common Council of the City of Milwaukee, has previously approved the award of \$336,000 of 2006 HOME Entitlement funding to the DAAR Development Corp.; and

Whereas, Community Development Grants Administration has made numerous attempts for request of information from DAAR for the 2006 HOME funding. As per the attached correspondence, DAAR has failed to comply with the requests; and

Whereas, The Gorman & Company along with the Milwaukee Urban League has submitted a proposed request for HOME funding for the Metcalfe Park Home Owner Initiative; and

Whereas, The Community and Economic Development Committee recommends awarding the amount of \$336,000 of HOME funding to the Milwaukee Urban League; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Community Development Grants Administration is authorized to rescind the funding for the DAAR Development Corp. and award the HOME funding in the amount of \$336,000 to the Milwaukee Urban League; and be it

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

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

Further Resolved, That except as modified by this resolution, the guidelines for handling the Community Development Block Grant Program set forth in Common Council File Number 74-92-5v are fully applicable to the 2006 Community

Development Entitlement Funding Program.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

4. [060891](#) Resolution relating to the cancellation of loan balances due from Community Development Corporation of Wisconsin.

Whereas, There is currently pending a Chapter 7 bankruptcy proceedings in Case No. 99-21871 pending in the United States Bankruptcy Court for the Eastern District of Wisconsin, filed on behalf of Community Development Corporation of Wisconsin; and

Whereas, The Final Report of the Trustee in that action lists general unsecured claims in an amount of \$2,261,937.90 and proposes that unsecured creditors holding such claims receive a recovery of 2.849761%; and

Whereas, The City of Milwaukee filed general unsecured claims in such action in an aggregate amount of \$1,487,021 and has received payment on such claims in an aggregate amount of \$43,686.52, as set forth in the Loan Schedule attached hereto and made a part of this file; and

Whereas, The debtor has ceased operations and no further recovery on such loan balances is reasonably anticipated; and

Whereas, Under these circumstances, the cancellation of the loan balances due to the City of Milwaukee's reflects the legal liability of the parties;

Whereas, The Common Council wishes to cancel these loan balances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the remaining outstanding loan balances due from the Community Development Corporation of Wisconsin in an aggregate amount of \$1,443,334.48 be and hereby are cancelled.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

5. [060968](#) Resolution authorizing environmental testing, remediation and demolition on brownfield properties from the Development Fund.

Whereas, The City of Milwaukee (“City”) has recognized that brownfield properties, whose use and redevelopment are complicated by actual or perceived environmental contamination, are an important factor affecting tax delinquency, blight and other development issues facing the City; and

Whereas, Changes in State law, particularly regarding municipal liability exemptions and cost recovery, allow the City to be more aggressive in dealing with brownfields with limited risk; and

Whereas, The City desires to take a proactive approach toward reclaiming brownfields and specifically provided funds to the Department of City Development's Development Fund for brownfield activities as a replacement for the previously existing Environmental Testing Subfund; and

Whereas, Environmental testing is important to demonstrate either that properties are clean or to define the extent of contamination so that property transactions may occur; and

Whereas, Many brownfield properties, including those on the “Do Not Acquire” List, will continue to sit vacant and underutilized with back taxes continuing to build if environmental testing does not occur; and

Whereas, The additional funding will provide the Department of City Development with the tools and the flexibility needed to address brownfield sites, including testing, remediation, demolition and other costs, across the spectrum of brownfield properties including those on the “Do Not Acquire” List; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Comptroller is directed to transfer \$400,000 from the Development Fund Project Account to the Environmental Fund Account No. UR03393100; and, be it

Further Resolved, That these funds are designated for environmental testing, remediation, demolition and other costs (including tax foreclosure) on citywide, downtown and neighborhood brownfield properties; and, be it

Further Resolved, That the Commissioner of the Department of City Development is directed to enter into contracts and agreements necessary to carryout said brownfield testing, remediation and demolition in accordance with City policies and procedures and making use of the existing Phase II/Phase III City contracts as appropriate; and, be it

Further Resolved, That the Redevelopment Authority of the City of Milwaukee (“RACM”) is authorized to apply for, monitor and accept PECFA eligible remediation reimbursements; and, be it

Further Resolved, That PECFA reimbursements and net sales proceeds from properties tested and cleaned up through the Environmental Fund are provided to RACM to fund additional testing and remediation of citywide brownfield properties.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

CONFIRMATION OF THE FOLLOWING:

6. [060773](#) Reappointment of Jill Trachte to the Business Improvement District Board #16 (West North Avenue) by the Mayor. (10th Aldermanic District)

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

7. [061042](#) Appointment of John Archibald to the Business Improvement District Board No. 5 (Westown) by the Mayor. (4th Aldermanic District)

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

8. [061044](#) Reappointment of Tom Bernacchi to the Business Improvement District Board No. 5 (Westown) by the Mayor. (4th Aldermanic District)

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

9. [061046](#) Reappointment of John Hennessy to the Business Improvement District Board No. 5 (Westown) by the Mayor. (4th Aldermanic District)

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

10. [061047](#) Reappointment of Mike Kenny to the Business Improvement District Board No. 5 (Westown) by the Mayor. (4th Aldermanic District)

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

11. [061027](#) Communication from the Public Policy Forum transmitting a report "Growing Up: Analysis of City of Milwaukee Economic Development Efforts."

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

12. [061028](#) Communication from the Department of Public Works transmitting an annual report relating to Emerging Business Enterprise and Residential Preference Program compliance and achievement.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

THE PUBLIC WORKS COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. Various resolutions relating to special privileges:
 - a. [050818](#) Resolution authorizing and directing the City Clerk to issue a special privilege permit to Toby Dayton to install and maintain 156 newspaper vending boxes within the City of Milwaukee.

Resolved, By the Common Council of the City of Milwaukee, that the City Clerk is hereby authorized and directed to issue a special privilege permit to Toby Dayton to install and maintain 156 newspaper vending boxes at various locations within the City of Milwaukee reported on a list attached to an application on file with the City Clerk.

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

Aye: 4 - Wade, Puente, Witkowski Hines Jr.

No: 10 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Donovan, Murphy, Witkowiak Zielinski

Abstain: 1 - Dudzik
 - b. [050819](#) Resolution authorizing and directing the City Clerk to issue a special privilege permit to Nikey Carnal to install and maintain 150 newspaper vending boxes within the City of Milwaukee.

Resolved, By the Common Council of the City of Milwaukee, that the City Clerk is hereby authorized and directed to issue a special privilege permit to Nikey Carnal to install and maintain 150 newspaper vending boxes at various locations within the City of Milwaukee reported on a list attached to an application on file with the City Clerk.

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

Aye: 4 - Wade, Puente, Witkowski Hines Jr.

No: 10 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Donovan, Murphy, Witkowiak Zielinski

Abstain: 1 - Dudzik
 - c. [051018](#) Substitute resolution to grant a special privilege to The 1818 LLC for a non-code compliant fixed awning and moveable planters in the public right-of-way for the premises at 114 East Pittsburgh Avenue, in the 12th Aldermanic District.

Whereas, The 1818 LLC renovated an existing building at 114 East Pittsburgh Avenue; and

Whereas, Alterra Coffee Foundry, LLC, which originally petitioned for permission for said fixed awning, is a tenant at 114 East Pittsburgh Avenue; and

Whereas, The 1818 LLC is the owner of the premises at 114 East Pittsburgh Avenue; and

Whereas, Said fixed awning does not meet the requirements of Section 245-7-6(d) of the Milwaukee Code of Ordinances because it does not slope away from the building at an angle between 30° and 45°; and

Whereas, Said fixed awning meets all other requirements for a fixed awning as stated in Section 245-7 of the Milwaukee Code of Ordinances; and

Whereas, A site visit revealed the presence of three moveable planters in the public right-of-way; and

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

Resolved, By the Common Council of the City of Milwaukee, that The 1818 LLC, 1818 North Hubbard Street, Milwaukee, Wisconsin 53212 is hereby granted the following special privileges:

1. To construct and maintain a non-code compliant fixed awning to project 4 feet 4 inches into the 10-foot wide north sidewalk area of East Pittsburgh Avenue. Said fixed awning shall commence at a point approximately 45 feet east of the eastline of South 1st Street and shall continue east for 58 feet 11 inches. There shall be an 11-foot vertical clearance between the sidewalk grade and the bottom of the fixed awning and the fixed awning shall have a 3.3° angle from horizontal tilted away from the building.
2. To keep and maintain three moveable planters in the 10-foot wide north sidewalk area of East Pittsburgh Avenue. Said wood planters are centered approximately 47, 66, 97 feet east of the eastline of South 1st Street and measure 3 feet 8 inches long and 2 feet wide; 3 feet 9 inches long and 2 feet wide and 6 feet 1 inch long; and 1 foot 4 inches wide, respectively. All of the planters are 1 foot 9 inches tall and are placed against the building.

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

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by accepting this special privilege the grantee, The 1818 LLC, shall:

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

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

Pay to the City Treasurer an annual fee, which has an initial amount of \$45.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council no only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

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

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

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- d. [051326](#) Substitute resolution amending a special privilege for change of ownership to Commission House Condominiums, Inc. for balconies, a concrete platform with steps, fixed awnings and excess door swings and for addition of two moveable planters for the premises at 400 North Broadway, in the 4th Aldermanic District.
- Whereas, 400 North Broadway, LLC petitioned for a special privilege to construct and maintain balconies, a concrete platform with steps, concrete platforms, fixed awnings, a double leafed gate and excess door swings in the public right-of-way; and
- Whereas, Permission for said items was granted in 2004 under Common Council File Number 030912; and
- Whereas, The property has been converted into a condominium development with Commission House Condominiums, Inc. as the legal entity responsible for the special privilege; and
- Whereas, A site visit revealed that the concrete platforms on North Broadway and the double leaf gate were never constructed; and
- Whereas, Commission House Condominiums, Inc. is requesting permission to place two moveable planters in the right-of-way; and
- Whereas, Said moveable planters may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; and
- Whereas, For liability to be formally transferred to the condominium association, the Common Council needs to adopt an amending resolution; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 030912 is hereby rescinded; and, be it
- Further Resolved, That, Commission House Condominiums, Inc., c/o Holley Realty, 401 Pilot Court, Waukesha, Wisconsin 53188 is hereby granted the following special privileges:
1. To place and maintain two, 3-foot diameter concrete moveable planters in the

33-foot wide, east sidewalk area of North Broadway. Said planters are centered approximately 11 feet west of the eastline of North Broadway and 41 and 59 feet north of the northline of East St. Paul Avenue.

2. To keep and maintain 12 balconies in the 15.2-foot wide north sidewalk area of East St. Paul Avenue. Said 12-foot long balconies are located at the fifth, sixth, seventh and eighth floor levels, with three balconies per floor. The balconies project 6 feet into the public right-of-way in excess of the 4 feet allowed under Section 245-4-9 of the Milwaukee Code of Ordinances.

3. To keep and maintain a concrete platform with steps in the 15.2-foot wide north sidewalk area of East St. Paul Avenue. Said 26-foot 8-inch long platform, which projects 4 feet 6 inches into the public way, commences at a point approximately 78 feet east of the eastline of North Broadway. Said 4-foot 6-inch long steps, which project 4 feet 1 inch into the public way, commence at a point approximately 105 feet east of the eastline of North Broadway. There is a metal handrail along the edges of the platform and steps.

4. To keep and maintain a 20-foot 5-inch wide non-Code compliant fixed awning extending approximately 10 feet into the east, 33-foot wide sidewalk area of North Broadway. Section 245-7 of the Milwaukee Code of Ordinances only allows a 6-foot projection. The fixed awning begins approximately 40 feet north of the northline of East St. Paul Avenue and extends north. The clear height above the sidewalk is 7 feet 11 inches and the angle between a horizontal and the roof is allowed to be 22°. Non-louvers and non-downspouts are allowed.

5. To keep and maintain four non-Code compliant fixed awnings located on the west side of the building at 402 North Broadway projecting into the east side of North Broadway 3 feet 4 inches. The two northern awnings are each approximately 7-feet 9-inches wide and the two southern awnings are each approximately 7-feet 0-inches wide. The angle between a horizontal and the roof is allowed to be 22°. Non-louvers and non-downspouts are allowed.

6. To keep and maintain eight non-Code compliant fixed awnings located on the south side of the building at 402 North Broadway projecting into the north side of North Broadway 3 feet 4 inches except the east one which projects 3 feet 3-5/16 inches. The west awning is 10-feet 6-inches wide, the rest of the awnings are 11-feet 11-inches wide.

7. To keep and maintain two excess door swings over the concrete platform of item 2. Said doors, when fully open, project 3 feet into the north, 15.2-foot wide sidewalk area of East St. Paul Avenue, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

8. To keep and maintain an excess door swing which, when fully open, projects 1 foot 6 inches into the 15.2-foot wide north sidewalk area of East St. Paul Avenue. Said door, which is centered approximately 120 feet east of the eastline of North Broadway, projects more than the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

9. To install, use and maintain four sets of double-door swings which, when fully open, project 3 feet into the east 33-foot wide sidewalk area of North Broadway, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said pairs of doors are centered 5, 14, 25 and 34 feet north of the northline of East St. Paul Avenue.

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

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Commission House Condominiums, Inc., shall:

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

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$3,032.13. The

subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- e. [060684](#) Substitute resolution amending a special privilege to Milwaukee Fortress, LLC for change of ownership for a backup driveway and granting permission for steps and a double excess door swing encroachment for the premises at 100 East Pleasant Street, in the 6th Aldermanic District.

Whereas, Fred M. Feld and Harry A. Stearns petitioned for a special privilege to keep and maintain a loading space and wood platform in the public right-of-way, which serves as a backup driveway; and

Whereas, Permission for said backup driveway was granted in 1959 under Common Council File Number 59-1583; and

Whereas, Milwaukee Fortress, LLC now owns the property; and

Whereas, A site visit revealed the presence of two concrete steps and a double excess door swing encroachment in the public right-of-way; and

Whereas, Said steps and double excess door swing encroachment may only legally

encroach into the public right-of-way by the granting of a special privilege resolution by the Common Council; and

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

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 59-1583 is hereby rescinded; and, be it

Further Resolved, That Milwaukee Fortress, LLC, c/o Richard A. Wiegand, 100 East Pleasant Street, Milwaukee, Wisconsin 53212 is hereby granted the following special privileges:

1. To keep and maintain a backup driveway within the east, 22-foot wide sidewalk area of North 1st Street to serve an 11-foot wide loading dock door and a 27-foot long loading platform. Said loading dock door is centered approximately 177 feet north and the loading platform commences at a point 172 feet north of the northline of East Pleasant Street. The North 1st Street right-of-way is 80 feet wide. Vehicles shall occupy the sidewalk area and a portion of the roadway and shall be parked in such a manner so as not to project 8 feet beyond the east curb face of North 1st Street. The grantee is to provide sufficient traffic control to allow for continued two-way traffic while the backup driveway is being used.
2. To keep and maintain two sets of concrete entrance steps in the north, 15-foot wide sidewalk area of East Pleasant Street. Said steps project 1 foot 10 inches into the public way and are 12 feet long. Said steps are centered approximately 72 and 126 feet east of the eastline of North 1st Street.
3. To keep and maintain a double excess door swing encroachment, consisting of two 3-foot wide doors, in the north, 15-foot wide sidewalk area of East Pleasant Street centered approximately 21 feet east of the eastline of North 1st Street. Said doors project 1 foot 6 inches into the public right-of-way, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

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

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Milwaukee Fortress, LLC shall:

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

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$5,000 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$516.82. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

7. Owner must ensure sufficient traffic control while using the back up driveway to allow continued, safe traffic flow on North 1st Street. Traffic control measures may include, but are not limited to flag persons and traffic cones.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- f. [060685](#) Substitute resolution amending a special privilege to C. H. Coakley & Company, Inc. for change of ownership for various encroachments and underground electric wires and grants permission for various additional for the premises at 2153 North Dr. Martin Luther King Jr. Dr. and 2228 North 4th Street, in the 6th Aldermanic District. Whereas, Gimbels Midwest, Inc. petitioned for a special privilege to keep and maintain building facades, ventilator exhaust ducts, door swings, bay windows, cornices and an electrical wire; and

Whereas, Permission for said items was granted in 1985 under Common Council File Number 83-1945-a; and

Whereas, C. H. Coakley & Company, Inc. now owns the property; and

Whereas, A site visit revealed the presence of five moveable planters, three security cameras, two additional exhaust pipes and two additional excess door swings in the public right-of-way; and

Whereas, Said new items may only legally encroach into the public right-of-way by the granting of a special privilege resolution by the Common Council; and

Whereas, For the liability for the building facades, ventilator exhaust ducts, door swings, bay windows, cornices and electrical wire to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 83-1945-a is hereby rescinded; and, be it

Further Resolved, That C. H. Coakley and Company, Inc., 2151 North Dr. Martin Luther King Jr. Drive, Milwaukee, Wisconsin 53212 is hereby granted the following special privileges:

1. To install and maintain three, 12-inch long and 6-inch wide security cameras in the public right-of-way. One of said cameras is located in the 15-foot west sidewalk area of North 4th street, centered approximately 176 feet south of the southline of West Garfield Avenue. Two of said cameras are located in the 18-foot wide south sidewalk

area of West Garfield Avenue centered approximately 13 and 105 feet east of the eastline of North 4th Street.

2. To install and maintain five moveable planters in the public right-of-way measuring 6 feet long and 2 feet 6 inches wide. Three of said planters are located in the 12-foot wide west sidewalk area of North Dr. Martin Luther King Drive centered approximately 174, 217 and 258 feet south of the southline of West Garfield Avenue. One of said moveable planters is located in the 15-foot wide east sidewalk area of North 4th Street centered 59 feet south of the southline of West Garfield Avenue. The last of said planters is located in the 15-foot wide east sidewalk area of North 4th Street centered approximately 78 feet north of the northline of West Lloyd Street.

3. To install and maintain a single excess door swing projecting into the 12-foot wide west sidewalk area of North Dr. Martin Luther King Drive centered approximately 185 feet south of the southline of West Garfield Avenue. Said door projects 3 feet, when fully open, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

4. To install and maintain a single excess door swing projecting 3 feet 6 inches into the 15-foot wide east sidewalk area of North 4th Street, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said door is centered approximately 67 feet south of the southline of West Garfield Avenue.

5. To install and maintain two, 12-inch diameter exhaust pipes projecting 2 feet 6 inches into the public way. One of said pipes is located in the 12-foot wide sidewalk area of North Dr. Martin Luther King Drive centered approximately 11 feet south of the southline of West Garfield Avenue. The other pipe is located in the 15-foot wide sidewalk area of North 4th Street centered approximately 54 feet south of the southline of West Garfield Avenue.

6. To keep and maintain an electrical conduit crossing the 70-foot wide right-of-way of West Garfield Avenue mid block between North Dr. Martin Luther King Drive and North 4th Street. Said electrical conduit connects 2153 North Dr. Martin Luther King Drive and 2212-2228 North 4th Street.

7. To keep and maintain three non-code compliant oriel windows projecting 3 feet 8 inches into the 12-foot wide west sidewalk area of North Dr. Martin Luther King Drive. Said windows are approximately 13 feet wide at the building face and 6 feet wide at their point of greatest encroachment. The windows are centered approximately 253, 267 and 297 feet south of the southline of West Garfield Avenue and are a minimum of 10 feet above grade. These oriel windows do not comply with Section 248-4-10 of the Milwaukee Code of Ordinances in that they are wider than the 10 feet allowed by the Code.

8. To keep and maintain two, 12-inch diameter exhaust pipes projecting approximately 2 feet 6 inches into the 18-foot wide south sidewalk area of West Garfield Avenue. Said exhaust pipes are centered approximately 74 and 152 feet east of the eastline of North 4th Street.

9. To keep and maintain two single excess door swing encroachments in the south, 18-foot sidewalk area of West Garfield Avenue centered approximately 74 and 105 feet east of the eastline of North 4th Street. Said doors project 3 and 3 feet 6 inches into the public way, respectively, when fully opened, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

10. To keep and maintain a metal/stucco building façade projecting between 4 inches and 3 inches into the 12-foot wide west sidewalk area of North Dr. Martin Luther King Drive. Said façade, which covers the entire side of the structure, commences at a point approximately 102 feet south of the southline of West Garfield Avenue and ends approximately 103 feet 6 inches to the north.

11. To keep and maintain a metal/stucco building façade encroaching into the south 18-foot wide sidewalk area of West Garfield Avenue as follows: commencing at a point approximately 3 inches east of the westline of North Dr. Martin Luther King Drive, where said façade projects 1 foot 11 inches, an extending west 127 feet 8 inches, where said façade projects 2 feet. From this point, where the façade projects 8 inches into the public way, said façade continues west 22 feet 10 inches, where the façade projects 7 inches. The façade continues, projecting 3 inches into the public way, ending 166 feet 6 inches to the west, where said façade projects 4 inches into the public way. Said facing covers the entire side of the structure.

12. To keep and maintain a cornice with a metal/stucco façade, encroaching into the 18 foot wide public sidewalk area of West Garfield Avenue approximately 15 feet above grade. Said cornice commences at a point 1 foot 1 inch east of the westline of North Dr. Martin Luther King Drive, where it projects 2 feet 11 inches into the public way, extends west 129 feet 6 inches, where it encroaches 3 feet. Said cornice projects in excess of the 15 inches allowed under Section 245-4-2 of the Milwaukee Code of Ordinances.

13. To keep and maintain a metal/stucco building façade projects 6 inches into the 15-foot wide sidewalk area of North 4th Street commencing at a point approximately 56 feet 9 inches south of the southline of West Garfield Avenue and extends south 24 feet 10 inches. Said façade covers the entire side of the structure.

14. To keep and maintain a metal/stucco encroaching into the 20-foot wide north-south alley abutting the premises at 2228 North 4th Street. Said building façade

commences at a point approximately 100 feet south of the southline of West North Avenue, where said façade projects 9 inches into the public way, then extends south 150 feet 6 inches, where said façade projects 6 inches into the public way. Said façade covers the entire side of the structure.

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

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, C. H. Coakley and Company, Inc. shall:

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

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$276.96. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed,

changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

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

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

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- g. [060790](#) Substitute resolution granting a special privilege to STI Florist, LLC for a business sign in the public right-of-way for the premises at 6066 North 76th Street, in the 2nd Aldermanic District.

Whereas, STI Florist, LLC is requesting permission to install a business sign partially within the public right-of-way; and

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

Resolved, By the Common Council of the City of Milwaukee that, STI Florist, LLC, P.O. Box 250806, Milwaukee, Wisconsin 53225 is hereby granted the following special privilege:

To construct and maintain a business sign in the south 11-foot wide sidewalk area of West Douglas Avenue. Said sign projects 8 feet into the public right-of-way and is centered approximately 367 feet west of the westline of North 73rd Street. There is no electrical component to this sign.

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

Said sign shall be maintained or removed from the public right-of-way, at such future

time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, STI Florist, LLC, shall:

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

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

Pay to the City Treasurer an annual fee, which has an initial amount of \$35.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

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

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

No: 1 - Dudzik

- h. [060791](#) Substitute resolution amending a special privilege to KJ Greentree, LLC for an underground conduit package for the premises at 6761 North Industrial Road, in the 9th Aldermanic District.

Whereas, KJ Greentree, LLC petitioned for a special privilege to keep and maintain a private manhole and storm sewer in the public right-of-way; and

Whereas, Permission for said private manhole and storm sewer was granted in 2005 under Common Council File Number 031056; and

Whereas, KJ Greentree, LLC is now requesting permission to construct an underground conduit package consisting of one 3-inch diameter conduit and two 4-inch diameter conduits to be used for security wiring for a parking lot across the street; and

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

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 031056 is hereby rescinded; and, be it

Further Resolved, That KJ Greentree, LLC, 39 South LaSalle Street, Suite 1010, Chicago, Illinois 60603 is hereby granted the following special privileges:

1. To construct and maintain an underground conduit package consisting of one 3-inch diameter conduit and two 4-inch diameter conduits crossing the 100-foot wide right-of-way of North Industrial Road. Said underground conduit package will be approximately 1236 feet east of the eastline of North 76th Street where North 76th Street and West Green Tree Road/ North Industrial Road intersect.
2. To keep and maintain an existing manhole in the public right-of-way adjacent to the property known as 6761 North Industrial Road. The center of said manhole is located approximately 17 feet northeasterly of the southwesterly street line of North Industrial Road and at a distance of approximately 2055 feet southeasterly of the intersection of the centerlines of North 76th Street and West Green Tree Road/ North Industrial Road. Said manhole is precast concrete, 3 feet 6 inches in diameter.
3. To keep and maintain an existing 12-inch diameter storm sewer in the public way

adjacent to the property known as 6761 North Industrial Road. Said sewer serves as a connection between a catch basin located on private property to the northwest of the manhole described above. That portion of the sewer within the public right-of-way is 40 feet in length and intersects the southwesterly street line of North Industrial Road at an angle approximately 26 degrees at a point approximately 36 feet northwest of the center of the manhole, as measured along the street line. The top of said sewer is no less than 8 feet below grade.

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

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, KJ Greentree, LLC, shall:

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

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$150.87. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but

shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

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

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

Not now or in the future use the cable communication facility in a manner that will conflict with the provisions of Chapter 99 of the Code of Ordinances regarding the transmission and distribution of video entertainment programming to subscribers.

Join and continue to be a member of Digger's Hotline, the one call system that operates in the Milwaukee area, as long as there are private underground facilities in the public right-of-way as required in Section 182.0175(lm)(6) of the Wisconsin Statutes.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

2. [040327](#) Substitute resolution to vacate North 2nd Street from the South Side of West Melvina Street to the railroad right-of-way, in the 6th Aldermanic District.

Whereas, It is proposed that North 2nd Street from the South Side of West Melvina Street to the railroad right-of-way be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been authorized and directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 840.11, 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 street as indicated by Exhibit A and bound and described by:

All of North 2nd Street as platted in North View, a recorded subdivision, in the Northeast 1/4 of Section 8, Township 7 North, Range 22 East, lying between the south line of West Melvina Street extended and the northeasterly line of the Wisconsin and Southern Railroad Company right-of-way, 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 upon deposit of the funds required, 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, be it

Further Resolved, That as provided by Section 80.32(4), 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 street had not been vacated.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

3. [040406](#) Substitute resolution granting permission to Milwaukee Metropolitan Sewerage District for the installation of telemetry antennae and ancillary facilities for monitoring of the sewerage system at various sites within the public right-of-way.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

040406

Substitute resolution granting permission to Milwaukee Metropolitan Sewerage District for the installation of telemetry antennae and ancillary facilities for monitoring of the sewerage system at various sites within the public right-of-way.

Whereas, The Milwaukee Metropolitan Sewerage District (MMSD) had requested permission to install 44 telemetry antennae on City light poles, on WE Energies poles or on its own poles along with the installation of any necessary conduit and/or cabling as part of its Supervisory Control and Data Acquisition System; and

Whereas, The antennae and ancillary facilities were and are necessary to allow MMSD to effectively and efficiently monitor flows within its sewerage system; and

Whereas, Permission for said telemetry antennae and ancillary facilities was granted under Common Council Resolution File Number 020553; and

Whereas, In 2004, MMSD requested permission to install new, larger antennae at 31 of its 44 locations because the antennae previously installed showed unacceptable radio signal strength; and

Whereas, MMSD also requested permission to install eight new antennae at locations that were previously not granted permission; and

Whereas, MMSD had revised its request such that it is now only requesting permission to replace 20 of 44 original antennae and to install four antennae at locations that were not previously granted permission; and

Whereas, Any antenna attached to City street light poles, WE Energies poles or MMSD's poles may only legally encroach in the public right-of-way by the granting of a permissary resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized to issue all necessary permits for:

- 1) attachment of the telemetry antennae to City light poles;
- 2) installation of their small-diameter poles with antenna in the vicinity of telemetry boxes; and
- 3) installation of any necessary conduit and/or cabling extending from the box to the pole of:
 - a) those locations presently proposed and as shown on a list attached to this file, as incorporated therein,
 - b) those locations that may, in the future, require similar attachments and/or poles

; and, be it

Further Resolved, That this permission is granted only on the conditions that the

MMSD shall:

1. Hold the City of Milwaukee or its agents harmless and accept responsibility for any and all liabilities that may arise through implementations of the permission granted herein.
2. Obtain any necessary Department of Public Works permits prior to the installation of antennae, poles, conduit or any other facilities related to the Conveyance Supervisory Control and Data Acquisition System.
3. Install antennae as shown on the plan with "as-built" plans submitted to the City Engineer, in a timely manner, to show the actual installation, including all necessary pertinent dimensions to show the location of said antennae.
4. Whenever antennae, poles or other system components are no longer needed or when so ordered for public necessity, not only remove these items but also restore to its former condition and to the approval of the Commissioner of Public Works any public improvement which was removed, changed or disturbed by reason of the granted of this resolution. Grantee shall not be entitled to any damages for such removal.

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

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

No: 0

Excused: 1 - Wade

4. [060881](#) Substitute resolution authorizing the Commissioner of Public Works to execute an agreement with the Milwaukee Metropolitan Sewerage District for the City of Milwaukee to take ownership of the North 37th Street Pedestrian Bridge over Lincoln Creek.

Whereas, Milwaukee Metropolitan Sewerage District (MMSD) determined the existing City-owned vehicular bridge structure over Lincoln Creek at North 37th Street was inadequate to permit the required flow of stormwater to pass through the openings to eliminate the back-up of flood waters; and

Whereas, The Milwaukee Metropolitan Sewerage Commission has adopted a policy that provides for MMSD to pay for demolition of bridges which may be necessitated to accommodate the flow of watercourse over which MMSD has taken jurisdiction, if required by hydraulic capacity of the section; and

Whereas, The City and MMSD agreed that demolition of the North 37th Street Bridge over Lincoln Creek was necessary to enhance the ability of Lincoln Creek to provide adequate drainage to the affected basin; and

Whereas, The City and MMSD agreed once the vehicular bridge at North 37th Street over Lincoln Creek was demolished, it would be replaced by a pedestrian bridge; and

Whereas, MMSD provided plans and specifications to be reviewed and approved by the City; and

Whereas, MMSD agreed to bear the entire cost of construction of the North 37th Street pedestrian bridge over Lincoln Creek; and

Whereas, MMSD will turn over ownership and maintenance responsibility to the City of the North 37th Street pedestrian bridge over Lincoln Creek; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is hereby authorized to enter into a Memorandum of Understanding for Construction Activities in Reach 4 on Lincoln Creek, a copy of which is attached to file; and, be it

Further Resolved, That the City of Milwaukee will take over ownership of the North 37th Street Pedestrian Bridge over Lincoln Creek.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

5. [060941](#) Resolution releasing the maintenance easement located at 601 West St. Paul Avenue, 335 North 6th Street, and 315 North 6th Street in the 4th Aldermanic District.

Whereas, Maintenance easement, Document Number 4205397, was recorded on September 8, 1965, in conjunction with the construction of the former Sixth Street Viaduct, granting the City of Milwaukee the right of entry to construct, operate, and maintain, said structure; and

Whereas, The maintenance easement is located on land currently owned by the Wisconsin Department of Transportation at 601 West St. Paul Avenue and 315 North 6th Street, and the Soo Line Railroad at 335 North 6th Street, described in detail as follows:

That part of vacated West Hinman Street, vacated Menomonee Street, Block 151,

Block 141 and the vacated alley in said Block 141, of East Half of the South West Quarter of Section 29, a recorded subdivision, in the Southwest ¼ of Section 29, Township 7 North, Range 22 East, described as follows: Commencing at a point in the dock line of the left bank of the Menomonee River, established per Ordinance 702, Common Council File No. 67-2150, adopted on November 14, 1967, said point lying 35.00 feet west of, as measured normal to, the east line of said ¼ Section; thence North 86° 44' 42" West, along said dock line, 3.79 feet to a point; thence North 4° 58' 54" West 140.66 feet to a point; thence North, parallel to the east line of said ¼ Section, 171.27 feet to a point; thence North 6° 49' 19" West 110.02 feet to a point in the present south line of West St. Paul Avenue; then South 89° 54' 43" East, along said present south line, 7.00 feet to a point in the northwesterly extension of the westerly line of Lot 4 in Block 141 of said subdivision; thence Southwesterly, along said northwesterly extension, to a point in the southerly line of vacated West Hinman Street; thence Northeasterly, along said southerly line to a point lying 35.00 feet west of, as measured normal to, the east line of said ¼ Section; thence Southerly, parallel to said east line, to a point of commencement.

; and

Whereas, The former Sixth Street Viaduct no longer exists and the City, therefore, has no need to retain the maintenance easement; and

Whereas, Milwaukee Intermodal Partners, LLC has requested that this maintenance easement be released so that the Amtrak Station redevelopment can proceed at this location without any unnecessary encumbrances on the land; and

Whereas, Maintenance easements for the new Sixth Street Viaduct have already been acquired and recorded against the adjacent lands; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby releases the maintenance easement, Document Number 4205397, as recorded on September 8, 1965, located at 601 West St. Paul Avenue, 335 North 6th Street, and 315 North 6th Street as described above; and, be it

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

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

6. [060952](#) Substitute resolution determining it necessary to make various assessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$1,218,000 for a total estimated cost of these projects being \$1,355,000.

Resolved, By the Common Council of the City of Milwaukee, that it is necessary and in the public interest to do the following described work according to City specifications, and that such public improvements and resulting special assessments be made pursuant to Section 66.60 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances:

3rd Aldermanic District

Alley between N. Downer Ave., E. Locust St., E. Newberry Bl., and N. Stowell Ave. (ST212080103): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$15,000). The total construction cost for this project including the requested amount is \$110,000. This project is anticipated to be completed during the 2008 construction season.

9th Aldermanic District

N. 83rd St. - W. Brentwood Ave. to W. Clovernook St. (ST211070105): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$3,000, additional funds). Resolution 050224 authorized \$4,000 for a total of \$7,000. The total construction cost for this project including the requested amount is \$45,000. This project is anticipated to be completed during the 2007 construction season.

Various Aldermanic Districts

Various Locations (ST211070001): Administration cost for street paving engineering. (2007 Budgeted Funds -- \$800,000)

Various Locations (ST212070001): Administration cost for alley paving engineering. (2007 Budgeted Funds -- \$250,000)

Various Locations (ST210070001): Administration cost for new street paving engineering. (2007 Budgeted Funds -- \$70,000)

Various Locations (ST230070001): Administration cost for sidewalk paving engineering. (2007 Budgeted Funds -- \$80,000)

; and, be it

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

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

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

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

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

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

7. [060953](#) Substitute resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$15,000 for a total estimated cost of these projects being \$67,000.

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

4th Aldermanic District

N. 10th St. - W. Wells St. to a point 200 feet m/l north of W. Wells St. (WT410071087): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost including this request is \$67,000. This project is anticipated to be completed during the 2007 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 City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

8. [060954](#) Substitute resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City cost estimated to be \$305,000 for a total estimated cost of these projects being \$405,000.

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

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

4th and 15th Aldermanic Districts

N. 20th St. - W. Cherry St. to W. Walnut St. (WT410061129) File Number 051222: Relay water main. (Nonassessable Water Fund -- \$245,000). The total estimated cost for this project including the requested amount is \$260,000. This project is anticipated to be completed during the 2007 construction season.

12th and 14th Aldermanic Districts

Becher Street Bridge over the Kinnickinnic River (BR10040103) File Number 040587: Substructure repairs. (City Share Non Assessable Structure Fund -- \$60,000, additional funds.). The total estimated cost of this project including the requested amount is \$145,000. This project is anticipated to be completed during the 2007 construction season.

; now, therefore, be it

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

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

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

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

9. [060955](#) Substitute resolution approving levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes with the City cost of these projects approved by this resolution is estimated to be \$400,900 for a total estimated cost of \$1,570,960.

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

12th Aldermanic District

W. Oregon St. - S. 2nd St. to S. 3rd St. (ST211050149) File Number 060699: Asphalt pavement reconstruction, narrowing the roadway from 44 feet to 36 feet, replace curb and gutter as needed, replace sidewalk and driveway approaches where needed, sodding, and grading. (Assessable Reconstruction Paving Fund -- \$27,800; Nonassessable Reconstruction Paving Fund -- \$60,000). File Number 060699 authorized \$10,000. The total estimated cost for this project including the requested amount is \$97,800. This project is anticipated to be completed during the 2007 construction season.

S. 3rd St. - W. Oregon St. to W. Pittsburgh Ave. (ST211050148) File Number 060138: Asphalt pavement reconstruction, new curb and gutter on west side, replace sidewalk and driveway approaches where needed, sodding, and grading. (Assessable Reconstruction Paving Fund -- \$38,100; Nonassessable Reconstruction Paving Fund -- \$50,000). File Number 060138 authorized \$8,000. The total estimated cost for this project including the requested amount is \$96,100. This project is anticipated to be completed during the 2007 construction season.

13th Aldermanic District

W. Edgerton Ave. - S. 13th St. to S. 20th St. (ST320042501) (2984-33-70) File Number 040400: Concrete pavement reconstruction, replace all curb and gutter and all driveway approaches, replace sidewalk where necessary, sodding, grading, and traffic calming. (Grantor Nonreimbursable Paving Nonassessable Fund -- \$739,000; Grantor Paving Reimbursable Fund -- \$111,000; City Share Nonassessable Paving Fund -- \$121,000; City Share Assessable Paving Fund -- \$104,000). These funds are to be transferred to the construction account ST320042510.

Previously authorized for bridge and street construction: \$0

Current estimated cost of the total project prior to this resolution: \$1,377,060

Original estimated cost of the total project (Resolution #040400): \$771,430

This project is anticipated to be completed during the 2007 construction season.

; and

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

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

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

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

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

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

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

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

Further Resolved, That projects: W. Oregon St. (ST211050149) and S. 3rd St. (ST211050148) are to be allocated in 2007 budget; and, be it

Further Resolved, That the City Engineer and the Commissioner of Public Works are hereby authorized to negotiate and enter into an agreement with the State of Wisconsin, Department of Transportation for the City to undertake construction management duties on the following project: W. Edgerton Ave. - S. 13th St. to S. 20th St. (ST320042501) (2984-33-70); and, be it

Further Resolved, That the City Engineer is authorized and directed to approve and make periodic payments to the State of Wisconsin, Department of Transportation after receipt of invoices from said State for the city's share of the costs for said project: W. Edgerton Ave. - S. 13th St. to S. 20th St. (ST320042501) (2984-33-70); and, be it

Further Resolved, That upon the completion of project: W. Edgerton Ave. - S. 13th St. to S. 20th St. (ST320042501) (2984-33-70) and a determination of the actual costs, it is understood that if the City of Milwaukee's share is less than the amount previously paid, the difference will be refunded to said City; and, be it

Further Resolved, That projects: W. Oregon St. (ST211050149), S. 3rd St. (ST211050148), and W. Edgerton Ave. (ST320042501) (2984-33-70) will be billed after January 1, 2008, but not before 12 months after the project contract has been completed.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

10. [060972](#) Resolution authorizing and directing the Commissioner of Public Works to execute a project agreement with the Wisconsin Department of Transportation for the improvements of West Highland Boulevard Retaining Wall to be reconstructed in conjunction with the West Highland Boulevard Bridge with Federal/State Aid under the Surface Transportation Program.

Whereas, A project agreement has been executed by the Wisconsin Department of Transportation (WISDOT) and the City of Milwaukee for the improvement of West

Highland Boulevard Bridge over The Canadian Pacific Railroad with Federal/State aid under the Local Bridge Replacement Program in accordance with Common Council Resolution File Number 861643, adopted on January 13, 1987; and

Whereas, The condition of the retaining wall warrants reconstruction; and

Whereas, The retaining wall is an extension of the north-east wing wall of the bridge; and

Whereas, Both projects will be carried out under one construction contract; and

Whereas, The total estimated cost of the retaining wall is \$132,250, of which the City of Milwaukee's share is \$26,450; and

Whereas, The City has requested and the WISDOT has submitted a Project Agreement to reconstruct the retaining wall as a cost participating item; and

Whereas, This project is scheduled for construction in 2008; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized to execute the said Project Agreement for the improvements of West Highland Boulevard Retaining Wall with Federal/State Aid under the Surface Transportation Program, a copy of which is attached to Common Council Resolution File 060972 and is incorporated in the resolution by reference as though set forth in full.

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

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

No: 1 - Dudzik

11. [060974](#) Substitute resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of West Edgerton Avenue from South 20th Street to South 13th Street in the 13th Aldermanic District at a total estimated cost of \$15,285.08, with an estimated State share of \$12,228.06, and an estimated City share of \$3,057.02.

Whereas, The Project Agreement for the paving of West Edgerton Avenue from South 20th Street to South 13th Street was approved by the Common Council under File Number 040400; and

Whereas, The Surface Transportation Program provides cost participation for traffic control improvements in conjunction with the paving of highways located on the

Federal/State Aid Highway System; and

Whereas, The total estimated cost of this project is \$15,285.08 for the alteration and upgrade of traffic control signals and the upgrade of traffic control signs; and

Whereas, Twenty percent of the participating costs, or \$3,057.02 is non-reimbursable and is included in the Division's 2007 Capital Purpose Project/Grant Number ST320070000; and

Whereas, Eighty percent of the participating project cost, or \$12,228.06, is reimbursable from the Wisconsin Department of Transportation (WISDOT), and this amount is not included in Division accounts, and should be earmarked for this project in the 2007 Capital Grant and Aids Projects Fund Project/Grant Number SP032070100; and

Whereas, The State cannot proceed with any project cost overruns and/or changes in scope of more than five percent without prior Department of Public Works approval; and

Whereas, The Department of Public Works shall notify the Common Council of the City of Milwaukee at the next scheduled meeting of any such project cost overruns and/or changes in scope approved by the Department of Public Works; and

Whereas, The Common Council of the City of Milwaukee recognizes that the City may be 100% liable for any such project cost overruns and/or changes in scope as approved by the Department of Public Works; and

Whereas, The Common Council of the City of Milwaukee recognizes that the City may be liable for any costs incurred by the State should the City decide to withdraw from the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works and Comptroller are authorized to enter into a funding agreement and are directed to execute the contract with WISDOT for the installation of traffic control facilities in conjunction with the improvements to West Edgerton Avenue from South 20th Street to South 13th Street with agreed unit prices based on a predetermined estimate prepared under the Federal/State aided highway program, a copy of which is attached to this file and is incorporated into this resolution as though set forth in full; and be it

Further Resolved, That upon approval of this contract, the Commissioner of Public Works is directed to install and modify traffic control facilities in conjunction with the improvements to West Edgerton Avenue from South 20th Street to South 13th Street;

and, be it

Further Resolved, That upon approval of this contract, the City Comptroller is hereby authorized to create within the Capital Grant and Aid Projects Fund the appropriate Project/Grant Chartfield Value for this project; and transfer to these accounts the amount required under the agreement and City accounting policy, but not to exceed a ten percent increase of the total amounts reserved for the grantor's share and local share or \$5,000, whichever is greater as follows:

Location:

Project I.D.-2984-33-90

West Edgerton Avenue from South 20th Street to South 13th Street

City of Milwaukee Share

Fund Number-0333

Project/Grant Number-ST320070000

Estimated Cost-\$3,057.02

Grantor Reimbursable Cash - Traffic Control

Fund Number-0306

Project/Grant Number-SP032070100

Estimated Cost-\$12,228.06

Total Estimated Cost-\$15,285.08

Previously Authorized for Traffic Control Improvements-\$0

Current Estimated Cost of the Total Project Prior to this Resolution-\$795,104

Original Estimated Cost of the Total Project (Common Council Resolution File Number 040400)-\$771,430

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

12. [060975](#) Resolution authorizing the proper City officers to execute an Out-of-Program Agreement between Weas etc. and the City of Milwaukee for construction of public improvements to serve a single family home subdivision consisting of 46 buildable lots to be located east of North 124th Street extended and north of West Good Hope Road.

Whereas, Weas etc., a developer, desires to enter into an Out-of-Program Agreement with the City of Milwaukee regarding the design, construction, and funding

of public improvements to serve a single family home subdivision consisting of 46 buildable lots to be located immediately east of North 124th Street extended and north of West Good Hope Road; and

Whereas, The Out-of-Program Agreement for this development, to be known as Heritage Hills, is attached to this file; and

Whereas, Under the terms of the agreement, the proposed public improvements would be designed and installed at no initial cost to the City; and

Whereas, Per its standard practice, the City would refund one half the cost of street light improvements to the developer in the year following completion of the public infrastructure; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Out-of-Program Agreement attached to this file is hereby approved and the proper City officers are hereby authorized to execute said agreement on behalf of the City; and, be it

Further Resolved, That the Commissioner of Public Works is authorized to accept funds from the developer as outlined in the Out-of-Program Agreement for the purpose of design engineering and for the purpose of constructing and inspecting the planned public improvements; and, be it

Further Resolved, That the Commissioner is authorized to make minor, non-substantive changes to the Out-of-Program Agreement prior to its execution.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

13. [060980](#) Resolution authorizing the Commissioner of Public Works to extend the permit to the City Hall Restoration contractor to occupy the south third of the Market Street roadway.

Whereas, J. P. Cullen & Sons, Inc., has been awarded the contract for the City Hall Restoration Project and work on the project is currently progressing; and

Whereas, Given the constraints of the site, certain staging, storage, and construction activities will necessarily spill over into adjacent streets; and

Whereas, Construction is expected to last from July, 2005 through December, 2008;

and

Whereas, The Commissioner of Public Works is authorized to issue a permit for temporary occupancy of up to one third of the roadway adjacent to building sites, while temporary use beyond that must be approved by the Common Council; and

Whereas, Staff from the Department of Public Works will work with J.P. Cullen & Sons, Inc., so that during periods of inactivity or at such time that the progress of the project may warrant, re-establishment of a traffic lane could occur; and

Whereas, The Commissioner of Public Works was authorized to issue a permit to the City Hall Restoration contractor to occupy the south third of Market Street between July, 2005, and December, 2005, by Common Council Resolution 050411; and

Whereas, The Commissioner of Public Works was authorized to extend that permit for the time period between January, 2006, and June, 2006, by Common Council Resolution 050979; and

Whereas, The Commissioner of Public Works was authorized to extend that permit for the time period between July, 2006, and December, 2006, by Common Council Resolution 060059; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commission of Public Works is hereby authorized to extend the permit to J.P. Cullen & Sons, Inc., for the City Hall Restoration Project, allowing occupancy of the south third of the Market Street roadway for the period of time between January, 2007 and June, 2007.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

14. [061025](#) Resolution accepting a quit claim deed to dedicate a portion of 8001 West Brown Deer Road as public right-of-way, in the 9th Aldermanic District.
- Whereas, The Wisconsin Department of Transportation (“WISDOT”) and the Department of Public Works (“DPW”) have been working to improve the intersection of West Brown Deer Road and North Servite Drive; and
- Whereas, DPW has received funds to improve this intersection from Walmart Stores, Inc., when it constructed its store at 8700 North Servite Drive; and

Whereas, The property owner and tenant of 8001 West Brown Deer Road have agreed to convey and dedicate approximately 304 square feet of land area at the northeast corner of the property line to the City of Milwaukee so that a right-turn bypass can be constructed as illustrated on a dedication map and an area map, copies of which are attached to this Common Council File; and

Whereas, The legal descriptions of the property to be acquired and dedicated is as follows:

That part of Parcel 2 of Certified Survey Map No. 2815 in the Northeast 1/4 of Section 9, Township 8 North, Range 21 East, described as follows: Commencing at the northeast corner of Parcel 2; thence South 88°05'01" West, along the north line of Parcel 2 aforesaid, 21.43 feet to a point on a curve; thence Southeasterly 32.96 feet along the arc of said curve which has a radius of 51.00 feet with its center lying to the Southwest having a central angle of 37°01'35" and whose chord bears South 35°03'39" East 32.39 feet to a point of tangency; thence South 16°32'51.5" East 11.87 feet to a point on the easterly line of Parcel 2 and a point on a curve; thence Northeasterly 18.62 feet along said easterly line and the arc of said curve which has a radius of 240.00 feet with its center lying to the West having a central angle of 04°26'43" and whose chord bears North 00°18'22.5" East 18.62 feet to a point of tangency; thence North 01°54'59" West, along said easterly line, 20.00 feet to the point of commencement; and

Whereas, The property owner has agreed to quit claim this land for monetary consideration of \$6,080, which will be paid with the funds being held by DPW; and

Whereas, The City Plan Commission has approved acquisition and dedication of land for the right-turn bypass at West Brown Deer Road and North Servite Drive; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Engineer is authorized to accept a quit claim deed for a portion of 8001 West Brown Deer Road and to dedicate this area as public right-of-way as illustrated on said dedication map and area map and as legally described above.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

15. [060625](#) Substitute resolution authorizing the Department of Public Works to award a contract to the firm selected to provide outreach, educational, and promotional services to increase participation in the City of Milwaukee's recycling program, per the Request for Proposal issued by the Department on July 20th.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

THE PUBLIC WORKS COMMITTEE FURTHER RECOMMENDS:

16. [060535](#) Substitute resolution granting a special privilege to Greenwich Avenue, LLC for five platforms with steps for the premises at 2451-53 North Cramer Street, in the 3rd Aldermanic District.

Whereas, The Greenwich Avenue, LLC is in the process of constructing a new five unit condominium development; and

Whereas, As part of the new development the applicant wants to construct concrete platforms with stairs in the public right-of-way; and

Whereas, Said items will be located between the property line and the sidewalk and there will be a minimum of 6 inches between the sidewalk and any of said items; and

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

Resolved, By the Common Council of the City of Milwaukee, that Greenwich Avenue, LLC, 544 East Ogden Avenue, Suite 700-145, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct and maintain four concrete platforms with steps in the north, 22-foot wide sidewalk area of East Greenwich Avenue. The 12-foot 3-inch long platforms with steps are to be centered approximately 56, 79, 103 and 125 feet west of the westline of North Cramer Street. Said platforms will project 3 feet 7 inches into the public right-of-way. Total area for these platforms is 175.6 square feet.
2. To construct and maintain one concrete platform with steps in the west, 20-foot wide sidewalk area of North Cramer Street. Said platform commences at a point 2 feet 7 inches south of the northline of East Greenwich Avenue and ends at a point 17

feet 10 inches to the north. Said platform projects 3 feet 9 inches into North Cramer Street. A small portion of this platform projects into East Greenwich Avenue commencing at the westline of North Cramer Street and ending at a point 2 feet 9 inches west of the westline of North Cramer Street. Said platform projects 2 feet 7 inches into East Greenwich Avenue. Total area of said platform with steps is 73.65 square feet.

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

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Greenwich Avenue, LLC, shall:

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

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$5,000 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$215.55. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of

Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

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

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

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

17. [060658](#)

A substitute ordinance relating to placement and construction of traffic calming installations and providing a process for petition and special assessments.

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

Part 1. Section 115-1-17 of the code is created to read:

115-1. Definitions.

17. TRAFFIC CALMING INSTALLATION means any device, object or material, other than a traffic sign, signal or other traffic control device as defined in s. 349.065, Wis. Stats., constructed or placed within a public way for the purpose of encouraging slower traffic or enhancing pedestrian safety.

Part 2. Section 115-42.5 of the code is created to read:

115-42.5. Traffic Calming Installations. 1. PURPOSE. It is the purpose of the common council to establish a traffic calming program in the city that incorporates traffic calming installations within new construction and repair projects where appropriate and effective, and to otherwise promote public health, safety and the peaceful enjoyment of neighborhoods and residential areas by encouraging the initiation of traffic calming installations. It is furthermore the purpose of this section to provide property owners a process for initiating public works for the construction or placement of traffic calming installations. It is the intent of the common council that this process supplement and not replace other processes for initiating public works.

2. PETITION. a. By Property Owners. a-1. Upon submission to the commissioner of a petition of support for traffic calming signed by at least 50% of the owners of parcels in the affected area as determined by the commissioner, a preliminary resolution shall be prepared and submitted as provided in s. 115-42-2.

a-2. The petition submitted pursuant to this subsection shall substantially conform to a sample petition to be prepared and approved by the commissioner and shall include the name of the owner, the address of the parcel or parcels abutting the block or alley, address of the owner if different, date of signature, a clear statement that a traffic calming installation is requested, and any other information the commissioner determines to be necessary or appropriate.

3. COUNCIL APPROVAL. The procedures provided in s. 115-42 shall apply to the process for approval of the construction or placement of traffic calming installations.

4. SPECIAL ASSESSMENT. Upon adoption of a resolution by the common council directing the construction or placement of a traffic calming installation sought initially by petition to the commissioner under sub. 2, the recovery ratio provided in s. 115-43-2-a-4 shall be applied to those properties or parcels abutting the street or alley within which the installation is placed or constructed, as determined by the commissioner.

Part 3. Section 115-43-2-a-4 and a-5 of the code is renumbered 115-43-2-a-5 and a-6.

Part 4. Section 115-43-2-a-4 of the code is created to read:

115-43. Recovery Rates for Assessable Improvements.

2. RECOVERY RATES AND RATIOS. a. New Construction.

a-4. Placement of Traffic Calming Installation - 90%.

Add Aids. McGee, Murphy, Bohl and Hines as co-sponsors.

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

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

No: 1 - Dudzik

18. [060807](#) Resolution authorizing and approving conveyance to the Wisconsin Department of Transportation of a permanent easement in Milwaukee Public School lands at 1111 N. 10th Street to allow repair work associated with the Marquette Interchange

reconstruction project in the 4th Aldermanic District.

Whereas, Per Common Council Resolution File No.'s 041677 and 040200, the City on behalf of Milwaukee Public Schools (MPS) conveyed certain fees, permanent easement (PE), and temporary limited easement ("TLE") interests to Department of Transportation (DOT) in the MPS Facilities and Maintenance Property to allow (DOT) and its contractors to undertake Marquette Interchange reconstruction work involving the north-leg segment; and

Whereas, In conjunction with that Marquette Interchange reconstruction work, a DOT contractor, Walsh Construction Company of Illinois ("Walsh"), by excavating, caused soil instability and damage resulted to the MPS Facilities and Maintenance Property; and

Whereas, MPS and DOT (after MPS Board approval) entered into an "Agreement Relating to Damage to Property at 1111 North 10th Street" dated May 11, 2006 (the "Repair Agreement") whereby the damage would be repaired and addressed; and

Whereas, As contemplated by the Repair Agreement, TLE's and PE's are required, the PE being necessary, among other things, to allow for tie-backs associated with the repair work; and

Whereas, DOT and MPS, with assistance from the City Attorney's Office, negotiated the "Permanent Easement" Agreement (the "PE Agreement") that is attached to this file; and

Whereas, This matter has already been considered and approved by the Board of School Directors of MPS at its May 25, 2006 meeting, and the MPS issued to the City a written request under Wis. Stat. § 119.60 (2) directing and authorizing the conveyance of the requisite PE to DOT on the terms and conditions reflected in the PE Agreement (or on terms and conditions substantially similar thereto); now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves and authorizes the proper City officials to enter into the PE Agreement in accordance with such MPS request and conveying to DOT the PE contemplated thereunder and taking such further actions as may be deemed necessary or required to effectuate the purposes of the same; and, be it

Further Resolved, That, in accordance with Wis. Stat. § 119.60 (1), the Common Council recognizes the Repair Agreement and that the proceeds of the TLE and PE shall not go into the general City fund but shall become part of the school-construction fund.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

---Items 16-18 may be referred from the SPECIAL Public Works Committee Meeting held at 8:30 A.M. on Tuesday, December 12, 2006.

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

[061083](#) Resolution approving various final certified survey maps.

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

NAME	TAX KEY NUMBER(S)
St. Rose of Lima Congregation (DCD #2590)	40120531133
State of Wisconsin, State Fair Park Board (#2597)	41899941002
Brynwood Country Club (#2598)	0839994112, 1059998111

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

[061132](#) Resolution restricting construction in the North 20th and West Brown Streets Redevelopment Project Area (formerly titled the North 20th and West Lloyd Streets Redevelopment Project Area).

Whereas, On November 15, 2005, the Common Council of the City of Milwaukee ("Common Council") adopted File No. 050947, which authorized and directed the Redevelopment Authority of the City of Milwaukee ("Redevelopment Authority") to prepare a Redevelopment Plan for the area identified as the North 20th and West Brown Streets Redevelopment Project Area and restricted new construction in the area as provided in Subsection 66.1333(6)(b)1, Wisconsin Statutes, and in Section 200-36 of the Milwaukee Code of Ordinances; and

Whereas, On September 26, 2006, via File No. 051278, the Common Council approved the Redevelopment Plan for the North 20th and West Brown Streets Redevelopment Project Area, a copy of which is attached to this Common Council File; and

Whereas, On December 12, 2006, in a communication related to this file, a true and correct copy of the above-identified Redevelopment Plan was certified to the Common Council pursuant to Subsection 66.1333(6)(e), Wisconsin Statutes, with a request that new construction be permanently restricted as mandated by said Section;

now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, regarding the Redevelopment Plan certified by the Redevelopment Authority pursuant to provisions of Subsection 66.1333(6)(e), Wisconsin Statutes, for the North 20th and West Brown Streets Redevelopment Project Area as defined in the North 20th and West Brown Streets Redevelopment Plan and made a part thereof that:

1. No new construction (including substantial remodeling, conversion, rebuilding, enlargement, extension or major structural improvements on existing buildings, but not including ordinary maintenance, remodeling or changes necessary to continue occupancy) shall be permitted or authorized by any agencies, boards or commissions of the City of Milwaukee under local codes or ordinances:

A. On property "identified for acquisition" in the Redevelopment Plan for said Project Area, unless as authorized by the Common Council and the Redevelopment Authority pursuant to Subsection 66.1333(9), Wisconsin Statutes, and applicable provisions of said Redevelopment Plan.

B. On property "not identified for acquisition" in the Redevelopment Plan for said Project Area, unless the Redevelopment Authority has first advised the Office of the Commissioner of City Development that:

(1) The original status of the subject property as identified in the Redevelopment Plan remains unchanged.

(2) The proposed new construction does not conflict with the stated objectives and intent of said Redevelopment Plan.

2. The City Clerk is directed to transmit a certified copy of this resolution to the Commissioner of City Development, the Commissioner of Health and to such other agencies, boards and commissions of the City of Milwaukee having administrative jurisdiction in the North 20th and West Brown Streets Redevelopment Project Area described in the approved Redevelopment Plan.

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

[061133](#)

Resolution relating to enforcement of parking meter regulations during certain holidays.

Ald. Bauman moved to add July 4th to this resolution Per Ald. Bohl's request.

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

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

No: 1 - McGee Jr.

061133

Resolution relating to enforcement of parking meter regulations during certain holidays.

Whereas, The Commissioner of Public Works is responsible for parking meter enforcement; and

Whereas, Parking meter regulations relating to hours and days of operation are specified by ordinances passed by the Common Council; and

Whereas, Many of these ordinances do not provide exceptions to enforcement on holidays; and

Whereas, Most residents assume that the parking meter regulations with respect to hours of operation do not apply on holidays; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is urged by the Common Council to not enforce meter parking regulation on the following holidays:

December 25, 2006

January 1, 2007

January 15, 2007

July 4, 2007

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

Aye: 15 - Hamilton, Davis, D'Amato, Bauman, Bohl, McGee Jr., Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

061134

Substitute resolution requesting the federal government's assistance in fighting violent crime in the city of Milwaukee.

Identified as Proposed Substitute A.

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

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

No: 1 - McGee Jr.

[061134](#)

Substitute resolution requesting the federal government's assistance in fighting violent crime in the city of Milwaukee.

A motion was made by ALD. DONOVAN that this Resolution-Immediate Adoption be ASSIGNED TO the PUBLIC SAFETY COMMITTEE . The motion PREVAILED by the following vote:

Aye: 9 - Hamilton, Davis, D'Amato, Bauman, Donovan, Puente, Murphy, Dudzik Hines Jr.

No: 6 - Bohl, McGee Jr., Wade, Witkowiak, Witkowski Zielinski

Various announcements were made.

There being no further business to come before the Common Council, the meeting was adjourned at 11:13 a.m.