



City of Milwaukee
Common Council Minutes
COMMON COUNCIL

City Hall
200 East Wells Street
Milwaukee, WI 53202

Tuesday, March 3, 2009

9:00 AM

Common Council Chambers

The meeting was called to order at 9:11 a.m.

The roll was called.

Present: 12 -

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

Absent: 2 -

Coggs, Zielinski

Excused: 1 -

Davis

The Pledge of Allegiance was said followed by an invocation offered by Dr. Willie Little Jr., Pastor of St. Peter-Immanuel Lutheran Church.

The question was put: Are there any corrections to the Common Council Journal of Proceedings for the regular meeting of February 10, 2009?

There being no corrections, the minutes of that meeting were approved without objection.

Commendatory and condolatory resolutions were read and approved without objection.

Present: 14 -

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

Excused: 1 -

Davis

THE LICENSES COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

1. [081063](#) Motion relating to the recommendations of the Licenses Committee relative to various licenses.

The court reporter was sworn in.

The question was put: Have the members of the Common Council read the Report and Recommendations of the Licenses Committee and the exceptions filed in this matter?

All members present indicated they had done so, Ald. Davis EXCUSED.

The question was put: Are any of the following or their counsels present and, if so, do they wish to address the Common Council?

Pablo De La Cruz or Oliva A. Arias was present by counsel, Attorney Andrew Arena.

Shamika M. Evans was not present.

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

There was no objection.

Attorney Andrew Arena appeared and addressed the Common Council.

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

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

There was no objection.

Ald. Witkowiak moved to take the application of Rafael Molinari, Class "B" Tavern and Tavern Dance from the deny list and return to committee.

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

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

No: 0

Excused: 1 - Davis

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.

Ald. Coggs asked to be recorded as a NO vote for the Committee's recommendation regarding La Espanola.

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

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

No: 0

Excused: 1 - Davis

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

1. [081280](#) 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: 14 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
No: 0
Excused: 1 - Davis

PASSAGE OF THE FOLLOWING:

2. [081278](#) 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 south side of West Green Tree Road from a point 615 feet east of North 76th Street to a point 75 feet east thereof”
“On the south side of West Green Tree Road from a point 730 feet east of North 76th Street to a point 25 feet east thereof”
“On the south side of West Green Tree Road from a point 825 feet east of North 76th Street to a point 75 feet east thereof”
“On the south side of West Green Tree Road from a point 940 feet east of North 76th Street to a point 25 feet east thereof”
“On the south side of West Green Tree Road from a point 1185 feet east of North 76th Street to a point 75 feet east thereof”
“On the south side of West Green Tree Road from a point 1300 feet east of North 76th Street to a point 25 feet east thereof”

“On the south side of West Green Tree Road from a point 1525 feet east of North 76th Street to a point 75 feet east thereof”

“On the south side of West Green Tree Road from a point 1640 feet east of North 76th Street to a point 25 feet east thereof”

“On the west side of North Industrial Road from a point 1940 feet north of West Mill Road to a point 30 feet north thereof”

“On the west side of North Industrial Road from a point 1995 feet north of West Mill Road to a point 60 feet north thereof”

“On the west side of North Industrial Road from a point 2263 feet north of West Mill Road to a point 30 feet north thereof”

“On the west side of North Industrial Road from a point 2308 feet north of West Mill Road to a point 60 feet north thereof”

“On the west side of North Industrial Road from a point 2478 feet north of West Mill Road to a point 30 feet north thereof”

“On the west side of North Industrial Road from a point 2533 feet north of West Mill Road to a point 75 feet north thereof”

“On the west side of North Industrial Road from a point 2699 feet north of West Mill Road to a point 30 feet north thereof”

“On the west side of North Industrial Road from a point 2754 feet north of West Mill Road to a point 60 feet north thereof”

“On the west side of North Industrial Road from a point 2927 feet north of West Mill Road to a point 30 feet north thereof”

“On the west side of North Industrial Road from a point 3374 feet north of West Mill Road to a point 30 feet north thereof”

“On the west side of North Industrial Road from a point 3429 feet north of West Mill Road to a point 60 feet north thereof”

“On the west side of South 22nd Street from West Grant Street to the first east and west alley south thereof from 7:00 AM to 5:00 PM except Saturday and Sunday”

“In the alley bounded by West St Paul Avenue, West Clybourn Street, North 25th Street and North 26th Street”

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

On the south side of West Green Tree Road from a point 590 feet east of North 76th Street to a point 100 feet east thereof

On the south side of West Green Tree Road from a point 730 feet east of North 76th Street to a point 50 feet east thereof

On the south side of West Green Tree Road from a point 800 feet east of North 76th Street to a point 100 feet east thereof

On the south side of West Green Tree Road from a point 940 feet east of North 76th Street to a point 50 feet east thereof

On the south side of West Green Tree Road from a point 1160 feet east of North 76th Street to a point 100 feet east thereof

On the south side of West Green Tree Road from a point 1300 feet east of North 76th Street to a point 50 feet east thereof

On the west side of North Industrial Road from a point 1920 feet north of West Mill Road to a point 50 feet north thereof

On the west side of North Industrial Road from a point 1995 feet north of West Mill Road to a point 100 feet north thereof

On the west side of North Industrial Road from a point 2243 feet north of West Mill Road to a point 50 feet north thereof

On the west side of North Industrial Road from a point 2308 feet north of West Mill Road to a point 100 feet north thereof

On the west side of North Industrial Road from a point 2458 feet north of West Mill Road to a point 50 feet north thereof

On the west side of North Industrial Road from a point 2533 feet north of West Mill Road to a point 100 feet north thereof

On the west side of North Industrial Road from a point 2679 feet north of West Mill

Road to a point 50 feet north thereof

On the west side of North Industrial Road from a point 2754 feet north of West Mill Road to a point 100 feet north thereof

On the west side of North Industrial Road from a point 2907 feet north of West Mill Road to a point 50 feet north thereof

On the west side of North Industrial Road from a point 2982 feet north of West Mill Road to a point 100 feet north thereof

On the west side of North Industrial Road from a point 3129 feet north of West Mill Road to a point 50 feet north thereof

On the west side of North Industrial Road from a point 3204 feet north of West Mill Road to a point 100 feet north thereof

On the west side of South 18th Street from a point 360 feet south of West Lincoln Avenue to a point 25 feet south thereof

On the east side of South 32nd Street from West Mitchell Street to West Burnham Street from 2:00 AM to 6:00 AM December 1st to March 1st

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

“On the east side of South Chase Avenue between West Hayes Avenue and South 5th Place”

“On West Washington Street from South 5th Street to South 6th Street”

“On South 25th Street from West Pierce Street to West National Avenue except Saturday and Sunday”

“On the east side of South 31st Street from West Burnham Street to a point 110 feet north”

“On South 40th Street from West Manitoba Street to West Forest Home Avenue except Saturday and Sunday and where no parking is in effect”

Part 4. Section 101-23-6 of the Code relating to Angle Parking is amended by adding the following:

On South 3rd Street from West Florida Street north to the dead end

Part 5. Section 101-26.7 of the Code relating to Street Sweeping is amended by striking the following:

On the east side of South 7th Street from West Washington Street to West Greenfield Avenue from 8:00 AM to 12:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the east side of South 8th Street from West Washington Street to West Greenfield Avenue from 8:00 AM to 12:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the east side of South 9th Street from West National Avenue to a point 150 feet south from 8:00 AM to 12:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the east side of South 10th Street from West National Avenue to West Greenfield Avenue from 8:00 AM to 12:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the north side of West Walker Street from South 9th Street to South 10th Street from 8:00 AM to 12:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the north side of West Mineral Street from South 9th Street to South 10th Street from 8:00 AM to 12:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the north side of West Washington Street from South 7th Street to South 10th Street from 8:00 AM to 12:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the north side of West Scott Street from South 7th Street to South 10th Street from 8:00 AM to 12:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the north side of West Madison Street from South 7th Street to South 10th Street from 8:00 AM to 12:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the west side of South 9th Street from West National Avenue to West Greenfield Avenue from 8:00 AM to 12:00 PM on the 4th Tuesday of each month from April 1

to December 1

On the west side of South 10th Street from West National Avenue to West Walker Street from 8:00 AM to 12:00 PM on the 4th Tuesday of each month from April 1 to December 1

On the south side of West Walker Street from South 9th Street to South 10th Street from 8:00 AM to 12:00 PM on the 4th Tuesday of each month from April 1 to December 1

On the south side of West Mineral Street from South 9th Street to South 10th Street from 8:00 AM to 12:00 PM on the 4th Tuesday of each month from April 1 to December 1

On the south side of West Washington Street from South 7th Street to South 10th Street from 8:00 AM to 12:00 PM on the 4th Tuesday of each month from April 1 to December 1

On the south side of West Scott Street from South 7th Street to South 10th Street from 8:00 AM to 12:00 PM on the 4th Tuesday of each month from April 1 to December 1

On the south side of West Madison Street from South 7th Street to South 10th Street from 8:00 AM to 12:00 PM on the 4th Tuesday of each month from April 1 to December 1

Part 6. Section 101-26.7 of the Code relating to Street Sweeping is amended by adding the following:

On the east side of South 7th Street from West Washington Street to West Greenfield Avenue from 9:00 AM to 1:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the east side of South 8th Street from West Washington Street to West Greenfield Avenue from 9:00 AM to 1:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the east side of South 9th Street from West National Avenue to a point 150 feet south from 9:00 AM to 1:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the east side of South 10th Street from West National Avenue to West Greenfield Avenue from 9:00 AM to 1:00 PM on the 2nd Tuesday of each month from April 1 to

December 1

On the north side of West Walker Street from South 9th Street to South 10th Street from 9:00 AM to 1:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the north side of West Mineral Street from South 9th Street to South 10th Street from 9:00 AM to 1:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the north side of West Washington Street from South 7th Street to South 10th Street from 9:00 AM to 1:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the north side of West Scott Street from South 7th Street to South 10th Street from 9:00 AM to 1:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the north side of West Madison Street from South 7th Street to South 10th Street from 9:00 AM to 1:00 PM on the 2nd Tuesday of each month from April 1 to December 1

On the west side of South 9th Street from West National Avenue to West Greenfield Avenue from 9:00 AM to 1:00 PM on the 4th Tuesday of each month from April 1 to December 1

On the west side of South 10th Street from West National Avenue to West Walker Street from 9:00 AM to 1:00 PM on the 4th Tuesday of each month from April 1 to December 1

On the south side of West Walker Street from South 9th Street to South 10th Street from 9:00 AM to 1:00 PM on the 4th Tuesday of each month from April 1 to December 1

On the south side of West Mineral Street from South 9th Street to South 10th Street from 9:00 AM to 1:00 PM on the 4th Tuesday of each month from April 1 to December 1

On the south side of West Washington Street from South 7th Street to South 10th Street from 9:00 AM to 1:00 PM on the 4th Tuesday of each month from April 1 to December 1

On the south side of West Scott Street from South 7th Street to South 10th Street

from 9:00 AM to 1:00 PM on the 4th Tuesday of each month from April 1 to December 1

On the south side of West Madison Street from South 7th Street to South 10th Street from 9:00 AM to 1:00 PM on the 4th Tuesday of each month from April 1 to December 1

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

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

No: 0

Excused: 1 - Davis

3. [081279](#) A substitute ordinance relating to traffic controls in various Aldermanic Districts. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-15 of the Code relating to Yield signs is amended by striking the following:

“On West Nash Street at North 55th Street”

“On North 41st Street at West Thurston Avenue”

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

On West Nash Street at North 55th Street

On West Oriole Drive at North 32nd Street

On North 41st Street at West Thurston Avenue

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

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

No: 0

Excused: 1 - Davis

4. [081387](#) An ordinance prohibiting loitering in or about restaurants, taverns, convenience stores,

filling stations and public buildings.

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

Part 1. Section 106-31-6 of the code is amended to read:

106-31 Loitering or Prowling

6. RESTAURANTS, TAVERNS, >>CONVENIENCE STORES, FILLING STATIONS, PUBLIC BUILDINGS, <<ETC., Loiters in or about a restaurant, tavern>>, convenience store, filling station<< or other public building. As used in this subsection “loiter” means to, without just cause, remain in a restaurant, tavern>>, convenience store, filling station<< or other public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof>>, or where “no loitering” signs are posted<<. >>No arrest shall be made for a violation of this subsection unless the arresting officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.<<

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

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

No: 0

Excused: 1 - Davis

ADOPTION OF THE FOLLOWING:

5. [081423](#) Resolution relative to application, acceptance and funding of a U.S. Homeland Security Buffer Zone Protection Program Milwaukee EOC Upgrade grant.
- Whereas, Under the Catalog of Federal Domestic Assistance (CFDA) 97.078, the City of Milwaukee appears to be eligible for grant funds from the U.S. Department of Homeland Security through the State of Wisconsin, Office of Justice Assistance; and
- Whereas, The operation of this grant from 1/8/09 to 3/31/11 would cost \$50,000 of which \$0 (0%) would be provided by the city and \$50,000 (100%) would be provided by the grantor; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin, Office of Justice Assistance is authorized and the Police Department shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81, Milwaukee Code of Ordinances; and be it

Further Resolved, That the City Comptroller is authorized to:

- 1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects, the following amount for the program titled: Homeland Security Buffer Zone Protection Program Milwaukee EOC Upgrade.

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

Project	Amount
Grantor Share	\$50,000

- 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:

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

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

No: 0

Excused: 1 - Davis

- 6. [081425](#) Resolution authorizing the Milwaukee Police Department to apply for, accept, and fund an I-94 N-S Corridor Reconstruction overtime grant agreement with the Wisconsin Department of Transportation.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Department of Transportation; and

Whereas, The City of Milwaukee may enter into a grant agreement with the Wisconsin Department of Transportation; and

Whereas, The operation of this grant from 1/01/09 to 12/31/10 would cost \$70,000 of which 100% would be provided by the grantor; now, therefore, be it

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

Further Resolved, That the appropriate City officials are authorized to execute the grant agreement with the Wisconsin Department of Transportation, a copy of which is attached to this file; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue Grant and Aid Projects fund, the following amount for the program titled: I-94 N-S Corridor Reconstruction Overtime:

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

Project	Amount
Grantor Share	\$70,000

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.

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

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

No: 0

Excused: 1 - Davis

7. [081426](#) Resolution approving an extension to the Law Enforcement and Security Services Agreement with the Milwaukee Brewers.
- Whereas, The City, acting through its Chief of Police, and the Milwaukee Brewers, entered into a Law Enforcement and Security Services Agreement authorized pursuant to Common Council File No. 061452 adopted March 22, 2007; and
- Whereas, The term of that agreement expired on October 31, 2008; and
- Whereas, The Common Council agreed in Common Council File No. 061452 that the 2007/08 agreement could be extended in writing through mutual agreement; and
- Whereas, The parties desire to extend the term of that agreement for the period March 25, 2009 through October 31, 2009; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the extension to the Law Enforcement and Security Services Agreement with the Milwaukee Brewers attached to this file is approved; and be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects, the following amount for the program titled, "Milwaukee Brewers":

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

Project	Amount
Grantor Share	\$1,500,000

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:

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

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

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

No: 0

Excused: 1 - Davis

8. [081427](#) Substitute resolution relative to application, acceptance and funding of the Health Policy Initiative from the Kellogg Foundation.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Kellogg Foundation in this health policy initiative; and

Whereas, The operation of this grant project from 03/01/09 to 12/31/09 would cost \$50,000 provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue Grant and Aid Projects Funds, the following amount for the project titled Health Policy Initiative from the Kellogg Foundation:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$50,000

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

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

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

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

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

No: 0

Excused: 1 - Davis

9. [081430](#) Resolution relative to the application, acceptance and funding of the year 2009 HIDTA grant award.
- Whereas, The United States Office of National Drug Control Policy (ONDCP) has established the High-Intensity Drug Trafficking Area (HIDTA) grant which combines the efforts of federal, state and local anti-drug and law enforcement agencies to combat drug trade and use; and
- Whereas, The terms of the grant require that the grant be made to a government agency; and
- Whereas, The City of Milwaukee appears to be eligible to receive these grant funds from ONDCP; and
- Whereas, The Safe and Sound Program was designed to implement tough law enforcement and prevention goals by offering after school and weekend Safe Havens that provide educational, social, and recreational activities for youth; and
- Whereas, It is in the best interest of the City to serve as a conduit for the receipt and disbursement of the \$696,000 of federal funds from ONDCP for the Safe and Sound Program; and
- Whereas, The operations of this grant project from 1/1/09 through 12/31/10 would cost \$705,764 of which \$9,764 would be provided by the city and \$696,000 would be provided as the grantor share; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to ONDCP is authorized and that the Community Development Grants Administration (CDGA) shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81, Milwaukee Code of Ordinances; and, be it

Further Resolved, That the administration of these HIDTA funds will require CDGA to monitor funds, complete performance reports, and provide due diligence on grant compliance; and, be it

Further Resolved, That the City Comptroller is authorized to:

Commit Funds within the Project/Grant Parent of the year 2009 Special Revenue Grant and Aid Projects Funds, the following amounts for the program/project titled High Intensity Drug Trafficking Area Project (HIDTA):

Project/Grant	Fund	Org	Program	BY SubClass	Acct
GR0000900000	0150	9990	0001	0000	R999 000600

Project	Amount
Grantor Share	\$696,000

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;

Establish the necessary City Share Projects values; and, be it

Further Resolved, That \$696,000 is budgeted for the Community Development Grants Administration which is authorized to:

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

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

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

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

No: 0

Excused: 1 - Davis

CONFIRMATION OF THE FOLLOWING:

10. [081468](#) Appointment of Patrick Hartmann to the Ambulance Service Board 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, Kovac, Bauman, Bohl, Coggs, Wade, Donovan,
Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines
Jr.
- No:** 0
- Excused:** 1 - Davis

PLACING ON FILE THE FOLLOWING:

11. [081276](#) Communication from the Health Department relating to the 1st and 2nd quarter 2008 reports on the Milwaukee Commission on Domestic Violence and Sexual Assault.
- A motion was made by ALD. DONOVAN that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan,
Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines
Jr.
- No:** 0
- Excused:** 1 - Davis
12. [081457](#) Communication from the Fire Department relating to Project Staying Alive.
- A motion was made by ALD. DONOVAN that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan,
Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines
Jr.
- No:** 0
- Excused:** 1 - Davis

THE FINANCE & PERSONNEL COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [081282](#) A substitute ordinance to further amend the 2009 rates of pay of offices and positions in the City Service under control of the Common Council.

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

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

Under Pay Grade 004, add the title "Health Project Coordinator-Tobacco and Men's Health."

Part 2. Section 26 of ordinance File Number 080521 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 983 delete "footnote 3/ in its entirety" and renumber footnote "4/" to "3/."

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

Part 4. The provisions of all other parts of this ordinance are deemed to be in force and effect from and after its passage and publication.

Part 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: 14 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Davis

2. [081283](#) A substitute ordinance to further amend the 2009 offices and positions in the City Service under control of the Common Council.

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

Part 1. Section 1 of ordinance File Number 080522 relative to offices and positions

in the City Service is hereby amended as follows:

Under "Police Department, Operations Decision Unit, Intelligence Division", amend footnote "(N)" to read as follows: "Milwaukee Metropolitan Drug Enforcement Grant: Position authority to expire 12/31/09, unless the Milwaukee Metropolitan Drug Enforcement Grant is extended"; under "Assigned as Needed Within Decision Unit", delete one position of "Detective (K)" and amend footnote "(K)" to read as follows: "High Intensity Drug Trafficking Area (HIDTA) Grant. Position authority to expire if HIDTA funding and the HIDTA project are discontinued or until 12/31/09 unless the HIDTA grant is extended."

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

Part 3. 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 4. This ordinance will take effect and be in force from and after its passage and publication.

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

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

No: 0

Excused: 1 - Davis

3. [081398](#) A substitute charter ordinance relating to retirement benefits and creditable service for employes represented by certain bargaining units.

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

Part 1. The note appended to s. 36-04-1-c of the charter, as affected by Common Council File Number 080369, passed July 30, 2008, is amended to read:

36-04. Creditable Service.
1. SERVICE CREDITED. c.

NOTE: The foregoing amendment to s. 36-04-1-c shall apply only to policemen represented by the MPA and firemen represented by Local 215, IAFF, who participate in the combined fund and who retire on a service retirement allowance between January 1, 1998 and December 31, 2002; policemen represented by the

MPSO, and general city employees, who participate in the combined fund and who retire on a service retirement allowance between January 1, 1999 and December 31, 2002; non-represented firemen or policemen who participate in the combined fund and who retire on a service retirement allowance between January 1, 2000 and December 31, 2002; policemen represented by the MPA, firemen represented by Local 215, IAFF, nonrepresented firemen, and general city management and nonrepresented employees, who participate in the combined fund and who retire on a service retirement allowance on or after January 1, 2003; city of Milwaukee employees who participate in the combined fund and who retire on a service retirement allowance between January 1, 2003 and December 31, 2006, and who are represented by Milwaukee District Council 48, AFSCME, AFL-CIO; the Public Employees' Union 61, LIUNA, AFL-CIO; the Technicians, Engineers and Architects of Milwaukee; the Association of Scientific Personnel; the Staff Nurses Council; Local 195, IBEW, AFL-CIO, Joint Bargaining Unit Local 139, IUOE, AFL-CIO/Milwaukee District Council 48, AFSCME, AFL-CIO; Local 494, IBEW, AFL-CIO, Machine Shop; the Association of Municipal Attorneys; the Association of Law Enforcement Allied Services Personnel; or Local #218, I.U.P.A., AFL-CIO (Police Support Service Personnel); Local 494, IBEW, AFL-CIO, Fire Equipment Dispatchers; city of Milwaukee employees represented by the Milwaukee Building and Construction Trades Council who participate in the combined fund and who retire on a service retirement allowance between August 1, 2003 and July 31, 2007; city of Milwaukee employees represented by Local 75, Journeyman Plumbers and Gasfitters Union, AFL-CIO, and the International Association of Machinists and Aerospace Workers who participate in the combined fund and who retire on a service retirement allowance between January 1, 2003 and December 31, 2006; and city of Milwaukee employees represented by Local 494, IBEW, AFL-CIO, Electrical Group, who participate in the combined fund and who retire on a service retirement allowance between June 1, 2003 and May 30, 2007; and members represented by the Administrators and Supervisors Council who participate in the combined fund and retire on a service retirement allowance between January 1, 2003 and June 30, 2007; and Milwaukee public schools employees represented by Local 150, FSA/SNA/HCA; >>Local 150, BSH;<< Local 950, International Union of Operating Engineers; Local 1616, District Council 48 and Milwaukee Building and Construction Trades Council who participate in the combined fund and who retire on a service retirement between January 1, 2004 and June 30, 2007.

Part 2. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within 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: 14 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Davis

4. [081415](#) An ordinance relating to fees for horse stables and pet shops.

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

Part 1. Section 60-47-2 of the code is amended to read:

60-47 Horse Stable Permit

2. The fee for each permit shall be \$[[61]]>>70<<.

Part 2. Section 60-69-3 of the code is amended to read:

60-69 Pet Shop License

3. There shall be an additional late fee for the filing of a late renewal application on or after January 1 of the following year in the amount of \$[[27]]>>30<<.

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

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

No: 0

Excused: 1 - Davis

5. [081451](#) Substitute charter ordinance relating to submission of budget estimates for the ensuing fiscal year.

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

Part 1. Section 18-03-0 of the charter is amended to read:

18-03. [[Departmental]] >>Budget<< Estimates.

Part 2. Section 18-03-1 of the charter is repealed and recreated to read:

1. DEPARTMENT. Each department shall submit to the mayor not later than the 2nd Tuesday in May of each year on forms approved by budget division an estimate in detail of the department's:

a. Operating needs for the ensuing fiscal year.

b. Major equipment, technology, economic development and other non-infrastructure and facilities capital improvement requests for the ensuing fiscal year.

Part 3. Section 18-03-2 and 3 of the charter is renumbered 18-03-3 and 4.

Part 4. Section 18-03-2 of the charter is created to read:

2. CAPITAL IMPROVEMENTS COMMITTEE. The capital improvements committee shall submit to the mayor not later than the 2nd Tuesday in May of each year on forms approved by the budget division an estimate in detail of the city's capital improvement needs regarding construction and maintenance of infrastructure and facilities for the ensuing fiscal year.

Part 5. 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: 14 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Davis

ADOPTION OF THE FOLLOWING:

6. [081417](#) Resolution relating to expenditure of funds to be reimbursed by greater than anticipated revenue regarding Tax Incremental District No. 49.
- Whereas, Section 304-91 of the Milwaukee Code of Ordinances established procedural guidelines related to the expenditure of funds to be reimbursed by greater than anticipated revenue; and
- Whereas, The Development Agreement among Cathedral Place, LLC ("Developer"), the City of Milwaukee ("City") and the Redevelopment Authority of the City of Milwaukee ("RACM") requires Tax Incremental District No. 49 ("TID No. 49") tax increments collected by the City to be used to redeem bonds; and
- Whereas, TID No. 49 tax incremental collections received by the City amounted to \$1,369,779.04; and
- Whereas, The TID No. 49 appropriations budgeted for 2009 total \$1,017,681.55, resulting in understated appropriations of \$352,097.49; and

Whereas, RACM requires the additional \$352,097.49 in appropriations to redeem bonds; and

Whereas, The City Comptroller has certified that greater than anticipated revenue in the amount of \$352,097.49, pursuant to Section 304-91, Milwaukee Code of Ordinances:

I hereby certify that the money required for this is to be realized on or before February 28, 2009, and is to be expended only for the purposes specified in this resolution.

City Comptroller

Date

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that \$352,097.49 is appropriated to a Special Purpose Account for the refunding of excess TID increments; and, be it

Further Resolved, That the funds may only be used by RACM to redeem bonds; and, be it

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

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

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

No: 0

Excused: 1 - Davis

7. [081418](#) Resolution relating to expenditure of funds to be reimbursed by greater than anticipated revenue regarding Tax Incremental District No. 58.
- Whereas, Section 304-91 of the Milwaukee Code of Ordinances established procedural guidelines related to the expenditure of funds to be reimbursed by greater than anticipated revenue; and

Whereas, The Tax Incremental District No. 58 (“TID No. 58”) Project Plan nets

estimated capital expenditures by anticipated sales proceeds, resulting in a reduction of funds available to accomplish the Project Plan; and

Whereas, TID No. 58 funding appropriation is based on this reduced net project cost; and

Whereas, TID No. 58 has realized property sales revenue of \$38,396; and

Whereas, This \$38,396 of sales revenue is needed to fund authorized improvements within the TID; and

Whereas, The City Comptroller has certified that greater than anticipated revenue in the amount of \$38,396, pursuant to Section 304-91, Milwaukee Code of Ordinances:

I hereby certify that the money required for this is to be realized on or before December 31, 2009, and is to be expended only for the purposes specified in this resolution.

City Comptroller

Date

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that \$38,396 is appropriated to a Special Purpose Account for the funding of TID improvements; and, be it

Further Resolved, That the funds may only be used to fund TID improvements as outlined in the Project Plan; and, be it

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

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

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

No: 0

Excused: 1 - Davis

8. [081422](#) Resolution relative to application, acceptance and funding of a Milwaukee Metropolitan Drug Enforcement Grant.

Whereas, Under the terms of CFDA #16.579, the City of Milwaukee appears to be eligible for grant funds from the U.S. Department of Justice, Bureau of Justice Assistance through the Wisconsin Office of Justice Assistance and the Milwaukee County District Attorney's Office for a Milwaukee Metropolitan Drug Enforcement Grant in the amount of \$276,117; and

Whereas, The operation of this grant project from January 1, 2009 through December 31, 2009 would cost \$276,117 of which, \$179,938 (65%) would be provided by the grantor and \$96,179 (35%) 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 this grant change as indicated in Section 304-81, Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects, the following amounts for the project titled "Milwaukee Metropolitan Drug Enforcement Grant":

Proj/Grt	Fund	Org	Program	BY	Subclass	ACCT
GR0000900000	0150	9990	0001	0000	R999	000600

Project	Amount
Grantor Share	\$179,938

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; and, be it

Further Resolved, That the 2009 Positions Ordinance be amended as follows to reflect the change in footnote (N):

(N) Milwaukee Metropolitan Drug Enforcement Grant: Position authority to expire 12/31/09, unless the Milwaukee Metropolitan Drug Enforcement Grant is extended.

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

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

No: 0

Excused: 1 - Davis

9. [081424](#) Resolution relative to application, acceptance and funding of the 2009 High-Intensity Drug Trafficking Area project awards.

Whereas, The Common Council in file 071316 approved funding for federal fiscal year 2008 for Police Department participation in the Milwaukee HIDTA project; and

Whereas, The Milwaukee Police Department's participation in the HIDTA project for the period of January 1, 2009 to December 31, 2009 would cost \$1,884,791 of which \$876,704 (47%) would be provided by the grantor and \$1,008,087 (53%) would be provided by the City; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects, the following amount for the HIDTA project:

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

Project	Amount
Grantor Share	\$876,704

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:

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

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

3. Enter into subcontracts and leases as detailed in the grant budget; and be it

Further resolved, That the 2009 Positions Ordinance be amended as follows to reflect the change in footnote (K):

Police Department
Operations Decision Unit
Assigned as Needed Within Decision Unit

Delete
(1) Detective (K)

and amend footnote (K) to read as follows:

(K) High Intensity Drug Trafficking Area (HIDTA) Grant. Position authority to expire if HIDTA funding and the HIDTA project are discontinued or until 12/31/09 unless the HIDTA grant is extended.

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

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

No: 0

Excused: 1 - Davis

10. [081432](#) Resolution approving the transfer of money from the contingent fund to the remission of taxes fund and approving and authorizing the execution of a settlement agreement for real estate and personal property taxes in the matter of In Re Tower Automotive Inc. for property located at 3533 N. 27th Street.

Whereas, Tower Automotive Inc., (Tower) filed for Chapter 11 Bankruptcy in February 2005; and

Whereas, The City submitted a claim for personal property taxes for tax levy years 2004-2006; and

Whereas, Personal property should not have accrued for tax levy years 2005 and 2006 because the City was aware that Tower's operations had ceased and there were a series of real estate transactions; and

Whereas, The Trustee in the Tower bankruptcy case has offered the City \$106,504.42 as a settlement for the personal property taxes for 2004; and

Whereas, This amount represents the principal due and excludes only interest and penalties; and

Whereas, The Trustee in the Tower bankruptcy case has offered the City \$170,191.36 as a settlement for the real estate taxes for 2004; and

Whereas, This amount represents the principal due and excludes only interest and penalties; and

Whereas, The interest and penalties for the personal property taxes and the real estate taxes would be difficult to collect because they are classified as general unsecured claims; and

Whereas, The Remission of Taxes Fund is used for the cancellation of taxes; and

Whereas, Existing funding will be insufficient and additional funding is necessary to cancel the taxes as proposed in the resolution; now therefore be it

Resolved, By the Common Council of the City of Milwaukee, that the settlement agreement regarding Tower be executed for \$276,695.78 with the remaining tax principal of \$55,403.90 to be charged to the Remission of Taxes Fund, (Fund 0001-Org 2210-Program 1241-Class S163-Account 636508), said check to be delivered to the Customer Services Division of the Office of the City Treasurer; and; be it

Further Resolved, By the Common Council of the City of Milwaukee, that \$55,403.90 be appropriated from the Common Council Contingent Fund No. 0001 9990 C001 006300 to the Remission of Taxes Fund 0001 2210 1241 S163 Account 636508; and, be it

Further Resolved, That the accrued delinquent interest, penalties, fees, and costs for

levy years 2004, 2005, 2006 are hereby cancelled; and, be it Further Resolved, That the City Comptroller is authorized and directed to make whatever fund transfers are necessary or appropriate to carry out the provision of this resolution.

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

Aye: 13 - Hamilton, Kovac, Bauman, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Bohl

Excused: 1 - Davis

PLACING ON FILE THE FOLLOWING:

11. [081284](#) Communication from the Department of Administration - Budget and Management Analysis Division regarding various vacancy requests, fund transfers and equipment requests.

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

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

No: 0

Excused: 1 - Davis

12. [081400](#) Communication from the Department of Employee Relations 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: 14 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Davis

THE FINANCE AND PERSONNEL COMMITTEE FURTHER RECOMMENDS:

---The following item may be referred from the SPECIAL Finance & Personnel Committee meeting held on Monday, March 2, 2009 at 2:00 PM.

13. [080685](#) A charter ordinance relating to award of contracts to lowest bidders in conjunction with standards for preference for local business enterprises.

Not properly before the Common Council -- Held in Committee

NOT ACTED ON

---The following item may be referred from the SPECIAL Finance & Personnel Committee meeting held on Tuesday, March 3, 2009 at 8:30 A.M.

14. [081369](#) A substitute ordinance providing charges for violations relating to return of garbage and recycling carts to their original location, mowing of grass, and removal of snow, ice and other debris from sidewalks.
- Whereas, Administrative costs related to the enforcement of ordinances intended to protect the health and safety of the public including ordinances prohibiting certain weeds and grasses over 9 inches, returning service carts to storage areas, and keeping sidewalks clear of snow, ice, mud and dirt, are a substantial burden on the city given the amount staff resources required for processing complaints, inspection of premises, preparation and delivery of notices, arrangement for abatement, providing public information and education, and accounting for charges and assessed costs, and other resources including printing costs; and
- Whereas, City ordinances permit special charges and costs of abatement to be assessed on property tax rolls: and
- Whereas; The number of grass and weed service requests received by the city in the period beginning April 1, 2008, and ending October 1, 2008 was 7,584 of which approximately 70% required posting of notices to comply; and
- Whereas, The number of properties that came into compliance with weed and grass requirements prior to billing for charges and costs was 502, and the amount billed by the city for non-complying properties was \$354,065: and
- Whereas, Sidewalk snow and ice complaints from December 1, 2007, to May 1, 2008, numbered 6,359; and
- Whereas, The number of properties that came into compliance with snow and ice requirements in 2008 was 834, and the amount billed by the city for non-complying properties was \$140,892; and
- Whereas, The number of notices issued in 2008 for failure to comply with requirements to return garbage and recycling carts to storage areas was 2,074, and the amount of charges and costs billed by the city for failure to comply was \$55,721 of which \$42,763 was assessed on property tax rolls; and
- Whereas, It is the intent of the common council to recover actual costs associated with ordinance enforcement to the extent practicable and to thereby provide a great

incentive to property owners, tenants and other responsible parties to maintain properties in compliance with city ordinances: now therefore

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

Part 1. Section 61-19 of the code is repealed.

Part 2. Section 79-16-2-a-1-d of the code is amended to read:

79-16. Penalty.

2. LIEN.

a-1-d. A person who fails to comply with s.79-5-5 shall receive a written notice with respect to the alleged violation of s. 79-5-5. Failure to comply following such notification shall result in a special charge of ~~[[\$20]]~~ >> \$35 <<, and the second and each subsequent failure to comply within a calendar year shall result in a special charge of ~~[[\$35]]~~ >> \$60 <<.

Part 3. Section 80-17-5 of the code is created to read:

80-17. Hay Fever Weeds, etc.

5. CHARGES AND COSTS. In addition to any other charges and penalties provided in this code for violation of this section, there shall be a special charge of \$65 for failure to mow or otherwise abate any condition that remains in violation of this section within 3 days of receipt or posting of a written notice and order to comply which charge shall constitute a lien upon the property together with all other costs to the city for remediation or abatement. Upon a second or subsequent failure to comply with this section, there will be a special charge of \$100 which charge shall constitute a lien on the property together with costs of remediation and abatement. No additional notice and order shall be required if the second or subsequent failure to comply occurs within the same calendar year as the initial notice and order is posted or received.

Part 4. Section 80-90 of the code is amended to read:

80-90. Penalties. Any person violating any of the following provisions of the chapter listed in column A shall be liable on conviction to the penalties listed in column B and described in ch. 61:

A	B
80-3	Class E

80-6 to 7	Class E
80-12	Class E
80-13	Class E
80-15	Class D
[[80-17	Class M]]
80-19	Class E
80-22	Class F
80-27	Class E
80-28	Class E
80-29	Class E
80-31	Class E
80-42	Class F
80-44	Class E
80-45 to 80-46.5	Class E
80-48	Class E
80-49	Class K
80-60 to 80-65-3	Class E
80-65-4	Class K
80-66 to 80-68	Class E
80-69	Class C
80-70 to 80-73	Class E

Part 5. Section 116-8-4 of the code is repealed and recreated to read:

116-8. Sidewalks to be Kept Clean.

4. CHARGES. Any person who fails to comply with this section shall receive a written notice and order to comply. Failure to comply following the notice and order shall result in a special charge of \$45 constituting a lien upon the property together with all costs to the city for remediation, abatement or removal, A second and subsequent violation within a calendar year, whether or not additional notice is provided, shall result in a charge of \$90 which shall constitute a lien upon the property together with the costs to the city of remediation, abatement or removal,
APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

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

Aye: 13 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Dudzik

Excused: 1 - Davis

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [081475](#) An ordinance relating to notice of actions subject to the review of the administrative review appeals board.

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

Part 1. Section 320-11-6 of the code is renumbered 320-11-6-a.

Part 2. Section 320-11-6-b to d of the code is created to read:

320-11. Administrative Review Appeals Board.

6. STATE LAW.

b. For the purposes of s. 68.10(2), Wis. Stats., notice shall mean the date listed on the document provided to the appellant informing him or her of the action subject to appeal, provided that this document is mailed no later than 2 working days after the date of the document.

c. All appeals to the board shall be received by the city clerk no later than 30 days after the date that appears on the face of a written notice of the determination or decision appealed from, provided the written notice is mailed to the aggrieved person no later than 2 working days after the date that appears on its face. If the written notice is mailed more than 2 working days after the date that appears on its face, appeals to the board shall be received by the city clerk no later than 30 days after the date it is received by the aggrieved person. Under s. 68.16, Wis. Stats., the city elects not to be governed by any portion of ch. 68, Wis. Stats., that conflicts with this paragraph.

d. After the receipt of a timely appeal, the board shall schedule a hearing on the appeal as soon as is practicable. Under s. 68.16, Wis. Stats., the city elects not to be governed by any portion of ch. 68, Wis. Stats., that conflicts with this paragraph.

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

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

No: 0

Excused: 1 - Davis

ADOPTION OF THE FOLLOWING:

2. [081396](#) Resolution authorizing settlement of the lawsuit entitled Schalanda Long v. Madrina De La Cruz, et al., for the total amount of \$35,000.

Whereas, The plaintiff Schalanda Long has filed a civil rights lawsuit against Madrina De La Cruz and Demark Morrison; and

Whereas, The parties have entered into a settlement agreement, to settle the above-referenced lawsuit for the total amount of \$35,000; and

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

Resolved, By the Common Council of the City of Milwaukee that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$35,000 payable to the order of Schalanda Long and the Client Trust Account for the Law Office of Marcella DePeters in full and final settlement of this lawsuit, said amount to be charged to the Damages and Claims Fund, Account No. 0001-1490-0001-S118-006300; and be it

Further Resolved, That for and in consideration of the above-referenced payment, plaintiff and her attorney will provide to the City a release of any and all claims arising out of or in any way related to this incident and a stipulation and order for dismissal of the pending court action.

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

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

No: 0

Excused: 1 - Davis

3. [081446](#) Resolution authorizing settlement of a lawsuit against Zurich American Insurance Company in connection with damage to certain Milwaukee water distribution facilities during the demolition of the Park East freeway.

Whereas, The City of Milwaukee has commenced a lawsuit against Zurich American Insurance Company which insured James Cape & Sons Company; and

Whereas, The claim relates to allegations that James Cape & Sons Company during the demolition of the Park East freeway negligently placed a substantial amount of concrete from the demolished freeway on a street and above a Milwaukee water main, resulting in a rupture of the main on September 23, 2002; and

Whereas, Because of the damage to the water main, the City of Milwaukee incurred \$165,482.17 in expenses to repair the main; and

Whereas, The insurer for James Cape & Sons Company has offered to pay \$87,500 in settlement of the lawsuit against Zurich American Insurance Company; and

Whereas, The amount offered is a fair and reasonable settlement of the City's claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Office of the City Attorney for the City of Milwaukee be and hereby is authorized and directed, on behalf of the City, to release and satisfy the City's claims in the above-referenced lawsuit for an amount of \$87,500, and to execute any necessary stipulations and releases to effectuate such settlement.

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

Aye: 13 - Hamilton, Kovac, Bauman, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Bohl

Excused: 1 - Davis

PLACING ON FILE THE FOLLOWING:

4. [060638](#) Communications from various departments relative to recommendations of the Outstanding Debt Task Force.

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

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

No: 0

Excused: 1 - Davis

5. [081394](#) Communication from the Comptroller's Office relating to a report relative to the creation of a City website to report potential fraud, waste and abuse within City government.

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

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

No: 0

Excused: 1 - Davis

DISALLOWANCE AND INDEFINITE POSTPONEMENT OF THE FOLLOWING:

6. Claims against the city:

- a. [081260](#) Resolution relating to an appeal from Isaiah Bowie, Jr. for property damage. (1st Aldermanic District)
- A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 1 - Davis
- b. [081384](#) Resolution relating to the claim of James Mikecz and Theresa Costello for property damage. (11th Aldermanic District)
- A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 1 - Davis
- c. [081385](#) Resolution relating to the claim of Zoilo Melendez for property damage. (12th Aldermanic District)
- A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 1 - Davis
- d. [081386](#) Resolution relating to an appeal from Isaiah Bowie, Jr. for property damage. (1st Aldermanic District)
- A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0

Excused: 1 - Davis

- e. [081395](#) Resolution relating to an appeal from Candace Martin for property damage. (1st Aldermanic District)

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

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

No: 0

Excused: 1 - Davis

- f. [081403](#) Resolution relating to an appeal from Jason Woll for property damage. (3rd Aldermanic District)

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

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

No: 0

Excused: 1 - Davis

- g. [081449](#) Resolution relating to the claim of Euranna Odom for property damage. (1st Aldermanic District)

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

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

No: 0

Excused: 1 - Davis

Present: 15 -

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

THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [081311](#) Substitute ordinance relating to the First Amendment to a Detailed Planned Development known as RGS Warehouse, on lands located on the West Side of South 6th Street and North of West College Avenue, to allow for options to the approved building materials, in the 13th Aldermanic District.

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

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

Section 295-907(2)(c).0137.

(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 Detailed Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for that part of the Northeast 1/4 and the Southeast 1/4 of Section 32, Township 6 North, Range 22 East, in the City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of said 1/4 Section; thence South 00 deg. 36 min. 07 sec. East along the east line of said 1/4 Section 900.09 feet to the point of beginning; thence South 89 deg. 12 min. 36 sec. West 447.00 feet along the centerline of South 6th Street to a point; thence South 89 deg. 12 min. 36 sec. West 233 feet to a point; thence South 00 deg. 36 min. 07 sec. East 130 feet to a point; thence South 89 deg. 12 min. 36 sec. West 926.24 feet to a point; thence North 04 deg. 48 min. 41 sec. West 578.42 feet to a point; thence North 89 deg. 12 min. 36 sec. East 1,201.70 feet to the point of commencement along the centerline of South 6th Street.

(3) The requirements set forth in said detailed plan attached to this Common Council File as Exhibit A, constitute the zoning regulations for the area contained in such planned development district described, provided further, that the effect of the approval of such detailed plan is that such plan shall limit and control construction,

location, use and operation of all land and structures included within the detailed plan to all conditions and limitations set forth in such detailed plan.

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

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

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

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

No: 0

ADOPTION OF THE FOLLOWING:

2. [080083](#) Substitute resolution amending the Near West Side Area Comprehensive Plan.

Whereas, The Near West Side Area Comprehensive Plan was approved by the Common Council in File Number 031371, on March 19, 2004; and

Whereas, Approval of the plan established the plan as a guide for the City regarding future use and development of the area, to encourage common understanding and coordination among levels of government and private interests, and to facilitate implementation of the plan; and

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

Whereas, Furthermore, the location of off-premise automatic changeable message signs is of concern in terms of public traffic safety and community aesthetics with

respect to the Near West Side, and it is necessary, therefore, to amend the Near West Side Area Comprehensive Plan in light of the effect of these signs; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Near West Side Area Comprehensive Plan is amended as follows:

On Page 55, in Chapter 3, Land Use Policy, under Transportation and Infrastructure, Use Policies, add a separate statement to read: "Discourage the use of off-premise automatic changeable message signs due to traffic safety and community aesthetics."

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

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

No: 0

3. [081419](#) Resolution approving the First Amendment to the Riverwalk Development Agreement for construction of a Riverwalk segment adjoining the property located at 1858 North Commerce Street, in the 6th Aldermanic District.

Whereas, The City of Milwaukee ("City") via adoption of Common Council File No. 071408 on February 26, 2008, entered into the Riverwalk Development Agreement dated May 6, 2008 ("Agreement"), with Brewers Point Apartments ("Owner"); and

Whereas, Said Agreement established the standards, rules and procedures for City construction of the Riverwalk Improvements; and

Whereas, The City, the Redevelopment Authority of the City of Milwaukee ("RACM") and the Owner now desire to enter into a First Amendment to the Agreement to extend the City's completion date from December 31, 2008 to December 31, 2009; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officials are authorized to execute the First Amendment to the Riverwalk Development Agreement, a copy of which is attached to this Common Council File; and, be it

Further Resolved, That the City Attorney's office, in cooperation with the Commissioner of City Development, is authorized to make such further minor modifications to said First Amendment that are consistent with the intent and purpose of this resolution and which are mutually acceptable to the City Attorney, the Commissioner of City Development and Brewers Point Apartments.

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

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

No: 0

Abstain: 1 - Witkowiak

4. [081439](#) Resolution approving the blight designation of the City-owned brownfields and adjoining City lots at 104 East Nash Street, 2055-63 North 30th Street and 31st and Galena Streets for acquisition and remediation by the Redevelopment Authority of the City of Milwaukee, in the 6th and 15th Aldermanic Districts.

Whereas, The Redevelopment Authority of the City of Milwaukee (“Authority”) applied for funding from the United States Environmental Protection Agency (“EPA”) to assist in remediation of the brownfields at 104 East Nash Street, 2055-63 North 30th Street, 3048-50 West Galena Street, 3045 West Walnut Street and 1624, 1630 and 1605 North 31st Street that were acquired by the City of Milwaukee (“City”) through In-Rem foreclosure; and

Whereas, The EPA requires that the Authority be the owner of these brownfield properties as a condition of accepting and using the Brownfield Clean-Up Grant; and

Whereas, The City also owns five vacant lots at 1625-27, 1629-31, 1633-35, 1635-A and 1637-39 North 31st Street that adjoin the brownfield property 1605 North 31st Street and these lots should be assembled under common ownership of the Authority to facilitate future marketing and development; and

Whereas, Section 66.1333(5)(c), Wisconsin Statutes, enables the Authority of a first class city, with the approval of the local legislative body of that city, to acquire blighted properties without designating a boundary or adopting a Redevelopment Plan after providing proper notice to the property owner and conducting a public hearing on the proposed blight designation; and

Whereas, The City waived its right to receive the statutory notices and the Authority conducted a public hearing on February 19, 2009 pursuant to the provisions of Section 66.1333(5)(c)2, Wisconsin Statutes; and

Whereas, After the public hearing, the Authority determined the subject properties to be blighted within the meaning of Section 66.1333(2m)(bm), Wisconsin Statutes, as summarized in the Blight Designation Summary, 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; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City-owned

properties at 104 East Nash Street, 2055-63 North 30th Street, 3048-50 West Galena Street, 3045 West Walnut Street and 1624, 1630, 1605, 1625-27, 1629-31, 1633-35, 1635-A and 1637-39 North 31st Street are found to be 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 deed to transfer the properties to the Authority without monetary consideration for remediation and marketing for development and to execute any documents necessary to provide clear title.

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

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

No: 0

5. [081440](#) Resolution designating the Sievers/Green House at 3173 and 3179-3181 South 31st Street, as an Historic Site, in the 8th Aldermanic District.

Whereas, The Milwaukee Historic Preservation Ordinance, Section 308-81 of the Milwaukee Code of Ordinances, as amended, provides that Historic Sites, Structures and Districts may be designated by the Common Council of the City of Milwaukee upon the recommendation of the Historic Preservation Commission; and

Whereas, The Historic Preservation Commission recommends that the Sievers/Green House at 3173 and 3179-3181 South 31st Street be designated as an Historic Site; and

Whereas, This site possesses integrity of location, design, setting, materials, workmanship and association and fulfills the following criterion set forth in Section 308-81(2)(e):

e-5. Its embodiment of the distinguishing characteristics of an architectural type or specimen.

e-9. Its unique location as a singular physical characteristic which represents an established and familiar visual feature of a neighborhood, community or of the City of Milwaukee.

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Sievers/Green House at 3173 and 3179-3181 South 31st Street, and further described as follows:

South Parkway Subdivision in NE 1/4 SEC 13-6-21 Block 1 N 35' Lot 14 & S 15' Lot 13 and Lot 15 and S 5' Lot 14

be designated as a Milwaukee Historic Site. The Preservation Guidelines pursuant to the Historic Designation Study Report, a copy of which is attached to this Common Council File, shall apply to this Site and is adopted by the Common Council as part of this File.

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

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

No: 0

6. [081452](#) Substitute resolution denying the appeal of the Historic Preservation Commission's action denying the installment of a replacement door and panels at 135 W. Reservoir Avenue.

Whereas, The owner of 135 W. Reservoir Ave., Tanya Alvarez, on February 10, 2009 appealed the Historic Preservation Commission's action denying a certificate of appropriateness for installation of a replacement door and panels; and

Whereas, The Zoning, Neighborhoods and Development Committee heard from staff of the Historic Preservation Commission and Ms. Alvarez at its meeting on February 24, 2009; and

Whereas, The Committee unanimously voted to deny the appeal of the Historic Preservation Commission's action denying the installment of a replacement door and panels at 135 W. Reservoir Avenue; and

Whereas, This denial means that the owner shall work with the Historic Preservation Commission to reach a mutually agreeable solution related to the replacement doors and panels; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the appeal of the Historic Preservation Commission's action denying the installment of replacement door and panels at 135 W. Reservoir Avenue is denied.

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

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

No: 0

CONFIRMATION OF THE FOLLOWING:

7. [081469](#) Reappointment of Gaurie Rodman to the City Plan Commission by the Mayor. (3rd Aldermanic District)
- A motion was made by ALD. WITKOWIAK that this Appointment be CONFIRMED.**
The motion PREVAILED by the following vote:
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
8. [081470](#) Reappointment of Larri Sue Jacquart to the City Plan Commission by the Mayor. (3rd Aldermanic District)
- A motion was made by ALD. WITKOWIAK that this Appointment be CONFIRMED.**
The motion PREVAILED by the following vote:
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0

THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [081388](#) An ordinance relating to sister cities policy.

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

Part 1. Section 335-3-8 of the code is repealed and recreated to read:

335-3. Policy.

8. No city funds shall be used for travel expenses by city officials in connection with any sister city relationship.

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

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

No: 0

ADOPTION OF THE FOLLOWING:

2. [081429](#) Resolution authorizing the transfer of the 2009 Community Development Block Grant funding and the 2009 Emergency Shelter Grant funding from the Sojourner Truth House and Task Force on Family Violence to form the merger titled Sojourner Family Peace Center, Inc.

Whereas, Sojourner Truth House and Task Force on Family Violence, Inc. has notified the Community Development Grants Administration (CDGA) in the attached letters of their merger to form the Sojourner Family Peace Center, Inc. effective February 1, 2009. Sojourner Family Peace Center, Inc. will perform the activity of Emergency Shelter/Transitional Housing - Domestic Violence and the activity of Shelter & Supportive Service Domestic Violence-Legal Assistance; and

Whereas, The 2009 CDBG funding for Sojourner Truth House in the amount of \$147,278, and the CDBG funding for the Task Force on Family Violence, Inc. in the amount of \$94,851 are transferred to the Sojourner Family Peace Center, Inc. for the activities listed above; and

Whereas, The 2009 Emergency Shelter Grant (ESG) funding for the Sojourner Truth House in the amount of \$54,521 is transferred to the Sojourner Family Peace Center, Inc. for the activity listed above; now therefore, be it

Resolved, That the Common Council of the City of Milwaukee hereby approves the transfer of the 2009 CDBG and ESG funding and activity as stated above from the Sojourner Truth House and Task Force on Family Violence, Inc. to the Sojourner Family Peace Center Inc.; and, be it

Further Resolved, That the contract with Sojourner Family Peace Center, Inc. shall specifically provide that eligible costs incurred by Sojourner Truth House and Task Force on Family Violence, Inc. between January 1, 2009 and the date of merger shall be eligible for reimbursement if proper documentation is submitted pursuant to the standard requirements for reimbursement included in the contract executed with Sojourner Family Peace Center, Inc.; and, be it

Further Resolved, That Sojourner Family Peace Center, Inc. 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 CDBG and ESG costs incurred shall be paid in accordance with approved CDBG and ESG 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 2009 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, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

3. [081431](#) Resolution relative to application for a Public Library Innovation Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the International City/County Management Association; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the International City/County Management Association is authorized.

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

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

No: 0

4. [081443](#) Resolution approving the 14th Amendment to the Riverwalk Development Agreement for Business Improvement District No. 15.

Whereas, The City of Milwaukee (“City”) and Business Improvement District (“BID”) No. 15 entered into a Riverwalk Development Agreement for the District dated May 23, 1994; and

Whereas, The Agreement established the standards, rules and procedures for construction of the downtown Riverwalk; and

Whereas, The Agreement has been amended 13 previous times; and

Whereas, The City and BID No. 15 previously approved a funding plan for these Accessibility Improvements based upon an initial estimated cost for the project of \$1,500,000; and

Whereas, The current budget for the anticipated Accessibility Improvements indicated a cost of up to \$4,797,473; and

Whereas, BID No. 15 has agreed to contribute toward the cost of the Accessibility Improvements in an amount equal to the 22 percent standard used throughout the Riverwalk development program; and

Whereas, The share for BID No. 15 is estimated to be \$910,714, which will be paid back to the City by the BID under the terms and conditions of the original Riverwalk Development Agreement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officials are directed to execute the 14th Amendment to the Riverwalk Development Agreement for Business Improvement District No. 15, a copy of which is attached to this Common Council File; and, be it

Further Resolved, That the City Comptroller is directed to transfer the sum of \$724,000, to Account No. UR04709100, representing the amount appropriated in the 2009 Budget for payment of the City’s share of Accessibility Improvements to be constructed in 2009; and, be it

Further Resolved, That the City Comptroller, in conjunction with the Commissioner of City Development, is directed to establish any and all appropriate subaccounts in

accord with generally accepted accounting practices and City guidelines necessary to implement the intent of this resolution and maintain proper fiscal control; and, be it

Further Resolved, That any expenditures for Accessibility Improvements beyond the \$724,000 are subject to appropriation in the future by the Common Council of the City of Milwaukee; and, be it

Further Resolved, That the City Clerk is directed to forward a certified copy of this resolution to the Commissioners of City Development and Public Works and to the City Comptroller; and, be it

Further Resolved, That all City officials, departments, boards and commissions are directed to provide all such assistance to carry out the intent and purposes of this resolution.

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

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

No: 0

Abstain: 1 - Witkowiak

5. Reappointments to the Business Improvement District Board No. 27:

CONFIRMATION OF THE FOLLOWING:

- b. [081464](#) Appointment of Ethel Washington to the Business Improvement District Board No. 27 (West Burleigh Street) by the Mayor. (2nd 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, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- c. [081472](#) Reappointment of James Hiller to the Business Improvement District Board No. 27 (West Burleigh Street) 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, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- a. [081355](#) Reappointment of Irvin Bostwick to the Business Improvement District Board #27 (West Burleigh Street) 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, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

6. [081463](#) Reappointment of Gladys Gonzalez to the Main Street Milwaukee Partners Board by the Mayor. (12th 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, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

7. [081465](#) Appointment of David Mitchell to the Business Improvement District Board No. 31 (Havenwoods) by the Mayor.

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

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

No: 0

8. [081466](#) Appointment of Timothy Balbo to the Business Improvement District Board No. 31 (Havenwoods) 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, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

9. [081467](#) Appointment of John Koleas to the Business Improvement District Board No. 37 (30th Street Industrial Corridor) by the Mayor. (10th Aldermanic District)

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

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

No: 0

THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE FURTHER RECOMMENDS:

---The following items may be referred from the SPECIAL Community and Economic Development Committee meeting held on Monday, March 2, 2009 at 9:00 A.M.

10. [080218](#) A substitute ordinance relating to participation of city residents in public works contracts, requirements for developers receiving direct financial assistance from the city, and local business enterprise contracting standards.
- A motion was made by ALD. MURPHY that this Ordinance be ASSIGNED TO the FINANCE & PERSONNEL COMMITTEE . The motion PREVAILED by the following vote:**
- Aye:** 12 - Hamilton, Kovac, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Zielinski
- No:** 3 - Davis, Bauman Hines Jr.
11. [080764](#) Substitute resolution approving a cooperation agreement between the City of Milwaukee and the Milwaukee Area Workforce Investment Board, Inc. ("MAWIB") regarding the City's First-Source Employment Program.
- Not properly before the Common Council -- Held in Committee*
- NOT ACTED ON**

THE PUBLIC WORKS COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [081117](#) A substitute ordinance relating to permitting planting in certain portions of the public right-of-way.
Whereas, The residents of the 13th Aldermanic District pride themselves in doing an exceptional job in beautifying their neighborhoods with many exceptional examples of residential gardens; and,

Whereas, The residents of the 13th Aldermanic District formed a Garden Committee to pursue district designation and developed a formalized plan to guide beautification activities; and,

Whereas, The Garden Committee became members of the Garden District Neighborhood Association which provides a district-wide identity and scope; and,

Whereas, On February 5th, 2008, the Common Council adopted a resolution, File Number 070569, proclaiming the 13th Aldermanic District the Garden District of the City of Milwaukee; and,

Whereas, In light of the activities and achievements in the 13th District, it is desirable to enhance these beautification activities and encourage beautification activities across the entire City; now, therefore,

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

Part 1. Section 116-54 of the code is created to read:

116-54. Planting of Flowers in the Public Right-of-Way.
1. PLANTING OF FLOWERS. The planting of flowers in the public right-of-way is permitted if the planting is 1 ½ feet from both the curb and the sidewalk.
2. REQUIREMENTS. Plants may not grow so as to obstruct or encroach upon the curb or sidewalk, block sight lines to the street, be higher than 2 feet or potentially create a trip hazard on the sidewalk or roadway. The department of public works may issue additional planting guidelines.
3. CITY LIABILITY. The city shall be held harmless from and against any damages to plantings permitted in this section occurring due to city operations or repairs including tree trimming, tree removal, stump removal, tree planting, utility repair and plowing or salting.
4. VIOLATIONS. If the department of public works determines that circumstances warrant, the property owner shall be notified and given 30 days to correct the violation. If the property owner does not remove the plant material within the 30

days, the department of public works will take corrective action and bill the owner following the procedures set forth in s. 11.28, city charter.

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

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

No: 0

2. [081215](#) A substitute ordinance establishing a capital improvements committee.

Proposed Substitute C offered.

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

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

No: 0

- [081215](#) A substitute ordinance establishing a capital improvements committee.

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

Part 1. Section 320-49 of the code is created to read:

320-49. Capital Improvements Committee.

1. ESTABLISHMENT. There is created the capital improvements committee to develop, maintain and update a long-term capital improvements program for the city's construction and maintenance of its infrastructure and facilities.

2. COMPOSITION. a. The committee shall be comprised of the following members:

a-1. The commissioner of public works or alternate.

a-2. The department of administration budget and management director or alternate.

a-3. The comptroller or alternate.

a-4. The chair of the public works committee or alternate.

a-5. The chair of the finance and personnel committee or alternate.

a-6. The common council president or alternate.

a-7. A public member appointed by the mayor for a 3-year term and confirmed by the common council.

b. The commissioner of public works or alternate shall serve as chair of the committee.

3. DUTIES. The committee shall:
- a. Develop a prioritized 6-year capital improvements program based on anticipated construction and maintenance of infrastructure and facilities for all departments under control of the common council. Following development, this 6-year capital improvements program shall be reviewed and adopted, with any modifications, by the common council in conjunction with adoption of the annual budget.
 - b. Establish criteria upon which a determination as to the priority of each capital program or project for the construction and maintenance of infrastructure and facilities may be based to include, but not be limited to:
 - b-1. The effect of a program or project on the achievement of any strategic objective that the mayor has submitted to the capital improvements committee for its consideration.
 - b-2. The interrelationship of each capital program with other capital programs.
 - b-3. The effect of each project on replacement cycles, condition ratings, operating and maintenance expenses, and other indicators of infrastructure system performance.
 - b-4. Each project's relationship to the city's "smart growth" plan pursuant to s. 16.965(4), Wis. Stats., and any area or other development plans that the common council has approved, with emphasis upon the 6-year capital improvements program.
 - b-5. The capacity of a program's or project's funding level to fit within funding and debt service targets, as determined by the committee.
 - c. Establish a priority for each project within the program based upon the established criteria.
 - d. Secure supporting data and justification for proposed projects, arrive at accurate cost estimates and secure from city departments a list of services and facilities and a projection of operating costs related to each construction project.
 - e. Monitor completion of the capital improvements program as contained in the annual budget.
4. REPORTS. a. By February 1 annually, the committee shall:
- a-1: Submit to the common council for its information the 6-year program and its total estimated construction and maintenance costs, the effect of the total costs upon estimated annual tax levies and debt service for each year of the program, and recommendations concerning financing of the program.
 - a-2: Prepare a report describing the condition of the city's infrastructure and facilities and the adequacy of the effort level made by the city to preserve such infrastructure and facilities and eliminate any deferred capital maintenance. Infrastructure networks and facilities comprising this report shall include the following systems: city sewerage, storm water management, streets, street lights, traffic control, underground conduit and wired communications, water treatment and distribution, city buildings, bridges, alleys, sidewalks, parking, harbor and urban forestry. Information provided shall include replacement cycles, condition ratings, operating and maintenance expenses, and other appropriate quantitative measures of condition.
- b. Based on capital budget recommendations submitted by city departments and

within such guidelines as may be established from time to time by the common council, submit to the department of administration budget and management division, on forms prescribed by the division, a requested capital improvements budget, including financing, for the construction and maintenance of infrastructure and facilities for the ensuing fiscal year not later than the 2nd Tuesday in May of each year, such request to be acted upon as are requests for all other parts of the total budget under control of the common council. This requested capital improvements budget shall be accompanied by narrative explaining how and to what extent this capital budget serves to implement the 6-year capital improvements program.

c. Prepare semi-annual progress reports, with emphasis on the status of large-scale capital projects as determined pursuant to Resolution File Number 061597, and other projects as determined by the committee, in relation to their predetermined construction schedule and estimated costs, for submission to the common council.

5. STAFFING. Staff for the capital improvements committee shall be provided by the capital improvements administration, headed by a program coordinator in the department of public works who shall be selected by the committee under applicable city service rules, and operate under the administrative direction of the committee. Salaries and fringe benefits required for the capital improvements administration shall be provided annually out of capital improvement funds. All city departments and agencies shall cooperate with the committee and provide assistance whenever the committee so requests.

As substituted.

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

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

No: 0

ADOPTION OF THE FOLLOWING:

3. [001541](#) Substitute resolution to vacate portions of West Congress Street, North 36th Street, North 38th Street, North 39th Street, North 40th Street, North 41st Street, North 42nd Street, North 42nd Place and alleys in the area bounded by the northerly and southerly West Congress Streets, North Sherman Boulevard and North 35th Street, in the 7th Aldermanic District.

Whereas, It is proposed that portions of West Congress Street, North 36th Street, North 38th Street, North 39th Street, North 40th Street, North 41st Street, North 42nd Street, North 42nd Place and alleys in the area bounded by the northerly and southerly West Congress Streets, North Sherman Boulevard and North 35th Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said portions of streets and alleys as indicated by Exhibit A and bound and described by:

Those parts of West Congress Street, North 36th Street, North 38th Street, North 39th Street, North 40th Street, North 41st Street, North 42nd Street, North 42nd Place and alleys in the Northwest 1/4 and Southwest 1/4 of Section 1, Township 7 North, Range 21 East, bounded on the north by a line 34.58 feet southerly of, as measured normal to, the northerly line of the northerly West Congress Street; on the east by a line 50.00 feet west of, as measured normal to, the east line of said Southwest 1/4 Section; on the south by a line 34.58 feet northerly of, as measured normal to, the southerly line of the southerly West Congress Street and on the west by a line 60.00 feet east of, as measured normal to, the west lines of said Northwest 1/4 Section and said Southwest 1/4 Section, are vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said portions of streets and alleys 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, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

4. [081301](#) Resolution authorizing the Milwaukee Public Library to submit a proposal for a 2009 Stormwater Best Management Practices Partnership grant from the Milwaukee Metropolitan Sewage District.

Whereas, Stormwater pollution control is an important component of the City of Milwaukee's (City) storm water management regulation; and

Whereas, The Milwaukee Public Library has received 2009 capital funding of \$950,000 for a green roof project which will replace the existing roof system on the annex of the Central Library; and

Whereas, The MMSD has issued a Request for Proposal to provide grant funding for stormwater management projects that can demonstrate best practices in managing the volume, rate and quality of stormwater runoff; and

Whereas, The Library desires to submit a proposal to MMSD for a grant to assist in funding the Central Library green roof project under the 2009 Best Management Practices Partnership Program; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Library Director is hereby authorized to execute and submit a proposal for a 2009 Best Management Practices Partnership grant from the MMSD.

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

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

No: 0

5. [081390](#) 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 \$144,000 for a total estimated cost of these projects being \$2,767,000.

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

Ordinances:

5th Aldermanic District

W. Concordia Ave. - N. 96th St. to N. Argonne Dr. (Portions in the City of Wauwatosa) (ST211050142): 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 -- \$22,000). The total estimated cost for this project including the requested amount is \$210,000. This project is anticipated to be completed during the 2010 construction season.

N. 87th St. - W. Burleigh St. to W. Concordia Ave. (ST21100121): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$213,000. This project is anticipated to be completed during the 2010 construction season.

N. 88th St. - W. Burleigh St. to W. Concordia Ave. (ST211030108): 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 -- \$7,000). The total estimated cost for this project including the requested amount is \$225,000. This project is anticipated to be completed during the 2010 construction season.

N. 89th St. - W. Burleigh St. to W. Lisbon Ave. (ST211020108): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$460,000. This project is anticipated to be completed during the 2010 construction season.

N. 99th St. - W. Concordia Ave. to W. Keefe Ave. (ST211100114): 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 -- \$45,000). The total estimated cost for this project including the requested amount is \$420,000. This project is anticipated to be completed during the 2010 construction season.

6th Aldermanic District

Alley between E. Fiebrantz Ave., N. Hubbard St., N. Richards St., and Lands North. (ST212100102): Paving the alley with concrete. Doing all the necessary grading

pertaining to said work. (Nonassessable Alley Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$82,000. This project is anticipated to be completed during the 2010 construction season.

7th Aldermanic District

N. 42nd St. - W. Burleigh St. to W. Townsend St. (ST211050117): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$385,000. This project is anticipated to be completed during the 2010 construction season.

8th Aldermanic District

Alley between W. Lapham St., W. Mitchell St., S. 29th St. and S. 30th St. (ST212090109): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$100,000. This project is anticipated to be completed during the 2009 construction season.

9th Aldermanic District

N. 82nd Ct. - A point southwest of W. Clovernook St. to W. Clovernook St. (ST211020107): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$42,000. This project is anticipated to be completed during the 2010 construction season.

11th Aldermanic District

W. Euclid Ave. - S. 38th St. to S. 39th St. (ST211050106): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$40,000. This project is anticipated to be completed during the 2010 construction season.

S. 39th St. - W. Ohio Ave. to W. Oklahoma Ave. (ST211020145): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project

including the requested amount is \$275,000. This project is anticipated to be completed during the 2010 construction season.

13th Aldermanic District

W. Wanda Ave. - S. 14th St. to S. 15th Pl. (ST211050134): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$130,000. This project is anticipated to be completed during the 2010 construction season.

15th Aldermanic District

N. 37th St. - W. Meinecke Ave. to W. Clarke St. (ST211050113): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$185,000. This project is anticipated to be completed during the 2010 construction season.

; and, be it

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

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

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

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

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

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

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

No: 0

6. [081391](#) 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 \$110,000 for a total estimated cost of these projects being \$787,000.

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:

3rd Aldermanic District

E. Windsor Pl. - N. Summit Ave. to N. Lake Dr. (SM495070087) File Number 070266: Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000 Additional Funds). The total estimated cost for this project including the requested amount is \$76,000. This project is anticipated to be completed during the 2009 construction season.

6th Aldermanic District

N. Palmer St. - 300 feet m/l north of E. Townsend St. to E. Keefe Ave. (SM495090005): Relaying combined sewer. The total estimated cost for this project is \$87,000. This project is anticipated to be completed during the 2009 construction season.

8th and 12th Aldermanic Districts

W. Pierce St. - S. 20th St. to S. 21st St. (SM495080025): Relaying combined sewer. The total estimated cost for this project is \$110,000. This project is anticipated to be completed during the 2009 construction season.

13th Aldermanic District

Mitchell Interchange Local Review (ST320080201) (1030-20-00) File Number 071594: Review Costs Associated with the Reconstruction of the Mitchell Interchange. (Grantor Reimbursable Paving Fund -- \$100,000.00)

These funds are to be transferred to the review account (ST320080201).

Previously authorized for local review: \$100,000.00

Current estimated cost of the total review project including this
Resolution (amended contract dated December 17, 2008) : \$200,000.00

Original estimated cost of the total project (File No. 071594): \$100,000.00

City Wide

Large Diameter Sewer Exam Contract. (SM495090003): Combined and storm sewer exams. The total estimated cost for this project is \$314,000. This project is anticipated to be completed during the 2009 construction season.

; and, be it

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

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

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

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

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

No: 0

7. [081392](#) Substitute resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$9,733,000 for a total estimated cost of these projects being \$10,576,500.

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:

3rd and 6th Aldermanic Districts

E./W. Keefe Ave. - N. Humboldt Blvd. to N. Port Washington Rd. (SM495080068) File Number 050317: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$3,814,000). The total estimated cost for this project including the requested amount is \$3,864,000. This project is anticipated to be completed during the 2009 construction season.

6th Aldermanic District

N. Holton St. (Elimination of railroad crossing). - A point 100 feet m/l south of E. Townsend St. to E. Townsend St. (ST21090110) File Number 980033: Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding (full walk), and grading. (Nonassessable New Paving Fund -- \$50,000). The total estimated cost for this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2009 construction season.

N. Palmer St. - 300 feet m/l north of E. Townsend St. to E. Keefe Ave. (SM495090005) File Number 081391: Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$87,000). The total estimated cost for this project including the requested amount is \$87,000. This project is anticipated to be completed during the 2009 construction season.

E. Townsend St. (Elimination of railroad crossing). - N. Holton St. to a point 120 feet m/l west of N. Holton St. (ST21090113) File Number 980033: Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding (5.0-foot width of tree border area), and grading. (Nonassessable New Paving Fund -- \$25,000). The total estimated cost for this project including the requested amount is \$25,000. This project is anticipated to be completed during the 2009 construction season.

8th Aldermanic District

W. Forest Home Ave. Bridge (and Approaches) over the Kinnickinnic River (ST320051301/BR320051301) (2120-13-70) File Number 041289: Bridge and Approach Asphalt Reconstruction. (Grantor Non-Reimbursable Paving Fund--\$255,190; Grantor Reimbursable Paving Fund -- \$38,279; City Share Non-assessable Paving Fund -- \$25,000; Grantor Non-Reimbursable Structure Fund--\$3,005,679; Grantor Reimbursable Structure Fund--\$450,852).

These funds are to be transferred to the construction account (ST3200513XX/BR3200513XX) (2120-13-70).

Previously authorized for bridge construction: \$0.00

Current estimated cost of the total project including this resolution (revised agreement dated 01/26/2009): \$4,472,500.00

Original estimated cost of the total project (File Number 041289): \$2,177,500.00

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

W. Rogers St. - S. 36th St. to S. 37th St. (SM495080027) File Number 080237:

Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$65,000).

The total estimated cost for this project including the requested amount is \$75,000.

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

S. 26th St. - W. National Ave. to W. Mineral St. (SM495080063) File Number

080809: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund --

\$68,000). The total estimated cost for this project including the requested amount is

\$78,000. This project is anticipated to be completed during the 2009 construction

season.

S. 30th St. - W. Mitchell St. to W. Grant St. (SM495070039) File Number 061380:

Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund --

\$542,000). The total estimated cost for this project including the requested amount is

\$566,000. This project is anticipated to be completed during the 2009 construction

season.

8th and 11th Aldermanic Districts

S. 41st St. - 125 feet m/l south of W. Oklahoma Ave. to W. Euclid Ave.

(SM495070102) File Number 071055: Relay sanitary sewer and storm sewer lining.

(Nonassessable Sewer Maintenance Relay Fund -- \$98,000). The total estimated

cost for this project including the requested amount is \$110,000. This project is

anticipated to be completed during the 2009 construction season.

8th and 12th Aldermanic Districts

W. Pierce St. - S. 20th St. to S. 21st St. (SM495080025) File Number 081391:

Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund --

\$110,000). The total estimated cost for this project including the requested amount is

\$110,000. This project is anticipated to be completed during the 2009 construction

season.

12th Aldermanic District

S. 14th St. - W. Hayes Ave. to W. Harrison Ave. (SM495070027) File Number

080237: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund --

\$196,000). The total estimated cost for this project including the requested amount is

\$206,000. This project is anticipated to be completed during the 2009 construction season.

14th Aldermanic District

S. Austin St. - E. Ward St. to E. Lincoln Ave. (SM495070175) File Number 080237: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$89,000). The total estimated cost for this project including the requested amount is \$99,000. This project is anticipated to be completed during the 2009 construction season.

E. Gauer Cr. - S. Howell Ave. to S. Chase Ave. (SM495080053) File Number 080387: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$432,000). The total estimated cost for this project including the requested amount is \$442,000. This project is anticipated to be completed during the 2009 construction season.

S. Logan Ave. - E. Linus St. to E. Conway St. (SM495060055) File Number 080237: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$68,000). The total estimated cost for this project including the requested amount is \$78,000. This project is anticipated to be completed during the 2009 construction season.

City Wide

Large Diameter Sewer Exam Contract. (SM495090003) File Number 081391: Combined and storm sewer exams. (Nonassessable Sewer Maintenance Relay Fund -- \$314,000). The total estimated cost for this project including the requested amount is \$314,000. This project is anticipated to be completed during the 2009 construction season.

now, therefore, be it

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

Further Resolved, That the 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. Forest Home Ave. Bridge (and Approaches) over the Kinnickinnic River (ST320051301/BR320051301); 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. Forest Home Ave. Bridge (and Approaches) over the Kinnickinnic River (ST320051301/BR320051301); and be it

Further Resolved, That upon the completion of Project W. Forest Home Ave. Bridge (and Approaches) over the Kinnickinnic River (ST320051301/BR320051301) 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.

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

No: 0

8. [081393](#) 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 \$792,544 for a total estimated cost of \$5,199,807.88.

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:

1st Aldermanic District

N. 34th St. - A point 500 feet m/l south of W. Thurston Ave. to W. Thurston Ave. (ST211090102) File Number 070782: Asphalt pavement resurfacing, replace sidewalk where necessary, sodding (15-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$100 ; Nonassessable Reconstruction Paving Fund -- \$40,000). The total estimated cost for this project including the requested amount is \$65,100. This project is anticipated to be completed during the 2009 construction season.

2nd and 5th Aldermanic District

W. Silver Spring Dr. (CTH "E") - N. 90th St. to N. 124th St. (ST320082201) (2090-13-70) File Number 081111: Asphalt Pavement Resurfacing; rubble existing roadway, resurface with asphalt pavement. City Share Non-Assessable Paving Fund -- \$90,809, City Share Assessable Paving Fund--\$49,635.

These funds are to be transferred to the construction account (ST3200822XX) (2090-13-70).

Previously authorized for road construction: \$0.00

Current estimated cost of the total project including this resolution: \$4,447,707.88

Original estimated cost of the total project: \$3,800,000.00. (Milwaukee County is the lead contracting agent)

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

5th Aldermanic District

N. 79th St. - W. Fiebrantz Ave. to N. 78th St. (ST211060106) File Number 040945: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (9-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$2,000; Nonassessable Reconstruction Paving Fund -- \$60,000). The total estimated cost for this project including the requested amount is \$73,000. This project is anticipated to be completed during the 2009 construction season.

10th Aldermanic District

N. 91st St. - W. Blue Mound Rd. to W. Wisconsin Ave. (ST21110123) File Number 080004: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (8.6-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$12,000; Nonassessable Reconstruction Paving Fund -- \$170,000). The total estimated cost for this project including the requested amount is \$200,000. This project is anticipated to be completed during the 2009 construction season.

11th Aldermanic District

W. Nebraska Ave. - S. 52nd St. to S. 54th St. (ST211060164) File Number 051083: Asphalt pavement overlay. (Assessable Reconstruction Paving Fund -- \$2,000; Nonassessable Reconstruction Paving Fund -- \$25,000). The total estimated cost for this project including the requested amount is \$30,000. This project is anticipated to be completed during the 2009 construction season.

S. Utah Ave. - W. Forest Home Ave. to W. Nebraska Ave. (ST211060165) File Number 051083: Asphalt pavement overlay. (Assessable Reconstruction Paving Fund -- \$2,000; Nonassessable Reconstruction Paving Fund -- \$25,000). The total estimated cost for this project including the requested amount is \$29,000. This project is anticipated to be completed during the 2009 construction season.

S. 52nd St. - W. Nebraska Ave. to a point 400 feet m/l north of W. Nebraska Ave. (ST211060162) File Number 051083: Asphalt pavement overlay. (Assessable Reconstruction Paving Fund -- \$2,000; Nonassessable Reconstruction Paving Fund - \$30,000). The total estimated cost for this project including the requested amount is \$35,000. This project is anticipated to be completed during the 2009 construction season.

S. 54th St. - W. Nebraska Ave. to W. Ohio Ave. (ST211060163) File Number 051083: Asphalt pavement overlay. (Assessable Reconstruction Paving Fund -- \$2,000; Nonassessable Reconstruction Paving Fund -- \$60,000). The total estimated cost for this project including the requested amount is \$69,000. This project is anticipated to be completed during the 2009 construction season.

Alley between W. Cleveland Ave., W. Harrison Ave., S. 71st St., S. 72nd St., (Portions in the City of West Allis) (ST212020103/ST214090106) File Number 080808:

Concrete alley pavement reconstruction, replace some abutting walk or driveway approaches, grading, and storm drainage facilities where necessary. (Assessable Alley Paving Fund -- \$25,000 ; Nonassessable Alley Paving Fund -- \$25,000; Developer Paving fund -- \$50,000). The total estimated cost for this project including the requested amount is \$112,000. This project is anticipated to be completed during the 2009 construction season.

15th Aldermanic District

Alley between W. Lisbon Ave., W. Roberts St., N. 39th St. and N. 40th St. (ST212060122) File Number 060138: Concrete alley pavement reconstruction, replace some abutting walk or driveway approaches, grading, and storm drainage facilities where necessary. (Assessable Alley Paving Fund -- \$ 40,000 ; Nonassessable Alley Paving Fund -- \$80,000). The total estimated cost for this project including the requested amount is \$139,000. This project is anticipated to be

completed during the 2009 construction season.

; and

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

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

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

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

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

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

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

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

Further Resolved, That projects N. 34th St. (ST211090102); W. Silver Spring (ST320082201); N. 79th St. (ST211060106); N. 91st St. (ST21110123); W. Nebraska Av. (ST211060164); S. Utah Av. (ST211060165); S. 52nd St. (ST211060162); S. 54th St. (ST211060163); Alley W. Cleveland Av. (ST212020103); and Alley W. Lisbon Av. (ST212060122) will be billed after January 1, 2011, but not before 12 months after the project contract has been completed; and, be it

Further Resolved, That the following project be deleted from the 2009 Paving

Program:

Alley between W. Center St., W. Ridge Ct., N. Swan Rd., N. 92nd St., N. 93rd St.,
City Limits (Portions in the City of Wauwatosa) (ST212090108):

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

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

No: 0

9. [081420](#) Resolution authorizing the proper city officials to execute amended Utility Agreements with the State of Wisconsin, Department of Transportation for work on City of Milwaukee facilities in conjunction with the North-South Mitchell Interchange with a total estimated cost of \$2,769,671.33 with an estimated Grantor's share of \$2,492,704.20 and an estimated City of Milwaukee share of \$276,967.13.

Whereas, The State of Wisconsin, Department of Transportation (WISDOT) scheduled the rehabilitation of the North-South Mitchell Interchange (NMSI) in the City of Milwaukee; and

Whereas, The Department of Public Works (DPW) has worked with the WISDOT over the past year in planning the design and construction phasing of the project to best meet the needs of the citizens of the City of Milwaukee (CITY) and of the region as a whole; and

Whereas, Work on the NSMI has been phased in four major phases, being Phase I (South 27th Street; Airport Spur I; West Grange Avenue; West College Avenue) scheduled for 2009, Phase II (North Leg; West Layton Avenue; Airport Spur II) scheduled for 2010, and Phases III & IV (Mitchell Interchange) scheduled for 2011 and 2012; and

Whereas, There will be substantial work required on CITY utilities as a result of the design and construction associated with these NSMI contracts; and

Whereas, Wisconsin Statute 84.295(4m) indicates that the WISDOT will pay 90 percent of the cost alteration, rehabilitation and relocation of municipal utilities with the responsible jurisdiction liable for the remaining 10 percent of the cost; and

Whereas, It has been estimated that for the NSMI project, scheduled for 2009 within the CITY a total of approximately \$5 million in CITY utility alterations will be necessary; and

Whereas, Utility Agreements were executed by the WISDOT and the CITY for work on City of Milwaukee facilities in conjunction with NSMI (South 27th Street; West

Grange Avenue; West College Avenue) in accordance with Common Council Resolution File Numbers 080400 and 081307, adopted on August 14, 2008 and February 10, 2009, respectively; and

Whereas, It has been estimated that for the 2009 Advanced Utilities Contract amendments for Water will be \$2,415,000.00 with a Grantor share of \$2,173,500.00 and a CITY share of \$241,500.00; and Environmental Engineering will be \$354,671.33 with a Grantor share of \$319,204.20 and a CITY share of \$35,467.13; and

Whereas, In order for the CITY to be reimbursed for the 90 percent share of the utility alteration cost on the NSMI contract, the WISDOT requires the entering into Municipal Utility Agreements, in accord with relocation assistance policy; and

Whereas, The WISDOT has provided the CITY with the necessary Municipal Utility Agreements to facilitate reimbursement of the CITY costs in the alteration of CITY water and environmental engineering facilities for the 2009 Advanced Utilities work; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized and directed to execute the "Utility Agreements" Nos. 67 and 70 for Milwaukee Water Works and Environmental Engineering, all attached to this resolution by reference as though set forth in full; and, be it

Further Resolved, That the Commissioner of Public Works is hereby authorized and directed to review and/or prepare plans as necessary to accomplish the required utility alterations associated with the NSMI 2009 Advanced Utilities contract and is authorized to allow the WISDOT to include CITY utility work in the 2009 award contracts for CITY utility work and/or have the necessary utility work associated with the 2009 contracts accomplished by CITY forces, whichever is deemed to be in the best interest of the city and NSMI project; and, be it

Further Resolved, That the funding to cover the 10 percent CITY cost of the NSMI contract utility alterations for water and environmental engineering facilities estimated to be \$241,500.00 and \$35,467.13 respectively, are and/or will be placed in Department of Public Works Departmental Accounts as part of the CITY budget process in budget years as necessary to accommodate the projects scheduling and the Local Accounts Receivable Report (LARR) billings; and, be it

Further Resolved, That the CITY Comptroller is hereby authorized and directed to create within the Capital Improvement Fund, Grant and Aid projects, the necessary Project/Grant Chartfield Values for engineering and construction for the projects (expenditure) and transfer to any of these accounts the amounts required under the

grant agreement and City Accounting Policy but not to exceed a 10 percent increase of the total amounts reserved for the Grantor's share and local share or \$5,000.00, whichever is greater, as follows:

Water Works Department Account Numbers

NS/I94 - 2009 Advanced Utilities Contract (W. Mallory Avenue) (1030-21-78)

1030-21-46

WT410090504

Fund 0420

\$71,500.00

Grantor Reimbursable Share

SP032090100

Fund 0306

\$142,500.00

Grantor Non-Reimbursable Share

\$501,000.00

NS/I94 2009 Advanced Utilities Contract (W. Layton Avenue)(1030-21-78)

1030-21-46

WT410090505

Fund 0420

\$170,000.00

Grantor Reimbursable Share

SP032090100

Fund 0306

\$230,000.00

Grantor Non-Reimbursable Share

\$1,300,000.00

Total Estimated Water Utility \$2,415,000.00

Previously authorized for 2009 Advanced Utility (Water): \$0.00

Current estimated 2009 Advanced Utility (Water) including this resolution:

\$2,415,000.00

Original estimated 2009 Advanced Utility (Water): \$2,415,000.00

Environmental Engineering Account Number

NS/I94 2009 Advanced Utilities Contract (Mallory) (1030-21-78)

1030-21-47
SM495090004
Fund 0491
\$35,467.13

Grantor Reimbursable Share
SP032090100
Fund 0306
\$34,232.20

Grantor Non-Reimbursable Share
\$284,972.00

Total Estimated Sewer Utility \$354,671.33

Previously authorized for 2009 Advanced Utility (Sewer): \$0.00

Current estimated 2009 Advanced Utility (Sewer) including this resolution:
\$354,671.33

Original estimated 2009 Advanced Utility (Sewer): \$354,671.33

Further Resolved, That the City Engineer is hereby authorized and directed to make periodic payments as necessary to accommodate the work requested for the NSMI Contract utility alterations as required under the aforementioned Utility Agreements.

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

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

No: 0

10. [081421](#) Resolution authorizing the City Comptroller to transfer funds to various State and/or Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs totaling \$585,827.93, City share is \$509,859.21 and the Grantor's share is \$75,968.72.

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

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

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

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

Project Grant Value
State I.D. 2080-03-70
BR30080710
North Teutonia Avenue Lincoln Creek Bridge

City Share Structures
BR30080000
Fund 0303
\$16,878.71

Project Grant Value
State I.D. 2180-03-70
BR30680510 and ST30680510
South Kinnickinnic Avenue
Kinnickinnic River Bridge

Grantor Reimbursable Structures
SP032080100
Fund 0306
\$68,455.06

Grantor Reimbursable Paving
SP032080100
Fund 0306
\$7,513.66

Project Grant Value
State I.D. 2060-00-74
BR30382210 and ST30382210
South Chase Avenue Bridge over Kinnickinnic River

City Share Structure
BR300080000
Fund 0303
\$5,090.25

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$53,475.18

Project Grant Value

State I.D. 2121-01-70

ST30683610

West Forest Home Avenue

South 42nd Street to South 35th Street

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$45,373.25

Project Grant Value

State I.D. 2194-00-70

ST32091810

West Wisconsin Avenue - North 95th Street to North 89th Street

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$20,546.27

Project Grant Value

State I.D. 2235-00-72

ST30180817

South 6th Street

Menomonee Valley Viaduct

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$25,902.29

Project Grant Value

State I.D. 1360-01-05

ST30381701

West Fond du Lac Avenue

North 36th Street to West Capitol Drive

City Share Non-Assessable Paving
ST320080000
Fund 0333
\$8,212.55

Project Grant Value
State I.D. 2025-07-00
ST32000901
West Capitol Drive
North 35th Street to North Green Bay Avenue

City Share Non-Assessable Paving
ST320080000
Fund 0333
\$6,240.12

Project Grant Value
State I.D. 2060-00-04
BR30382201 and ST30382201
South Chase Avenue Bridge over Kinnickinnic River

City Share Structures
BR300080000
Fund 0303
\$7,050.18
 City Share Non-Assessable Paving
ST320080000
Fund 0333
\$659.63

Project Grant Value
State I.D. 2100-11-70
BR32000510
North 35th Street over Lincoln Creek

City Share Structures
BR300080000
Fund 0303
\$54,477.72

Project Grant Value
State I.D. 2235-01-00
ST30580901

North 6th Street - West Clybourn Avenue to West Juneau Avenue

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$5,442.97

Project Grant Value

State I.D. 2265-03-74

ST30282410

North 27th Street - West Capitol Drive to West Cornell Street

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$26,218.94

Project Grant Value

State I.D. 2405-00-72

ST32090110

West Morgan Avenue - West Beloit Road to South 84th Street

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$48,532.34

Project Grant Value

State I.D. 2410-08-70

BR32091210 and ST32091210

UP Railroad - West Lincoln Avenue to West Forest Home Avenue

City Share Structures

BR300080000

Fund 0303

\$11,953.54

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$17,702.51

Project Grant Value

State I.D. 2505-00-01
BR30881101 and ST30881101
South 13th Street - C&NW Transportation Company Underpass

City Share Structures
BR300080000
Fund 0303
\$1,987.65

City Share Non-Assessable Paving
ST320080000
Fund 0333
\$6,080.11

Project Grant Value
State I.D. 2505-00-71
BR30881110 and ST30881110
South 13th Street - C&NW Transportation Company Underpass

City Share Structures
BR300080000
Fund 0303
\$49,216.11

City Share Non-Assessable Paving
ST320080000
Fund 0333
\$32,799.52

Project Grant Value
State I.D. 2590-00-01
ST30382301
West Lisbon Avenue - North 43rd Street to West Appleton Avenue

City Share Non-Assessable Paving
ST320080000
Fund 0333
\$9,881.10

Project Grant Value
State I.D. 2595-05-70
ST30781610
North 60th Street - West Villard Avenue to West Florist Avenue

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$40,758.26

Project Grant Value

State I.D. 2978-07-70

ST30882410

West Glendale Avenue - Lincoln Creek Bridge at 4600 West

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$7,916.58

Project Grant Value

State I.D. 2025-07-70

ST32000910

West Capitol Drive - North 35th Street to North Green Bay Avenue

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$3,870.66

Project Grant Value

State I.D. 2225-12-00

ST320030501

North Farwell Avenue Bridge over County Bike Trail

City Share Non-Assessable Paving

ST320080000

Fund 0333

\$3,084.01

Project Grant Value

State I.D. 2225-12-70

BR320030510

North Farwell Avenue Bridge over County Bike Trail

City Share Structures

BR300080000

Fund 0303
\$508.76

Summary of projects in this resolution:

City Share Structures: \$147,162.92

City Share Non-Assessable Paving: \$362,696.29

Grantor Reimbursable Paving: \$7,513.66

Grantor Reimbursable Structures: \$68,455.06

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

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

No: 0

11. [081428](#) Substitute resolution relating to accepting and authorizing a rental agreement with the State of Wisconsin Health Services Department to lease space at the Northwest Health Center.

Whereas, A rental agreement has been negotiated between the City of Milwaukee Health Department and the State of Wisconsin Health Services Department providing the State of Wisconsin Health Services Department with space at the Northwest Health Center, 7630 West Mill Road, Milwaukee; and

Whereas, The rental agreement provides that the State of Wisconsin Health Services Department shall pay a monthly amount in rent to the City of Milwaukee for a 9-month period and shall also pay quarterly payments for security, telephone and custodial costs; and

Whereas, The agreement provides that the City of Milwaukee Health Department shall administer the rental agreement for the State of Wisconsin Human Services Division at the Northwest Health Center which is a location convenient to and accessible to residents of the City in need of health services; and

Whereas, Extending coverage under State of Wisconsin-sponsored medical assistance programs provides the City with increased opportunities for reimbursement for health services provided to underinsured and uninsured residents; and

Whereas, The rental agreement provides the City of Milwaukee with adequate protections, including indemnification and appropriate insurance coverage; and

Whereas, The rental agreement may be extended upon further agreement of both parties; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officials are authorized and directed to execute the rental agreement attached to this resolution file between the City of Milwaukee and State of Wisconsin Health Services Department for the lease of space at the Northwest Health Center.

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

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

No: 0

12. [081433](#) Resolution authorizing a sidewalk replacement project in the eighth aldermanic district.

Whereas, It is necessary and in the public interest to replace those sidewalk stones which are cracked, broken, out of grade or otherwise a hazard to pedestrians; and

Whereas, It is proposed that sidewalk replacement work be done in the following locations at the indicated cost:

Area bounded by West Greenfield Avenue, South Layton Boulevard, West Burnham Street and South 35th Street in the eighth (8th) aldermanic district ST230090134; and

Whereas, Funds have been encumbered and thus set aside for the proposed public improvement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works be, and is hereby authorized and directed to proceed to do the above described sidewalk replacement work and the City Comptroller is hereby authorized and directed to transfer \$400,000.00 from Account No. 0333-4926-ST230090000 and \$300,000.00 from Account No. 0330-4926-ST230090000 which is available for sub-accounts; and, be it

Further Resolved, That the proper City Departments take such action as is required of them to assess the abutting properties, and collect such assessment in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances.

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

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

No: 0

13. [081434](#) Resolution authorizing preliminary engineering for sidewalk replacement projects in the

various Aldermanic Districts.

Whereas, It is necessary and in the public interest to replace those sidewalk stones which are cracked, broken, out of grade or otherwise a hazard to pedestrians; and

Whereas, It is proposed that sidewalk replacement work be done during the 2010 construction season in various Aldermanic Districts, ST230100136; and

Whereas, Funds have been encumbered and thus set aside for the proposed public improvement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works be, and is hereby authorized and directed to proceed to do preliminary engineering for sidewalk replacement work and the City Comptroller is hereby authorized and directed to transfer \$20,000.00 from Account No. 0333-4926-ST230090000, which is available for sub-accounts.

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

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

No: 0

14. [081435](#) Substitute resolution approving 2009 monthly solid waste collection charges for multiunit dwellings with 5 or more units.
- Whereas, Section 79-2-1-b of the Milwaukee Code of Ordinances directs the Department of Public Works to charge a fee to the owners of multiunit dwellings with 5 or more units to recover 100% of the cost of solid waste collection services; and
- Whereas, This section also stipulates that the amount of the solid waste collection fee shall be determined annually by the Commissioner of Public Works, subject to approval of the Common Council; and
- Whereas, The Commissioner of Public Works has determined the monthly charges required for 100% recovery of the current cost of providing solid waste collection services to multiunit dwellings with 5 or more units; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the following schedule of 2009 monthly and quarterly charges for collection of solid waste from multiunit dwellings with 5 or more units is approved:

	Monthly Rate	Quarterly Rate
Top Load Container		
2-yard	\$61.00	\$183.00
3-yard	\$66.00	\$198.00
4-yard	\$70.00	\$210.00
6-yard	\$80.00	\$240.00
8-yard	\$90.00	\$270.00

Rear Load Container		
2-yard	\$100.00	\$300.00

Garbage Cart	\$15.00	\$45.00
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A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

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

No: 0

15. [081436](#) Resolution authorizing a sidewalk replacement by City crews at scattered sites in the City of Milwaukee.

Whereas, It is necessary and in the public interest to replace those sidewalk stones which are cracked, broken, out of grade or otherwise a hazard to pedestrians; and

Whereas, Funds have been encumbered and thus set aside for the proposed public improvement; now, therefore be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works be, and is hereby authorized and directed to proceed to do the above described sidewalk replacement work and the City Comptroller is hereby authorized and directed to transfer \$150,000.00 from Account No. 0333-4926-ST230090000 and \$75,000.00 from Account No. 0330-4926-ST230090000 which is available for sub-accounts; and, be it

Further Resolved, That the proper City Departments take such action as is required of them to assess the abutting properties, and collect such assessment in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances.

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

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

No: 0

PLACING ON FILE THE FOLLOWING:

16. [081218](#) An ordinance relating to restoration of utility pavement cuts.
- A motion was made by ALD. BAUMAN that this Ordinance be PLACED ON FILE. This motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
17. [081321](#) Communication from the Department of Public Works relative to special event permits.
- A motion was made by ALD. BAUMAN that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
18. [081397](#) Communication from the Office of Environmental Sustainability relating to membership in the ICLEI's Cities for Climate Protection Campaign.
- A motion was made by ALD. BAUMAN that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
19. [081458](#) Communication from the Election Commission relating to plans for relocation of Election Commission equipment storage.
- A motion was made by ALD. BAUMAN that this Communication be PLACED ON FILE. This motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

[081120](#)

Resolution approving a lease with Charles P. Bucolt Real Estate for a portion of the property at 4200 North Holton Street for relocation of the Election Commission equipment storage, in the 6th Aldermanic District.

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

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

No: 0

A motion was made by ALD. BAUMAN that this Resolution be REFERRED TO the PUBLIC WORKS COMMITTEE . The motion PREVAILED by the following vote:

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

No: 0

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

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

No: 0

Whereas, As a result of the acquisition of the Hawley Road Municipal Warehouse by the Milwaukee Metropolitan Sewerage District (“MMSD”) in December 2007, storage of Election Commission equipment must be relocated; and

Whereas, The Election Commission has identified approximately 12,442 square feet of storage and office space at 4200 North Holton Street that is available for lease; and

Whereas, The City Attorney’s office and City of Milwaukee (“City”) Real Estate staff have negotiated a lease with the property owner, Charles P. Bucolt, doing business as Charles P. Bucolt Real Estate, a copy of which is attached to this Common Council File; and

Whereas, The Election Commission has funds in its budget to pay for rent and utility costs and MMSD will reimburse the City for actual moving expenses and certain build-out costs as required by State Statutes governing relocation assistance; and

Whereas, The proposed lease includes a provision to expand the leased area by 3,538 square feet to accommodate storage needs of the Department of Administration

("DOA"); and

Whereas, The Election Commission has funds budgeted for 2009 to pay for the full leased area, but DOA will pay the cost for its storage in future years; and

Whereas, The City Plan Commission has approved lease of the space for municipal use; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the lease with Charles P. Bucolt, d/b/a Charles P. Bucolt Real Estate, for a portion of 4200 North Holton Street for use by the Election Commission and DOA is approved; and, be it

Further Resolved, That the Commissioner of the Department of City Development, or designee, is authorized to execute the lease with Charles P. Bucolt Real Estate on behalf of the Election Commission and DOA, upon final approval of the lease by the City Attorney's office; and, be it

Further Resolved, That the first year rental payments shall be paid by the Election Commission through Account Nos. 0001-1700-R999-632500 for rent and 0001-1700-R999-631500 for expenses; and, be it

Further Resolved, That the lease may be renewed annually provided future rent payments are provided to the Election Commission and DOA through its respective budgets.

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

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

No: 1 - Murphy

THE PUBLIC WORKS COMMITTEE FURTHER RECOMMENDS:

---The following item may be referred from the SPECIAL Public Works Committee meeting held on Tuesday, March 3, 2009 at 8:30 A.M

21. [081437](#) Resolution relating to directing the Commissioner of Public Works to enter into an agreement with the Wisconsin Department of Transportation and the City of Greenfield for the maintenance of Community Sensitive Design features along South 27th Street (STH 241) between West College Avenue and West Oklahoma Avenue and along West Layton Avenue between South 27th Street and the North-South Freeway.

Whereas, The Wisconsin Department of Transportation (WISDOT) has allocated 1.5

million dollars for the construction of Community Sensitive Design (CSD) features including median trees, gateway monuments, wayfinding signs, advance intersection signs, banners and banner poles along segments of South 27th Street (STH 241) and West Layton Avenue in the Cities of Milwaukee and Greenfield for construction in 2010; and

Whereas, The WISDOT will start a multiyear reconstruction of the Mitchell Interchange and I-94 from the south City limits to West Howard Avenue in 2009 which will result in long-term local street closures and ramp closures on the freeway which will change travel patterns and access in the area of South 27th Street and West Layton Avenue; and

Whereas, The enhanced wayfinding signing and advanced intersection signing portions of the CSD improvements will assist drivers redirected by the freeway construction to businesses along South 27th Street and West Layton Avenue; and

Whereas, The CSD improvements will enhance the aesthetics' of the area along South 27th Street and West Layton Avenue and enhance the business environment; and

Whereas, Ongoing maintenance of the CSD improvements is necessary to maintain the aesthetic value and enhanced business environment; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized and directed to execute the agreement with WISDOT and the City of Greenfield for the maintenance of CSD features along segments of South 27th Street and West Layton Avenue, copies of which are attached to Common Council Resolution File Number 081437 and is incorporated in this 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: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

20. [081462](#) Communication from the Department of Public Works relating to contractors who file receivership or bankruptcy.

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

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

No: 0

[081289](#)

Resolution appropriating up to \$174,647.95 from the 2009 Common Council Contingent Fund to the Remission of Taxes Fund for settlement of three lawsuits against the City of Milwaukee regarding 2006, 2007 and 2008 tax assessments.

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

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

No: 0

A motion was made by ALD. MURPHY that this Resolution be REFERRED TO the FINANCE & PERSONNEL COMMITTEE . The motion PREVAILED by the following vote:

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

No: 0

THE STEERING & RULES COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. [081442](#) Substitute resolution creating an economic stimulus task force.

Ald. Davis asked that this matter be held for the purpose of preparing an amendment.

There was no objection.

Ald. Davis moved to amend by adding one additional member as follows:

"11. Representative, Wisconsin Supplier Development Council."

Ald. Witkowiak assumed the chair.

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

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

No: 0

- [081442](#) Substitute resolution creating an economic stimulus task force.

Whereas, Cities, states and countries around the globe have been experiencing the worst economic downturn since the Great Depression; and

Whereas, In order to “jump-start” the United States’ faltering economy, President Barack Obama and Congress have enacted a \$787 billion federal economic stimulus package to dispense funding to states and localities for projects including but not limited to housing, economic development, job creation, public safety, education, health, infrastructure and environmental sustainability; and

Whereas, The federal stimulus bill, known as the American Recovery and Reinvestment Act, designates spending in over 130 different state and federal programs, with the majority of funds flowing through existing state programs and utilizing existing formulas; and

Whereas, In December 2008, Milwaukee Mayor Tom Barrett submitted a preliminary list of proposed City stimulus projects and spending priorities to then President-Elect Obama’s Transition Team and to the Wisconsin Congressional Delegation for their

consideration, attached to this file; and

Whereas, Federal stimulus funds are critical to the City of Milwaukee's ability to create and preserve family supporting jobs, strengthen the economy, and ensure long-lasting benefits to the community at large; and

Whereas, The State of Wisconsin anticipates receiving approximately \$3.5 billion in stimulus aid, and although it has not yet been determined what share of that amount may be allocated to the City of Milwaukee, it is in the City's best interest to be prepared to act swiftly to utilize its share of stimulus aid as it becomes available; and

Whereas, A coordinated effort among Milwaukee's Mayor, his Administration, the Common Council, all City departments, and other key stakeholders in the public and private sector is necessary to maximize the benefit of any stimulus aid to the City; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that a City of Milwaukee Economic Stimulus Task Force is created, comprised of the following 11 members or their designees:

1. Mayor.
2. Common Council President.
3. Common Council's Finance and Personnel Committee Chairperson.
4. Common Council's Community and Economic Development Committee Chairperson.
5. Administration Director, Department of Administration.
6. Budget and Management Director, Budget and Management Division-Department of Administration.
7. Commissioner-Public Works, Department of Public Works.
8. Commissioner-City Development, Department of City Development.
9. Comptroller.
10. Director, Milwaukee Area Workforce Investment Board.
11. Representative, Wisconsin Supplier Development Council.

; and, be it

Further Resolved, That the duties and responsibilities of the Economic Stimulus Task Force shall include, but not be limited to, making legal, administrative and policy recommendations to the Common Council, through the appropriate Council committees, to expedite the implementation of various City projects utilizing stimulus funding; and, be it

Further Resolved, That the City Clerk's Office shall staff the Economic Stimulus Task

Force and that all City departments are directed to assist the task force and the Common Council as necessary to ensure the timely and most beneficial use of stimulus funds for City projects.

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

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

No: 0

2. [081478](#) Substitute resolution relating to application for funds under the American Recovery and Reinvestment Act.

Whereas, U.S. President Barack Obama and Congress have enacted a \$787 billion federal economic stimulus package to dispense funding to states and localities for projects including but not limited to housing, economic development, job creation, public safety, education, health, infrastructure and environmental sustainability; and

Whereas, The federal stimulus bill, known as the American Recovery and Reinvestment Act, designates spending in over 130 different state and federal programs, with the majority of funds flowing through existing state programs and utilizing existing formulas; and

Whereas, Federal economic stimulus funding is critical to creating and preserving jobs in the State of Wisconsin and the City of Milwaukee; and

Whereas, The State of Wisconsin anticipates receiving approximately \$3.5 billion in stimulus aid, and although it has not yet been determined what share of that amount may be allocated to the City of Milwaukee, it is in the City's best interest to be prepared to act swiftly to utilize its share of stimulus aid as it becomes available; and

Whereas, City of Milwaukee officials and City departments must move decisively to identify and secure economic stimulus funding for appropriate city projects as such funding becomes available; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the appropriate City of Milwaukee officials and City departments are directed to apply for economic stimulus funds for qualifying City projects in accordance with the federal American Recovery and Reinvestment Act; and, be it

Further Resolved, That the Department of Administration is directed to assist City officials and City departments as necessary in identifying and applying for appropriate economic stimulus funding for qualifying City projects; and, be it

Further Resolved, That all City departments are directed to assist each other as necessary to ensure that the City of Milwaukee obtains the maximum amount of economic stimulus aid allowable for those City projects which will provide the most long-term economic benefits to the City and its residents.

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

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

No: 0

PLACING ON FILE THE FOLLOWING:

3. [081447](#) Communication from the Charter School Review Committee transmitting its Annual Report.

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

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

No: 0

Communications from city officers were read and ordered on file.

MATTERS FOR IMMEDIATE ADOPTION:

1. [081508](#) Resolution approving a final certified survey map for MCS Properties, LLC.
Resolved, By the Common Council of the City of Milwaukee, that the certified survey map be and hereby is approved for MCS Properties, LLC, Tax Key Numbers 1780145100, 1780147110 (DCD #2722).
A motion was made by ALD. BAUMAN that this Resolution-Immediate Adoption be ADOPTED. The motion PREVAILED by the following vote:
Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski Hines Jr.
No: 0
Absent: 1 - Zielinski

Announcements were made.

There being no further business to come before the Common Council, the meeting was adjourned at 11:34 a.m.