



City of Milwaukee
Common Council Minutes
COMMON COUNCIL

City Hall
200 East Wells Street
Milwaukee, WI 53202

Tuesday, April 11, 2000

9:00:00 AM

Common Council Chambers

PRESENTATIONS

Present: 16 -

Pratt, Kalwitz, D'Amato, Henningsen, Schramm,
Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak,
Pawlinski, Breier, Nardelli, Murphy, Hines Jr.

Excused: 1 -

Richards

THE FINANCE & PERSONNEL COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [991585](#) A substitute charter ordinance relating to a global pension settlement.
- The Mayor and Common Council of the City of Milwaukee do ordain as follows:
- Part 1. Section 36-02-8.5 of the charter is created to read:
- 36-02. Definitions.
- 8.5. COMBINED FUND shall mean the fund created under s. 36-08-9.
- Part 2. Section 36-02-17 of the charter is amended to read:
17. GENERAL CITY EMPLOYEE shall mean: [[a.]] An employe [[of the city or a local exposition district board]] >>of the city or a city agency<< who is not a policeman or fireman.
- [[b. For purposes of s. 36-05-2-d, 3-e, 7-a and 10-d, general city employe shall include employes of the school board, exposition center, vocational, technical and adult education district, housing authority and redevelopment authority.
- c. For purposes of s. 36-05-1-h-4, 3-b-2, 3-g-0, and 6-d-2, general city employe shall include employes of the exposition center, the Milwaukee vocational, technical and adult education district, the Milwaukee metropolitan sewerage district and employes of the school board.

d. For purposes of s. 36-05-1-d-3, general city employe shall include employes of the Milwaukee vocational, technical and adult education district, the Milwaukee metropolitan sewerage district and employes of the school board.

e. For purposes of s. 36-05-3-i, general city employe shall include employes of the Milwaukee school board.]]

Part 3. Section 36-04-1-c of the charter is created to read:

36-04. Creditable Service.

1. SERVICE CREDITED.

c. The board shall allow one year of creditable service for each 3 years of active military service prior to enrollment in the retirement system 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, and policemen represented by the MPSO and general city employes who participate in the combined fund and who retire on a service retirement allowance between January 1, 1999 and December 31, 2002. The creditable service awarded under this par. shall not exceed 3 years. To be eligible the member must be honorably discharged from the armed forces of the United States. To be eligible for inclusion in the calculation, a period of active military service must be a period of not less than 90 consecutive days spent in the active service of the armed forces of the United States and meet the requirements of 10 U.S. C. § 101(d)(1). If a member has accumulated less than 3 years of active military service, the member shall be allowed additional months of service credit on a pro rata basis calculated as the product of the full months of active military service under this par. multiplied by a fraction, the numerator of which is one and the denominator of which is 3. The additional service credit earned under this par. shall be taken into account for purposes of determining the amount of the service retirement allowance, but shall not be taken into account for any other purpose including, but not limited to determining eligibility for a service retirement allowance under s. 36-05-1-d or f, a deferred retirement allowance under s. 36-05-6-b-2 or 6-d-2, an early retirement allowance under s. 36-05-6-b-3 or 6-c, or eligibility for additional imputed service credit under sub. 4.

Part 4. Section 36-04-4 of the charter is created to read:

4. IMPUTED SERVICE CREDIT. a. A fireman in active service as of January 1, 2000, who participates in the combined fund and who has attained 20 years of creditable service in the retirement system as a fireman or policeman shall be allowed 1.5 years of additional imputed creditable service toward the computation of his or her

service retirement allowance. A fireman in active service as of January 1, 2000, who participates in the combined fund and who applies for a service retirement allowance without first having attained 20 years of creditable service as a fireman shall be allowed additional imputed creditable service under this sub. on a pro rata basis calculated as the product of 1.5 multiplied by a fraction, the numerator of which is the full years of the member's creditable service as a fireman (excluding imputed creditable service credited under sub. 1-c) to the date of retirement and the denominator of which is 20. A policeman in active service as of January 1, 2000 who participates in the combined fund who has attained 25 years of creditable service in the retirement system as a policeman or fireman or the minimum service retirement age under s. 36-05-1-b, shall be allowed 1.5 years of additional imputed creditable service toward the computation of his or her service retirement allowance. The imputed service credited under this par. shall not be included in determining eligibility for a retirement allowance under s. 36-05-1-f or in calculating the maximum service retirement allowance under s. 36-05-1-e. This par. does not apply to a retirement allowance authorized by s. 36-05-6-b-2, 6-d-2, 6-b-3 or 6-c. The imputed service credit under this par. shall be included in the deceased member's allowance when calculating the spouse survivor allowance under s. 36-05-7-b-4-a.

b. Firemen and policemen survivorship fund dissolution bonus. A policeman in active service as of January 1, 2000 who participates in the combined fund shall be allowed 2 years of additional service credit toward the computation of his or her service retirement allowance if he or she applies for a service retirement allowance after having attained 25 years of creditable service in the retirement system as a policeman or fireman or the minimum service retirement age under s. 36-05-1-b. A policeman retired on a disability retirement allowance as of January 1, 2000 who participates in the combined fund shall be allowed 2 years of additional service credit toward the computation of his or her service retirement allowance upon conversion from a duty disability allowance to a service retirement allowance if he or she is an active member in good standing in the fireman or policeman's survivorship fund as of January 1, 2000. The imputed service credit under this par. shall not be included in determining the eligibility for a retirement allowance under s. 36-05-1-f or in calculating the maximum service retirement allowance under s. 36-05-1-e. This par. shall not apply to a retirement allowance authorized by s. 36-05-6-b-2, 6-b-3, 6-c or 6-d-2. The imputed service credit under this par. shall not be included in calculating the bonus under s. 36-05-11-a and b.

Part 5. Section 36-05-1-f of the charter is amended to read:

36-05. Benefits.

1. SERVICE RETIREMENT ALLOWANCE.

f. Firemen or Policemen [[, Age 52]]. A fireman or policeman who has attained the age of 52 years and has completed 25 years of creditable service in the employees' retirement system in that capacity will be eligible for a service retirement allowance as computed under par. e[[of this section]]. >>A fireman represented by Local 215, IAFF, in active service on or after January 1, 1998, or a fireman who is not represented by Local 215, IAFF, in active service on or after January 1, 2000 shall be eligible for a service retirement allowance as calculated under par. e. if he or she participates in the combined fund and attains the age of 49 years and completes 22 years of creditable service as a fireman or policeman. A policeman represented by the MPA, in active service on or after January 1, 1998, a policeman represented by MPSO, in active service on or after January 1, 1999, or a policeman who is not represented by the MPA or MPSO in active service on or after January 1, 2000 shall be eligible for a service retirement allowance as calculated under par. e. if he or she participates in the combined fund and completes 25 years of creditable service as a policeman or fireman.<< A fireman, including a person who was a fireman prior to June 1, 1989, shall have all service in a position whose duty it is to provide emergency medical service included in the computation of creditable service for purposes of determining eligibility for a service retirement allowance under this paragraph and for purposes of computing creditable service under subs. 6-e and 7-b-4.

Part 6. Section 36-05-1-h-4 and-h-5 is consolidated, renumbered to 36-05-1-h-4, and amended to read:

h. Escalator.

h-4. General city employees who retire on a service retirement allowance under sub. 1-b or 1-d-3, [[school board employees, who retire on a service retirement allowance under sub. 1-b]] on or after January 1, 1993 (on or after August 16, 1994 for employees represented by the Milwaukee Building and Construction Trades Council, AFL-CIO), and retired general city employees [[and school board employees]] receiving a duty disability retirement allowance, who have attained the minimum service retirement age and convert to service retirement allowance on or after January 1, 1993 (on or after August 16, 1994 for employees represented by the Milwaukee Building and Construction Trades Council, AFL-CIO), shall be eligible for a pension escalator of 2% effective with the installment next following the 8th annual anniversary of service retirement and an additional 2% pension escalator in each successive year effective on each subsequent anniversary of the first adjustment. Each successive adjustment shall be computed on the service retirement allowance as previously adjusted. General city employees [[and school board employees]] receiving retirement benefits under sub. 6-b-2 and 3, 6-c or 6-d-2 shall not be eligible for a pension escalator under this subdivision. If a member who is eligible for an adjustment under >>this<< subd. [[4]] dies without receiving an adjustment prior to death, a beneficiary who is eligible for a spouse survivor allowance under sub. 7-b-2 shall be eligible for a

pension escalator in the amount of 2% effective with the installment in which the member would have received an adjustment had the member lived. If the member has received an adjustment under >>this<< subd. [[4]] prior to death, a beneficiary who is eligible for a spouse survivor allowance under sub. 7-b-2 shall be eligible for a pension escalator in the amount of 2% effective with the installment in which the member next would have received an adjustment had the member lived. If a general city employe who has elected a protective survivorship option under sub. 7-b-4 dies on or after January 1, 1993, while in active service, a beneficiary who is eligible for a spouse survivor allowance under sub. 7-b-2 shall be eligible for a pension escalator in the amount of 2% effective with the installment next following the 8th annual anniversary of the commencement of the spouse survivor allowance. After the first adjustment to the spouse survivor allowance, there shall be an additional 2% escalator to the spouse survivor allowance in each successive year effective on each subsequent anniversary of the first adjustment to the spouse survivor allowance. Each successive adjustment to the spouse survivor allowance shall be computed on the spouse survivor allowance as previously adjusted. Beneficiaries, other than spouses receiving survivor benefits under sub. 7-b-2 and 4, shall not be eligible for a pension escalator. >>After January 1, 2000 this subd. shall not apply to members, retired members (or spouse survivors if the member or retired member is deceased) who participate in the combined fund and spouse survivors of members and retired members who participate in the combined fund.<<

Part 7. Section 36-05-1-h-5 of the charter is created to read:

h-5. A general city employe in active service on or after January 1, 2000, who participates in the combined fund shall be eligible for an annual pension escalator of 1.5% effective with the installment next following the second, third and fourth anniversary of his or her retirement, and an annual pension escalator of 2% effective with the installment next following the fifth and each successive anniversary of his or her retirement if he or she retires on a service retirement allowance under par. b or d, a deferred retirement allowance under sub. 6-b-2 or d-2, or an immediate allowance under sub. 6-b-3 or c. Each successive annual increase to the member's allowance under this subd. shall be calculated on the retirement allowance as previously increased. If a member eligible for an adjustment under this subd. retires on a duty disability retirement allowance and converts to a service retirement allowance, the member's adjustment following conversion shall be first payable with the installment next following the second anniversary of his or her conversion and the percentage increase of the annual escalator payable on each anniversary following conversion shall be calculated by reference to the member's date of conversion to a service retirement allowance rather than by reference to the member's date of retirement on disability. If a member who is eligible for an adjustment under this subd. elects a retirement option under sub. 7-b-1, b-2 or b-3 with a spouse survivor allowance payable to the member's surviving spouse after the member's death in proportionate share to the

member's reduced retirement allowance, and the member dies after receiving a retirement allowance, the spouse survivor allowance payable on the member's death shall be calculated as a proportionate share of the member's retirement allowance including adjustments under this subd. up to the date of death and the spouse survivor allowance shall be increased by an annual pension escalator payable at the same time and in the same percentage as the increase the member would have received, had the member lived. If a member who is eligible for an adjustment under this subd. elects a protective survivorship option under sub. 7-b-4, with a spouse survivor allowance payable on the member's death in proportionate share to the member's reduced retirement allowance and the member dies while in active service, the spouse survivor allowance payable on the member's death, shall be increased by an annual pension escalator to the spouse survivor allowance payable at the same time and in the same percentages as the increases the member would have received had the member retired on the date of the member's death. Each successive annual increase to the spouse survivor allowance under this subd. shall be calculated on the spouse survivor allowance as previously increased.

Part 8. Section 36-05-1-h-6 of the charter is amended to read:

h-6. Firemen or policemen in active service on or after January 1, 1993, who become eligible to retire on a service retirement allowance under sub. 1-b or f on or after January 1, 1993, firemen or policemen who retire on a duty disability retirement allowance of 75% of current annual salary for their position under sub. 3-c-1-a between January 1, 1993 and December 31, 1994 and thereafter convert to a service retirement allowance under sub. 3-c-3-c, policemen in active service on or after January 1, 1995 who separate from service with 25 years of creditable service as a policeman and elect a deferred retirement allowance under sub. 6-e, [[and]] firemen or policemen who retire on a duty disability allowance of 75% of current salary for their position under sub. 3-c-1-a on or after January 1, 1995 and who are eligible to elect between a service retirement allowance and a duty disability allowance under sub. 3-c-3-f, >>firemen or policemen who participate in the combined fund and who separate from service on or after January 1, 2000, and elect a deferred retirement under sub. 6-b-2, d-2 or e, and firemen or policemen who participate in the combined fund and who separate from service on or after January 1, 2000 and elect an immediate allowance under sub. 6-b-3 or c<< shall have the monthly service retirement pension installment which they received in the preceding December increased by the cost of living increase as measured by the increase in the Consumer Price Index (All Urban Consumers - CPI-U) U.S. Cities Average as reported by the U.S. Department of Labor, Bureau of Labor Statistics, for the preceding calendar year, but in no event shall such increase be in an amount which exceeds 3% of such installment. For firemen or policemen who become eligible to retire on service retirement allowance between January 1, 1993 and December 31, 1994, and firemen or policemen who retire on a duty disability allowance between January 1, 1993 and

December 31, 1994 and subsequently convert to service retirement allowance, the first increase in the monthly installment shall occur on March 1 of the calendar year following the first full calendar year of the member's service retirement or conversion to a service retirement and subsequent increases in the monthly installment shall occur in the installment next following each subsequent anniversary on March 1 of each calendar year thereafter. For firemen or policemen who retire or become eligible to retire on a service retirement allowance on or after January 1, 1995, policemen who separate from active service on or after January 1, 1995 and elect a deferred retirement allowance under sub. 6- [[e or]] >>f,<< firemen or policemen who retire on a duty disability allowance on or after January 1, 1995, >>and firemen and policemen who participate in the combined fund and who separate from active service on or after January 1, 2000 and elect a deferred retirement under sub. 6-b-2, d-2 or e, or an immediate allowance under sub. 6-b-3 or c,<< the first increase shall occur in the monthly installment next following the first full year of the member's service retirement, deferred retirement, >>immediate allowance<< or election between a service retirement or duty disability retirement and subsequent increases in the monthly installment shall occur in the installment next following each annual anniversary thereafter. If a member who is eligible for an increase under this subd. selects a retirement option under sub. 7-b-1, b-2, b-3 or b-4 with a spouse survivor allowance payable to the member's surviving spouse after the member's death in a proportionate share to the member's reduced service retirement allowance, the spouse survivor allowance payable on death shall be computed based on the amount of the member's service retirement allowance including increases under this subd. at the date of death and the monthly survivor allowance installment shall be increased by the cost of living as calculated in the manner provided for the member under this subd. If the member dies after service retirement but prior to receiving an increase pursuant to this subd., the spouse survivor allowance shall be increased effective with the pension installment in which such member would have received an increase had the member lived. If the member dies after having received an increase prior to death under this subd., the spouse survivor allowance shall be increased effective with the pension installment in which the member would have received the next increase had the member lived. If the member has selected a retirement option under sub. 7-b-4 and dies in active service on or after January 1, 1993, the spouse survivor allowance shall be increased effective with the pension installment payable March 1 of the calendar year next following the first full calendar year after the member's death. After the first increase to the spouse survivor allowance monthly installment, there shall be an additional increase for the cost of living in the spouse survivor allowance calculated in the manner provided for the member under this subd. in each successive year effective with the pension installment on the anniversary of the previous increase to the survivor allowance. >>Except as otherwise specifically provided herein,<< [[This]] >>this<< subd. shall not apply to firemen or policemen or the spouse survivors of firemen or policemen who receive a retirement allowance authorized under sub. 6-b-2, 6-b-3, 6-c or 6-d-2.

Part 9. Section 36-05-1-h-7 of the charter is created to read:

h-7. A fireman represented by Local 215, in active service on or after January 1, 1998, a policeman represented by the MPA, in active service on or after January 1, 1998, a policeman represented by the MPSO, in active service on or after January 1, 1999, or an unrepresented policeman and fireman in active service on or after January 1, 2000 (and his or her spouse survivor if the member is deceased), shall receive a minimum annual cost of living adjustment at the time of their annual cost of living adjustment under subd. 6 of not less than 2% if the member participates in the combined fund and retires on a service retirement allowance under par. b or f, or if the member participates in the combined fund and dies in active service after electing a protective survivor option with a spouse survivor receiving a proportional share of the member's pension. The minimum annual cost of living adjustment shall be calculated on the service retirement allowance or spouse survivor allowance as previously increased.

Part 10. Section 36-05-1-i-1-0 of the charter is amended to read.

i. Employees retired prior to January 1, 1993.

i-1. The benefits payable under this paragraph are not deferred compensation for services performed by retired members. Any provision of ch. 36 to the contrary notwithstanding, the benefits payable under this paragraph and the terms and conditions under which they are payable are neither contractually guaranteed by the city and the board nor vested in any beneficiary thereof. The city expressly reserves the unilateral right to amend or repeal this paragraph without notice and hearing to or consent of any beneficiary. Members and survivors who separated and received benefits under [[subs.]] >>sub.<< 6-b-2, b-3, c, d-2 or e shall not be eligible for benefits under this paragraph. >>This subd. shall not apply on or after January 1, 2000 to retired members and spouse survivors who participate in the combined fund.<<

Part 11. Section 36-05-1-i-1-a and b of the charter is consolidated and renumbered 36-05-1-i-1-a.

Part 12. Section 36-05-1-i-2-a and 36-05-1-i-2-b of the charter is consolidated, renumbered to 36-05-1-i-2-a, and amended to read:

i-2-a. Members who retired prior to January 1, 1993 on a service retirement allowance under par. b or f and members who retired on a duty disability allowance and converted to a service retirement allowance under sub. 3-b or 3-c-3 prior to January 1, 1993 shall be eligible for a pension escalator to their service retirement allowance of up to 2% effective with the installment next following the later of the 8th

annual anniversary of service retirement or January 1, 1996 and an additional pension escalator of up to 2% in each successive year effective on each subsequent anniversary of the first adjustment. The first escalator shall be computed on the service retirement allowance as previously adjusted under subd. 1-a. Each successive escalator shall be computed on the service retirement allowance as previously escalated. The payment of each pension escalator or successive escalator first payable in 1997 or in a year subsequent to 1997 shall be subject to the limitations of s. 36-08-2-1. Beneficiaries other than spouses receiving survivor benefits or protective survivor benefits under sub. 7-b-2 shall not be eligible for benefits under this subparagraph. If a member, who elected a spouse survivor option and retired prior to January 1, 1993 on a service retirement allowance under par. b or f, dies, a surviving spouse who is eligible for a spouse survivor allowance under sub. 7-b-2 shall be eligible for a spouse survivor pension escalator to their survivor allowance of up to 2% effective with the installment next following the later of the eighth anniversary of the member's service retirement or January 1, 1996. If a member elected a protective survivor option and died prior to January 1, 1993 while in active service, a surviving spouse who is eligible for a spouse survivor allowance under sub. 7-b-2 shall be eligible for a spouse survivor pension escalator to their spouse survivor allowance of up to 2% effective with the installment next following the later of the eighth anniversary of the member's death or January 1, 1996. A spouse receiving a spouse survivor pension escalator shall be eligible for an additional escalator of up to 2% in each successive year effective on each subsequent anniversary of the first escalator to the spouse survivor allowance. The first escalator shall be calculated on the spouse survivor allowance as previously adjusted under >>this<< subd. [[1-b]]. Each successive escalator to the spouse survivor allowance shall be computed on the spouse survivor allowance as previously escalated. The payment of each escalator or successive escalator first payable in 1997 or in a year subsequent to 1997 shall be subject to the limitations of s. 36-08-2-a. >>After January 1, 2000 this subpar. shall not apply to members, retired members or spouse survivors (if the member or retired member is deceased) who participate in the combined fund and spouse survivors of members and retired members who participate in the combined fund.<<

Part 13. Section 36-05-1-i-2-b of the charter is created to read:

i-2-b. Effective January 1, 2000, the annual escalator payable under par. h-5 shall be extended to a general city employee, fireman or policeman, retired on a service retirement allowance under par. b, d-3 or f, a general city employee, a fireman or policeman, retired on a duty disability retirement allowance who converted to a service retirement allowance or a general city employee, a fireman or policeman, separated from service who retired on a deferred retirement allowance under sub. 6-b-2, 6-d-2 or 6-e or an immediate allowance under sub. 6-b-3 or 6-c and their spouse survivor eligible to receive a proportionate share of the member's allowance if the member (or spouse survivor if the member is deceased) is a participant in the

combined fund and the member is a general city employee retired on a service retirement allowance, duty disability retirement allowance or separated from service prior to January 1, 2000 or a fireman or policeman retired on a service retirement allowance, duty disability retirement allowance or separated from service prior to January 1, 1993. If a member eligible for an escalator under this subpar. was eligible for an annual escalator under subpar. a prior to January 1, 2000, the annual escalator payable under this subpar. shall be effective upon the anniversary of the escalator payable under subpar. a if such anniversary is different from the anniversary of the installment next following service retirement. If a member referred to above retires on a duty disability retirement allowance and converts to a service retirement allowance the conversion date shall be used for purposes of determining both the eligibility and the percentage increase of the annual escalator to which the member or spouse survivor is eligible. Effective January 1, 2000, the annual escalator payable under par. h-6 shall be extended to a fireman and policeman who retired on a duty disability retirement allowance of 75% of current salary for their position under sub. 3-c-1-a between October 17, 1992 and December 31, 1994 if he or she is eligible to elect between a service retirement allowance and a duty disability allowance under sub. 3-c-3-f effective with the installment next following one year after eligibility for an election to convert to a service retirement. Effective January 1, 2000 the annual escalator payable under par. h-6 shall be extended to a fireman or policeman who separated from service between January 1, 1993 and December 31, 1999 and retired on a deferred retirement allowance under sub. 6-b-2 or 6-d-2 or separated from service between January 1, 1995 and December 31, 1999 and retired on a deferred retirement allowance under sub. 6-e or separated from service between January 1, 1993 and December 31, 1999 and retired on an immediate allowance under sub. 6-b-3 or c and his or her spouse survivor eligible to receive a proportionate share of the member's allowance if the member (or spouse survivor if the member is deceased) is a participant in the combined fund and the member separated from service prior to January 1, 2000. If a member who is eligible for an increase under this subpar. dies on or after January 1, 2000 his or her spouse's proportionate share of spouse survivor allowance shall be computed based on the amount of the deceased member's allowance including increases at the date of death and the spouse survivor shall be eligible for an annual escalator to his or her spouse survivor allowance at the same time and in the same percentages as the deceased member would have received had the deceased member continued to live.

Part 14. Section 36-05-2-e of the charter is created to read:

2. ORDINARY DISABILITY RETIREMENT ALLOWANCE.

e. Effective January 1, 2000, the annual escalator payable under sub. 1-h-5 shall be extended to a general city employee who retires or is retired before January 1, 2000, on an ordinary disability retirement allowance and a fireman or policeman who retired

prior to January 1, 1993 and on an ordinary disability retirement allowance and his or her spouse survivor receiving a proportionate share of the member's pension if the member (or spouse survivor if the member is deceased) is a participant in the combined fund. Effective January 1, 2000, the annual escalator payable under sub. 1-h-6 shall be extended to a fireman or policeman who retires on or after January 1, 1993 on an ordinary disability retirement allowance and his or her spouse survivor receiving a proportionate share of the member's pension if the member (or spouse survivor if the member is deceased) is a participant in the combined fund. If a member who is eligible for an increase under this sub. dies while on ordinary disability on or after January 1, 2000, his or her spouse's proportionate share spouse survivor allowance shall be computed based on the amount of the member's ordinary disability retirement allowance including increases at the date of death. The annual escalator shall be payable to the member or spouse survivor at same times and in the same percentages as the increases the member would have received had the member retired on a service retirement allowance on the date of his or her ordinary disability retirement.

Part 15. Section 36-05-3-b-3 of the charter is created to read:

3. DUTY DISABILITY RETIREMENT ALLOWANCE.

b-3. Effective January 1, 2000, the annual escalator payable under sub. 1-h-5 shall be extended to a general city employe who retires and is receiving a duty disability allowance and his or her spouse survivor receiving a proportionate share of the member's pension if the member (or spouse survivor if the member is deceased) participates in the combined fund. If a member who is eligible for an increase under this sub. dies while on duty disability on or after January 1, 2000, his or her spouse's proportionate share spouse survivor allowance shall be computed based on the amount of the member's duty disability retirement allowance including increases at the date of death. The annual increase shall be payable to the member or spouse survivor at the same times and in the same percentages as the increases the member would have received had the member retired on a service retirement allowance on the date of his or her duty disability retirement.

Part 16. Section 36-05-3-c-1-a of the charter is amended to read:

c. Firemen and Policemen Duty Disability.

c-1-a. Recommendations. Such member shall be examined by a medical panel and such medical panel shall make the examination, determination and certification required under this act in accordance with the form prescribed by the board. If the panel recommends that such person is entitled to duty disability retirement allowance provided for in this section, the board shall thereupon grant such allowance. Except

as otherwise provided in [[sub. 3-c-f]] >>subd. 3-f<<, any fireman or policeman who shall become disabled as the direct result of injury incurred in the performance of one or more specific acts of duty shall have a right to receive duty disability benefit during the period of such disability of an amount equal to 75% of the current annual salary for such position which he held at the time of such injury. Except as otherwise provided in [[sub. 3-c-3-f]] >>subd. 3-f<<, the surviving spouse of such member after his or her death but only during the period prior to remarriage shall receive 70% of the amount of the duty disability which the member received at the time of his or her death, and such percentage shall thereafter be based upon the salary of the position of such member at the time of his or her death. Periodic medical examinations of such person shall be made at least once each year but the heads of the respective departments may direct more frequent examinations. >>Effective January 1, 2000, the annual escalator payable under sub. 1-h-5 shall be extended to the allowance received by the surviving spouse of a retired fireman or policeman who retired on a duty disability retirement allowance under this subpar. prior to January 1, 1993 and died while receiving a duty disability retirement allowance if the member (or the surviving spouse if the member is deceased) participates in the combined fund. Effective January 1, 2000, the annual escalator payable under sub. 1-h-6 shall be extended to the allowance received by the surviving spouse of a retired fireman or policeman who retired on a duty disability allowance under this subpar. on or after January 1, 1993 and dies while receiving a duty disability retirement allowance if the member (or the surviving spouse if the member is deceased) participates in the combined fund. The annual escalator shall be payable to the surviving spouse at the same times and in the same percentages as the increases the member would have received had the member retired on a service retirement allowance on the date of his or her death.<<

Part 17. Section 36-05-3-d of the charter is amended to read:

d. Special Fund. Duty disability retirement allowances >>for retirees who are not participants in the combined fund<< shall be paid specifically from a special fund created for that purpose and the city shall be liable for contributions to such fund in order that it may be adequate to meet the required payments. City agencies that are also covered by this act shall be required to contribute to such fund the cost of duty disability allowances for members in their employment who are entitled thereto.

Part 18. Section 36-05-5-a-1 of the charter is amended to read:

5. ACCIDENTAL DEATH BENEFIT.

a. Spouse or Child's Annuity.

a-1. His widow or her widower to continue during his or her widowhood [[; or]] >>.

Effective January 1, 2000, the annual escalator payable under sub. 1-h-5 shall be extended to such widow or widower of a general city employee who died at any time or of a fireman or policeman who died prior to January 1, 1993 if the member (or widow or widower if the member is deceased) participates in the combined fund. Effective January 1, 2000, the annual escalator payable under sub. 1-h-6 shall be extended to such widow or widower of a fireman or policeman who dies on or after January 1, 1993 if the member (or widow or widower if the member is deceased) participates in the combined fund. The annual escalator shall be payable to the widow or widower at the same times and in the same percentages as the increases the member would have received had the member retired on a service retirement allowance on the date of his or her death.<<

Part 19. Section 36-05-8-a-1 of the charter is amended to read:

8. SURVIVORSHIP BENEFITS.

a. Firemen or Policemen, Death While in Active Service.

a-1. In addition to other benefits provided for in the employees' retirement act, >>a fireman or policeman in active service prior to January 1, 2000, who is not a participant in the combined fund<< [[a member, who is either a fireman or policeman covered under this subsection]] and who shall die prior to the time of his retirement from active service and who has had at least 30 days of creditable service prior to the time of his death, shall be covered by the provisions of this subsection. In such instance, the widow and other dependents hereinafter specified of such member, meeting the conditions herein set forth, shall be entitled to survivorship benefits which shall commence immediately upon the death of such member.

Part 20. Section 36-05-8-a-2 of the charter is amended to read:

a-2. Any >>fireman or policeman who is not a participant in the combined fund and<< [[member]] who retires after July 1, 1967 because of an approved disability shall be eligible to participate in survivorship benefits provided for herein if such member continues to make his same contribution as required by this section. It is intended that if such member retired under an approved disability and because thereof is no longer a member, he shall nevertheless be considered as a member for the purposes of the benefits provided for under the survivorship provisions until he shall reach the minimum service retirement age established by this chapter.

Part 21. Section 36-05-8-b-12 of the charter is amended to read:

b. Dependents.

b-12. For beneficiaries of policemen whose date of death occurs on or after October 5, 1973, and for beneficiaries of firemen whose date of death occurs on or after July 28, 1974, survivorship benefits payable in the amount of \$115 per month shall be increased to \$140 per month and payable in the amount of \$230 per month shall be increased to \$280 per month under the terms and conditions set forth in subd. 11. For beneficiaries of firemen whose date of death occurs on or after March 1, 1979, survivorship benefits payable in the amount of \$140 per month shall be increased to \$175 per month and payable in the amount of \$280 per month shall be increased to \$350 per month under the terms and conditions set forth in subd. 11. For beneficiaries of firemen whose date of death occurs on or after March 1, 1981, survivorship benefits payable in the amount of \$175 per month shall be increased to \$200 per month, and payable in the amount of \$350 per month shall be increased to \$400 per month under the terms and conditions set forth in subd. 11. For beneficiaries of policemen whose date of death occurs on or after September 19, 1981, survivorship benefits payable in the amount of \$140 per month shall be increased to \$200 per month and payable in the amount of \$280 per month shall be increased to \$400 per month under the terms and conditions set forth in subd. 11. For beneficiaries of firemen whose date of death occurs on or after March 1, 1984, and policemen whose date of death occurs on or after January 1, 1985, survivorship benefits payable in the amount of \$200 per month shall be increased to \$300 per month, and payable in the amount of \$400 per month shall be increased to \$600 per month under the terms and conditions set forth in subd. 10. >>Effective with the installment next following January 1, 2000 for those widows, widowers and children who began receiving survivorship benefits before January 1, 2000 or who are eligible to receive survivorship benefits in the future due to a death occurring prior to January 1, 2000, and who participate in the combined fund, survivorship benefits shall be increased to \$300 per month for widows or widowers age 57 without children and a single child under age 18 (no widow or widower) and \$600 per month (for widows or widowers with children under age 18 and 2 children under age 18, no widow or widower).<<

Part 22. Section 36-05-8-b-13 of the charter is created to read:

b-13. Any other provision of sub. 8 notwithstanding, survivorship benefits shall not be paid to beneficiaries of firemen or policemen who participate in the combined fund and die on or after January 1, 2000.

Part 23. Section 36-05-8-d of the charter is amended to read:

d. Firemen and Policemen's Survivorship Fund. There is created a fund known as the firemen and policemen's survivorship fund. Into such fund there shall be paid by a member who is a fireman or policeman covered by this act 0.87% of his >>or her<< annual salary, limited, however, to the sum of \$6,000 for the purpose of computing the

member's contribution. The city shall contribute an equal sum into such fund. The proceeds of such fund shall be used solely and exclusively for paying survivorship benefits herein provided for. All contributions made by each employe to the firemen and policemen's survivorship fund shall remain in such fund and shall not be returned to such member in the event of separation from the city's service. In the event that social security is provided to firemen and policemen covered by this act, then the balances in such fund over and above any and all liabilities created or existing shall be used for the payment of social security taxes of the members who may thereafter participate in such a plan. >>Effective January 1, 2000, no contributions shall be required on behalf of active or retired firemen and policemen who are members of the combined fund and any amounts contributed by members of the combined fund after January 1, 2000 shall be set aside and returned.<<

Part 24. Section 36-05-11 of the charter is created to read:

11. LUMP SUM BONUS.

a. The following persons shall be eligible for a lump sum bonus if they participate in the combined fund: a member in active service as of January 1, 2000; a spouse survivor (under a protective survivorship option) of a member in active service as of January 1, 2000 if the member dies prior to retirement; an accidental death surviving spouse beneficiary of a member in active service as of January 1, 2000 if the member dies prior to retirement; a retired member, spouse survivor or accidental death surviving spouse beneficiary who is receiving a retirement or accidental death benefit allowance as of January 1, 2000; or a member separated from service prior to January 1, 2000 who is eligible for a deferred retirement allowance commencing on or after January 1, 2000. The bonus shall be paid to active members and members eligible for deferred retirement allowance at the time of commencement of their retirement allowance and to spouse survivors and accidental death surviving spouse beneficiaries of members in active service as of January 1, 2000 at the time of commencement of their spouse survivor allowance or accidental death benefit allowance. The bonus for those receiving a retirement or survivor allowance or accidental death benefit allowance as of January 1, 2000, shall be paid as soon as administratively feasible after January 1, 2000, and shall be 5% of the last full monthly installment payable prior to January 1, 2000, or if no full monthly installment was payable prior to January 1, 2000, the first full monthly installment payable immediately following January 1, 2000, multiplied by 12 times the appropriate lump sum factor. The bonus for members in active service as of January 1, 2000, members separated from service prior to January 1, 2000, who are eligible for a deferred retirement allowance commencing on or after January 1, 2000, spouse survivors of members in active service as of January 1, 2000 and accidental death beneficiaries of members in active service as of January 1, 2000, shall be 5% of the accrued annual retirement benefit (without a reduction on account of an election under sub. 7, or adjustment for

cost of living), 5% of the accrued annual spouse survivor allowance (without an adjustment for cost of living) or 5% of the accrued annual accidental death benefit allowance (without adjustment for cost of living) multiplied by the appropriate lump sum factor. The appropriate lump sum factors are as follows:

Attained Age	Factor	Attained Age	Factor	Attained Age	Factor
15	12.1075	44	11.3842	73	7.5404
16	12.0994	45	11.3235	74	7.3474
17	12.0906	46	11.2586	75	7.1531
18	12.0810	47	11.1891	76	6.9565
19	12.0706	48	11.1151	77	6.7563
20	12.0593	49	11.0365	78	6.5512
21	12.0481	50	10.9531	79	6.3413
22	12.0364	51	10.8647	80	6.1274
23	12.0242	52	10.7711	81	5.9115
24	12.0116	53	10.6720	82	5.6961
25	11.9984	54	10.5674	83	5.4845
26	11.9847	55	10.4570	84	5.2783
27	11.9692	56	10.3406	85	5.0788
28	11.9516	57	10.2182	86	4.8870
29	11.9320	58	10.0896	87	4.7030
30	11.9106	59	9.9551	88	4.5257
31	11.8873	60	9.8147	89	4.3527
32	11.8625	61	9.6685	90	4.1814
33	11.8361	62	9.5166	91	4.0088
34	11.8077	63	9.3591	92	3.8326
35	11.7774	64	9.1961	93	3.6518
36	11.7448	65	9.0280	94	3.4698
37	11.7099	66	8.8553	95	3.2898
38	11.6724	67	8.6779	96	3.1157
39	11.6322	68	8.4955	97	2.9496
40	11.5891	69	8.3084	98	2.7901
41	11.5430	70	8.1178	99	2.6289
42	11.4937	71	7.9253	100	2.4623
43	11.4408	72	7.7327		

b. Firemen and Policemen Survivorship Fund Dissolution Bonus. The following persons shall be eligible for an additional lump sum bonus if they participate in the combined fund: a fireman in active service as of January 1, 2000; a fireman retired on a disability retirement allowance as of January 1, 2000 who is an active member in good standing of the firemen and policemen's survivorship fund as of January 1, 2000; a spouse survivor (under a protective survivorship option) of a fireman in active service as of January 1, 2000 if the member dies prior to retirement; or an accidental death surviving spouse beneficiary of a fireman or policeman in active service as of

January 1, 2000 if the member dies prior to retirement. A policeman in active service as of January 1, 2000 who is a participant in the combined fund, a policeman retired on a disability retirement allowance as of January 1, 2000 who is a participant in the combined fund or a spouse survivor (under a protective survivorship option) of a policeman in active service as of January 1, 2000 who is a participant in the combined fund (if the member dies prior to retirement) shall be eligible for an additional lump sum bonus if the policeman is an active member in good standing of the firemen and policemen's survivorship fund as of January 1, 2000 and is ineligible for additional service credit under s. 36-04-4-b. The bonus for members other than members who either are retired on a disability allowance as of January 1, 2000 or retire on a disability allowance thereafter shall be paid at the time of commencement of their service retirement allowance, spouse survivor allowance or accidental death benefit allowance. The bonus for members who retire before or after January 1, 2000 on a disability retirement allowance shall be payable at the time of the installment next following attainment of their conversion age. If a member is retired on a disability retirement allowance and is ineligible for conversion to a service retirement allowance, the bonus shall be payable in the installment next following the attainment of age 63 or January 1, 2000 whichever shall come last. The bonus for active members shall be 8.3% of the accrued annual service retirement allowance (without reduction on account of an election under sub. 7, or adjustment for cost of living) multiplied by the appropriate lump sum factor as set forth in par. 1. The bonus for spouse survivors (under a protective survivorship option) shall be 8.3% of the accrued annual spouse survivor allowance (without adjustment for cost of living) multiplied by the appropriate lump sum factor as set forth in par. 1. The bonus for retired members on a disability retirement allowance who are eligible to convert to a service retirement allowance shall be 8.3% of their accrued service retirement allowance (without adjustment for cost of living) at conversion age multiplied by the appropriate factor as set forth in par. 1. The bonus for retired members on a disability retirement allowance who are ineligible for conversion shall be 8.3% of the annual service retirement allowance at age 63 (without adjustment for cost of living) multiplied by the appropriate lump sum factor as set forth in par. 1. If a member retired on a disability retirement allowance who is ineligible for conversion to a service retirement allowance is older than age 63 as of January 1, 2000 the bonus shall be 8.3% of the member's disability retirement allowance payable for the year immediately prior to January 1, 2000 multiplied by the appropriate factor as set forth in par. a. This par. shall not apply to a retirement allowance authorized by s. 36-05-6-b-2, 6-b-3, 6-c or 6-d-2.

c. Military Service Credit Bonus. Each member who served and was honorably discharged from the military service prior to first being enrolled in the retirement system and who retired on a service retirement allowance prior to January 1, 2000 shall be eligible for a military service credit bonus if he or she is a participant in the combined fund and is ineligible for military service credit under s. 36-04-1-c. The bonus shall be computed by multiplying the sum of \$1,000,000 by a fraction, the

numerator of which is the member's eligible active military service credit and the denominator of which is the total eligible active military service credit of all retirees eligible under this paragraph. Military service shall have the same meaning as under sec. 36-04-1-c. To be eligible for inclusion in the calculation a period of active service must be a period of not less than 90 consecutive days spent in active military service. The retirement system shall determine the appropriate military documentation for crediting such military service. In order to be eligible for a military service credit bonus, each retired member must apply to the retirement system no later than January 1, 2001.

d. Retiree Special Bonus. Every retiree, spouse survivor and accidental death beneficiary who participates in the combined fund and who is receiving a retirement allowance or accidental death benefit as of January 1, 2000 shall be eligible to receive a lump sum payment. The bonus shall be paid as soon as administratively feasible after January 1, 2000 and shall be equal to the full monthly installment payable for the month immediately prior to January 1, 2000, or if no monthly installment was payable prior to January 1, 2000, the first full monthly installment payable after January 1, 2000, multiplied by the following multiplier factor:

Status at Retirement or Death	Year of Retirement or death	Multiplier
General City	1997-1999	2
1996	3	
1995	4	
1994	5	
1993	6 1/2	
1992 and prior	8	
Firemen and Policemen	all years	8

If a retiree or spouse survivor eligible to receive a lump sum payment under this par. has received an overpayment of catch-up or COLA payable under s. 36-05-1-i in 1996 or 1997, then, in lieu of the repayment of such overpayment through an adjustment of future benefit payments prescribed in this section, such retiree or spouse survivor shall repay all or a portion of such overpayment by offsetting dollar for dollar the lump sum payable under this section by the amount of the overpayment or 3 times the monthly installment identified in this section whichever is less. If a retiree who died prior to January 1, 2000, elected a spouse survivor who is eligible to receive a lump sum payable under this section the overpayment to such retiree in an amount not to exceed the lesser of the amount of overpayment to such retiree or 3 monthly installment identified in this section (excluding overpayments) payable to the retiree immediately prior to his or her death, shall be set off dollar for dollar against the lump sum payable to the spouse survivor under this section. If the amount of the overpayment exceeds the amount of the dollar for dollar set off applied under this

section the excess of the amount of the overpayment over the amount set off shall become an obligation of, and paid from, the combined fund. If a retiree died prior to January 1, 2000, and either did not elect a spouse survivor who is eligible to receive a lump sum payable under this section or elected a spouse survivor who predeceased the retiree the amount of the overpayment to such retiree shall become an obligation of, and paid from, the combined fund.

Part 25. Section 36-08-2-a-0 of the charter is amended to read:

36-08. Method of Financing.

2. RETIREMENT FUND.

a. Contributions. The retirement fund shall be the fund into which all member and city or city agency contributions >>made with respect to members, retired members, survivors, and beneficiaries who are not participants in the combined fund<<, together with investment income [[net of investment expenses]] >>attributable to the retirement fund<<shall be paid except as hereinafter otherwise provided. There shall also be paid into the retirement fund all other amounts received by the board >>with respect to members, retired members, survivors, and beneficiaries who are not participants in the combined fund<< as directed by it. All retirement allowances, death benefits, separation benefits and other benefits except as hereinafter otherwise provided shall be paid from the retirement fund >> for members, retired members, survivors, and beneficiaries who are not participants in the combined fund<<.

Part 26. Section 36-08-2-a-1 of the charter is repealed.

(Note: The provisions being repealed read as follows:

a-1. There is created an account within the retirement fund to be known as the "retired life account." No later than December 29, 1995, there shall be allocated to such account an amount represented by the actuarial value of age and service retirement benefits including benefits under s. 36-05-1-i-1 and 2 in payment in 1996 on account of members who retired prior to January 1, 1993. Such actuarial value shall be computed as the present value of projected benefits discounted at the rate of 6.5% per annum. Commencing January 1, 1996, the retired life account shall be the exclusive source of all age and service benefits in payment as of January 1, 1996 for members retiring prior to January 1, 1993. The retired life account shall not be used for any other purpose until its purpose has been fulfilled by all such payments having been made. At such time as the purpose of such account is fulfilled, the retired life account shall cease to exist and the balance, if any, shall remain part of the retirement fund balance. City and agency contributions shall be determined separately in respect to the retired life account. All interest earned on the assets of the retired life account in excess of the annual assumed rate of return

as determined by reference to the audited market value of assets as of the close of the fiscal year shall be deposited in a separate reserve within the retired life account to be known as the "COLA adjustment reserve." In determining employer contributions in years subsequent to 1996 to the retired life account and in determining earnings to be deposited to the COLA adjustment reserve within such account, the board shall assume an interest rate of 2 full percentage points lower than the interest rate used in the actuarial valuation of benefits not funded in this account. All other tables shall be the same as the board employs for the retirement fund generally. The COLA adjustment reserve shall be the exclusive source for the annual escalator under s. 36-05-1-i-2-a and b first payable in 1997 or in years subsequent to 1997 for members retired prior to January 1, 1993. In the event the market value of the unencumbered COLA adjustment reserve as determined as of December 31 of any fiscal year is insufficient to pay the full amount of the escalator or a successive escalator under s. 36-05-1-i-2-a and b for the expected lifetime of the affected retired members and other beneficiaries, the escalator or a successive escalator shall be prorated based upon the ratio of the amount available to the amount actuarially required to be encumbered for the maximum escalator. In the event the market value in the unencumbered COLA adjustment reserve as determined as of December 31 of any fiscal year is in excess of the amount necessary to be encumbered to pay the full amount of the escalator or a successive escalator for the expected lifetime of the affected retired members and surviving spouses, the excess shall be encumbered and used to prospectively pay in full an escalator or successive escalator which originally had been authorized at less than the maximum allowed.)

Part 27. Section 36-08-2-b of the charter is amended to read:

b. Duty Disability Fund. The actuary for the board shall each year determine what funds are required to provide duty disability benefits under s. 36-05-3 and heart and lung law benefits under s. 891.45, Wis. Stats. >>with respect to members, retired members, survivors and beneficiaries who are not participants in the combined fund.<< He or she shall certify the contributions required of the city and the city agencies to pay for the duty disability benefits for firemen and policemen and general employees >>with respect to members, retired members, survivors and beneficiaries who are not participants in the combined fund<<; and also the contributions required of the city to pay benefits which arise and are allowed under the heart and lung law in excess of any disability and/or death benefits otherwise payable under the system. Benefits arising under the heart and lung law >>with respect to members, retired members, survivors and beneficiaries who are not participants in the combined fund<< shall be paid only from a fund established for such purpose and such heart and lung benefits shall not be paid out of any other funds of the retirement system. Effective January 1, [[1996]] >>2000<<, there shall no longer be separate determinations each year relative to the funds required to provide duty disability retirement benefits [[under s. 36-05-3]] >>for participants in the combined fund<<.

Part 28. Section 36-08-2-c of the charter is amended to read:

c. Duty Disability, Special Fund. The actuary shall annually determine the funds necessary to provide all duty disability benefits under s. 36-05>>with respect to members, retired members, survivors and beneficiaries who are not participants in the combined fund<<. He or she shall certify the contributions required of the city and the city agencies to provide such benefits. Benefits arising under s. 36-05-3-c >>with respect to members, retired members, survivors and beneficiaries who are not participants in the combined fund<< shall be paid only from a fund established for such purpose and such benefits shall not be paid from any other funds of the retirement system. It shall be a violation of law to do so. >>There shall not be a separate contribution under this par. for participants in the combined fund<<. Effective [[January]] >>February<< 1, 1996, the duty disability, special fund shall be merged with the retirement fund >>for members first enrolled on or after February 1, 1996<<. Thereafter, there shall no longer be separate determinations each year of the funds necessary to provide all necessary duty disability benefits under s. 36-05 >>for members first enrolled on or after February 1, 1996<< and benefits >>for members first enrolled on or after February 1, 1996<< arising under s. 36-05-3-c shall be paid from the retirement fund. Effective January 1, 2000 the retirement system shall transfer into the combined fund: (1) the liabilities of the duty disability special fund attributable to participants in the combined fund, (2) the proportionate share of the market value of assets in the duty disability special fund which is calculated by multiplying the market value of assets in the duty disability special fund by a fraction the numerator of which is the liabilities of the duty disability special fund attributable to participants in the combined fund and the denominator of which is the total liabilities of the duty disability special fund.<<

Part 29. Section 36-08-3-0 of the charter is amended to read:

3. EXPENSE FUND. The expense fund shall be the fund to which shall be credited all money >>deposited in accordance with s. 36-09-6<< to pay the expenses necessary in connection with the administration and operation of the retirement system and from which payments are made for those administrative expenses >>.<< [[, provided however, that the expenses for investing the assets of the retirement system shall be deducted from the invested assets in determining the net assets of the retirement system and shall not be funded by or paid from the expense fund.]] For purposes of this section, investment expenses shall include all fees and costs associated with investment of the retirement system assets, including fees for investment managers, investment advisors and investment consultants, and the costs of buying and selling securities or other investments.

Part 30. Section 36-08-3-a of the charter is amended to read:

a. Annually, the board shall estimate the amount of money which shall be deemed necessary [[to be paid into the expense fund during the ensuing year]] to provide for the expense of operation of the retirement system. [[Amounts for expenses other than for investment managers, investment advisors and investment consultants shall be paid to the expense fund for this purpose by the city and city agencies.]] On or before [[June 1]] >>the second Tuesday in May<< of each year the board shall file with the mayor a detailed statement of all estimated expenses which are to be incurred during the ensuing calendar year >>. << [[and which are to be paid by the city and city agencies, and]] [[such]] >>Such<< statement shall be reviewed and approved as are all other budgetary requests under ch. 18.

Part 31. Section 36-08-4 of the charter is amended to read:

4. FIREMEN AND POLICEMEN'S SURVIVORSHIP FUND. The firemen and policemen's survivorship fund shall be the fund in which shall be accumulated all reserves from contributions by members and the city for the payment of survivorship benefits >>for members, retired members, survivors and beneficiaries who are not participants in the combined fund<< as provided for in this act. The funds for firemen and policemen's survivorship benefits may be invested as provided in s. 36-09. >>Effective January 1, 2000 the firemen and policemen's survivorship fund shall no longer be in existence for firemen and policemen and firemen and policemen retired on a disability allowance who participate in the combined fund.<<

Part 32. Section 36-08-6-a-0 of the charter is repealed and recreated to read:

6. CITY CONTRIBUTIONS.

a. Retirement Fund. On account of members, retired members, survivors, and beneficiaries who are not participants in the combined fund, there shall be paid annually into the retirement fund by the city and city agencies for the preceding fiscal year an amount equal to the "normal contribution" as that term is defined in subd. 1, plus the amount required under subd. 2; provided that the total amount contributed shall not be less than zero, and it shall also not be more than the amount required to bring the expected actuarial funded status of the retirement fund, as of the date the contribution is payable, to a percentage in excess of 100%.

Part 33. Section 36-08-6-a-1 of the charter is repealed and recreated to read:

a-1. The normal contribution for the retirement

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PASSED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

- 2) [991704](#) Substitute ordinance to further amend the 2000 offices and positions in the City Service under control of the Common Council.

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

Part 1. Section 1 of ordinance File Number 990704 relative to offices and positions in the City Service is hereby amended as follows:

Under "Department of City Development, General Management and Policy Development Decision Unit, Urban Development Section", delete one position of "Graduate Student Intern (.5 FTE)" and one position of "College Student Intern (.5 FTE)" and add one position of "Graduate Intern (.5 FTE)" and one position of "College Intern (.5 FTE)" and under "Marketing and Civic Development Services Office", delete two positions of "College Student Interns" and add two positions of "College Interns."

Under "Health Department, Family and Community Health Services, Chronic Disease Division, Breast Cancer Awareness Program Grant", add one position of "Public Health Educator II (X)(KK)."

Under "Library, Administrative Services Decision Unit, Technical Services Bureau, Automation Section", delete one position of "College Intern (0.56 FTE) and add one position of "Information Technology Intern (0.56 FTE)."

Under "Department of Neighborhood Services", add one position of "Grant Monitor (X)."

Part 2. Section 1 of ordinance File Number 990704 relative to offices and positions in the City Service is hereby further amended as follows (Effective Pay Period 26, 1999 - December 12, 1999):

Under "Department of Public Works, Infrastructure Services Division, Administration Decision Unit, Administration", add one position of "Public Works Inspector II (A)" and amend footnote "(A)" to read: "(A) One position occupied by John English, authorized in accordance with the terms of the City/DC 48 labor contract." and under "Field Operations-Street/Bridges Operations Decision Unit, Information and Records", delete one position of "Public Works Inspector II (A)."

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

Part 4. The provisions of Part 2 of this ordinance are deemed to be in force and effect from and after Pay Period 26, 1999 (December 12, 1999).

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

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

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PASSED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,
Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak,
Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

- 3) [991705](#) Substitute ordinance to further amend the 2000 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 18 of ordinance File Number 990705 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 1998 - December 28, 1997):

Delete Pay Ranges 801-813 and recreate them as follows:

"Pay Range 801

Official Rate-Biweekly

\$1,255.61 1,380.71 1,542.57 1,604.69 1,700.29

Assistant Custodian of Police Property and Stores

Police Officer 1/2/

Police Matron

1/ Receives \$20.00 additional biweekly while assigned to motorcycle duty in

accordance with MOTORCYCLE PAY provision of the labor contract.

2/ One position of Police Officer, assigned to the Open Records Section, when filled by Charles Alioto, shall be paid an additional \$54.33 biweekly. This amount shall be adjusted each year using the across-the-board multiplier contained in the applicable labor agreement. This payment shall not have any sum deducted for pension benefits, nor shall such payments be included in the determination of pension or other fringe benefits.

Pay Range 804

Official Rate-Biweekly

\$1,666.80 1,720.39 1,776.28

Court Liaison Officer
Identification Technician
Police Alarm Operator

Pay Range 805

Official Rate-Biweekly

\$1,697.28 1,750.89 1,806.75

Latent Print Examiner

Pay Range 808

Official Rate-Biweekly

\$1,756.25 1,826.51 1,899.61

Detective
Document Examiner
Police Data Communications Specialist 1/

1/ Position to be civilianized and studied for proper classification and pay allocation when vacated by Harold Kralik.

Pay Range 810

Official Rate-Biweekly

\$1,836.45 1,900.86 1,965.32

Police Electronic Technician 1/

1/ Positions to be reclassified to Electronic Technician upon becoming vacant.

Pay Range 812

Official Rate-Biweekly

\$1,900.86 1,965.32 2,029.79

Chief Document Examiner
Identification Systems Specialist

Pay Range 813

Official Rate-Biweekly

\$1,826.51 1,899.61 1,975.59 \$2,054.62 2,136.72 2,222.20

Police Audiovisual Specialist 1/

1/ When vacated by the present incumbent, Robert Hempe, the positions shall be studied to determine whether it should be civilianized."

Part 2. Section 18 of ordinance File Number 990705 relative to rates of pay of offices and positions in the City Service is hereby further amended as follows (Effective Pay Period 1, 1999 - December 27, 1998):

Delete Pay Ranges 801-813 and recreate them as follows:

"Pay Range 801

Official Rate-Biweekly

\$1,318.20 1,447.36 1,614.49 1,678.62 1,777.33

Assistant Custodian of Police Property and Stores
Police Officer 1/2/
Police Matron

1/ Receives \$20.00 additional biweekly while assigned to motorcycle duty in accordance with MOTORCYCLE PAY provision of the labor contract.

2/ One position of Police Officer, assigned to the Open records Section, when filled by Charles Alioto, shall be paid an additional \$56.10 biweekly. This amount shall be adjusted each year using the across-the-board multiplier contained in the applicable labor agreement. This payment shall not have any sum deducted for pension benefits, nor shall such payments be included in the determination of pension or other fringe benefits.

Pay Range 804

Official Rate-Biweekly

\$1,742.75 1,798.08 1,855.79

Court Liaison Officer
Identification Technician
Police Alarm Operator 1/

1/ Positions occupied by Police Alarm Operators to be reclassified to Police Dispatcher upon becoming vacant.

Pay Range 805

Official Rate-Biweekly

\$1,774.22 1,829.58 1,887.25

Latent Print Examiner

Pay Range 808

Official Rate-Biweekly

\$1,835.11 1,907.65 1,983.13

Detective
Document Examiner
Police Data Communications Specialist 1/

1/ Position to be civilianized and studied for proper classification and pay allocation when vacated by Harold Kralik.

Pay Range 810

Official Rate-Biweekly

\$1,917.92 1,984.42 2,050.97

Police Electronic Technician 1/

1/ Positions to be reclassified to Electronic Technician upon becoming vacant.

Pay Range 812

Official Rate-Biweekly

\$1,984.42 2,050.97 2,117.54

Chief Document Examiner
Identification Systems Specialist

Pay Range 813

Official Rate-Biweekly

\$1,907.65 1,983.13 2,061.58 2,143.18 2,227.94 2,316.20

Police Audiovisual Specialist 1/

1/ When vacated by the present incumbent, Robert Hempe, the positions shall be studied to determine whether it should be civilianized."

Part 3. Section 18 of ordinance File Number 990705 relative to rates of pay of offices and positions in the city Service is hereby further amended as follows (Effective Pay Period 1, 2000 - December 26, 1999):

Delete Pay Ranges 801-813 and recreate them as follows:

"Pay Range 801

Official Rate-Biweekly

\$1,361.04 1,494.40 1,666.96 1,733.18 1,835.09

Assistant Custodian of Police Property and Stores
Police Officer 1/2/
Police Matron

1/ Receives \$20.00 additional biweekly while assigned to motorcycle duty in accordance with MOTORCYCLE PAY provision of the labor contract.

2/ One position of Police Officer, assigned to the Open Records Section, when filled by Charles Alioto, shall be paid an additional \$57.92 biweekly. This amount shall be adjusted each year using the across-the-board multiplier contained in the applicable labor agreement. This payment shall not have any sum deducted to pension benefits, nor shall such payments be included in the determination of pension or other fringe benefits.

Pay Range 804

Official Rate-Biweekly

\$1,799.39 1,856.52 1,916.10

Court Liaison Officer
Identification Technician
Police Alarm Operator 1/

1/ Positions occupied by Police Alarm Operators to be reclassified to Police Dispatcher upon becoming vacant.

Pay Range 805

Official Rate-Biweekly

\$1,831.88 1,889.04 1,948.59

Latent Print Examiner

Pay Range 808

Official Rate-Biweekly

\$1,894.75 1,969.65 2,047.58

Detective Document Examiner

Pay Range 810

Official Rate-Biweekly

\$1,980.25 2,048.91 2,117.63

Police Electronic Technician 1/

1/ Positions to be reclassified to Electronic Technician upon becoming vacant.

Pay Range 812

Official Rate-Biweekly

\$2,048.91 2,117.63 2,186.36

Chief Document Examiner
Identification Systems Specialist

Pay Range 813

Official Rate-Biweekly

\$1,969.65 2,047.58 2,128.58 2,212.83 2,300.35 2,391.48

Police Audiovisual Specialist 1/

1/ When vacated by the present incumbent, Robert Hempe, the position shall be studied to determine whether it should be civilianized."

Part 4. Section 23 of ordinance File Number 990705 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 902, delete the current rates and substitute the following rates:

\$6.00 6.50 7.00

Delete footnote 1/.

Under Pay Range 906, delete the current rates and substitute the following rates:

\$6.15 6.60 7.05 7.50

Under Pay Range 910, delete the current rates and substitute the following rates:

\$8.00 9.25 10.50

Delete the titles "Public Health Laboratory Aide 3/" and "Student Intern 1/2/4/"; delete the current footnote "3/" and substitute a new footnote "3/":

"3/ With the approval of the Employee Relations Director, students with junior status may be appointed up to the second step and students with senior status may be appointed up to the third step."

Add the footnote designation "3/" following the title "College Intern."

Under Pay Range 926, delete the current rates and substitute the following rates:

\$9.25 10.50

Under Pay Range 927, delete the current rates and substitute the following rates:

\$10.18 11.10 12.10

Delete the title "Graduate Intern 4/5/" and footnotes "4/" and "5/".

Under Pay Range 930, delete the current rates and substitute the following rates:

\$11.04 12.23 13.90

Delete the current footnote "1" and "2" and substitute new footnotes "1/" and "2/":

"1/ Students with junior status may be appointed up to the second step and students with senior status may be appointed up to the third step.

"2/ Engineering Interns to be paid the following hourly rates: \$9.58 for junior status students and \$10.32 for senior status students."

Add the titles "Information Technology Intern 1/" and "Graduate Intern 3/4/" and add the following footnotes:

"3/ Graduate Interns are eligible to advance to the next step of the pay range after completion of 520 hours of service upon recommendation by the Department.

"4/ Graduate Interns attending law school may be hired up to the second step in the pay range."

Part 5. Section 24 of ordinance File Number 990705 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 26, 1999 - December 12, 1999):

Delete the rate of pay shown for Pay Range 936 and insert in lieu thereof the following new biweekly rate:

"Pay Range 936

Official Rate-Biweekly

\$1,551.44"

Part 6. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 7. The provisions of Part 1 of this ordinance are deemed to be in force and effect from and after Pay Period 1, 1998 (December 28, 1997).

The provisions of Part 2 of this ordinance are deemed to be in force and effect from and after Pay Period 1, 1999 (December 27, 1998).

The provisions of Part 3 of this ordinance are deemed to be in force and effect from and after Pay Period 1, 2000 (December 26, 1999).

The provisions of Part 5 of this ordinance are deemed to be in force and effect from and after Pay Period 26, 1999 (December 12, 1999).

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

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PASSED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,
Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak,
Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

- 4) [991905](#) A substitute ordinance relating to overtime benefits for certain employees.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 350-3-1 of the code is amended to read:

350-3. Uniform Overtime Policies.

1. TIME AND ONE-HALF. All officers and employees of the city, except members of the police department's buildings and grounds division within the certified collective bargaining unit represented by District Council 48, AFSCME, AFL-CIO, shall normally be granted 1-1/2 hours off for each hour of necessary overtime employment, not compensated in cash, that is worked before or after the normal hours scheduled to be worked in each day, or for hours in excess of the regularly scheduled 40 hours in a week, and for work performed on holidays, as defined in s. 350-2, or Saturdays or Sundays when such Saturdays or Sundays are not part of the scheduled workweek. The accumulated credit for each employe at no time shall exceed 120 hours worked which is equivalent on a time and one-half basis to 180 hours to be taken off. When computing overtime for regular day-shift employes who work on snow and ice control operations, 7:30 a.m. will be considered the starting time after which straight time will be paid. When computing overtime for truck drivers who receive emergency appointments during snow and ice control operations and who are not regularly scheduled second >>or third<< shift employes, all hours worked before 7:30 a.m. and after 4:00 p.m. will be considered overtime.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PASSED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

- 5) [991906](#) A substitute ordinance relating to life insurance benefits for certain employees.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 350-237-1.5 of the code is repealed and recreated to read:

350-237. Exclusion from Benefits.

1.5. EXCEPTIONS. a. Notwithstanding sub. 1, city laborers (seasonal) represented

by District Council No. 48, AFSCME, AFL-CIO, and employees represented by Public Employees' Union No. 61, LIUNA, AFL-CIO, CLC, shall be eligible for benefits under sub. 1-L on the same basis as permanent city employees, pursuant to s. 350-30-4.

b. Notwithstanding sub. 1, city laborers (seasonal) represented by Public Employees' Union No. 61, LIUNA, AFL-CIO, CLC, shall be eligible for benefits under sub. 1-m on the same basis as permanent city employees, pursuant to s. 350-25-3.

c. Employees represented by Public Employees' Union No. 61, LIUNA, AFL-CIO, CLC, shall begin to earn vacation benefits effective January 1, 1995. Said employees may take such vacation time earned upon becoming regular (worked 2,080 hours).

d. Employees represented by District Council No. 48, AFSCME, AFL-CIO, shall begin to earn vacation benefits effective November 19, 1995. Said employees may take such vacation time earned upon becoming regular (worked 2,080 hours).

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PASSED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

ADOPTION OF THE FOLLOWING:

- 6) [980480](#) Substitute resolution approving, ratifying and confirming the memorandum of understanding covering wages, hours and conditions of employment agreement between the city negotiating team and the Milwaukee Police Association, Local #21, I.U.P.A., AFL-CIO for the period of January 1, 1998 through December 31, 2000. Whereas, The agreement between the city negotiating team and the Milwaukee Police Association, Local #21, I.U.P.A., AFL-CIO, for the time period commencing January 1, 1998 through December 31, 2000, has been reduced to writing; and
- Whereas, The memorandum of understanding embodying the agreement reached by the parties and the arbitrator's award, copies of which are attached to Common Council File No. 980480 and incorporated herein as though fully set forth at length, was executed by the parties subject to ratification by the Common Council; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the agreement

between the city negotiating team and the Milwaukee Police Association, Local #21, I.U.P.A., AFL-CIO, is approved; and, be it

Further Resolved, That the city negotiating team is hereby authorized and directed to reduce the agreement to a formal contract between the union and the city; and, be it

Further Resolved, That the proper city officials are directed to execute a formal labor contract embodying the terms and conditions of the attached Memorandum of Understanding between the City of Milwaukee and the Milwaukee Police Association, Local #21, I.U.P.A., AFL-CIO; and, be it

Further Resolved, That the city negotiating team is directed to prepare any ordinance changes or resolutions to effectuate the agreement; and, be it

Further Resolved, That the proper city officials are directed to take the necessary action or to make the necessary recommendations to the common council or the appropriate committees or boards to implement the terms of this agreement; and, be it

Further Resolved, That such sums as are necessary for the implementation of the aforementioned labor contract in accordance with its terms and conditions be obtained for and charged to the appropriate departmental budget accounts in accordance with the customary reporting and accounting requirements; and, be it

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

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

- 7) [991335](#) Substitute resolution authorizing carryover of certain fund balances from 1999 to 2000 in accordance with Section 65.07(1)(p), Wisconsin Statutes.
- Whereas, It has been the practice of the Mayor and the Common Council of the City of Milwaukee to maintain as low a tax rate as is possible, consistent with the standard of services requested by the citizens of Milwaukee; and
- Whereas, The authorization to carry over certain available fund balances to permit achieving or completing a previously authorized and funded purpose, program,

project, or equipment purchase is in the best interests of the City and assists in reducing the amounts that must be levied on taxable property in the City of Milwaukee; and

Whereas, The Budget and Management Division and the Committee on Finance and Personnel have reviewed 1999-2000 carryover requests and recommend in this resolution those carryovers which appear to be in compliance with Section 65.07(1) (p), Wisconsin State Statutes, Capital Guidelines, Grant and Aid Guidelines, Community Development Agency Guidelines, and other prudent criteria; now, therefore, be it

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

Further Resolved, That the City Comptroller is hereby authorized and directed to close out each 1999 Capital Purpose Account not specifically authorized for carryover by this resolution or other appropriate resolution. Such close-outs shall be in accordance with the requirements of Common Council Resolution File Number 881665, et.al., Section V; and, be it

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

Further Resolved, That each amount indicated for carryover for Special Ledger accounts is the maximum balance that can be carried over to 2000. Any balance over those amounts indicated are to revert to the Tax Stabilization Fund, in accordance with Section 304-29-3, Milwaukee Code of Ordinances; and, be it

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

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

- 8) [991586](#) A substitute resolution relating to a Memorandum of Understanding between the City, City Agencies, Unions and Association of Retired Employees of the City of Milwaukee relating to a global pension settlement.

Whereas, The Common Council has endorsed the concept of a global pension settlement, the terms of which are embodied in Charter Ordinance Common Council File No. 991585; and

Whereas, Representatives of the City have engaged in discussions with City Agencies, Unions representing City and City Agency employees and the Association of Retired Employees of the City of Milwaukee; and

Whereas, As the result of such discussions, a consensus has been reached as to a global pension settlement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee does hereby approve the Memorandum of Understanding annexed to the file; and, be it

Further Resolved, That any employee organization shall be given until April 19, 2000 to submit its agreement to the City Attorney for inclusion as part of Exhibit A to the Memorandum of Understanding; and, be it

Further Resolved, That the proper city officers be and hereby are authorized to execute same on behalf of the City; and, be it

Further Resolved, That the City Attorney with the assistance of outside counsel be and hereby is authorized and directed to take all steps necessary, including a legal action commenced in the name of the City of Milwaukee, to implement the global pension settlement; and, be it

Further Resolved, That all departments of city government be and hereby are authorized and directed to cooperate with the City Attorney in this endeavor.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

- 9) [991785](#) Substitute resolution authorizing attendance at various seminars/meetings and authorizing expenditure of funds for this purpose.
- Resolved, By the Common Council of the City of Milwaukee, that the attendance of the following individuals at the following seminars or meetings is approved, and the funds specified are authorized to be allocated from the Seminar Fund, such travel and reimbursement to be in accordance with guidelines established by Section 350-181, Milwaukee Code:

Jonathan Hopkins (CC-CC) "Alcatel network equipment training"; Dover, New Hampshire; 6/25-28/00; \$918.00.

Asst. City Atty. Christopher Cherella (City Atty.) "6th Annual Traffic & Impaired Driving Seminar"; Wausau, WI; 4/11-12/00; \$412.23.

and, be it

Further Resolved, That the dollar amount shown for each authorized seminar/meeting listed above is simply an ESTIMATE of the seminar attendance expenses anticipated to be paid or reimbursed by the city, and is primarily included to facilitate the making of the necessary dollar advances for such purposes; and, be it

Further Resolved, That ACTUAL city payment (or reimbursement) for seminar/meeting expenses incurred and reported by the attendee, reporting requirements, control procedures, etc., shall be in accordance with the Authorized Travel Regulations and Procedures Ordinance of the Milwaukee Code of Ordinances.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

- 10) [991862](#) Substitute resolution relating to the issuance and sale of Bond Anticipation Notes (BANs) in an amount not to exceed \$14,560,000 to finance the cost of improvements to the City's Sewerage System, pending issuance of Sewerage System Revenue Bonds.
- Whereas, The 2000 city budget authorizes the issuance and sale of revenue bonds for

relief and relay sewer projects within the sewer maintenance fund; and

Whereas, The Common Council of the City of Milwaukee has established a sewer service charge pursuant to § 66.076, Stats., to meet all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair and depreciation of the sewerage system and for the payment of all or part of the principal and interest of any indebtedness incurred thereof; and

Whereas, Section 66.066(2)(m), Stats. provides that if the governing body of any municipality by resolution declares its intention to authorize the issuance or sale of sewerage system revenue bonds, the governing body may prior to the issuance of bonds and in anticipation of their sale, authorize the issuance of BANs by the adoption of a resolution; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee hereby and herewith authorizes and declares its purpose to issue and sell sewerage system BANs, Series A in an amount not to exceed \$14,560,000 to finance the cost of improvements to the city's sewerage system pending issuance of sewerage system revenue bonds; and, be it

Further Resolved, That the Common Council hereby declares its intention to authorize and issue sewerage system revenue bonds in an amount sufficient to retire the outstanding BANs; and, be it

Further Resolved, That the Common Council hereby pledges the revenues of sewer service charges established pursuant to § 66.076, Stats. to payment of the principal and interest on the sewerage system BANs; and, be it

Further Resolved, That the sewerage system BANs, Series A, authorized shall be for a term of up to 5 years and may be payable at such times from the date thereof and at such places as the commissioners of the public debt shall determine. All such BANs may contain a provision authorizing redemption thereof in whole or in part at the option of the commissioners of the public debt on any interest payment date. All such BANs shall bear interest at a rate based on the applicable average State of Wisconsin Local Government Investment Pool rate; and, be it

Further Resolved, That the sewerage system BANs, Series A, shall be payable from sewer service charge revenues pledged from the city's general fund and from the proceeds of the sale of sewerage system revenue bonds. Such sewerage system BANs are not an indebtedness of the city and no lien may be created or attached with respect to any property of the city as a consequence of the issuance of the sale of such BANs; and, be it

Further Resolved, That any funds derived from the issuance and sale of sewerage system revenue bonds issued subsequent to the execution of the sale of sewerage system BANs shall constitute a trust fund and such trust fund shall be expended first for the payment of principal and interest of such BANs and then may be expended for such other purposes as set forth in the resolution authorizing the sewerage system revenue bonds; and, be it

Further Resolved, That no sewerage system BANs authorized hereunder may be issued unless the City's Comptroller certifies to the Common Council the contract(s) with respect to additions and improvements and extensions are to be let and that such proceeds of such BANs shall be required for the payment of such contracts; and, be it

Further Resolved, By the Common Council that the proceeds of the sale of the sewerage system revenue bonds in anticipation of the sale of which the BANs were authorized to be issued herein are hereby pledged to the payment of the principal on the BANs. Sewer service charge revenues pledged shall be used for payment of interest on the BANs; and, be it

Further Resolved, That the BANs herein authorized shall be sold to the City as a legal form of investment for municipal funds under § 66.04(2), Stats.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

- 11) [991865](#) Substitute resolution relating to the issuance and sale of general obligation short-term promissory notes under sec. 67.12(12) Stats., for a public purpose, to-wit: for financing of prior and current year unbilled accounts receivable in an amount not to exceed \$1,700,000.

Whereas, The 2000 budget of the City of Milwaukee authorizes contingent borrowing in the form of general obligation bonds or notes, for any purposes not contemplated at the time the budget was adopted in the sum of \$45,000,000; and

Whereas, The Common Council is desirous of issuing and selling promissory notes for a current municipal expense, to-wit; for financing of prior and current year unbilled accounts receivable in an amount not to exceed \$1,700,000; and

Whereas, Rule 15c2-12 promulgated by the United States Securities and Exchange

Commission under the Securities and Exchange Act of 1934, as amended, does not permit an underwriter to purchase, after July 3, 1995, securities such as notes unless such underwriter has reasonably determined that the issuer of such securities has undertaken in a written agreement or contract for the benefit of holders of such securities to provide certain financial information or operating data on a continuing basis; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue general obligation short-term promissory notes in an amount not to exceed \$1,700,000 for a current municipal expense, to wit: for financing of prior and current year unbilled accounts receivable in an amount not to exceed \$1,700,000; and, be it

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

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

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

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

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

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

Further Resolved, That such general obligation short-term promissory notes shall be dated as of the first or fifteenth day of the month in which they are issued, bear interest, payable semi-annually, at coupon rates as determined by the Commissioners of the Public Debt, not to exceed 9.25%; with an issue True Interest Cost Rate not to exceed 7.25%; that the Commissioners of the Public Debt shall specify the due dates for, and the amounts of, the payment of principal of said notes, not to exceed 10 years, and interest thereon, and that such payment schedule shall be entered upon the permanent record of the Commissioners of the Public Debt and formally communicated to the City Clerk; and, be it

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

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

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

Further Resolved, That the City covenants with the holders from time to time of said notes that (i) throughout the term of said notes and (ii) through the date that the final

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

Further Resolved, That a Continuing Disclosure Certificate, in substantially the form customarily provided by the City to be dated the date of initial delivery of the Notes, is authorized to be executed and delivered by the Comptroller; and, be it

Further Resolved, That the obligation of the City of Milwaukee under the aforementioned disclosure certificate under the terms therein specified is determined to be contractual for the benefit of the note holders from time to time; and, be it

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

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

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

Futher Resolved, That the comptroller is directed to engage the accounting firm of KPMG to conduct an independent audit of the Department of Public Works - Buildings & Fleet Division and the Reimbursable Services Advance Fund.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

12) [991879](#) Substitute resolution relative to acceptance and expenditure of a \$150,000 grant from the State of Wisconsin for Operation Cease Fire.

Whereas, Section 62.50(23m), Wis. Stats., authorizes the Wisconsin Department of Administration to provide a maximum of \$90,000 in the 1999-2000 fiscal year and \$60,000 in the 2000-01 fiscal year to the Milwaukee Fire and Police Commission for a citywide communications media campaign; and

Whereas, This money is provided to deter the unlawful possession and use of firearms by educating the public about the legal consequences of the unlawful possession and use of firearms (Operation Cease Fire campaign); and

Whereas, The Fire and Police Commission believes that such a campaign may result in decreased firearm violence in the City of Milwaukee; and

Whereas, The Fire and Police Commission is willing to administer this campaign, which will be conducted through the Safe and Sound Program; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Fire and Police Commission is authorized to accept a grant of \$150,000 from the State of Wisconsin for an Operation Cease Fire media campaign; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the project/grant parent of the 2000 special revenue accounts - grant and aid projects, the following amount for the program titled Operation Cease Fire

Project/Grant	Fund	Org.	Program	BY	Subclass	Acct
GR00090000000	0150	9990	0001	0000	R999	000600

Project	Amount
Grantor share	\$150,000

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

3. Establish the necessary city share project values; and, be it

Further Resolved, That these funds are appropriated to the Fire and Police Commission, which is authorized to expend from the amount budgeted sums for specified purposes as indicated in the project budget and incur costs consistent with the award date.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

- 13) [991902](#) Resolution appropriating \$100,000 from the Common Council Contingent Fund for the purpose of retaining outside legal counsel with regard to the global pension settlement litigation. (City Attorney)
- Whereas, Common Council File No. 971183 authorized the City Attorney to enter into an agreement with the Firm to provide the city with representation in the case of MPA, et al. v. City of Milwaukee, et al., Case No. 97-CV-007996, as outside counsel in defense of Common Council File No. 970387; and
- Whereas, The parties have entered into an agreement to expand the scope of the Firm's engagement to include acting as a consultant in the establishment of a new retirement system for city employees; and
- Whereas, The parties have agreed that the Firm will participate in the global pension settlement litigation to implement the global settlement; and
- Whereas, The Common Council is desirous of amending the contract between the City and the Firm to have the Firm undertake this project; now, therefore, be it
- Resolved, That the sum of \$100,000 be and hereby is appropriated from the Common Council Contingent Fund Account No. 0001-9990-0001-C001-1999-006300 to the City Attorney's Outside Counsel/Expert Witness Fund Special Purpose Account No. 0001-1490-0001-S157-1999-634001 for the purpose of funding a second amendment to the contract between the City and the law firm of Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C., authorizing the Firm to participate in the global pension settlement litigation to implement the global settlement; and, be it

Further Resolved, That the amendment to the agreement attached to the file be and hereby is approved and the City Attorney be and hereby is authorized to execute same on behalf of the City; and, be it

Further Resolved, That such amounts are to be expended upon the presentation of invoices for services to the Office of the City Attorney and meeting with the approval of the City Attorney.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

PLACING ON FILE THE FOLLOWING:

- 14) [991217](#) Communication from the Department of Employee Relations amending the salary ordinance.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

- 15) [991728](#) Communication from the Department of Neighborhood Services relative to creating a new position of Grant monitor.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

- 16) [991837](#) Communication from the Department of Employee Relations transmitting a communication relative to classification studies scheduled for City Service Commission action.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

- 17) [991903](#) A charter ordinance relating to retirement benefits.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Richards

Ald. Pratt moved to adopt the foregoing COMMON COUNCIL recommendations as indicated and on which separate action was not taken.

THE UTILITIES AND LICENSES COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [991857](#) A substitute ordinance requiring that a private alarm system not maintaining a place of business in Wisconsin maintain a registered office and registered agent in Wisconsin. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 105-75-3-b-5 and 6 is renumbered 105-75-3-b-6 and 7.

Part 2. Section 105-75-3-b-5 of the code is created to read:

105-75. Private Alarm Systems and Regulations.

3. LICENSING OF ALARM BUSINESS.

b-5. All applicants not maintaining a place of business in the state of Wisconsin shall continuously maintain in this state a registered office and a registered agent for service of process, notice or demand required and permitted by law to be served on foreign corporations, the address of such office and the name and address of such registered agent to be filed with the city clerk.

Part 3. Alarm businesses licensed under s. 105-75 have 60 days from the effective date of this ordinance April 29, 2000 to comply with s. 105-75-3-b-5.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be PASSED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,
Johnson-Odom, Gordon, Frank, Scherbert, Witkowiak, Breier,
Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Pawlinski

ADOPTION OF THE FOLLOWING:

- 2) [991808](#) Resolution relative to an agreement permitting the Village of Brown Deer to provide water service to a property located in the City of Mequon. (Water Works)
- Whereas, Glendale Plastics, Inc., a manufacturing facility located at 5650 West County Line Road in the City of Mequon, has requested the Village of Brown Deer to furnish water at retail to said company through the distribution system of the Brown Deer Water Public Utility; and
- Whereas, The Village of Brown Deer, by its Resolution No. 99-45, adopted on December 20, 1999, has given permission for the proposed water service to Glendale Plastics, Inc.; and
- Whereas, The City of Mequon, by its Resolution No. 2131 adopted on December 14, 1999, has also given permission for the proposed water service to Glendale Plastics, Inc.; and
- Whereas, The Village of Brown Deer, being a wholesale water customer of the Milwaukee Water Works, is restricted by a water service contract with the City of Milwaukee from reselling water without the permission of the City of Milwaukee; and
- Whereas, The Milwaukee Water Works stands to gain revenue at wholesale rates by the Village of Brown Deer's addition of this customer which could not practicably be

served directly; now, therefore, be it

Resolved, By the Common council of the City of Milwaukee, that the Superintendent of the Milwaukee Water Works, the Commissioner of Public Works, and the Assistant City Attorney are hereby authorized to enter into an agreement, which agreement shall provide that: 1) The Village of Brown Deer, by this action, does not hold itself out to provide water service to any other customers beyond its contract boundaries; and, that 2) Should the Milwaukee Water Works ever serve Mequon directly, it may require the above customer to disconnect from the Brown Deer water system and reconnect to the Milwaukee-Mequon water system; and that 3) A change in ownership or business status which could result in a substantial increase in water consumption may require a re-negotiation of the proposed agreement; and, be it

Further Resolved, That the agreement shall not become effective until executed and further, that approval from the Public Service Commission and Utilities and Licenses Committee of the Common Council of the City of Milwaukee shall be obtained.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be ADOPTED. The motion carried by the following vote:

Aye: 12 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Witkowiak, Breier, Nardelli Hines Jr.

No: 2 - Henningsen Murphy

Excused: 3 - Richards, Butler Pawlinski

APPROVAL OF THE FOLLOWING:

- 3) [991071](#) Motion to approve recommendations of the Utilities and Licenses Committee relative to issuance, denial, renewal, nonrenewal, suspension or revocation of licenses and extension of premises.
- The Common Council of the City of Milwaukee hereby accepts the recommendations of the Utilities and Licenses Committee as contained in the listings attached to this file.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be APPROVED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Witkowiak, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Pawlinski

PLACING ON FILE THE FOLLOWING:

- 4) [991839](#) Communication from the Milwaukee County Transit System transmitting a notification of a new bus route 74 (Water Street Trolley).

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Witkowiak, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Pawlinski

- 5) [991850](#) Communication from the Milwaukee County Transit System transmitting a notification of a new bus route 73 (Wisconsin Avenue Trolley).

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Witkowiak, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Pawlinski

THE UTILITIES AND LICENSES COMMITTEE FURTHER RECOMMENDS APPROVAL OF THE FOLLOWING:

- 6) [991075](#) Motion to approve recommendations of the Utilities and Licenses Committee relative to issuance, denial, renewal, nonrenewal, suspension or revocation of licenses and extension of premises.

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

Sponsors: THE CHAIR

THE CLERK swore in the Court Reporter:

Recommendation of renewal of the Class "B" Tavern license and nonrenewal of the live music portion of the Cabaret license of Michael F. DeSautel for the premises located at 4177 South Howell Avenue("Dinero's") in the 13th Aldermanic District. Written objections have been filed by the licensee. (Committee Vote: 3 Ayes; 0 Noes;)

The Chair questioned whether the members of the Common Council read the Report and Recommendations of the Utilities and Licenses Committee and written exceptions.

Ayes: 15- Ald. Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy, Hines and President Kalwitz.

Excused: 2- Richards and Butler.

Noes: 0.

The Chair asked whether the applicant or his attorney was present.

Both were present.

ALD. SCHRAMM moved that the Common Council do now resolve itself into a Committee of the Whole for the purpose of hearing from the attorney for the licensee and Assistant City Attorney relative to the foregoing matter.

COMMITTEE OF THE WHOLE

Attorney Randy Kaieser and Assistant City Attorney Bruce Schrimpf appeared and addressed the committee relative to the foregoing matter.

ALD. D'AMATO moved that the Committee do now rise.

THE PRESIDENT requested a roll call vote to approve File Number 991075.

Ayes: 15 - Ald. Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy, Hines and President Kalwitz.

Noes: 0.

Excused: 2 - Richards and Butler.

A motion was made by Ald. Gordon that this matter be APPROVED. The motion carried by the following vote:

Aye: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Richards Butler

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1) Substitute resolutions to settle claims:

a) [991384](#) Substitute resolution to settle claim of Gloria Reyes for property damage.

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the total sum of \$400.00 payable to Gloria Reyes, 2211 S. 56th Street, 53218, to reimburse her for property damage; and, be it

Further Resolved, That the check is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to Account No. 636505, Fund - 0001, Organization - 1490, Program - 2631, Sub Class - S118.

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Witkowiak

b) [991788](#) Substitute resolution to settle claim of Beverly Kaehler for property damage.

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the total sum of \$300.00 payable to Beverly Kaehler, 3261 N. Booth Street, 53212, to reimburse her for property damage; and, be it

Further Resolved, That the check is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to Account No. 636505, Fund - 0001, Organization - 1490, Program - 2631, Sub Class - S118.

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Witkowiak

2) [991740](#) Substitute resolution relative to various legislative bills.

Whereas, The Judiciary and Legislation Committee of the Common Council has recommended the following positions on the bills hereinafter listed and the Common Council being advised of said matters; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby approves the following legislative bill and instructs the Division of Intergovernmental Relations to appear before the proper committees to support such bill and use its best endeavors to have the same enacted into law, viz:

491-S, relating to Police Technology.

;and, be it

Further Resolved, That the Common Council of the City of Milwaukee is opposed to the following legislative bill and hereby instructs the Division of Intergovernmental Relations to appear before the proper committees in opposition to said bill and use its best endeavors in opposition to the same viz:

855-A, relating to Takings; Condemnation Proceedings.

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Witkowiak

3) [991819](#) Resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 1999 tax roll, plus interest applicable to date of repayment, if appropriate. (Assessor's Office)

Whereas, Assessments were made against certain parcels of real estate for the year 1999 as contained in Common Council Resolution File No. 991819; and

Whereas, The Board of Review has decreased these assessments as shown in this file; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, That the proper city officers are authorized and directed to issue city checks in the amounts as shown in this file, payable to the City Treasurer or taxpayer as applicable, to be refunded to the taxpayer where appropriate, plus interest at the rate of 9.6% applicable from date of payment to date of repayment, said amounts to be charged to the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and said checks to be delivered to the Tax Billing and Collection Division of the Treasurer's Office for disbursement; and, be it

Further Resolved, That the proper city officers are authorized and directed to reflect the reduction in State Tax Credits as shown in this file by means of journal entries, charging the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and crediting the State Tax Credit Fund; and, be it

Further Resolved, That delinquent interest and penalties on any account covered by this resolution are hereby canceled.

Sponsors: THE CHAIR

Ald. Nardelli moved for separate action on File Number 991891. Prevailed.

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Witkowiak

- 4) [991891](#) Substitute resolution approving a report on the Ethics Board Decision in the matter of the verified complaint of Joseph G. Chambers, Ethics Board File No. MEB99-1099 Whereas, The City of Milwaukee Ethics Board ("Board") issued a January 20, 2000 "Findings and Conclusions" ("Board Findings"), referring a sec. 303-5-6 Milwaukee Code of Ordinances ("MCO") violation to the Common Council with a recommendation that the Common Council reprimand the elected official concerned; and

Whereas, The Common Council received the Board recommendation and referred the matter to the Judiciary and Legislation Committee for hearing in accordance with the provisions of sec. 303-29 MCO; and

Whereas, The Judiciary and Legislation Committee contacted both the Board and the elected official and obtained from both parties the waiver of any notice or preparation rights under the ordinance and an acknowledgment of the procedure to be followed for the hearing to be held; and

Whereas, On March 30, 2000, the Committee, with the assistance of the Office of the City Attorney, conducted a hearing with representatives of the Board and the elected official present; and

Whereas, After deliberating on the materials and arguments presented by the parties, the Committee voted to recommend adoption by the Common Council of the report on the Board referral attached to this file; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the report of the Committee on Judiciary and Legislation is hereby approved and the recommendations contained in such committee report are hereby adopted by the Common Council.

Sponsors: THE CHAIR

A motion was made by Ald. D'Amato that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Witkowiak

- 5) [991896](#) Substitute resolution canceling invoice for demolition charges at the property at 324 South 2nd Street.

Whereas, The property located at 324 South 2nd Street was the subject of a condemnation order from the former City of Milwaukee Department of Building Inspection, which resulted in litigation over the reasonableness of the raze order; and,

Whereas, That the raze order was deemed reasonable by the Milwaukee County Circuit Court and the City of Milwaukee put the demolition out for bids and accepted the low bid of \$170,728.08 including any added costs; and,

Whereas, The property owner was invoiced for this amount and after a failure to pay was the subject of a lawsuit by the City of Milwaukee filed by the Robert Kohn Firm to collect the demolition costs; and,

Whereas, The parties have reached an agreement through the litigation in which the property owner will pay to the city \$80,000; now, therefore, be it

Resolved, That the proper city officials are authorized to cancel the invoice against the property at 324 South 2nd Street in the amount of \$170,728.08 If the above referred settlement is approved by the court and then actually goes to judgement in the amount of \$80,000.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Witkowiak

6) [991900](#) Substitute resolution authorizing the City Attorney to provide legal representation to the Milwaukee Police Athletic League, Inc.

Whereas, The Milwaukee Police Athletic League, Inc. is an officially-sanctioned organization of the Milwaukee Police Department; and

Whereas, The Milwaukee Police Department provides staff to the Milwaukee Police Athletic League, Inc.; and

Whereas, The purpose of the Milwaukee Police Athletic League, Inc. is to provide athletic, educational, and recreational programs to create and cement the bond between police officers and the youths of the City of Milwaukee; and

Whereas, The success of the programs of the Milwaukee Police Athletic League, Inc. inures to the benefit of the City of Milwaukee; and

Whereas, Section 3.03 of the City Charter authorizes the City Attorney to conduct all the business of the corporation and departments thereof and all other law business in which the City shall be interested when so ordered by the Common Council; and

Whereas, The Milwaukee Police Athletic League, Inc. has requested legal representation by the City Attorney's Office; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City Attorney is hereby authorized to provide legal representation to the Milwaukee Police Athletic League, Inc. during the design, construction, acquisition, and completion of its new building and associated structures.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Witkowiak, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Pawlinski

PLACING ON FILE THE FOLLOWING:

- 7) [991895](#) Appeal of Beverly Kaehler relative to claim for property damage. (3rd Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Witkowiak

DISALLOW AND INDEFINITELY POSTPONE THE FOLLOWING:

- 8) Various claims against the City:

- a) [991789](#) Appeal of Merlene Cain relative to claim for property damage. (1st Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Witkowiak

- b) [991790](#) Appeal of Michael Strong relative to claim for property damage.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Witkowiak

- c) [991878](#) Appeal of Edward Pritzlaff relative to claim for property damage. (3rd Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Witkowiak

- d) [991897](#) Appeal of Kenya Lucas relative to claim for property damage. (6th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Richards, Butler Witkowiak

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [980408](#) A substitute ordinance relating to the prohibition of excessive noise.

Sponsors: Ald. D'Amato

Ald. Henningsen moved that the Common Council do now resolve itself into a committee of the whole for the purpose of hearing from Deputy Building Inspector.

Proceedings of the committee of the whole Mr. Marty Collins, Deputy Building Inspector appeared and addressed the committee rel. to the foregoing matter.

Ald. Breier moved that the committee rise. Prevailed.

A motion was made by Ald. Gordon that this matter be REFERRED TO to the PUBLIC SAFETY COMMITTEE. The motion failed by the following vote:

Aye: 7 - Pratt, Schramm, Gordon, Frank, Witkowiak, Nardelli Hines Jr.

No: 8 - Kalwitz, D'Amato, Henningsen, Johnson-Odom, Scherbert, Pawlinski, Breier Murphy

Excused: 2 - Richards Butler

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

Part 1. Section 80-60-11 of the code is amended to read:

80-60. Definitions.

11. NUISANCE means the making, creating or causing to be made or continued of any boisterous or unreasonably loud noise which causes, constitutes or tends to provoke a disturbance and which is detrimental to the public health, safety, welfare or peace, or noise which exceeds the limitations set forth in s. 80-64 >>or 80-65<< .

Part 2. Section 80-60-12 of the code is repealed and recreated to read:

12. PERSON means an owner as that term is defined in s. 200-08-66, an operator as that term is defined in s. 200-08-64 and occupant as that term is defined in s. 200-08-61.

Part 3. Section 80-63-1 of the code is amended to read:

80-63. Excessive Noise Prohibited. 1. No person shall produce or cause to be produced noise which exceeds the limitations set forth in s. 80-64 >>or 80-65 <<. No person shall >>suffer or<< permit to be produced upon premises under [[their]] >>his or her<< ownership or control noise which exceeds the limitations set forth in s. 80-64 >>or 80-65<< .

Part 4. Section 80-63-2 of the code is repealed and recreated to read:

2. It shall be unlawful for any person to make, create or cause to be made or continue noise which constitutes a nuisance.

Part 5. Section 80-63-3 of the code is created to read:

3. a. An owner, operator or owner's registered agent of a building shall be liable for all of the costs of administration and enforcement of this subsection whenever all of the following occur:

a-1. A person in the building has been charged with violating the noise limitations set forth in s. 80-64 or 80-65.

a-2. The department has sent by first class mail a written notice of the violation described in subd. 1, addressed to the last known address of the owner, operator or owner's registered agent.

a-3. A person in the building is found to have been charged with violating the noise limitations set forth in s. 80-64 or 80-65 and that violation occurred not less than 8 business days after mailing of notice under subd. 2. The violation shall be at the same address and in the same unit and involve the same occupancy, but need not involve the same person for whom notice of violation was sent under subd. 2.

b. The chief of police shall provide a record of each charged violation of s. 80-64 or 80-65 and the costs of enforcement to the commissioner. Upon the issuance of a citation, the commissioner may provide written notice under par. a-2 to the owner, operator or owner's registered agent of the building in which the charged violation occurred.

c. In the event of the occurrence of all the provisions set forth in par. a., the costs of the enforcement of the second and all subsequent charged violations referred to in par. a-3, including administrative costs, may be charged in full or in part against the real estate on which the noise which constituted the nuisance occurred. If those costs are so charged, they are a lien upon such real estate and may be assessed and collected as a special charge. The city shall establish a reasonable charge for the costs of administration and enforcement of this subsection.

d. Appeal of the determination of the commissioner imposing such special charges against the property may be submitted to the administrative review appeals board as provided by s. 320-11.

Part 6. Section 80-65-4 of the code is repealed and recreated to read:

80-65. Method of Measuring Noise.

4. NOISE NUISANCES (PHONOGRAPHS, AIR CONDITIONERS, etc.).

a. Purpose. Due to the nature of the method of generation, certain noises are impractical to measure to determine compliance to the community noise standards as described in s. 80-64 and this section. These noises may occur randomly or at unpredictable times or be of short duration. Whenever such noises occur and constitute a nuisance as defined herein, alternate methods of processing and relief shall be applied as follows:

a-1. Upon complaint. Upon receipt of a complaint concerning noise which constitutes

a nuisance, the commissioner or chief of police may commence prosecution on information and belief. Personal observation of noise which constitutes a nuisance by a police officer or department inspector is not required under this procedure. No person shall be convicted under this procedure except upon testimony of at least one affected adult person.

a-2. City may prosecute. Upon receipt of a complaint concerning the existence of a nuisance, the chief of police or commissioner may commence prosecution upon finding that, in the chief's or commissioner's judgment, such noise constitutes a nuisance and would be impractical to measure. The chief of police or commissioner may also commence prosecution solely upon personal observation of noise which constitutes a nuisance subject to the provisions of this subsection when measurement of such noise would be impractical.

b. Boisterous and Unreasonably Loud Noise. The following are examples, without limitation due to enumeration, of human and mechanically-created noises which are impractical to measure and which may be deemed nuisances in violation of this subsection.

b-1. Air compressors, etc. The operation, while parked upon the public streets, alleys or thoroughfares in the city for more than 5 minutes in any one location, of any compressor, air conditioner or other noise-making device which is attached to any truck or other vehicle when the noise of such equipment is of such intensity to cause a nuisance, as defined herein, to occupants of nearby residential dwellings.

b-2. Sound-producing devices. The operation of any radio, television, musical instrument, compact disc or tape player, phonograph or other machine or device for producing or reproducing sound in such manner as to disturb the peace, quiet and comfort of the neighboring occupants, or at any time with louder volume than is necessary for convenient hearing for voluntary listeners without hearing impairment who are in the room, vehicle or area in which the machine or device is operated.

b-3. Distance of greater than 50 feet. The operation of any radio, television, musical instrument, compact disc or tape player, phonograph or other machine or device in a manner that tends to disturb the peace, quiet and comfort of the neighboring occupants at a distance of greater than 50 feet from the site, building, structure or vehicle where the machine or device is located.

b-4. Disorderly conduct. Noises created by human behavior which may also constitute disorderly conduct.

Part 7. Section 80-67-8 of the code is repealed. (Note: The provisions being repealed read as follows:

80-67. Exemptions.

8. DISORDERLY CONDUCT. Noises created by human behavior and generally considered to be disorderly conduct shall be exempted from the provisions of this section and are regulated under s. 106-1.)

Part 8. Section 80-67-9 of the code is renumbered 80-67-8.

Sponsors: Ald. D'Amato

A motion was made by Ald. Murphy that this matter be PASSED. The motion carried by the following vote:

Aye: 10 - Kalwitz, D'Amato, Henningsen, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier Murphy

No: 4 - Pratt, Schramm, Nardelli Hines Jr.

Excused: 3 - Gordon, Richards Butler

2) [991593](#) 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 east side of N. Water Street from a point 166 feet north of E. Michigan Street to E. Wisconsin Avenue at any time"

"On the north side of W. Vliet Street from a point 145 feet west of the west curb line of N. 7th Street to a point 30 feet west thereof at any time"

"On the west side of S. 2nd Street from the north curb line of W. Maple Street to a point 75 feet north thereof at any time"

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

On the west side of N. 64th Street from W. Fairview Avenue to a point 150 feet north at any time

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

"On N. 4th Street from W. Wells Street to W. State Street"

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

"On E. State Street from N. Jefferson Street to N. Van Buren Street from 7:00 AM to 6:00 PM"

"On the east side of N. 1st Street between W. Garfield Avenue and W. North Avenue"

"On N. 3rd Street between W. Auer and W. Concordia Avenues except where parking is prohibited"

"On the east side of S. Water Street from E. Washington Street north to the Chicago and Northwestern Railroad right-of-way"

Part 5. Section 101-23-4-e of the Code relating to Three Hour Parking is amended by striking the following:

"On S. 6th Street from W. Virginia Street to W. Pierce Street"

Part 6. Section 101-23-9 of the Code relating to Heavy Truck Parking Prohibited is amended by adding the following:

On S. 76th Street between W. Morgan Avenue and W. Howard Avenue

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be PASSED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

3) [991594](#) 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 101-13-1 of the Code relating to Speed Limit Signs is amended by adding the following:

On W. Adler Street from S. 84th Street to S. 92nd Street 25 Miles Per Hour

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

by adding the following:

On S. 20th Street from W. Warnimont Avenue to W. Crawford Avenue

On W. Burnham Street from S. 28th Street to S. 30th Street

On W. Green Bay Avenue between W. Olive Street and W. Congress Street

Part 3. Section 101-15 of the Code relating to Yield signs is amended by striking the following:

"On N. 45th Street at W. Hadley Street"

"On N. 19th Street at W. Finn Place"

"On N. 39th Street at W. Glendale Avenue"

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

"On N. 3rd Street traffic to stop for N. Plankinton Avenue northbound"

Part 5. Section 101-16-1 of the Code relating to Stop signs is amended by adding the following:

On N. 45th Street at W. Hadley Street

On N. 19th Street at W. Finn Place

On N. 39th Street at W. Glendale Avenue

On W. Hope Avenue at N. 69th Street

On N. 51st Boulevard at W. Concordia Avenue in all directions

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be PASSED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 4) [991858](#) A substitute ordinance relative to the installation of a midblock pedestrian crossing at 1661 North Water Street to provide access from the Northern Lights building on the west side of North Water Street to a future parking lot on the east side of the street and further provide pedestrian access from East Brady Street to the riverwalk.

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

Part 1. Section 101-7-2 of the Code relating to non-intersecting crosswalks is amended by adding the following:

At 1661 N. Water Street

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be PASSED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Hines Jr.

No: 1 - Murphy

Excused: 3 - Gordon, Richards Butler

- 5) [991898](#) An ordinance relating to alternate members of the Milwaukee commission on domestic violence and sexual assault.

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

Part 1. Section 320-22-3-c of the code is created to read:

320-22. Milwaukee Commission on Domestic Violence and Sexual Assault.

3. COMPOSITION.

c. Any member of the commission may designate his or her alternate by notifying the city clerk in writing of the person so designated, and may change the designated alternate by notifying the city clerk in the same manner. Such alternates may represent their respective principal members and exercise all powers of principal members when such members are unable to attend commission or committee meetings.

Sponsors: Ald. Breier

A motion was made by Ald. Murphy that this matter be PASSED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

ADOPTION OF THE FOLLOWING:

- 6) [991849](#) Substitute resolution authorizing the temporary installation of traffic signals at the intersection of West Park Place and North 107th Street and the intersection of West Lake Park Drive and North 107th Street during the 2000-2001 stage of the USH41&45 North Interchange Reconstruction Project.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be SUBSTITUTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

Whereas, The funding for the temporary installation of traffic signals at the intersection of West Park Place and North 107th Street and the intersection of West Lake Park Drive and North 107th Street was authorized by Common Council Resolution 990808 which was adopted on September 28, 1999; and

Whereas, The budget for \$60,000 for the temporary installation of traffic signals that was authorized and to be funded by the Wisconsin Department of Transportation for the 2000-2001 USH41&45 North Interchange Reconstruction Project (1100-10-90) was authorized by Common Council Resolution 990808; and

Whereas, The total grant budget of \$225,000 for the 2000-2001 USH41&45 North Interchange Reconstruction Project for the Department of Public Works included the estimated costs for \$60,000 for the temporary installation of traffic signals at the two intersections at North 107th Street; and

Whereas, The total grant budget of \$225,000 for the 2000-2001 USH41&45 North Interchange Reconstruction Project was appropriated to the Project/Grant Number ST32004305; and

Whereas, The 2000-2001 USH41&45 North Interchange Reconstruction Project will include closing the northerly connection of West Park Place to North 124th Street and N. 107th Street will receive most of the diverted traffic; and

Whereas, Freeway construction activity will require the closure of the Main Street

on-ramp to southbound USH41&45 in Menomonee Falls and the southbound STH-145 on-ramp to the freeway with West Brown Deer Road and North 107th Street serving as an alternate freeway access route; and

Whereas, These intersections have been identified as having insufficient gaps in the North 107th Street traffic stream to safely accommodate the higher anticipated traffic volume on North 107th Street as well as on both West Park Place and West Lake Park Drive and necessitates the temporary installation of these traffic signals; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works be and hereby is authorized and directed to install temporary traffic control signals at the intersection of West Park Place and North 107th Street and the intersection of West Lake Park Drive and North 107th Street with funding as indicated:

Location:

West Park Place and North 107th Street	\$xxx
West Lake Park Drive and North 107th Street	\$xxx
Total Estimated Cost	\$xxx

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 7) [991851](#) Substitute resolution relative to the application, acceptance and funding of the U. S. Department of Justice Weed and Seed Grant United South for \$175,000, and authorization of the Community Relations - Social Development Commission to exercise administrative and supervisory functions.

Whereas, The City of Milwaukee is eligible for grant funds for the Weed and Seed Grant programs, under CFDA Number 16.595, from the United States Department of Justice, and

Whereas, The Common Council in CCFN 980248 has approved the administrative and supervisory function of the Community Relations - Social Development Commission for the Weed & Seed Programs; and

Whereas, The operation of this grant program from October 1, 2000 through September 30, 2001 would cost \$208,294 for the Weed and Seed United South; and

Whereas, The Grantor Share for this grant would be provided as follows: Weed and Seed United South \$175,000; and

Whereas The City Share for this grant would be provided as follows: Weed and Seed United South \$33,294; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application and required certifications and assurances to the United States Department of Justice is authorized and the Community Block Grant Administration shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 940843 (Grant Ordinance); and, be it

Further Resolved, That the City of Milwaukee assures and certifies that it will comply with regulations, policies, guidelines and requirements with respect to the acceptance and use of United States Department of Justice Program funds to be signed by the Mayor of the City of Milwaukee as the certifying official for this grant program; and, be it

Further Resolved That the appropriate City Officials are hereby authorized to enter into the contracts and agreements detailed in the application; and, be it

Further Resolved, That the Block Grant Director of the Community Block Grant Administration shall have the authority to authorize transfers between subrecipient budgets so long as the amount transferred to a subrecipient is in accordance with grantor regulations; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit Funds within the Project/Grant Parent of the 2000 Special Revenue Grant and Aid Projects Fund, the following amounts for the programs/project titled 2000 Weed & Seed Program United South:

Project/Grant	Fund	Org	Program	BY	SubClass	Acct
GR0000000000	0150	9990	0001	0000	R999	000600

Project	Amount
Grantor Share	\$175,000

2. Create the necessary Grant and Aid Project/Grant and Project/Grant Levels; budget against these Project/Grant values the amounts required under the grant

agreements; and

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

Further Resolved, That \$125,000 is budgeted for the Community Block Grant Administration for the Weed and Seed United South program which is authorized to:

1. Expend from the amounts budgeted for specified purposes as indicated in the grant budgets and incur costs consistent with the award dates;

2. Enter into a subcontract with the Community Relations - Social Development Commission to perform administrative and supervisory functions; and, be it

Further Resolved, That \$50,000 is budgeted for the Milwaukee Police Department for the Weed and Seed United South program which is authorized to:

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

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

3. Expend from the grant budget funds for specific items of equipment; and

4. Expend from the grant budget funds for training and out-of-town travel by department staff;

and, be it

Further Resolved, That these departments/agencies are required to submit budget and activity reports in amounts and according to any conditions approved by the Common Council and the Mayor in conformance with File Number 74-92-5v to the Community Block Grant Administration and the City Comptroller for their review and approval, and, be it

Further Resolved, That payments for the Weed and Seed Programs costs incurred shall be paid in accordance with approved CDBG reimbursement policy based on the approval by the Community Block Grant Administration and City Comptroller of a Budget Forecast (CDA-51).

Sponsors: Ald. Murphy

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

8) [991870](#) Resolution relative to application, acceptance and funding of the Refugee Health Screening Grant. (Health Department)
Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Division of Economic Support to aid the Tuberculosis Control Clinic in its activities; and

Whereas, The operation of this grant project from 10/01/99 to 09/30/00 would cost \$16,350 provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin Division of Economic Support is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 940843 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to commit funds within the Project/Grant Parent 2000 Special Revenue Grant and Aid Project Fund, the following amount for the project titled Refugee Health Screening:

Project/Grant	GR00000000000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$16,350

; and, be it

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

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

2. Expend from the 2000 grant budget funds for items of equipment as may be deemed necessary for the effective operation of the program; and

3. Expend from the 2000 grant budget funds for training and out-of-town travel by departmental staff.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

9) [991871](#) Resolution relative to application, acceptance and funding of the MBCAP Expanded Case Management Grant. (Health Department)

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Division of Health and Family Services to expand the access to breast screening services through outreach efforts that will address the needs of underserved women aged 50-64; and

Whereas, The operation of this grant project from 01/01/00 to 06/30/00 would cost \$37,623 with a grantor share of \$30,000 (80%) and \$7,623 (20%) provided by the City; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin Division of Health and Family Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 940843 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to commit funds within the Project/Grant Parent 2000 Special Revenue Grant and Aid Project Fund, the following amount for the project titled MBCAP - Expanded Case Management:

Project/Grant	GR0000000000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999

Account	000600
Project	Grantor Share
Amount	\$30,000

; and, be it

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

1. Expend from the amount appropriated sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 2000 grant budget funds for items of equipment as may be deemed necessary for the effective operation of the program;
3. Expend from the 2000 grant budget funds for training and out-of-town travel by departmental staff; and
4. Expend from the 2000 grant budget funds for contracts and leases as required by the program.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 10) [991875](#) Substitute resolution authorizing the acceptance and funding of a HIDTA-Interdiction Grant. (Police Department)
- Whereas, The Common Council, in file number 981170 approved funding for federal fiscal year 1999 for Police Department participation in the Milwaukee HIDTA project (High Intensity Drug Trafficking Area); and
- Whereas, The Milwaukee Police Department has been awarded an additional amount of HIDTA funding for participation in an Interdiction Task Force; and
- Whereas, The Milwaukee Police Department's participation in the HIDTA Interdiction Task Force from January 1, 1999 to June 30, 2000 would cost a total of \$84,011, with a grantor share of \$49,500 (59%) and an in-kind City share of \$34,511 (41%); now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Police Department is authorized to accept and fund a HIDTA-Interdiction grant without further approval unless the terms of the grant change as indicated in Common Council File 940843; and, be it

Further Resolved, That the City Comptroller is authorized:

1. To commit funds within the Project/Grant parent of the 1999 Special Revenue Grant and Aid Projects Fund, the following amounts for the project titled HIDTA-Interdiction:

Proj/Grant	Fund	Org	Program	BY	Subclass
GR0009000000	0150	9990	0001	0000	R999

Acct	Project	Amount
000600	Grantor Share	\$49,500

2. Create the necessary Grant and Aid Project/Grant and Project/Grant Levels; budget against these Project/Grant values the amount required under the grant agreement; and 3. Establish the necessary City Share Project/Grant 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 project budget and incur costs consistent with the award date; and 2. Transfer funds within the project budget as long as the amount expended for each specific purchase does not exceed the amount authorized by budget by 10 percent.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

11) [991876](#) Resolution relative to application, acceptance and funding of an ATF Task Force Grant. (Police Department)

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms for an ATF

Task Force Grant; and

Whereas, The operation of this grant from 1/01/2000 to 12/31/2000 would cost \$22,537 of which \$9,537 (42%) would be provided by the city and \$13,000 (58%) would be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms is authorized and that the Police Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common council file 940843; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2000 Special Revenue-Grant and Aid Projects, the following amount for the program titled: "ATF Task Force Grant":

Project/Grant	Fund	Org	Program	BY	Subclass	Account
GR0000000000	0150	9990	0001	0000	R999	000600

Project	Amount
Grantor Share	\$13,000

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; and

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

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

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

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

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 12) [991880](#) Resolution authorizing Safety Incentive Programs for designated field and shop personnel in the Department of Public Works. (DPW)
Whereas, Injury Pay paid to DPW employees cost \$638,771 in 1999; and
- Whereas, DPW has approximately 2,400 employees, most of whom are field and shop personnel with greater risk of injury on the job; and
- Whereas, Safety Incentive Programs have proven successful in a variety of employment situations; and
- Whereas, The Commissioner of Public Works, and the division managers of the participating divisions will monitor the effectiveness of the program; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that DPW be authorized to continue the Safety Incentive Programs through 2000.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

PLACING ON FILE THE FOLLOWING:

- 13) [971996](#) An ordinance relating to city abatement of nuisances and enforcement of orders and special assessments or special charges for costs incurred by the city therefor.

Sponsors: Ald. Hines Jr.

A motion was made by Ald. Murphy that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

Ald. Murphy moved to adopt the foregoing COMMON COUNCIL recommendations as indicated and on which separate action was not taken.

THE ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

- 1) [991885](#) Resolution relating to acceptance and funding of a Wisconsin Arts Board Regranting Program Grant. (DCD)
Whereas, The City of Milwaukee ("City") appears to be eligible for grant funds from the Wisconsin Arts Board ("Grantor") for art programming; and

Whereas, It would appear that City involvement in this grant and aid program would result in a major benefit to the City by awarding grants to Milwaukee art organizations or neighborhood-based organizations that conduct art programming; and

Whereas, The Department of Administration, Intergovernmental Relations Division, has determined that operation of this Grant program from June 30, 2000 to June 30, 2001 would cost approximately \$44,148, of which \$22,074 or 50 percent would be provided by the Grantor; and

Whereas, The Local Share of this Grant program, \$22,074 or 50 percent, will be provided from the following sources:

In-Kind City Share: \$22,074

Out-of-Pocket City Share: \$-0-

Local, Non-City Share: \$-0-

; and

Whereas, The Department of Administration, Intergovernmental Relations Division, has determined that the benefits to the City from this Grant program appear to exceed the City's share of costs and other obligations to be incurred under this program; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that acceptance of said Grant from the Wisconsin Arts Board under the terms specified above, to be administered by the Department of City Development (Milwaukee Arts Board), is authorized; and, be it

Further Resolved, That the proper City officials and/or the Commissioner of the Department of City Development are authorized to accept such Grant without further

Common Council approval unless any of the following occur:

1. The purpose of such Grant program changes significantly.
2. The amount of the Out-of-Pocket City Share increases from the amount specified above.
3. The ratio of Out-of-Pocket City Share to Grantor's Share increases from that specified above; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2000 Special Revenue - Grant and Aid Projects Fund, the following amounts for the program titled Wisconsin Arts Board Regranting Program Grant:

Project/Grant: GR0000000000

Fund: 0150

Organization: 9990

Program: 0001 By: 0000

Subclass: R999 Account: 000600

Project: Grantor Share Amount: \$22,074

2. Create the necessary Project and Project Level Values and budgets to these project values the amounts required under the Grant Agreement.
3. Establish the necessary City Share Project Values; and, be it

Further Resolved, That these funds are budgeted for the Department of City Development which is authorized to:

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

Further Resolved, That the funds received from the Wisconsin Arts Board be deposited in accordance with procedures established by the City Comptroller; and, be it

Further Resolved, That the Commissioner of the Department of City Development shall have the authority to authorize transfers within the program budget as long as the amount expended for any purpose shall not exceed the amount authorized by the budget by 10 percent and such transfers are in accordance with Grantor regulations; and, be it

Further Resolved, That the Commissioner of the Department of City Development, on behalf of the City, is authorized to enter into subcontracts and leases as detailed in the program budget and in accordance with City purchasing procedures and Grant and Aid Guidelines for awarding such contracts.

Sponsors: THE CHAIR

A motion was made by Ald. Nardelli that this matter be ADOPTED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Hines Jr.

No: 0

Excused: 4 - Gordon, Richards, Butler Murphy

- 2) [991894](#) Resolution approving the expenditure of \$5,000 from the Economic Development Committee fund for participation in the International Council of Shopping Centers Convention to facilitate neighborhood retail development.

Sponsors: THE CHAIR

A motion was made by Ald. Nardelli that this matter be ADOPTED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Hines Jr.

No: 0

Excused: 4 - Gordon, Richards, Butler Murphy

THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [991533](#) Substitute ordinance relating to the change in zoning from Institutional (T/D/40) to Detailed Planned Development (DPD) for a planned development known as Prairie Crossings Senior Housing, on land located on the West Side of North 84th Street and North of West Villard Avenue, in the 5th Aldermanic District.

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

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

Section 295-810(2)(b).0139.

(1) In accordance with the provisions of Section 295-810(1) 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 the area bounded and described by a line 210 feet North and parallel to the section line of West Villard Avenue, the centerline of North 84th Street, a line 435 feet North and parallel to the section line of West Villard Avenue, a line 50 feet West and parallel to the west line of North 84th Street, a line 560 feet North and parallel to the section line of West Villard Avenue and a line 641 feet West and parallel to the west line of North 84th 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. In accordance with the provisions of Section 295-815 of the Code, the City Clerk shall transmit a certified copy of the action taken by the Common Council to the Department of City Development.

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

sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 4 - Gordon, Richards, Butler Witkowiak

- 2) [991618](#) Substitute ordinance approving the rezoning from General Planned Development (GPD) to Detailed Planned Development (DPD) for the second phase of a planned development known as Park Place, Stage 18, for M&I Data Services, on land on the West Side of North 107th Street and North of West Lake Park Drive, in the 15th 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 295-810(2)(b).0142.

(1) In accordance with the provisions of Section 295-810(1) of the Code relating to the establishment of planned development districts, the Common Council approves said 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 Parcel 1 of Certified Survey Map No. 6232, recorded on June 6, 1996, as Document No. 7227142, being in the Northeast 1/4, Southeast 1/4, Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 18, Township 08 North, Range 21 East, in the City of Milwaukee, Milwaukee County, Wisconsin, which is bounded and described as follows:

Commencing at the Southeast corner of Parcel 1 of said Certified Survey Map; thence North 89 deg. 30 min. 59 sec. West along the north line of West Lake Park Drive 199.24 feet to a point; thence Southwesterly 214.67 feet along the arc of a curve whose center lies to the South, whose radius is 335 feet and whose chord bears South

72 deg. 07 min. 33.5 sec. West 211.02 feet to a point; thence South 53 deg. 46 min. 06 sec. West along said north line 320.53 feet to a point; thence Southwesterly 68.84 feet along said north line and the arc of a curve whose center lies to the Northwest, whose radius is 265 feet and whose chord bears South 61 deg. 12 min. 36 sec. West 68.64 feet to a point; the centerline of West Lake Park Drive; thence North 10 deg. 02 min. 37 sec. West 915.87 feet to a point; thence North 76 deg. 16 min. 07 sec. East 403.74 feet to a point; thence North 71 deg. 30 min. 53 sec. East 123.23 feet to a point; thence South 87 deg. 26 min. 53 sec. East 188.76 feet to a point; thence North 77 deg. 51 min. 54 sec. East 193.60 feet to a point in the west line of North 107th Street; thence South 00 deg. 29 min. 01 sec. West along said west line 790.30 feet to the point of beginning and the centerline of North 107th 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. In accordance with the provisions of Section 295-815 of the Code, the City Clerk shall transmit a certified copy of the action taken by the Common Council to the Department of City Development.

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

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 4 - Gordon, Richards, Butler Witkowiak

- 3) [991736](#) Ordinance relating to the change in zoning from Industrial (I/A/125) to a Detailed Planned Development (DPD) known as Miller Compressing, Phase 2, on land located on the South Side of West Bruce Street extended and North of West Reynolds Place, in the 8th Aldermanic District. (DCD)
- 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 295-810(2)(b).0143.

(1) In accordance with the provisions of Section 295-810(1) 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 Parcel 2 of Certified Survey Map No. 4554, in the Southeast 1/4 of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 31, Township 07 North, Range 22 East, in the City of Milwaukee, Milwaukee County, Wisconsin bounded and described as follows:

Commencing at the Southwest corner of the Northwest 1/4 of said Section; thence North 88 deg. 08 min. 02 sec. East 2633.95 feet to the center of said Section 31; thence North 01 deg. 18 min. 41 sec. West along the North-South 1/4 line of said Section 165 feet to the point of beginning of the lands to be described; thence South 88 deg. 08 min. 02 sec. West 217.91 feet to a point; thence North 01 deg. 18 min. 50 sec. West 242.50 feet to a point; thence South 88 deg. 08 min. 02 sec. West 50 feet to a point; thence North 01 deg. 18 min. 50 sec. West 11 feet to a point; thence North 88 deg. 08 min. 36 sec. East 520.90 feet to a point; thence South 01 deg. 24 min. 42 sec. East 11 feet to a point; thence North 88 deg. 05 min. 15 sec. East 545.99 feet to a point; thence South 01 deg. 18 min. 50 sec. East 37.5 feet to a point; thence Southerly to a point on the centerline of West Reynolds Place; thence South 58 deg. 26 min. 14 sec. West 642.06 feet to a point; thence South 84 deg. 05 min. 50 sec. West 10.10 feet to a point; thence North 10 deg. 29 min. 15 sec. West 266.82

feet to a point; thence South 72 deg. 07 min. 23 sec. West 198.34 feet to a point; thence South 11 deg. 18 min. 27 sec. West 45.33 feet to the point of beginning.

(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. In accordance with the provisions of Section 295-815 of the Code, the City Clerk shall transmit a certified copy of the action taken by the Common Council to the Department of City Development.

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

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 4 - Gordon, Richards, Butler Witkowiak

- 4) [991737](#) Ordinance relating to the change in zoning from General Planned Development (GPD) to a Detailed Planned Development (DPD) known as Kilbourn Square, Phase 1, on land located on the West Side of North 20th Street between West State Street and

West Kilbourn Avenue, in the 4th Aldermanic District. (DCD)

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 295-810(2)(b).0144.

(1) In accordance with the provisions of Section 295-810(1) 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 a redivision of Lots 1 through 46 inclusive, in Block 247, and the vacated alleys therein, in Asahel Finches' Subdivision and lands in the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 30, Township 07 North, Range 22 East, in the City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of said Northwest 1/4 Section; thence South 00 deg. 00 min. 36 sec. West along the east line of said Northwest 1/4 Section 1537.57 feet to a point; the point of beginning of the lands to be described; thence continuing South 89 deg. 48 min. 52 sec. West along the centerline of West Kilbourn Avenue 594.54 feet to a point; thence North 00 deg. 05 min. 46 sec. West 126.25 feet to a point; thence North 89 deg. 59 min. 03 sec. East 28.27 feet to a point; thence North 00 deg. 10 min. 11 sec. West 80.32 feet to a point; thence South 89 deg. 48 min. 47 sec. West 11.90 feet to a building corner; thence North 00 deg. 15 min. 42 sec. West 54.37 feet to a building corner; thence North 89 deg. 33 min. 42 sec. East along the building wall 8.16 feet to a building corner; thence South 02 deg. 21 min. 31 sec. East along a building wall 3.64 feet to a building corner; thence North 89 deg. 48 min. 18 sec. East along a building wall 0.80 feet to a building corner; thence South 00 deg. 11 min. 42 sec. East along a building wall 1.00 feet to a building corner; thence North 88 deg. 18 min. 16 sec. East along a building wall 12.60 feet to a building corner; thence North 00 deg. 12 min. 47 sec. West along a building wall 87.18 feet to a building corner; thence North 89 deg. 29 min. 24 sec. West along a building wall 8.71 feet to a building corner; thence North 00 deg. 01 min. 20 sec. East along a building wall 34.19 feet to a point; thence North 89 deg. 50 min. 17 sec. East 56.86 feet to a point; thence North 57 deg. 24 min. 34 sec. East 44.24 feet to a point; thence North 00 deg. 06 min. 22 sec. West 38.76 feet to a point; thence North 89 deg. 40 min. 59 sec. East 40.73 feet to a point; thence North 00 deg. 06 min. 41 sec. West 146.43 feet to the centerline of West State Street; thence North 89 deg. 34 min. 09 sec. East

along said centerline 431.64 feet to the centerline of North 20th Street; thence South 00 deg. 00 min. 36 sec. West along said centerline 553.75 feet to the point of beginning.

(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. In accordance with the provisions of Section 295-815 of the Code, the City Clerk shall transmit a certified copy of the action taken by the Common Council to the Department of City Development.

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

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 4 - Gordon, Richards, Butler Witkowiak

- 5) [991853](#) An ordinance authorizing the department of neighborhood services to perform an internal and external examination of any below-grade structure that the department

considers a potential safety hazard. (Dept. of Neighborhood Services)

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

Part 1. Section 275-36 of the code is created to read:

CHAPTER 275. BUILDING MAINTENANCE

275-36. Below-Grade Structures.

1. DEFINITION. In this section, "below-grade structure" means any underground space, of which all or a portion extends beyond the building line. This includes, but is not limited to sidewalk vaults, equipment vaults, retaining walls, pits, etc., but does not include underground storage tanks of steel or plastic.

2. INSPECTION. The department is authorized to perform an exterior and interior inspection of any below-grade structure which is deemed by the department to be a potential safety hazard.

3. CRITICAL EXAMINATION. a. If upon inspection the department finds any below-grade structure which appears defective or unsafe, or creates a nuisance, the commissioner may order that a critical examination be performed by a registered architect or registered structural engineer employed by the owner or the agent.

b. The registered architect or registered structural engineer shall submit a written report showing the structural condition of the below-grade structure to the commissioner.

c. All defects noted on the written report submitted by the registered architect or registered structural engineer shall be corrected by the owner within a time period prescribed by the commissioner. Any structural repairs will require the owner to obtain a repair permit.

d. A written report showing that all defects noted in the prior report have been corrected shall be submitted in duplicate to the commissioner by a registered architect or registered structural engineer.

4. ABANDONED BELOW-GRADE STRUCTURE. If an owner chooses to abandon a below-grade structure, the owner shall obtain a permit from the Department of City Development. If the structure is located within the public right-of-way, a permit shall be obtained from the Department of Public Works.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 4 - Gordon, Richards, Butler Witkowiak

ADOPTION OF THE FOLLOWING:

- 6) [991643](#) Substitute resolution approving a Project Plan and creating Tax Incremental District Number Thirty-Eight (500 West Grange Avenue) in the 13th Aldermanic District; and approving a Development Agreement to implement the Project Plan.

Whereas, Chapter 105 of the Laws of 1975 of the State of Wisconsin with amendments from other chapters of said Laws created Section 66.46, Wisconsin Statutes, titled "Tax Increment Law"; and

Whereas, Pursuant to Sections 66.46(4)(a) through (gm), Wisconsin Statutes, the City Plan Commission designated the boundaries of a Tax Incremental District (the "District") at 500 West Grange Avenue and recommended that the District be created and submitted such recommendation to the Common Council of the City of Milwaukee (the "Common Council") for approval along with a proposed Project Plan for Tax Incremental District Number Thirty-Eight, City of Milwaukee (the "Plan"), a copy of which is attached to this Common Council File; and

Whereas, Section 66.46(4)(g), Wisconsin Statutes, provides that a Project Plan for a Tax Incremental District shall be approved by the Common Council prior to or concurrent with the adoption of a resolution by the Common Council which contains findings that such Plan is feasible and in conformity with the Master Plan of the City; and

Whereas, Under the provisions of Section 66.46(4)(gm)4.a., Wisconsin Statutes, not less than fifty percent, by area, of the real property within a proposed District must qualify as either a "blighted area" within the meaning of Section 66.46(2)(a), Wisconsin Statutes; an area "in need of rehabilitation or conservation work" within the meaning of Section 66.435(3), Wisconsin Statutes; or must be suitable for "industrial sites" within the meaning of Section 66.52, Wisconsin Statutes, and be zoned for industrial use; and

Whereas, All property in the District is zoned M/D/40 (Light Manufacturing) and therefore satisfies the requirements of Section 66.46(4)(gm)(4)(a)(3), Wisconsin Statutes, as being suitable for industrial sites; and

Whereas, The Plan contains statements and other factual information indicating that the

improvement of such area is likely to enhance significantly the value of real property in the District; that project costs directly serve to promote development of the District consistent with the purpose(s) for which the Tax Incremental District is created under Section (4)(gm)4.a., Wisconsin Statutes, and that the aggregate value of equalized taxable property of the District plus all existing Districts has been determined to be less than 7 percent of the total value of equalized taxable property within the City of Milwaukee (the "City"); now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee regarding Tax Incremental District Number Thirty-Eight, City of Milwaukee, that it finds and determines as follows:

1. The District consists of property which qualifies as suitable for industrial sites and shall remain zoned for industrial use for the life of the District and therefore meets the criteria set forth in Section 66.46(4)(gm)4.a., Wisconsin Statutes, for creation of the Tax Incremental District.
2. The improvement and/or redevelopment of such area, as hereinafter provided, is likely to enhance significantly the value of substantially all of the other real property in and adjoining such District.
3. Project costs relate directly to promoting development consistent with the City's Master Plan and with the purpose(s) for which this District is created under Section 66.46(4)(gm)4.a., Wisconsin Statutes.
4. The percentage of the aggregate value of the equalized taxable property of the District plus all existing Districts does not exceed the statutory maximum seven percent of the aggregate value of total equalized value of taxable property within the City; and, be it

Further Resolved, That Tax Incremental District Number Thirty-Eight, City of Milwaukee, is created as of January 1, 2000 and that the boundaries of the District recommended by the City Plan Commission are approved as described and more precisely set forth in the Plan and that said boundaries include only those whole units of property as are assessed for general property tax purposes and do not include any area identified as a wetland on a map under Section 23.32, Wisconsin Statutes; and, be it

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

Further Resolved, That the City Attorney's Office, in cooperation with the Department

of City Development, is authorized and directed to prepare a Development Agreement consistent with the terms and conditions of the Term Sheet for this project, a copy of which is attached to this Common Council File, and that the proper City officials are authorized and directed to execute said Agreement for the purposes of implementing the Plan; and, be it

Further Resolved, That:

1. The City Clerk is authorized and directed to apply to the Wisconsin Department of Revenue for a "Determination of Tax Increments and Tax Incremental Base," for the District pursuant to the provisions of Section 66.46(5), Wisconsin Statutes.

2. Pursuant to the provisions of Section 66.46(5)(f), Wisconsin Statutes:

a. The Assessment Commissioner is authorized and directed to identify upon the assessment roll returned and examined under Section 70.45, Wisconsin Statutes, those parcels of property which are within Tax Incremental District Number Thirty-Eight, City of Milwaukee, specifying thereon the name of the District.

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

Sponsors: Ald. Pawlinski

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 4 - Gordon, Richards, Butler Witkowiak

7) [991826](#) Resolution permitting a minor modification to Phase 1 of the Detailed Planned Development known as Sinai Samaritan, located on the South Side of West State Street between North 12th Street and North 13th Street, in the 4th Aldermanic District. (DCD)

Whereas, Section 295-814(5) of the Milwaukee Code of Ordinances permits variation to planned developments after approval of the Common Council; and

Whereas, Phase 1 of a Detailed Planned Development known as Sinai Samaritan was approved by the Common Council of the City of Milwaukee on April 2, 1996 under File No. 951328; and

Whereas, The proposed addition of a room for a therapy pool is consistent with the

spirit and intent of the approved plan and will not adversely affect surrounding development and a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the minor modification to the approved plan permitting a room for a therapy pool located under the entrance canopy adjacent to North 12th Street is approved.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 4 - Gordon, Richards, Butler Witkowiak

- 8) [991830](#) Resolution declaring as surplus the vacant, tax deed lots at 751 and 753-57 North 22nd Street, 752-54 North 23rd Street, and 2201-07 West Wells Street and accepting an Offer to Purchase from Richard A. Wiegand and/or assigns for housemoves and/or new residential construction, in the 4th Aldermanic District. (DCD-Real Estate)

Whereas, Richard A. Wiegand has submitted an Offer to Purchase the vacant, tax deed lots at 751 and 753-57 North 22nd Street, 752-54 North 23rd Street and 2201-07 West Wells Street, Tax Roll Key Nos. 389-1575-100-5, 389-1574-3, 389-1590-0, and 389-1573-8, for \$1,000; and

Whereas, The Department of City Development recommends acceptance of said Offer, with closing contingent upon the following:

1. Approval of final site/building plans by the Department of City Development.
2. Firm financial commitment in place to complete the project as proposed; and

Whereas, These lots are being sold in an "as is" condition and the City of Milwaukee makes no representations or warranties concerning the condition of the lots, including but not limited to soil and subsoil condition; and

Whereas, The City Plan Commission has approved the acceptance of said Offer, the sale of said lots to be consummated in the manner provided for in the sale of other tax deed lots pursuant to Section 304-49 of the Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said lots are declared surplus, that said Offer is accepted, and that the proper City officials are authorized and directed to perform such acts as may be required to consummate the sale of said lots in accordance with the above contingencies and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 4 - Gordon, Richards, Butler Witkowiak

- 9) [991831](#) Resolution accepting an unsolicited Offer to Purchase a surplus, vacant, City-owned parcel of land located in the City of Greenfield identified as Tax Roll Key No. 647-9946-003, a/k/a Parcel 3 of Certified Survey Map No. 2964, adjacent to the 13th Aldermanic District. (DCD-Real Estate)

Whereas, Common Council File No. 900467, adopted September 25, 1990, declared said parcel surplus and authorized its transfer from the Milwaukee Water Works to the City of Milwaukee's real estate inventory for future disposition; and

Whereas, The Department of City Development has received an unsolicited Offer to Purchase said parcel in the amount of \$55,000 from the adjoining owner, Dennis Schumacher, for future development; and

Whereas, Said parcel of land is being sold in an "as is" condition; and

Whereas, The City Plan Commission has determined that said parcel of land has no potential future municipal use and has approved the acceptance of said Offer, the sale of said parcel to be consummated in the manner provided for in the sale of other parcels pursuant to Section 304-49 of the Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said unsolicited Offer to Purchase from Dennis Schumacher for future development is accepted, and that the proper City Officials are authorized and directed to perform such acts as may be required to consummate the sale of said parcel and that the proceeds be credited to an account to be determined by the Milwaukee Water Works and the City Comptroller, 15 percent of net retained by the Redevelopment Authority of the City of Milwaukee for marketing the property.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 4 - Gordon, Richards, Butler Witkowiak

- 10) [991834](#) Resolution declaring as surplus the vacant, tax deed lot located at 4709 West Fond du Lac Avenue and accepting an unsolicited Offer to Purchase from both adjoining owners, James E. Williams and Freadia M. Williams and King of Kings Missionary Baptist Church, in the 10th Aldermanic District. (DCD-Real Estate)
- Whereas, James E. Williams and Freadia M. Williams with their property located at 4703 West Fond du Lac Avenue, Tax Roll Key No. 267-0621-7, have offered to purchase 12.0 feet of said vacant, tax deed lot for the amount of \$720 for use as green space; and
- Whereas, King of Kings Missionary Baptist Church with their property located at 4713 West Fond du Lac Avenue, Tax Roll Key No. 267-0619-6, has offered to purchase 28.0 feet of said vacant, tax deed lot for the amount of \$1,680 for garage construction; and
- Whereas, Said lot is being sold in an "as is" condition and the City of Milwaukee makes no representations or warranties concerning the condition of the property, including but not limited to soil and subsoil conditions; and
- Whereas, The City Plan Commission has approved the acceptance of said Offers, the sale of said lot to be consummated in the manner provided for in the sale of other tax deed/City-owned lots pursuant to Section 304-49 of the Milwaukee Code of Ordinances; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that 4709 West Fond du Lac Avenue, Tax Roll Key No. 267-0620-1, is declared surplus and that the Department of City Development is authorized and directed to sell said vacant lot and accept the unsolicited Offers to Purchase from James E. Williams and Freadia M. Williams and King of Kings Missionary Baptist Church at a fixed price of \$720 and \$1,680, respectively; and, be it
- Further Resolved, That the proper City officials are authorized and directed to perform such acts as may be required to consummate the sale of said lot and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No.

0001-334106.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 4 - Gordon, Richards, Butler Witkowiak

- 11) [970857](#) Ordinance relating to the removal of two detailed planned developments known as City Crossing and Riverview Apartments and to re-establish a general planned development to be known as Humboldt Yards, lands located on the south side of East North Avenue and east of North Humboldt Avenue, in the 6th Aldermanic District. (DCD)

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

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

Section 295-810(2)(a).0041.

(1) In accordance with the provisions of Section 295-810(1) of the Milwaukee Code relating to the establishment of planned development districts, the Common Council of the City of Milwaukee herewith approves the general planned development known as Humboldt Yards, 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 is made a part thereof as though fully set forth herein.

(2) The zoning map is hereby amended so as to redesignate as a General Planned Development (GPD), the area bounded by the centerline of East North Avenue, North Humboldt Avenue and North Riverboat Road extended.

By this action, the Common Council herewith approves the general planned development known as Humboldt Yards and amends the zoning map to designate the area described above as a General Planned Development (GPD).

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

conditions and limitations set forth in such general plan.

Part 2. Any persons, firm, company or corporation owning, controlling, or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved 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 Milwaukee Code of Ordinances.

Part 3. In accord with the provisions of Section 295-814(4) of the Milwaukee Code, the City Clerk shall transmit a facsimile copy of the general plan and a certified copy of the action taken thereon by the Common Council in recordable form to the Department of City Development for recording of said plan and Common Council action in the Office of the Register of Deeds.

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

Sponsors: THE CHAIR

ALD. JOHNSON-ODOM moved to pass items 11 and 12 being 970857 and 970859 notwithstanding the Committee's recommendations.

The motion prevailed.

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 1 - D'Amato

Excused: 3 - Gordon, Richards Butler

- 12) [970859](#) Ordinance relating to the change in zoning from a general planned development to a detailed planned development known as Humboldt Yards (Commercial Parcel) Phase 1, on lands located on the southeast corner of East North Avenue and North Humboldt Avenue, in the 6th Aldermanic District. (DCD)
- The Mayor and Common Council of the City of Milwaukee do ordain as follows:

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

Section 295-810(2)(b).0100.

(1) In accordance with the provisions of Section 295-810(1) of the Milwaukee Code relating to the establishment of planned development districts, the Common Council of the City of Milwaukee herewith approves the detailed planned development known as Humboldt Yards (Commercial Parcel) Phase 1, 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 is made a part thereof as though fully set forth herein.

(2) The zoning map is hereby amended so as to change from General Planned Development (GPD) to Detailed Planned Development a part of Parcels 1 and 2 of Certified Survey Map No. 5633, recorded on December 27, 1991, as Document No. 6554614, being a redivision of a part of Lot 82 in the Plat of Lots 2 and 3 in the Northwest 1/4 of the Northeast 1/4 of Section 21, Township 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said 1/4 Section, said point also being the point of intersection of the centerline of East North Avenue and the centerline of North Humboldt Avenue; thence North 89 deg. 04 min. 24 sec. East along the north line of said 1/4 Section (centerline of East North Avenue) 643.28 feet to a point; thence South 00 deg. 00 min. 01 sec. East 453.66 feet to a point of curvature; thence along a 115.00 foot radius curve concave to the Northwest an arc distance of 119.44 feet to a point of tangency, said curve having a chord length of 114.14 feet and a chord bearing of South 29 deg. 45 min. 12 sec. West; thence South 59 deg. 30 min. 24 sec. West 158.12 feet to a point of curvature; thence along a 400.00 foot radius curve concave to the Northwest an arc distance of 214.42 feet to a point of tangency, said curve having a chord length of 211.86 feet and a chord bearing of South 74 deg. 51 min. 48 sec. West; thence North 89 deg. 46 min. 49 sec. West 242.04 feet to the centerline of North Humboldt Avenue; thence North 00 deg. 18 min. 59 sec. West 677.00 feet along said centerline to the point of beginning.

By this action, the Common Council herewith approves the detailed planned development known as Humboldt Yards (Commercial Parcel) Phase 1 and amends the zoning map to designate the area described above as a Detailed Planned Development (DPD).

(3) The requirements set forth in said amended detailed plan attached to this File as Exhibit "A" constitute the zoning regulations for the area contained in such planned

development district herein 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 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 Milwaukee Code of Ordinances.

Part 3. In accord with the provisions of Section 295-814(4) of the Milwaukee Code, the City Clerk shall transmit a facsimile copy of the detailed plan and a certified copy of the action taken thereon by the Common Council in recordable form to the Department of City Development for recording of said plan and Common Council action in the Office of the Register of Deeds.

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

Sponsors: THE CHAIR

ALD. JOHNSON-ODOM moved to pass items 11 and 12 being 970857 and 970859 notwithstanding the Committee's recommendations.

The motion prevailed.

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 1 - D'Amato

Excused: 3 - Gordon, Richards Butler

THE PUBLIC IMPROVEMENTS COMMITTEE FURTHER RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [991650](#) An ordinance relating to connection of existing buildings to public water mains.
- The Mayor and Common Council of the City of Milwaukee do ordain as follows:
- Part 1. Section 225-22-1 of the code is repealed and recreated to read:
- 225-22. Municipal Service.
1. a. Every building shall be provided with a supply of potable water in compliance with this section.
- b. All property shall be connected to the water main prior to sale, except as provided in par. c.
- c. If a property is not connected to the water main because of an existing well, the owner is not required to connect if a statement concerning the property is recorded by the property owner with the register of deeds stating that there is no connection to the public water main at this time and connection is required by ordinance to be made within 30 days after the sale of such property.
- d. All property shall be connected to the public water main within 30 days of sale.
- e. All property shall be connected to the public water main immediately if upon inspection the private well proves not to be working properly or if the well proves to be tested unsafe in accordance with s. 225-37-4.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be PASSED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 2) [991866](#) Ordinance to authorize the removal of median islands by the Commissioner of Public Works at the following location: North Downer Avenue at East Park Place in the 3rd Aldermanic District of the City of Milwaukee. (Infrastructure Services Division)
- Whereas, The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. The Commissioner of Public Works is hereby authorized to remove the raised medial islands and all appurtenances relative thereto, and to restore the street surface to a condition suitable for vehicular traffic at the following location: North Downer Avenue at East Park Place.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be PASSED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

ADOPTION OF THE FOLLOWING:

- 3) [990967](#) Substitute resolution to vacate the Northerly 11.79-foot portion of the North-South alley in the block bounded by West Kilbourn Avenue, North 20th Street, West Wells Street, and North 21st Street, in the 4th Aldermanic District.

Whereas, It is proposed that the Northerly 11.79-foot portion of the North-South alley in the block bounded by West Kilbourn Avenue, North 20th Street, West Wells Street, and North 21st Street, be vacated pursuant to the provisions of Section 66.297, Wisconsin Statutes; and

Whereas, This proposed vacation has been reviewed in accordance with Section 81-308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said portion of alley, as indicated by Exhibit "A" and bound and described by:

All that part of the North-South 11.79-foot wide alley as platted in Block 240 of Subdivision Into City Lots of 20.558 Acres of Land, a recorded subdivision, in the Northwest 1/4 of Section 30, Township 07 North, Range 22 East, lying between the south line of West Kilbourn Avenue extended and the easterly extension of a line being 10.00 feet North of and parallel to the north line of Lot 12 in said block, is vacated; and, be it

Further Resolved, That as provided by Section 80.32(4), Wisconsin Statutes, such 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 of entrance, maintenance,

construction and repair with reference thereto shall continue as if said portion of alley had not been vacated.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

4) [991591](#)

Substitute resolution expressing the City of Milwaukee's opposition to any request from the City of Glendale for the installation of a sewer system that would adversely impact the residents on N. 12th and N. 13th Streets, from W. Silver Spring Dr. to W. Lawn Ave.

Whereas, On July 29, 1999, the Common Council of the City of Milwaukee adopted Resolution File Number 990411 rescinding permission granted to the City of Glendale to connect to a City of Milwaukee sanitary sewer and water main located in West Custer Ave. between North 13th St. and North 15th St.; and

Whereas, This connection would have been used to provide service to apartment housing in 2 buildings of 100 units each; and

Whereas, This permission was rescinded because of concerns that this connection might overburden the system and cause flooding and moisture problems to City of Milwaukee residents in the area; and

Whereas, On July 27, 1999 a sanitary sewer analysis was provided to Common Council members by the City Engineer noting that the sanitary sewer in the City of Milwaukee will be surcharged by 18 feet if the housing development in Glendale is connected to sanitary sewer basin 1222; and

Whereas, City of Milwaukee residents currently connected to this sewer line have already experienced flooding and moisture problems; and

Whereas, A letter of opposition was forwarded on January 4, 2000, to Mayor Donald Voith of Glendale, signed by Mayor John Norquist and Alderman Marvin Pratt, stating definitively that under no circumstances shall Glendale's development be connected now or in the future to the City of Glendale's 10" sanitary sewer pipe located on the south side of W. Silver Spring Dr. that connects to the City of Milwaukee's sanitary sewer system 1222; and

Whereas, The City of Milwaukee has no objection to the City of Glendale connecting the housing development to the existing 15" sanitary sewer located on the north side of W. Silver Spring Dr. which connects directly to a 39" Milwaukee Metropolitan Interceptor Sewer which will not have an adverse impact on City of Milwaukee residents; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee is opposed to the City of Glendale connecting to the Glendale sanitary sewer located on the south side of W. Silver Spring Dr. because of the sewer's connection to City of Milwaukee sanitary sewers and potential adverse impact on City of Milwaukee residents; and, be it

Further Resolved, The City of Glendale is encouraged to connect this development to its sanitary sewer on the north side of W. Silver Spring Dr. so as to prevent potential harm to neighboring City of Milwaukee residents who live in this area; and, be it

Further Resolved, That a certified copy of this resolution be sent to the City of Glendale.

Sponsors: Ald. Pratt

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 5) [991656](#) Resolution approving a plat of right-of-way required for the improvement of USH 41/45 and STH 100/145 North Interchange, including the relocation of West Park Place to create an intersection with West Bradley Road approximately 550 feet east of North 124th Street. (Infrastructure Services Division)

Whereas, The Wisconsin Department of Transportation (WISDOT) has scheduled the improvement of the USH 41/45 and STH 100/145 North Interchange in Milwaukee's northwest side; and

Whereas, The North Interchange project will be undertaken entirely with Federal and State funds; and

Whereas, The WISDOT and their consultant, as part of the preliminary engineering for this project, have completed and submitted a right-of-way plat for City approval; and

Whereas, It is necessary that the Common Council approve the plat of right-of-way for the aforementioned project and authorizes the WISDOT to acquire land or interests in lands, as shown on the right-of-way plat; and

Whereas, The right-of-way action will be at no cost to the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the right-of-way plat for State Project I.D. 1103-07-20, USH 41/45 and STH 100/145 North Interchange, be approved; and, be it

Further Resolved, That the WISDOT is hereby authorized and directed to acquire land or interests in lands as shown on the approved plat of right-of-way for the North Interchange; and, be it

Further Resolved, That minor revisions in the above plat to meet altered or unforeseen conditions encountered during acquisition of right-of-way are hereby authorized and approved.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 6) [991669](#) Resolution authorizing and directing the proper City of Milwaukee officials to execute an easement with Milwaukee County which allows Milwaukee County to construct and maintain a bicycle trail over City-owned land at 970 North Hawley Road.

(Infrastructure Services Division)

Whereas, Milwaukee County intends to extend the Oak Leaf trail between North Hawley Road and Doyme Park; and

Whereas, This bicycle trail extension will cross the City-owned land at 970 North Hawley Road; and

Whereas, An easement has been prepared which specifies that the bicycle trail and fence will be constructed and maintained at no cost to the City of Milwaukee; now, therefore, be it

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

Milwaukee officials are authorized and directed to execute an easement with Milwaukee County, which allows Milwaukee County to construct and maintain a bicycle trail over City-owned land at 970 North Hawley Road, under the terms and conditions specified in the easement attached to Common Council File Number 991669 and incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That the City Comptroller is directed to submit the easement to the Milwaukee County Register of Deeds for recording against the property described in the easement.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

7) Substitute resolutions granting/amending various special privileges:

a) [991706](#) Substitute resolution amending a special privilege granted to Jessica Ann Valona to keep and maintain three backup driveways in the public right-of-way adjacent to the property located at 2197 South Kinnickinnic Avenue, to now add permission for one additional backup driveway in the same public right-of-way, in the 14th Aldermanic District in the City of Milwaukee.

Whereas, Jessica Ann Valona was granted a special privilege under Common Council Resolution File Number 980607, on November 24, 1988, to keep and maintain three backup driveways in the public right-of-way on the north side of East Ward Street adjacent to the premises at 2197 South Kinnickinnic Avenue; and

Whereas, Jessica Ann Valona has requested permission for one additional backup driveway in the public right-of-way on the north side of East Ward Street adjacent to the premises; and

Whereas, The backup driveways may only occupy the public right-of-way through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 980607 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Jessica Ann Valona, 4656 South 92nd Street, Greenfield, WI 53228, is hereby granted the following special privilege:

To keep and maintain four driveways between the curb and property line on the north side of East Ward Street, centered approximately 45, 60, 89 and 108 feet east of the eastline of South Robinson Avenue serving overhead doors which are 10.7, 11.6, 8 and 8 feet wide, respectively. The sidewalk area is 10 feet wide at this location, and the roadway width is approximately 30 feet. Permission is also granted for the existing door bumpers to continue to occupy a small portion (non-sidewalk obstruction) of right-of-way in front of each door and also at the new door, if necessary. Vehicles using said driveways during loading and unloading operations may occupy and obstruct the public right-of-way but not beyond the centerline of East Ward Street.

Said backup driveways shall be used and maintained to the satisfaction of the Commissioners of the Departments of Public Works and Neighborhood Services.

Said items shall be removed from the public right-of-way, at such future time that they are no longer needed and the sidewalk areas restored to the satisfaction of the Commissioners of the Departments of Public Works and Neighborhood Services

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Jessica Ann Valona, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$3,000.00 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee which has an initial amount of \$334.20. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

5. Waive the right to contest in any manner the validity of Section 66.045 of the Wisconsin Statutes (1979), or the amount of the annual fixed fee, payable on or before July 1st of each year.

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

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- b) [991709](#) Substitute resolution granting a special privilege to O'Connor Petroleum Co., Inc. to install and maintain underground communication cabling in West Main Street, extending between 541 and 607 South 70th Street, in the 16th Aldermanic District in the City of Milwaukee.

Whereas, O'Connor Petroleum Co., Inc. desires to install and maintain communication cabling within West Main Street to connect the facilities at 541 and 607 South 70th Street; and

Whereas, Said communication cabling may only be permitted to occupy the public right-of-way by the adoption of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that O'Connor Petroleum Co., Inc., 6101 South 108th Street, Hales Corners, WI 53130 is hereby granted the following special privilege:

To install and maintain three 1-inch diameter PVC conduits under and across West Main Street, beginning at a point on the southline of West Main Street, approximately 117 feet west of the westline of South 70th Street and extending approximately 60 feet northerly to a point on the northline of West Main Street.

Said conduits are to be located approximately 5 feet below grade.

The communication cabling conduit shall be installed, operated and maintained to the approval of the Departments of Public Works and Neighborhood Services. The grantee shall procure the necessary permits from the Departments of City Development/Neighborhood Services and Public Works. Grantee shall provide "as-built" plans of the conduit installation to the City Engineer in a timely manner.

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, O'Connor Petroleum Co., Inc., shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$2,000.00 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee which has an initial amount of \$60.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works any curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

5. Waive the right to contest in any manner the validity of Section 66.045 of the Wisconsin Statutes (1979), or the amount of the annual fixed fee, payable on or before July 1st of each year.

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

7. Not now or in the future use the cable communication facility in a manner that will conflict with the provisions of Chapter 99 of the Code of Ordinances regarding the transmission and distribution of video entertainment programming to subscribers.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 8) [991811](#) Resolution authorizing and directing the proper City officers to execute Easement Agreement EA-1034, located in a parcel of land on the north side of West Oklahoma Avenue from South 60th to South 61st Streets. (Infrastructure Services Division)
- Whereas, In May 29, 1953, the City of Milwaukee was granted an easement E-1034 for sewer and water purposes in a parcel of land on the north side of West Oklahoma Avenue from South 60th to South 61st Streets; and
- Whereas, The easement is located in a parcel of land presently owned by MRED (60th/Oklahoma), Inc. (the owner); and
- Whereas, The owner has requested the City's permission to construct two monument signs and a decorative fence in the easement area; and
- Whereas, The City will allow the construction of said signs and fence in the easement area, subject to conditions stipulated in an Easement Agreement, EA-1034; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the proper City officers are hereby authorized and directed to execute Easement Agreement EA-1034, a copy of said agreement being attached to and part of this resolution; and,

be it

Further Resolved, That after said Easement Agreement has been executed by the owner and the proper City officers, it shall be forwarded to the Office of the City Attorney for approval as to form and execution and then to the Office of City Real Estate for recording and proper distribution.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 9) [991823](#) Resolution authorizing the Commissioner of Public Works to issue an excavation permit on pavement less than three years old at 2400 West Lapham Street for the purpose of installing a 4-inch PVC conduit for telephone services. (DPW)
- Whereas, Teleport Communications Group/AT&T Local Services wishes to install a 4-inch PVC conduit for telephone services in West Lapham Street; and
- Whereas, An open cut method of installation is required in West Lapham Street; and
- Whereas, This open cut will affect pavement less than three years old and subject to a pavement guarantee; and
- Whereas, This work was not completed prior to the paving of West Lapham Street because the TCG/AT&T Network did not extend into this area prior to the paving; 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 issue an excavation permit to allow the installation of a 4-inch PVC conduit in the guaranteed pavement in West Lapham Street; and, be it
- Further Resolved, That the pavement restoration of the affected street shall be accomplished in accordance with the specifications and restrictions established by the Department of Public Works of the City of Milwaukee and at no cost to the City.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

10) Resolutions declaring as surplus and authorizing the disposition of the improved, tax deed properties:

a) [991833](#) Resolution declaring as surplus and authorizing the disposition of the improved, tax deed property located at 2036 North 34th Street, in the 17th Aldermanic District. (DCD-Real Estate)

Whereas, Habitat For Humanity, Inc., a nonprofit organization, has offered to purchase said property for \$500 for affordable housing purposes with eventual resale to an owner-occupant; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that 2036 North 34th Street, Tax Roll Key No. 349-0361-1, is declared surplus and that the Department of City Development is authorized and directed to sell said property to Habitat For Humanity, Inc., at a fixed price of \$500; and, be it

Further Resolved, That the proper City officials are authorized and directed to perform such acts as may be required to consummate the sale of said property and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106; and, be it

Further Resolved, That as a condition of the sale of surplus property, purchaser is required to bring property into compliance with applicable building codes within the time specified by the Department of Neighborhood Services or said property may revert back to the ownership of the City of Milwaukee upon action by the Common Council.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

b) [991835](#) Resolution declaring as surplus and authorizing the disposition of the improved, tax deed property located at 3144 North 34th Street, in the 10th Aldermanic District.

(DCD-Real Estate)

Whereas, The Neighborhood Improvement Development Corporation, a nonprofit organization, has offered to purchase said property for \$1.00 for affordable housing purposes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that 3144 North 34th Street, Tax Roll Key No. 286-0471-8, is declared surplus and that the Department of City Development is authorized and directed to sell said property to the Neighborhood Improvement Development Corporation at a fixed price of \$1.00; and, be it

Further Resolved, That the proper City officials are authorized and directed to perform such acts as may be required to consummate the sale of said property and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106; and, be it

Further Resolved, That as a condition of the sale of surplus property, purchaser is required to bring property into compliance with applicable building codes within the time specified by the Department of Neighborhood Services or said property may revert back to the ownership of the City of Milwaukee upon action by the Common Council.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 11) [991836](#) Resolution removing the reversionary clause from a Quit Claim Deed for the property located at 4101 North Port Washington Road, in the 6th Aldermanic District.
(DCD-Real Estate)

Whereas, The City of Milwaukee conveyed to Glen E. Boehme, an improved, tax deed property located at 4101 North Port Washington Road via a Quit Claim Deed dated April 30, 1997, pursuant to Common Council File No. 961492, adopted on February 11, 1997; and

Whereas, Said deed of conveyance contained a reversionary clause that the property conveyed therein shall be brought into full compliance with all applicable building codes, and ordinances, within one (1) year after the date of closing or said deed is forfeit and the property returns to the City of Milwaukee without any further action;

and

Whereas, Removal of the reversionary clause will allow the current owner, Glen E. Boehme, to provide a deed of conveyance for said property without an encumbrance relating to the City of Milwaukee; 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 necessary legal documents to remove the reversionary clause from the Quit Claim Deed dated April 30, 1997, for said property to provide an unencumbered deed of conveyance.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 12) [991842](#) Resolution authorizing and directing the Commissioner of Public Works to make the necessary water service connection alterations along West Fond du Lac Avenue from North 36th Street to West Capitol Drive. (Infrastructure Services Division)
- Whereas, The Common Council of the City of Milwaukee adopted Resolution File Number 930068 on June 15, 1993 authorizing and directing the Commissioner of Public Works to execute an agreement for programming and construction of the improvement of West Fond du Lac Avenue from North 36th Street to West Capitol Drive with Federal Aid under the State Trunk Highway Program; and
- Whereas, Several median islands in West Fond du Lac Avenue will be modified as a part of the street improvement requiring alterations of the water service connections to the concealed irrigation system in the median; 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 make the necessary alterations to the water service connections to the median islands along West Fond du Lac Avenue from North 36th Street to West Capitol Drive; and, be it
- Further Resolved, That the City Comptroller is hereby authorized and directed to transfer, within the Capital Grant and Aids Project Fund, to the Water Service Connections (Medians) West Fond du Lac Avenue from North 36th Street to West Capitol Drive subaccount the amount of \$43,500 but not to exceed a 10 percent increase or \$5,000, whichever is greater, in the amount set aside as follows:

Project Grant Number ST320000000 Fund 0333 Cost \$43,500

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 13) [991843](#) Resolution determining it necessary to make various assessable public improvements at various locations. (Infrastructure Services Division)
- Resolved, By the Common Council of the City of Milwaukee that it is necessary and in the public interest to do the following described work according to City specifications, and that such public improvements and resulting special assessments be made pursuant to Section 66.60 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances:
- 1st Aldermanic District
- W. Congress St. - N. Green Bay Ave. to N. 19th Pl. (ST211010148): 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 -- \$2,000)
- 6th Aldermanic District
- N. Booth St. - The Milwaukee River to N. Commerce St. (TD02284001): Concrete pavement construction, place curb and gutter, sidewalk and driveway approaches, sodding, grading, and tree removal where necessary.
- N. Commerce St. - N. Holton St. to N. Humboldt Ave. (TD02284001): Concrete pavement construction, place curb and gutter, sidewalk and driveway approaches, sodding, grading, and tree removal where necessary.
- N. Fratney St. - The Milwaukee River to N. Commerce St. (TD02284001): Concrete pavement construction, place curb and gutter, sidewalk and driveway approaches, sodding, grading, and tree removal where necessary.
- N. Pierce St. - The Milwaukee River to N. Commerce St. (TD02284001): Concrete

pavement construction, place curb and gutter, sidewalk and driveway approaches, sodding, grading, and tree removal where necessary.

N. Weil St. - The Milwaukee River to N. Commerce St. (TD02284001): Concrete pavement construction, place curb and gutter, sidewalk and driveway approaches, sodding, grading, and tree removal where necessary.

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

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 14) [991844](#) Substitute resolution determining it necessary to make various nonassessable public improvements at various locations.
- Resolved, By the Common Council of the City of Milwaukee, that it is necessary and in the public interest to do the following described improvements according to City specifications:
- 1st Aldermanic District
- N. 44th St. - W. Marion St. to a point 400 feet m/l north of W. Marion St. (RM52314014): Paving the roadway with asphalt. Laying a concrete curb and gutter.

Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

W. Marion St. - N. 44th St. to N. 46th St. (RM52314014): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

3rd Aldermanic District

E. North Ave. - Intersection of E. North Ave. and N. Oakland Ave. (UR04082000): Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

6th Aldermanic District

N. 1st St. - W. Auer Ave. to W. Keefe Ave. (SM495000403): Relaying combined sewer.

13th Aldermanic District

S. 18th St. (East Side) - 160 feet m/l north of W. Wilbur Ave. to 450 feet m/l north of W. Wilbur Ave. (ST211000170): Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

Various Suburban Locations

Engineering, reviewing, and inspection on water main installations. (WT410006400) (Nonassessable Water Fund -- \$80,000)

;and, be it

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

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

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 15) [991845](#) Resolution dedicating certain City-owned lands, under the jurisdiction of the Port of Milwaukee, for public street purposes to improve the intersection of South Lincoln Memorial Drive and East Russell Avenue, in the 14th Aldermanic District of the City of Milwaukee. (Infrastructure Services Division)

Whereas, The City of Milwaukee, under the jurisdiction of the Port of Milwaukee, is the owner of certain land at the northwest corner of South Lincoln Memorial Drive and East Russell Avenue; and

Whereas, The intersection is proposed to be improved in conjunction with reconstruction and realignment of South Lincoln Memorial Drive and East Russell Avenue in 2000; now, therefore, be it

Resolved by the Common Council of the City of Milwaukee, that the following described City-owned land is hereby set aside and dedicated for public street purposes:

That part of Lots 12, 13 and 14 in Block 2 of Village of Bay View, a recorded subdivision, in the Northwest 1/4 of Section 10, Township 6 North, Range 22 East, described as follows: Commencing at the point of intersection of the northwesterly line of East Russell Avenue and the present southwesterly line of South Lincoln Memorial Drive; thence Northwesterly, along said present southwesterly line, 70.00 feet to a point; thence southwesterly to a point in the northwesterly line of East Russell Avenue, said point lying 90.00 feet southwesterly of the point of commencement thence Northeasterly, along said northwesterly line, 90.00 feet to the point of commencement; and, be it

Further Resolved, That the City Comptroller is hereby directed to have a certified copy of this resolution recorded in the office of the Register of Deeds of Milwaukee County.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 16) [991846](#) Resolution rejecting a reservation for public alley purposes at the rear of 6621 West Tripoli Avenue, in the 11th Aldermanic District of the City of Milwaukee.
(Infrastructure Services Division)

Whereas, A 10-foot wide reservation for public alley purposes was created by Warranty Deed dated September 29, 1954, recorded in the Milwaukee County Register of Deeds Office on September 29, 1954 as Document Number 3332326 in Volume 3344 page 518; and

Whereas, The owners of the subject property located at 6621 West Tripoli Avenue have requested the removal of the alley reservation; and

Whereas, The City of Milwaukee no longer deems it necessary to retain the reservation for public alley purposes; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee hereby rejects the reservation for public alley purposes, described as follows:

The southeasterly 10.00 feet of the following described land in the Southeast 1/4 of Section 15, Township 6 North, Range 21 East; Commencing at the southwest corner of said 1/4 Section; thence North 88 degrees 41 minutes 30 seconds East, along the south line of said 1/4 Section, 500.85 feet to a point; thence North 24 degrees 12 minutes 43 seconds East 216.04 feet to the point of beginning of the land to be described; thence South 88 degrees 41 minutes 30 seconds West, parallel to said south line, 11.08 feet to a point; thence North 51 degrees 30 minutes 10 seconds West 184.26 feet to a point on a curve; thence Northeasterly 34.74 feet along the arc of said curve which has a radius of 50.00 feet with its center lying to the northwest and whose chord bears North 18 degrees 35 minutes 40 seconds East 34.04 feet to a point; thence North 88 degrees 41 minutes 30 seconds East, parallel to said south line, 168.37 feet to a point; thence South 19 degrees 17 minutes 00 seconds, East 58.05 feet to a point; thence South 24 degrees 12 minutes 43 seconds West 105.00 feet to the point of beginning; and, be it

Further Resolved, That the City Comptroller is hereby authorized and directed to have a certified copy of this resolution recorded in the office of the Register of Deeds of Milwaukee County.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,
Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski,
Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 17) [991847](#) Substitute resolution approving levying of assessments and construction of assessable public improvement projects at various locations.

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

W. Congress St. - N. 19th Pl. to N. 21st St. (ST21100129) File Number 980971: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$58,000; Assessable Reconstruction Paving Fund -- \$10,400)

W. Congress St. - W. Roosevelt Dr. to N. Teutonia Ave. (Including N. 22nd St. - W. Roosevelt Dr. to W. Congress St.) (ST21100130) File Number 991032: Asphalt pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$173,700; Assessable Reconstruction Paving Fund -- \$20,300)

2nd and 7th Aldermanic Districts

W. Burleigh St. - N. Sherman Blvd. to N. 60th St. (ST30781401) (2555-04-00) File Number 971108: Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, and grading. (Nonassessable State Aid Fund -- \$189,100; Assessable State Aid Fund -- \$108,800; State or Federal Funds -- \$1,013,000; State/Federal Grantor Paving Fund -- \$178,800) These funds are to be transferred to the construction account ST30781410.

5th Aldermanic District

Alley between W. Highwood Ave., W. Keefe Ave., N. 100th St. and the City Limits (Sponsored by Wauwatosa) (ST21200157) File Number 991615: Asphalt alley pavement resurfacing. (Nonassessable Alley Paving Fund -- \$1,800; Assessable Alley Paving Fund -- \$2,100)

Alley between W. Highwood Ave., W. Nash St., N. 100th St., N. 101st St. and the City Limits (Sponsored by Wauwatosa) (ST21200158) File Number 991615: Asphalt alley pavement resurfacing. (Nonassessable Alley Paving Fund -- \$1,500; Assessable Alley Paving Fund -- \$1,800)

Alley between W. Melvina St., W. Vienna Ave., N. 100th St., N. 101st St. and the City Limits (Sponsored by Wauwatosa) (ST21200159) File Number 991615: Asphalt alley pavement resurfacing. (Nonassessable Alley Paving Fund -- \$3,800; Assessable Alley Paving Fund -- \$4,400)

Alley between W. Nash St., W. Vienna Ave., N. 100th St., N. 101st St. and the City Limits (Sponsored by Wauwatosa) (ST21200160) File Number 991615: Asphalt alley pavement resurfacing. (Nonassessable Alley Paving Fund -- \$3,800; Assessable Alley Paving Fund -- \$4,400)

6th Aldermanic District

N. 1st St. - W. Concordia Ave. to W. Keefe Ave. (ST21100101) File Number 980620: Asphalt pavement reconstruction, narrow from 40 feet to 36 feet, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$173,400; Assessable Reconstruction Paving Fund -- \$59,200)

N. Booth St. - The Milwaukee River to N. Commerce St. (TD02284001) (ST210000102) File Number 991847: Concrete pavement construction, place curb and gutter, sidewalk and driveway approaches, sodding, grading, and tree removal where necessary. (TID Fund -- \$14,100; Assessable New Paving Fund -- \$6,900)

N. Commerce St. - N. Holton St. to N. Humboldt Ave. (TD02284001) (ST210000103) File Number 991847: Concrete pavement construction, place curb and gutter, sidewalk and driveway approaches, sodding, grading, and tree removal where necessary. (TID Fund -- \$232,800; Nonassessable New Paving Fund -- \$145,000; Assessable New Paving Fund -- \$133,900)

N. Fratney St. - The Milwaukee River to N. Commerce St. (TD02284001) (ST210000104) File Number 991847: Concrete pavement construction, place curb and gutter, sidewalk and driveway approaches, sodding, grading, and tree removal where necessary. (TID Fund -- \$13,200; Assessable New Paving Fund -- \$6,700)

N. Pierce St. - The Milwaukee River to N. Commerce St. (TD02284001) (ST210000105) File Number 991847: Concrete pavement construction, place curb and gutter, sidewalk and driveway approaches, sodding, grading, and tree removal where necessary. (TID Fund -- \$11,900; Assessable New Paving Fund -- \$9,200)

N. Weil St. - The Milwaukee River to N. Commerce St. (TD02284001) (ST210000106) File Number 991847: Concrete pavement construction, place curb and gutter, sidewalk and driveway approaches, sodding, grading, and tree removal where necessary. (TID Fund -- \$11,000; Assessable New Paving Fund -- \$13,100)

10th Aldermanic District

W. Fond du Lac Ave. - N. 36th St. to W. Capitol Dr. (ST30381701) (1360-01-05) File Number 931241: Concrete pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, and grading. (Nonassessable State Aid Fund -- \$223,500; Assessable State Aid Fund -- \$135,700; State or Federal Funds -- \$2,909,200; State/Federal Grantor Paving Fund -- \$513,400) These funds are to be transferred to the construction account ST30381710.

12th Aldermanic District

S. 18th St. - W. Washington St. to W. National Ave. (ST21100155) File Number 990425: Asphalt pavement resurfacing, replace all curb and gutter, sidewalk and driveway approaches, sodding, grading, and tree removal where necessary. (Nonassessable Reconstruction Paving Fund -- \$98,800; Assessable Reconstruction Paving Fund -- \$42,300)

15th Aldermanic District

W. Carmen Ave. - N. 94th St. to N. 99th St. (ST21100127) File Number 980620: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$159,200; Assessable Reconstruction Paving Fund -- \$20,000)

W. Carmen Ave. - N. 99th St. to W. Appleton Ave. (ST21100128) File Number 960854: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$64,100; Assessable Reconstruction Paving Fund -- \$36,700)

16th Aldermanic District

W. Highland Blvd. - (Excluding Structure) - N. 35th St. to W. Vliet St. (ST21100139) File Number 980909: Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$634,100; Assessable Reconstruction Paving Fund -- \$131,900)

N. Story Pky. - W. Blue Mound Rd. to a point 445 feet m/l north of W. Blue Mound Rd. (ST21100158) File Number 85-1254: Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding,

and grading. (Nonassessable Reconstruction Paving Fund -- \$56,500; Assessable Reconstruction Paving Fund -- \$7,800)

17th Aldermanic District

N. 13th St. - W. North Ave. to W. Meinecke Ave. (ST21100104) File Number 980909: Concrete alley-type pavement reconstruction. (Nonassessable Reconstruction Paving Fund -- \$33,200; Assessable Reconstruction Paving Fund -- \$26,100)

W. Lloyd St. - A point 140 feet m/l west of N. 14th St. to W. Fond du Lac Ave. (ST21100154) File Number 990176: Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, and grading. (Community Development Block Grant Fund CD1150031126 -- \$120,000; Nonassessable Reconstruction Paving Fund -- \$75,300; Assessable Reconstruction Paving Fund -- \$59,900)

;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 66.60 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances; 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 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 projects: W. Burleigh St. (ST30781401) and W. Fond du Lac Ave. (ST30381701); 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 projects: W. Burleigh St. (ST30781401) and W. Fond du Lac Ave. (ST30381701); and, be it

Further Resolved, That upon the completion of projects W. Burleigh St. (ST30781401) and W. Fond du Lac Ave. (ST30381701) and a determination of the actual costs, it is understood that if the City of Milwaukee's share is less than the amount previously paid, the difference will be refunded to said City; and, be it

Further Resolved, That the City Engineer is authorized and directed to approve and make periodic payments to the City of Wauwatosa after receipt of invoices from said City for the City's share of the costs for said projects: Alley W. Highwood Ave. (ST21200157), Alley W. Highwood Ave. (ST21200158), Alley W. Melvina St. (ST21200159), Alley W. Nash Ave. (ST21200160); and, be it

Further Resolved, That projects W. Congress St. (ST21100129), W. Congress St. (ST21100130), W. Burleigh St. (ST30781401), Alley W. Highwood Ave. (ST21200157), Alley W. Highwood Ave. (ST21200158), Alley W. Melvina St. (ST21200159), Alley W. Nash St. (ST21200160), N. 1st St. (ST21100101), N. Booth St. (TD02284001), N. Commerce St. (TD02284001), N. Fratney St. (TD02284001), N. Pierce St. (TD02284001), N. Weil St. (TD02284001), W. Fond du Lac Ave. (ST30381701), S. 18th St. (ST21100155), W. Carmen Ave. (ST21100127), W. Carmen Ave. (ST21100128), W. Highland Blvd. (ST21100139), N. Story Pky. (ST21100158), N. 13th St. (ST21100104), and W. Lloyd St. (ST21100154) will be billed after January 1, 2002, but not before 12 months after the project contract has been completed; and, be it

Further Resolved, That the following projects be deleted from the 2000 Paving Program.

11th Aldermanic District

S. Sunset Dr. - S. Massachusetts Ave. to W. Wedgewood Dr. (ST21190204) File Number 970181

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Richards Butler

18) [991848](#) Substitute resolution approving construction of nonassessable public improvement projects at various locations.

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, The following projects have been approved for the assessable portion under the files listed; and:

Whereas, Community Development Block Grant Administration approved the use of CDBG funds to replace a portion of the nonassessable reconstruction paving funds as follows:

8th Aldermanic District

W. Harrison Ave. - S. 6th St. to S. 13th St. (ST21100138) File Number 991182: Concrete pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, and grading. (Community Development Block Grant Fund - CD1150031126 -- \$330,000)

17th Aldermanic District

N. 14th St. - W. Fond du Lac Ave. to W. Brown St. (ST21100105) File Number 991272: Asphalt pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, grading, and tree removal where necessary. (Community Development Block Grant Fund - CD1150031126 -- \$50,000); and

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

1st Aldermanic District

N. 41st St. - 300 feet m/l north of W. Glendale Ave. to W. Courtland Ave. (WT41001023) File Number 990314: Relaying water main. (Nonassessable Water Fund -- \$66,600)

N. 44th St. - W. Marion St. to a point 400 feet m/l north of W. Marion St. (RM52314014) File Number 991844: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where needed, sodding, and grading. (Developer Paving Fund -- \$50,000)

W. Atkinson Ave. - N. 27th St. to N. 28th St. (WT41001036) File Number 990314: Relaying water main. (Nonassessable Water Fund -- \$77,500)

W. Marion St. - N. 44th St. to N. 46th St. (RM52314014) File Number 991844: Asphalt pavement reconstruction, replace all curb and gutter, sidewalk and driveway approaches, sodding, and grading. (Developer Paving Fund -- \$120,000)

2nd Aldermanic District

W. Beckett Ave. - W. Melvina St. to W. Chapman Pl. (WT41001071) File Number 991613: Relaying water main. (Nonassessable Water Fund -- \$127,000)

W. Beckett Ave. - W. Vienna Ave. to W. Melvina St. (WT41001038) File Number 990314: Relaying water main. (Nonassessable Water Fund -- \$118,000)

3rd Aldermanic District

E. North Ave. - Intersection of E. North Ave. and N. Oakland Ave. (UR04082000) File Number 991844: Replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, and grading. (BID Non Assessable Paving Fund -- \$31,000)

E. Windsor Pl. - N. Cambridge Pl. to N. Prospect Ave. (WT41091279) File Number 980034: Relaying water main. (Nonassessable Water Fund -- \$25,000)

4th Aldermanic District

N. 27th St. - W. McKinley Blvd. to 200 feet m/l north of W. McKinley Blvd. (SM495000273) File Number 971958: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$47,000)

N. 28th St. - W. Wisconsin Ave. to W. Kilbourn Ave. (WT41001066) File Number

990979: Relaying water main. (Nonassessable Water Fund -- \$170,000)

5th Aldermanic District

N. 79th St. - W. Townsend St. to W. Keefe Ave. (WT41001020) File Number 990314: Relaying water main. (Nonassessable Water Fund -- \$135,000)

N. 82nd St. - W. Keefe Ave. to W. Capitol Dr. (WT41001009) File Number 990314: Relaying water main. (Nonassessable Water Fund -- \$30,000)

W. Keefe Ave. - N. 76th St. to N. 80th St. (WT41091277) File Number 980034: Relaying water main. (Nonassessable Water Fund -- \$35,000)

W. Melvina St. - N. 76th St. to N. 77th St. (WT41091307) File Number 980034: Relaying water main. (Nonassessable Water Fund -- \$56,000)

W. Vienna Ave. - N. 80th St. to N. 82nd St. (WT41091315) File Number 980034: Relaying water main. (Nonassessable Water Fund -- \$130,000)

6th Aldermanic District

N. 1st St. - W. Auer Ave. to W. Keefe Ave. (SM495000403) File Number 991844: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$300,000)

W. Randolph St. - N. 1st St. to N. 2nd St. (SM495000164) File Number 990422: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$69,000)

8th Aldermanic District

S. 26th St. - W. Pierce St. to W. National Ave. (SM495000240) File Number 971958: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$83,000)

W. Montana St. - S. 29th St. to S. 31st St. (WT41001057) File Number 990314: Relaying water main. (Nonassessable Water Fund -- \$110,000)

8th and 13th Aldermanic Districts

W. Ohio Ave. - S. 21st St. to S. 27th St. (WT41001005) File Number 990314: Relaying water main. (Nonassessable Water Fund -- \$35,000)

9th Aldermanic District

W. Woolworth Ave. Bridge over Lincoln Creek - N. 51st St. to 490 feet m/l west of N. 51st St. (BR10080115) (ST211000173) File Number 981177: Street paving. (Nonassessable Reconstruction Paving Fund -- \$151,600)

N. 51st St. Bridge over Lincoln Creek - W. Woolworth Ave. to W. Mill Rd. (BR10080116) (ST211000173) File Number 981177: Street paving. (Nonassessable Reconstruction Paving Fund -- \$70,400)

10th Aldermanic District

N. 23rd St. (Vacated) - W. Burleigh St. to W. Auer Ave. (SM495000177) File Number 990530: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$117,000)

11th Aldermanic District

W. Lakefield Dr. - 650 feet m/l east of S. 66th St. to S. 66th St. (WT41001064) File Number 990843: Relaying water main. (Nonassessable Water Fund -- \$100,000)

12th Aldermanic District

W. Greenfield Ave. - S. 1st St. to S. 2nd St. (WT41001050) File Number 990314: Relaying water main. (Nonassessable Water Fund -- \$65,000)

W. Scott St. - S. 7th St. to S. 8th St. (WT41001058) File Number 990314: Relaying water main. (Nonassessable Water Fund -- \$70,000)

W. Scott St. - S. 22nd St. to S. 23rd St. (WT41001059) File Number 990314: Relaying water main. (Nonassessable Water Fund -- \$70,000)

13th Aldermanic District

S. 18th St. (East Side) - 160 feet m/l north of W. Wilbur Ave. to 450 feet m/l north of W. Wilbur Ave. (ST211000170) File Number 991844: Replace curb and gutter, sidewalk and driveway approaches where needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$30,000)

E. Bolivar Ave. - S. Austin St. to S. Taylor Ave. (SM495000173) File Number 990422: Clean, seal and repair sanitary sewer. (Nonassessable Relief and Relay Sewer Fund -- \$35,000)

16th Aldermanic District

W. Highland Blvd. - N. 37th St. to N. 38th St. (SM495000170) File Number 990049: Relay combined sewer. Nonassessable Relief and Relay Sewer Fund -- \$137,000)

W. Highland Blvd. - N. 40th St. (Extended) to 432 feet m/l west of N. 40th St. (SM495000171) File Number 990049: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$222,000)

;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 Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 2 - Gordon Richards

- 19) [991855](#) Substitute resolution authorizing and directing the Commissioner of Public Works to execute a supplemental agreement with the Wisconsin Department of Transportation and Milwaukee County for the Sixth Street Viaduct Replacement project to reflect the Design-Build concept and the additional Federal funds provided for the project. Whereas, Common Council Resolution File Number 911046, adopted on September 24, 1991, authorized and directed the Commissioner of Public Works to execute an agreement with the Wisconsin Department of Transportation and Milwaukee County for the programming and construction of the Sixth Street Viaduct over the Menomonee River Valley with Federal and/or State Aid; and
- Whereas, A project agreement for the programming and construction of the Sixth Street Viaduct over the Menomonee River Valley has been executed by the Commissioner of Public Works with the Wisconsin Department of Transportation and Milwaukee County; and
- Whereas, The utilization of the Design-Build concept on this project is seen as a way to reduce costs and overall construction time versus a conventional design-let process;

and

Whereas, The change in project implementation from the traditional let contract to the Design-Build Concept has been authorized by State Statutes; and

Whereas, A supplemental project agreement has been prepared by the Wisconsin Department of Transportation to reflect the implementation of the Design-Build process and the additional project funding available through Interstate Cost Estimate Substitute Project Funds (ICE funds); and

Whereas, Estimated costs for Real Estate/Hazardous Materials and Design/Build for this project as indicated in the supplemental project agreement, and

Whereas, Costs for Real Estate/Hazardous Materials for the project will be established in a separate resolution; now, therefore, be it

Resolved, That the Commissioner of Public Works is hereby authorized and directed to execute the supplemental project agreement, a copy of which is attached to Common Council Resolution File Number 991855, and is incorporated in this resolution by reference as though set forth in full, for the Design-Build concept of the Sixth Street Viaduct over the Menomonee River Valley; and, be it

Further Resolved, That upon acceptance of this supplemental project agreement, the City Comptroller is hereby authorized to create within the Capital Improvement Fund-Grant and Aid projects, the necessary Program Chartfield values (expenditure) for the Design-Build process for this project and transfer to any of these accounts the amount required under the grant agreement and City accounting policy but not to exceed a 10 percent increase of the total amounts reserved or \$5,000, whichever is greater, as follows:

Infrastructure Services Division Accounts (Streets):

City Share ST320000000 Fund 0333 \$62,000

Grantor's Share SP032000100 Fund 0306 \$294,375

Infrastructure Services Division (Structures)

City Share BR100000000 Fund 0303 \$1,179,250

Grantor's Share SP032000100 Fund 0306 \$5,593,125

Estimated Total \$7,128,750

and, be it

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

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 20) [991856](#) Resolution granting permission for the Wisconsin Department of Transportation to install and maintain an underground communication/data cable in conduit across and beneath the public right-of-way of West Good Hope Road, between North 60th Street and North 115th Street, for the purpose of traffic signal interconnect in the 9th and 15th Aldermanic Districts, in the City of Milwaukee. (Infrastructure Services Div.)

Whereas, WISDOT wishes to install and maintain communication links to be under WISDOT's ownership within the public right-of-way of West Good Hope Road, between North 60th Street and North 115th Street, for the purpose of traffic signal interconnect; and

Whereas, The WISDOT has requested permission to install communication/data cable in conduit beneath the public right-of-way of West Good Hope Road; and

Whereas, Said cable may only occupy the public right-of-way with Common Council approval; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Wisconsin Department of Transportation is granted permission for the following:

To install and maintain communication/data conduit cabling consisting of one 4-inch diameter conduit with four separate innerducts across and beneath the public right-of-way as follows: Beginning at a point on the northline of West Good Hope Road, at a point east of North 115th Street, then extending easterly to the west side of North 107th Street, then extending northerly to a point approximately 275 feet north of West Good Hope Road, then extending easterly across North 107th Street approximately 111 feet to the east side of North 107th Street, then extending south to

the north side of West Good Hope Road, then extending easterly to a point at the north side of West Good Hope Road west of North 91st Street, then extending in a southeasterly direction across the intersection of North 91st Street to the median of West Good Hope Road to a point at the east side of North 91st Street, then extending easterly in the median of West Good Hope Road to a point west of North 60th Street, then extending in a northeasterly direction diagonally across West Good Hope Road to a point in the north sidewalk area of West Good Hope Road west of North 60th Street.

The conduit will be a minimum of 3 feet below grade.

and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that the Commissioners of Public Works and Neighborhood Services are hereby authorized and directed to issue the necessary permits for installation of the underground communication/data cabling package beneath the public rights-of-way; and, be it

Further Resolved, That this permission is granted only on the following conditions:

1. That the Wisconsin Department of Transportation shall hold the City of Milwaukee or its agents harmless and accept responsibility for any and all liabilities that may arise through implementation of the permission granted herein.
2. That the contractor(s) hired to install the permitted facilities shall obtain the necessary Department of Public Works and Department of Neighborhood Services permits prior to installation of the facilities. All normal and customary permit fees and deposit requirements will be applied.
3. Grantee shall be responsible for the protection, adjustment, and/or relocation of the facilities as necessary to accommodate any future public improvement projects approved by the Common Council.
4. Neither the facilities hereby permitted nor the information transmitted by way of these facilities, shall be used for the purpose of generating revenue for the grantee.
5. Whenever the cable is no longer needed or when so ordered for public necessity, grantee shall not only remove the cable, but shall also restore to the approval of the Commissioner of Public Works any curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this resolution. Said grantee shall not be entitled to any damages for such removal.
6. The grantee shall not assign any of the rights hereby granted without Common Council action approving an amendment to this resolution.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 21) [991859](#) Resolution authorizing and directing the Commissioner of Public Works to make the necessary water tap alteration along West Atkinson Avenue from North 27th Street to North Teutonia Avenue. (Infrastructure Services Div.)

Whereas, The improvement of West Atkinson Avenue from North 27th Street to North Teutonia Avenue with Federal/State is proposed to be undertaken in 2000; and

Whereas, New storm sewer laterals will be constructed as part of the street improvement, requiring modification of one water tap in the concealed irrigation system in the island at West Atkinson Avenue and West Roosevelt Drive; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works, upon approval of the West Atkinson Avenue Project, is hereby authorized and directed to make the necessary alteration to the water tap located in an island in West Atkinson Avenue from North 27th Street to North Teutonia Avenue; and, be it

Further Resolved, That the City Comptroller is hereby authorized and directed to transfer, within the Capital Grant and Aids Project Fund, to the Water Tap Connection (Island) West Atkinson Avenue from North 27th Street to North Teutonia Avenue subaccount the amount of \$1,500 but not to exceed a 10 percent increase or whichever is greater, in the amount set aside as follows:

Account Number Cost

ST320000000 \$1,500 Fund 0333

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 23) [991867](#) Substitute resolution approving a Stipulation between the City of Milwaukee, the Wisconsin Department of Transportation and the Soo Line Railroad for the construction, cost sharing, future maintenance responsibilities and right-of-way for the Sixth Street Viaduct in the City of Milwaukee.

Whereas, The Common Council of the City of Milwaukee adopted Resolution File Number 911046, on September 24, 1991 authorized and directed the Commissioner of Public Works to execute a project agreement with the WISDOT and Milwaukee County for the programming and construction of the Sixth Street Viaduct over the Menomonee River Valley with Federal and/or State Aid.

Whereas, Negotiations have taken place between the Soo Line Railroad and the WISDOT, acting on behalf of the City of Milwaukee, to negotiate a Stipulation regarding the reconstruction, cost sharing, right-of-way and future maintenance of the Sixth Street Viaduct; and

Whereas, The WISDOT has forwarded the Stipulation document to the City of Milwaukee for approval and execution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Stipulation between the City of Milwaukee, the WISDOT and the Soo Line Railroad for the construction and maintenance of the Sixth Street Viaduct over the Soo Line Railroad rights of way is hereby approved, a copy of which is attached to Common Council Resolution File Number 991867 and incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That minor revisions to the Stipulation that do not change the intent of the Stipulation are hereby authorized and approved; and, be it

Further Resolved, That the proper City officials are hereby authorized and directed to execute said Stipulation.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

24) [991872](#) Substitute resolution authorizing the Commissioner of Public Works to undertake sidewalk replacement and street lighting work adjacent to the Leader Paper Company expansion project and authorizing funding for same.

Whereas, Leader Paper Company has long been an economic anchor for the Walker's Point neighborhood; and

Whereas, The company is currently undertaking a major expansion of its facility located at 935 South 5th Street; and

Whereas, The expansion project will result in additional production space, new loading docks, and related improvements at a total cost estimated to be around \$4,000,000; and

Whereas, The expansion project is expected to generate 23 new permanent jobs many of which are likely to be filled by residents of the Walker's Point area; and

Whereas, The City of Milwaukee acknowledges Leader Paper's long term commitment to the Walker's Point neighborhood and wishes to work with the company to extend the scope of the project beyond property lines and into the public sidewalk area; and

Whereas, Sidewalk and pedestrian lighting improvements in conjunction with the company's new facility will further emphasize the company's and the City's commitment to the Walker's Point neighborhood; and

Whereas, The limits of these improvements will be (1) South 5th Street (west side) - a point 225 feet +/- south of West Walker Street to South Walker Street, and (2) West Walker Street (south side) - a point 100 feet +/- west of South 5th Street to South 5th Street; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee hereby authorizes and directs the proper City Officials to undertake public sidewalk and pedestrian lighting improvements adjacent to Leader Paper Company's expansion project located at the southwest corner of West Walker and South 5th Streets; and, be it

Further Resolved, That the pedestrian lighting (\$20,000) shall be paid for with funds remaining in the Allen Bradley Area Lighting Account (account # 0339 5010 UR03582200); and, be it

Further Resolved, That \$35,000 be allocated from the Non-Assessable Reconstruction Paving Fund to pay the non-assessable portion of sidewalk and curb improvement costs; and, be it

Further Resolved, That, subject to Policy Committee review and approval as may be necessary, \$15,000 be allocated from the Community Block Grant Site Contingency Fund to pay the assessable portion of sidewalk and curb improvement costs.

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.

Sponsors: Ald. Witkowiak

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 25) [991873](#) Substitute resolution declaring as surplus the vacant, tax deed lot located at 3337-37A North 10th Street and accepting an Offer to Purchase a portion of this lot from the adjoining owners, Larry Robinson and Victoria Robinson, for use as green space, in the 10th Aldermanic District.

Whereas, The adjoining owners, Larry Robinson and Victoria Robinson, with their property located at 3341 North 10th Street, have offered to purchase the North 10 feet of the vacant, tax deed lot located at 3337-37A North 10th Street, Tax Roll Key No. 283-0304-100-3, from the City of Milwaukee for the amount of \$1.00 for use as green space; and

Whereas, This portion of vacant, tax deed lot is being sold in an "as is" condition and the City of Milwaukee makes no representations or warranties concerning the condition of the property, including but not limited to soil and subsoil conditions; and

Whereas, The City Plan Commission has approved the acceptance of said Offer, the sale of said portion of lot to be consummated in the manner provided for in the sale of other tax deed/City-owned lots pursuant to Section 304-49 of the Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said vacant lot is declared surplus, that said Offer is accepted, and that the proper City officials are authorized and directed to perform such acts as may be required to consummate the sale of said portion of lot and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106.

Sponsors: Ald. Butler

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

26) Resolutions approving lease agreements with Voicestream Wireless for personal communications services antennas at various locations:

a) [991881](#) Resolution approving a lease agreement with Voicestream Wireless for the placement of personal communications services antennas at the Southside Health Center.

Whereas, The Common Council adopted Resolution File Number 969170 on June 25, 1996, establishing a policy for the leasing of City facilities for the provision of wireless telecommunications services; and

Whereas, The Common Council further adopted Resolution File Number 991575 on February 18, 2000, amending said policy; and

Whereas, These resolutions also designated the Department of Administration as the City's sole negotiating agent for marketing City-owned sites to communication services vendors; and

Whereas, The Department of Administration has been working with the Health Department and the City Attorney's Office to negotiate a lease agreement with Voicestream Wireless for placement of personal communications services (PCS) antennas; at the Southside Health Center; and

Whereas, The lease agreement offers a fair market value to the City, protects other City interests, and is acceptable to all City participants; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves a lease agreement with Voicestream Wireless for the placement of PCS antennas at the Southside Health Center, a copy of which is attached to this file, and authorizes the proper City officials to enter into said lease agreement on behalf of the City of Milwaukee.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

b) [991882](#) Resolution approving a lease agreement with Voicestream Wireless for the placement of personal communications services antennas at the Zeidler Municipal Building.

Whereas, The Common Council adopted Resolution File Number 969170 on June 25, 1996, establishing a policy for the leasing of City facilities for the provision of wireless telecommunications services; and

Whereas, The Common Council further adopted Resolution File Number 991575 on February 18, 2000, amending said policy; and

Whereas, These resolutions also designated the Department of Administration as the City's sole negotiating agent for marketing City-owned sites to communication services vendors; and

Whereas, The Department of Administration has been working with the Department of Public Works and the City Attorney's Office to negotiate a lease agreement with Voicestream Wireless for placement of personal communications services (PCS) antennas at the Zeidler Municipal Building; and

Whereas, The lease agreement offers a fair market value to the City, protects other City interests, and is acceptable to all City participants; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves a lease agreement with Voicestream Wireless for the placement of PCS antennas at the Zeidler Municipal Building, a copy of which is attached to this file, and authorizes the proper City officials to enter into said lease agreement on behalf of the City of Milwaukee.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- c) [991883](#) Resolution approving a lease agreement with Voicestream Wireless for the placement of personal communications services antennas at the City's parking lot at 324 W. Highland Ave.

Whereas, The Common Council adopted Resolution File Number 969170 on June 25, 1996, establishing a policy for the leasing of City facilities for the provision of wireless telecommunications services; and

Whereas, The Common Council further adopted Resolution File Number 991575 on February 18, 2000, amending said policy; and

Whereas, These resolutions designated the Department of Administration as the City's sole negotiating agent for marketing City-owned sites to communication services vendors; and

Whereas, The Department of Administration has been working with the Department of Public Works and the City Attorney's Office to negotiate a lease agreement with Voicestream Wireless for placement of personal communications services (PCS) antennas; at the City's parking lot at 324 W. Highland Ave; and

Whereas, The lease agreement offers a fair market value to the City, protects other City interests, and is acceptable to all City participants; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves a lease agreement with Voicestream Wireless for the placement of PCS antennas at the City's parking lot at 324 W. Highland Ave., a copy of which is attached to this file, and authorizes the proper City officials to enter into said lease agreement on behalf of the City of Milwaukee.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 27) [991886](#) Resolution authorizing and directing the proper City Officers to execute an Intergovernmental Cooperation Agreement between the Milwaukee Metropolitan Sewerage District and the City of Milwaukee for design, construction, and funding of water improvements to be located westerly of the western terminus of East Park Place. (DPW)

Whereas, The Milwaukee Metropolitan Sewerage District intends to make

improvements to its facilities located westerly of the western end of East Park Place;
and

Whereas, Existing underground water facilities are located in the same area; and

Whereas, These existing water facilities should be replaced with standard City of Milwaukee water improvements; and

Whereas, MMSD is willing to install the necessary water improvements in conjunction with its own improvements; and

Whereas, MMSD will design the water improvements and will install them while the City of Milwaukee will approve the plans and inspect the improvements during installation; and

Whereas, MMSD will assume the cost for all work associated with the water improvements including City costs; and

Whereas, Upon completion, the water improvements will belong to the City of Milwaukee and the City will be responsible for their maintenance; and

Whereas, The Intergovernmental Cooperation Agreement containing the terms and conditions as described above is attached to this file; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Intergovernmental Cooperation Agreement attached to the file is hereby approved and the proper City Officers are hereby authorized and directed to execute said agreement on behalf of the City; and, be it

Further Resolved, That the Commissioner of Public Works is authorized to make minor, non-substantive changes to the Intergovernmental Cooperation Agreement prior to its execution.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,
Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski,
Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

28) [991887](#) Resolution relating to the application, acceptance, and funding of an Urban Parks and

Recreation Recovery Program (UPARR) grant for children's play area rehabilitation.
(Buildings & Fleet Division)

Whereas, Under the terms of the Urban Parks and Recovery Program, the City of Milwaukee appears to be eligible for grant funds (CFDA #15.919) from the United States Department of the Interior, National Park Service; and

Whereas, Under the terms of the Urban Parks and Recreation Recovery Program, the City of Milwaukee appears to be eligible for grant funds (CFDA #15.919) from the United States Department of the Interior, National Park Service; and

Whereas, It would appear that City involvement in this grant and aid program would result in the following benefits to the City:

1. Renovation of the Green Bay Playfield and Reservoir Park children's play areas to correct deteriorated conditions and meet existing safety and accessibility standards;
and
2. Securing of financial assistance to preserve valuable recreational facilities in high-density, lower-income areas;

and

Whereas, The operation of the grant would be from September, 2000 to September, 2003, and would cost \$140,000, of which \$42,000 (30%) would be provided by the City and \$98,000 (70%) would be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the National Park Service is authorized and the Department of Public Works/Buildings and Fleet Division shall accept these grants without further approval unless the terms of the grants change as indicated in Common Council File 940843 (Grant Ordinance); and be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Capital Project/Grant Parent Account of the 2000 Special Revenue Grant and Aid Projects, fund the following amounts for the project/program titled Urban Parks and Recreation Recovery Rehabilitation Grant Program:

Project/Grant Parent Grantor Share Project/Grant Chartfield SP032000100 Fund
0306 Organization 9990 Program 0001 Budget Year (BY) 0000 Subclass R999
Account 000600 Project/Grant Total \$98,000

2. Create a Special Revenue Fund - Grant and Aid Projects and the necessary

Project/Grant Chartfield Values at the Project, Segment, Phase and/or Activity Levels; and to budget to the Project, Segment, Phase, and/or Activity Level the amount required under the grant agreements.

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

Further Resolved, That these funds are appropriated to the Department of Public Works/Buildings and Fleet Division which is authorized to expend from the amount budgeted for specific purposes as indicated in the grant budgets and incur costs consistent with the award date; and be it

Further Resolved, That the Commissioner of the Department of Public Works shall have the authority to authorize transfers within the project budget so long as the amount expended for any purpose shall not exceed the amount authorized by the budget by 10% and such transfers are in accordance with grantor regulations; and be it

Further Resolved, That the Commissioner of the Department of Public Works on behalf of the City of Milwaukee be authorized to enter into subcontracts (and leases) as detailed in the project budget and in accordance with City purchasing procedures and Grant and Aid Guidelines for awarding such contracts; and be it

Further Resolved, That the funds for the \$42,000 local share of the expenditure shall be authorized in a future borrowing resolution in accordance with procedures set forth by the Public Debt Commission.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Absent: 1 - Butler

Excused: 2 - Gordon Richards

- 29) [991888](#) Substitute resolution approving a plat of right-of-way required for the improvement of Sixth Street Viaduct over the Menomonee River Valley.
- Whereas, The Common Council of the City of Milwaukee adopted Resolution File Number 911046 on September 24, 1991 authorizing and directing the Commissioner of Public Works to execute an agreement with the WISDOT and Milwaukee County for programming and construction of the improvement of the Sixth Street Viaduct over

the Menomonee River Valley with Federal and/or State aid; and

Whereas, The City of Milwaukee, Milwaukee County, and the WISDOT have acquired the consulting firm, Earth Tech to undertake the engineering work for the subject project; and

Whereas, Earth Tech, as part of the preliminary engineering for this project, has completed a right-of-way plat to include real estate needed for the proposed new alignment; and

Whereas, It is necessary that the Common Council approve the plat of right-of-way required for the aforementioned project and authorize the WISDOT to acquire land or interests in lands, as shown on the right-of-way plat; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the right-of-way plat for Project I.D. 2235-00-20: Sixth Street Viaduct over the Menomonee River Valley be approved and that the City Engineer and the Commissioners of Public Works and City Development are authorized and directed to affix their signatures to the plat, and, be it

Further Resolved, That the WISDOT is hereby authorized to acquire lands or interests in lands as shown on the approved plat of right-of-way for the Sixth Street Viaduct; and, be it

Further Resolved, That the City Engineer is authorized to sign relocation order and award of damages and other documents required by the right-of-way acquisition process.

Further Resolved, That minor revisions in the above plat to meet altered and unforeseen conditions encountered during acquisition of right-of-way are hereby authorized and approved; and, be it

Further Resolved, That the City Comptroller is hereby authorized and directed to create with the Capital Improvement Fund, Grant and Aid Projects, the necessary Project/Grant Chartfield Values for right-of-way acquisition for the project (Expenditure) and transfer to any of those accounts the amount required under the grant agreement and City Accounting policy but not to exceed a 10 percent increase of the total amount reserved or \$5,000, whichever is greater, as follows:

Infrastructure Services Division

Sixth Street Viaduct Over Menomonee River Valley City Share ST320000000 Fund
0333 \$33,750

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

30) Resolutions authorizing the proper City Officials to execute various agreements:

a) [991889](#) Resolution authorizing the proper City Officials to execute an Out-of-Program Agreement between Wilson Realty Company of WI, Inc. and the City of Milwaukee for design and construction of public improvements to support an industrial subdivision to be located on the south side of West Good Hope Road at North 68th Street extended. (DPW)

Whereas, Wilson Realty Company of WI, Inc. proposes to develop a three lot industrial subdivision on the south side of West Good Hope Road at North 68th Street extended; and

Whereas, A zone change allowing the proposed development has been previously approved by the Common Council; and

Whereas, The developer wishes to enter into an Out-of-Program Agreement with the City of Milwaukee regarding the design, construction, and funding of the public improvements needed to support the project; and

Whereas, An Out-of-Program Agreement has been prepared and is attached to this file; and

Whereas, The developer will provide the initial funding for the required public improvements with the City refunding the non-assessable portion of those costs in the year following their completion; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Out-of-Program Agreement attached to this file is hereby approved and the proper City Officials are hereby authorized to execute said agreement on behalf of the City; and be it

Further Resolved, That the Commissioner of Public Works is authorized to make minor, non-substantive changes to the Out-of-Program Agreement prior to its execution.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- b) [991899](#) Resolution authorizing the proper City Officers to execute an out-of-program agreement between William Ryan Homes, a developer, and the City of Milwaukee for the construction of public improvements to serve a residential subdivision known as Riverwoods, generally located west of North 91st Street, north of West Acacia Street extended and east of the Menomonee River. (DPW)

Whereas, William Ryan Homes, a developer, desires to enter into an out-of-program agreement with the City of Milwaukee to provide for the installation of storm and sanitary sewer, water main, roadway, sidewalk and street trees for a 38 lot residential subdivision to be known as Riverwoods; and

Whereas, Riverwoods is located on the west side of North 91st Street, north of West Acacia Street extended, and east of the Menomonee River; and

Whereas, The out-of-program agreement for the development is attached to this file; and

Whereas, Under the terms of the agreement, the proposed public improvements would be installed at no cost to the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the out-of-program agreement attached to this file is hereby approved and the proper City officers are hereby authorized to execute said agreement on behalf of the City of Milwaukee; and, be it

Further Resolved, That the Commissioner of Public Works is authorized to make minor, non-substantive changes to the out-of-program agreement prior to its execution.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

PLACING ON FILE THE FOLLOWING:

- 31) [991657](#) Communication from the Infrastructure Services Division transmitting a Report on the 1999 Activities of the Infrastructure Services Division.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

- 32) [991892](#) Communication relative to the ferry/passenger/cruise ship terminal improvements as part of the three-year harbor development statement of intention.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 3 - Gordon, Richards Butler

RESOLUTIONS PRESENTED FOR IMMEDIATE ADOPTION:

- [991913](#) Substitute resolution approving various final certified survey maps.

Resolved, By the Common Council of the City of Milwaukee, that the following final certified survey maps be and hereby are approved:

NAME	TAX KEY NUMBER(s)
MMSD	402-0539-100-4, -9978-9
City of Milwaukee	281-0029-8
West Side Preservation, LLC	389-9990-100-7
Crosswinds	352-1864-x, -1865-100-1, -1866-0
RACM	398-1251

Sponsors: ZONING and NEIGHBORHOODS & DEVELOPMENT COMMITTEE

A motion was made by Ald. Hines, Jr. that this matter be ADOPTED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 4 - Gordon, Richards, Butler Witkowiak

[991914](#)

Resolution amending the disposition of the surplus, improved, tax deed property located at 826 North 29th Street, in the 4th Aldermanic District.

Whereas, Common Council File No. 991411, adopted on January 18, 2000, declared surplus and directed that the Department of City Development sell 826 North 29th Street via the open listing method; and Whereas, Corey A. Shebesta and Carolyn C. Shebesta have submitted an unsolicited Offer to Purchase said property for \$3,500 as investment property for the purpose of having it occupied by the mother of Carolyn C. Shebesta; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Department of City Development is authorized and directed to sell 826 North 29th Street, Tax Roll Key No. 388-0126-1, to Corey A. Shebesta and Carolyn C. Shebesta at a fixed price of \$3,500; and, be it

Further Resolved, That the proper City officials are authorized and directed to perform such acts as may be required to consummate the sale of said property and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106; and, be it

Further Resolved, That as a condition of the sale of plus property, purchaser is required to bring property into compliance with applicable building codes within the time specified by the Department of Neighborhood Services or property may revert back to the ownership of the City of Milwaukee upon action by the Common Council.

Sponsors: Ald. Henningsen

A motion was made by Ald. Hines, Jr. that this matter be ADOPTED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Frank, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 4 - Gordon, Richards, Butler Witkowiak