



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

City Hall  
200 East Wells Street  
Milwaukee, WI 53202

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Wednesday, June 2, 1999

9:00:00 AM

Common Council Chambers

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PRESENTATIONS

**Present: 17 -**

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

THE FINANCE & PERSONNEL COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [981695](#) Substitute ordinance to further amend the 1999 rates of pay of offices and positions in the City Service under control of the Common Council.

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

Part 1. Section 2 of ordinance File Number 980576 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Salary Grade 014, delete the footnote designation "2/" following the title "Fleet Services Manager" and delete footnote "2/" in its entirety.

Part 2. Section 5 of ordinance File Number 980576 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 7, 1997 - March 23, 1997):

Under Pay Range 410, delete the footnote designation "6/" following the title "Temporary Office Assistant II" and delete footnote "6/" in its entirety.

Under Pay Range 425, delete the footnote designations "6/" and "7/" following the title "Temporary Office Assistant III" and add the footnote designation "7/" following the title "Temporary Customer Service Representative I." Delete footnote "6/" in its entirety.

Part 3. Section 2 of ordinance File Number 980576 relative to rates of pay of offices and positions in the City Service is hereby further amended as follows (Effective Pay Period 12, 1999 - May 30, 1999):

Under Salary Grade 007, add the title "Systems Analyst-Specialist 4/."

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 All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 5. The provisions of Part 2 of this ordinance are deemed to be in force and effect from and after Pay Period 7, 1997 (March 23, 1997).

The provisions of Part 3 of this ordinance are deemed to be in force and effect from and after Pay Period 12, 1999 (May 30, 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 6. 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:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 2) [990076](#) Substitute ordinance to further amend the 1999 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 980575 relative to offices and positions in the City Service is hereby amended as follows:

Under "Department of Employee Relations-Operations Division, Pay Services Section", delete one position of "Personnel Payroll Assistant II" and add one position of "Personnel Payroll Assistant III."

Under "Health Department, Public Health Services Decision Unit, Women, Infants and Children's Grant", delete one position of "Office Assistant III" and one position of "Office Assistant II."

Part 2. Section 1 of ordinance File Number 980575 relative to offices and positions in the City Service is hereby further amended as follows (Effective January 1, 1999):

Under "Department of Neighborhood Services, Plumbing Inspection", delete one

position of "Accounting Assistant I" and add one position of "Office Assistant IV"; and under "Financial Services & Marketing", delete two positions of "Office Assistant II" and add two positions of "Office Assistant III."

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 January 1, 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:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 3) [990130](#) A substitute ordinance relating to waiver of service contract living wage requirements by the central board of purchases.

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

Part 1. Section 310-13-3 and 4 of the code is amended to read:

310-13. Service Contract Wage Requirements.

3. [[MINIMUM]] >>LIVING<< WAGE REQUIREMENT. All workers, whether permanent or temporary, employed in any work performed as part of a service contract, as defined in sub. 2, awarded after December 31, 1995, shall receive and be paid a sum of not less than \$6.05 per hour. On March 1, 1996, and each March 1 thereafter, the [[minimum]] >>living<< hourly wage shall be adjusted to the amount required to produce, for 2,080 hours worked, an annual income equal to the U.S. department of health and human services' most recent poverty guideline for a family of 3. No contractor may use the [[minimum]] >>living<< wage requirement of this subsection to reduce the wage paid to any person employed by the contractor as of December 31, 1995.

4. PART-TIME WORKERS COVERED. The [[minimum]] >>living<< wage requirement of sub. 3 shall apply to part-time employees performing work as part of a service contract, as defined in sub. 2.

Part 2. Section 310-13-6 of the code is amended to read:

6. SERVICE CONTRACT BID AND REQUEST-FOR-PROPOSAL SPECIFICATIONS. The proper city officials shall add a digest of the provisions of this section to all specifications for service contract work upon which they call for bids or issue requests for proposals >>unless the central board of purchases, upon recommendation of the purchasing director, approves the waiver of the provisions in cases where it is likely that no bids or proposals will be received without such a waiver<<.

Part 3. Section 310-13-8 of the code is amended to read:

8. POSTING OF WAGE RATE. For every service contract, as defined under sub. 2, the [[minimum]] >>living<< hourly wage required by sub. 3 shall be kept posted by the contractor at the site of the work in a prominent place where it can be easily seen and read by persons employed in the performance of such contract. In addition, copies of the [[minimum]] >>living<< hourly wage requirement shall be supplied to any person employed in the performance of a service contract at the request of such person and within a reasonable period of time after the request.

**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, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 1 - Butler

[990234](#)

A substitute charter ordinance relating to accidental death benefits.

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

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

36-05. Benefits.

5. ACCIDENTAL DEATH BENEFIT.

a. Spouse or Child's Annuity.

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

Part 2. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed under s. 66.01(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

5) [990253](#) A substitute charter ordinance relative to administration of health and dental COBRA benefits for City of Milwaukee retirees.

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

Part 1. Section 36-15-1-a of the code is amended to read:

36-15. Administration. 1. ANNUITY AND PENSION BOARD. a. Retirement System and Group Life Insurance. The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of this act are hereby vested in an annuity and pension board which shall be organized immediately after the first 4 members provided for in this section have qualified and taken the oath of office. In addition to all other duties and responsibilities assigned to the board by the provisions of the employees' retirement act, the board shall be responsible for administering the >>city's<< group life insurance program >>, retiree health benefits and retiree dental COBRA benefits<< as provided for in ordinance adopted by the common council.

Part 2. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed under s. 66.01(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

ADOPTION OF THE FOLLOWING:

- 6) [990238](#) Resolution approving Official Statement issued in conjunction with the sale of City of Milwaukee, Wisconsin, General Obligation Corporate Purpose Bonds, Series O and General Obligation Short-Term Promissory Notes, Series B9-.
- Whereas, The City Comptroller on June 3, 1999 issued an Official Statement for the purpose of providing comprehensive financial and economic information respecting the City of Milwaukee as an aid to bidding on June 15, 1999, for City of Milwaukee, Wisconsin, General Obligation Corporate Purpose Bonds, Series O and City of Milwaukee General Obligation Short-Term Promissory Notes, Series B9; and
- Whereas, Financial and economic information has been compiled by the Office of the Comptroller from its annual financial report, property tax records maintained by the Assessor's Office and from other books and records of the City; and
- Whereas, Concurrently with the delivery of the Series O Bonds, and the Series B9 Notes, the City will deliver its certificate signed by its Comptroller stating that the description and statements, including financial statements, as pertaining to the City contained in the Official Statement as of its date and the date of sale and delivery of the Series O Bonds, and the Series B9 Notes, were and are true and correct in all material respects and do not contain an untrue statement of a material fact or omit to state a material fact required to be included therein or necessary to make the statements contained therein in the light of circumstances in which they were made not misleading; and
- Whereas, Such certificate will further confirm to the effect that insofar as the descriptions and statements including financial data, contained in the Official Statement of or pertaining to non-governmental bodies and governmental bodies other than the City are concerned, such description, statements and data have been obtained from sources believed by the City to be reliable, and that the City has no reason to believe that they are untrue or incomplete in any material respect; and
- Whereas, It is the intention of the Common Council to approve the aforementioned Official Statement on the basis of the representation of the Comptroller to be included in the certificate signed by the Comptroller and delivered concurrently with the delivery of the Series O Bonds, as well as the Series B9 Notes; and
- Whereas, The City has identified the specific purposes for which the proceeds of the Bonds and Notes will be expended and the dates by which expenditures will be made; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Official Statement issued in relation to the sale of \$43,215,000 City of Milwaukee General Obligation Corporate Purpose Bonds, Series O and \$3,760,000 City of Milwaukee General Obligation Short-Term Promissory Notes, Series B9 be and hereby is approved; and, be it

Further Resolved, That the City covenants that it will comply with the provisions of the Internal Revenue Code of 1986, Section 103 and Sections 141 to 150, and amendments and applicable regulations adopted thereto if and to the extent required to maintain the exemption of interest on the Series O Bonds and the Series B9 Notes from federal income taxation.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 7) [990239](#) Substitute resolution reserving an additional \$100,000 in the 1999 Common Council Contingent Fund (Account No. 0001-9990-0001-C001) for the City Clerk to pay for actuarial work subcontracted by the law firm, Reinhart, Boerner, Van Dueren, Norris & Rieselbach, for purposes related to global pension settlement discussions with unions and retirees.

Whereas, The City of Milwaukee faces potential costs of several million dollars annually as a result of the various pension lawsuits; and

Whereas, There is no unfunded liability in the pension system taken as a whole and there are sufficient surplus reserves available in the pension system taken as a whole to pay the additional liabilities incurred by the system as a result of the losses in pension lawsuits; and

Whereas, The City of Milwaukee has expressed to union presidents, retiree representatives and pension board members that it believes there may be a legal basis to negotiate and enforce a binding agreement on pension litigation and other pension issues; and

Whereas, The City of Milwaukee is presently engaged in discussions with the unions and retirees in order to reach a settlement on pension litigation; and

Whereas, The current and future financial impact of proposals put forth by the City, unions and retirees must be evaluated before such proposals can be discussed; and

Whereas, The City of Milwaukee has retained an actuary firm that has created a financial model that the city can use to evaluate the current status of the pension system and projected costs of any settlement proposals that are presented; and

Whereas, These actuarial activities are being subcontracted by the law firm Reinhart, Boerner, Van Dueren, Norris & Rieselbach, which is acting as a consultant to the city in matters related to global settlement talks; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the sum of \$100,000 be reserved in the 1999 Common Council Contingent Fund (Account No. 0001-9990-0001-C001) to fund actuarial work subcontracted by the law firm Reinhart, Boerner, Van Dueren, Norris & Rieselbach for purposes related to settlement of pension lawsuits; and, be it

Further Resolved, That up to \$100,000 of the reserved funds may be expended for the purpose stated above with the approval of the Budget Director.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 8) [990248](#) Substitute resolution amending Common Council File 980728 relative to application, acceptance and funding of the Women, Infants and Children's Grant.

Whereas, Common Council File 980728 authorized the Health Department to apply for, accept and fund the Women, Infants and Children's Grant from the Wisconsin Department of Health and Family Services through the United States Department of Agriculture for the purpose of providing nutrition education and supplemental nutritious food. This grant provided for a Grantor share total of \$ 1,134,387; and

Whereas, The Grantor share for this program is increased by \$35,892; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that application to the Wisconsin Department of Health and Family Services through the United States Department of Agriculture is authorized and the Health Department shall accept such a grant without further Common Council 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 Project/Grant Parent 1999 Special Revenue Grant and Aid Projects fund, the following amount for the project titled Women, Infants and Children's Grant:

Project/Grant	GR0009000000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$35,892 (increase)

; and, be it

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

1. Expend from the 1999 grant budget funds for specified items of equipment;
2. Expend from the 1999 grant budget funds for training and out-of-town travel by departmental staff; and, be it

Further Resolved, That the Common Council directs that the 1999 Positions Ordinance, Common Council File 980575, should be amended as follows:

HEALTH DEPARTMENT  
PUBLIC HEALTH SERVICES DECISION UNIT  
Women, Infants and Children's Grant

Delete:

- (1 ) Office Assistant III
- (1 ) Office Assistant II

; and, be it

Further Resolved, That all standard resolved clauses articulated in Common Council File 980728 remain applicable.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 9) [990251](#) Resolution authorizing issuance of short-term promissory notes under sec. 67.12(1), Stats., for the purpose of financing the operating budget of the Milwaukee Public Schools on an interim basis. (City Atty.)

Whereas, The Milwaukee Public Schools is a department of the City authorized by secs. 65.05 and 119.46, Stats., to determine its expenditures and the taxes to be levied therefor; and

Whereas, The Milwaukee Public Schools operates on a fiscal year commencing July 1, 1999 through June 30, 2000; and

Whereas, Section 119.46, Stats., establishes a School Operations Fund and authorizes the Milwaukee Public Schools to establish the amount of money therefor required for the ensuing school year and the amount of property tax to be levied therefor; and

Whereas, The anticipated state general aid revenue payments for the School Operations Fund for fiscal year 1999-2000 amount to \$542,888,573; and the anticipated state general aid revenue payments under sec. 121.15, Stats., represent 67.9% of the anticipated revenues for the School Operations Fund for fiscal year 1999-2000; and

Whereas, The Milwaukee Public Schools is anticipating the receipt of equalization aid revenues from the State of Wisconsin in September, 1999, December, 1999, March, 2000 and June, 2000, and specifically in the amount of \$177,000,000 in June, 2000; and

Whereas, Operating expenses are incurred on a uniform basis throughout the school year; and

Whereas, The Milwaukee Public Schools has determined that it will be necessary to finance the operating budget of the Milwaukee Public Schools on an interim basis between now and the receipt of state general aid revenues during fiscal year 1999-2000; and

Whereas, The City of Milwaukee is a municipality authorized to borrow money for school purposes; and

Whereas, Section 67.12(1), Stats., authorizes the City to borrow money for the

School Operations Fund in anticipation of receiving payments of general aid revenues as hereinbefore referred to; and

Whereas, The Administration of the Milwaukee Public Schools has requested that the City issue notes pursuant to sec. 67.12(1), Stats., to finance the operating budget of the Milwaukee Public Schools on an interim basis pending receipt of state general aid revenues; and

Whereas, The purpose of this resolution is to authorize the sale of such notes, to authorize and direct the pledging of revenues of the School Operations Fund to the payment of debt service on such notes, to authorize and direct the segregation of general aid revenues due and payable in June, 2000 within the School Operations Fund to the payment of the principal of such notes at maturity and to pledge and segregate in a separate account in the Debt Service Fund an amount sufficient to pay the interest on such notes at maturity; 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 short-term promissory notes pursuant to the provisions of sec. 67.12(1), Stats., in an amount not to exceed \$100,000,000 for the purpose of financing the operating budget of the Milwaukee Public Schools on an interim basis pending receipt of state general aid revenue payments during fiscal year 1999-2000; and, be it

Further Resolved, That said promissory notes be sold by the Commissioners of the Public Debt at 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 shall be dated no later than September 30, 1999, shall have a maturity not to exceed one year, shall be registrable in the name CEDE & Co. as nominee of the Depository Trust Corporation, New York, New York, and shall not be subject to redemption prior to maturity; and, be it

Further Resolved, That said promissory notes shall be issued in numerical series beginning with Series of 1999-B, and notes in each series shall be numbered consecutively beginning with the number 1; and, be it

Further Resolved, In accordance with authorization from the Board of School Directors of the Milwaukee Public Schools, that the Common Council hereby declares that it will irrevocably pledge all revenues of the School Operations Fund due and not yet paid as of the date of delivery of and payment for the notes and which are not otherwise applied through June 30, 2000 as security for repayment of such obligations; and, be it

Further Resolved, That in accordance with authorization from the Board of School Directors of the Milwaukee Public Schools for the purpose of securing payment of principal on each of said notes as the same fall due, the proper City officers are hereby authorized and directed to segregate through June 30, 2000 within the School Operations Fund state general aid revenue payments under sec. 121.15, Stats., received in June, 2000, in the amount of the principal obligation of the short-term promissory notes; and, be it

Further Resolved, That surplus revenues in the Debt Service Fund be and hereby are pledged to the payment of accrued interest on the short-term promissory notes at maturity, and that the proper City officers be and hereby are authorized and directed to create a separate account in the Debt Service Fund from surplus revenues within the fund in the amount of accrued interest to maturity for the purpose of paying the interest on the short-term promissory notes upon maturity; and, be it

Further Resolved, That the proper City officers be and hereby are authorized and directed to deposit with a trustee on or before June 30, 2000 pledged revenues to purchase direct obligations of the U.S. Government in an amount sufficient together with earnings thereon to pay the principal and interest due on such notes at maturity; and, be it

Further Resolved, That said notes are not intended to be arbitrage notes and that there is no reasonable expectation of the City of Milwaukee realizing arbitrage proceeds; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that the addendum to the agreement by and between the City and The Chase Manhattan Bank, a copy of which is attached to this file, be and hereby is approved, and the proper City officers be and hereby are authorized and directed to execute the same on behalf of the City of Milwaukee; and, be it

Further Resolved, That such short-term promissory notes shall not constitute an indebtedness for purposes of determining the municipality's constitutional debt limitation, and no tax shall be levied to pay such obligations; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that the City Comptroller be and hereby is authorized and directed to prepare the official statement in connection with the issuance of such notes and to execute on behalf of the City all certifications which may be required in connection with the official statement; and, be it

Further Resolved, The City covenants to take all actions necessary to preserve the exemption of interest on the notes from federal income taxation. No use of the

proceeds of the sale of the notes shall be made which, if such use had been reasonably expected on the date of issue of the notes, would have caused such notes to be "arbitrage bonds" as defined in Subsection (d)(2) of Section 103 and Section 148 of the U.S. Internal Revenue Code of 1986. The City shall comply with the requirements of Sections 141 through 150 of said Internal Revenue Code and the applicable regulations of the Internal Revenue Service adopted thereunder throughout the term of the notes. The provisions of this section shall be a covenant with the purchasers of the notes; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that a Continuing Disclosure Certificate, in substantially the form as customarily provided, be dated the date of initial delivery of the Notes, is hereby 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 be and hereby 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 hereby 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.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 10)      [990252](#)      Resolution authorizing collateral pledge and bailment agreement. (City Treasurer)
- Whereas, Section 34.07, Stats., authorizes the City to require any public depository to give security for any public deposits that exceed the amount of deposit insurance provided by an agency of the United States or by the Wisconsin Credit Union Savings Insurance Corporation and the coverage provided under section 34.08(2), Stats.; and
- Whereas, Comm Council Resolution File No. 83-1833-C authorizes the treasurer, on behalf of the City of Milwaukee, to execute separate forms of collateral pledge

agreements and bailment agreements similar to those annexed to that file (and herein referred to as the "Standard Forms") in dealing with local banks and bailees; and

Whereas, The treasurer has negotiated a new, hybrid, combined form of collateral pledge and bailment agreement with Norwest Bank Wisconsin, N.A. and Norwest Bank Minnesota, N.A., annexed hereto as Exhibit 1 (herein referred to as the "Hybrid Form"); and

Whereas, The treasurer wishes the council: to adopt the new Hybrid Form as an additional form pre-approved by the council along with the Standard Forms annexed to File No. 83-1883-C; and to authorize treasurer signature of the Hybrid Form with Norwest; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the combined form of collateral pledge and bailment agreement annexed hereto as Exhibit 1 be and the same hereby is approved, and the execution of such agreement by the treasurer is hereby authorized; and, be it

Further Resolved, That the treasurer be and hereby is authorized on behalf of the city to execute agreements with other banks and bailees, in the same or substantially the same form and format of either the Hybrid Form or the Standard Forms, except that the amount of the fidelity bond, and the amount or quality of collateral, required under the terms of any such agreement may be varied by the treasurer in his or her discretion after consultation with the city comptroller; and, be it

Further Resolved, That as referred to in File No. 930358, the form of collateral pledge and bailment agreement that the treasurer is authorized to execute on behalf of the city shall be the same or substantially the same form and format of either the Hybrid Form or the Standard Forms.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 11) [990254](#) Resolution approving amendment to contract with CNR Health, Inc. for utilization review/case management services related to the City's Basic Health Plan and authorizing the execution of the contract amendment. (City Atty.)

Whereas, The Department of Employee Relations - Employee Benefits Division was authorized by Common Council File No. 972012 enter into a contract with CNR

Health, Inc. to provide Utilization Review/Case Management Services for the City's Basic Health Plan, for a three-year term beginning January 1, 1999 and ending December 31, 2001; and

Whereas, CNR Health, Inc. has offered to provide additional utilization review/case management services in connection with review of services for outpatient medical care and outpatient behavioral health care, for an additional fee of \$.30 per member per month; and

Whereas, The Common Council of the City of Milwaukee now desires to authorize the execution of an amendment to the City's contract with CNR Health, Inc., retroactive to January 1, 1999, to provide for such services; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the amendment to the City's contract with CNR Health, Inc., in the form appended to this file, is hereby approved; and, be it

Further Resolved, That the proper City officials are authorized on behalf of the City to execute the aforesaid amendment.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 12) [990263](#) Substitute resolution approving settlement of claims related to the Fair Labor Standards Act with various members of the Milwaukee Police Department (Police Department).

Whereas, A complaint was filed on April 8, 1996, by Bradley DeBraska, et al, and by over 1400 individual police officers currently or formerly in the employ of the City of Milwaukee against the City of Milwaukee, alleging that the City had violated the Fair Labor Standards Act, 29 U.S.C. §201, et seq., in the manner in which it administered various aspects of overtime compensation within the Milwaukee Police Department and in the manner in which it compensated police officers in the employ of the City of Milwaukee for overtime work for the period commencing April 8, 1993; and

Whereas, The Common Council approved a settlement of these claims on September 23, 1998, in file 980736; and

Whereas, The City of Milwaukee administered overtime and overtime compensation

to several civilian employees in the same manner as those police officers named in DeBraska, et al v. City of Milwaukee; and

Whereas, A potential civil action by these civilian members would also likely result in a finding by a Court of a violation on the part of the City of the provisions of the Fair Labor Standards Act with respect to administration and/or payment of overtime, and accrual of sizable monetary liabilities for the City; and

Whereas, In light of the foregoing, and further in light of the difficulties and uncertainties that would necessarily be incurred in the defense of the City's position should these ALEASP members initiate legal action against the City with respect to its administration and/or payment of overtime compensation, the City Attorney has determined that it would be in the best interests of the City to pursue settlement with the affected civilian employees, and a release of any civil claims against the City with respect to travel time incurred while serving as members of the Background Investigation Unit of the Milwaukee Police Department; and

Whereas, The City Attorney recommends that the Common Council approve the terms of settlement agreed to by the affected persons; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the releases of claims as attached to this file be and hereby are approved in their entirety; and, be it

Further Resolved, That the specific amounts stipulated in the attached releases of claims be paid from existing Police Wage and Salary (0001-3310-000600-0001-R999) appropriations; and, be it

Further Resolved, That the appropriate City officials are hereby authorized and directed to execute all instruments and documents and to take any other actions as may be necessary to implement the provisions of this resolution.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

CONFIRMATION OF THE FOLLOWING:

- 13) [990165](#) Appointment by the Common Council President of a person to serve on the Employee's Retirement, Annuity and Pension Board.



**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

[990225](#)

Appointment of Sue Riordan to the Milwaukee Public Library Board by the Mayor. (14th Aldermanic District)

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

PLACING ON FILE THE FOLLOWING:

15)

[981685](#)

Resolution to authorize the business functions of the COBRA Dental Program to be transferred from the Department of Employee Relations, Employee Benefits Division, and administered by the Employee Retirement System. (DER)

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

**No:** 0

16)

[990038](#)

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

**No:** 0

- 17) [990058](#) Resolution approving a Memorandum of Understanding between the City Negotiating Team and Milwaukee District Council 48, AFSCME, AFL-CIO relative to compensation for the position of Network Analyst-Assistant. (Labor Relations Div.)

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

**No:** 0

- 18) [990160](#) A substitute ordinance relating to contracting for services under the city's equal opportunities - disadvantaged business enterprise program.

**Sponsors:** Ald. Pratt

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

THE FINANCE & PERSONNEL COMMITTEE FURTHER RECOMMENDS:

ADOPTION OF THE FOLLOWING:

- 19) [990126](#) Substitute resolution relating to a contract to hire a consultant, to be funded from the 1999 Common Council Contingent Fund, to evaluate the City's Y2K efforts.
- Whereas, The City of Milwaukee has numerous, interrelated computer systems, many of which are necessary for provision of basic City services; and
- Whereas, To date, the City has not received any outside evaluation of its Y2K-compliance efforts; and
- Whereas, An outside evaluation would be an indication of the city's proactive steps to reduce and eliminate Y2K-related problems and may reduce the city's potential legal exposure; and
- Whereas, City departments are at various levels of Y2K-readiness based upon the 9 standards currently used by the City, ranging from less than 5% to over 80%; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that \$125,000 is reserved within the 1999 Common Council Contingent Fund:

Fund Ord Program Subclass BY Account 0001 9990 0001 C001 1999 00-6300

for the purpose of hiring a consultant to evaluate the City's Y2K efforts; and, be it Further Resolved, That the consultant shall perform the following tasks:

1. Evaluate the City's progress on Y2K compliance for critical services, such as fire and police services, water delivery, traffic services, etc.
2. Estimate the likelihood of failure of these critical services based upon current status of each system.
3. Examine the quality of management of Y2K preparedness.
4. Analyze resource availability and management commitment to prevention of Y2K problems.
5. Assess the City's contingency planning progress.
6. Evaluate testing methodologies related to Y2K compliance used by each department.
7. Evaluate Y2K-preparedness of each City department.

; and, be it

Further Resolved, That the consultant will be selected by a 3-member committee consisting of the President of the Common Council, the Chair of the Finance and Personnel Committee and the Chair of the Milwaukee Information Policy Committee and the committee shall be staffed by the City Clerk's Office; and, be it

Further Resolved, That the consultant's report will be submitted to the Council within 30 days following the award of the contract; and, be it

Further Resolved, That the appropriate City officials are authorized to execute an agreement with the consultant for the purpose of providing consulting services as provided for in this resolution.

**Sponsors:** Ald. Richards, Ald. Kalwitz and Ald. Pratt

**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, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Hines Jr.

**No:** 1 - Murphy

**Sponsors:** Ald. Richards, Ald. Kalwitz and Ald. Pratt

*Ald. Pratt moved for reconsideration of this file at the request of the City Comptroller's Office, He wishes to offer a Substitute 2 to make a technical correction to this file which would appropriate the \$125,000 to a special account within the Conntingent Fund, and authorzie the City Clerk to expend the funds appropriated for the consultant.*

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

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

**No:** 1 - Murphy

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

[990126](#)

Substitute resolution relating to a contract to hire a consultant, to be funded from the 1999 Common Council Contingent Fund, to evaluate the City's Y2K efforts.

**Sponsors:** Ald. Richards, Ald. Kalwitz and Ald. Pratt

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

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

**No:** 1 - Murphy

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

Whereas, The City of Milwaukee has numerous, interrelated computer systems, many of which are necessary for provision of basic City services; and

Whereas, To date, the City has not received any outside evaluation of its Y2K-compliance efforts; and

Whereas, An outside evaluation would be an indication of the city's proactive steps to reduce and eliminate Y2K-related problems and may reduce the city's potential legal

exposure; and

Whereas, City departments are at various levels of Y2K-readiness based upon the 9 standards currently used by the City, ranging from less than 5% to over 80%; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Comptroller is authorized and directed to transfer \$125,000 from the 1999 Common Council Contingent Fund to a special account within the Contingent Fund established for the purpose of procuring a consultant to evaluate the City's Y2K efforts; and, be it

Further Resolved, That the City Clerk is authorized and directed to use said funds for such purpose; and, be it

Further Resolved, That the consultant shall perform the following tasks:

1. Evaluate the City's progress on Y2K compliance for critical services, such as fire and police services, water delivery, traffic services, etc.
2. Estimate the likelihood of failure of these critical services based upon current status of each system.
3. Examine the quality of management of Y2K preparedness.
4. Analyze resource availability and management commitment to prevention of Y2K problems.
5. Assess the City's contingency planning progress.
6. Evaluate testing methodologies related to Y2K compliance used by each department.
7. Evaluate Y2K-preparedness of each City department.

; and, be it

Further Resolved, That the consultant will be selected by a 3-member committee consisting of the President of the Common Council, the Chair of the Finance and Personnel Committee and the Chair of the Milwaukee Information Policy Committee and the committee shall be staffed by the City Clerk's Office; and, be it

Further Resolved, That the consultant's report will be submitted to the Council within 30 days following the award of the contract; and, be it

Further Resolved, That the appropriate City officials are authorized to execute an agreement with the consultant for the purpose of providing consulting services as provided for in this resolution.

**Sponsors:** Ald. Richards, Ald. Kalwitz and Ald. Pratt

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

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

**No:** 1 - Murphy

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

**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) [981367](#) A substitute ordinance relating to denial, nonrenewal, suspension and revocation of licenses for food dealers and filling stations.

**Sponsors:** Ald. Butler, Ald. Henningsen, Ald. Johnson-Odom, Ald. D'Amato, Ald. Richards and Ald. Gordon

*ALD. GORDON presented a substitute ordinance to be offered in lieu of the substitute ordinance recommended for passage by the Utilities Licenses Committee and moved for its acceptance.*

*The motion prevailed.*

*ALD. GORDON moved for passage of the foregoing substitute ordinance.*

*The motion prevailed.*

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

**Aye:** 13 - Kalwitz, D'Amato, Henningsen, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier Hines Jr.

**No:** 3 - Pratt, Schramm Nardelli

**Excused:** 1 - Murphy

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

Part 1. Section 68-4-3 to 9 of the code is repealed and recreated to read:

68-4. Food Dealer License.

3. PROCEDURE FOR ISSUING NEW OR RENEWAL LICENSE. a. The commissioner shall issue a license to each applicant for a new or renewal license who meets all the requirements of this section and has paid to the city treasurer the fee required in s. 60-21 unless there is an objection by the commissioner, the department of neighborhood services, the common council member in whose district the food establishment is located, or any neighbor or other interested person. If there is an objection to the issuance or renewal of a license, the procedure for considering the license application shall be as specified in sub. 10.

b. The late renewal fee for licenses issued under ss. 60-21 to 60-31 may not be waived unless definite proof exists that the delay is the fault of the department.

4. POSTING. Each licensee shall post his or her license in a conspicuous place on the food establishment premises.

5. CHANGES TO BE REPORTED. a. A licensee shall notify the commissioner whenever there is a change in any information that is reported in the application form or renewal application form. The licensee shall make this notification in writing within 5 days after the change occurs.

b. The owner of any premises for which a license has been granted shall promptly notify the department in writing of his or her intention to cease operations.

c. An individual applicant or licensee who resides outside Wisconsin or who leaves the state for an extended period of time shall provide the commissioner or the commissioner's authorized agent with the name, address and telephone number of a responsible person or agent within the state of Wisconsin upon whom any process, notice or demand required or permitted under this section to be served upon the licensee may be served. Violation of this section may result in suspension or revocation of the license.

6. INSPECTION BY HEALTH DEPARTMENT. Authorized employees of the health department, upon presenting proper identification, shall be permitted to enter any food establishment at any reasonable time for the purpose of inspecting to determine compliance with city and state health regulations. The representative shall be permitted to examine the records of the food establishment to obtain information about gross annual food sales for restaurant and retail stores, food and supplies

purchased, received or used.

7. **SUSPENSION FOR NONRENEWAL.** The commissioner shall notify the appropriate city officials and order the immediate enforcement of this section in cases involving failure to renew a food dealer's license. Such a licensee shall be prohibited from manufacturing, offering for sale, distributing or selling food until a valid license has been applied for and obtained under this section.

8. **INSUFFICIENCY OF FUNDS; NONPAYMENT OF FEES.** a. If payment for a license fee is made by check or other draft drawn upon an account containing insufficient funds, the applicant shall, within 15 days after receipt of notice from the department of the insufficiency, pay by cashier's check or other certified draft, money order or cash, the fees, late fees and processing charges as specified by city code. Nonpayment of all applicable fees, late fees and processing charges within 15 days after the applicant received notice of the insufficiency shall deem the license null and void. The establishment shall close until a new application is made, a new license obtained, and the applicable fees are paid.

b. Any individual or corporation that owes the city for unpaid fines, late fees, or license fees relating to a current or previous food operation shall pay all such outstanding fees before a license is issued.

9. **OBSTRUCTION OF HEALTH DEPARTMENT EMPLOYEES.** No person may assault, restrain, threaten, intimidate, impede, interfere with or otherwise obstruct the commissioner or an authorized agent in the performance of his or her duties under this section, nor shall the operator give false information with the intent to mislead the commissioner or authorized agent. Violation of this subsection may result in revocation of a license.

Part 2. Section 68-4-10 to 18 of the code is created to read:

10. **PROCEDURE FOR DENIAL OR NONRENEWAL OF LICENSE.** a. If there is an objection to an application for a new or renewal license, the commissioner shall so notify the city clerk. The utilities and licenses committee shall hold a hearing on whether to issue the license. Causes for denial or nonrenewal of an application or license shall be those specified in sub. 11.

b. The city clerk shall give each applicant at least 3 working days notice of the date and time of the hearing and of the specific charges upon which the hearing will be conducted. The applicant shall have an opportunity to appear at the hearing, be represented by counsel, cross-examine witnesses who oppose the renewal of the license and present evidence in favor of issuance or renewal of the license.



c. At the conclusion of the hearing, the committee shall make a recommendation to the common council concerning issuance of a new or renewal license. The committee shall provide a written report of its findings and recommendations to the city attorney, the commissioner, the licensee or applicant and each member of the common council.

d. Where it is impractical for the utilities and licenses committee to hold an evidentiary hearing, the committee may employ a hearing officer for the purposes of taking testimony and rendering recommended findings of fact and conclusions of law to the committee. When such hearing officer is employed, he or she shall prepare written findings of fact and conclusions of law which shall be simultaneously transmitted to the utilities and licenses committee as well as the licensee, the licensee's agent, manager, operator or any other employe of the licensee and to the person bringing the complaint or objection. The chair of the utilities and licenses committee shall schedule a hearing on the receipt of the report of the hearing officer in not more than 30 days from receipt of the report of the hearing officer. Notice of the utilities and licenses committee hearing on the report shall be given to all parties. The utilities and licenses committee may take and reserve additional evidence at the time of said hearing. The utilities and licenses committee may accept or reject the report of the hearing officer and make any changes to the report which are warranted by the circumstances, the evidence presented and any arguments of the parties who appeared before the hearing officer and the committee. The utilities and licenses committee shall transmit its recommendation to the full common council for action.

e. Whenever the utilities and licenses committee recommends nonrenewal of an existing license, the applicant shall be given no less than 5 days notice of the date set for hearing by the common council.

f. At the meeting of the common council, the chair shall allow oral argument by an applicant who, at least 2 days prior to the date of the meeting, has presented written objections to the recommendations of the utilities and licenses committee. The city attorney shall also be permitted to make a statement. Oral arguments shall be limited to 5 minutes on behalf of each party.

g. A roll call vote of the common council shall be taken as to whether the recommendation of the committee shall be accepted. The applicant shall be provided with written notice of the results of the common council vote.

h. All objections to renewal of a license shall be heard and acted upon by the common council at least 60 days before expiration of the license.

11. CAUSES FOR COUNCIL DENIAL, REVOCATION OR SUSPENSION OF LICENSE. An application for a new or renewal food dealer's license may be denied, or any license issued under this section may be suspended or revoked, by the

common council for any of the following causes:

- a. Failure of the applicant or licensee to meet the statutory and municipal license qualifications, except for failure to meet sanitary or other health-related qualifications or other circumstances described in s. 68-6 as grounds for license revocation or suspension by the commissioner of health.
- b. A false or materially incorrect statement made by the applicant in his or her application.
- c. Violation of any provision of this section by the applicant, licensee or any employe of the food establishment.
- d. The conviction of the applicant or licensee, his or her agent, manager, operator or any other employe for sale or possession with intent to sell any controlled substance or for any felony related to the licensed operation which, in the judgment of the common council, is pertinent to the license being applied for or renewed.
- e. A showing that the applicant or licensee has violated any state law or city ordinance prohibiting the sale of tobacco products to underage persons.
- f. The violation of any of the excise laws of the state.
- g. A showing that the licensed premises has been the source of congregations of persons which have resulted in one or more of the following:
  - g-1. Disturbance of the peace.
  - g-2. Illegal drug activity.
  - g-3. Public drunkenness.
  - g-4. Drinking in public.
  - g-5. Harassment of passers-by.
  - g-6. Gambling.
  - g-7. Prostitution.
  - g-8. Sale of stolen goods.
  - g-9. Public urination.

- g-10. Theft.
- g-11. Assaults.
- g-12. Battery.
- g-13. Acts of vandalism, including graffiti.
- g-14. Excessive littering.
- g-15. Loitering.
- g-16. Illegal parking.
- g-17. Loud noise at times when the licensed operation is open for business.
- g-18. Traffic violations.
- g-19. Curfew violations.
- g-20. Lewd conduct.
- g-21. Display of materials harmful to minors, pursuant to s. 106-9.6.

12. DISQUALIFICATION FOR LICENSE. a. Whenever any licensee is denied renewal by the common council, it shall be so entered on the record by the commissioner and no other food dealer's license shall be so granted to such person for that location within 12 months of the date of nonrenewal.

b. When any license is surrendered in lieu of pending nonrenewal proceedings, no other food dealer's license shall be granted to such person within 12 months of the date of its surrender.

13. PROCEEDINGS TO SUSPEND OR REVOKE LICENSE FOR REASONS RELATING TO UNSANITARY CONDITIONS. Proceedings to suspend or revoke a food dealer's license for reasons relating to unsanitary or other health-related conditions or for serious or repeated violations of any of the requirements of this chapter shall be conducted in accordance with the provisions of s. 68-6.

14. COMMENCEMENT OF PROCEEDINGS TO SUSPEND OR REVOKE LICENSE FOR REASONS NOT RELATING TO UNSANITARY CONDITIONS. Proceedings to suspend or revoke a food dealer's license for

reasons other than the grounds for suspension or revocation described in s. 68-6 may be initiated by the utilities and licenses committee of the common council upon its own motion, upon sworn written charges made and filed with the commissioner by the chief of police or upon a sworn written complaint filed with the commissioner by any city resident.

15. PROCEDURES FOR REVOCATION OR SUSPENSION. a. Complaint; Summons.

a-1. Whenever any person files either sworn written charges or a sworn written complaint with the commissioner setting forth specific charges against a licensee relating to any of the causes for revocation or suspension of a license set forth in sub. 11, the city clerk shall issue a summons, as authorized by Wisconsin statutes, demanding that the licensee appear before the utilities and licenses committee of the common council, not less than 3 days nor more than 10 days from the date of issuance, to show cause why the license should not be revoked or suspended.

a-2. A police officer shall serve the summons upon a licensee in accordance with Wisconsin statutes, and shall also serve a copy of the complaint with a copy of this subsection upon the licensee.

b. Committee Hearing. b-1. Upon receipt of evidence that the summons has been served, the utilities and licenses committee of the common council shall convene at the date and time designated in the summons for the purpose of taking evidence and making findings of fact and conclusions of law and a recommendation to the common council in connection with the proposed revocation or suspension.

b-2. If the licensee appears before the committee at the time designated in the summons and denies the charges contained in the complaint, an evidentiary hearing in connection with the revocation or suspension shall be conducted by the committee at that time. If the licensee does not appear, or appears but does not deny the charges contained in the complaint, the complaint shall be taken as true and the committee shall hear the arguments of the city attorney and the licensee in connection with the revocation or suspension.

b-3. At any evidentiary hearing required by this subsection, the city attorney shall first present evidence in support of the complaint. After the city attorney rests, the licensee shall present evidence in opposition to the complaint. Each may subpoena witnesses. All witnesses shall testify under oath and shall be subject to cross-examination under oath. At the close of the testimony, each shall be given a reasonable time to make arguments upon the evidence adduced at the hearing.

b-4. The chair of the utilities and licenses committee shall be the presiding officer.

The chair shall direct that oaths be administered and subpoenas issued upon request of either side. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this subsection. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

b-5. At all stages of the proceedings before the committee or before the common council, the licensee shall be entitled to appear both in person and by an attorney.

b-6. A stenographic record shall be made of all proceedings before the committee and before the common council when written exceptions have been filed. Any interested party may at any stage of the proceedings order a copy of the transcript of the record or portions thereof at his or her own expense.

c. Hearing Officer. Where it is impractical for the utilities and licenses committee to hold an evidentiary hearing, the committee may employ a hearing officer for the purposes of taking testimony and rendering recommended findings of fact and conclusions of law to the committee. When such hearing officer is employed, he or she shall prepare written findings of fact and conclusions of law which shall be simultaneously transmitted to the utilities and licenses committee as well as the licensee, the licensee's agent, manager, operator or any other employe of the licensee and to the person bringing the complaint or charges. The chair of the utilities and licenses committee shall schedule a hearing on the receipt of the report of the hearing officer in not more than 30 days from receipt of the report of the hearing officer. Notice of the utilities and licenses committee hearing on the report shall be given to all parties. The utilities and licenses committee may take and reserve additional evidence at the time of said hearing. The utilities and licenses committee may accept or reject the report of the hearing officer and make any changes to the report which are warranted by the circumstances, the evidence presented and any arguments of the parties who appeared before the hearing officer and the committee. The utilities and licenses committee shall transmit its recommendation to the full common council for action.

d. Committee Report. d-1. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation on the proposed license revocation or suspension and transmit copies thereof to the city attorney, the commissioner, the licensee and each member of the common council. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee.

d-2. If the committee recommends that the license be revoked or suspended, then within 7 days of the receipt of the report and recommendation of the committee, the

licensee shall file written exceptions, if any, to the report and recommendations of the committee.

d-3. Any exceptions filed by the licensee to the report and recommendations of the committee shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

e. Council Action. e-1. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendation. Not less than 5 days prior to the hearing before the common council, the city clerk shall notify the licensee by certified mail and also notify the city attorney that the common council will convene. If written exceptions are filed, the hearing shall be at the time set for such proceedings by the council's rules. Each member of the common council shall be asked to affirm that he or she has read the report and recommendation of the committee. When written exceptions are filed to a committee report and recommendation that the license be suspended or revoked, each member of the common council shall be asked to affirm that he or she has read the exceptions. If members of the council have not read the recommendation and report of the committee and any exceptions that have been filed thereto, the chair shall allocate time for the members to do so. Oral argument in support of the report and recommendation presented by the city attorney and oral argument on behalf of the licensee in opposition to the report and recommendation shall be permitted only at the discretion of the chair. If such argument is permitted by the chair, each side shall be limited to 5 minutes and the arguments shall be limited to the subject matter of the report and recommendation and the written exceptions.

e-2. The common council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the committee. Such vote shall be a roll call vote. If the common council finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation with the committee's report and recommendation and in accordance with this section, the commissioner shall give notice of each suspension or revocation to the person whose license is suspended or revoked. If the common council finds the complaint to be untrue, the proceedings shall be dismissed without cost to the accused. If the common council finds the complaint to be malicious and without probable cause, the cost shall be paid by the complainant upon invoice from the city.

f. Effective Date of Suspension or Revocation. All suspensions and revocations shall be effective upon service of notice of the suspension or revocation upon the licensee or person in charge of the food establishment at the time of service.

16. REQUEST TO SURRENDER A LICENSE. In the event that a licensee wishes

to surrender his or her license after receiving a notice for a hearing on possible revocation or suspension under this section, the licensee shall request, in writing, permission from the utilities and licenses committee of the common council to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the suspension or revocation hearing.

17. DISQUALIFICATION FOR LICENSE. a. Whenever any license is revoked by the common council it shall be so entered on the record by the commissioner and no other food dealer's license shall be granted to such person within 12 months of the date of its revocation nor shall any part of the money paid for any license so revoked be refunded.

b. No other food dealer's license shall be granted within 30 days from the date of license revocation by the common council to any other person to operate a food establishment on the premises operated by the licensee whose license has been so revoked.

c. When any license is surrendered in lieu of pending revocation or suspension proceedings pursuant to sub. 16, no other food dealer's license shall be granted to such person within 12 months of the date of its surrender nor shall any part of the money paid for any license that has been surrendered be refunded.

Part 3. Section 84-45-6-d to g is renumbered 84-45-6-e to h.

Part 4. Section 84-45-6-d of the code is created to read:

84-45. Filling Stations.

6. PROCEDURE FOR DENIAL OF LICENSE.

d. Where it is impractical for the utilities and licenses committee to hold an evidentiary hearing, the committee may employ a hearing officer for the purposes of taking testimony and rendering recommended findings of fact and conclusions of law to the committee. When such hearing officer is employed, he or she shall prepare written findings of fact and conclusions of law which shall be simultaneously transmitted to the utilities and licenses committee as well as the licensee, the licensee's agent, manager, operator or any other employe of the licensee and to the person bringing the complaint or objection. The chair of the utilities and licenses committee shall schedule a hearing on the receipt of the report of the hearing officer in not more than 30 days from receipt of the report of the hearing officer. Notice of the utilities and licenses committee hearing on the report shall be given to all parties. The utilities and licenses committee may take and reserve additional evidence at the time of said hearing. The utilities and licenses committee may accept or reject the report of the hearing officer and make any

changes to the report which are warranted by the circumstances, the evidence presented and any arguments of the parties who appeared before the hearing officer and the committee. The utilities and licenses committee shall transmit its recommendation to the full common council for action.

Part 5. Section 84-45-7 of the code is repealed and recreated to read:

7. CAUSES FOR COUNCIL DENIAL, REVOCATION OR SUSPENSION OF LICENSE. An application for a new or renewal filling station license may be denied, or any license issued under this section may be suspended or revoked, by the common council for any of the following causes:

- a. Failure of the applicant or licensee to meet the statutory and municipal license qualifications.
- b. A false or materially incorrect statement made by the applicant in his or her application.
- c. Violation of any provision of this section by the applicant, licensee or any employe of the filling station.
- d. The conviction of the applicant or licensee, his or her agent, manager, operator or any other employe for sale or possession with intent to sell any controlled substance or for any felony related to the licensed operation which, in the judgment of the common council, is pertinent to the license being applied for or renewed.
- e. A showing that the applicant or licensee has violated any state law or city ordinance prohibiting the sale of tobacco products to underage persons.
- f. The violation of any of the excise laws of the state.
- g. A showing that the licensed premises has been the source of congregations of persons which have resulted in one or more of the following:
  - g-1. Disturbance of the peace.
  - g-2. Illegal drug activity.
  - g-3. Public drunkenness.
  - g-4. Drinking in public.
  - g-5. Harassment of passers-by.



- g-6. Gambling.
  - g-7. Prostitution.
  - g-8. Sale of stolen goods.
  - g-9. Public urination.
  - g-10. Theft.
  - g-11. Assaults.
  - g-12. Battery.
  - g-13. Acts of vandalism, including graffiti.
  - g-14. Excessive littering.
  - g-15. Loitering.
  - g-16. Illegal parking.
  - g-17. Loud noise at times when the licensed operation is open for business.
  - g-18. Traffic violations.
  - g-19. Curfew violations.
  - g-20. Lewd conduct.
  - g-21. Display of materials harmful to minors, pursuant to s. 106-9.6.
- Part 6. Section 84-45-11 of the code is repealed.
- Part 7. Section 84-45-12 and 13 of the code is renumbered 84-45-11 and 12.
- Part 8. Section 84-45-12-c to e of the code is renumbered 84-45-12-d to f.
- Part 9. Section 84-45-12-c of the code is created to read:
12. PROCEDURES FOR REVOCATION OR SUSPENSION.

c. Hearing Officer. Where it is impractical for the utilities and licenses committee to hold an evidentiary hearing, the committee may employ a hearing officer for the purposes of taking testimony and rendering recommended findings of fact and conclusions of law to the committee. When such hearing officer is employed, he or she shall prepare written findings of fact and conclusions of law which shall be simultaneously transmitted to the utilities and licenses committee as well as the licensee, the licensee's agent, manager, operator or any other employe of the licensee and to the person bringing the complaint or charges. The chair of the utilities and licenses committee shall schedule a hearing on the receipt of the report of the hearing officer in not more than 30 days from receipt of the report of the hearing officer. Notice of the utilities and licenses committee hearing on the report shall be given to all parties. The utilities and licenses committee may take and reserve additional evidence at the time of said hearing. The utilities and licenses committee may accept or reject the report of the hearing officer and make any changes to the report which are warranted by the circumstances, the evidence presented and any arguments of the parties who appeared before the hearing officer and the committee. The utilities and licenses committee shall transmit its recommendation to the full common council for action.

Part 10. Section 84-45-14 to 17 of the code is renumbered 84-45-13 to 16.

Part 11. This ordinance shall take effect July 1, 1999.

**Sponsors:** Ald. Butler, Ald. Henningsen, Ald. Johnson-Odom, Ald. D'Amato, Ald. Richards and Ald. Gordon

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

**Aye:** 14 - Kalwitz, D'Amato, Henningsen, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Murphy Hines Jr.

**No:** 3 - Pratt, Schramm Nardelli

2) [990235](#) A substitute ordinance relating to food license and permit fees.

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

Part 1. Section 60-21 of the code is repealed and recreated to read:

60-21. Food Dealer's License.

1. Each individual food operation, site, location or stand where food is prepared, processed, served, stored or sold shall be issued a food dealer's license and be assessed fees in accordance with this section.

2. The amount of an annual food dealer's license fee shall be the following:

a. Prepack restaurants:

- a-1. For the license year 1999-2000: \$100.
- a-2. For the license year 2000-01: \$113.
- a-3. For the license year 2001-02 and each following license year: \$133.

b. All other restaurants:

Anticipated Gross	Fee for the license years:		
Annual Sales All Food Operations	1999- 2000	2000- 2001	2001-02
	and following		

Less than \$20,000	\$203	\$230	\$270
\$20,001 - \$200,000	315	357	420
\$200,001 - \$2,000,000		476	540
Over \$2,000,000	674	764	898

c. Food Stores - Processing:

Anticipated Gross	Fee for the license years:		
Annual Sales for All Food Operations	1999- 2000	2000- 2001	2001-02
	and following		

Less than \$20,000	\$132	\$150	\$176
\$20,001 - \$200,000	227	257	303
\$200,001 - \$2,000,000	535	606	713
Over \$2,000,000	821	930	1,094

d. Distributors/Food Stores - No Processing:

Anticipated Gross	Fee for the license years:			Annual Sales for All Food
Operations	1999- 2000	2000- 2001	2001-02	and following

Less than \$20,000	\$69	\$78	\$92	\$20,001 - \$200,000	105	118	139	\$200,001 -
\$2,000,000	211	240	282	Over \$2,000,000	345	391	460	

3. The food license fee set under sub. 2-b, c or d for a new operator that starts business after March 31 shall be based on the gross food sales for the time operated during that period.

4. If multiple independent restaurant locations are operated at the same address and by the same person, a separate fee shall be charged for each additional location. An additional restaurant location shall be considered independent if it is physically separated from any other food preparation areas. The annual fee for each additional location shall be \$40.
5. Each license shall be issued for the license period beginning on July 1 and ending the following June 30.
6. License renewals shall be filed by July 1. There shall be an additional fee for the filing of a late renewal application in the amount of \$15. If renewal applications are not sent out by June 15, the late penalty shall be assessed 16 days after the applications are sent.
7. The fee for a duplicate license is \$5.
8. In addition, the applicant shall pay any state of Wisconsin administrative fees, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection. (See s. 68-4.)

Part 2. Section 60-22 of the code is repealed.

Part 3. Section 60-23 of the code is repealed and recreated to read:

60-23. Food License: Temporary - Basic.

1. DEFINITION. "Temporary event" means a single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion that is held for a limited duration at a fixed location.
2. LICENSE. Each individual temporary food operation, site, location or stand where food is prepared, processed, served, stored or sold shall be issued a temporary food dealer's license and be assessed fees in accordance with this section.
3. FEES. a. The following schedule of fees shall apply to a food license temporary food operation. It does not apply to a food establishment that extends its food service to the outside on a temporary basis, for which fees are set under par. d.

Anticipated Gross Annual Sales for	Annual All Food Operations	Fee
Less than \$5,000	\$40	
\$5,000 - \$10,000	79	145
\$10,001 - \$100,000		
\$100,001 - \$250,000	170	
\$250,001 - \$800,000	201	263
Over \$800,000		

b. Except as provided in par. d, the total fee for a temporary food dealer's license shall be a combination of the food operations - basic fee in par. a and the following additional fees, when applicable:

b-1. Food processing - bakery: see s. 60-33.

b-2. Food processing - confectionery: see s. 60-35.

b-3. Food processing - retail: see s. 60-39.

b-4. Restaurant: see par. c.

c. The following fees apply to temporary restaurants:

c-1. For each temporary restaurant at each location or event that operates no more than one day: \$25.

c-2. For each temporary restaurant at each location or event that operates more than one day: \$40.

d. Only the following fees shall apply to a licensed food establishment which extends its food service to the outside on a temporary basis:

d-1. For an extension of a licensed premises that operates one day or less: \$25.

d-2. For an extension of a licensed premises that operates more than one day: \$40.

4. APPLICATION DEADLINE. An applicant for any food-related license in this chapter for a temporary event shall make the application and pay the applicable fee specified in this chapter no later than 5 calendar days prior to the opening date of the temporary event.

5. LATE FEE. Any person who does not meet the application deadline in sub. 4 shall pay a late application fee of \$15 for each individual food operation, site, location or stand where food is prepared, served or sold at the temporary event.

6. DUPLICATE PERMIT. The fee for a duplicate permit is \$5.

7. STATE FEES. In addition, the applicant shall pay any state of Wisconsin administrative fees, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection. (See s. 68-4.)

Part 4. Section 60-31-1-0 of the code is amended to read:

60-31. Food Peddler Permits. 1. The total fee for each food peddler permit shall be a combination of the food peddler basic fee in s. [[60-23]] >>60-29<< and the following additional fees, when applicable:

Part 5. Section 60-31-1-e of the code is created to read:

e. Food processing - retail: see s. 60-39.

Part 6. Section 60-33 of the code is repealed and recreated to read:

60-33. Food Processing -Bakery. 1. The food processing -bakery fee applies to food peddlers and temporary operations that bake at the point of sale. See ss. 60-23 and 60-31.

2. The fee shall be:

Anticipated Gross Annual Sales for Annual This Operation Fee

Less than \$50,000 \$60 \$50,000 and over 97

3. In addition, the applicant shall pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection. (See s. 68-4.)

Part 7. Section 60-35 of the code is repealed and recreated to read:

60-35. Food Processing - Confectionery. 1. The food processing - confectionery fee applies to food peddlers and temporary food operations that process at the point of sale. See ss. 60-23 and 60-31.

2. The fee shall be:

Anticipated Gross Annual Sales for Annual This Operation Fee

Less than \$50,000 \$32 \$50,000 and over 78

3. In addition, the applicant shall pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection. (See s. 68-4.)

Part 8. Section 60-39 of the code is repealed and recreated to read:

60-39. Food Processing - Retail. 1. The food processing - retail fee applies to food peddlers and temporary food operations that process at the point of sale. See ss. 60-23 and 60-31.

2. The fee shall be:

Anticipated Gross Annual Sales for    Annual This Operation Fee

Less than \$50,000    \$43 \$50,000 and over 78

3. In addition, the applicant shall pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection. (See s. 68-4.)

Part 9. Section 60-41 of the code is repealed.

Part 10. Section 60-63 of the code is repealed.

Part 11. Section 60-70 of the code is repealed and recreated to read:

60-70. Reinspection Fee for Health Code Violation. The fee for the third reinspection and each subsequent reinspection to determine compliance with an order to correct a health code violation shall be \$50.

Part 12. Section 60-71 of the code is repealed and recreated to read:

60-71. Mobile Restaurants/Peddlers. 1. The following fees apply to peddlers who serve meals:

a. For prepackaged food - \$44.

b. For food preparation - \$87.

2. In addition, the applicant shall pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection. (See ss. 60-21 and 68-4.)

Part 13. Section 60-79 of the code is repealed.

Part 14. Section 75-30-1 to 3 of the code is amended to read:

75-30. Reinspection. 1. Whenever an order or directive is issued on a health code violation which requires a reinspection to determine compliance, [[one reinspection]] >>2 re inspections<< shall be made without charge and documented by the department following the time period given in the order or directive.

2. If, upon >>the second<< reinspection, the order or directive is found not to have been complied with and additional re inspections are required, a fee shall be assessed the responsible party for each additional reinspection to compensate for the costs of such re inspections. The reinspection fees shall be [[itemized and the responsible party notified in writing to remit such fees prior to the final approval of any order or directive for which fees were incurred]] >>billed with the annual food license renewal<< .

3. >>All reinspection fees shall be paid by the due date for license renewal.<< Any responsible party who receives notification of such [[charges shall remit such sum]] >>shall remit the fees<< to the department within [[10]] >>15<< days of mailing or service of the notification of charges. Failure to remit in full within this time period may subject the responsible party to an action to collect the sum in a civil action. An alternative to the commencement of a civil action collection may be enforced [[by the following]] >>as follows<< :

[[a. Where the responsible party is the owner of the property which is involved in the order or directive, the department shall certify unpaid reinspection fees to the city treasurer who shall assess such fees in the same manner as real property taxes.]]

[[b.]] >>a.<< Where the responsible party is operating under a license or permit issued by the department and the reinspection fee is assessed, failure to pay the reinspection fee as required is declared just cause for the commissioner to suspend such license or permit following notification to the responsible party.

>>b.<< No license or permit shall be issued >>or renewed<< by the department for any operation which has an outstanding unpaid reinspection fee.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Pawlinski

3) [990256](#) A substitute ordinance relating to the expiration date for a pedicab owner's permit.

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



Part 1. Section 81-89-1 of the code is amended to read:

81-89. Pedicab Owner's Permit.

1. Each pedicab owner's permit shall be issued for a 2-year period, expiring on ~~[[June]]~~ >>April<< 30 in odd-numbered years.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Pawlinski

ADOPTION OF THE FOLLOWING:

- 4) Various resolutions regarding water service to the City of Brookfield, Village of Butler and Elm Grove:
- a) [990228](#) Resolution regarding water service to the City of Brookfield. (Water Works)

Whereas, The City of Brookfield has adopted a resolution requesting the City of Milwaukee to provide water service to the City, and

Whereas, Resolution File No. 980871 adopted by the Milwaukee Common Council on April 20, 1999 requires the Legislative Reference Bureau to conduct an analytical study of the proposed water sale, and

Whereas, Resolution File No. 980871 further requires the Water Works, five working days prior to the matter being heard by a Common Council Committee, submit a written evaluation of the proposed water sale identifying relevant data for the Council's consideration; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Water Works and the Legislative Reference Bureau are hereby authorized to study and evaluate the water service request from the City of Brookfield, and be it

Further Resolved, That the resulting feasibility reports be submitted to the Common Council and the Mayor, and be it

Further Resolved, That upon submittal of the feasibility reports a resolution will be

introduced for Council consideration, seeking authority for the Water Works to negotiate a water service agreement with the City of Brookfield, such negotiated agreement shall be subject to Common Council approval.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Pawlinski

- b) [990229](#) Resolution regarding water service to the Village of Butler. (Water Works)
- Whereas, The Village of Butler has adopted a resolution requesting the City of Milwaukee to provide water service to the Village, and
- Whereas, Resolution File No. 980871 adopted by the Milwaukee Common Council on April 20, 1999 requires the Legislative Reference Bureau to conduct an analytical study of the proposed water sale, and
- Whereas, Resolution File No. 980871 further requires the Water Works, five working days prior to the matter being heard by a Common Council Committee, submit a written evaluation of the proposed water sale identifying relevant data for the Council's consideration, now therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the Water Works and the Legislative Reference Bureau are hereby authorized to study and evaluate the water service request from the Village of Butler, and be it
- Further Resolved, That the resulting feasibility reports be submitted to the Common Council and the Mayor, and be it
- Further Resolved, That upon submittal of the feasibility reports a resolution will be introduced for Council consideration, seeking authority for the Water Works to negotiate a water service agreement with the Village of Butler, such negotiated agreement shall be subject to Common Council approval.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Pawlinski

c) [990230](#) Resolution regarding water service to the Village of Elm Grove. (Water Works)

Whereas, The Village of Elm Grove has adopted a resolution requesting the City of Milwaukee to provide water service to the Village, and

Whereas, Resolution File No. 980871 adopted by the Milwaukee Common Council on April 20, 1999 requires the Legislative Reference Bureau to conduct an analytical study of the proposed water sale, and

Whereas, Resolution File No. 980871 further requires the Water Works, five working days prior to the matter being heard by a Common Council Committee, submit a written evaluation of the proposed water sale identifying relevant data for the Council's consideration, now therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Water Works and the Legislative Reference Bureau are hereby authorized to study and evaluate the water service request from the Village of Elm Grove, and be it

Further Resolved, That the resulting feasibility reports be submitted to the Common Council and the Mayor, and be it

Further Resolved, That upon submittal of the feasibility reports a resolution will be introduced for Council consideration, seeking authority for the Water Works to negotiate a water service agreement with the Village of Elm Grove, such negotiated agreement shall be subject to Common Council approval.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Pawlinski

APPROVAL OF THE FOLLOWING:

- 5) [981312](#) 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:** 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 1 - Pawlinski

- 6) [981473](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to granting of the hotel license issued to George Krantz (K.R.K. Inc.) for the premises located at 6401 S. 13th Street, in the 13th Aldermanic District. Whereas, The Utilities and Licenses Committee held an evidentiary hearing on May 18, 1999 relative to the granting of the hotel license of George Krantz (K.R.K. Inc.) for the premises located at 6401 S. 13th Street; and

Whereas, The Utilities and Licenses Committee, after hearing all of the testimony of the Milwaukee Police Department, voted unanimously (5 ayes, 0 noes) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the hotel license of George Krantz (K.R.K. Inc.) for the premises located at 6401 S. 13th Street, despite police objection.

**Sponsors:** LICENSES COMMITTEE

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

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

**No:** 0

**Excused:** 1 - Pawlinski

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

- 7) [981755](#) 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 with a 30-day suspension of the Class "B" Tavern, Tavern Dance and Billiard Hall License of Provine Ealy, Sr. for the premises at 4747 N. Hopkins Street ("Ealy's 00") in the 1st Ald. Dist. Written objections have not been filed by the licensee. (Committee Vote: 4 Ayes; 1 Noes; Expiration Date: 6-4-99).*

*Recommendation of nonrenewal of the Class "D" Bartender License of Frank L. Grimaldo. Written objections have not been filed by the licensee. (Committee Vote: 5 Ayes; 0 Noes; Expiration Date 12-31-97).*

*Recommendation of nonrenewal of the Class "D" Bartender License of James P. Weir. Written objections have not been filed by the licensee. (Committee Vote: 5 Ayes; 0 Noes; Expiration Date: 12-31-98)*

*ALD. NARDELLI moved for separate action on recommendation of nonrenewal of the Class "D" Bartender License of Frank L. Grimaldo and James P. Weir.*

*The motion prevailed.*

*THE CHAIR questioned whether all members of the Common Council had read the report and recommendations by the Utilities and Licenses Committee on 4747 N. Hopkins Street ("Ealy's 00") in the 1st Ald. Dist.*

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

*Noes: 1 - Ald. Scherbert.*

*Excused: 1 - Ald. Butler.*

*THE CHAIR questioned whether all members of the Common Council had read the report and recommendations by the Utilities and Licenses Committee on Class "D" Bartender License of Frank L. Grimaldo and James P. Weir.*

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

*Noes: 2 - Ald. Scherbert and Nardelli voting no.*

*Note: Ald. Butler and Scherbert will be excused for Class "B" Tavern matters.*

*Ald. Scherbert and Nardelli will be excused for Bartenders issues.*

*The Chair questioned whether the applicant or his counsel were present.*

*Provine Ealy, Sr. was present and wished to address the Council.*

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

*The motion prevailed.*

*The Clerk swore in Mr. Ealy.*

*ALD. PRATT moved renewal with a 15-day suspension of the Class "B" Tavern, Tavern Dance and Billiard Hall License of Provine Ealy, Sr. for the premises at 4747 N. Hopkins Street ("Ealy's 00") in the 1st Ald. Dist.*

*Roll Call vote on the above matter.*

*The motion failed.*

*Ayes: 7 - Ald. Pratt, Henningsen, Johnson-Odom, Gordon, Frank, Witkowiak and President Kalwitz.*

*Noes: 8 - Ald. D'Amato, Schramm, Richards, Pawlinski, Breier, Nardelli, Murphy and Hines.*

*Excused: 2 - Ald. Butler and Scherbert.*

*ALD. NARDELLI recorded as opposed to Utilities and Licenses recommendation.*

*ALD. GORDON moved to approve the Utilities and Licenses recommendation with a 30- day suspension.*

*Ayes: 10 - Ald. D'Amato, Henningsen, Schramm, Frank, Richards, Pawlinski, Breier, Murphy, Hines and President Kalwitz.*

*Noes: 5 - Ald. Pratt, Johnson-Odom, Gordon, Witkowiak and Nardelli.*

*Frank L. Grimaldo not present.*

*James P. Weir not present.*

*ALD. GORDON moved for adoption of the foregoing bartender recommendations Committee Report.*

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

*Noes: 2 - Ald. Scherbert and Nardelli.*

**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, Richards, Butler, Scherbert, Pawlinski, Breier, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Witkowiak Nardelli

- 1) [921859](#) A substitute ordinance relating to filing of statements of economic interest by nominees to city boards, commissions and committees.

**Sponsors:** Ald. Frank

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [921859](#) A substitute ordinance relating to filing of statements of economic interest by nominees to city boards, commissions and committees.

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

Part 1. Section 303-11-1-c of the code is amended to read:

303-11. Financial Disclosure. 1. Required.

[[[-c]]>>c-1.<< Any nominee to a city board, commission or committee who is

required to file as so designated by the city positions ordinance shall file a statement of economic interests within 21 days of being nominated unless the nominee has previously filed a statement with the board for that year. The information on the statement shall be current as of the date he or she is nominated. Following the receipt of a nominee's statement, the board shall forward copies of the statement to the members of the committee of the common council to which the nomination is referred. >>The statement of financial interests shall be submitted by the nominee in advance of the meeting of the common council committee considering the nomination for confirmation by the common council.<<

>>c-2. Any nominee to a city board, commission or committee not requiring common council confirmation but who is required to file as so designated by the city positions ordinance shall file a statement of economic interests within 21 days of being nominated unless the nominee has previously filed a statement with the board for that year. The information on the statement shall be current as of the date he or she is nominated.<<

**Sponsors:** Ald. Frank

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 2) [990085](#) A substitute ordinance relating to licensing of private waste collectors and removal of graffiti on private waste containers.

**Sponsors:** Ald. Breier, Ald. Witkowiak, Ald. Frank, Ald. D'Amato and Ald. Pawlinski  
(Not approved by the City Attorney)

ADOPTION OF THE FOLLOWING:

- 3) [980766](#) 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 bills and instructs the Division of Intergovernmental Relations to appear before the proper committees to support such bills and use its best endeavors to have the same enacted into law, viz:

14-S, relating to Eviction; Place of Prostitution. (SUPPORT WITH



AMENDMENT).

43-S, relating to Tenant's Gang Activity.

121-A, relating to Criminal Damage; Property.

282-A, relating to Tobacco Products.

;and, be it

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

108-S, relating to Speeding in Historic Districts.

223-A, relating to Drug Paraphernalia. (OPPOSE UNLESS AMENDED).

**Sponsors:** JUDICIARY & LEGISLATION COMMITTEE

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert,  
Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 4) [981561](#) Resolution authorizing City to enter into a pilot agreement with The Millenium Foundation, Inc. (Dept. of Neighborhood Services)
- Whereas, The Millenium Foundation, Inc. ("MFI") will soon own 535 West Concordia Avenue, Milwaukee, Tax Key No. 283-0940-110-9 (the "Property"); and
- Whereas, The Assessor's Office has determined that the Property will most likely be exempt for year 2000 property taxes; and
- Whereas, So long as MFI timely files a Property Tax Exemption Request with the Assessor, and the ownership, occupancy, and use of the Property fit within a legislative exemption from property taxes, it is foreseeable that the Property will be exempt for year 2000 and beyond; and
- Whereas, Once the Property is tax-exempt, MFI is willing to pay payments in lieu of taxes ("pilots") on the Property pursuant to the terms set forth in the pilot agreement attached to the file as Exhibit A; now therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the City enter into a pilot agreement with MFI concerning the Property, in accordance with Exhibit A attached to the file, or in substantial compliance and conformance therewith; and, be it

Further Resolved, That execution of the same on behalf of the City is hereby authorized.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

5) Substitute resolutions authorizing return of real estate upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalties thereon and all costs as sustained by the City in foreclosing and managing :

a) [981700](#) Substitute resolution authorizing the return of real estate located at 2448 North 28th Street, in the 7th Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate.

Whereas, The property located 2448 North 28th Street, tax key number 326-1184-3 previously owned by John W. Applewhite, Sr., has delinquent taxes for 1995 through 1998, and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated February 22, 1999; and

Whereas, John W. Applewhite, Sr., would like to reclaim said property by paying all City and County real estate taxes, Bond WL 05120, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since February 22, 1999; and

Whereas, The Department of Building Inspection indicates currently no unabated orders exist on this property; and

Whereas, The City Treasurer's records show outstanding 1995 through 1998 taxes and Bond WL 05120, plus interest, penalties and costs; and

Whereas, The Department of City Development reports that this property is not suitable for use by a public agency or community based organization. Said property is occupied but no rent has been collected and administrative costs have been incurred; and

Whereas, The Health Department reported no outstanding orders or notices, and no

clean up notices have been issued against this property under Section 80-8 or 17-12 in 1998 or thus far in 1999; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 2448 North 28th Street, a cashier's check must be submitted in the amount indicated in the coordinated report summary attached to this file to the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 98-CV-007571 known as the 1998-2, In Rem Parcel 160, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes and Bond WL 05120, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

**Sponsors:** JUDICIARY & LEGISLATION COMMITTEE

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- b) [981731](#) Substitute resolution authorizing the return of real estate located at 4320 West Eggert Place, in the 1st Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate.

Whereas, The property located 4320 West Eggert Place, tax key number 209-9996-7 previously owned by Terrence C. Head, has delinquent taxes for 1995 through 1998 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated February 22, 1999; and

Whereas, Terrence C. Head, would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since February 22, 1999; and

Whereas, The Department of Building Inspection indicates currently unabated orders exist on another property owned by this owner and the Department is currently prosecuting the owner regarding these charges; and

Whereas, The City Treasurer's records show outstanding 1995 through 1998 taxes, plus interest, penalties and costs; and

Whereas, The Department of City Development reports that this property is not suitable for use by a public agency or community based organization. Said property is occupied and rent has been collected and administrative costs have been incurred, including miscellaneous costs for various repairs at a total cost of \$2,037.17; and

Whereas, The Health Department reported no outstanding orders or notices, and no clean up notices have been issued against this property under Section 80-8 or 17-12 in 1998 or thus far in 1999; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 4320 West Eggert Place, a cashier's check must be submitted in the amount indicated in the coordinated report summary attached to this file to the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 98-CV-007571 known as the 1998-2, In Rem Parcel 18, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

**Sponsors:** JUDICIARY & LEGISLATION COMMITTEE

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- c) [990008](#) Substitute resolution authorizing the return of real estate located at 2960-62 North 30th Street, in the 10th Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in

foreclosing and managing said real estate.

Whereas, The property located 2960-62 North 30th Street, tax key number 309-0651-2 previously owned by Charles & Retha Martina, deceased, has delinquent taxes for 1995 through 1998 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated February 22, 1999; and

Whereas, Hattie Bandy for Charles & Retha Martina, deceased, would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since February 22, 1999; and

Whereas, The Department of Building Inspection indicates currently no unabated orders exist on this property; and

Whereas, The City Treasurer's records show outstanding 1995 through 1998 taxes, plus interest, penalties and costs; and

Whereas, The Department of City Development reports that this property is not suitable for use by a public agency or community based organization. Said property is occupied but no rent has been collected and administrative costs have been incurred of \$450; and

Whereas, The Health Department reported no outstanding orders or notices, and no clean up notices have been issued against this property under Section 80-8 or 17-12 in 1998 or thus far in 1999; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 2960-62 North 30th Street, a cashier's check must be submitted in the amount indicated in the coordinated report summary attached to this file to the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 98-CV-007571 known as the 1998-2, In Rem Parcel 103, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

**Sponsors:** JUDICIARY & LEGISLATION COMMITTEE

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- d) [990009](#) Substitute resolution authorizing the return of real estate located at 2962 North Fratney Street, in the 6th Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate.
- Whereas, The property located 2962 North Fratney Street, tax key number 281-1090-9 previously owned by Richard & Eleanor Krause, has delinquent taxes for 1995 through 1998 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated February 22, 1999; and
- Whereas, Richard and Eleanor Krause, would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since February 22, 1999; and
- Whereas, The Department of Building Inspection indicates currently no unabated orders exist on this property; and
- Whereas, The City Treasurer's records show outstanding 1995 through 1998 taxes, plus interest, penalties and costs; and
- Whereas, The Department of City Development reports that this property is not suitable for use by a public agency or community based organization. Said property is occupied and rent has been collected and administrative costs have been incurred totalling \$450; and
- Whereas, The Health Department reported no outstanding orders or notices, and no clean up notices have been issued against this property under Section 80-8 or 17-12 in 1998 or thus far in 1999; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 2962 North Fratney Street, a cashier's check must be submitted in the amount indicated in the coordinated report summary attached to this file to the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 98-CV-007571 known as the 1998-2, In Rem Parcel 62, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

**Sponsors:** JUDICIARY & LEGISLATION COMMITTEE

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- e) [990010](#) Substitute resolution authorizing the return of real estate located at 3425 North 12th Street, in the 10th Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate.
- Whereas, The property located 3425 North 12th Street, tax key number 283-0192-X previously owned by Charles and Georgia Powell, has delinquent taxes for 1995 through 1998 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated February 22, 1999; and
- Whereas, Charles and Georgia Powell, would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since February 22, 1999; and
- Whereas, The Department of Building Inspection indicates currently no unabated orders exist on this property; and
- Whereas, The City Treasurer's records show outstanding 1995 through 1998 taxes, plus interest, penalties and costs; and
- Whereas, The Department of City Development reports that this property is not suitable for use by a public agency or community based organization. Said property is

occupied but no rent has been collected and administrative costs have been incurred totalling \$450 and also miscellaneous costs were incurred by the Department for various repairs at a cost of \$662.52; and

Whereas, The Health Department reported no outstanding orders or notices, and no clean up notices have been issued against this property under Section 80-8 or 17-12 in 1998 or thus far in 1999; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 3425 North 12th Street, a cashier's check must be submitted in the amount indicated in the coordinated report summary attached to this file to the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 98-CV-007571 known as the 1998-2, In Rem Parcel 69, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

**Sponsors:** JUDICIARY & LEGISLATION COMMITTEE

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- f) [990013](#) Substitute resolution authorizing the return of real estate located at 5124 West Stark Street, in the 1st Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate.

Whereas, The property located 5124 West Stark Street, tax key number 210-1208-7 previously owned by Estate of Lucille Gruber, has delinquent taxes for 1995 through 1998 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated February 22, 1999; and



Whereas, Inez M. Kulick, personal rep. For Lucille Gruber, would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since February 22, 1999; and

Whereas, The Department of Building Inspection indicates currently no unabated orders exist on this property; and

Whereas, The City Treasurer's records show outstanding 1995 through 1998 taxes, plus interest, penalties and costs; and

Whereas, The Department of City Development reports that this property is not suitable for use by a public agency or community based organization. Said property is occupied and rent has been collected and administrative costs have been incurred for various repairs at a total cost of \$548.08; and

Whereas, The Health Department reported no outstanding orders or notices, and no clean up notices have been issued against this property under Section 80-8 or 17-12 in 1998 or thus far in 1999; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 5124 West Stark Street, a cashier's check must be submitted in the amount indicated in the coordinated report summary attached to this file to the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 98-CV-007571 known as the 1998-2, In Rem Parcel 20, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

**Sponsors:** JUDICIARY & LEGISLATION COMMITTEE

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

g) [990014](#) Substitute resolution authorizing the return of real estate located at 2747 North 4th Street, in the 6th Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate.

Whereas, The property located 2747 North 4th Street, tax key number 313-0925-4 previously owned by Mount Moriah Baptist Church, has delinquent taxes for 1995 through 1998 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated February 22, 1999; and

Whereas, Mount Moriah Baptist Church, would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since February 22, 1999; and

Whereas, The Department of Building Inspection indicates currently no unabated orders exist on this property; and

Whereas, The City Treasurer's records show outstanding 1995 through 1998 taxes, plus interest, penalties and costs; and

Whereas, The Department of City Development reports that this property is not suitable for use by a public agency or community based organization. Said property is occupied but no rent has been collected and administrative costs have been incurred totalling \$450; and

Whereas, The Health Department reported no outstanding orders or notices, and no clean up notices have been issued against this property under Section 80-8 or 17-12 in 1998 or thus far in 1999; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 2747 North 4th Street, a cashier's check must be submitted in the amount indicated in the coordinated report summary attached to this file to the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 98-CV-007571 known as the 1998-1, In Rem Parcel 134, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

**Sponsors:** JUDICIARY & LEGISLATION COMMITTEE

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- h) [990015](#) Substitute resolution authorizing the return of real estate located at 2608 North 14th Street, in the 17th Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate.
- Whereas, The property located 2608 North 14th Street, tax key number 324-9809-0 previously owned by Evon Smith for Estate of Arthur & Alzora Green, has delinquent taxes for 1995 through 1998 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated February 22, 1999; and
- Whereas, Evon Smith for Arthur & Alzora Green Estate, would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since February 22, 1999; and
- Whereas, The Department of Building Inspection indicates currently no unabated orders exist on this property; and
- Whereas, The City Treasurer's records show outstanding 1995 through 1998 taxes, plus interest, penalties and costs; and
- Whereas, The Department of City Development reports that this property is not suitable for use by a public agency or community based organization. Said property is occupied but no rent has been collected and administrative costs have been incurred; and
- Whereas, The Health Department reported no outstanding orders or notices, and no clean up notices have been issued against this property under Section 80-8 or 17-12 in 1998 or thus far in 1999; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 2698 North 14th Street, a cashier's check must be submitted in the amount indicated in the coordinated report summary attached to this file to the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 98-CV-007571 known as the 1998-2, In Rem Parcel 151, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

**Sponsors:** JUDICIARY & LEGISLATION COMMITTEE

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- i) [990016](#) Substitute resolution authorizing the return of real estate located at 3201 North 20th Street, in the 10th Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate.
- Whereas, The property located 3201 North 20th Street, tax key number 285-0130-6 previously owned by Ivory Jefferson, has delinquent taxes for 1995 through 1998 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated February 22, 1999; and
- Whereas, Ivory Jefferson, would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since February 22, 1999; and
- Whereas, The Department of Building Inspection indicates currently unabated orders exist on this property; and
- Whereas, The City Treasurer's records show outstanding 1995 through 1998 taxes,

plus interest, penalties and costs; and

Whereas, The Department of City Development reports that this property is not suitable for use by a public agency or community based organization. Said property is occupied but no rent has been collected and administrative costs have been incurred and locksmith costs in the amount of \$42 were also incurred by the department; and

Whereas, The Health Department reported no outstanding orders or notices, and no clean up notices have been issued against this property under Section 80-8 or 17-12 in 1998 or thus far in 1999; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 3201 North 20th Street, a cashier's check must be submitted in the amount indicated in the coordinated report summary attached to this file to the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 98-CV-007571 known as the 1998-1, In Rem Parcel 86, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

**Sponsors:** JUDICIARY & LEGISLATION COMMITTEE

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert,  
Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- j) [990033](#) Substitute resolution authorizing the return of real estate located at 1800 North 48th Street, in the 16th Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate.

Whereas, The property located 1800 North 48th Street, tax key number 347-0568-2 previously owned by Shirley Fijalkowski, has delinquent taxes for 1995 through 1998 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple

absolute was obtained in favor of the City of Milwaukee dated February 22, 1999;  
and

Whereas, Shirley Fijalkowski, would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since February 22, 1999; and

Whereas, The Department of Building Inspection indicates currently no unabated orders exist on this property; and

Whereas, The City Treasurer's records show outstanding 1995 through 1998 taxes, plus interest, penalties and costs; and

Whereas, The Department of City Development reports that this property is not suitable for use by a public agency or community based organization. Said property is occupied but no rent has been collected and administrative costs have been incurred; and

Whereas, The Health Department reported no outstanding orders or notices, and no clean up notices have been issued against this property under Section 80-8 or 17-12 in 1998 or thus far in 1999; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 1800 North 48th Street, a cashier's check must be submitted in the amount indicated in the coordinated report summary attached to this file to the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 98-CV-007571 known as the 1998-2, In Rem Parcel 181, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

**Sponsors:** JUDICIARY & LEGISLATION COMMITTEE

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- k) [990036](#) Substitute resolution authorizing the return of real estate located at 626 West Melvina Street, in the 6th Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate.

Whereas, The property located 626 West Melvina Street, tax key number 272-2518-3 previously owned by Robert I. Greer, has delinquent taxes for 1995 through 1998 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated February 22, 1999; and

Whereas, Robert I. Greer, would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since February 22, 1999; and

Whereas, The Department of Building Inspection indicates currently no unabated orders exist on this property; and

Whereas, The City Treasurer's records show outstanding 1995 through 1998 taxes, plus interest, penalties and costs; and

Whereas, The Department of City Development reports that this property is not suitable for use by a public agency or community based organization. Said property is occupied and rent has been collected and administrative costs have been incurred and miscellaneous repair costs were also incurred by the Department totaling \$180; and

Whereas, The Health Department reported no outstanding orders or notices, and no clean up notices have been issued against this property under Section 80-8 or 17-12 in 1998 or thus far in 1999; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that in order to return the property at 626 West Melvina Street, a cashier's check must be submitted in the amount indicated in the coordinated report summary attached to this file to the City Treasurer within forty-five (45) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation

with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 98-CV-007571 known as the 1998-2, In Rem Parcel 55, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within forty-five (45) calendar days of the adoption of this resolution, this process becomes null and void.

**Sponsors:** JUDICIARY & LEGISLATION COMMITTEE

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

6) Substitute/resolutions to settle various claims:

a) [990032](#) Substitute resolution to settle claim of Bernadine Cosey relative to 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 \$250.00 payable to Bernadine Cosey, 5429 North 37th Street, 53209, 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:** 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Murphy Hines Jr.

**No:** 1 - Nardelli

b) [990092](#) Substitute resolution to settle claim of Linda Vogeler relative to 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 \$250.00 payable to Linda Vogeler, 4928 North 108th Street, 53225, 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:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

c) [990208](#) Resolution authorizing payment of the claim of Warren K. McDuffie, Sr., C.I. File No. 96-L-5. (City Attorney)

Whereas, The claimant, Warren K. McDuffie, Sr., through his attorneys, Wiernick, Martin & Neumaier, S.C., has filed a claim for damages against the City of Milwaukee pursuant to sec. 66.189, Stats., for injuries and damages incurred on October 18, 1996 as a result of a vehicle accident with an uninsured motorist; and

Whereas, The claimant has agreed to settle his claim in the amount of \$8,000.00; and

Whereas, Pursuant to Common Council Resolution File No. 890916, the City Attorney's Office retained the services of the law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., to administer the City of Milwaukee's uninsured motorist self-insurance plan; and

Whereas, The law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., recommends and the Common Council of the City of Milwaukee deems it expeditious and just to settle this claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper city officers be and hereby are authorized and directed to issue a check in the amount of \$8,000.00, payable to Warren K. McDuffie, Sr. and Wiernick, Martin & Neumaier, S.C. Trust Account, in full and final settlement of said claim, said check to be delivered to the City Attorney upon his request, said amount to be charged to the Damages and Claims Fund, Account No. 636505, Fund - 0001, Organization - 1490, Program - 263, Sub Class S118; and be it

Further Resolved, That the law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., shall upon payment to claimant obtain a release of claim and deliver the original release to the City Attorney.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- d) [990209](#) Resolution authorizing payment of the claim of David Arndt, C.I. File No. 94-L-184. (City Attorney)

Whereas, The claimant, David Arndt, through his attorney, Law Offices of Steven Epstein, has filed a claim for damages against the City of Milwaukee pursuant to sec. 66.189, Stats., for injuries and damages incurred on November 11, 1993 as a result of a vehicle accident with an uninsured motorist; and

Whereas, The claimant has agreed to settle his claim in the amount of \$25,000.00; and

Whereas, Pursuant to Common Council Resolution File No. 890916, the City Attorney's Office retained the services of the law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., to administer the City of Milwaukee's uninsured motorist self-insurance plan; and

Whereas, The law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., recommends and the Common Council of the City of Milwaukee deems it expeditious and just to settle this claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper city officers be and hereby are authorized and directed to issue a check in the amount of \$25,000.00, payable to David Arndt and Law Offices of Steven Epstein Trust Account, in full and final settlement of said claim, said check to be delivered to the City Attorney upon his request, said amount to be charged to the Damages and Claims Fund, Account No. 636505, Fund - 0001, Organization - 1490, Program - 263, Sub Class S118; and, be it

Further Resolved, That the law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., shall upon payment to claimant obtain a release of claim and deliver the original release to the City Attorney.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- e) [990214](#) Resolution to settle claims of Eggert Law Offices, S.C., for defense of various Police Officers. (City Atty.)

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 \$14,152.25 payable to Eggert Law Offices, S.C., 1840 North Farwell Avenue, Suite 303, 53202, to reimburse them for legal fees for defense of the following Police Officers.

NAME AMOUNT

Michael Austin and Claude Osburn, Jr. \$ 574.00

David July 895.05

Rodney Klotka 209.00

Dean Newport 264.00

Kevin Porter 165.00

Christopher Allen 409.00

Derrick Vance 462.00

Luke Warnke 1,199.00

Karla Lehman 616.00

Johnny Norred 286.00

Charles Harrison and Kevin Klemstein 418.00

Scott Marlack 209.00

Daniel Teske and Alfonso Morales 1,010.20

Laura Wittig and Kathleen Kovacic 660.00

James MacGillis, Denice Danes and Raymond Robakowski 1,551.00

Michael Anderson, Kevin Friedel, Charles Hampton  
and Richard Stein 385.00

Kurt LeRoy and Charles Libal 902.00

Terry Wycklendt 539.00

Christopher Mace 594.00

Dylan Flenniken 1,386.00

Jeff Kaminski and Phil Henschel 275.00

Kielia Morries 187.00

Ron Virchow and David Miller 715.00

Steve Brown 242.00

TOTAL  
\$14,152.25

; 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 the Damages and Claims Account No. 636505, Fund - 0001, Organization - 1490, Program - 263, Sub Class S118.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert,  
Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- f) [990216](#) Resolution to settle claim of Attorney Bridget E. Boyle, Boyle, Boyle & Smith, S.C. for defense of Police Lieutenant Lenard Wells. (City Atty.)  
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

sum of \$132.00 payable to Attorney Bridget E. Boyle, 1124 West Wells Street, 53233, to reimburse her for legal fees for defense of Police Lieutenant Lenard Wells;

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 the Damages and Claims Account No. 636505, Fund - 0001, Organization - 1490, Program - 263, Sub Class S118.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 7) [990164](#) Substitute resolution seeking introduction and passage of state legislation to exempt energy-related investments from the sum of the assets of all non-utility affiliates in a holding company system.

Whereas, Wisconsin law permits Wisconsin utilities to invest in Wisconsin jobs and enterprises through the creation of non-utility subsidiaries; and

Whereas, The Wisconsin statute, s. 196.795(5)(p), that authorizes non-utility investments by such subsidiaries also includes an "asset cap" that limits to 25% the maximum investment a utility holding company affiliate can make in non-utility investments; and

Whereas, Even under the asset cap, such investments by utility holding companies have directly invested millions of dollars in such Wisconsin projects as Steeltech, Milwaukee Sign Co., Westside Conservation Corp, Brewers Hill, Historic King Place and numerous other, worthwhile projects; and

Whereas, Wisconsin Energy Corporation has actively pursued investments that have provided over \$360 million for Wisconsin enterprises, and increasing the asset cap would allow Wisconsin Energy to continue its vital position as a viable, Milwaukee-based, Wisconsin utility holding company; and

Whereas, The current asset cap handicaps the growth of Wisconsin Energy Corporation, but increasing the asset cap would permit Wisconsin Energy to aggressively provide added job security to its 5,320 hard-working employees, of whom over 3,500 are represented by unions; and

Whereas, Greater investment flexibility may allow Wisconsin utilities to increase the reliability of the energy delivery system by increased investment in non-regulated energy-related endeavors in Wisconsin and throughout the United States; and

Whereas, Parties interested in the asset cap and other utility-related issues have agreed that Wisconsin Energy Corporation will commit to perform specific actions prior to introduction of asset cap legislation; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Intergovernmental Relations Division - Department of Administration is directed to seek introduction and passage of state legislation to exempt energy-related investments from the sum of the assets of all non-utility affiliates in a holding company system, s. 196.795(5)(p), Wis. Stats.; and, be it

Further Resolved, That, before legislation seeking asset cap modifications for Wisconsin Energy Corporation (WEC) is introduced, WEC must commit to a transmission company ("transco") that combines all utility companies' transmission into a single common carrier system, a public benefits package which provides adequate spending levels for low-income assistance and weatherization, energy conservation and renewables, a transition for all employees in the power industry to provide continuity, safety and reliability to the power system, a revenue incentive to the city of Milwaukee for new transmission projects and market-based pricing and contract options for retail customers.

**Sponsors:** Ald. Henningsen

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 8) [990173](#) Resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 1998 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 1998 as contained in Common Council Resolution File No. 990173; 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

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 9) [990231](#) Resolution authorizing the expenditure of \$85,000 from the Outside Counsel - Expert Witness Fund for the purpose of obtaining outside legal counsel. (City Atty.)
- Whereas, The Outside Counsel - Expert Witness Fund is to be used by the City Attorney's Office to retain the services of expert witnesses and outside legal counsel; and
- Whereas, Any appropriation of funds from this Fund requires approval by the Common Council via resolution; and
- Whereas, The City Attorney needs to expend additional monies from the Outside Counsel - Expert Witness Fund for outside counsel for several on-going cases; and
- Whereas, Common Council File Number 980849, adopted on October 9, 1998 appropriated \$50,000 from the Contingent Fund for outside counsel, Michael, Best & Freidrich, LLP, to represent the City in Milwaukee Teachers' Education Association, et al. v. Governor Tommy Thompson, et al. Case No., 98-CV-001903 (Charter School Litigation); and Common Council File Number 981208, adopted on December 18, 1998 appropriated an additional \$110,000 from the Contingent Fund; and Common Council File Number 981670 adopted on March 23, 1999

appropriated and additional \$100,000 from the Contingent Fund; and

Whereas, A total of \$260,000 has been appropriated to date and billings by Michael, Best & Freidrich, LLP through March of 1999 total \$249,814 and there is a balance of \$10,186 and additional funding in the amount of \$15,000 is needed; and

Whereas, Common Council File Number 971183, adopted November 25, 1997, authorized the City Attorney to enter into an agreement with the law firm of Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C. ("Firm") to provide the City representation in the case of MPA, et al. V. City of Milwaukee, et al., Case Number 97-CV-007996, as outside counsel in defense of Common Council File Number 970387, passed October 14, 1997; and Common Council File Number 971183, adopted on November 25, 1997, appropriated \$10,000, and Common Council File Number 971609, adopted on February 10, 1998, appropriated \$50,000, and Common Council File Number 980719, adopted on June 16, 1998 appropriated \$100,000 from the Contingent Fund and Common Council File Number 981209, adopted on December 18, 1999 appropriated \$75,000 from the Contingent Fund; and

Whereas, A total of \$240,000 has been appropriated to date and billings from Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C., through March of 1999 total \$238,908.39 and there is a balance of \$1,091.61 and additional funding in the amount \$20,000 is needed; and

Whereas, Common Council File Number 971781 adopted on April 14, 1998, appropriated \$39,000 and authorized the City Attorney 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 as that as part of such amendment the Firm was authorized to sub-contract for the services of a Disadvantaged Business Enterprise contractor in the purchase of professional services; and Common Council File Number 961946, adopted on June 16, 1998, appropriated \$10,000 from the Contingent Fund, and Common Council File Number 980718, adopted on September 23, 1998 appropriated an additional \$30,000 from the Contingent Fund; and Common Council File Number 981209 adopted on 12/18/98 appropriated an additional \$75,000 from the Contingent fund; and

Whereas, A total of \$154,000 has been appropriated to date and billings from Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C., and their subcontractor through March total \$184,853.14 and there is a negative balance of -\$30,853.14 and additional funding in the amount of \$50,000 is needed; now therefore be it

Resolved, By the Common Council that the expenditure of \$85,000 is authorized from the Outside Counsel - Expert Witness Fund Number 0001 1490 0001 S157 006300



for the purpose of retaining outside counsel as directed herein; and, be it

Further Resolved, That the Office of the City Attorney is hereby authorized and directed to engage outside counsel and to pay legal fees incurred by outside counsel upon receipt of an itemized bill, approved to be reasonable and necessary by the Office of the City Attorney; and be it

Further Resolved, That the City Comptroller is authorized and directed to appropriate the sum of \$85,000 to the City Attorney's Office budget for the stated purpose; and that the application of the funds appropriated herein to a case other than that specifically referred to herein shall be subject to the further direction of the Common Council.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert,  
Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

DISALLOW AND INDEFINITELY POSTPONE THE FOLLOWING:

10) Various claims against the City:

a) [990161](#) Appeal of Peter Flessas, Vanish Investments, LLC, 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:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert,  
Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

b) [990172](#) Appeal of Premlata Mehta 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:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert,  
Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No: 0**

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [990069](#) A substitute ordinance relating to parking controls in various Aldermanic Districts.

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

Part 1. Section 101-23-2 of the Code relating to No Stopping is amended by striking the following:

"On N. 35th Street from W. Wells Street to W. Kilbourn Avenue"

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

"On the east side of N. 35th Street from W. Wisconsin Avenue to W. Lisbon Avenue from 3:30 PM to 5:30 PM except Saturday and Sunday and where No Parking is in effect"

"On the north side of W. State Street from N. 10th Street to N. 17th Street from 3:30 PM to 5:30 PM except Saturday and Sunday"

On the north side of W. Vliet Street from the east curb line of W. Highland Boulevard extended to a point 170 feet east thereof at any time"

"On the north side of E. Tunnel Place from a point 230 feet west of the west curb line of N. Warren Avenue west to the end of the street"

"On the southeast side of N. Water Street beginning at the east curb line of N. Milwaukee Street and extended to a point 65 feet northwesterly thereof"

"On the east side of N. Frederick Avenue from E. Newport Avenue to a point 130 feet north thereof at any time"

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

On the east side of N. 35th Street from W. State Street to W. Lisbon Avenue from 3:30 PM to 5:30 PM except Saturday and Sunday

On the west side of N. Frederick Avenue from E. Newport Avenue to a point 50 feet

north at any time

Part 4. Section 101-23-4-b of the Code relating to 15 minute parking is amended by striking the following:

"On the west side of N. Water Street from E. Menomonee Street to E. Detroit Street from 7:00 AM to 6:00 PM"

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

On the west side of N. Frederick Avenue from E. Newport Avenue to E. Edgewood Avenue

On the south side of W. Wisconsin Avenue from N. 19th Street to N. 20th Street

Part 6. Section 101-23-4-d of the Code relating to Two Hour Parking is amended by striking the following:

"On the north side of E. St. Paul Avenue from N. Jackson Street to a point 75 feet east of the east curb line of N. Van Buren Street from 7:00 AM to 6:00 PM"

"On the south side of W. Walnut Street from N. 24th Street to N. 24th Place from 9:00 AM to 9:00 PM"

"On W. Vine Street between N. 27th and N. 28th Streets"

"On the west side of N. Summit Avenue from E. Kenwood Boulevard to E. Newport Avenue from 8:00 AM to 4:00 PM on odd calendar dates except Saturday and Sunday"

"On the east side of N. Frederick Avenue from E. Edgewood Avenue to E. Newport Avenue from 8:00 AM to 5:00 PM except Sunday"

"On the south side of W. Wisconsin Avenue between N. 18th Street and N. 20th Street from 9:00 AM to 7:00 PM"

Part 7. Section 101-23-4-d of the Code relating to Two Hour Parking is amended by adding the following:

On the south side of W. Wisconsin Avenue between N. 18th Street and N. 19th Street

On S. 19th Street from W. Ohio Avenue to W. Holt Avenue

Part 8. Section 101-24-1 of the Code relating to Tow-Away Zones is amended by striking the following:

"On the east side of S. 68th Street from W. Fairview Avenue to W. Dixon Street at any time"

Part 9. Section 101-27-3-b-1 of the Code relating to Alternate Side Night Parking Exceptions is amended by adding the following:

On N. 25th Street from W. Keefe Avenue to W. Capitol Drive

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert,  
Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 2) [990070](#) A substitute ordinance relating to traffic controls in various Aldermanic Districts.  
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-9 of the Code relating to Prohibiting Pedestrian crossings is amended by adding the following:

On S. 84th Street at W. Dana Street north crosswalk

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

On N. Holton Street from E. Auer Avenue to E. Townsend Street

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert,  
Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

ADOPTION OF THE FOLLOWING:

- 3) [990106](#) Resolution authorizing acceptance and expenditure of a Local Law Enforcement Block Grant. (Police Dept.)
- Whereas, Under the terms of CFDA #16.592 the City of Milwaukee appears to be eligible for grant funds from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for a Local Law Enforcement Block Grant; and
- Whereas, The operation of this grant program from October 1, 1998 to September 30, 2000 would cost \$1,271,483 of which \$127,148 (10%) would be provided by the city and \$1,144,335 (90%) would be provided by the grantor; and
- Whereas, A resolution providing authority to apply for a Local Law Enforcement Block Grant was approved in Common Council file 980472; and
- Whereas, The Local Law Enforcement Block Grant requires that prior to obligation of funds at least one public hearing will be held regarding the proposed use of the grant in relation to its entire budget; and
- Whereas, The public notice of this grant resolution and the public meeting of the Committees and Council will serve this purpose; and
- Whereas, An advisory board has reviewed and approved the grant; and
- Whereas, The grant funds must receive any interest earned on funds advanced to the city under Local Law Enforcement Block Grant federal guidelines; and
- Whereas, The City Treasurer could establish a segregated investment account on the city's books to insure that interest earnings are accumulated as required by the grant guidelines; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Police Department shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81 of the Code of Ordinances; and, be it
- Further Resolved, That the City Treasurer is authorized to establish a segregated investment account for the grant proceeds with all of the interest earnings accruing to the grant project; and, be it
- Further Resolved, That the funds received under the Local Law Enforcement Block Grant will be deposited in accordance with the applicable federal guidelines and the procedures established by the City Comptroller's Office; and, be it
- Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent of the 1999 Special Revenue Accounts-Grant and Aid Projects, the following amounts for the program titled "Local Law Enforcement Block Grant":

Proj/Grant	Fund	Org	Program	BY	Class	Acct
Gr0009000000	0150	9990	0001	0000	R999	000600

Project	Amount
Grantor share	\$1,144,335

2. Create the necessary Special Revenue Fund - Grant and Aids Project/Grant and project/Grant levels: budget against these project/Grant values the amount required under the grant agreement;

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

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

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

2. Expend from the 1999 grant budget funds for specific items of equipment.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

4) [990237](#) Resolution authorizing acceptance and funding of an increased amount of \$47,000 for the 1998-99 HIDTA project awards (Police Department).

Whereas, The Common Council, in File Number 980428 approved funding for federal fiscal year 1998 for Police Department participation in the Milwaukee HIDTA project; and

Whereas, The Common Council, in File Number 981170 approved the Milwaukee Police Department's continued participation in the HIDTA project for federal fiscal year 1999 which is expected to total \$1,489,682, of which \$674,296 is the grantor share and \$815,386 is the in-kind city share; and

Whereas, The Milwaukee Police Department has been granted an additional \$47,000 for software revisions, computer cabling and programming services; and

Whereas, The additional funding will be spent during the federal fiscal year 1999; and

Whereas, The entire \$47,000 shall be grantor share; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Milwaukee Police Department is authorized to accept and expend the additional \$47,000 relating to the HIDTA project; and, be it

Further Resolved, That the Comptroller is authorized to:

Commit funds within the Project/Grant parent of the 1999 Special Revenue Grant and Aid Projects Fund, the following amounts for the HIDTA project titled:

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

Acct	Project	Amount
000600	Grantor Share	\$47,000

; and, be it

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

1. Expend from the amount budgeted sums 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:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 5) [990246](#) Resolution relative to application for the Judicial Oversight Grant. (Health Department)

Whereas, The City of Milwaukee appears to be eligible for grant funds from the National Institute of Justice and the National Violence Against Women Office through Milwaukee County to create a core team of emergency personal advocates to respond to domestic violence calls after the police have secured the scene; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the National Institute of Justice and the National Violence Against Women Office is authorized.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 6) [990247](#) Substitute resolution relative to application, acceptance and funding of the MBCAP Well Women Health Initiative Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Division of Health and Family Services to expand the scope of the Wisconsin Women's Cancer Control Program beyond its current focus of breast and cervical cancer screening to include health promotion and risk reduction for cardiovascular disease, osteoporosis, diabetes, mental illness and domestic violence; and

Whereas, The operation of this grant project from 01/01/99 to 12/31/99 would cost \$89,889 of which \$29,889(33%) would be provided by the city and \$60,000(67%) would be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin 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 1999 Special Revenue Grant and Aid Project Fund, the following amount for the project titled MBCAP - Well Women Health Initiative:

Project/Grant	GR0009000000
Fund	0150



Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$60,000

; 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 1999 grant budget funds for items of equipment as may be deemed necessary for the effective operation of the program;
3. Expend from the 1999 grant budget funds for training and out-of-town travel by departmental staff;
4. Expend from the 1999 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:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

PLACING ON FILE THE FOLLOWING:

- 7) [990257](#) Communication from the Department of Public Works transmitting a report relative to textile recycling at Sanitation Self-help stations.

**Sponsors:** THE CHAIR

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

**Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

- 8) [990267](#) Substitute resolution relating to designation of a 211 telephone number for access to non-emergency health and human service information and referrals.
- Whereas, For the past 2 years, the Metropolitan Milwaukee 211 Stakeholders Council has been involved in planning for the use of 211 as a 3-digit access number for use throughout the State of Wisconsin for non-emergency information and referral phone calls for health and human services; and
- Whereas, A broad cross-section of individuals and agencies has been involved in this initiative, including state officials, county governments, municipalities, United Way of Greater Milwaukee, representatives of local hotlines and other organizations; and
- Whereas, The designation and availability of 211 in the City of Milwaukee will assist individuals and families attempting to navigate complex health and social service systems working to address homelessness, hunger, unemployment, substance abuse and other social issues; and
- Whereas, The need has increased for easily accessible, accurate and current information about community support services, as a result of the implementation of welfare-to-work initiatives; and
- Whereas, A 211 system in other cities has reduced non-emergency phone calls to 911 lines, thereby freeing up that line for actual emergencies; and
- Whereas, A 211 system will consolidate a number of existing social-service hotlines, resulting in increased efficiency because of the elimination of duplicative services, including staff and printed materials; and
- Whereas, The Community Development Block Grant Policy Committee has recommended that \$50,000 in Community Development Block Grant funds be allocated for this project; and
- Whereas, In the metropolitan Milwaukee area, the proposed 211 System will be operated by the Milwaukee Council on Alcoholism and Drug Dependence (MCADD), which has 29 years of experience operating HELPLINE and other hotlines; and
- Whereas, The 211 System will be owned by the community and governed by the 211 Stakeholders Council, which has representatives from the City of Milwaukee, Milwaukee County, the State of Wisconsin, the United Way and other area agencies; and

Whereas, The projected start-up date for the 211 System is August 1999, if authorization and designation for the 211 number is granted by the Public Service Commission; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Intergovernmental Relations Division - Department of Administration is authorized and directed to seek and secure, from the State of Wisconsin Public Service Commission, designation of 211 as a 3-digit access number for use throughout the State of Wisconsin for non-emergency health and human service informational and referral phone calls.

**Sponsors:** Ald. D'Amato

*Ald. D'Amato requested separate action, and moved to approve this file notwithstanding action of the Public Safety Committee. Prevailed.*

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

**Aye:** 9 - Kalwitz, D'Amato, Henningsen, Johnson-Odom, Gordon, Richards, Butler, Murphy Hines Jr.

**No:** 8 - Pratt, Schramm, Frank, Scherbert, Witkowiak, Pawlinski, Breier Nardelli

**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) [990244](#) Resolution of intent to issue Industrial Development Revenue Bonds (Sellars Absorbent Materials, Inc. Project). (DCD)  

Whereas, The City of Milwaukee, Wisconsin (the "City"), is a municipal corporation organized and existing under and pursuant to the laws of the State of Wisconsin and is authorized by Section 66.521, Wisconsin Statutes, as amended (hereinafter sometimes referred to as the "Act"):

  - (a) To issue revenue bonds to finance all or any part of the costs of the construction, equipping, reequipping, acquisition, purchase, installation, reconstruction, rebuilding, rehabilitation, improving, supplementing, replacing, maintaining, repairing, enlarging, extending or remodeling of a project which qualifies under the Act and the improvement of the site therefor.
  - (b) To enter into a revenue agreement with an eligible participant pursuant to which the eligible participant agrees to cause said project to be constructed and to pay the City an amount of funds sufficient to provide for the prompt payment when due of the principal of and interest on said revenue bonds; and

Whereas, Sellars Absorbent Materials, Inc., a Wisconsin corporation (the "Eligible Participant"), has been considering undertaking a project in the City and the Eligible Participant has represented to the City that it would be an encouragement and inducement for the Eligible Participant to proceed if the project could be financed with revenue bonds; and

Whereas, The Eligible Participant has represented that the intended use of the project is for the acquisition of two manufacturing facilities (the "Facilities") located at 6540 and 6600 North Industrial Road in the City (collectively, the "Project Site"), the rehabilitation of the Facilities, and the acquisition of certain new machinery and equipment (the "Equipment") and installation of the Equipment in the Facilities, all of which will be used by the Eligible Participant in connection with its business of manufacturing absorbents and wipers for industrial use (the "Project"); and

Whereas, The Eligible Participant has estimated that the cost of the Project would be approximately \$7,000,000; and

Whereas, The Eligible Participant has represented that it expects the Project to create 121 jobs and maintain 33 jobs at the Project Site and would neither create, maintain nor eliminate any jobs elsewhere in the State of Wisconsin; and

Whereas, Prior to the date of adoption of this Resolution, a statement which provides a good faith estimate of attorneys' fees which are expected to be paid from the proceeds of the revenue bonds shall have been filed with the City Clerk and with the Department of Commerce of the State of Wisconsin; and

Whereas, It is in the public interest of the City to promote, attract, stimulate, rehabilitate and revitalize commerce, industry and manufacturing to promote the betterment of the environment and the economy of the City and to stimulate a large flow of private investment funds into the City; and

Whereas, Section (11)(b)1. of the Act contains provisions requiring competitive bidding for certain construction contracts with regard to the construction of projects financed under the Act; and

Whereas, Section (11)(b)2. of the Act empowers the governing body of a municipality to waive the requirements of Section (11)(b)1. with respect to a particular project; and

Whereas, It is the finding and determination of the Common Council of the City of Milwaukee ("Common Council") that the Project is a qualified "project" within the meaning of the Act and that the Eligible Participant is an "eligible participant" within the

meaning of the Act; and

Whereas, It is the finding and determination of the Common Council that the City will derive public benefits from the Project and its operation, including by way of illustration but not limitation, the following: the provision and retention of gainful employment opportunities for the citizens of the City, the stimulation of the flow of investment capital into the City with resultant beneficial effects on the economy in the City, and the preservation and enhancement of the City's tax base; and

Whereas, It is the finding and determination of the Common Council that the public interest will be served if the City were to encourage and induce the Eligible Participant to undertake the Project in the City; now, therefore, be it

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

1. Subject to the conditions specified in paragraph 2, the City shall pursue and consummate a financing having the following elements:

(a) The City shall issue revenue bonds pursuant to the Act at one or more times in one or more series in such aggregate principal amount not in excess of \$7,000,000 as the Eligible Participant shall request; provided, however, that the actual aggregate principal amount shall not be greater than the sum of the then estimated aggregate cost of providing the Project, plus the amount necessary to fund any reserve deemed necessary or desirable, plus the estimated financing and bond issuance costs (said bonds being hereinafter called the "Bonds").

(b) The Bonds shall be limited obligations of the City payable by the City solely out of revenues derived from the Eligible Participant or otherwise provided for pursuant to the terms of a loan or similar agreement (hereinafter called the "Revenue Agreement") to be entered into between the City and the Eligible Participant.

(c) The Revenue Agreement shall require the Eligible Participant to acquire, construct or install the Project and to provide the City with revenues sufficient to pay, when due, the principal of, premium, if any, and interest on the Bonds.

(d) The Revenue Agreement shall require the Eligible Participant to submit to the Department of Commerce within twelve months after the Project is completed or two years after the Bonds are issued, whichever is sooner, the net number of jobs eliminated, created or maintained on the Project Site and elsewhere in the State of Wisconsin as a result of the Project.

(e) Any contract for construction work for the Project shall include a clause prohibiting discrimination in employment and subcontracting.

(f) The Bonds shall have such maturities, interest rates and redemption limitations as the Eligible Participant and the initial Bond purchaser(s) shall propose.

2. The issuance of the Bonds by the City shall be on the following conditions:

(a) The Bonds shall not constitute an indebtedness of the City within the meaning of any State constitutional provision or statutory limitation.

(b) The Bonds shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers.

(c) The Eligible Participant shall be responsible for finding a purchaser or purchasers for all of the Bonds.

(d) Prior to the issuance of the Bonds: (i) the electors of the City shall have been given the opportunity to petition for a referendum on the matter of the Bond issue as required by the Act; (ii) either no such petition shall be timely filed or such petition shall have been filed or said referendum shall have approved the Bond issue; and (iii) the Common Council, by further resolution, shall have authorized and approved the terms of the Bonds and the Revenue Agreement.

(e) The Bonds shall be issued pursuant to the Act, and the delivery of the Bonds shall be accompanied with the approving legal opinion of the law firm of Michael Best & Friedrich LLP or such other nationally recognized firm of bond attorneys as shall be acceptable to the City and the Eligible Participant.

(f) The Eligible Participant shall enter into one or more agreements with the City to use its "best efforts," as defined in such agreement(s) to utilize certain disadvantaged businesses in the renovation and equipping of the Facilities.

3. All out-of-pocket costs in connection with the issuance and sale of the Bonds shall be paid either from the proceeds of the Bonds or by the Eligible Participant.

4. The City Clerk shall cause notice of adoption of this Resolution to be published, in substantially the form attached to this Common Council File as Exhibit A, once in the City's official newspaper for the publication of notices pursuant to Chapter 985 of the Wisconsin Statutes and shall cause evidence of publication (including a copy of the notice as published) indicating the date of publication of such public notice to be filed with the Secretary of the Department of Commerce of the State of Wisconsin within twenty days following publication of such notice.

5. The appropriate officials of the Department of City Development, or bond counsel

acting on behalf of the City, are authorized to apply to the Department of Commerce of the State of Wisconsin for an allotment of Wisconsin's volume cap for private activity bonds in an amount not to exceed \$7,000,000.

6. This Resolution is an "initial resolution" within the meaning of the Act and official action toward issuance of the Bonds for purposes of Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

7. The appropriate officials of the Department of City Development are authorized to hold a public hearing on the question of the issuance of the Bonds so as to fulfill the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended. Notice of the public hearing shall be published as a class 1 notice in the Milwaukee Journal Sentinel at least fourteen days prior to the scheduled date for such hearing.

8. It is the finding and determination of the Common Council that the City will not control the design, costs, construction or operation of the Project; that no public moneys will be expended for the Project; that the City will have no beneficial ownership in the Project; that the primary reason for requiring competitive bidding for construction of municipal projects is to protect the taxpayers against excessive expenditures of public funds and that such reason, although sound as applied to public works, is not applicable to the Project in which no general funds or tax revenues of the City will be used or put at risk; that it would be more efficient and expedient for the accomplishment of the public purposes of the revenue bond issue if the Eligible Participant were to have complete control of the letting of contracts for construction of the Project. Therefore, the City does waive the provisions of Section (11)(b)1. of the Act with regard to the Project.

9. The City Clerk shall cause paragraph 8 to be published together with the public notice required by paragraph 4.

10. This Resolution shall be effective immediately upon its passage and approval. Unless the Bonds shall have been issued prior thereto, the authorities and authorizations given by this Resolution shall expire on the second anniversary date of the date of adoption of this Resolution or on such later date as the Common Council may specify by resolution adopted either before or after such date.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 2 - Frank Witkowiak

- 2) [990245](#) Substitute resolution authorizing issuance of Industrial Development Revenue Bonds (SEMCO, Inc. Project).

Whereas, The City of Milwaukee, Wisconsin (the "City"), is a municipal corporation organized and existing under and pursuant to the laws of the State of Wisconsin and is authorized by Section 66.521, Wisconsin Statutes, as amended (the "Act"):

(a) To issue revenue bonds to finance all or any part of the costs of the construction, equipping, re-equipping, acquisition, purchase, installation, reconstruction, rebuilding, rehabilitation, improving, supplementing, replacing, maintaining, repairing, enlarging, extending or remodeling of a project which qualifies under the Act and the improvement of the site therefor.

(b) To enter into a revenue agreement with an eligible participant pursuant to which the eligible participant agrees to cause said project to be constructed and to pay the city an amount of funds sufficient to provide for the prompt payment when due of the principal of and interest on said revenue bonds; and

Whereas, SEMCO, Inc., a Wisconsin corporation (the "Borrower"), has heretofore requested the City to issue industrial development revenue bonds to finance a project on behalf of the Borrower as the eligible participant (the "Eligible Participant") under the Act; and

Whereas, The Common Council of the City of Milwaukee (the "Common Council") has heretofore found and determined that said project consisting of the acquisition of certain land (the "Project Site") located in the City, construction of a manufacturing facility (the "Facility") on the Project Site, and acquisition of certain new machinery and equipment (the "Equipment") and installation of the Equipment in the Facility; all of which will be used by the Borrower in connection with its business of manufacturing custom filing paper products (the "Project"), is a qualified "project" within the meaning of the Act and that the Borrower is an "eligible participant" within the meaning of the Act; and

Whereas, At least 30 days prior to entering into the revenue agreement, the Eligible Participant shall have given notice of intent to enter into the revenue agreement, and provided information on the number of jobs the Eligible Participant expects to be eliminated, created or maintained at the Project Site and elsewhere in the State of Wisconsin by the Project, to the Department of Commerce of the State of Wisconsin and to any collective bargaining agent in the State of Wisconsin with whom the Eligible Participant has a collective bargaining agreement; and



Whereas, The City has received from the Department of Commerce of the State of Wisconsin an estimate of the net number of jobs expected to be eliminated, created or maintained as a result of the Project; and

Whereas, On March 2, 1999, the Common Council adopted an Initial Resolution pursuant to the Act (File No. 981590) wherein it was resolved that the City would issue industrial development revenue bonds to finance the Project, subject, however, to the satisfaction of certain conditions including the approval of the Common Council of the terms of the bonds and the revenue agreement described in said Initial Resolution; and

Whereas, On March 10, 1999, notice of the adoption of the Initial Resolution and waiver of public bidding was published in accordance with Sections (10)(b) and (11)(b)2 of the Act, and no sufficient petition has been filed with the City Clerk requesting a referendum on the question of the issuance of said industrial development revenue bonds; and

Whereas, On May 21, 1999, a public hearing was held in the offices of the Department of City Development and conducted in a manner that provided a reasonable opportunity to be heard for persons with differing views on both issuance of revenue bonds and the location and nature of the proposed facility to be financed with revenue bonds; and

Whereas, Notice of the public hearing, substantially in the form attached to this Common Council File as Exhibit A, was published by one insertion in the official newspaper of the City for the publication of notices pursuant to Chapter 985 of the Wisconsin Statutes no less than 14 days before the scheduled date of the hearing; and

Whereas, The official newspaper is a newspaper of general circulation in the locality of the Project; and

Whereas, The Common Council is an elected legislative body of the City; and

Whereas, The Borrower has now requested that the City provide for the issuance of up to \$3,500,000 principal amount of industrial development revenue bonds upon the terms set forth in this Resolution (as herein described, the "Bonds"); and

Whereas, In connection therewith the Borrower has presented the City with proposed documentation of the Bonds, as follows:

- a. A Bond Placement Agreement, to be dated as of the date of adoption of this Bond Resolution (the "Bond Placement Agreement"), to be entered into by and among the City, the Borrower and Banc One Capital Markets, Inc. (the "Placement Agent"),

setting forth the terms and conditions on which the City will sell and the Bond Purchaser will use its best efforts to place the Bonds.

b. An Indenture of Trust, to be dated as of June 1, 1999 (the "Indenture"), to be entered into between the City and the corporate trustee (hereinafter designated the "Trustee"), providing for the creation of the Bonds, the terms thereof and the security therefor.

c. A Loan Agreement, to be dated as of June 1, 1999 (the "Loan Agreement"), to be entered into between the City and the Borrower providing for a loan of the proceeds from the sale of the Bonds (the "Bond Proceeds") to the Borrower on repayment terms scheduled to provide the City with revenues sufficient to retire the Bonds in accordance with their terms.

d. A Promissory Note, to be dated June 16, 1999 (the "Promissory Note"), to be issued by the Borrower payable to the order of the City in the principal amount of up to \$3,500,000 as evidence of the borrowing provided for in the Loan Agreement and to be assigned by the City to the Trustee.

e. A Remarketing Agreement, to be dated June 16, 1999 (the "Remarketing Agreement"), between the Borrower and Bank One Capital Markets, Inc. as Remarketing Agent; and

Whereas, American National Bank and Trust Company of Chicago (the "Bank"), will issue an irrevocable letter of credit (the "Letter of Credit") in an amount sufficient to pay, when due, the principal of and interest on and purchase price of the Bonds from time to time; and

Whereas, In accordance with the Act, this Resolution and the aforesaid instruments and documents, the Bonds and interest thereon shall never constitute an indebtedness of the City within the meaning of any State constitutional provision or statutory limitation; shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; and shall not constitute or give rise to any personal liability of any member of the Common Council or of any officials or employees of the City on the Bonds or for any act or omission related to the authorization or issuance of the Bonds; and

Whereas, It is in the public interest of the City to encourage and promote the development of projects such as the Project in order to realize public benefits such as, but not limited to, the provision and retention of gainful employment opportunities for the citizens of the City; the stimulation of the flow of investment capital into the City with resultant beneficial effects on the economy of the City; and the preservation and enhancement of the City's tax base; and

Whereas, The development of the Project and the issuance of the Bonds to finance the Project as herein recited will, in the judgment of the Common Council, serve the intended accomplishments of public purpose and in all respects conform to the provisions and requirements of the Act; now, therefore, be it

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

1. Determinations. It has been found and determined and is declared:

a. That the Project is a qualified "project" under and for the purposes of the Act.

b. That the Borrower is a qualified "eligible participant" under and for the purposes of the Act.

c. That the Loan Agreement meets the requirements of a "revenue agreement" under and for the purposes of the Act.

d. That the estimated aggregate cost of providing the Project and paying the costs incident to the financing is not less than up to \$3,500,000.

e. That the payments required to be made by the Borrower under the Loan Agreement are sufficient in amount to pay, when due, the principal of, premium, if any, and interest on the Bonds.

f. That all conditions set forth in said Initial Resolution have been satisfactorily met.

2. Authorization to Borrow and Lend. The City shall borrow, but only in the manner herein recited, a sum of up to \$3,500,000 for the purpose of financing the Project. Said borrowing shall be accomplished through the sale of the Bonds issued pursuant to the Act. The City shall lend a sum of up to \$3,500,000 to the Borrower pursuant to the terms of the Loan Agreement, which borrowing shall be evidenced by the Promissory Note. The Loan Agreement is approved as necessary to effectuate the purposes of the Act. The Mayor, the City Clerk and the City Comptroller are authorized and directed for and in the name of the City to execute and deliver the Loan Agreement in the form thereof presented herewith or with such insertions therein or corrections thereto as shall be approved by them consistent with this Resolution, their execution thereof to constitute conclusive evidence of their approval of any such insertions and corrections.

3. Designation, Denomination, Tenor and Maturity of Bonds Created for Issuance. The Bonds shall be issued in the principal amount of up to \$3,500,000 and shall be designated:

CITY OF MILWAUKEE, WISCONSIN, ADJUSTABLE RATE INDUSTRIAL DEVELOPMENT REVENUE BONDS, SERIES 1999 (SEMCO, INC. PROJECT)

The Bonds shall be dated, bear interest and mature, and shall be subject to redemption prior to maturity as provided for in the Indenture. Without limiting the generality of the foregoing, the interest rate on the Bonds shall vary from time to time in accordance with the method set forth in the Indenture, the applicable provisions of which are incorporated herein by reference.

The Bonds shall be issued in the respective forms therefor as set forth in the Indenture, with such insertions therein as shall be necessary to comply with the terms of this Resolution and with such corrections therein, if any, as the approving bond attorney may require for conformity with the terms of this Resolution, the Indenture and the Act.

4. Execution and Authentication of Bonds. The Bonds shall be executed on behalf of the City with the facsimile or manual signature of its Mayor and its City Clerk, countersigned with the facsimile or manual signature of its City Comptroller and shall have impressed, imprinted or otherwise reproduced thereon an official seal, if any, of the City or a facsimile thereof. No Bond shall be issued unless first authenticated by the Trustee (as fiscal agent and bond registrar), to be evidenced by the manual signature of an authorized signatory of the Trustee on the Bond.

5. Designation of Trustee. The City designates and appoints American National Bank and Trust Company of Chicago to perform the functions of Trustee under the Indenture.

6. Bonds as Limited Obligations. The Bonds and interest thereon shall never be or be considered a general obligation of the City or an indebtedness of the City within the meaning of any State constitutional provision or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers.

7. Source of Payment; Pledge of Revenues. The Bonds shall be limited obligations of the City payable by it solely from revenues and income derived by or for the account of the City from or for the account of the Borrower pursuant to the terms of the Loan Agreement and the Indenture; including without limitation: (i) payments by the Borrower pursuant to the terms of the Loan Agreement and the Promissory Note, (ii) amounts derived by recourse to the Letter of Credit or the Guaranty Agreements, and (iii) all cash and securities held from time to time in the Trust Funds, and the investment earnings thereon; but excluding any amounts derived by the City for its own account

pursuant to the terms of the Loan Agreement.

As security for the payment of the principal of, premium, if any, and interest on the Bonds, the City shall pledge and assign to the Trustee all of its right, title and interest in and to the Promissory Note and the "Trust Estate" described in the Indenture.

8. Redemption of Bonds Prior to Maturity. The Bonds shall be subject to mandatory and optional redemptions prior to maturity as provided in the Indenture.

9. Trust Funds. The trust funds and accounts created under the Indenture to be held in the custody of the Trustee and applied for the uses and purposes provided in the Indenture are authorized and approved.

10. Investment of Trust Funds. Any moneys held as a part of the trust funds held by the Trustee under the Indenture may be invested and reinvested by the Trustee in "Qualified Investments" in accordance with, and as defined in, the Indenture.

11. Approval of Documents. The terms and provisions of the Loan Agreement, the Promissory Note, the Placement Agreement and the Indenture are approved. The Mayor, the City Clerk, and where appropriate, the City Comptroller are authorized for and in the name of the City to execute and deliver the Indenture and the assignment of the Loan Agreement and the Promissory Note in the forms thereof presented herewith, or with such insertions therein or corrections thereto as shall be approved by them consistent with this Resolution and the terms of the Act, their execution thereof to constitute conclusive approval of any such insertions and corrections.

The City also approves and ratifies the use and distribution of a Preliminary Offering Memorandum and an Offering Memorandum, in substantially the form submitted to the City in connection with the issuance, sale and delivery of the Bonds. The City has not confirmed, and assumes no responsibility for, the accuracy, sufficiency or fairness of any statements in the Preliminary Offering Memorandum, the Offering Memorandum or any other written material used in connection with the offer and sale of the Bonds or in any way relating to the Project, the Borrower, the Bank or the Placement Agent, other than with regard to the material contained in the caption "The Issuer" (as it relates to the City), which information is correct.

12. Determination of Revenue Payment. The amount necessary in each year to pay the principal of, premium, if any, and interest on the Bonds is the sum of (i) the amount of principal becoming due in such year (as reduced from time to time by reason of prior redemptions and open market purchases of Bonds in accordance with the Indenture); plus (ii) the principal amount of Bonds to be redeemed in such year in accordance with a call for redemption made in accordance with the Indenture, plus the premium, if any, payable with respect thereto; plus (iii) the amount of interest on the Bonds

becoming due in such year.

13. Award of Bonds; Execution and Delivery of the Bond Purchase Agreement. The terms and conditions of the Bond Purchase Agreement are hereby approved. As evidence thereof the Mayor, the City Clerk, and where appropriate, the City Comptroller are authorized and directed for and in the name of the City to execute, affix with the official seal of the City and deliver the Bond Purchase Agreement in the form presented herewith, or with such insertions therein or corrections thereto as shall be approved by the Mayor and the City Clerk consistent with this Resolution and the terms of the Act, their execution thereof to constitute conclusive evidence of their approval of any such insertions and corrections.

14. Execution and Delivery of the Bonds. The Mayor, the City Clerk and the City Comptroller are authorized for and in the name of the City to execute the Bonds in the manner authorized by paragraph 4 of this Resolution. Subject to the terms and conditions of the Bond Purchase Agreement, the Issuer shall deliver the Bonds to the Bond Purchaser.

15. Election. The City elects to issue the Bonds in an aggregate principal amount exceeding \$1,000,000 but not exceeding \$10,000,000 as provided in Section 144(a) (4) of the Internal Revenue Code of 1986.

16. General Authorization. The Mayor and the City Clerk and the appropriate deputies and officials of the City in accordance with their assigned responsibilities are each authorized to execute, deliver, publish, file and record such other documents, instruments, notices (including, without limitation, the Internal Revenue Service Form 8038) and records and to take such other actions as shall be necessary or desirable to accomplish the purpose of this Resolution and to comply with and perform the obligations of the City under the Bond Purchase Agreement, the Bonds, and Loan Agreement and the Indenture.

In the event that said officials shall be unable by reason of death, disability, absence or vacancy of office to perform in timely fashion any of the duties specified herein (such as the execution of the Bond Purchase Agreement, the Bonds, the Loan Agreement, the Indenture or the assignment(s) of the Promissory Note(s)), such duties shall be performed by the official succeeding to such duties in accordance with law and the rules of the City.

17. Effective Date; Conformity. This Resolution shall be effective immediately upon its passage and approval. To the extent that any prior Resolutions of the Common Council are inconsistent with the provisions hereof, this Resolution shall control and such prior Resolutions shall be deemed amended to such extent as may be necessary to bring them in conformity with this Resolution.

18. DBE Agreement. In the event the portion of the Project financed by the Bonds includes construction: The Mayor, the City Clerk and the City Comptroller shall not execute and deliver the Loan Agreement unless simultaneously with the issuance of the Bonds, the Borrower shall enter into a Disadvantaged Business Enterprise Agreement (the "Agreement") with the City, in a form satisfactory to the City providing for the Borrower to make a "good faith effort," as defined in the Agreement, to utilize certified "Disadvantaged Business Enterprises," as defined in the Agreement, in the construction of the Project.

19. Public Approval. The Common Council, on behalf of the City, approves the issuance of the Bonds for the purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 2 - Frank Witkowiak

CONFIRMATION OF THE FOLLOWING:

- 3) [981739](#) Appointment of Suzanne Lundin to Milwaukee Arts Board by the Mayor. (16th Aldermanic District)

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 2 - Frank Witkowiak

THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [981711](#) Substitute ordinance relating to the establishment of a Detailed Planned Development (DPD) known as The John C. Cudahy YMCA Youth & Family Center, on land

located generally South and East of the intersection of North 91st Street and West Fairy Chasm 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).0118.

(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 by the centerline of North 91st Street, the centerline of West Fairy Chasm Drive, a line 482.54 feet East and parallel to the east line of North 91st Street, a line 780.4 feet South and parallel to the south line of West Fairy Chasm Drive, a line 1428.95 feet East of the east line of North 91st Street and a line 440.39 feet North and parallel to the north line of West Brown Deer Road, from Single-Family Residence (R/F-5/40 and R/F-3/40) to a Detailed Planned Development known as The John C. Cudahy YMCA Youth & Family Center.

(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 general 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 accord 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:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- 2) [990083](#) Substitute ordinance relating to the approval of a Third Amendment to a Detailed Planned Development (DPD) known as Lapham Park, on land located on the West Side of North 6th Street between West Brown Street and West Vine Street, in the 6th 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).0123.

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

(2) The zoning map is amended to change the zoning for the area bounded and described as follows:

Commencing at the point of intersection of the centerline of North 6th Street and the

centerline of West Brown Street; thence South along the centerline of North 6th Street to the centerline of West Vine Street; thence West along the centerline of North 7th Street to the centerline of West Reservoir Avenue; thence Northwesterly along the centerline of West Reservoir Avenue to the centerline of North 8th Street; thence North along the centerline of North 8th Street to the centerline of West Brown Street; thence East along the centerline of West Brown Street to the centerline of North 6th Street and the point of commencement.

(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:** Ald. Johnson-Odom

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

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

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

ADOPTION OF THE FOLLOWING:

- 3) [990156](#) Substitute resolution approving a plan specifying design of a database system for the Department of Neighborhood Services and authorizing the expenditure of \$100,000 to develop a common database to track multiple types of property complaints and violations.

**Sponsors:** THE CHAIR

*ALD. HENNINGSEN moved to return File Number 990156 back to committee.*

*The motion prevailed by the following vote:*

*Ayes: 14 - Ald. Pratt, D'Amato, Henningsen, Schramm, Gordon, Frank, Richards, Scherbert, Pawlinski, Breier, Nardelli, Murphy, Hines and President Kalwitz.*

*Noes: 1 - Ald. Johnson-Odom.*

*Absent: 1 - Ald. Butler.*

*Excused: 1 - Ald. Witkowiak.*

**A motion was made by Ald. Henningsen that this matter be REFERRED TO to the ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE. The motion carried by the following vote:**

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

**No:** 1 - Johnson-Odom

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- 4) Various resolutions declaring, amending, accepting offers for surplus tax deed properties in various aldermanic districts:

- a) [990188](#) Resolution declaring as surplus and accepting an unsolicited Offer to Purchase the vacant, tax deed lots located at 2420 and 2428 West Locust Street from Pleasant Hill Missionary Baptist Church for an addition to their existing church, in the 7th Aldermanic District. (DCD-Real Estate)

Whereas, The adjoining owner, Pleasant Hill Missionary Baptist Church, has offered

to purchase the vacant, tax deed lots located at 2420 and 2428 West Locust Street, Tax Roll Key Nos. 310-1509-100-5 and 310-1507-8, from the City of Milwaukee containing 6,840 square feet for an addition to their existing church for \$500; and

Whereas, These vacant, tax deed lots are being sold in an "as is" condition; and

Whereas, Closing the sale is contingent upon:

1. Submittal and approval of site and building plans to the Department of City Development, Planning Division.
2. Proof of financial capability to complete the project as proposed.
3. Closing must occur within 120 days from the date of adoption of this resolution.
4. Construction must be completed within 18 months from the date of closing as evidenced by a Certificate of Occupancy; 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 City-owned/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 and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 02-211-2700.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- b) [990190](#) Resolution declaring as surplus and accepting an unsolicited Offer to Purchase the improved, tax deed property located at 2012 South 36th Street, in the 8th Aldermanic District. (DCD-Real Estate)

Whereas, Michael A. Kozlowski, the current tenant living at 2012 South 36th Street, has offered to purchase said property for \$25,000 and will then become an owner-occupant; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that 2012 South 36th Street, Tax Roll Key No. 472-0177-5, is declared surplus and that the Department of City Development is authorized and directed to sell said property to Michael A. Kozlowski, as an owner-occupant, at a fixed price of \$25,000; and, be it

Further Resolved, That a commission of \$1,000 shall be paid from the proceeds to the licensed real estate broker who is acting as the agent for the buyer; 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. 02-211-2700; 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. Henningsen that this matter be ADOPTED. The motion carried by the following vote:**

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

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- c) [990202](#) Resolution declaring as surplus and authorizing the conveyance of tax deed vacant lots to the Neighborhood Improvement Development Corporation for the Wisconsin Housing and Economic Development Authority's Homeownership Program. (DCD) Whereas, The Common Council of the City of Milwaukee adopted File No. 970458, on July 11, 1997, which approved entering into a Cooperation Agreement between the City of Milwaukee ("City"), the Neighborhood Improvement Development Corporation, the Wisconsin Housing and Economic Development Authority, and the Redevelopment Authority of the City of Milwaukee to develop new in-fill housing in the City; and

Whereas, It has been determined that the following newly-acquired tax deed vacant lots are suitable for this type of development and are declared surplus to the City's needs:

1866 North 13th Street

1321 West Brown Street

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the subject vacant tax deed lots are declared surplus and that the Department of City Development is authorized and directed to convey the subject lots to the Neighborhood Improvement Development Corporation for the Wisconsin Housing and Economic Development Authority's Homeownership Program; and, be it

Further Resolved, That all terms and conditions stated in Common Council File No. 970458 and in the Cooperation Agreement remain in full force and effect.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- d) [990203](#) Resolution amending the disposition of the surplus, improved, tax deed property located at 2512 North Palmer Street, in the 6th Aldermanic District. (DCD-Real Estate)
- Whereas, Common Council File No. 980647, adopted on September 23, 1998, directed that the Department of City Development sell 2512 North Palmer Street to True Love Apostolic Church for affordable housing purposes, however, the transaction failed to close; and
- Whereas, The Neighborhood Improvement Development Corporation, a nonprofit organization, has offered to purchase said property for \$1.00 for affordable housing purposes and eventual resale to an owner-occupant; 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 2512 North Palmer Street, Tax Roll Key No. 322-0496-2, 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. 02-211-2700; 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. Henningsen that this matter be ADOPTED. The motion carried by the following vote:**

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

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

e) [990204](#) Resolution declaring as surplus the vacant, tax deed lot located at 3205 adjoining North Newhall Street and accepting an Offer to Purchase from the adjoining owner, Ronald Rosen Real Estate, Inc., for use as green space, in the 3rd Aldermanic District. (DCD-Real Estate)

Whereas, The adjoining owner, Ronald Rosen Real Estate, Inc., with its property located at 3205 North Newhall Street, has offered to purchase the vacant, tax deed lot located at 3205 adjoining North Newhall Street, Tax Roll Key No. 280-1072-3, from the City of Milwaukee containing 1,515 square feet for the amount of \$238 for use as green space; and

Whereas, This vacant, tax deed lot is being sold in an "as is" condition; and

Whereas, The City Plan Commission has approved the acceptance of said Offer, 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 said vacant lot is declared surplus, said Offer is accepted, and 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. 02-211-2700.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- f) [990205](#) Resolution declaring as surplus and authorizing the sale of improved, City-owned/tax deed properties located in various aldermanic districts. (DCD-Real Estate)

Whereas, The Commissioner of the Department of City Development recommends the sale of the following City-owned/tax deed properties in "as is" condition via the open listing method:

PROPERTY ADDRESS, LISTING PRICE, ALDERMANIC DISTRICT

3025-27 North 6th Street, TK #312-1536-0 \$14,000 6th

2254 South 11th Street, TK #468-0987-6 \$12,800 12th

3240-42 North 27th Street, TK #285-0794-7 \$16,000 10th

2418 North 28th Street, TK #326-1191-1 \$10,000 7th

2448 North 28th Street, TK #326-1184-3 \$10,000 7th

2437 North 29th Street, TK #326-1283-1 \$10,800 7th

2960-62 North 30th Street, TK #309-0651-2 \$22,000 10th

2127-29 North 32nd Street, TK #349-0529-4 \$22,000 17th

4744 North 49th Street, TK #228-0186-5 \$10,000 2nd



5768 North 81st Street, TK #176-0524-3 \$68,000 5th

3327-29 West Lisbon Avenue, TK #349-2319-9 \$20,000 17th

; and

Whereas, Any adjoining City-owned/tax deed vacant lot may be sold with an improved property to enhance its disposition and by this resolution is declared surplus; and

Whereas, The City Plan Commission and the Public Improvements Committee have determined that said properties have no possible municipal use and are surplus to the City's needs and recommends sale of them to the highest acceptable offer; and

Whereas, The Zoning, Neighborhoods and Development Committee has determined that said properties should be sold via the open listing method pursuant to Section 304-49 of the Milwaukee Code of Ordinances under the following terms and conditions:

A. The Offer conforms in all respects with the sales procedure.

B. The net offer (offer less sale's commission) is greater than 75 percent of the listing price.

C. The buyer is not delinquent in the payment of real estate taxes on any properties that he/she may own in the City of Milwaukee.

D. The buyer has not been convicted, within twelve months preceding the date of the Offer, of failure to comply with an order from the Commissioner of the Department of Neighborhood Services of the City of Milwaukee to correct code violations; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said properties are declared surplus and that the Commissioner of the Department of City Development or designee is authorized and directed to advertise and list said properties for sale to the highest acceptable offer; and, be it

Further Resolved, That the Commissioner of the Department of City Development or designee is authorized and directed to accept Offers to Purchase on behalf of the City of Milwaukee and to perform such acts as are necessary to close the transactions under the terms and conditions as set forth above; and, be it

Further Resolved, That if no offer is received for any property after advertising it on two occasions, the asking price will be reduced by up to 25 percent; and, be it

Further Resolved, That as a condition of the sale of surplus property, purchasers are 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; and, be it

Further Resolved, That the proceeds remaining from the sale of surplus property after payment of commissions and other closing related expenses be credited to the Reserve For Tax Deficit Fund Account No. 02-211-2700.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

g) [990269](#) Substitute resolution amending the disposition of the surplus, vacant, tax deed lots located at 2915, 2917-19 and 2921-23 West Greenfield Avenue, in the 8th Aldermanic District.

Whereas, Common Council File No. 980195, adopted on June 16, 1998, declared surplus and accepted an unsolicited Offer to Purchase the vacant, tax deed lots located at 2915, 2917-19 and 2921-23 West Greenfield Avenue from Xai Chou Xiong to construct a laundromat; and

Whereas, Xai Chou Xiong is unable to secure financing to undertake such project; and

Whereas, Megal Development Corporation has offered to purchase said surplus, vacant, tax deed lots for \$25,000 to construct a laundromat and a banking facility; and

Whereas, Said lots will be combined with a privately-owned adjoining vacant lot to be purchased by Megal Development Corporation to be included as part of the development site; and

Whereas, Closing the sale is contingent upon:

1. Purchase of the adjoining privately-owned property located at 2907-13 West Greenfield Avenue as evidenced by a recorded deed.
2. Submittal and approval of site and building plans to the Department of City Development, Planning Division.
3. Proof of financial capability to complete the project as proposed.
4. Closing must occur within 120 days from the date of adoption of this resolution.
5. Construction must be completed within 18 months from the date of closing as evidenced by a Certificate of Occupancy; and

Whereas, At a meeting of Layton Boulevard West Neighbors ("LBWN"), Megal Development Corporation representatives agreed to work with this area neighborhood group to address all issues noted in Exhibit A, a copy of which is attached to this Common Council File; and

Whereas, Megal Development Corporation has agreed to share its final site and building plans with LBWN for review and discussion prior to closing; and

Whereas, The subject lots are being sold in an "as is" 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 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 and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 02-211-2700.

**Sponsors:** Ald. Frank

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

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

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- 5) [990210](#) Resolution approving the blight designation of three privately-owned and five City-owned properties in the vicinity of North 29th Street and West Michigan Street, declaring the City-owned properties surplus to municipal needs, authorizing acquisition of the properties by the Redevelopment Authority of the City of Milwaukee, and authorizing their subsequent conveyance to the Neighborhood Improvement Development Corporation or its assigns for construction of owner-occupied, single-family homes, in the 4th Aldermanic District (Redevelopment Authority).

Whereas, Under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, ("Act") the Secretary of Housing and Urban Development is authorized to make financial grants to a unit of general local government (herein identified as the "Common Council of the City of Milwaukee" or "Council") for undertaking and carrying out redevelopment projects under an approved Community Development Program; and

Whereas, In Common Council File No. 49-2311-8d, adopted on September 16, 1968, the Redevelopment Authority of the City of Milwaukee ("Authority") was designated the Agent of the City of Milwaukee ("City") for the purpose of administering, undertaking, and carrying out all blight elimination, slum clearance, and urban renewal programs and projects both present and future; and

Whereas, Applicable Wisconsin law, particularly Section 66.431(5)(c), Wisconsin Statutes, as amended, enables the Authority of a first class city, with the approval of the local legislative body of that city, to acquire blighted properties without designating a boundary or adopting a redevelopment plan; and

Whereas, In Common Council File No. 971423 adopted January 20, 1998, the Common Council of the City of Milwaukee ("Council") deemed it desirable and in the public interest that the Authority undertake and carry out an urban renewal program under the Act and so authorized and directed the Authority to prepare Spot Acquisition Projects ("Projects"); and

Whereas, The Authority proposes to acquire three privately-owned properties in the general area of North 29th Street and West Michigan Street, more particularly described as:

513 North 29th Street (Tax Key No. 401-0926-100-0)

517 North 29th Street (Tax Key No. 401-0925-000-9)

533-35 North 29th Street (Tax Key No. 401-0921-000-7)

; and

Whereas, The Authority also desires to acquire five City-owned properties located in the same area, more particularly described as:

501-03 North 29th Street (Tax Key No. 401-0929-000-0)

505-507 North 29th Street (Tax Key No. 401-0928-000-5)

521-23 North 29th Street (Tax Key No. 401-0924-000-3)

525-27 North 29th Street (Tax Key No. 401-0923-000-8)

529-31 North 29th Street (Tax Key No. 401-0922-000-2)

; and

Whereas, The Authority submitted an application to the City for the necessary financial assistance under such Act and for such other assistance as may be necessary for undertaking and carrying out such Projects; and

Whereas, Proper notices were given to the owner(s) of the properties or the owner(s) waived their right to receive the statutory notices and a Public Hearing was conducted on May 6, 1999 by the Authority pursuant to the provisions of Wisconsin Statutes; and

Whereas, The Authority determined the subject properties to be blighted properties within the meaning of Section 66.431(4)(bm), Wisconsin Statutes, as amended, and requested Council approval of these Projects; and

Whereas, In relation to the location and extent of public works and utilities, public buildings, and public uses proposed, the Authority has conferred with the City Plan Commission and with such other public officials, boards, authorities, and agencies of the City under whose administrative jurisdictions such uses respectively fall pursuant to Subsection 66.431(6)(c), Wisconsin Statutes; and

Whereas, The City Plan Commission, which is the duly designated and acting official planning body for the City authorized to prepare a comprehensive plan, has reviewed and determined that these Projects conform to the general plan for the City as a whole, and the Council has duly considered the recommendations of the planning body; and

Whereas, The City Plan Commission has also determined that the subject City-owned properties have no possible municipal use and are surplus to the City's needs; and

Whereas, It is necessary that the Council take appropriate official action respecting these Projects, in conformity with the necessary funding agreements for financial assistance between the Authority and the Council and between the Council and the United States of America under the Act; and

Whereas, The Council is cognizant of the conditions that are imposed in the undertaking and carrying out of redevelopment activities under Wisconsin law and the Act, including those pertaining to relocation payments and assistance, and to the prohibition of discrimination because of race, color, creed, or national origin; and

Whereas, Where clearance and redevelopment is proposed, Wisconsin law requires Council approval of a Relocation Plan assuring that decent, safe, and sanitary dwellings substantially equal in number to the number of substandard dwellings to be removed in carrying out these Projects are available or will be provided at rents or prices within the financial reach of the income groups displaced; and

Whereas, After acquisition, the Authority desires to convey the properties to the Neighborhood Improvement Development Corporation or its assigns for construction of owner-occupied, single-family homes; and

Whereas, Pursuant to Section 66.431, Paragraph 9, Wisconsin Statutes, a Land Disposition Report for these properties was submitted; and

Whereas, The Public Hearing conducted on May 6, 1999, concurrently addressed the disposition of these properties as required by Wisconsin Statutes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the subject Projects are approved; and, be it

Further Resolved, That it is found, determined, and reaffirmed that:

1. These Projects are blighted properties in need of blight elimination, slum clearance, and urban renewal, and qualify as eligible projects within the meaning of Section 66.431(4)(bm), Wisconsin Statutes, as amended.
2. The objectives of the Authority cannot be achieved solely through rehabilitation of these Projects.
3. These Projects are feasible and conform to the general plan of the City.

4. Financial assistance to the Authority under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, is necessary to enable these Projects to be acquired and renewed, and accordingly, the Authority's application for financial assistance from the Council under the Act is confirmed and approved; and, be it

Further Resolved, That the subject City-owned properties are declared surplus to municipal needs and that the proper City officials are authorized and directed to execute quit claim deeds and any other related document(s) deemed necessary to effectuate the transfer of title from the City to the Authority without monetary consideration; and, be it

Further Resolved, That to implement and facilitate the prosecution of these Projects, certain official action to support the new land use after redevelopment may be taken with general references, among other things, to changes in zoning; the vacation and removal of streets, alleys, and other public ways; the location and relocation of sewer and water mains and other public facilities; and other public actions deemed necessary to effectuate the purpose of these Projects including the prohibition of any new construction in these Project areas, and accordingly, the Council:

1. Pledges its cooperation in helping to carry out these Projects.
2. Directs that no new construction shall be permitted or authorized in these Project areas by any agencies, boards, or commissions of the City under local codes or ordinances unless as authorized by the Council under Section 66.431(6)(e), Wisconsin Statutes.
3. Directs the various public officials, departments, boards, and agencies of the City having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with these Projects' objectives.
4. Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate these Projects; and, be it

Further Resolved, That the City Clerk is authorized and directed to transmit a certified copy of this resolution to the Commissioner of the Department of Public Works, the Commissioner of the Department of Neighborhood Services, the City Engineer, the Assessment Commissioner, the Director of the Community Block Grant Administration, the Redevelopment Authority, and to such other agencies, boards, and commissions of the City having administrative jurisdiction in the premises described above; and, be it

Further Resolved, That upon Council and State of Wisconsin approval of a Relocation Plan prepared for these Projects by the Authority pursuant to applicable provisions of Wisconsin law, and upon execution of the necessary funding agreement undertaking and carrying out these Projects including all provisions relating thereto, the Authority is requested to proceed with the prosecution of these Projects as provided in Section 66.431, Wisconsin Statutes, as amended; and, be it

Further Resolved, That the Land Disposition Report dated May 6, 1999, with respect to the proposed conveyance of the following properties is approved:

PROPERTY ADDRESSES

513 North 29th Street

517 North 29th Street

533-35 North 29th Street

501-03 North 29th Street

505-507 North 29th Street

521-23 North 29th Street

525-27 North 29th Street

529-31 North 29th Street

REDEVELOPER

Neighborhood Improvement Development Corporation or its assigns

; and, be it

Further Resolved, That the deed of conveyance to the Redeveloper may contain a dedication of the land for possible alley widening and that the City is able to accept such dedication.

**Sponsors:** THE CHAIR

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

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



**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

6) Various resolutions approving Land Disposition Reports in the 6th Ald. District.

a) [990212](#) Resolution approving the Land Disposition Report for the property at 2220-28 North Dr. Martin Luther King, Jr. Drive for sale to King Center LLC in the 6th Aldermanic District (Redevelopment Authority).

Whereas, In Common Council File No. 970989 adopted on November 4, 1997, and in Common Council File No. 961085 adopted on November 6, 1996, the Common Council of the City of Milwaukee approved the sale of the properties at 2230 and 2234-40 North Dr. Martin Luther King, Jr. Drive by the Redevelopment Authority of the City of Milwaukee ("Authority") to Briscoe Development and Management, Inc. for retail development; and

Whereas, King Center LLC, successor to Briscoe Development and Management, Inc., desires to modify its original development proposal and to purchase an additional property from the Authority; and

Whereas, On May 6, 1999, the Authority held a Public Hearing on the proposed sale of the additional property as required by Wisconsin Statutes; and

Whereas, Pursuant to Wisconsin Statutes and as a condition precedent to the sale, lease or transfer of land, the Authority submits herewith a Land Disposition Report describing the terms and conditions of the proposed sale; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Land Disposition Report dated May 6, 1999, with respect to the proposed sale of the following parcel is approved.

PROJECT

North 3rd Street/Garfield to North Avenue

PROPERTY ADDRESS

2220-28 North Dr. Martin Luther King, Jr. Drive

REDEVELOPER

King Center LLC

**Sponsors:** Ald. Johnson-Odom

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

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

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- b) [990227](#) Resolution approving the Land Disposition Report for the property at 2044 North Dr. Martin Luther King, Jr. Drive by accepting a primary offer from Midwest Flooring Company and a secondary offer from BPI Corporation/Van Hoof Company for redevelopment of the building and to sell a portion of the land to the adjoining owner for green space in the 6th Aldermanic District (Redevelopment Authority).

Whereas, On May 6, 1999, the Redevelopment Authority of the City of Milwaukee ("Authority") held a Public Hearing on the proposed sales as required by Wisconsin Statutes; and

Whereas, Pursuant to Wisconsin Statutes and as a condition precedent to the sale, lease or transfer of land, the Authority submits herewith a Land Disposition Report describing the terms and conditions of the proposed sales; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Land Disposition Report dated May 6, 1999, with respect to the proposed sales of the following described parcel is approved.

PROJECT

Blight Elimination Effort/North Dr. Martin Luther King, Jr. Drive and West Lloyd Street

PROPERTY ADDRESS

2044 North Dr. Martin Luther King, Jr. Drive

REDEVELOPERS

Primary Offer (building and land, except the south five feet): Midwest Flooring Company

Secondary Offer: BPI Corporation and the Van Hoof Company

Adjoining Owner Sale: James P. Fetzer for the south five feet of land

; and, be it

Further Resolved, That in the event Midwest Flooring Company is unable to provide a firm financing commitment by June 18, 1999, the Authority shall accept the secondary offer for the property from the BPI Corporation/Van Hoof Company.

**Sponsors:** Ald. Johnson-Odom

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

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

**No:** 0

**Excused:** 2 - Butler Witkowiak

PLACING ON FILE THE FOLLOWING:

- 7) [981717](#) Ordinance relating to the change in zoning from a General Planned Development (GPD) known as Hilltop Parish and Single-Family Residence (R/F-5/40 and R/F-3/40) to a General Planned Development known as The John C. Cudahy YMCA Youth & Family Center, on land located generally South and East of the intersection of North 91st Street and West Fairy Chasm Drive, in the 15th Aldermanic District. (DCD)

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

THE PUBLIC IMPROVEMENTS COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [990258](#) An ordinance to grant authority to Construction Resources Management, Inc. to construct, operate and maintain a spur track across South Water Street and East

Washington Street, extended, serving the property known as 301 East Washington Street, Tax Key #430-9998, in the 12th Aldermanic District of the City of Milwaukee, Wisconsin. (Infrastructure Services Div.)

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

Part 1. Permission and authority are hereby given and granted to Construction Resources Management, Inc., its successors in interest, and/or its assigns, hereinafter referred to as the "Company", to construct, sign, operate and maintain a spur track across South Water Street and East Washington Street in the City of Milwaukee. The centerline of the spur track shall extend in South Water Street from a point approximately 455 feet northerly of the intersection point of the right-of-way lines at the eastline of South Water Street and the northline of East Washington Street, thence to the northline of East Washington Street, thence crossing the northline of East Washington Street 45 feet, more or less, and the southline of East Washington Street 30 feet, more or less, west of the eastline of South Water Street and thence extending southeasterly into premises known as 301 East Washington Street, Tax Key #430-9998.

Part 2. Said spur track shall be constructed at no cost to the City and to the approval of the Commissioner of Public Works. Plans and specifications shall be submitted to the Commissioner of Public Works for review and approval, said approval not to be unreasonably withheld. Upon approval, permits shall be obtained from the Commissioner of Public Works (CPW) prior to construction. The cost of constructing traffic control and/or detour routes, altering or relocating manholes, poles, hydrants, catch basins, pavements, or any other municipal installations, which are necessary due to the construction of this spur track, shall be borne by the Company. The Department of Public Works (DPW) permit shall not be issued until a Finding of Fact and Order is issued by the State of Wisconsin Office of the Commissioner of Railroads establishing the conditions upon which the track installation may be made an Industry Track Agreement is entered into between the Company and the Union Pacific Railroad (UP) and an Agreement is entered into between the Company and the City of Milwaukee as described in part 6 of this Ordinance.

Part 3. The Company shall be responsible for the construction, maintenance and replacement of the pavement, sidewalk and/or sidewalk area between the rails and 2.5 feet on the sides of said spur track where they extend into South Water Street and East Washington Street with material satisfactory to the Commissioner of Public Works of the City of Milwaukee. The crossing material shall be of such a type to satisfactorily accommodate light vehicles, heavy truck and bicycle traffic. Should the Company fail to maintain the facility to the satisfaction of the CPW in a timely fashion, the CPW may cause the necessary maintenance with all costs payable by the Company.

Part 4. Said spur tracks shall be laid down, used, operated, signed, maintained and removed in accord with the Milwaukee Code of Ordinances and DPW specifications and applicable state statutes as it relates to protective devices, and to the approval of the Commissioner of Public works, and the right is hereby reserved to revoke the authority hereby conveyed whenever public necessity so requires.

Part 5. Should the Company discontinue use of the spur track, void the Industry Track Agreement, or should the spur be severed from the mainline feed, the Company shall remove the spur and all ancillary facilities from the right-of-way. Upon removal of said spur tracks for any reason, the Company shall restore South Water Street and East Washington Street in the area of the spur tracks, with substantially the same materials and in the same manner as the adjacent street, which work is subject to the approval of the Commissioner of Public Works.

In the event the Company fails to restore the spur track area after reasonable notice by the City, the Commissioner of Public Works may take appropriate action to restore said area and shall, along with the City Attorney, seek to be reimbursed by the Company through proper legal actions. Should the lands owned by the Company and served by this spur track ever be subdivided, reimbursement may be sought proportioned from the parts as though the lands were whole.

Part 6. This ordinance and the permission hereby granted are expressly conditioned that such permission does not become effective until the Company shall furnish to the City of Milwaukee an instrument in writing, so executed as to be entitled to record, waiving and releasing the City of any damages to the spur track area that could, at any time, be occasioned by future public improvements; and saving harmless the City of Milwaukee from any loss, injury, damage or liability of any kind whatsoever, as a result of the existence, reconstruction, maintenance and/or operation of this spur track, such instrument to be approved as to form and execution by the City Attorney. The Company shall have such instrument recorded with the Register of Deeds Office, Milwaukee County, and shall furnish proof of such recording to the Commissioner of Public Works.

The Company, as a condition of the granting of this ordinance, shall be responsible for:

- a. The temporary suspension of use, alteration and/or removal of the spur track at no cost to the City if it is required to allow for the maintenance, repair, replacement or installation of City utilities; and
- b. Any costs, expenses, damages or the cost of related public improvements resulting from the spur track that otherwise would be assessable to or affect abutting property owners or lessees.

Part 7. The Company and/or the Union Pacific Railroad, as a condition of the granting of this ordinance, shall be responsible for:

a. Petitioning the Office of the Commissioner of Railroads, as specified under State Statute 190.16(4)(c), for authority to construct the spur track in the public right-of-way.

b. Entering into an Industry Track Agreement which provides for the Railroad to serve the industry over this spur track, and provides for maintenance of the spur track within South Water Street and East Washington Street in accord with parts 3, 4 and 5 of this ordinance.

Part 8. The Company shall be responsible for any other carrier permitted by them to operate over this spur and agrees that it indemnifies and saves harmless the City of Milwaukee from any loss, injury, damage or liability of any kind whatsoever as a result of any other carriers' operation.

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

Part 10. This ordinance shall take effect and be in force from and after its passage and publication.

Part 11. This ordinance shall be null and void if the Office of Commissioner of Railroads of the State of Wisconsin does not authorize the establishment of this crossing or if the Company does not enter into an agreement with the railroad for service on this spur track.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

ADOPTION OF THE FOLLOWING:

- 2) [971218](#) Resolution to vacate the alley in the block bounded by West Kilbourn Avenue, West State Street, vacated North 13th Street and North 14th Street in the 4th Aldermanic

District. (WP-380) (City Attorney)

Whereas, A petition was presented to the Common Council of the City of Milwaukee by Sinai Samaritan Medical Center, Inc. and others on the 25th day of November, 1997 for the vacation of the alley in the block bounded by West Kilbourn Avenue, West State Street, vacated North 13th Street and North 14th Street; now, therefore be it

Resolved, By the Common Council of the City of Milwaukee, that said petition be and the same is hereby granted and that the following described portion of said alley to-wit:

All of the alley and alley turnaround in Block 207 of Subdivision of the South 23.572 Acres of the East 38 Acres of the Northeast 1/4 of Section 30, Township 7 North, Range 22 East, a recorded subdivision in said 1/4 Section

be and the same hereby is vacated for the reason that the same is of no public utility and the public interest requires the same to be vacated; and be it

Further Resolved, That as provided by Section 80.32(4) of the 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 alley and in said description of land above described, but such easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if such alley had not been vacated; and be it

Further Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works be and he is hereby directed, within two months from the date of the adoption of this resolution, to view the aforesaid portion of said alley vacated, and assess the benefits and damages accruing or arising from said vacation, and to make his report of his assessment of such benefits and damages to the Common Council of the City of Milwaukee, as required by law.

**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, Richards, Butler, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Scherbert

**Excused:** 1 - Witkowiak

- 3) [990093](#) Substitute resolution granting a special privilege to Spic & Span Cleaners to keep and maintain one groundwater monitoring well in the public right-of-way of North 20th Street south of West North Avenue, in the 7th Aldermanic District in the City of Milwaukee.

Whereas, The Wisconsin Department of Natural Resources has deemed it necessary to conduct an environmental assessment for a site located at 2001 West North Avenue to determine petroleum product migrational patterns; and

Whereas, It has been determined that, in addition to the proposed monitoring wells needed to be placed on private property, one location needs to be monitored within the public right-of-way for an extended period of time; and

Whereas, This monitoring well may only legally remain in the public right-of-way by the granting of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Spic and Span, Inc., 4301 North Richards Street, Milwaukee, WI 53212-1097, is hereby granted the following special privilege:

To keep and maintain one flush-mounted monitoring well in the vicinity of 2001 West North Avenue as follows: located in the east sidewalk area of North 20th Street, centered approximately 37 feet south of the southline of West North Avenue and 1 foot west of the eastline of North 20th Street.

This monitoring well shall be maintained and used/removed to the satisfaction of the Departments of Public Works and Neighborhood Services in accordance with the City of Milwaukee Building Codes and Zoning Ordinances. All necessary permits shall be obtained from the Departments of Public Works and Neighborhood Services of the City of Milwaukee.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Spic & Span Cleaners, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 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 \$35.00. 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

7. Hold the City of Milwaukee harmless from all claims regarding the remediation process, which includes the public right-of-way of North 20th Street.

**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, Richards, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- 4) [990094](#) Substitute resolution directing the Department of Public Works to conduct a feasibility and cost study of renovating the cafeteria in the City Hall complex.

Whereas, The cafeteria in the City Hall complex has traditionally provided convenient meals and snacks for public employes whose duties require them to shorten their lunch breaks or eat at their desks, as well as when inclement weather makes it difficult for workers to leave the complex and purchase lunch within the allotted time; and

Whereas, The cafeteria also provides an important public service by offering convenient food service to private citizens who are in the City Hall complex to pay their taxes, go to public meetings or attend other events of public interest and concern; and

Whereas, The cafeteria in the City Hall complex is currently without an operator, and it may be difficult to secure and retain a good cafeteria contractor because of the inadequacy of the existing kitchen facilities, which do not have an exhaust system or grill; and

Whereas, This may be an appropriate time to renovate the cafeteria to add an exhaust system and grill, provided that such renovation is feasible and economically reasonable; and

Whereas, The best way to determine whether the cafeteria should be renovated, or whether other, appropriate alternatives are available, is to have the Department of Public Works assess the feasibility and cost of such a renovation project, as well as the alternatives; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works (DPW) is directed to conduct a study of the feasibility and cost of remodeling the cafeteria in the City Hall complex to include a full kitchen with a properly-vented grill, as well as alternatives that would permit use of the area as a cafeteria or as an employee lunch and break area; and, be it

Further Resolved, That DPW shall make a written report of its findings, including estimated costs of a full kitchen and of each alternative; and, be it

Further Resolved, That the report shall consider the feasibility of also using the cafeteria area to display public art currently owned by the City but not on display; and, be it

Further Resolved, That DPW shall furnish its written report to the Common Council no later than the June 30, 1999, regularly-scheduled meeting of the Common Council Committee on Public Improvements.

**Sponsors:** Ald. Henningsen

**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, Richards, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- 5) [990174](#) 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:

3rd Aldermanic District

E. Concordia Ave. - N. Pierce St. to N. Bremen St. SW17100158 (859-0557-0):  
Relaying combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$7,500)

4th and 12th Aldermanic Districts

N. 4th St. - W. St. Paul Ave. to 400 feet m/l north of W. St. Paul Ave.  
SW17190315 (859-0674-7): Relaying combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$5,200)

7th Aldermanic District

N. 41st St. - W. Wright St. to 300 feet m/l north of W. Wright St. SW17100148  
(859-0628-6): Relaying combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$5,500)

7th and 10th Aldermanic Districts

N. 40th St. - W. Locust St. to W. Chambers St. SW17100155 (858-0006-7):  
Relaying combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$7,500)

8th Aldermanic District

W. Arthur Ave. - S. 13th St. to S. 15th St. SW17100153 (859-0633-3): Relaying  
combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$7,500)

10th Aldermanic District

W. Groeling Ave. - N. Teutonia Ave. to W. Hopkins St. SW17100150  
(859-0562-8): Relaying combined sewer. (Nonassessable Relief and Relay Sewer  
Fund -- \$6,500)

12th Aldermanic District

W. Becher St. - S. 11th St. to S. 12th St. SW17100149 (859-0634-9): Relaying  
combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$4,500)

W. Mineral St. - S. 20th St. to S. 21st St. SW17100154 (859-0646-4): Relaying  
combined sewer.(Nonassessable Relief and Relay Sewer Fund -- \$6,000)

14th Aldermanic District

W. Arthur Ave. - S. 5th St. to S. 6th St. SW17100151 (857-0043-1): Relaying  
combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$6,000)

16th Aldermanic District

W. Burnham St. - S. 32nd St. to S. 33rd St. SW17100152 (859-0637-5): Relaying  
combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$5,000)

;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 purpose  
subaccounts.

**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, Richards, Butler, Pawlinski,  
Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Scherbert

**Excused:** 1 - Witkowiak

- 6) [990175](#) 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:

3rd Aldermanic District

N. Cambridge Ave. - E. Newport Ave. to E. Providence Ave. ST21190184 (875-0575-2) File Number 980033: Asphalt pavement construction, place curb and gutter, sidewalk and driveway approaches where necessary, sodding and grading. (Nonassessable Reconstruction Paving Fund -- \$55,660; Assessable Reconstruction Paving Fund -- \$22,850)

Alley between E. Auer Ave., N. Booth St., E. Burleigh St. and N. Holton St. ST21200102 (889-0858-6) File Number 970868: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, storm water drainage facilities where needed, and grading. (Nonassessable Alley Paving Fund -- \$48,585; Assessable Alley Paving Fund -- \$33,085)

Alley between N. Bartlett Ave., E. North Ave., N. Oakland Ave. and E. Windsor Pl. ST21290160 (881-0766-8) File Number 892483: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, storm water drainage facilities where needed, and grading. (Nonassessable Alley Paving Fund -- \$26,765; Assessable Alley Paving Fund -- \$26,435)

10th Aldermanic District

Alley between W. Auer Ave., W. Concordia Ave., N. 20th St. and N. 21st St. ST21200105 (880-0735-1) File Number 980790: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, storm water drainage facilities where needed, and grading. (Nonassessable Alley Paving Fund -- \$44,540; Assessable Alley Paving Fund -- \$33,860)

11th Aldermanic District

Alley between W. Euclid Ave., S. 42nd St., S. 43rd St. and Lands South ST21200129 (881-0722-8) File Number 892185: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, storm water drainage facilities where needed, and grading. (Nonassessable Alley Paving Fund -- \$21,935; Assessable Alley Paving Fund -- \$10,820)

13th Aldermanic District

Alley between W. Morgan Ave., W. Wilbur Ave., S. 18th St. and S. 19th St.

(Northline of pedestrian way south 130 feet m/l) ST21290159 (889-0908-7) File Number 981692: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, storm water drainage facilities where needed, and grading. (Nonassessable Alley Paving Fund -- \$13,595; Assessable Alley Paving Fund -- \$6,182)

16th Aldermanic District

W. Kearney St. - S. 68th St. to S. 84th St. ST32090410 (890-0916-1) File Number 990176: Replace sidewalk as necessary, sodding and grading. (Nonassessable State Aid Paving Fund -- \$27,500; Assessable State Aid Paving Fund -- \$2,655)

W. O'Connor St. - S. 68th St. to S. 84th St. ST32090410 (890-0917-7) File Number 990176: Replace sidewalk as necessary, sodding and grading. (Nonassessable State Aid Paving Fund -- \$27,500; Assessable State Aid Paving Fund -- \$2,460)

S. 33rd St. - W. Lapham St. to W. Greenfield Ave. ST21190206 (878-1586-2) File Number 911985: Asphalt resurfacing, replace all curb and gutter, sidewalk, driveway approaches, sodding, tree removal as necessary, and grading. (Nonassessable Reconstruction Paving Fund -- \$92,925; Assessable Reconstruction Paving Fund -- \$39,855)

;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 purpose subaccounts; 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 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 the following projects:

W. Kearney St. (ST32090010) Nonassessable State Aid Paving Fund -- \$27,500  
Assessable State Aid Paving Fund -- \$2,655

W. O'Connor St. (ST32090010) Nonassessable State Aid Paving Fund -- \$27,500  
Assessable State Aid Paving Fund -- \$2,460

; and, be it

Further Resolved, That, upon the completion of projects W. Kearney St. ST32090410 and W. O'Connor St. ST32090410 and a determination of the actual costs, it is understood that if the City of Milwaukee's share is less than the amount previously paid, the difference will be refunded to said City; and, be it

Further Resolved, That projects N. Cambridge Ave. (875-0575-2), Alley E. Auer Ave. (889-0858-6), Alley N. Bartlett Ave. (881-0766-8), Alley W. Auer Ave. (880-0735-1), Alley W. Euclid Ave. (881-0722-8), Alley between W. Morgan Ave. (889-0908-7) and S. 33rd St. (878-1586-2) will be billed after January 1, 2001, but not before 12 months after the project contract has been completed; and, be it

Further Resolved, That the following portion of the alley segment be cancelled from the 1999 Paving Program:

13th Aldermanic District

Alley between W. Morgan Ave., W. Wilbur Ave., S. 18th St. and S. 19th St.  
(Northline of pedestrian way north 110 feet m/l) File Number 981692.

**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, Richards, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- 7) [990176](#) Substitute resolution determining it necessary to make various assessable 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 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:

10th Aldermanic District

Alley between W. Keefe Ave., W. Townsend St., N. 37th St. and N. 38th St.  
ST21200151: Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000)

16th Aldermanic District

W. Kearney St. - S. 68th St. to S. 84th St. (890-0916-1): Laying concrete sidewalk, and sodding.

W. O'Connor St. - S. 68th St. to S. 84th St. (890-0917-7): Laying concrete sidewalk, and sodding.

17th Aldermanic District

W. Lloyd St. - 140 feet m/l west of N. 14th St. to W. Fond du Lac Ave.  
ST21100154: Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

;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 purpose subaccounts.

**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, Richards, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- 8) [990177](#) 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, Plans, specifications and cost estimates have been prepared for the following described improvements:

4th Aldermanic District

W. Wisconsin Ave.- N. 22nd St. to N. 23rd St. SW17190265 (859-0580-6) File Number 971958: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$75,000)

6th Aldermanic District

E. Brown St. - N. Palmer St. to N. Hubbard St. SW17190324 (859-0684-1) File Number 980910: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$71,000)

W. Sommers St. (Vac) - 100 feet m/l west of N. 9th St. to North-South Freeway  
SW17190319 (859-0678-9) File Number 980621: Relay combined sewer.  
(Nonassessable Relief and Relay Sewer Fund -- \$36,000)

N. 4th St. - 200 feet m/l south of W. Walnut St. to 80 feet m/l south of W. Walnut St.  
SW17190266 (859-0582-7) File Number 971958: Relay combined sewer.  
(Nonassessable Relief and Relay Sewer Fund -- \$22,000)

7th Aldermanic District

W. Clarke St. - N. 23rd St. to N. 24th St. SW17190300 (859-0659-5) File  
Number 971958: Relay combined sewer. (Nonassessable Relief and Relay Sewer  
Fund -- \$254,000)

12th Aldermanic District

S. 9th St. - W. Bruce St. to W. National Ave. SW17190311 (859-0670-5) File  
Number 971958: Relay combined sewer. (Nonassessable Relief and Relay Sewer  
Fund -- \$573,000)

17th Aldermanic District

W. Brown St. - N. 26th St. to N. 29th St. SW17190337 File Number 981420:  
Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$176,000)

;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 purpose  
subaccounts.

**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, Richards, Scherbert,  
Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

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

a) [990189](#) Resolution declaring as surplus and authorizing the disposition of the improved, tax deed property located at 2906 North 19th Street, in the 7th Aldermanic District. (DCD-Real Estate)

Whereas, CCTR Group, Inc., a nonprofit organization, has offered to purchase said property for \$500 for affordable housing purposes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that 2906 North 19th Street, Tax Roll Key No. 311-1312-5, is declared surplus and that the Department of City Development is authorized and directed to sell said property to CCTR Group, 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. 02-211-2700; 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:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

[990191](#) Resolution declaring as surplus and authorizing the disposition of the improved, tax deed property located at 2529 North 17th Street, in the 17th Aldermanic District. (DCD-Real Estate)

Whereas, WAICO/YMCA Central City Housing Initiative II, a nonprofit organization, has offered to purchase said property for \$500 for affordable housing purposes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that 2529 North 17th Street, Tax Roll Key No. 324-1073-5, is declared surplus and that the Department of City Development is authorized and directed to sell said property to WAICO/YMCA Central City Housing Initiative II 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. 02-211-2700; 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:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- c) [990199](#) Resolution declaring as surplus and authorizing the disposition of the improved, tax deed property located at 2134-36 North 45th Street, in the 17th 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 and eventual resale to an owner-occupant; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that 2134-36 North 45th Street, Tax Roll Key No. 347-0371-1, 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. 02-211-2700; 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:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- d) [990201](#) Resolution declaring as surplus and authorizing the disposition of the improved, tax deed property located at 1832-34 West Meinecke Avenue, in the 17th Aldermanic District. (DCD-Real Estate)
- Whereas, WAICO/YMCA Central City Housing Initiative II, a nonprofit organization, has offered to purchase said property for \$500 for affordable housing purposes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that 1832-34 West Meinecke Avenue, Tax Roll Key No. 324-1601-4, is declared surplus and that the Department of City Development is authorized and directed to sell said property to WAICO/YMCA Central City Housing Initiative II 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. 02-211-2700; 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:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Scherbert

**Excused:** 1 - Witkowiak

- 10) [990198](#) Resolution declaring as surplus the vacant, tax deed lot located at 2401 West Nash Street and accepting an Offer to Purchase from the adjoining owner, New Prospect Missionary Baptist Church, for combination with their adjoining property for church purposes and associated parking, in the 10th Aldermanic District. (DCD-Real Estate) Whereas, The adjoining owner, New Prospect Missionary Baptist Church, with its property located at 2407 West Nash Street, has offered to purchase the vacant, tax deed lot located at 2401 West Nash Street, Tax Roll Key No. 285-1641-100-9, from the City of Milwaukee containing 8,050 square feet for the amount of \$250 for church purposes and associated parking; and

Whereas, This vacant, tax deed lot is being sold in an "as is" condition; and

Whereas, The City Plan Commission has approved the acceptance of said Offer, 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 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 lot and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 02-211-2700.

**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, Richards, Butler, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Scherbert

**Excused:** 1 - Witkowiak

- 11) [990206](#) Resolution approving the Release of Deed Restriction for the property at 1827-31 North 1st Street in the 6th Aldermanic District (Redevelopment Authority).  
Whereas, In Common Council File No. 900914 adopted on October 16, 1990, the Common Council of the City of Milwaukee ("Council") approved the Land Disposition Report submitted by the Redevelopment Authority of the City of Milwaukee ("Authority") for the property at 1827-31 North 1st Street in the Brewers' Hill neighborhood; and
- Whereas, The deed of conveyance to the buyers, Timothy and Molly Philosophos, contained a restriction prohibiting the property, which is improved with two residential structures, from being subdivided without the prior approval of the Authority and the Council; and
- Whereas, The property owners have requested that the deed restriction be released to facilitate sale of the property to two owner-occupants rather than a single buyer; and
- Whereas, The Authority approved such Release of Deed Restriction on May 6, 1999; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the Release of Deed Restriction for the property at 1827-31 North 1st Street is approved.
- Sponsors:** Ald. Johnson-Odom
- 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, Richards, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.
- No:** 0
- Absent:** 1 - Butler
- Excused:** 1 - Witkowiak
- 12) [990233](#) Substitute resolution approving a three-year priority listing of projects in the City of Milwaukee eligible for State and/or Federal funding assistance under the Transportation Equity Act for the 21st Century and authorizing the City Engineer to request inclusion of these projects in the 2000-2002 Transportation Improvement Program for the Milwaukee Urbanized Area.
- Whereas, The Transportation Equity Act for the 21st Century (TEA21) provides funding assistance for the improvements for transportation related projects; and
- Whereas, The TEA21 requires a long-range transportation plan which provides for

the development of transportation facilities that will function as an intermodal State transportation system; and

Whereas, All transportation projects proposed for funding under provisions of TEA21 must be included in a federally approved State transportation improvement program as well as be consistent with the local metropolitan planning Transportation Improvement Program (TIP); and

Whereas, The TIP must be developed as a multi-year program and include a priority list of projects to be carried out in the TIP; and

Whereas, Proposed improvement projects to be included in the TIP must be selected in accordance with specific funding program, such as, the National Highway System, the Surface Transportation Program, the Transportation Enhancement Program, the Statewide Multi-Modal Improvement Program, the Congestion Mitigation and Air Quality Improvement Program, the Bridge Replacement Program, Highway Safety Programs and Federal Transit Act Programs; and

Whereas, Information on project scheduling and funding sources must be provided by local agencies to Metropolitan Planning Organization officials for each project or group of like projects that are requested for inclusion in the TIP; and

Whereas, A three-year priority listing of "State and/or Federally Aided Street Improvements" has been prepared for inclusion in the 2000-2002 Transportation Improvement Program; and

Whereas, The availability of Federal funds under the National Highway System (NHS), Bridge Replacement, Congestion Mitigation and Air/Quality Program, Statewide Multi-Modal Improvement Program, Transportation Enhancement and Safety Programs is indeterminate, therefore, the projects listed for funding under these programs have been included to make full use of all funds which may become available, even though sufficient funds may not be available to undertake all the projects; and

Whereas, The City's Surface Transportation Program (STP) proposal is based upon anticipated city entitlement and changes in this program may be necessary; and

Whereas, All projects included in the three-year program are contingent upon future Common Council approval of each project prior to proceeding with these projects; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the three-year priority listing of "State and/or Federal Aided Street Improvements" in the City of



Milwaukee attached to and incorporated in Resolution File Number 990233 as though set forth in full is hereby approved;

and, be it

Further Resolved, That the City Engineer is hereby authorized and directed to request inclusion of the projects included in the priority listing in the 2000-2002 Transportation Improvement Program for the Milwaukee Urbanized Area.

**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, Richards, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- 13) [990236](#) Resolution approving proposed sidewalk removal and abandonment in the 15th Aldermanic District. (Infrastructure Services Div.)

Whereas, The Infrastructure Services Division has received a request from the property owner at 8800 West Helena Street to eliminate a portion of the public sidewalk abutting their properties; and

Whereas, The existing public sidewalk at 8800 West Helena Street serves only that property and it is not required to accommodate pedestrian traffic; and

Whereas, The Infrastructure Services Division will landscape the sidewalk area along with the removal of the sidewalk and the property owner has agreed to accept all future maintenance responsibility for the abandoned sidewalk area; now, therefore, be it

Resolved, By the Common Council for the City of Milwaukee that the Infrastructure Services Division be authorized to remove and not replace a portion of the public sidewalk at 8800 West Helena Street; and, be it

Further Resolved, That necessary funds for this project be taken from funds previously approved for walk repairs at these addresses by Common Council File Resolution 981521, adopted March 2, 1999; and, be it

Further Resolved, That the proper city departments take such action as is required of

them to assess the abutting property owner and collect such assessments in the manner directed by Sections 11.25 and 11.26 of the Milwaukee City Charter.

**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, Richards, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

- 14) [990241](#) Resolution relative to the cost participation and installation of traffic control signals in conjunction with the County/City paving of North 43rd Street from West Mill Road to West Good Hope Road in the 9th Aldermanic District. (Infrastructure Services Div.)
- Whereas, Existing traffic control signal agreements with Milwaukee County provide cost participation for traffic control signal improvements in conjunction with the paving of the controlled streets; and
- Whereas, Common Council Resolution File Number 970552 adopted July 25, 1997 authorized the City Engineer to execute an agreement to participate in the improvement of North 43rd Street from West Mill Road to West Good Hope Road; and
- Whereas, The total estimated cost for this project is \$75,000 for the alteration and upgrading of traffic control signals; and
- Whereas, Fifty percent of the participating costs or \$37,500 is non-reimbursable and is included in the Division's 1999 Capital Purpose Account #ST32090000; and
- Whereas, Fifty percent of the participating project cost or \$37,500 is reimbursable from Milwaukee County, and this amount is not included in Division accounts, and should be earmarked for this project in the 1999 Capital Grant and Aid Projects Fund #SP03290100; 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 have installed the traffic control signals necessary in conjunction with the paving of North 43rd Street from West Mill Road to West Good Hope Road and bill Milwaukee County for 50% of the cost of installation upon completion; and, be it

Further Resolved, That the City Comptroller is hereby authorized and directed to establish within the Capital Grant and Aid Projects Fund the appropriate Project/Grant ChartField Values for this project and transfer the amounts required but not to exceed a ten percent increase in those amounts set aside for the Grantor's Share and the City's Share as follows:

Location:

North 43rd Street from West Mill Road to West Good Hope Road.

Transfer from Account #SP03290100, Milwaukee County Share, Estimated Cost - \$37,500.

Transfer from Account #ST32090000, City's Share, Estimated Cost - \$37,500.

Total to be transferred to Account #ST30880417 - \$75,000.

**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, Richards, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

PLACING ON FILE THE FOLLOWING:

- 15) [990262](#) Communication from the Office of the Commissioner of Railroads transmitting a report relative to the petition of the Wisconsin Department of Transportation for the alteration of a public crossing of the Soo Line Railroad Co. tracks with West Galena Street in the City of Milwaukee.

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

**No:** 0

**Absent:** 1 - Butler

**Excused:** 1 - Witkowiak

RESOLUTION PRESENTED FOR IMMEDIATE ADOPTION

[990302](#) 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)
David Jankowski	670-1554-9
Weninger Realty, LLT	360-0084-100-x
RACM	353-0974-111-9 and -1193-100-6
MBC Foods, Inc.	069-0141-1 and -0142-7
Towne-Granville, LLC	039-9987-100-2

**Sponsors:** ZONING and NEIGHBORHOODS & DEVELOPMENT COMMITTEE

**A motion was made by Ald. Breier that this matter be ADOPTED to the MAYOR.  
The motion carried by the following vote:**

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

**No:** 0

**Excused:** 3 - Frank, Butler Witkowiak