



City of Milwaukee
Common Council Minutes
COMMON COUNCIL

City Hall
200 East Wells Street
Milwaukee, WI 53202

Tuesday, April 20, 1999

9:00:00 AM

Common Council Chambers

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) [981628](#) 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 17 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 1, 1999 - December 27, 1998):

Delete Pay Ranges 785, 786 and 796 in their entirety and substitute in lieu thereof the following:

"Pay Range 785

Official Rate-Biweekly

\$1,477.06 1,527.78 1,582.51 1,638.29 1,756.59

Plumbing Inspector 1/ 2/

1/ Plumbing Inspectors may be hired at any step of the pay range.

2/ Effective Pay Period 14, 1999, Plumbing Inspectors at the maximum step of Pay Range 785 for a minimum of one year shall be paid up to two and one-half percent (2.5%) more than such maximum step for attaining and maintaining approved certifications and/or licenses in accordance with the following: UDC Electric (1.0%); Commercial Building Code (1.0%); Private Sewerage (1.0%); Master Plumber (1.0%); Reduced Pressure Backflow Prevention (0.5%); Two Pound Gas (0.5%);

UDC Building (0.5%); UDC HVAC (0.5%).

Pay Range 786

Official Rate-Biweekly

\$1,842.70

Landscape and Irrigation Specialist 1/

1/ Effective the first pay period following notification by Plumbers' Local 75 of the 1999 rates, the Landscape and Irrigation Specialist will be compensated at 92% of the outside prevailing hourly rate for journeymen plumbers.

Pay Range 796

Official Rate-Biweekly

\$1,661.35 1,733.83 1,809.43 1,888.32 1,970.67

Mechanical Plan Examiner 1/ 2/

1/ Appointment authorized at the second step.

2/ Effective Pay Period 14, 1999, Mechanical Plan Examiners at the maximum step of Pay Range 796 for a minimum of one year shall be paid up to three percent (3.0%) more than such maximum step for attaining and maintaining approved certifications and/or licenses in accordance with the following: UDC Electric (1.0%); Commercial Building Code (1.0%); Private Sewerage (1.0%); Master Plumber (1.0%); Reduced Pressure Backflow Prevention (0.5%); Two Pound Gas (0.5%); UDC Building (0.5%); UDC HVAC (0.5%)."

Part 2. Section 17 of ordinance File Number 980576 relative to rate of pay of offices and positions in the City Service is hereby further amended as follows (Effective Pay Period 1, 2000 (December 26, 1999):

Delete the biweekly rates shown for Pay Ranges 785, 786 and 796 in their entirety and substitute in lieu thereof the following biweekly rates of pay:

"Pay Range 785

Official Rate-Biweekly

\$1,513.99 1,565.97 1,622.07 1,679.25 1,800.50

Pay Range 796

Official Rate-Biweekly

\$1,702.88 1,777.18 1,854.67 1,935.53 2,019.94"

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

Part 4. The provisions of Part 1 of this ordinance are deemed to have been in force and effect from and after Pay Period 1, 1999 (December 27, 1998).

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

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:

- 2) [980743](#) Substitute resolution approving, ratifying and confirming a memorandum of understanding between the City negotiating team and Plumbers Local 75, AFL-CIO for the period of January 1, 1999, to December 31, 2000.
- Whereas, The total agreement between the City negotiating team and Plumbers Local 75, AFL-CIO for the period commencing January 1, 1999, through December 31, 2000, has been reduced to writing; and
- Whereas, The memorandum of understanding embodying the agreements reached by the parties to such negotiations, copies of which are attached to Common Council File No. 980743 and incorporated herein as though fully set forth at length, was executed subject to ratification by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the agreement between the City negotiating team and Plumbers Local 75, AFL-CIO be approved; and, be it

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

Further Resolved, That the proper City officials are hereby authorized and directed to execute a formal contract between the City of Milwaukee and Plumbers Local 75, AFL-CIO which reflects the terms of the agreement; and, be it

Further Resolved, That the proper City officials are hereby authorized and directed to take the necessary action or to make the necessary recommendations to the Common Council or the appropriate committees or boards to implement the terms of this agreement; and, be it

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

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

- 3) [981048](#) Substitute resolution approving the Memorandum of Understanding between the City of Milwaukee Negotiating Team and Milwaukee District Council 48, AFSCME, AFL-CIO, relative to compensation for certain employees in the Business Section of the Water Works.

Whereas, The agreement to allow Water Works discretion to pay cash overtime to employees involved in the AMR (Automatic Meter Reading) Project has been reduced to writing in a City/District Council 48 Memorandum of Understanding, establishing a retroactive commencement date of March 27, 1999, subject to Common Council approval, and ending May 1, 1999, unless the parties agree, in writing, to extend their agreement on the use of AMR-related overtime; and

Whereas, The Memorandum of Understanding embodying the agreement reached by the parties to such negotiations, copies of which are attached to Common Council File Number 981048 and incorporated herein as though fully set forth at length, is subject

to ratification by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Memorandum of Understanding between the City Negotiating Team and Milwaukee District Council 48, AFSCME, AFL-CIO, be approved; and, be it

Further Resolved, That the proper City officials are hereby authorized and directed to take the necessary action or to make the necessary recommendations to the Common Council or the appropriate committees or boards to implement the terms of this agreement; and, be it

Further Resolved, That such sums as necessary for the implementation of the aforementioned Memorandum of Understanding in accordance with its terms and conditions be obtained for and charged to the appropriate department budget accounts in accordance with the customary reporting and accounting requirements.

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

- 4) [981547](#) Substitute resolution appropriating funds from the 1999 Special Purpose Account - Reimbursable Services Advance Fund to various Special Purpose Accounts for BID's.

Whereas, Common Council File 980965 established procedural guidelines related to the expenditure of funds to be reimbursed by greater than anticipated revenues; and

Whereas, Revenues collected from BID's exceeds the expenditure authority available for payment to the BID's by \$45,293; and

Whereas, The Comptroller has certified greater than anticipated revenue in the amount of \$45,293, pursuant to s. 304-91,

Pursuant to s. 304-91, I hereby certify that the money required for this is anticipated to be realized on or before 12/31/99 to be expended only for the purpose of this resolution.

Comptroller Date

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that \$45,293 be and is hereby appropriated from the Reimbursable Services Advance Fund (Account Number 0001-9990-0001-S183-006300) to the following BID's in the corresponding amounts:

Title	Account #	Amount
BID #4 Greater Mitchell St.	0001-1910-0001-S004-006300	\$213
BID #8 Historic King Dr.	0001-1910-0001-S008-006300	\$5,631
BID#10 Avenues West	0001-1910-0001-S010-006300	\$5,997
BID#11 Brady St.	0001-1910-0001-S011-006300	\$18,471
BID#13 Oakland Ave	0001-1910-0001-S013-006300	\$64
BID#16 Uptown Triangle	0001-1910-0001-S016-006300	\$783
BID#19 Villard Ave.	0001-1910-0001-S019-006300	\$14,134
Total		\$45,293;

and, be it

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

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

- 5) [981648](#) Substitute resolution ratifying and approving an Intergovernmental Cooperation Agreement by and among Technology for Educational Achievement in Wisconsin Board and City of Milwaukee and Milwaukee Public Library Board.

Whereas, The Milwaukee Public Library Board of Trustees (the "Board") of the Milwaukee Public Library (the "Public Library") is in need of moneys for acquiring, installing and upgrading network wiring which may include any or all of the following: equipment racks and panels for services in telecommunication closets; wiring for voice and data; fiber and coaxial cable; wireless LAN hardware and fiber; and related electrical upgrades, design and construction costs, including any asbestos removal and professional fees (collectively, the "Project"); and

Whereas, Pursuant to Section 44.72(4), Wisconsin Statutes, Technology for Educational Achievement in Wisconsin Board ("TEACH") has authority to make loans to library boards for projects including the Project; and

Whereas, TEACH has transmitted and the Board has received a letter of award (the "Commitment") from TEACH in connection with the Project; and

Whereas, Pursuant to Section 43.58, Wisconsin Statutes, the Board has exclusive control of the expenditure of all moneys collected, donated, or appropriated for the library fund, and shall audit and approve all vouchers for the expenditures of the Public Library and forward the vouchers or schedules covering the same, setting forth the name of the claimants, the amounts of each claim and the purpose for which expended to the appropriate municipal financial officer with the statement thereon, signed by the Board's secretary or other designee of the Board, that the expenditure has been incurred and that the Board has audited and approved the bill; and

Whereas, Pursuant to Section 43.58, Wisconsin Statutes, the City of Milwaukee (the "Municipality") shall pay the vouchers submitted by the Board as other bills of the Municipality are paid; and

Whereas, The Board intends to submit vouchers for expenditures for the Project to the Municipality; and

Whereas, TEACH intends to reimburse the Municipality for vouchers submitted for the Project for the benefit of the Board; and

Whereas, The Municipality hereby finds and determines that it is in the best interest of the Municipality to finance the cost of the Project on behalf of the Board by entering into a lease purchase agreement (the "Agreement") with TEACH pursuant to the terms and conditions of the TEACH wiring loan program, the Commitment and the Agreement; and

Whereas, Pursuant to Section 43.58, Wisconsin Statutes, the Board shall have exclusive charge, control and custody of all property, including the Project, given or granted to, or otherwise acquired or leased by, the Municipality for library purposes; and

Whereas, TEACH and the Municipality intend to enter into the Agreement for the benefit of the Board; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that an appropriate officer of the Municipality is hereby authorized and directed to execute the

Cooperation Agreement in substantially the form presented at this meeting and to perform all acts necessary to facilitate the lease of components of the Project from TEACH to the Municipality for the benefit of the Board to pay a portion of the costs of the Project.

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

- 6) [981649](#) Substitute resolution approving a Governmental Lease Purchase Agreement between TEACH Wisconsin (the "Lessor") and the City of Milwaukee (the "Lessee").
- Whereas, The Milwaukee Public Library Board (the "Board") is in need of moneys for acquiring, installing and upgrading network wiring which may include any or all of the following: equipment racks and panels for services in telecommunication closets; wiring for voice and data; fiber and coaxial cable; wireless LAN hardware and fiber; and related electrical upgrades, design and construction costs, including any asbestos removal and professional fees (collectively, the "Project"); and
- Whereas, Technology for Educational Achievement in Wisconsin Board ("TEACH") has transmitted and the Board has received a letter of award (the "Commitment") from TEACH in connection with the Project; and
- Whereas, Pursuant to Section 43.58, Wisconsin Statutes, the Board has exclusive control of the expenditure of all moneys collected, donated, or appropriated for the library fund, and shall audit and approve all vouchers for the expenditures of the Public Library and forward the vouchers or schedules covering the same, setting forth the name of the claimants, the amounts of each claim and the purpose for which expended to the appropriate municipal officer with the statement thereon, signed by the Board's secretary or other designee of the Board, that the expenditure has been incurred and that the Board has audited and approved the bill; and
- Whereas, Pursuant to Section 43.58, Wisconsin Statutes, the City of Milwaukee (the "Municipality") shall pay the bills submitted by the Board; and
- Whereas, The Municipality intends to enter into an Intergovernmental Cooperation Agreement By and Among TEACH, the Municipality and the Board to facilitate the loan of moneys from TEACH to the Municipality for the Board to pay a portion of the costs of the Project; and

Whereas, The Municipality hereby finds and determines that it is in the best interest of the Municipality to finance the cost of the Project on behalf of the Board by entering into a lease purchase agreement (the "Lease") with TEACH pursuant to the terms and conditions of the TEACH wiring loan program, the Commitment and the Lease; and

Whereas, Pursuant to Section 43.58, Wisconsin Statutes, the Board shall have exclusive charge, control and custody of all property, including the Project, given or granted to, or otherwise acquired or leased by, the Municipality for library purposes; and

Whereas, TEACH and the Municipality intend to enter into the Lease for the benefit of the Board; and

Whereas, The Lease shall be in substantially the form presented at this meeting of the Common Council; shall provide for the leasing of components of the Project more particularly described in Exhibit A attached to the Lease (and defined therein as the "Property"); and shall be in a principal amount not to exceed \$402,750; now, therefore, be it

Resolved, By the Common Council of the Municipality that:

Section 1. Approval of the Project and Acquisition of the Property. The Common Council hereby finds and determines, pursuant to the Constitution and laws of the State of Wisconsin, that the Project serves a "public purpose" and the Common Council hereby authorizes and approves the leasing of the Property, all in accordance with the terms and provisions of the Lease.

Section 2. Approval and Execution of the Lease. The Lease, in substantially the form presented to this meeting of the Common Council, is in all respects approved, authorized and confirmed, and the Mayor, Comptroller and City Clerk of the Municipality, or others authorized by law to sign on their behalf, are authorized and directed to execute and deliver the Lease in substantially the form and with substantially the same content as presented to this meeting of the Board, for and on behalf of the Municipality.

Section 3. Execution of Documents. The Mayor, Comptroller and City Clerk of the Municipality, or other appropriate officers or agents of the Municipality, are hereby authorized to execute and deliver for and on behalf of the Municipality any and all additional certificates, documents, instruments and other papers and to perform all other acts that they may deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this resolution.

Section 6. Effective Date. This resolution shall be in full force and effect immediately upon its adoption and approval in the manner provided by law.

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) [981697](#) Substitute resolution authorizing attendance at various seminars/meetings and authorizing expenditure of funds for this purpose.
- Resolved, By the Common Council of the City of Milwaukee, that the attendance of the following individuals at the following seminars or meetings is approved, and the funds specified are authorized to be allocated from the Seminar Fund, such travel and reimbursement to be in accordance with guidelines established by Section 350-181, Milwaukee Code:
- 1) Cassandra Patterson (CC-CC) "Mastering the Budget Process in Public Works"; Madison, WI; 5/10-12/99; \$1,045.39.

and, be it

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

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

Sponsors: THE CHAIR

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

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

No: 0

- 8) [981704](#) Resolution authorizing expenditure of \$54,000 from the Department of Neighborhood Services' Graffiti Abatement Fund Special Purpose Account in the 1999 Adopted City Budget for purchase of video monitoring equipment for use by the Police Department in graffiti vandalism surveillance.

Whereas, The 1999 Adopted City Budget includes \$54,000 in the Department of Neighborhood Services' Graffiti Abatement Fund Special Purpose Account for the purchase of video monitoring equipment for use by the Police Department in graffiti vandalism surveillance; and

Whereas, On December 18, 1998, the Common Council adopted Resolution File Number 981247, which specified that such funds were to be expended only after Common Council approval by resolution of a plan, developed and submitted by the Anti-Graffiti Policy Committee in conjunction with the Police Department, for the use of the equipment; and

Whereas, The Police Department and Committee agreed that the Police Department will report at each Committee meeting regarding the general location(s) and effectiveness of the videocamera; and

Whereas, Areas targeted for videotaping shall be selected based upon prior graffiti activity in those areas; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves expenditure of \$54,000 from the Department of Neighborhood Services' Graffiti Abatement Fund Special Purpose Account in the 1999 Adopted City Budget for purchase of video monitoring equipment for use by the Police Department in graffiti vandalism surveillance.

Sponsors: Ald. Breier, Ald. Witkowiak, Ald. Frank, Ald. Pawlinski and Ald. Murphy

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

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

No: 1 - D'Amato

- 9) [981741](#) Substitute resolution reserving \$180,000 from the Common Council Contingent Fund for use by the Director of the Department of Administration for the continuation of consulting services to assist in the implementation of alternative cable television franchise renewal strategies.

Sponsors: THE CHAIR

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

Aye: 9 - Pratt, Kalwitz, Henningsen, Johnson-Odom, Gordon, Frank, Richards, Witkowiak Hines Jr.

No: 8 - D'Amato, Schramm, Butler, Scherbert, Pawlinski, Breier, Nardelli Murphy

Whereas, Pursuant to Common Council Resolution File No. 961746, passed March 21, 1997, the Director of the Department of Administration, along with the Office of the City Attorney and Office of the City Comptroller, have been engaged in an informal process, authorized under 47 U.S.C. sec. 546(h), to renew the City's current cable television franchise agreement with Time Warner Entertainment, LP ("TWE"); and

Whereas, The City negotiators have, after having received negotiation directions from the Utilities and Licenses Committee, met numerous times with negotiators from TWE to attempt to reach a renewal franchise agreement under the informal renewal process; and

Whereas, Those negotiators have reached a tentative agreement on a renewal franchise agreement and certain revisions to Chapter 99, Milwaukee Code of Ordinances, which tentative agreement was within the negotiation parameters established by the Utilities and Licenses Committee; and

Whereas, Prior to the submission of the tentative agreement and changes to Chapter 99 to the full Common Council for consideration and approval, the City negotiators asked for a written commitment from an authorized representative from TWE which committed TWE and its successor in interest, Time Warner of Southeastern Wisconsin, LP (hereinafter collectively referred to as "Time Warner"), to the negotiated renewal franchise agreement, changes to Chapter 99, MCO, and other ancillary agreements; and

Whereas, On March 5, 1999, Time Warner provided a contingent commitment to the negotiated renewal documents, which conditioned final approval on the resolution of certain rate matters; and

Whereas, In reply to Time Warner's conditional commitment to the franchise renewal documents, the Director of the Department of Administration, on March 5, 1999, indicated a willingness to commit to an expedited review of the identified Time Warner rate issues if Time Warner would unconditionally commit to the execution of the negotiated renewal documents; and

Whereas, Time Warner has not unconditionally committed to the execution of the negotiated renewal documents; and

Whereas, In order to protect the City's interest in the renewal of the current cable television franchise agreement, the Director of the Department of Administration has recommended the following:

1. Completion of a needs assessment process which would underpin the issuance of a request for a renewal proposal to TWE under the formal renewal process; and
2. Provision of the necessary funding for the cost of retaining consultants to assist in the completion of the needs assessment process and other aspects of the formal renewal process; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Director of the Department of Administration is directed to complete the needs assessment process which would underpin the issuance of a request for a renewal proposal for the cable television franchise agreement with Time Warner Entertainment, LP, under the formal franchise renewal process authorized under 47 U.S.C. sec. 546(a)-(g); and, be it

Further Resolved, That \$180,000 be reserved within the 1999 Common Council Contingent Fund Sub-class C-001 for potential transfer for the aforementioned purpose; and, be it

Further Resolved, That the City Comptroller is hereby authorized and directed to transfer on an as needed basis, up to the amount of \$180,000, from the 1999 Common Council Contingent Fund Sub-class C-001 to a Special Sub-class within the Contingent Fund under control of the Director of the Department of Administration for the retention of consultants to assist in the completion of the needs assessment process and other aspects of the formal cable television franchise renewal process; and, be it

Further Resolved, That all agreements for expenditure of funds pursuant to this resolution shall comply with Section 360-06-1, Milwaukee Code, relative to disadvantaged business enterprise participation in City contracts.

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

PLACING ON FILE THE FOLLOWING:

- 10) [980528](#) Substitute resolution appropriating \$30,000 from the Common Council Contingent Fund for the continuation of consulting services relating to a renewal franchise agreement between the City of Milwaukee and Time Warner Cable.

Sponsors: Ald. Gordon

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

- 11) [981705](#) Communication from the City Comptroller transmitting the Annual Report of the Public Debt Amortization Fund for the year ended December 31, 1998.

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

- 12) [981730](#) Communication from the Purchasing Division transmitting a report relative to the Living Wage Provision.

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

THE UTILITIES AND LICENSES COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

- [980871](#) Substitute resolution relating to a procedure and policy criteria for sale of water to neighboring communities.

Sponsors: Ald. Murphy, Ald. D'Amato and Ald. Gordon

ALD. MURPHY presented a substitute resolution to be considered in lieu of the substitute resolution recommended for adoption by the Utilities and Licenses Committee and move for its acceptance.

The motion prevailed.

ALD. MURPHY moved for adoption of said substitute resolution.

The motion prevailed.

A motion was made by Ald. Murphy that this matter be SUBSTITUTED. 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

- 1) [980871](#) Substitute resolution relating to a procedure and policy criteria for sale of water to neighboring communities.
- Whereas, In 1985, the Great Lakes Charter was developed and signed by the governors of the 8 Great Lakes states and the premiers of the provinces of Ontario and Quebec, Canada; and
- Whereas, The Charter seeks to conserve the levels and flows of the Great Lakes and protect and conserve the environmental balance of the Great Lakes basic ecosystem; and
- Whereas, In 1986, the U.S. Congress enacted the Federal Water Resources Development Act, which prohibits water diversions from the Great Lakes basin in the United States unless the diversion is approved by the governor of each Great Lakes state; and
- Whereas, The City of Milwaukee provides water service to neighboring communities upon Common Council approval of water service agreements; and
- Whereas, The recent installation of major water quality improvements by the City of Milwaukee has resulted in widespread recognition of the superior quality of Milwaukee's water, which may prompt requests for the Water Works to expand its service to more areas; and
- Whereas, Some neighboring communities seek to purchase water from Milwaukee because the groundwater on which they currently rely is undesirable for human consumption and may constitute a risk to public health; and
- Whereas, The Water Works currently has significant excess capacity and could readily supply water to new customers; and
- Whereas, By providing water to other communities, the City, directly or indirectly, facilitates residential, industrial and commercial sprawl in the greater Milwaukee area; and

Whereas, This suburban sprawl represents lost opportunities for additional housing, jobs and tax base in the City of Milwaukee; and

Whereas, It is in the best interest of the City of Milwaukee for the Common Council to establish a procedure and policy criteria relating to water sales so that such decisions can be based on timely, accurate and complete information; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that prior to Common Council action on any proposed sale of water to any community or area outside the City, the Legislative Reference Bureau shall prepare a study of each proposed sale, including but not limited to the following information:

1. A feasibility analysis of the proposed sale of water, which shall include, but not be limited to increased revenue, cost of production, effect on the City's water rates and impact on capacity utilization.
2. An economic profile of the community that seeks to purchase the water, including its tax rate, assessed valuation per capita, median household income and median home value.
3. An analysis of whether the water will service existing properties or can be used directly or indirectly to facilitate new residential, industrial or commercial development.
4. An analysis of potential negative economic impact on the City due to lost opportunities for attracting new businesses and jobs to Milwaukee.
5. An analysis of the environmental impact of the proposed sale.
6. Other data and analysis that the Legislative Reference Bureau finds to be pertinent to the Common Council in its consideration of the proposed sale.

; and, be it

Further Resolved, That the Common Council directs all City departments and agencies to cooperate with the Legislative Reference Bureau in providing all necessary information for studies of proposed water sales pursuant to this resolution; and, be it

Further Resolved, That, not less than 5 working days before a proposed water sale is considered by a Common Council Committee, the Water Works shall submit to the Common Council a written evaluation of the water service request including such information as the Water Works deems relevant to the Council's consideration; and, be it

Further Resolved, That the Common Council's consideration of any proposed water sale shall include but not be limited to evaluation of the following criteria:

1. Whether the proposed sale is the result of a water shortage or water contamination public health crisis in the community or area to be served.
2. Whether the community or area to be served is fully developed or primarily undeveloped.
3. Whether the community or area to be served is primarily residential or business.
4. Whether further expansion of the community or area to be served is contingent upon the availability of City of Milwaukee water.
5. Whether the sale may have a potential negative economic impact on the City due to lost opportunities for attracting new businesses and jobs to Milwaukee.

Sponsors: Ald. Murphy, Ald. D'Amato and Ald. Gordon

A motion was made by Ald. Gordon 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

APPROVAL OF THE FOLLOWING:

- 2) [981308](#) 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

Note: The Class "B" Tavern and Tavern Dance regarding Barbara E. Meyer-Spidell for "Majors Blues Oasis" at 717 S. 37th St., 16th Ald. Dist. received three dissenting signatures. Ald. Gordon, Schramm and Pratt.

A motion was made by Ald. Gordon that this matter be APPROVED. 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:

- 3) [981703](#) 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.

Sponsors: THE CHAIR

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

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

No: 0

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

- 4) [981309](#) 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

Recommendation of denial of the Home Improvement Contractor License of Tony Zidar, Jr. for the premises at 9609 W. Loomis Road ("American Concrete Leveling"). An appeal has been filed by the licensee. (Committee Vote: 4 Ayes; 0 Noes; 1 Excused).

Recommendation of nonrenewal of the Class "D" Bartender License of Martin L. Calligaro. Written objections have not been filed by the licensee. (Committee Vote: 3 Ayes; 1 Noes; 1 Excused; Expiration Date: 12-31-98).

THE CLERK swore in the Court Reporter.

THE CHAIR questioned whether all members of the Common Council had read the report and recommendations by the Utilities and Licenses Committee.

Ayes: 14 - Ald. Pratt, D'Amato, Henningsen, , Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, and President Kalwitz.

Noes: 2 - Ald. Scherbert and Murphy.

Excused: 1 - Ald. Hines.

ALD. GORDON moved to hold Tony Zidar, Jr. in Council.

The motion prevailed.

Ayes: 11 - Ald. Pratt, D'Amato, Henningsen, Johnson-Odom, Gordon, Frank, Ricahards, Witkowiak, Pawlinski, Breier and President Kalwitz.

Noes: 3 - Ald. Schramm, Butler and Nardelli.

Excused: 3 - Ald. Scherbert, Murphy and Hines.

Martin L. Calligaro

THE CHAIR questioned whether the applicant or Counsel was present.

Neither was present.

ALD. GORDON moved for adoption of the following Committee Report.

Ayes: 14 - Ald. Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli and Kalwitz.

Noes: 0.

Excused: 3 - Ald. Scherbert, Murphy and Hines.

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

Aye: 14 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Witkowiak, Pawlinski, Breier Nardelli

No: 0

Excused: 3 - Scherbert, Murphy Hines Jr.

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

- 1) [980764](#) 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:

66-S, relating to Public Library Systems; State Aid Calculations. (SUPPORT WITH AMENDMENT)

90-S, relating to Defibrillators.

105-A, relating to Local Government Referendums; Scheduling.

109-A, relating to Crimes Against Children.

155-A, relating to Drug Paraphernalia.

160-A, relating to Driving While Intoxicated.

174-A, relating to Peace Officers; Firearms. (SUPPORT WITH AMENDMENT)

218-A, relating to PECFA. (SUPPORT WITH AMENDMENT)

221-A, relating to Alcohol Beverage Violations; Safe Ride Program; 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 bill and use its best endeavors in opposition to the same viz:

18-A, relating to Underage Drinking.

64-S, relating to Safe Drinking Water. (OPPOSE, UNLESS AMENDED)

246-A, relating to Firearms Manufacturers.

248-A, relating to Exemptions; Religious Associations.

263-A, relating to On-Street Parking.

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

- 2) [981689](#) 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. 981689; 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

- 3) [981721](#) Substitute resolution to settle claim of Chester L. Jones 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 \$110.00 payable to Chester L. Jones, 5626 West Vliet Street, Apt. 1, 53208, to reimburse him 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: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Murphy Hines Jr.

No: 2 - Richards Nardelli

- 4) [981751](#) Resolution amending the agreement between the City of Milwaukee and the Kohn Law Firm for collection services for receivables of the City of Milwaukee to provide that the Kohn Law Firm shall remit payments to the City, less the fees due and costs incurred and to amend file no. 980521 to provide that the Treasurer is authorized to expend monies from the City Attorney Collection Contract, Special Purpose Account 01-003-8001, Account No. 634005, Fund 0001, Organization 2210, Program 0001, Sub Class S113. (City Attorney)

Whereas, On January 1, 1997, the City of Milwaukee and the Kohn Law Firm entered into an agreement for collection services for receivables of the City of Milwaukee, and

Whereas, Section VII. B. of the agreement provides that all court costs shall be initially advanced by the Kohn Law Firm and billed to the City, and

Whereas, Section VII. C. of the agreement provides that the fees incurred by the Kohn Law Firm shall be collected from the City pursuant to the Standard Operating Procedures, and

Whereas, The City is required to pay the Kohn Law Firm its fees and costs within 10 working days of billing, and

Whereas, To facilitate prompt payment of the City's outstanding obligations to the Kohn Law Firm, now, therefore be it

Resolved, By the Common Council of the City of Milwaukee, that the Kohn Law Firm shall remit payments to the City of Milwaukee for the City's accounts receivable, less the fees due to the Kohn Law Firm and the costs expended by the Kohn Law Firm, and be it

Further Resolved, By the Common Council of the City of Milwaukee, that the agreement between the City of Milwaukee and the Kohn Law Firm dated January 1, 1997 and the Standard Operating Procedures incorporated therein shall be amended to conform to this resolution; and be it

Further Resolved, That file no. 980521 is amended to provide that the Treasurer is authorized to expend monies from the City Attorney Collection Contract, Special Purpose Account 01-003-8001, Account No. 634005, Fund 0001, Organization 2210, Program 0001, Sub Class S113; and be it

Further Resolved, The Comptroller's Office is authorized to create the necessary budget line in the City's financial management information system in the amount of \$150,000.00 for use by the City Treasurer.

Sponsors: THE CHAIR

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, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 1 - Henningsen

PLACING ON FILE THE FOLLOWING:

- 5) [981754](#) Communication from the Waukesha County Circuit Court relative to the incorporation of the Town of Vernon, Waukesha County, WI, as the City of Vernon.

Sponsors: THE CHAIR

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

Aye: 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 INDEFINITE POSTPONEMENT OF THE FOLLOWING:

- 6) Various claims against the City:

- a) [981606](#) Appeal of Willie Holloway relative to claim for property damage. (7th 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) [981630](#) Appeal of Willie Mae Hall relative to claim for property damage. (5th 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

- c) [981702](#) Communication from the City Attorney's Office transmitting a communication from Murn Law Offices, S. C. on behalf of John Marshall 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

- d) [981723](#) Communication from the City Attorney's Office transmitting a communication from Murn Law Offices, S. C. on behalf of James & Patricia Molthen 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

- e) [981724](#) Communication from the City Attorney's Office transmitting a communication from Murn Law Offices, S. C. on behalf of James & Karin Valdes 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

- f) [981725](#) Communication from the City Attorney's Office transmitting a communication from Murn Law Offices, S. C. on behalf of Michael & Rachel Woods 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

- g) [981726](#) Communication from the City Attorney's Office transmitting a communication from Murn Law Offices, S. C. on behalf of James & Frances Weber 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

- h) [981727](#) Communication from the City Attorney's Office transmitting a communication from Murn Law Offices, S. C. on behalf of Dexter Hamilton 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

- i) [981728](#) Communication from the City Attorney's Office transmitting a communication from Murn Law Offices, S. C. on behalf of Gordon & Trudy Miller 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

- j) [981732](#) Communication from the City Attorney's Office transmitting a communication from Michael Cerns 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) [981602](#) 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 the north side of W. Villard Avenue from the east curb line of N. 54th Street to a point 150 feet east thereof at any time"

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

"On W. Stark Street from N. Green Bay Avenue west to the end of the street at any time"

"On the east side of N. Water Street from a point 170 feet north of E. Wisconsin Avenue to E. Mason Street at any time"

"On N. Water Street from the entrance to premises at approximately 1801 to a point 20 feet southwest and from said entrance to a point 30 feet northeast at any time"

"On the west side of N. Summit Avenue from the south curb line of E. Hampshire Avenue to a point 50 feet south thereof at any time"

"On the east side of N. Teutonia Avenue from a point approximately 580 feet south of W. Green Tree Road to a point 100 feet further south"

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. Teutonia Avenue from the north curb line of W. Elm Street extended to a point 440 feet north thereof at any time

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

"On the north side of W. State Street between N. 11th and N. 12th Streets from 7:00 AM to 4:00 PM"

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

On the north side of W. Seeboth Street from S. 2nd Street east to the dead end

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 W. Vliet Street from N. 34th Street to N. 35th Street"

"On E. Townsend Street from N. Fratney to N. Weil Streets except Saturday and Sunday"

"On N. Holton Street from E. Vienna Avenue to E. Nash Street"

Part 7. Section 101-23-8 of the Code relating to Taxi Stands is amended by striking the following:

"On the east side of N. Teutonia Avenue from a point 73 feet north of W. Capitol Drive to a point 40 feet north thereof"

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

"On the west side of N. 75th Street from W. Bluemound Road to the first alley south thereof at any time"

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) [981603](#) A substitute ordinance relating to traffic controls in various Aldermanic Districts.

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

Part 1. Section 101-13-2 of the Code relating to Speed Limit 30 MPH is amended by striking the following:

"S. Howell Avenue between S. Chase and E. Grange Avenues"

Part 2. Section 101-13-2 of the Code relating to Speed Limit 30 MPH is amended by adding the following:

On S. Howell Avenue between S. Chase Avenue to E./W. Bolivar Avenue

Part 3. Section 101-13-5 of the Code relating to Speed Limit 35 MPH is amended by striking the following:

"On S. Howell Avenue from E./W. Howard Avenue to E./W. Layton Avenue"

Part 4. Section 101-13-5 of the Code relating to Speed Limit 35 MPH is amended by adding the following:

On S. Howell Avenue between E./W. Bolivar Avenue to W. Grange Avenue

Part 5. Section 101-13-8 of the Code relating to School Speed 20 MPH is amended by adding the following:

On W. Congress Street from N. 65th Street to N. 67th Street

On S. 5th Street from W. Pierce Street to W. Virginia Street

Part 6. Section 101-16-1 of the Code relating to Stop Signs is amended by adding the following:

On W. Hadley Street at N. 85th Street

Part 7. Section 101-18-1 of the Code relating to No Heavy Traffic is amended by adding the following:

On S. 3rd Street at W. Maple Street Southbound

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

3) [981744](#) An ordinance relating to nuisance vehicles.

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

Part 1. Section 80-49-1 of the code is repealed and recreated to read:

80-49. Nuisance Vehicles. 1. PURPOSE. Damaged, partially dismantled or junk motor vehicles upon private premises, except where permitted by a valid occupancy permit, constitute an eyesore and tend to depreciate property values contrary to the public welfare. Whenever such vehicles are junk motor vehicles or are partially dismantled, are unsafely elevated, are parked on unapproved surfaces or are rendered favorable to the harborage of rodents and insects, they may create a health or safety hazard or create a threat to the public welfare and as such constitute a public nuisance.

Part 2. Section 80-49-2-a to d of the code is renumbered 80-49-2-d to g.

Part 3. Section 80-49-2-a to c of the code is created to read:

2. DEFINITIONS.

a. "Inoperable" means a motor vehicle that is incapable of being propelled under its own power including, but not limited to, a motor vehicle meeting any of the following criteria:

a-1. Is missing an engine.

a-2. Is missing a battery.

a-3. Is missing a transmission.

a-4. Is missing a wheel.

- a-5. Is elevated on blocks or other objects.
- a-6. Is missing a tire or has a deflated tire.
- b. "Junk motor vehicle" means a motor vehicle meeting any 3 of the following criteria:
 - b-1. Has not been moved for 30 consecutive days.
 - b-2. Is partially dismantled.
 - b-3. Is inoperable.
 - b-4. Is parked on a surface that is not an approved surface under s. 252-74-1 and 2.
 - b-5. Is unlicensed or improperly licensed.
- c. "Partially dismantled" means, but is not limited to, a motor vehicle meeting any of the following criteria:
 - c-1. Is missing a door, fender or hood.
 - c-2. Is missing a windshield or window or has a broken windshield or window.

Part 4. Section 80-49-3-a and c of the code is amended to read:

3. CERTAIN VEHICLES PROHIBITED.

- a. A vehicle that is ~~[[rusted,]]~~ damaged ~~[[,]]~~ >>in a manner that would adversely affect its operation or<< partially dismantled ~~[[or unkempt]]~~ .
- c. A vehicle that is unsecured or unsafely ~~[[parked]]~~ >>elevated<< on blocks >>or other objects<<~~[[or an unpaved surface]]~~ .

Part 5. Section 80-49-3.5 of the code is created to read:

3.5. JUNK MOTOR VEHICLE AS THREAT TO PUBLIC WELFARE. A junk motor vehicle, as defined in sub. 2-b, constitutes a threat to the public welfare.

Part 6. Section 80-49-4-0 of the code is amended to read:

- 4. CONDEMNATION OF VEHICLES. Whenever the commissioner believes or

has reasonable grounds to believe that a vehicle on private premises >>is a junk motor vehicle or<< to be in such condition or parked in such a way so as to render such vehicle a health or safety hazard >>or a threat to the public welfare<< , the commissioner may condemn the vehicle in accordance with the following procedures:

Part 7. Section 80-49-4-b-5 of the code is amended to read:

b. Format. The order shall:

b-5. Include an explanation of the right to petition the commissioner for a hearing within 72 hours >>and a statement that any vehicle owner or premises owner who does not file a petition for a hearing waives the right to assert that the vehicle did not meet the criteria for a vehicle that is subject to removal under this section<< .

Part 8. Section 80-49-4-e of the code is created to read:

e. Waiver. Whenever a vehicle owner or premises owner does not file a request for a hearing under par. d, he or she waives the right to assert that the vehicle did not meet the criteria for a vehicle that is subject to removal under this section.

Sponsors: Ald. Murphy and Ald. Hines Jr.

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:

- 4) [981746](#) Resolution relative to application, acceptance and funding of a 1999 Vehicle Miles of Travel Monitoring Grant. (Infrastructure Services Div.)
- Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Department of Transportation to provide expanded monitoring of roadway usage levels and travel characteristics in the City of Milwaukee; and
- Whereas, The operation of this grant project from March 8, 1999 to December 31, 1999 would cost \$58,519, of which \$19,745 (34%) would be provided by the city and \$38,774 (66%) would be provided by the grantor; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that application to the Wisconsin Department of Transportation is authorized and the Department of Public Works 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:

1. Commit Funds within the Project/Grant Parent of the 1999 Special Revenue Grant and Aid Projects, Fund the following amounts for the program/project titled 1999 Vehicle Miles of Travel Monitoring Project:

Project/Grant Parent	Grantor Share
Project/Grant ChartField	GR000-9-000000
Fund	0150
Organization	9990
Program	0001
Budget Year (BY)	0000
Subclass	R999
Account	000600
Project/Grant Total	\$58,519

2. Create a Special Revenue Fund - Grant and Aid Projects and the necessary Project/Grant ChartField Values at the Project, Segment, Phase and/or Activity Levels; and to budget to the Project, Segment, Phase or Activity level the amount required under the grant agreement; and

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

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

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

2. Expend from the 1999 grant budget funds for training and out-of-town travel by departmental staff.

Sponsors: THE CHAIR

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

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

No: 0

- 5) [981752](#) Resolution authorizing approval and execution of the Addendum to Asbestos Compliance Inspection Contract Agreement between the State of Wisconsin, Department of Natural Resources and the City of Milwaukee, Department of

Neighborhood Services. (City Attorney)

Whereas, The City of Milwaukee's Health Department has heretofore acted as an agent of the State to protect public health through the enforcement of Department of Natural Resource regulations pertaining to asbestos compliance inspections performed within the City; and

Whereas, The previous Asbestos Compliance Inspection Contract Agreement was executed by the City of Milwaukee, Department of Health, Business Operations Manager, on July 7, 1998; and

Whereas, The enactment of Common Council File No. 980963 transferred the duties and responsibilities of the asbestos compliance regulations to the newly created Department of Neighborhood Services; and

Whereas, The parties to the previous Asbestos Compliance Inspection Contract Agreement are desirous of having the City's Department of Neighborhood Services continue to perform the functions previously performed by the Health Department; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officials be and hereby are authorized and directed to execute the Addendum to Asbestos Compliance Inspection Contract Agreement, annexed to the file, on behalf of the City.

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

THE ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

- 1) [981742](#) Resolution of intent to issue Industrial Development Revenue Bonds (Accurate Metal Products, 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, Accurate Metal Products, Inc., a Wisconsin corporation (the "Company"), and/or AMP Properties, LLC, a Wisconsin limited liability company (individually or as part of any combination, joint venture, limited liability company, or partnership of which either of the above are a part, the "Eligible Participant"), have 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 certain land (the "Project Site") located in the City, renovation of an existing 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 Company in connection with its business of manufacturing machinery components (the "Project"); and

Whereas, The Eligible Participant has estimated that the cost of the Project would be approximately \$1,900,000; and

Whereas, The Eligible Participant has represented that it expects the Project to create 24 jobs and maintain 25 jobs that will be relocated to the Project Site from the Company's present facility located in the City and that the Project 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 \$1,700,000 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 12 months after the Project is completed or 2 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 Godfrey & Kahn, S.C., or such other nationally recognized firm of bond attorneys as shall be acceptable to the City and the Eligible Participant.

(f) The Borrower shall enter into an agreement with the City to use its "best efforts," as defined in such agreement, to utilize certified Disadvantaged Business Enterprises in the construction and renovation of the Facility.

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 20 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 \$1,700,000.

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. Furthermore, it is the reasonable expectation of the City that proceeds of the Bonds may be used to reimburse expenditures made on the Project prior to the issuance of the Bonds. The maximum principal amount of the debt expected to be issued for the Project on the date hereof is \$1,700,000. This statement of official intent is made pursuant to Section 1.150-2 of the Code of Federal Regulations.

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 14 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: 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:

- 2) [981502](#) Appointment of Matthew Flynn to the Milwaukee Symphony Orchestra Board by the Mayor. (3rd 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: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 3) [981737](#) Appointment of Fletcher Crawford to the Business Improvement District No. 8 (Historic King Drive) by the Mayor. (6th 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: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 4) [981738](#) Appointment of Susan Walker to the Business Improvement District No. 8 (Historic

King Drive) by the Mayor. (4th 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: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [981291](#) Ordinance relating to the change in zoning from Industrial (I/B/85) to Detailed Planned Development (DPD) for the construction of a pre-release corrections facility, on land located West of North 30th Street and Southwest of West Fond du Lac Avenue, in the 7th Aldermanic District. (DCD)

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

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

Section 295-810(2)(b).0114.

(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 West Fond du Lac Avenue, the centerline of North 30th Street, a line 135 feet South and parallel to the south line of West Hadley Street, and the east line of the railroad right-of-way.

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

No: 1 - Butler

- 2) [981537](#) Ordinance relating to the change in zoning from Institutional (T/D/40) to Local Business (L/D/40), on land located on the Southwest corner of West Lincoln Avenue and South 20th Street, in the 8th Aldermanic District. (DCD)

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

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

Section 295-320(8).0044. The zoning map is amended to change the zoning for the area bounded by the centerline of West Lincoln Avenue, the centerline of South 20th Street, the centerline of an East-West alley extending Westerly from South 20th Street and a line 125 feet West and parallel to the west line of South 20th Street, from Institutional (T/D/40) to Local Business (L/D/40).

Sponsors: Ald. Frank

A motion was made by Ald. Henningsen 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) [980931](#) Substitute resolution relative to an appeal of the Historic Preservation Commission's denial of a certificate of appropriateness for the installation of aluminum trim wrapping on the property at 2134 North Sherman Boulevard.

Whereas, The property located at 2134 North Sherman Boulevard is located in the City of Milwaukee-designated Sherman Boulevard Historic District; and

Whereas, Section 308-81-9 of the Code of Ordinances prohibits the owner of a structure in a City historic district from altering the exterior of such structure without first obtaining a certificate of appropriateness from the City's Historic Preservation Commission; and

Whereas, On November 16, 1998, the Historic Preservation denied a request for a certificate of appropriateness for the installation of aluminum trim wrapping on the structure at 2134 North Sherman Boulevard; and

Whereas, Section 308-81-9-f of the Code provides that, whenever a request for a certificate of appropriateness is denied, the applicant may appeal the decision of the Historic Preservation Commission to the Common Council, which may reverse or modify the Commission's decision; and

Whereas, Richard Baranowski, the owner of the property at 2134 North Sherman Boulevard, has filed a written appeal of the Historic Preservation Commission's denial of the certificate of appropriateness requested to allow the installation of aluminum trim wrapping on this property; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council reverses the November 16, 1998, decision of the Historic Preservation Commission to deny a request for a certificate of appropriateness for the installation of aluminum trim wrapping on the property located at 2134 North Sherman Boulevard.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen 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) [981328](#) Substitute resolution relative to an appeal of the Historic Preservation Commission's denial of a certificate of appropriateness for the installation of skylights on the property at 2555 North Summit Avenue.

Whereas, The property located at 2555 North Summit Avenue is located in the City of Milwaukee-designated North Point Historic District; and

Whereas, Section 308-81-9 of the Code of Ordinances prohibits the owner of a structure in a City historic district from altering the exterior of such structure without first obtaining a certificate of appropriateness from the City's Historic Preservation Commission; and

Whereas, On November 16, 1998, the Historic Preservation denied a request for a certificate of appropriateness for the installation of skylights on the structure at 2555 North Summit Avenue; and

Whereas, Section 308-81-9-f of the Code provides that, whenever a request for a certificate of appropriateness is denied, the applicant may appeal the decision of the Historic Preservation Commission to the Common Council, which may reverse or modify the Commission's decision; and

Whereas, Robert Joseph, the owner of the property at 2555 North Summit Avenue, has filed a written appeal of the Historic Preservation Commission's denial of the certificate of appropriateness requested to allow the installation of skylights on this property; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council reverses the November 16, 1998, decision of the Historic Preservation Commission to deny a request for a certificate of appropriateness for the installation of skylights on the property located at 2555 North Summit Avenue.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen 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) [981720](#) 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

3447 North 6th Street, TK #283-0868-100-0 \$4,800 6th

2910 North 7th Street, TK #312-1683-0 \$10,000 6th

3337 North 10th Street, TK #283-0304-100-3 \$4,800 10th

2551 North 18th Street, TK #324-1034-2 \$10,000 17th

3236 North 24th Place, TK #285-0722-4 \$8,800 10th

4053 North 24th Place, TK #245-0552-5 \$29,600 1st

2858 North 35th Street, TK #309-1073-9 \$9,200 7th

4320 West Eggert Place, TK #209-9996-7 \$140,000 1st

4212 West Fairmount Avenue, TK #208-1204-7 \$34,800 1st

3746-48 West Galena Street, TK #366-0405-0 \$24,000 17th

3227 North Julia Street, TK #282-1707-9 \$14,000 6th

6303 West Port Avenue, TK #083-0408-100-8 \$49,600 9th

; 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 (12) 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: 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:

- 6) [950223](#) An ordinance reducing the boundary of front setback averaging for new buildings created by File No. 940515.
- Sponsors:** Ald. Henningsen and Ald. Murphy
- A motion was made by Ald. Henningsen 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
- 7) [950920](#) An ordinance relating to setback and screening requirements for parking spaces and areas within 25 feet of a public street, a residential use or certain zoning districts. (Building Inspection)
- 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:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.
- No:** 0
- 8) [960640](#) Ordinance relating to front setbacks for new buildings in residential and commercial zoning districts. (Department of City Development)
- 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:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.
- No:** 0

- 9) [961080](#) Ordinance relating to the change in zoning from Multi- Family Residence (R/C/40) to Parking (P/D/40), lands located on the northwest corner of South California Street and South Kinnickinnic Avenue, in the 14th Aldermanic District. (Department of City Development)
- 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:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.
- No:** 0
- 10) [971222](#) Ordinance relating to the change in zoning from Industrial (I/B/85) to Institutional (T/D/40), property located on the east side of North Holton Street and the north side of East Hope Avenue, in the 6th 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:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.
- No:** 0
- 11) [971676](#) Ordinance relating to the change in zoning from Parking (P/D/40) to Local Business (L/D/40) on property located on the West side of South 27th Street, South of West Lincoln Avenue, in the 8th Aldermanic District. (DCD)
- Sponsors:** Ald. Frank
- A motion was made by Ald. Henningsen 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
- 12) [971843](#) Ordinance relating to the establishment of a Site Plan Review Overlay District on property located on the West side of South 27th Street, South of West Lincoln Avenue, in the 8th Aldermanic District. (DCD)
- Sponsors:** Ald. Frank
- A motion was made by Ald. Henningsen 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

- 13) [971844](#) Resolution establishing design guidelines for the Site Plan Review Overlay District established by Section 295-91.0030 of the Milwaukee Code of Ordinances. (DCD)

Sponsors: Ald. Frank

A motion was made by Ald. Henningsen 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

- 14) [971998](#) An ordinance relating to rent withholding.

Sponsors: Ald. Hines Jr.

A motion was made by Ald. Henningsen 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

- 15) [980293](#) Substitute ordinance relating to the change in zoning from Commercial Service (CS/D/40) to Manufacturing (M/D/40), on land located between South Howell Avenue and South 3rd Street and North of West Grange Avenue, in the 13th Aldermanic District.

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

No: 0

- 16) [980591](#) Resolution approving a Project Plan, a Development Agreement and creating Tax Incremental District Number 38 (Havenwoods Business Park) in the vicinity of North 73rd Street and West Florist Avenue. (DCD)

Sponsors: Ald. Kalwitz and Ald. Richards

**A motion was made by Ald. Henningsen 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) [980593](#) Resolution approving a Project Plan, a Development Agreement and creating Tax Incremental District Number 39 (Green Tree Business Park) in the vicinity of North 60th Street and West Green Tree Road. (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: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,
Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert,
Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 18) [980660](#) Communication from the Wisconsin Department of Corrections transmitting a report relative to the Wisconsin Department of Corrections Draft Environmental Impact Statement on the proposed construction of a medium security probation facility in the City of Milwaukee.

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

No: 0

- 19) [981074](#) Substitute resolution authorizing the hiring of a consultant to conduct a performance audit of the enforcement, prosecution and adjudication processes relating to building code violations.

Sponsors: Ald. Henningsen

**A motion was made by Ald. Henningsen 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 PUBLIC IMPROVEMENTS COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [981035](#) A substitute ordinance relating to changing the name of North 111th Street, from the intersection with West Donna Avenue to West Heather Avenue, to North Pfeil Street in the 15th Aldermanic District.

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

Section 1. The name of North 111th Street, from the intersection with West Donna Avenue to West Heather Avenue, in the 15th Aldermanic District of the City of Milwaukee is hereby changed to North Pfeil Street.

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

Section 3. This ordinance shall take effect and shall be in force from and after its passage and publication.

Section 4. This ordinance passed notwithstanding the provisions of Section 113-3 of the Milwaukee Code of Ordinances.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert 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) [981389](#) A substitute ordinance relating to changing the name of North 114th Street, from West Heather Avenue to West Brown Deer Road, to North Lauer Street in the 15th Aldermanic District.

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

Section 1. The name of North 114th Street, from West Heather Avenue to West Brown Deer Road, in the 15th Aldermanic District of the City of Milwaukee is hereby changed to North Lauer Street.

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

Section 3. This ordinance shall take effect and shall be in force from and after its passage and publication.

Section 4. This ordinance passed notwithstanding the provisions of Section 113-3 of the Milwaukee Code of Ordinances.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert 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) Resolutions to vacate various streets and avenues:

a) [981406](#) Substitute resolution to vacate the East and the North-South alley located West of North 4th Street between West Garfield Avenue and West North Avenue, in the 6th Aldermanic District.

Whereas, It is proposed that the East and the North-South alley located West of North 4th Street between West Garfield Avenue and West North Avenue be vacated pursuant to the provisions of Section 66.297 of the Wisconsin Statutes; and

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

Resolved, By the Common Council of the City of Milwaukee that the vacation of a public alley, as indicated by Exhibit "A", is 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, both easements and rights and all rights of entrance, maintenance, construction and repair of entrance, maintenance, construction and repair with reference thereto shall continue as if such alley had not been vacated.

Sponsors: THE CHAIR

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

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

No: 0

- b) [981536](#) Resolution to vacate a portion of the East side of North 41st Street, South of West State Street, in the 16th Aldermanic District. (DCD)

Whereas, It is proposed that a portion of the East side of North 41st Street, South of West State Street be vacated pursuant to the provisions of Section 66.297 of the Wisconsin Statutes; and

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

Resolved, By the Common Council of the City of Milwaukee that a portion of a public street, as indicated by Exhibit "A", is 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 portion of a public street and in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair of entrance, maintenance, construction and repair with reference thereto shall continue as if such portion of a public street had not been vacated.

Sponsors: THE CHAIR

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

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

No: 0

- 4) Substitute resolutions to grant/amend various special privileges:

- a) [981505](#) Substitute resolution granting a special privilege to J&K Trucking, Inc. to keep and maintain three groundwater monitoring wells in West Lisbon Avenue in the vicinity of 5219 West Lisbon Avenue, in the 7th Aldermanic District in the City of Milwaukee. Whereas, It has been deemed necessary to conduct an environmental assessment for a site located at 5219 West Lisbon 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, three wells need to be located within the public right-of-way for an extended period of time; and

Whereas, These three monitoring wells 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 City of Milwaukee, that J&K Trucking, Inc., 5219 West Lisbon Avenue, Milwaukee, WI 53210 is hereby granted the following special privilege:

To keep and maintain three flush-mounted monitoring wells in the vicinity of 5219 West Lisbon Avenue located as follows: the three monitoring wells are located on West Lisbon Avenue approximately 47, 17, and 47 feet northeast of the southline of West Lisbon Avenue and 110, 180, and 198 feet southeast of the eastline of North 53rd Street, respectively.

These monitoring wells 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.

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, J&K Trucking, 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 the Department of Neighborhood Services 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 West Lisbon Avenue and shall be undertaken at no cost to the City of Milwaukee.

Sponsors: THE CHAIR

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

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

No: 0

- b) [981523](#) Substitute resolution granting a special privilege to Lloyd Waters Jr., to keep and maintain four groundwater monitoring wells in West Burleigh Street, North 92nd Street and in the north-south alley bounded by West Burleigh Street, West Chambers Street, North 91st Street and North 92nd Street, in the 5th Aldermanic District in the City of Milwaukee.

Whereas, It has been deemed necessary to conduct an environmental assessment for a site located at 9109-19 West Burleigh Street 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, four locations need to be located within the

public rights-of-way for extended periods of time; and

Whereas, These four monitoring wells may only legally remain in the public rights-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 Lloyd Waters Jr., 9119 West Burleigh Street, Milwaukee, WI 53222, is hereby granted the following special privilege:

To keep and maintain four flush-mounted monitoring wells in the vicinity of 9109-19 West Burleigh Street located as follows: two monitoring wells are located on North 92nd Street approximately 79 and 172 feet south of the southline of West Burleigh Street and 2 feet east of the westline and 13 feet west of the eastline of North 92nd Street, respectively; one monitoring well is located on West Burleigh Street approximately 8.5 feet north of the southline of West Burleigh Street and 49 feet east of the eastline of North 92nd Street; and one monitoring well is located on the north-south alley bounded by West Burleigh Street, West Chambers Street, North 91st Street and North 92nd Street approximately 30 feet south of the southline of the east-west alley at this location and 3.5 feet east of the eastline of the north-south alley.

These monitoring wells 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.

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Lloyd Waters Jr., 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 Department of Neighborhood Services 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 rights-of-way of West Burleigh Street, North 92nd Street and the north-south alley bounded by West Burleigh Street, West Chambers Street, North 91st Street and North 92nd Street and shall be undertaken at no cost to the City of Milwaukee.

Sponsors: THE CHAIR

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

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

No: 0

- c) [981579](#) Substitute resolution to grant a special privilege to Hanin Abdelrahim d/b/a El Lucero, to place a covered walk on the north side of West Lincoln Avenue within the public right-of-way at the front entrance to the building at 1132 West Lincoln Avenue, in the 12th Aldermanic District in the City of Milwaukee.

Whereas, The applicant desires to place and maintain a covered walk at the West Lincoln Avenue entrance to the building located at 1132 West Lincoln Avenue; and

Whereas, Said covered walk may only legally encroach into the public right-of-way by the granting of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Hanin Abdelrahim d/b/a El Lucero, 1132 West Lincoln Avenue, Milwaukee, WI 53215, is hereby granted the following special privilege:

To erect and maintain a covered walk at the property known as 1132 West Lincoln Avenue. Said covered walk, 6 feet 6 inches in width, is to be centered approximately 55 feet east of the eastline of South 12th Street and shall encroach approximately 7 feet into the present 9-foot wide fully concrete paved sidewalk area on the north side of West Lincoln Avenue at 1132 West Lincoln Avenue.

The covered walk shall be supported by the building and by two vertical supports near each corner closest to the curb along each side of the covered walk. Each vertical support nearest the curb will be centered approximately 2 feet from the present curbline. There shall be an approximately 6-foot 6-inch wide opening between the vertical supports, which parallel the curb face. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below shall be 8 feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962, with the exception of the minimum walk width policy. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination of covered walk shall be indicated upon the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 6 inches in height.

The grantee will be required to keep a "Loading Zone" or have a "No Parking" status adjacent to the covered walk as long as the covered walk occupies the public right-of-way.

Prior to installation, permits shall be obtained from the Departments of Public Works and Neighborhood Services for the covered walk structure itself and from the Department of Public Works to occupy the right-of-way during construction.

Said covered walk shall be constructed, installed, used and maintained to the approval of the Departments of Public Works and Neighborhood Services.

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Hanin Abdelrahim, 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 \$75.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works any curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.045 of the Wisconsin Statutes (1979), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert 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) [981650](#) Substitute resolution amending a special privilege granted to Walter and Doris Carlson to maintain a retaining wall in the public right-of-way adjacent to the property located at 2965 South Delaware Avenue, to now add permission for a concrete paved parking area and change the name of the grantee of the special privilege to Charles & Karen Higgins, in the 14th Aldermanic District in the City of Milwaukee.

Whereas, Walter and Doris Carlson were granted a special privilege under Common Council Resolution File Number 79-1571, on February 5, 1980, to construct and maintain a retaining wall encroaching into the public right-of-way on the south side of East Meredith Street, adjacent to the premises at 2965 South Delaware Avenue; and

Whereas, An area behind the retaining wall within the public right-of-way is paved with concrete and is used for parking; and

Whereas, The current owner of the property is Charles & Karen Higgins and should now be named as the grantee of the special privilege; and

Whereas, The retaining wall and concrete paved parking area may only occupy the public right-of-way through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 79-1571 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Charles & Karen Higgins, 5711 South 113th Street, Hales Corners, WI 53130-1805, is hereby granted the following special privilege:

To keep and maintain a retaining wall, which projects approximately 5 feet into the south sidewalk area of East Meredith Street. The retaining wall has a metal railing attached to its top and is located on the south side of East Meredith Street beginning approximately at the eastline of the alley bounded by East Bennett Avenue, South Delaware Avenue, East Meredith Street and South Wentworth Avenue and extends east approximately 24 feet. Said wall varies in height from grade to 3 feet above grade, adjacent to the premises at 2965 South Delaware Avenue. The retaining wall consists of concrete abutting the concrete sidewalk. An area behind and adjacent to

the retaining wall with the public right-of-way is paved with concrete and is used for parking.

Said retaining wall and concrete paved parking area shall be used and maintained to the satisfaction of the Departments of Public Works and Neighborhood Services.

Said retaining wall and concrete paved parking area shall be removed from the public right-of-way, at such future time that they are no longer needed, to the satisfaction of the Departments of Public Works and Neighborhood Services.

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantees, Charles & Karen Higgins 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 \$111.55. 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 Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Sponsors: THE CHAIR

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

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

No: 0

- 5) [981623](#) Resolution directing the Department of City Development to prepare a resolution to vacate all alleys and the street in the block bounded by West North Avenue, North 35th Street, West Meinecke Street, and North 33rd Street, in the 7th Aldermanic District. (DCD)

Whereas, It has been proposed by the Neighborhood Improvement Development Corporation that all streets and alleys in the block bounded by West North Avenue, North 35th Street, West Meinecke Street, and North 33rd Street be vacated pursuant to the provisions of Section 66.297 of the Wisconsin Statutes; and

Whereas, The vacation of these streets and alleys is necessary so that the Todd Wehr Metcalfe Park Community Center can be properly located on the site; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Department of City Development is directed to prepare the resolution to vacate these public right-of-ways in accordance with Section 81-308-28 of the Milwaukee Code of Ordinances.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert 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) [981690](#) 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:

7th Aldermanic District

Alley between W. Auer Ave., W. Burleigh St., N. 42nd St. and N. 42nd Pl. ST21290125 (885-0755-7) File Number 931241: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, storm water drainage facilities where needed, and grading. (Nonassessable Alley Paving Fund -- \$67,455; Assessable Alley Paving Fund -- \$24,365)

12th Aldermanic District

S. 9th St. - W. Historic Mitchell St. to W. Greenfield Ave. ST21190167 (870-0636-7) File Number 881710: Asphalt pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding and grading. (Nonassessable Reconstruction Paving Fund -- \$183,375; Assessable Reconstruction Paving Fund -- \$72,960)

13th Aldermanic District

E. Armour Ave. (Southside) - S. Austin St. to 120 feet m/l east of S. Howell Ave. ST21090124 (839-0897-7) File Number 981266: Place new concrete sidewalk, sodding and grading. (Nonassessable New Paving Fund -- \$11,330; Assessable New Paving Fund -- \$6,970)

16th Aldermanic District

W. St. Paul Ave. (Northside) - N. 37th St. to N. 39th St. ST21090109 (839-0883-0) File Number 980033: Place new concrete sidewalk, replace curb and gutter and driveway approaches where needed, sodding and grading. (Nonassessable New Paving Fund -- \$27,565; Assessable New Paving Fund -- \$8,600)

S. 34th St. - W. Mitchell St. to W. Lapham St. ST21190197 (878-0564-4) File Number 870666: Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding and grading. (Nonassessable Reconstruction Paving Fund -- \$72,850; Assessable Reconstruction Paving Fund -- \$21,855)

;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 projects Alley W. Auer Ave. (885-0755-7), S. 9th St. (870-0636-7), W. St. Paul Ave. (839-0883-0), and S. 34th St. (878-0564-4) 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 project be cancelled from the 1999 Paving Program:

14th Aldermanic District

E. Pryor Ave. - 170 feet m/l east of S. California St. to S. Kinnickinnic Ave.
ST21190238 (879-1612-X) File Number 921526

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert 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) [981691](#)

Resolution determining it necessary to make various nonassessable public improvements at various locations. (Infrastructure Services Division)

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

3rd and 4th Aldermanic Districts

N. Lincoln Memorial Dr. - E. LaFayette Hill Rd. to N. Lake Dr./E. Kenwood Blvd. ST30788003 (896-1001-9): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

N. Lincoln Memorial Dr. - E. Michigan St. to E. LaFayette Hill Rd. ST30788003 (896-0001-0): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

9th Aldermanic District

N. 51st St. - W. Woolworth Ave. to W. Mill Rd. (WT41091395): Relaying water main.

W. Woolworth Ave. - N. 51st St. to 300 feet m/l west of N. 51st St. (WT41091358): Relaying water main.

;and, be it

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

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert 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) [981692](#) 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:

2nd and 5th Aldermanic Districts

N. 76th St. - W. Appleton Ave. to W. Grantosa Dr. ST30683701 (890-0999-4): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

11th Aldermanic District

W. Morgan Ave. - S. 84th St. to W. Beloit Rd. ST32090101 (879-0911-7): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

13th Aldermanic District

Alley between W. Morgan Ave., W. Wilbur Ave., S. 18th St. and S. 19th St. (Center Portion) ST21290159 (889-0908-7): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000)

15th Aldermanic District

W. Arch Ct. - 460 feet m/l east of N. 111th St. to 200 feet m/l east of N. 111th St. ST21490132 (839-0909-0): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

16th Aldermanic District

W. State St. - N. 35th St. to a point west of N. Hawley Rd. (West City Limits) ST32090201 (879-0910-1): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

N. 54th St. - 300 feet m/l north of W. State St. to 600 feet m/l north of W. State St.

ST21190246 (879-0907-5): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000)

N. 54th St. - 600 feet m/l north of W. State St. to W. Juneau Ave. (Ext'd) (Private Roadway) BU11086902 (879-0906-X): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000)

;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.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert 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) [981693](#) 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:

1st Aldermanic District

W. Fairmount Ave. - N. 48th St. to N. 49th St. WT41091294 (821-4630-2): Relay water main. (Nonassessable Water Fund -- \$70,000)

2nd Aldermanic District

W. Grantosa Ct. - W. Grantosa Dr. to 14' feet m/l southeast of W. Grantosa Dr. WT41091297 (821-4633-9): Relay water main. (Nonassessable Water Fund -- \$45,000)

4th and 17th Aldermanic Districts

W. Galena St. Bridge Over C. P. Rail System between N. 30th St. and N. 31st St. (894-0060-8): Paving ST30683210, Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where needed, sodding. (State or Federal Funds -- \$83,750; Nonassessable State Aid Paving Fund -- \$26,100; State/Federal Grantor Paving Fund -- \$12,600): Bridge BR30683210, Bridge replacement. (State or Federal Funds -- \$461,650; Nonassessable State Aid Bridge Fund -- \$132,750; State/Federal Grantor Structure Fund -- \$62,250)

8th Aldermanic District

S. 31st St. - W. Hayes Ave. to W. Forest Home Ave. SW17190322 (859-0682-0): Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$235,000)

9th Aldermanic District

W. Custer Ave. - N. 45th St. to N. 47th St. WT41091289 (821-4625-5): Relay water main. (Nonassessable Water Fund -- \$120,000)

W. Woolworth Ave. - N. 51st St. to 300 feet m/l west of N. 51st St. (WT41091358): Relay water main. (Nonassessable Water Fund -- \$50,000)

N. 51st St. - W. Woolworth Ave. to W. Mill Rd. (WT41091395): Relay water main. (Nonassessable Water Fund -- \$35,000)

13th Aldermanic District

W. Carpenter Ave. - S. 23rd St. to S. 26th St. WT41091284 (821-4620-8): Relay water main. (Nonassessable Water Fund -- \$150,000)

W. Carpenter Ave. - S. 20th St. to S. 23rd St. WT41091285 (821-4621-3): Relay water main. (Nonassessable Water Fund -- \$215,000)

S. 22th Pl. - W. Barnard Ave. to W. Carpenter Ave. WT41091325 (821-4661-1): Relay water main. (Nonassessable Water Fund -- \$90,000)

S. 25th St. - W. Barnard Ave. to W. Carpenter Ave. WT41091327 (821-4663-2):
Relay water main. (Nonassessable Water Fund -- \$90,000)

16th Aldermanic District

N./S. 44th St. - 2500 feet m/l south of W. Blue Mound Rd. to W. Blue Mound Rd.
ST21190233 (879-0888-3): Asphalt pavement resurfacing, replace curb and gutter,
sidewalk and driveway approaches where needed, sodding. (Nonassessable Paving
Fund -- \$314,000)

S. 92nd St. - W. Chester St. to n/l north of W. Chester St. ST21490131
(960-0458-9): Median revision. (Nonassessable Paving Fund -- \$19,925)

17th Aldermanic District

W. Meinecke Ave. - N. 37th St. to N. 40th St. (Except southside of N. 38th St. to
N. 39th St.) TD01884000 (865-0206-9): Asphalt pavement reconstruction, replace
curb and gutter, sidewalk and driveway approaches where needed, sodding, and
grading. (Nonassessable TID Paving Fund -- \$136,445)

N. 12th St. - W. Meinecke Ave. to W. Wright St. SW17190270 (859-0588-X):
Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$124,000)

N. 40th St. - 135 ft m/l north of W. North Ave. to W. Meinecke Ave. TD01884000
(865-0204-8): Asphalt pavement resurfacing, replace all curb and gutter, replace
sidewalk where needed, sodding, and grading. (Nonassessable TID Paving Fund --
\$47,010)

Alley between W. Meinecke Ave., W. North Ave., N. 39th St. and N. 40th St.
TD01884000 (865-0205-3): Concrete alley pavement reconstruction, replace some
abutting sidewalk and driveway approaches, and grading. (Nonassessable TID Alley
Paving Fund -- \$22,175)

Various Aldermanic Districts

Various Locations (WT41090400): Water main alteration. (Nonassessable Water
Fund -- \$100,000)

Various Locations (WT41090500): Water main alteration. (Nonassessable Water
Fund -- \$75,000)

Various Locations (WT41090600): Relay water main. (Nonassessable Water Fund -

- \$100,000)

;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; and, be it

Further Resolved, That the City Engineer and the Commissioner of Public Works are hereby authorized to negotiate and enter into an agreement with the State of Wisconsin, Department of Transportation for the City to undertake construction management duties on the following project: W. Galena St. Bridge Over C. P. Rail System between N. 30th St. and N. 31st St. (894-0060-8) (2984-11-76): and, be it

Further Resolved, That the City Engineer is authorized and directed to approve and make periodic payments to the State of Wisconsin, Department of Transportation after receipt of invoices from said State for the City's share of the costs for said project: W. Galena St. Bridge Over C.P. Rail System between N. 30th St. and N. 31st St. (894-0060-8) (298-11-76); (Nonassessable Fund ST32090000 -- \$26,100) (Nonassessable Fund BR10090000 -- \$132,750)

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert 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) [981729](#) Resolution authorizing payment to the Department of Natural Resources in the total amount of \$10,250 for the 1999 Environmental Fees for the Storm Water Discharge Permit and the Wastewater Discharge Permit. (Infrastructure Services Div.)

Whereas, The City of Milwaukee is required to pay an Environmental Fee to the Department of Natural Resources for the 1999 Storm Water Discharge Permit and 1999 Wastewater Discharge Permit in the amount of \$10,000 and \$250 respectively; now, therefore, be it

Resolved, By the Common Council, that the City Engineer is authorized and directed to pay the Department of Natural Resources 1999 Environmental Fees from the Sewer Maintenance Fund 0490-6831.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert 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) [981733](#) Substiute resolution authorizing and directing the Commissioner of Public Works to execute a document titled State/Sponsor Agreement for Congestion Mitigation and Air Quality (CMAQ) Improvement Project for the programming, design and construction of pedestrian facility improvements on portions of E. Wisconsin Avenue and N. Water Street.
- Whereas; Funding is available through the Wisconsin Department of Transportation (WISDOT) under the federal Congestion Mitigation/Air Quality (CMAQ) program for projects which can be expected to reduce congestion, or to reduce vehicle emissions; and
- Whereas, The Department of Public Works has begun efforts to improve the pedestrian environment and promote the use of pedestrian facilities in the Milwaukee Central Business District; and
- Whereas, E. Wisconsin Avenue and N. Water Street have been identified as primary pedestrian corridors in the initial stages of the preparation of the Downtown Pedestrian Management Plan; and
- Whereas, The City of Milwaukee applied to WISDOT for CMAQ funds to implement pedestrian facility improvements within this corridors; and
- Whereas; Preliminary approval has been received from the Wisconsin Department of Transportation (WISDOT) for the design and construction of pedestrian facility improvements on E. Wisconsin Avenue from the Milwaukee River to N. Milwaukee Street, and on N. Water Street from E. Michigan Street to E. Mason Street; and
- Whereas, The WISDOT has submitted an Agreement for the project to be executed by the City of Milwaukee; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized and directed to execute the Project Agreement for the programming and construction of pedestrian facility improvements on E. Wisconsin Avenue and N. Water Street, a copy of which is attached to Common Council Resolution File Number 981733, and is incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That the Commissioner of Public Works is hereby authorized and directed to undertake or engage a consultant to undertake preliminary engineering for the above-mentioned project and to reimburse the WISDOT for preliminary engineering costs they incur for the improvement; and, be it

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

Infrastructure Services Division Accounts

City Share

Fund No. 0333

Project Grant No. ST32090000

\$74,380

Federal Grantor Share Fund No. 0306

Project Grant No. SP03290100

\$297,520

Estimated Preliminary Engineering

Total = \$371,900

;and, be it

Further Resolved, That the City Engineer is hereby authorized and directed to approve and make periodic payments to the WISDOT upon receipt of invoices for the local share of costs of the project.

Sponsors: THE CHAIR

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

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

No: 0

- 12) [981734](#) Substitute resolution authorizing and directing the Commissioner of Public Works to execute a document titled "State/Sponsor Agreement for Congestion Mitigation and Air Quality (CMAQ) Improvement Project" for the design and installation of a bus priority system at signalized intersections on express bus routes in the City of Milwaukee.
- Whereas; Funding is available through the Wisconsin Department of Transportation (WISDOT) under the federal Congestion Mitigation/Air Quality (CMAQ) program for projects which can be expected to reduce congestion, or to reduce vehicle emissions; and
- Whereas, Transit system performance can be improved through minor signal timing adjustments when transit vehicles are present; and
- Whereas, The City of Milwaukee applied to WISDOT for CMAQ funds to install the necessary traffic signal system improvements necessary to operate this bus priority system; and
- Whereas; Preliminary approval has been received from the Wisconsin Department of Transportation (WISDOT) for the design and implementation of the bus priority system at signalized intersections on express bus routes in the City of Milwaukee; and
- Whereas, The WISDOT has submitted an Agreement for the project to be executed by the City of Milwaukee; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized and directed to execute the Project Agreement for the design and installation of a bus priority system at signalized intersections on express bus routes in the City of Milwaukee, a copy of which is attached to Common Council Resolution File Number 981734, and is incorporated in this resolution by reference as though set forth in full; and, be it
- Further Resolved, That the City Comptroller is hereby authorized to create within the Capital Improvement Fund, Grant and Aid Projects, the necessary Project/Grant Chartfield values for the project (Expenditure), and transfer to these accounts the amount required under the grant agreement and City Accounting Policy, but not to exceed a 10 percent increase of the total amounts reserved for the grantor's share and local share or \$5,000, whichever is greater, as follows:

Infrastructure Services Division Accounts

City Share

Fund No. 0333

Project Grant No. ST32090000

\$30,000

Federal Grantor Share

Fund No. 0306

Project Grant No. SP03290100

\$120,000

Total Estimated Cost = \$150,000

;and, be it

Further Resolved, That the City Engineer is hereby authorized and directed to approve and make periodic payments to the WISDOT upon receipt of invoices for the local share of costs of the project.

Sponsors: THE CHAIR

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

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

No: 0

- 13) [981735](#) Substitute resolution dedicating certain City-owned land for public street purposes to realign the intersection of North 49th Street with West Lisbon Avenue to accommodate the construction of a new Third District Police Station in the 17th Aldermanic District of the City of Milwaukee.

Whereas, The City of Milwaukee is the owner of certain lands in the vicinity of North 49th Street and West Lisbon Avenue; and

Whereas, To accommodate the construction of a new Third District Police Station, it is necessary to realign the intersection of North 49th Street with West Lisbon Avenue;

and

Whereas, This realignment will be constructed as part of the scheduled reconstruction of West Lisbon Avenue in 1999; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the following described City-owned land hereby is set aside and dedicated for public street purposes:

That part of Block 1 in Republic Subdivision No. 1, together with that part of vacated West Lisbon Avenue abutting said block on the northeast being in the southwest 1/4 of the southeast 1/4 of Section 14, Township 7 North, Range 21 east, in the City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the intersection of the north line of West North Avenue, with the easterly line of North 49th Street; thence North 15 deg. 12 min. 19 sec. West along the easterly line of North 49th Street 229.93 feet to the northwest corner of Block 1 in Republic Subdivision No. 1, a recorded subdivision, and the point of beginning of the lands to be described; thence North 33 deg. 38 min. 34 sec. East 22.00 feet to the southwesterly line of West Lisbon Avenue; thence South 56 deg. 21 min. 26 sec. East along the southwesterly line of West Lisbon Avenue 19.55 feet to a point; thence South 33 deg. 38 min. 34 sec. West 39.08 feet to a point on the easterly line of North 49th Street; thence North 15 deg. 12 min. 19 sec. West 25.96 feet to the point of beginning; and, be it

Further Resolved, That the City Comptroller is hereby directed to have a certified copy of this resolution recorded in the office of the Register of Deeds of Milwaukee County.

Sponsors: THE CHAIR

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

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

No: 0

- 14) [981740](#) Resolution approving plats of right-of-way required for the improvement of West Good Hope Road between North 124th Street and USH 41/45 Interchange, North 124th Street between Fond du Lac Avenue and Dretzka Park and North 124th Street between Dretzka Park entrance and West Brown Deer Road. (Jobs Corridor projects) (Infrastructure Services Div.)

Whereas, The Common Council of the City of Milwaukee adopted Resolution File

Number 970113 on May 13, 1997 authorizing and directing the Commissioner of Public Works to execute an agreement with the Wisconsin Department of Transportation for the programming and construction of three projects known as The Jobs Corridor Projects, West Good Hope Road between North 124th Street and USH 41/45 Interchange, USH 41/45 interchange at North 124th Street and North 124th Street from Dretzka Park entrance road to West Brown Deer Road, with Federal and/or State aid; and

Whereas, The City of Milwaukee and the Village of Menomonee Falls have entered into a cost sharing agreement for the West Good Hope Road and North 124th Street extension projects; and

Whereas, WISDOT and their consultant, as part of the preliminary engineering for these projects, have completed and submitted right-of-way plats for City approval; and

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

Whereas, Due to the fast track nature of these projects, the WISDOT has agreed not to bill the City for the right-of-way acquisition costs for the aforementioned projects until the Year 2001; and

Whereas, Funds for the City share of the required right-of-way for these projects, estimated at \$160,180, will be included in the City's 2001 Budget and will be appropriated by future resolutions; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the right-of-way plats for Project I.D. 2130-08-20: West Good Hope Road between North 124th Street and USH 41/45 Interchange; Project I.D. 2130-06-20: North 124th Street between West Fond du Lac Avenue and Dretzka Park entrance; and Project I.D. 2175-04-20: North 124th Street between Dretzka Park entrance and West Brown Deer Road, City of Milwaukee, Milwaukee County, be approved and hereby authorizes the City Engineer and the Commissioners of Public Works and City Development to affix their signature to the plats; and, be it

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

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

Sponsors: THE CHAIR

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

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

No: 0

- 15) [981750](#) Resolution approving a First Amendment to the Public Amenities, Easement and Right-of-Way Agreement for the Wisconsin Center District. (DPW)
- Whereas, The City of Milwaukee ("City") and the Wisconsin Center District ("District") entered into a Public Amenities, Easement and Right of Way Agreement dated as of July 11, 1997 (the "Agreement"); and
- Whereas, The City and the District desire to enter into a First Amendment to the Agreement in order to accommodate construction and maintenance of public improvements and to provide for public pedestrian access in conjunction with Phase II of the Midwest Express Center; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the proper City officers are authorized and directed to execute the First Amendment to the Public Amenities, Easement and Right of Way Agreement for the Midwest Express Center, a copy of which is attached to this Common Council File; and be it
- Further Resolved, That the Commissioner of Public Works is hereby authorized to make minor, non-substantive changes in the agreement prior to its execution.

Sponsors: THE CHAIR

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

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

No: 0

- 16) [981756](#) Resolution amending the disposition of various surplus vacant, tax deed and/or City-owned lots, in the 4th Aldermanic District. (DCD-Real Estate)
- Whereas, Common Council File No. 960750, adopted on September 24, 1996, declared surplus and directed that the Department of City Development sell the following vacant, tax deed and/or City-owned lots to the Milwaukee Housing Assistance Corporation, now known as the Community Development Corporation of Wisconsin ("CDCW");

PROPERTY ADDRESS, TAX KEY NO.

501-03 North 29th Street, TK #401-0929-0

505-07 North 29th Street, TK #401-0928-5

521-23 North 29th Street, TK #401-0924-3

525-27 North 29th Street, TK #401-0923-8

529-31 North 29th Street, TK #401-0922-2

601 North 29th Street, TK #401-1606-2

607 North 29th Street, TK #401-1607-8

611 North 29th Street, TK #401-1608-100-X

617 North 29th Street, TK #401-1609-100-5

619 North 29th Street, TK #401-1610-100-0

2817-19 West Clybourn Street, TK #401-1053-7

2823-25 West Clybourn Street, TK #401-1052-1

2827-31 West Clybourn Street, TK #401-1051-100-2

; and

Whereas, The CDCW is unable to construct residential units on said lots; and

Whereas, The Merrill Park Neighborhood Association or its designee has offered to purchase the following surplus vacant lots for \$1.00 each for construction of housing for sale to low to moderate income owner-occupants:

PROPERTY ADDRESS, TAX KEY NO.

601 North 29th Street, TK #401-1606-2

607 North 29th Street, TK #401-1607-8

611 North 29th Street, TK #401-1608-100-X (part)

; and

Whereas, The sale of said lots is contingent upon submittal, review and approval by the Department of City Development of building and site plans; and

Whereas, The remaining lots will be returned to the City inventory and made available for future development; and

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

Resolved, By the Common Council of the City of Milwaukee that sale of said lots to the Merrill Park Neighborhood Association, or its designee, is approved after compliance with contingencies mentioned above and that the remaining lots mentioned above not targeted for new construction by the Merrill Park Neighborhood Association, or its designee, be returned to City inventory; 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.

Sponsors: Ald. Henningsen

A motion was made by Ald. Scherbert 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:

- 17) [980664](#) Resolution to grant a Special Privilege to Sharon A. Dixon, Agent, for Lips, Inc., 200 East Washington Street, for the encroachment of a portion of the building into South Barclay Street, in the 12th Aldermanic District 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: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

RESOLUTIONS AND MOTIONS PRESENTED FOR IMMEDIATE ADOPTION

[990002](#) 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)
Towne Realty	039-0008-9
Towne Realty	039-0301
Milwaukee Habitat For Humanity	350-1363-1 and 350-1365-100-9
David S. Dlugopolski, Outdoor Lighting	080-9995-6
Milwaukee Habitat for Humanity	350-1271-1, -1272-2, 1273-2, -1274-8, -1275-3

Sponsors: THE CHAIR

A motion was made by Ald. Schramm that this matter be ADOPTED to the MAYOR. 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

[990006](#) Motion relating to a procedure for filling a vacancy in the office of Municipal Court Judge.

Sponsors: Ald. Frank, Ald. Nardelli, Ald. Pratt, Ald. Richards and Ald. Gordon

Ald. Frank moved to amend File Number 990006, being a motion for immediate approval relating to a procedure for filling a vacancy in the office Municipal Court Judge by changing under Item 1. the last date of "May 21, 1999" for filing applications and resumes with the City Clerk to "May 14, 1999," and further changing under Item 2. "May 24, 1999" for referring the application and resumes for the Judicial Selection Committee to "May 17, 1999" and further changing under Item 3. the date of "June 21, 1999" for submission of five qualified applicants by the Judicial Selection Committee to the Common Council to "June 14, 1999."

The motion prevailed.

Ald. Frank moved for immediate approval of File Number 990006 as amended.

The motion prevailed.

990006

Substitute motion relating to a procedure for filling a vacancy in the office of Municipal Court Judge.

Whereas, Section 8.50(4)(fm), Wis. Stats., provides for a vacancy in the office of municipal court judge to be filled by temporary appointment by the municipal governing body; and

Whereas, It is necessary to establish a procedure for selecting a municipal judge to fill the vacancy which will occur in Municipal Court Branch 1 as the result of Judge John Siefert's election to Milwaukee County Circuit Court; now, therefore

The Common Council of the City of Milwaukee adopts the following procedures for the filling of the vacancy in the office of a Municipal Court Judge (Branch 1):

1. All applicants for appointment to the position of Municipal Court Judge shall file their applications and resumes with the City Clerk no later than May 14, 1999.
2. In accordance with s. 3-34-2-b of the Milwaukee City Charter, all applicants shall be attorneys licensed to practice law in Wisconsin.
3. On May 17, 1999, the City Clerk shall refer the applications and resumes to the Milwaukee Bar Association for review by its Judicial Selection Committee.
4. The Judicial Selection Committee is requested to review the applications and develop and submit to the Common Council a list of not more than 5 qualified applicants by June 14, 1999.
5. The Judicial Selection Committee shall be aware of, but not limited by, the City of Milwaukee's affirmative action goals and policies when developing its list of qualified applicants.
6. The City Clerk shall refer the list of 5 applicants submitted by the Judicial Selection Committee to the Presiding Municipal Court Judge, the City Attorney and the Chief of Police for review, recommendation and confidential ranking.
7. The Judiciary and Legislation Committee shall hold a public hearing to interview and receive public comments on the 5 applicants referred to it by the Judicial Selection Committee. The Judiciary and Legislation Committee shall then make a recommendation to the Common Council from among the 5 applicants. If the Judiciary and Legislation Committee chooses not to recommend from among the 5 applicants, it shall request an additional 5 applicants from the Judicial Selection Committee. This process shall continue until the Judiciary and Legislation Committee chooses to recommend an applicant from among the applicants selected by the Judicial Selection Committee.

8. The appointment of a Municipal Court Judge to fill the vacancy in Branch 1 shall be scheduled for Common Council action no later than July 13, 1999. The starting date for the new judge is established as August 2, 1999.

Sponsors: Ald. Frank, Ald. Kalwitz, Ald. Pratt, Ald. Richards and Ald. Gordon

A motion was made by Ald. Frank that this matter be APPROVED to the MAYOR. 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

[990017](#)

Resolution directing the Department of City Development to prepare a resolution which vacates the Northerly dead-end alley in the block bounded by South Kinnickinnic Avenue, East Becher Street, South Robinson Avenue and East Ward Street, in the 14th Aldermanic District. (DCD)

Whereas, It has been proposed by the Redevelopment Authority of the City of Milwaukee that portions of public alley in the block bounded by South Kinnickinnic Avenue, East Becher Street, South Robinson Avenue and East Ward Street be vacated pursuant to the provisions of Section 66.297 of the Wisconsin Statutes; and

Whereas, The vacation of these land locked portions of said alley is necessary for the Redevelopment Authority to sell the property located at 2121 South Kinnickinnic Avenue for redevelopment; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Department of City Development is directed to prepare a resolution to vacate said public right-of-way in accordance with Section 81-308-28 of the Milwaukee Code of Ordinances.

Sponsors: THE CHAIR

A motion was made by Ald. Schramm that this matter be ADOPTED to the MAYOR. 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

[990019](#)

Resolution authorizing and directing the Commissioner of Public Works to apply for a Flood Mitigation Assistance Grant. (DPW)

Whereas, The Department of Public Works has applied for and received two Flood Hazard Mitigation Grants from the Federal Emergency Management Agency (FEMA)

for the acquisition of flood damaged properties and for floodproofing homes, and

Whereas, One of the requirements of accepting these grants is that the City of Milwaukee must prepare a Flood Hazard Mitigation Plan, and

Whereas, There are Flood Mitigation Assistance Grants available through FEMA to assist in the preparation of Flood Hazard Mitigation Plans and the City of Milwaukee would be eligible for a grant of \$6,000 funded 75% by FEMA, and

Whereas, It would be in the best interests of the City of Milwaukee to apply for the grant program and utilize the funding obtained to assist in the preparation of the Flood Hazard Mitigation Plan, and

Whereas, The 25% local share for the grant would be funded by Housing and Urban Development (HUD) funds already allocated to the City of Milwaukee by Milwaukee County; now, therefore, be it.

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized and directed to submit an application for a Flood Mitigation Assistance Grant; and, be it

Further Resolved, That the 25% local share for the grant will come from HUD funds already allocated to the City of Milwaukee for flood mitigation by Milwaukee County.

Sponsors: THE CHAIR

A motion was made by Ald. Schramm that this matter be ADOPTED to the MAYOR. 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

[990054](#)

Resolution directing the Department of City Development to prepare a resolution which vacates the easterly 20 feet of North Cambridge Avenue between East Newport Avenue and East Providence Avenue, in the 3rd Aldermanic District.

Whereas, It has been proposed by the Department of Public Works Infrastructure Services Division that the easterly 20 feet of North Cambridge Avenue between East Newport Avenue and East Providence Avenue be vacated pursuant to the provisions of Section 66.297 of the Wisconsin Statutes; and

Whereas, The vacation of this portion of North Cambridge Avenue is necessary to eliminate the encroachment of several structures from North Cambridge Avenue so that a street paving program can proceed this summer; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Department of City Development is directed to prepare a resolution to vacate this public right-of-way in accordance with Section 81-308-28 of the Milwaukee Code of Ordinances.

Sponsors: THE CHAIR

A motion was made by Ald. Schramm that this matter be ADOPTED to the MAYOR. 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

[990057](#)

Resolution directing the Department of City Development to prepare a resolution to vacate a portion of North 49th Street and the Northerly East-West alley in the block bounded by West Lisbon Avenue, North 49th Street, West North Avenue and North 50th Street, in the 17th Aldermanic District. (DCD)

Whereas, It has been proposed by the Department of Public Works that a portion of North 49th Street and the Northerly East-West alley in the block bounded by West Lisbon Avenue, North 49th Street, West North Avenue and North 50th Street be vacated pursuant to the provisions of Section 66.297 of the Wisconsin Statutes; and

Whereas, The vacation of this portion of street and alley is necessary so that the Third District Police Station can be properly located on the site; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Department of City Development is directed to prepare a resolution to vacate the subject portion of street and alley in accordance with Section 81-308-28 of the Milwaukee Code of Ordinances.

Sponsors: THE CHAIR

A motion was made by Ald. Schramm that this matter be ADOPTED to the MAYOR. 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

[990084](#)

Resolution relating to acceptance of a new children's play area at the Benjamin Franklin Elementary School from KaBOOM!, a national non-profit organization. (Bridges & Fleet Div.)

Whereas, The Benjamin Franklin Elementary School has obsolete play equipment dating from 1981; and

Whereas, The Benjamin Franklin Elementary School has been selected by KaBOOM!, a national non-profit organization, as a recipient of a new children's play area as part of their Let Us Play campaign; and

Whereas, KaBOOM! "helps communities create partnerships that achieve positive and sustainable changes in neighborhoods" and has secured a national corporate sponsor for this project; and

Whereas, Benjamin Franklin Elementary School will work with KaBOOM! and community residents to design, plan, and build a community children's play area using community volunteers; and

Whereas, Presently, the Department of Public Works Buildings and Fleet Division is not authorized to accept private contributions for improvements to the Benjamin Franklin Elementary School Playground; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works Buildings and Fleet Division is authorized to accept the contribution of a community built children's play area at the Benjamin Franklin Elementary School Playground, in accordance with established City policies and procedures for acceptance of contributions; and be it

Further Resolved, That the City Attorney is hereby authorized and directed to prepare an agreement for the approval of the City of Milwaukee, Milwaukee Public Schools and KaBOOM!, necessary for the construction of a community built children's play area using community volunteers.

Sponsors: Ald. Butler

A motion was made by Ald. Schramm that this matter be ADOPTED to the MAYOR. 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

[990087](#)

Resolution expressing Common Council support for the Milwaukee County Executive's proposal to purchase and operate 10 new trolley buses on 2 routes serving major attractions in downtown Milwaukee.

Whereas, For the past 2 years, the Milwaukee County Transit System (MCTS) has used Congestion Mitigation and Air Quality (CMAQ) funds to operate Route 81-Milwaukee Loop, a route designed to connect many popular downtown Milwaukee attractions; and

Whereas, MCTS provides the Milwaukee Loop service with its 3 rubber-tired, diesel-powered "trolley buses"; and

Whereas, The Milwaukee Loop trolley bus service is funded through 1999 under the current CMAQ grant; and

Whereas, Because of the success of the Milwaukee Loop, as well as the need to provide better public transportation to downtown Milwaukee's growing list of attractions, MCTS has designed a proposed downtown trolley bus system that would consist of 2 routes, one operating east-west along Wisconsin Avenue between 10th Street and Prospect Avenue and the other operating north-south along Water Street between Schlitz Park and the Historic Third Ward; and

Whereas, CMAQ funds will cover up to 80% of the total cost of new transit services and associated equipment, with the remaining 20% coming from a local match; and

Whereas, The annual operating cost of the new trolley bus routes is projected by MCTS to be \$2,176,400, of which \$1,741,000 (80%) would be covered by CMAQ funding and the remainder paid for with farebox revenue and annual contributions from Business Improvement District No. 21; and

Whereas, The current 3-vehicle trolley bus fleet is inadequate for serving an expanded trolley bus system; and

Whereas, MCTS estimates the cost of purchasing the 10 new trolley buses needed to serve the expanded system to be \$2,500,000, of which 80% would be covered by CMAQ funding and the remainder by a Year 2000 Milwaukee County budget appropriation; and

Whereas, Milwaukee County Executive F. Thomas Ament has recommended that Milwaukee County apply for a CMAQ grant to fund the purchase and operation of 10 new trolley buses as part of the expanded downtown trolley bus system recommended by MCTS; and

Whereas, An enhanced downtown transit system would improve the accessibility of Milwaukee attractions to city residents and out-of-town visitors alike; and

Whereas, Improved downtown transit services have the potential to bring additional tourism, shopping and entertainment dollars to downtown Milwaukee, thereby creating additional income and employment opportunities for the community; and

Whereas, The proposed downtown trolley bus system expansion would have no

direct costs for the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council supports Milwaukee County Executive F. Thomas Ament's recommendation that Milwaukee County purchase and operate, with 80% CMAQ funding, 10 new trolley buses on an expanded, 2-route downtown trolley bus system.

Sponsors: Ald. Kalwitz and Ald. Nardelli

A motion was made by Ald. Schramm that this matter be ADOPTED to the MAYOR. 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

[990089](#)

Resolution relative to outsourcing or privatizing of City services.

Sponsors: Ald. Nardelli, Ald. Pratt, Ald. Kalwitz, Ald. Johnson-Odom, Ald. Frank, Ms. Scherbert, Ald. Richards, Ald. Witkowiak, Ald. Breier, Ald. Hines Jr., Mr. Schramm, Ald. Butler, Ald. Pawlinski, Ald. D'Amato, Ald. Gordon and Ald. Henningsen

Ald. Thomas G. Nardelli presented a substitute resolution to be offered in lieu of the resolution submitted for immediate adoption by the Common Council and moved for its acceptance.

The motion prevailed.

Ald. Thomas G. Nardelli moved for adoption of the foregoing substitute resolution.

The motion prevailed.

[990089](#)

Substitute resolution relative to outsourcing or privatizing of City services.

Whereas, It is in the best interest of both the City of Milwaukee and its residents to pursue the most effective and economical means of providing quality municipal services; and

Whereas, In certain instances, outsourcing or privatizing of various City services may appear to be potentially more cost-efficient, but may actually have a negative impact on the quality of service provided; and

Whereas, The level and quality of services to be provided, as well as control of all City funding for those services and related staffing, is a matter of fundamental public policy to be determined by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that formal authorization and approval of the Common Council by resolution shall be required to outsource or privatize any City service or function which may result in the reduction, elimination or privatization of any City positions; and, be it

Further Resolved, That the Common Council establishes the following procedure relative to requests from City departments to outsource or privatize specific services or functions which may result in the reduction, elimination or privatization of any City positions:

1. Requesting departments shall prepare a written request accompanied by a written report specifying the service or function to be outsourced or privatized, and the substantiating reasons therefore, including but not limited to factual information concerning current level of service and associated costs, projected cost savings, anticipated change in level or quality of service provided, and specific positions to be affected.
2. The department's written request and written report shall be submitted to the Common Council, and a communication file shall be then be referred to the appropriate Common Council committee and to the Finance and Personnel Committee to allow public hearing and review of the request.
3. The City Clerk shall refer a copy of the written request and written report included in the communication file to the Legislative Reference Bureau. The bureau shall prepare and submit an analysis of each request and report to the file not less than 30 days prior to the initial committee hearing on the communication file.
4. Any subsequent approval of a request to outsource or privatize services which may result in the reduction, elimination or privatization of any City positions shall be authorized only by approval of the Common Council by resolution.

; and, be it

Further Resolved, That the Water Works is hereby authorized to continue the process already underway relative to the Request for Qualifications for a Commercial Services Contract Management Agreement, and the preparation and subsequent release of a Request for Proposals; and, be it

Further Resolved, That upon receipt of responses to the Request for Proposals, the Water Works is directed to obtain Common Council approval by resolution of any resulting agreement.

Sponsors: Ald. Nardelli, Ald. Pratt, Ald. Kalwitz, Ald. Johnson-Odom, Ald. Frank, Ms. Scherbert, Ald. Richards, Ald. Witkowiak and Ald. Breier

**A motion was made by Ald. Nardelli that this matter be ADOPTED to the MAYOR.
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