



City of Milwaukee
Common Council Minutes
COMMON COUNCIL

City Hall
200 East Wells Street
Milwaukee, WI 53202

Tuesday, March 2, 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.

UNFINISHED BUSINESS

[981393](#)

Substitute resolution removing existing limitations on Class III games that the Potawatomi Tribe may operate on the Menomonee Valley land, under a new 5-year compact amendment signed with the State of Wisconsin on December 3, 1998, and authorizing and directing the City Clerk to execute the agreement between the City, the County and the Potawatomi Tribe under which the Potawatomi will provide funding for City and County initiatives.

Sponsors: THE CHAIR

Alderman Nardelli moved to dispense with the reading of the Mayor's veto message.

The motion prevailed.

A motion was made by Ald. Kalwitz that this matter be VETO OVERRIDDEN. The motion carried by the following vote:

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

No: 5 - D'Amato, Henningsen, Richards, Butler Murphy

THE FINANCE & PERSONNEL COMMITTEE FURTHER RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [981402](#) Substitute ordinance to further amend the 1999 offices and positions in the City Service under control of the Common Council.

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

Part 1. Section 1 of ordinance File Number 980575 relative to offices and positions in the City Service is hereby amended as follows:

Under "Department of City Development, General Management and Policy Development Decision Unit, General Accounting", delete one position of "General Accounting Manager (Y)" and add one position of "Accounting Manager-City Development (Y)."

Under "Health Department, Public Health Services Decision Unit, Pregnancy Prevention Grant", add one position of "Director/Teen Pregnancy Prevention Program (X)" and amend footnote "(FF)" as follows: "To expire 9/29/99 unless the Pregnancy Prevention Consortium Grant, available from the Centers for Disease Control, is extended."

Under "Library, Administrative Services Decision Unit, Original Cataloging Section", delete footnote indicator "(B)" and insert footnote indicator "(F)" after "Librarian III"; under "Copy Cataloging and Data Base Management Section", delete footnote indicator "(B)" and insert footnote indicator "(F)" after "Copy Cataloging Technician II"; under "TEACH Educational Technology Training and Technical Assistance Grant", add 24 positions of "Computer Service Aide (A)" and create footnote "(A)" to read: "To expire 6/30/00 unless the TEACH Technology Training Grant, available from the State of Wisconsin, is extended."

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

Part 3. The provisions of this ordinance are deemed to be in force and effect from and after the first day of the first pay period following passage and publication.

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

Sponsors: THE CHAIR

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

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

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 2) [981403](#) Substitute ordinance to further amend the 1999 rates of pay of offices and positions in the City Service under control of the Common Council.

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

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

Under Salary Grade 004, add the title "Legislative Analyst."

Under Salary Grade 006, add the title "Legislative Representative."

Under Salary Grade 008, add the title "Accounting Manager-City Development."

Under "Salary Grade 010, add the title "Legislative Coordinator-Senior."

Under Salary Grade 012, add the title "Legislative Fiscal Manager-Senior."

Part 2. Section 3 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):

Under Pay Range 225, add the footnote designation "2/" following the title "Water Department Laborer" and add the following footnote: "2/ When and if, during the course of 1999, any of the named incumbents, John Antoni, Karl Thomas, Lawrence Donahue, Bernard Bellanger, Lora Monfre, Julie Sanders, Michael Collins, Andrew Nannetti, or Richard Bednarski, is transferred to a position in a lower pay range, each respective incumbent shall be entitled to his or her 1999 biweekly rate of pay, under this pay range, for the duration of the 1999 budget year."

Under Pay Range 235, add the footnote designation "10/" following the title "Water Buildings and Grounds Laborer" and add the following footnote: "10/ When and if, during the course of 1999, any of the named incumbents, Charles Barbour, Barbara Wagner or Glenn Kalvoda, is transferred to a position in a lower pay range, each respective incumbent shall be entitled to his or her 1999 biweekly rate of pay, under this pay range, for the duration of the 1999 budget year."

Under Pay Range 245, add the footnote designation "3/" following the title "Water Laborer Crew Leader" and add the following footnote: "3/ When and if, during the course of 1999, either of the named incumbents, Gerald Grauberger or James Poster, is transferred or reclassified to a position in a lower pay range, each respective incumbent shall be entitled to his 1999 biweekly rate of pay, under this pay range, for the duration of the 1999 buget year."

Part 3. Section 4 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 14, 1996 - June 30, 1996):

Under Pay Range 340, delete the title "Service Center Coordinator."

Part 4. Section 5 of ordinance File Number 980576 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 14, 1996 - June 30, 1996):

Under Pay Range 460, add the title "Service Center Coordinator."

Part 5. Section 8 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 6, 1998 - March 8, 1998):

Under Pay Range 549, add the footnote designation "1/" following the titles "Boiler Inspector I", "Building Construction Inspector I", "Electrical Inspector I", "Elevator Inspector I" and "Sprinkler Construction Inspector I" and add the following footnote: "1/ Effective Pay Period 24, 1995, recruitment for these classifications shall be up to the fourth step at the discretion of the department head."

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

Part 7. The provisions of Part 2 of this ordinance are deemed to be in force and effect from and after Pay Period 1, 1999 (December 27, 1998).

The provisions of Part 3 and 4 of this ordinance are deemed to be in force and effect from and after Pay Period 14, 1996 - June 30, 1996).

The provisions of Part 5 of this ordinance are deemed to be in force and effect from and after Pay Period 6, 1998 (March 8, 1998).

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

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

Sponsors: THE CHAIR

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

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

No: 0

Excused: 2 - Witkowiak Hines Jr.

ADOPTION OF THE FOLLOWING:

- 3) [981170](#) Substitute resolution authorizing acceptance and funding of the 1998-99 HIDTA project awards (Police Department).
Whereas, The Common Council in file 980428 approved funding for federal fiscal year 1998 for Police Department participation the Milwaukee HIDTA project; and
- Whereas, The Milwaukee Police Department's participation in the HIDTA project for federal fiscal year 1999 is expected to total \$1,489,682, of which \$674,296 is the grantor share and \$815,386 is the in-kind city share; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the Milwaukee Police Department is hereby authorized to participate on the Milwaukee HIDTA project; and, be it

Further Resolved, That the Comptroller of the City of Milwaukee 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 HIDTA project titled:

Proj/Grant	Fund	Org.	Program	By	Subclass	Acct
GR0009000000	0150	9990	0001	0000	R999	000600

Project	Amount
Grantor share	\$674,296

2. Create the necessary Grant and Aids Project/Grant and Project/Grant levels; budget against these Project/Grant values the amounts required under the grant agreement; and
3. Establish the necessary City share project values; and, be it

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

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

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

Sponsors: THE CHAIR

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

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

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 4) [981334](#) Substitute resolution authorizing attendance at conventions and further authorizing appropriation and expenditure of Common Council Contingent funds.

Resolved, By the Common Council of the City of Milwaukee, that Exhibit A contained in Common Council File Number 980994, adopted December 18, 1998, be and hereby is amended as follows:

Under "Fire Department", delete March "9-14" and insert "April 9-14"; and be it

Further Resolved, that Exhibit A contained in Common Council File Number 981383, adopted February 9, 1999, be and hereby is amended as follows:

Under "Mayor's Office", delete "International Council Local Environmental Issues/Cities for Climate Protection, Los Angeles, CA, October 29-November 2" and insert "5th Annual Meeting of Rail-Volution, Dallas, TX, September 25-28."

Sponsors: THE CHAIR

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

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

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 5) [981509](#) 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) Three members library staff (CC-LRB); "computer software training; Chicago, IL; 4/12-13/99; \$1,234.00.

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: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 2 - Witkowiak Hines Jr.

6) [981513](#) Resolution relating to annual United Performing Arts Fund/Visions Campaign. (Buildings & Fleet Division)

Whereas, Additional non-tax funds are needed to supplement property tax funds to preserve the quality of life in Milwaukee, and nonprofit organizations have been established to receive contributions from the private sector toward this end; and

Whereas, Friends of the Pabst Theater was created to ensure preservation of this historic landmark building, and the development of improvements in service, programs, and facilities with the aid of private donations; and

Whereas, The Urban Forestry Fund has been established through the Milwaukee Foundation to further enhance the environment of this city, and to extend services and programs which cannot be adequately supported without alternative non-tax revenues; and

Whereas, The Milwaukee Recreation Fund has been established through the Milwaukee Foundation to help enhance our small town park settings within City

neighborhoods by providing funds to make special improvements to the 46 children's play areas and providing safe and imaginative recreation opportunities for the City's children and families to give residents and neighborhood organizations a sense of ownership in those children's play areas to help them become a focal point for the neighborhood; and

Whereas, The Milwaukee Art Museum has been established to ensure the development of services, programs, and facilities with the aid of private donations; and

Whereas, The Milwaukee Public Library Foundation was established to acquire resources and support educational, cultural, and information services to better serve the community drawing upon individual as well as corporate donations; and

Whereas, The Milwaukee Public Museum has been established to help support programs and activities that promote a greater understanding of our world and our cultures; and

Whereas, Donations to these organizations will be committed to programs and services which cannot be met through tax revenues, and are not intended as a replacement for such funds; and

Whereas, Visions has been established to solicit monetary support for these organizations; and

Whereas, The 1998 combined UPAF/Visions Campaign was very successful and indicative of employees' concern for and support of the associated organizations; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee encourages all City employees to support this joint campaign in its goals of improving the quality of this city's cultural life and environment.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 7) [981558](#) Resolution amending Common Council File 980724 relative to application, acceptance and funding of the Pregnancy Prevention Consortium Grant. (Health

Dept.)

Whereas, Common Council File 980724 authorized the Health Department to apply for, accept and fund the Pregnancy Prevention Consortium Grant from the Centers for Disease Control for the purpose of developing and implementing a city-wide community action plan for the prevention of adolescent pregnancy. This grant provided for a Grantor share total of \$344,758; and

Whereas, The Grantor share for this program remains the same; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Centers for Disease Controls is authorized and the Health Department shall accept such a grant without further Common Council approval unless the terms of the grant change as indicated in Common Council File 940843 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to commit funds within the Project/Grant Parent 1999 Special Revenue Grant and Aid Projects Fund, the following amounts for the project titled Pregnancy Prevention Consortium Grant:

Project/Grant	GR0009000000
Fund	0150
Org	9990
Program	0001
Budget Yr	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	No Change

; and, be it

Further Resolved, That these funds are appropriated to the Health Department budgeted to the Health Department; and, be it

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

HEALTH DEPARTMENT
PUBLIC HEALTH SERVICES DECISION UNIT
Pregnancy Prevention Grant

Add:

(1) Director/Teen Pregnancy Prevention Program (X)

Amend footnote (FF) as follows:

To expire 09/29/99 unless the Pregnancy Prevention Consortium Grant, available from the Centers for Disease Control, is extended. Positions are authorized only as reflected in the grant agreement as approved by the Grantor Agency; and, be it

Further Resolved, That all standard resolved clauses articulated in Common Council File 980274 remain applicable.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 8) [981566](#) Resolution authorizing the Commissioners of the Public Debt to market general obligation "corporate purpose bonds" pursuant to the provisions of Ch. 67, Stats. (Comptroller)
- Whereas, General obligation bonds have been authorized in the 1996, 1997, 1998 and 1999 municipal budgets; and
- Whereas, Initial resolutions have been adopted authorizing the issuance of such general obligation bonds; and
- Whereas, In 1998 a corporate purpose resolution was adopted combining general obligation bonds authorized under various initial resolutions into one issue designated "corporate purpose bonds" and some of the authorized "corporate purpose bonds" were not sold; and
- Whereas, It is the intention of the Common Council to rescind the authority of the corporate purpose resolution adopted in 1998 as it relates to bonds which were authorized but not sold in 1998 and to combine general obligation bonds authorized under the various initial resolutions into one issue and to designate such bonds as "corporate purpose bonds"; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the authority of Common Council Resolution File No. 971740 adopted March 3, 1998, being a resolution combining general obligation bonds authorized under various initial resolutions into one issue designated as "corporate purpose bonds" as it relates to

bonds authorized but not sold in 1998, be and hereby is rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee in accordance with sec. 67.05(13), Stats., that the Commissioners of the Public Debt are authorized and requested to issue and sell general obligation "corporate purpose bonds" in the aggregate amount of \$198,147,741 for each of the public purposes provided by the underlying initial resolutions as set forth herein and in the amounts shown:

Bonds to Purpose Be Sold	Initial Resolution File No. and Adoption Date	Resolution Amount
Providing financial assistance to blight elimination, slum clearance, redevelopment and urban renewal projects 1,880,000	11/24/98 981126	\$ 1,880,000 \$
Public buildings for housing machinery and equipment 6,582,500	11/24/98 981127	6,582,500
Harbor improvements 580,000	11/24/98 981128	580,000
Police Department facility construction projects 13,000,000	11/24/98 981129	13,000,000
Bridge and viaduct improvements 3,920,000	11/24/98 981130	3,920,000
Sewage disposal - sewer improvement and construction 21,915,000	11/24/98 981131	21,915,000
Street improvements and	11/24/98	

construction 10,096,067	981132	10,096,067
	11/24/98	
Library improvements 550,000	981133	550,000
Public improvements in anticipation of special assessments levied against property 4,214,988	11/24/98 981134	4,214,988
School Board borrowing for Milwaukee Public School capital purposes 27,000,000	11/24/98 981136	27,000,000
	11/24/98	
Parking facility improvements 5,869,160	981137	5,869,160
Project costs in accordance with project plans for Tax Incremental Districts and providing financial assistance to urban renewal projects authorized under s. 66.045 10,800,000	12/18/98 981254	10,800,000
Project costs in accordance with project plans for Tax Incremental Districts 8,300,000	1/20/98 971424	8,300,000
	1/20/98	
School purposes 5,400,000	971425	9,000,000
	1/20/98	
Street improvements 6,761,320	971428	11,117,320

	1/20/98	
Parks and public grounds	971429	2,559,000
1,627,000		
	1/20/98	
Library improvements	971430	2,160,000
1,200,000		
Public improvements in anticipation of special assessments levied against property	1/20/98 971431	4,122,743
4,122,743		
Purchase of sites for and construction of engine houses	1/20/98 971432	700,000
111,000		
Construction of police department facilities	1/20/98 971433	4,900,000
4,318,490		
	1/20/98	
Bridge and viaduct improvements	971434	2,909,000
2,909,000		
	1/20/98	
Sewage disposal	971435	14,820,000
4,875,752		
	1/20/98	
Parking facility improvements	971436	312,000
312,000		
	1/20/98	
Harbor improvements	971437	2,204,000
2,143,000		
Buildings for housing machinery and equipment	1/20/98 971438	10,050,756
6,269,920		
Providing financial assistance to		

blight elimination, slum clearance, redevelopment, and urban renewal projects under secs. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46. 3,206,000	1/20/98 971439	3,206,000
Providing financial assistance to blight elimination, slum clearance, redevelopment, and urban renewal projects under secs. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46 8,747,000	1/17/97 961420	17,500,000
Buildings for housing machinery and equipment 844,000	1/17/97 961421	10,399,614
Harbor improvements 870,000	1/17/97 961422	870,000
Parking facility projects 1,731,000	1/17/97 961423	3,690,000
Purchase of sites for and construction of engine houses 147,000	1/17/97 961425	1,560,000
Bridge and viaduct improvements 2,998,000	1/17/97 961426	2,998,000
Street improvements 1,212,987	1/17/97 961428	5,737,267
Parks and public grounds 500,000	1/17/97 961429	500,000

Public improvements in anticipation of special assessments levied against property 3,840,994	1/17/97 961431	3,840,994
Project costs in accordance with project plans for Tax Increment Districts 5,395,180	1/17/97 961432	9,000,000
School purposes 3,195,000	1/17/97 961433	8,500,000
Providing financial assistance to blight elimination, slum clearance redevelopment, and urban renewal projects under secs. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46, Stats. 1,619,000	1/23/96 951372	2,764,000
Public buildings for housing machinery and equipment 671,200	1/23/96 951373	8,213,160
Harbor improvements under the provisions of Ch. 67, Stats. 30,000	1/23/96 951374	610,000
Construction of police department facility 982,110	1/23/96 951375	1,700,000
Bridges and viaduct improvements 461,000	1/23/96 951377	2,256,000
Parking facility projects 935,000	1/23/96 951378	2,605,000

Street improvements and construction 710,000	1/23/96 951380	4,905,720
Parks and public grounds 800,000	1/23/96 951381	1,000,000
Public improvements in anticipation of special assessments levied against property 4,494,330	1/23/96 951389	4,494,330

; and, be it

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

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

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

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

and interest thereon, and that such payment schedule shall be entered upon the permanent record of the Commissioners of the Public Debt and formally communicated to the City Clerk; and, be it

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

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

Further Resolved, That a Continuing Disclosure Certificate in substantially the form of the draft annexed to Common Council File Number 950621, adopted September 27, 1995, to be dated the date of initial delivery of the Bonds, is authorized to be executed and delivered by the Comptroller; and, be it

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

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

Further Resolved, That a global certificate shall be issued for each stated maturity date and registered only in the name of Cede & Company as nominee of the Depository Trust Company, New York, New York, for delivery and immobilization by the Depository Trust Company following the closing. The Depository Trust Company will act as securities depository of the bonds. The City will make payment of principal, redemption premium if any, and interest on the bonds on the due dates to the

Depository Trust Company, or its nominee, as registered owner of the bonds, in same-day funds. Notices, if any, given by the City to the registered owner of the bonds will be given to the Depository Trust Company, In the event that the securities depository relationship with the Depository Trust Company for the bonds is terminated and the City does not appoint a successor securities depository, the City will prepare, authenticate and deliver at its expense fully-registered certificated bonds in the denominations of \$5,000 or in the integral multiple thereof in the aggregate principal amount by maturity then outstanding to the beneficial owners of the bonds; and, be it

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

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

Sponsors: THE CHAIR

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

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

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 9) [981573](#) Resolution pertaining to the naming of City Designated Representative and Alternate City Designated Representative for the administration of the City's CDL drug and controlled substance testing program. (DPW)

Whereas, The Federal Highway Administration of the Department of Transportation Omnibus Transportation Employee Testing Act of 1991 was passed and requires tests for alcohol and controlled substances among employees of the City of Milwaukee who are required to possess and maintain Commercial Driver's Licenses (CDLs); and

Whereas, The City of Milwaukee has been subject to the terms and conditions of said act beginning January 1, 1995; and

Whereas, The Department of Public Works has been operating a testing program for four years, administered by the Buildings and Fleet Division, Fleet Services Section; and

Whereas, The City of Milwaukee program affects mainly drivers and operators in the Department of Public Works; and

Whereas, The records for CDL drivers are kept by the Department of Public Works; and

Whereas, Title 49 of the Code of Federal Regulations Part 382.401 requires that the records associated with the alcohol and Controlled Substances Testing Program be treated confidentially; and

Whereas, The names and positions of officials and their role in the employer's alcohol and controlled substances testing programs are among the required records related to drug testing which must be maintained; and

Whereas, There is a necessity for designated management representatives to act on behalf of the employer when contacted by the program's Medical Review Officer (MRO); now, therefore, be it

Resolved, That the Safety Supervisor position, currently occupied by Mr. David A. Lawrence, be appointed as the City's "Designated Representative" for the purposes of administering the CDL drug and controlled substance testing program; and, be it

Further Resolved, That the Buildings and Fleet Division superintendent position, currently occupied by Mr. William Kappel, be designated as the "Alternate City Designated Representative"; and, be it

Further Resolved, That all City departments and agencies be directed to assist these representatives in the performance of this function as may be necessary.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 10) [981577](#) Resolution amending City policy on air-conditioning of City-owned vehicles.
- Whereas, The City of Milwaukee Common Council adopted Resolution File Number 941537 on March 27, 1995, thereby amending City policy on air-conditioning of City-owned vehicles; and
- Whereas, The Department of Public Works - Buildings and Fleet Division intends to acquire fully automated garbage packers which have air-conditioning units for the health and safety of the operators; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that Item Number 1 in the "Further Resolved" clause as amended by File Number 951075, adopted on November 28, 1995, is deleted and the following inserted in lieu thereof:
- "1. No additional air conditioning units for City passenger and other motor vehicles will be authorized over and above the Common Council's official greeting car, the chief executive's car, Fire Department vehicles which are subject to federal specifications for ambulances or vehicles used for emergency response, sewer maintenance closed circuit TV vehicles, Neighborhood Services Department's dog catcher vehicles, Health Department mobile mammography screening vans, Health Department multi-purpose vans, highway paint striper vehicles, Department of Public Works' street sweepers, Department of Public Works' fully automated garbage packers, a telecommunications van, Police Department vehicles used for patrol and investigative purposes, parking checker vehicles and the vehicles assigned to the fire chief and the chief of police."
- Sponsors:** THE CHAIR
- A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:**
- Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Pawlinski, Breier, Nardelli Murphy
- No:** 1 - Henningsen
- Excused:** 2 - Witkowiak Hines Jr.
- 11) [981581](#) Resolution relative to acceptance and funding of a TEACH Educational Technology Training and Technical Assistance Grant. (Library)
- Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin for the purpose of developing a service delivery model and standardized curricula for technology training; and
- Whereas, The operation of this grant from 02/01/99 to 06/30/00 would cost \$467,691 of which \$11,491(2%) would be provided by the city and \$456,200(98%)

would be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Milwaukee Public Library 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, the following amounts for the project titled "TEACH Educational Technology Training and Technical Assistance Grant:"

Proj/Grant	Fund	Org	Program	BuYer
GR0009000000	0150	9990	0001	0000

Subclass	Acct	Project	Amount
R999	000600	Grantor Share	\$456,200

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

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

Further Resolved, That these funds are budgeted for Milwaukee Public Library which is authorized to:

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

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

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

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

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

LIBRARY BOARD

Administrative Services Decision Unit

TEACH Educational Technology Training and
Technical Assistance Grant

Add:

(24) Computer Service Aide (A)

Amend Footnote (A) as follows:

To expire 06/30/00 unless the TEACH Technology Training Grant, available from the State of Wisconsin, is extended. Positions are authorized only as reflected in the grant agreement which is approved by the Grantor Agency.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 2 - Witkowiak Hines Jr.

12) [981582](#) Resolution relative to acceptance and funding of a Lifenet II Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin for the purpose of providing computer training for job seekers and adult learners; and

Whereas, The operation of this grant from 01/01/99 to 12/31/99 would cost \$83,324 of which \$8,324(10%) would be provided by the city and \$75,000(90%) would be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Milwaukee Public Library 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, the following amounts for the project titled "Lifenet II Grant:"

Proj/Grant	Fund	Org	Program	BuYer
GR0009000000	0150	9990	0001	0000

Subclass	Acct	Project	Amount
R999	000600	Grantor Share	\$75,000

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

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

Further Resolved, That these funds are budgeted for Milwaukee Public Library which is authorized to:

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

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

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

Sponsors: THE CHAIR

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

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

No: 1 - Nardelli

Excused: 2 - Witkowiak Hines Jr.

PLACING ON FILE THE FOLLOWING:

- 13) [951528](#) Resolution appropriating \$20,000 from the Common Council Contingent Fund and authorizing the Annuity and Pension Board to retain, pursuant to a written agreement, outside counsel to represent the Board on its lawsuit against the City.

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: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 14) [960633](#) Resolution appropriating \$75,000 from the Common Council Contingent Fund to obtain outside legal counsel with respect to funding pension, administrative and operational expenses from pension investment income.

Sponsors: Ald. Pratt, Ald. Kalwitz, Ald. Murphy, Ald. Breier, Mr. Schramm and Ald. Witkowiak

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

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

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 15) [961657](#) A substitute charter ordinance relating to the membership of the annuity and pension board.

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: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 16) [970338](#) A charter ordinance relating to votes taken by the annuity and pension board - employees' retirement system.

Sponsors: Ald. Kalwitz, Ald. Murphy and Ald. Pratt

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

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

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 17) [981522](#) Communication from the Buildings & Fleet Division transmitting a report relative to

increases in rates for the rental of private equipment for snow and ice control for the 1998-99 snow season.

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: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 18) [981532](#) Communication from the Department of Employee Relations transmitting a communication relative to classification studies scheduled for City Service Commission action.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 19) [981544](#) Communication from the Milwaukee Public Schools transmitting their Comprehensive Annual Financial Report of the Board of School Directors.

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: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 20) [981583](#) Communication from the Department of Employee Relations relative to rates of pay for certain employees in the DPW - Water.

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: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 2 - Witkowiak Hines Jr.

- 21) [981576](#) Resolution authorizing the acceptance and expenditure of contributions received by the Milwaukee Police Department from federally forfeited tangible property or cash for support of a the Mounted Patrol Unit. (Police Department).
- Whereas, The federal government has established specific guidelines for the expenditure of funds received as a result of the asset forfeiture fund program; and
- Whereas, The Police Department currently has funds held in trust (Account 0768-2110-9xxx-D339-662201) to increase or enhance law enforcement efforts in the City of Milwaukee; and
- Whereas, The Chief of Police will establish a Mounted Patrol Unit within the Special Operations Bureau, in accordance with 62.50, Wis. Stats.; and
- Whereas, The support resources necessary to establish and operate this unit for 1999 are a legitimate, allowable asset forfeiture expense; and
- Whereas, Common Council file 920252, adopted June 16, 1992, allows the Police Department to make amendments to its annual asset forfeiture expenditure plan, subject to Common Council approval; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the 1999 Asset Forfeiture Spending Plan, adopted 1/19/1999, be amended to include \$35,000 for Mounted Patrol Unit - supplies & equipment; and, be it
- Further Resolved, That the City Comptroller is authorized to expend up to \$35,000 from the Police Department's Federal Forfeiture Trust Fund, account 0768-2110-xxxx-D999-662201 to the contribution/revenue account titled Federal Forfeiture Contribution Revenue Account (Number 0001-3311-985012); and, be it
- Further Resolved, That upon deposit of these funds, the City Comptroller is authorized and directed to transfer \$35,000 from the Federal Forfeiture Contribution Revenue Account to the Police Department's budget as follows:
- 001-3311-0001-D339-006300 \$ 24,000
001-3311-0001-D339-006800 \$ 11,000

; and, be it

Further Resolved, That all funds are to be expended to enhance law enforcement efforts in the City of Milwaukee.

Sponsors: THE CHAIR

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

Aye: 12 - Pratt, Kalwitz, D'Amato, Henningsen, Johnson-Odom, Gordon, Frank, Richards, Butler, Witkowiak, Pawlinski Murphy

No: 4 - Schramm, Scherbert, Breier Nardelli

Excused: 1 - Hines Jr.

22) [981589](#) Substitute resolution appropriating \$300,000 from the 1999 Contingent Fund to cover unanticipated expenses related to pension issues.

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

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

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

Whereas, Execution of a settlement agreement will require the City of Milwaukee to communicate the settlement terms to pension fund members and the public; and

Whereas, Execution of a settlement agreement will require the City of Milwaukee to solicit and process individual waivers from all 25,000 members of the pension system; and

Whereas, Execution of a settlement agreement will require additional actuarial work for the purposes of determining a fiscally responsible settlement agreement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that \$300,000 is appropriated from the 1999 Contingent Fund for funding public relations and communications services and actuarial expenses related to the execution of a settlement agreement over pension related issues between the City of Milwaukee and

ERS members; and, be it

Further Resolved, That the City Comptroller shall establish an account within the Contingent Fund with expenditure authority assigned to the City Clerk's Office, with expenditures subject to approval by the Finance and Personal Committee; and, be it

Further Resolved, That all agreements for expenditure of funds pursuant to this resolution shall comply with s. 360-06-1, Milwaukee Code; and, be it

Further Resolved, That this account shall be treated as a special purpose account and therefore shall not be subject to the provisions of s. 16-05, City Charter, related to procurement procedures.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 2 - Witkowiak Hines Jr.

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

THE UTILITIES AND LICENSES COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [981585](#) A substitute ordinance relating to public passenger vehicle inspection dates.

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

Part 1. Section 100-51-2 of the code is amended to read:

100-51. Vehicle Inspection.

2. INSPECTION DATES. Inspection shall be held annually for all vehicles. Luxury limousines, shuttle vehicles, horse and surrey livery, motorcycles used for tours, motorcycles with sidecars used for tours and handicapped-elderly vehicles shall be inspected in the first ~~[[3]]~~ >>2<< full working weeks in April. Inspection of taxicabs shall be held in the first ~~[[3]]~~ >>2<< full working weeks in October. All permittees shall be notified by U.S. mail as to the inspection date and time at least 2 weeks prior to the inspection.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon 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

APPROVAL OF THE FOLLOWING:

2) Substitute motions approving rooming house licenses in various aldermanic districts:

a) [980899](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to application for a rooming house license of Edward S. & Stewart G. Friend for the premises located at 1472 N. Franklin Place, in the 3rd Aldermanic District.

Whereas, The Utilities and Licenses Committee held an evidentiary hearing on February 16, 1999, relative to the application for a rooming house license of Edward S. & Stewart G. Friend for the premises located at 1472 N. Franklin Place; and

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

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the rooming house license of Edward S. & Stewart G. Friend for the premises located at 1472 N. Franklin Place despite police objections.

Sponsors: THE CHAIR

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

b) [980900](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to application for a rooming house license of Lois M. Wimmer for the premises located at 1221 N. 28th Street, in the 4th Aldermanic District.

Whereas, The Utilities and Licenses Committee held an evidentiary hearing on February 15, 1999, relative to the application for a rooming house license of Lois M. Wimmer for the premises located at 1221 N. 28th Street; and

Whereas, The Utilities and Licenses Committee, after hearing the aldermanic complaint voted unanimously (3 ayes, 0 noes, 2 excused) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the rooming house license of Lois M. Wimmer for the premises located at 1221 N. 28th Street despite police objections.

Sponsors: THE CHAIR

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

- c) [981346](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to application for a rooming house license of Jerome Schmid Co. for the premises located at 754 N. 24th Street, in the 4th Aldermanic District.

Whereas, The Utilities and Licenses Committee held an evidentiary hearing on February 15, 1999, relative to the application for a rooming house license of Jerome Schmid Co. for the premises located at 754 N. 24th Street; and

Whereas, The Utilities and Licenses Committee, after hearing the aldermanic complaint voted unanimously (3 ayes, 0 noes, 2 excused) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the rooming house license of Jerome Schmid Co. for the premises located at 754 N. 24th Street despite police objections.

Sponsors: THE CHAIR

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

- d) [981347](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to application for a rooming house license of Jerome Schmid Co. for the premises located at 761 N. 25th Street, in the 4th Aldermanic District.

Whereas, The Utilities and Licenses Committee held an evidentiary hearing on February 15, 1999, relative to the application for a rooming house license of Jerome Schmid Co. for the premises located at 761 N. 25th Street; and

Whereas, The Utilities and Licenses Committee, after hearing the aldermanic complaint voted unanimously (3 ayes, 0 noes, 2 excused) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the rooming house license of Jerome Schmid Co. for the premises located at 761 N. 25th Street despite police objections.

Sponsors: THE CHAIR

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

- e) [981348](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to application for a rooming house license of Jerome Schmid Co. for the premises located at 2116 W. State Street, in the 17th Aldermanic District.

Whereas, The Utilities and Licenses Committee held an evidentiary hearing on February 15, 1999, relative to the application for a rooming house license of Jerome Schmid Co. for the premises located at 2116 W. State Street; and

Whereas, The Utilities and Licenses Committee, after hearing the aldermanic complaint voted unanimously (3 ayes, 0 noes, 2 excused) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the rooming house license of Jerome Schmid Co. for the premises located at 2116 W. State Street despite police objections.

Sponsors: THE CHAIR

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

- f) [981349](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to application for a rooming house license of Michael S. Wisniewski for the premises located at 4425 W. North Avenue, in the 17th Aldermanic District.
- Whereas, The Utilities and Licenses Committee held an evidentiary hearing on February 15, 1999, relative to the application for a rooming house license of Michael S. Wisniewski for the premises located at 4425 W. North Avenue; and

Whereas, The Utilities and Licenses Committee, after hearing the aldermanic complaint voted unanimously (3 ayes, 0 noes, 2 excused) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the rooming house license of Michael S. Wisniewski for the premises located at 4425 W. North Avenue despite police objections. DFTR: MAL:crr 981349 2/15/99 Wisniewski

Sponsors: THE CHAIR

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

- g) [981351](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to application for a rooming house license of Kurt R. Groom for the premises located at 900 W. Walker Street, in the 12th Aldermanic District.
- Whereas, The Utilities and Licenses Committee held an evidentiary hearing on February 16, 1999, relative to the application for a rooming house license of Kurt R. Groom for the premises located at 900 W. Walker Street; and

Whereas, The Utilities and Licenses Committee, after hearing the aldermanic complaint voted unanimously (4 ayes, 0 noes, 1 excused) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the rooming house license of Kurt R. Groom for the premises located at 900 W. Walker Street despite police objections.

Sponsors: THE CHAIR

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

- h) [981352](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to application for a rooming house license of Kurt R. Groom for the premises located at 1302 S. 11th Street, in the 12th Aldermanic District. Whereas, The Utilities and Licenses Committee held an evidentiary hearing on February 16, 1999, relative to the application for a rooming house license of Kurt R. Groom for the premises located at 1302 S. 11th Street; and

Whereas, The Utilities and Licenses Committee, after hearing the aldermanic complaint voted unanimously (4 ayes, 0 noes, 1 excused) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the rooming house license of Kurt R. Groom for the premises located at 1302 S. 11th Street despite police objections.

Sponsors: THE CHAIR

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

- i) [981355](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to application for a rooming house license of Israel C. Nunez for the premises located at 423 E. Garfield Avenue, in the 6th Aldermanic District. Whereas, The Utilities and Licenses Committee held an evidentiary hearing on February 15, 1999, relative to the application for a rooming house license of Israel C. Nunez for the premises located at 423 E. Garfield Avenue; and

Whereas, The Utilities and Licenses Committee, after hearing the aldermanic complaint voted unanimously (3 ayes, 0 noes, 2 excused) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the

recommendation of the Utilities and Licenses Committee to grant the rooming house license of Israel C. Nunez for the premises located at 423 E. Garfield Avenue despite police objections.

Sponsors: THE CHAIR

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

- j) [981465](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to application for a rooming house license of Harriet L. Denzin for the premises located at 938 S. Layton Boulevard, in the 16th Aldermanic District. Whereas, The Utilities and Licenses Committee held an evidentiary hearing on February 15, 1999, relative to the application for a rooming house license of Harriet L. Denzin for the premises located at 938 S. Layton Boulevard; and

Whereas, The Utilities and Licenses Committee, after hearing the aldermanic complaint voted unanimously (3 ayes, 0 noes, 2 excused) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the rooming house license of Harriet L. Denzin for the premises located at 938 S. Layton Boulevard despite police objections.

Sponsors: THE CHAIR

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

- k) [981466](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to application for a rooming house license of Harriet L. Denzin for the premises located at 912 E. Lyon Street, in the 3rd Aldermanic District. Whereas, The Utilities and Licenses Committee held an evidentiary hearing on February 15, 1999, relative to the application for a rooming house license of Harriet L. Denzin for the premises located at 912 E. Lyon Street; and

Whereas, The Utilities and Licenses Committee, after hearing the aldermanic complaint voted unanimously (3 ayes, 0 noes, 2 excused) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the rooming house license of Harriet L. Denzin for the premises located at 912 E. Lyon Street despite police objections.

Sponsors: THE CHAIR

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

- l) [981467](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to application for a rooming house license of Harriet L. Denzin for the premises located at 721 S. 16th Street, in the 12th Aldermanic District.

Whereas, The Utilities and Licenses Committee held an evidentiary hearing on February 15, 1999, relative to the application for a rooming house license of Harriet L. Denzin for the premises located at 721 S. 16th Street; and

Whereas, The Utilities and Licenses Committee, after hearing the aldermanic complaint voted unanimously (3 ayes, 0 noes, 2 excused) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the rooming house license of Harriet L. Denzin for the premises located at 721 S. 16th Street despite police objections.

Sponsors: THE CHAIR

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

- m) [981468](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to application for a rooming house license of Joyce White for the premises located at 2009 N. 28th Street, in the 7th Aldermanic District.

Whereas, The Utilities and Licenses Committee held an evidentiary hearing on February 15, 1999, relative to the application for a rooming house license of Joyce White for the premises located at 2009 N. 28th Street; and

Whereas, The Utilities and Licenses Committee, after hearing the aldermanic complaint voted unanimously (3 ayes, 0 noes, 2 excused) to recommend granting of said license; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee, hereby accepts the recommendation of the Utilities and Licenses Committee to grant the rooming house license of Joyce White for the premises located at 2009 N. 28th Street despite police objections.

Sponsors: THE CHAIR

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

- 3) [981025](#) 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

ALD. HENNINGSEN moved for granting the Class "A" Liquor and Malt License for 1023 N. Van Buren notwithstanding the recommendation of the Utilities and Licenses Committee for denial.

The motion failed by the following vote:

Ayes: 8 - Ald. D'Amato, Henningsen, Johnson-Odom, Richards, Witkowiak, Nardelli, Murphy and President Kalwitz.

Noes: 9 - Ald. Pratt, Schramm, Gordon, Frank, Butler, Scherbert, Pawlinski, Breier and Hines.

ALD. GORDON moved for adoption of the Committee Report.

The motion prevailed.

ALD. FRANK moved to reconsider.

The motion prevailed by the following vote:

Ayes: 9 - Ald. Pratt, D'Amato, Henningsen, Johnson-Odom, Frank, Richards, Witkowiak, Hines and President Kalwitz.

Noes: 7 - Ald. Gordon, Butler, Scherbert, Pawlinski, Breier, Nardelli and Murphy.

ALD. FRANK moved to refer the matter back to the Utilities and Licenses Committee.

The motion prevailed by the following vote:

Ayes: 9 - Ald. D'Amato, Henningsen, Johnson-Odom, Frank, Richards, Witkowiak, Nardelli and Hines.

Noes: 8 - Ald. Pratt, Schramm, Gordon, Butler, Scherbert, Pawlinski, Breier and Murphy.

ALD. GORDON moved for approval of File 981024 as amended.

The motion prevailed.

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

ALD. FRANK moved to refer the matter back to the Utilities and Licenses Committee.

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:

- 4) [980898](#) Substitute motion to approve recommendations of the Utilities and Licenses

Committee relative to application for a rooming house license of Robert M. Molthen for the premises located at 521-23 N. 34th Street, in the 4th Aldermanic District.

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

- 5) [981514](#) Communication from the Milwaukee Water Works transmitting a report relative to the financial statements of the Milwaukee Water Works for the nine months ended September 30, 1998.

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

- 6) Communications regarding changes in various bus routes:

- a) [981553](#) Communication from the Milwaukee County Transit System transmitting a notification of extending Route 58 (Green Bay - Villard).

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

- b) [981554](#) Communication from the Milwaukee County Transit System transmitting a notification of a new bus route 258 on Green Bay Avenue between Villard Avenue and Silver Spring Drive.

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

- c) [981555](#) Communication from the Milwaukee County Transit System transmitting a notification of a change in bus route 57 on Lisbon Avenue and Capital Drive to 124th 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 FURTHER RECOMMENDS APPROVAL OF THE FOLLOWING:

- 7) [981026](#) 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

BY ALD. GORDON ---

by recommending approval of said motion.

THE CLERK swore in the Court Reporter.

Recommendation of nonrenewal of the Class "B" Tavern License of Pamela D. White for the premises at 340 W. Reservoir Avenue ("Super Enterprise") in the 6th Ald. Dist.

Recommendation of renewal with a 30-day suspension of the Class "A" Liquor and Malt License of Emma L. Lucas for the premises at 3426 W. Lisbon Avenue ("Lisbon Liquor") in the 17th Ald. Dist.

Recommendation of nonrenewal of the Class "D" Bartender License of Martin L. Calligaro

Recommendation of nonrenewal of the Class "D" Bartender License of Barry R. Henderson, Sr.

Recommendation of nonrenewal of the Class "D" Bartender License of Douglas A. Parks

ALD. NARDELLI moved to separate question on Class B Tavern, Class "A" Liquor and Malt License and the Class "D" Bartenders licenses

THE CHAIR read numbers 1 and 2 of Item 7.

THE CHAIR questioned whether all members of the Common Council had read numbers 1-2 of Item 7 the report and recommendations by the Utilities and Licenses Committee.

Ayes: 16 - Ald. D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy, Hines and President Kalwitz.

Noes: 0.

Excused: 1. Ald. Pratt.

THE CHAIR questioned whether all members of the Common Council had read numbers 3-5 of Item 7 the report and recommendations by the Utilities and Licenses Committee.

Ayes: 16 - Ald. Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Murphy, Hines and President Kalwitz.

Noes: 1. Ald. Nardelli.

THE CHAIR questioned whether any of the applicants or their counsel was present and wished to address the Council.

Pamela D. White was present and wished to address the Council.

ALD. D'AMATO moved that the Common Council do now resolve itself into the Committee of the Whole for the purpose of hearing from Pamela White the applicant and Assistant City Attorney Bruce Schrimpf.

PROCEEDINGS OF THE COMMITTEE OF THE WHOLE

Pamela White and Assistant City Attorney Bruce Schrimpf appeared and

addressed the Committee relative to the foregoing matter.

THE CHAIR moved to approve the Utilities and Licenses Committee recommendation to nonrenewal the Class "B" Tavern License of Pamela D.

White.

The motion prevailed by the following.

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

Noes: 0.

Emma L. Lucas not present.

ALD. GORDON moved for approval of the Utilities and Licenses Committee Report.

The motion prevailed by the following:

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

Noes: 0.

Recommendation of nonrenewal of the Class "D" Bartender Licenses of the following applicants. Written objections have not been filed by the licensees.

Recommendation of nonrenewal of the Class "D" Bartender License of Martin L. Calligaro

Recommendation of nonrenewal of the Class "D" Bartender License of Barry R. Henderson, Sr.

Recommendation of nonrenewal of the Class "D" Bartender License of Douglas A. Parks

ALD. GORDON moved to refer the application of Martin L. Calligaro back to the Utilities and Licenses Committee.

The motion prevailed.

Barry R. Henderson, Sr. not present.

Douglas A. Parks not present.

ALD. GORDON moved for adoption of file 981026 as amended.

The motion prevailed by the following vote:

Ayes: 17 - Ald. Pratt, D'Amato, Henningsen, , Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier,

Nardelli, Murphy, Hines and President Kalwitz.

Noes: 0.

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

- 8) [981350](#) Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to nonrenewal of the rooming house license issued to Jean Crotty for the premises located at 522 W. Greenfield Avenue, in the 12th Aldermanic District.

Sponsors: THE CHAIR

RECOMMENDATION OF NONRENEWAL OF THE ROOMING HOUSE LICENSE OF JEAN A. CROTTY FOR THE PREMISES AT 522 W. GREENFIELD AVENUE IN THE 12TRH ALD. DISTRICT.

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

Ayes: 16 - Ald. Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy and President Kalwitz.

Noes: 0.

Excused: 1 - Ald. Hines.

THE CHAIR questioned whether any of the applicants or their counsel was present and wished to address the Council.

Jean Crotty was present and wished to address the Council.

ALD. WITKOWIAK moved that the Common Council do now resolve itself into the Committee of the Whole for the purpose of hearing from Jean Crotty the applicant and Assistant City Attorney Bruce Schrimpf.

PROCEEDINGS OF THE COMMITTEE OF THE WHOLE

Jean Crotty and Assistant City Attorney Bruce Schrimpf appeared and addressed the Committee relative to the foregoing matter.

ALD. GORDON moved to refer this matter back to the Utilities and Licenses Committee to clear the matter of compliance.

ALD. SCHRAMM moved that the Committee do now rise.

ALD. GORDON moved to hold the application of Jean A. Crotty in Council.

The motion prevailed by the following vote:

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

Noes: 0.

Excused: 1 - Ald. Hines.

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

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

No: 0

Excused: 1 - Hines Jr.

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [981145](#) A substitute ordinance relating to truancy.

Whereas, The Milwaukee police department made over 4,600 investigative stops of possible truants between the ages of 12 and 18 in the 1997-98 school year, and has increased its efforts in the 1998-99 school year; and

Whereas, These investigative stops of possible truants have revealed the following criminal and municipal violations, outstanding warrants, weapons and missing persons:

Truancy-Related Police Activity 1997-98 school year 1998-99 to date Total police investigative stops 4,612 N/A Valid excuse (not truant) 1,521 N/A Taken to TABS program 2,914 2,474 Taken to school or parents 177 N/A Charged w/ criminal offense 82 32 Charged w/ municipal violation 312 359 Outstanding warrants 72 N/A Weapons possession 13 11 Found to be missing persons 58 47

; and

Whereas, These statistics clearly show that truancy in Milwaukee continues to be a serious problem which robs young people of their opportunity to learn and increases the incidence of illegal activity by truant students; now, therefore

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

Part 1. Section 106-23.1 of the code is created to read:

106-23.1. Truancy. 1. DEFINITIONS. In this section:

a. "Acceptable excuse" means an excuse described under ss. 118.15 and 118.16(4), Wis. Stats.

b. "Truant" means a school pupil who is at least 12 years of age who is absent from school without an acceptable excuse for part or all of any day in which school is held during a school semester.

2. PROHIBITION. It is a violation of this section for any person under 18 years of age to be truant.

3. PENALTIES. a. A person who violates this section may be subject to any or all of the following:

a-1. An order to attend school.

a-2. A forfeiture of not more than \$50, plus court costs, for a first violation.

a-3. A forfeiture of not more than \$200, plus court costs, for a second or subsequent violation committed within 12 months of the commission of a previous violation, subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during a school semester.

a-4. An order to pay court costs, subject to s. 938.37, Wis. Stats.

b. All or part of the forfeiture plus costs may be assessed against the truant person, the parents or guardian of the truant person, or both.

Sponsors: Ald. Pawlinski and Ald. Breier

Ald. Breier requested to be added as a co-sponsor

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

Aye: 13 - Kalwitz, D'Amato, Henningsen, Schramm, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 4 - Pratt, Johnson-Odom, Gordon Hines Jr.

ADOPTION OF THE FOLLOWING:

- 2) [980762](#) 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:

52-A, relating to Driver License; Safety Belts. (Support with amendment) 58-A, relating to Motor Vehicle Auction Dealers.

98-A, relating to Physician Immunity; Treatment of Sexually Transmitted Diseases.

105-A, relating to Referenda; Local Governments. (Support with amendment); and, be it

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

22-A, relating to Public Records. (Oppose, unless amended)

41-A, relating to Filing; Personal Property Reports.

110-A, relating to Use of Government Material.

123-A, relating to Residency Requirements.

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

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

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

No: 0

Excused: 1 - Pratt

- 3) [981531](#) Resolution to cancel real estate taxes levied against a certain parcel identified by Tax

Key Number 279-0353-000-1 on the 1997 tax roll, plus interest applicable to date of repayment, if appropriate. (Scott J. Grossman & Elissa G. Grossman) (Assessor's Office)

Whereas, An assessment in the amount of \$191,500 (Land: \$44,900 - Improvements: \$146,600) was made against the property known as Tax Key Number 279-0353-000-1 for the year 1997; and

Whereas, The Board of Review has decreased this assessment to \$176,400 (Land: \$44,900 - Improvements: \$131,500), for a reduction of \$15,100; 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 a city check in the amount of \$430.89 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 amount to be charged to the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300 and said check 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 follows:

Section 79.10 (2) \$35.48 (City: \$26.36 County: \$ 9.12) 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 this account 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: 16 - Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Pratt

- 4) [981565](#) Resolution appropriating \$15,000 from Outside Counsel/Expert Witness Fund for the purpose of retaining expert witnesses in Marino Construction Co., Inc. v. City of Milwaukee, et al., Case No. 92-CV-018090. (City Attorney)
- Whereas, In 1993, Marino Construction Co., Inc. ("Marino") commenced an action

against the City of Milwaukee and Board of Harbor Commissioners for the City of Milwaukee after the City of Milwaukee terminated its contract, for cause, relative to the construction of the new Port of Milwaukee headquarters building; and

Whereas, The Wisconsin Appeals Court ruled, following conclusion of this litigation and appeal that the City and the Board of Harbor Commissioners is entitled to receive from Marino and its surety liquidated damages and inspection charges for each day of delay to construction of the building for which Marino was responsible; and

Whereas, It is in the best interest of the City to hire experts to substantiate these claims which are currently scheduled for trial, now, therefore be it

Resolved, By the Common Council of the City of Milwaukee, that the expenditure of \$15,000 is authorized from the Outside Counsel/Expert Witness Fund Number 0001 1490 0001 S157 006300 for the purpose of retaining expert witnesses as directed herein; and be it

Further Resolved, That the City Comptroller is authorized and directed to appropriate the sum of \$15,000 to the City Attorney's Office budget for the stated purpose; and that the application of the funds appropriated herein to a case other than that specifically referred to herein shall be subject to the further direction of the Common Council.

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - Pratt

CONFIRMATION OF THE FOLLOWING:

- 5) [981578](#) Appointment of Daniel Lipski to the Board of Review by the Mayor. (5th Aldermanic District)

Sponsors: THE CHAIR

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

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

No: 0

Excused: 1 - Pratt

PLACING ON FILE THE FOLLOWING:

- 6) [920427](#) Resolution creating a study committee regarding the status of gaming in the city and its environment.

Sponsors: Ald. Frank

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

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

No: 0

Excused: 1 - Pratt

- 7) [951672](#) Resolution relating to payment to the City of Milwaukee from the Potawatomi Bingo Casino.

Sponsors: Ald. Frank

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

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

No: 0

Excused: 1 - Pratt

- 8) [970820](#) Resolution supporting revenue sharing with Indian gaming facilities.

Sponsors: Ald. Frank

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

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

No: 0

Excused: 1 - Pratt

- 9) [981550](#) Communication from the City Attorney's Office transmitting a communication from

Heritage Mutual Insurance Co. on behalf of Lester & Ethel Howard relative to claim for property damage.

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

No: 0

Excused: 1 - Pratt

10 [981574](#) Communication from the Comptroller relative to sewer user charge rates.

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

No: 0

Excused: 1 - Pratt

DISALLOW AND INDEFINITE POSTPONEMENT OF THE FOLLOWING:

11) Various claims against the City:

a) [980985](#) Appeal of Charlene Bennett 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: 16 - Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Pratt

b) [981507](#) Appeal of Charmaine Tubbs relative to claim for property damage. (10th 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: 16 - Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Pratt

- c) [981508](#) Communication from the City Attorney's Office transmitting a communication from Eisenberg, Weigel, Carlson, Blau, Reitz & Clemens, S. C. on behalf of L. C. Hare relative to claim for personal injuries.

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

No: 0

Excused: 1 - Pratt

- d) [981548](#) Appeal of Lawrence Knuth on behalf of Paratech Ambulance relative to claim for property damage. (9th 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: 16 - Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Excused: 1 - Pratt

- 12) [971298](#) A substitute ordinance relating to a pilot project for lead-based paint hazard control in residential rental properties.

Sponsors: Ald. Hines Jr., Ald. Witkowiak, Ald. Gordon, Ald. D'Amato, Ald. Richards and Ald. Johnson-Odom

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

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

No: 0

Excused: 1 - Pratt

[971298](#)

A substitute ordinance relating to a pilot project for lead-based paint hazard control in residential rental properties.

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

Part 1. Section 60-55 of the code is created to read:

60-55. Lead-based Paint Hazard Control Permit. 1. Each unit for which lead-based paint hazard control is performed under the residential rental property lead control pilot project shall have a lead-based paint hazard control permit.

2. Whenever a permit issued under sub. 1 expires before completion of the work, lead-based paint hazard control work may not continue until a lead-based paint hazard control permit extension for the unit has been applied for and procured.

3. a. There shall be no fee for a permit issued under sub. 1.

b. A \$50 fee may be charged for a permit extension issued under sub. 2.
(See s. 66-48.)

Part 2. Section 61-16-2 of the code is amended to read:

61-16. Class J.

2. The minimum forfeiture shall be not less than \$500 for a second or subsequent conviction of any of the following violations committed within a 2-year period. All other penalty provisions for violations of s. 66-22 >>and of subchapter 3<< shall be as provided in sub. 1.

a. Violation of any provision of s. 66-22 >>or of subchapter 3<< .

b. Failure to obey any order of the commissioner to conform to any provision of s. 66-22 >>or of subchapter 3<< .

Part 3. Subchapter 3 of chapter 66 of the code is created to read:

SUBCHAPTER 3
RESIDENTIAL RENTAL PROPERTY LEAD-BASED PAINT
HAZARD CONTROL PILOT PROJECT

66-41. Legislative Findings. Based on objective scientific evidence, the common council finds that:

1. A minute amount of lead can cause elevated blood lead levels and irreversible developmental damage to a young child.
2. Deteriorated lead-based painted surfaces are a significant source of the lead which causes elevated blood lead levels in young children. Such surfaces may be directly accessed by the children via hand-to-mouth behavior which results in lead ingestion.
3. Properties built before 1950 are statistically much more likely to contain lead-based paint hazards than buildings constructed more recently.
4. Residential properties are more likely to cause elevated lead blood levels in young children than are non-residential properties.
5. Rental properties are more likely to be inadequately maintained and therefore to be the subject of health department orders and citations. Paint surface deterioration, which results in accessible lead-based paint hazards, is similarly more likely to occur in rental residences than in owner-occupied residential properties and such properties are more likely to be inadequately maintained, particularly in housing with values lower than the city average.
6. Therefore, the existence of lead-based paint hazards in Milwaukee is most common, and presents the most serious risk for vulnerable young children, in rental housing built before 1950.
7. The north side pilot project area is statistically the most likely north side area to present a risk of lead-based paint hazards. The south side pilot project area is statistically the most likely south side area to present a risk of lead-based paint hazards.
 - a. Over 99% of the homes in the pilot project areas were built before 1950.
 - b. The north side pilot project area had a 1997 childhood lead poisoning prevalence rate of 66% and the south side pilot project area had a 1997 childhood lead poisoning rate of 31%. (The national childhood lead poisoning rate is 4.4% and the Milwaukee average is 22%.)
 - c. In the north side pilot project area, 76.5% of housing units are rented, and in the south side pilot project area 75% of the housing units are rented. City-wide, 56% of housing units are rented.

d. The average value of one- and 2-family rental housing in Milwaukee is \$51,993. The average rental housing value in the north side pilot project area is \$13,893 and in the south side pilot project area, \$20,605.

8. It is in the public interest for all persons to know whether lead-based paint hazards in a property have been controlled so that renters can make informed housing decisions about the health hazards to which their families may be exposed. A proactive approach to controlling lead-based paint hazards may prevent children from being irreversibly affected by lead-based paint hazards in such properties and reduce the societal costs of childhood lead poisoning.

9. The pilot project areas are economically distressed neighborhoods of the city, and grant funding is important in helping the city reduce lead-based paint hazards and assist children and other residents of such neighborhoods. The manufacturers of lead paint and pigment have a moral and financial responsibility to help the city, individuals and organizations eliminate the lead hazards created by their products in the city of Milwaukee.

10. A property owner who addresses the problems associated with lead-based paint by bringing property into compliance with this subchapter should not be held liable with respect to a person who develops lead poisoning or lead exposure on the property, but it is appropriate to hold a non-compliant owner responsible for lead poisoning or lead exposure that occurs on the property. The standards of this subchapter and this restriction on owner liability will improve the quality of Milwaukee's rental residential housing stock and should result in greater availability of insurance coverage for lead hazards.

11. The residential rental property lead control pilot project is established to require property owners to control lead-based paint hazards in residential rental properties before children who live and play in those properties are permanently harmed and to evaluate whether the project should be expanded into additional areas of the city in the future.

66-43. Definitions. In this subchapter:

1. ABATEMENT means any activity or set of activities with the intent to permanently remove, encapsulate, enclose or replace lead based paint hazards.

2. CERTIFICATE means a certificate of lead-based paint hazard control issued under s. 66-57.

3. CHILD means any youth under 7 years of age.

4. COMMISSIONER means the commissioner of health or an authorized representative.
5. COMPLIANCE PERIOD means the period preceding May 1, 2000.
6. DEPARTMENT means the health department.
7. DWELLING UNIT means any structure, vacant or occupied, all or part of which is designed for human habitation.
8. ELEVATED BLOOD LEAD LEVEL means a concentration of lead in whole blood at the current level set by the U.S. public health service, center for disease control and prevention.
9. ESSENTIAL MAINTENANCE PRACTICES means the activities described in s. 66-47-4.
10. HEPA VACUUM means a high efficiency particulate air vacuum or similar device capable of removing particles 0.3 microns or greater at 99.97% efficiency.
11. INTERIM CONTROL ACTIVITY means any measure or set of measures designed to temporarily reduce human exposure or likely exposure to a lead-based paint hazard.
12. LEAD-BASED PAINT means any painted or coated surface, having a lead content greater than or equal to .7 mg/cm² as measured by an x-ray fluorescence analyzer, or greater than or equal to .06% lead by weight as determined by laboratory analysis or other department field method.
13. LEAD-BASED PAINT HAZARD means defective or deteriorated lead-based painted surfaces that are damaged due to friction, impact, chipping, peeling, flaking or water or moisture damage, which may reasonably contribute to lead exposure due to lead content, condition or location.
14. LEAD-BASED PAINT HAZARD CONTROL PROJECT means controlling lead-based paint hazards in a unit by using essential maintenance practices and standard treatments, as described in s. 66-47-4 and 5, to repair deteriorated lead-based paint and the cause of the deterioration as provided in a department scope of work.
15. OWNER means any person who alone or jointly or severally with others:
 - a. Has legal or equitable title to a unit, or

b. Has charge, care or control of a unit as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

16. PILOT PROJECT AREA means all of the following:

a. The north side pilot project is the area enclosed by a boundary running along the center lines of the boundary streets and beginning at the intersection of North 36th Street and West North Avenue, east along West North Avenue to North 32nd Street, south along North 32nd Street to West Lisbon Avenue, west along West Lisbon Avenue to North 34th Street, south along North 34th Street to West Walnut Street, west along West Walnut Street to West Sarnow Street, northwest along West Sarnow Street to West Lisbon Avenue, east along West Lisbon Avenue to North 38th Street, north along North 38th Street to West Brown Street, east along West Brown Street to North 36th Street and north along North 36th Street to the intersection with West North Avenue and the point of beginning.

b. The south side pilot project area is the area enclosed by a boundary running along the center lines of the boundary streets and beginning at the intersection of South 15th Place and West Scott Street, east along West Scott Street to South 15th Street, south along South 15th Street to West Madison Street, east along West Madison Street to South 12th Street, south along South 12th Street to West Lapham Street, west along West Lapham Street to South 15th Place and north along South 15th Place to the intersection with West Scott Street and the point of beginning.

17. STANDARD TREATMENTS means the activities described in s. 66-47-5.

18. UNIT means a residential rental dwelling unit in the pilot project area.

19. UNIT TURNOVER means when a tenant or tenants vacate a unit.

66-45. Certificate of Lead-based Paint Hazard Control Required. 1. Beginning May 1, 2000, an owner of residential rental property that is rented or available for rent and was built before 1950 in the pilot project area shall be required to have a valid certificate of lead-based paint hazard control issued under this subchapter for each such unit, unless the department determines under s. 66-52 that the owner is eligible for funding assistance and no funding assistance is available for the unit. Certification shall be maintained until May 1, 2002.

2. An owner who has a unit that is not rented or available for rent is not required to have a certificate under this subchapter if the owner provides the department with an affidavit that the unit is not rented and the owner does not intend to rent it.

66-47. Lead-based Paint Hazard Control Regulations. 1. No person shall control lead-based paint hazards in a unit except as provided in this subchapter.

2. After receipt of a certificate application, the department shall conduct a risk assessment and develop a scope of work for the project prior to issuing a lead-based paint hazard control permit.

3. All lead-based paint hazard control work shall be conducted in conformance with essential maintenance practices and standard treatments as specified in subs. 4 and 5.

4. Essential maintenance practices shall be performed at each unit turnover, in response to a tenant complaint under s. 66-63 and as ongoing activities required under s. 66-65. Essential maintenance practices shall also serve as work practice standards necessary for compliance with standard treatments in lead based paint hazard control projects. Essential maintenance practices are the following:

a. Visual examination. A visual examination for deteriorating paint shall be made unless the paint is found not to be lead-based paint. Lead-based paint hazards shall be controlled as provided in pars. b to i.

b. Site preparation. b-1. Interior site preparation. b-1-a. Furnishings shall be removed from each room or area as it is prepared for lead-based paint hazard control or covered with plastic at least 6 mils thick and sealed with tape. All furnishings remaining in the reduction area shall be HEPA vacuumed prior to project completion.

b-1-b. All heating, ventilating, air conditioning openings and entrances to a reduction site, with the exception of the entrance used by workers, shall be sealed with plastic at least 6 mils thick and taped to prevent contamination by lead dust or particles. The entrance used by workers shall have 2 layers of 6 mils thick plastic attached at the top edges of the doorway and at opposite sides to form a z-door.

b-1-c. Where lead hazard control activity is in process, interior floors shall be covered with 2 layers of 6 mil plastic. However, the use of 6 ml plastic as an engineering control may vary according to projects and its application and placement is subject to department approval prior to and during the course of a lead based control project.

b-2. Exterior site preparation. b-2-a. Exterior lead hazard control work shall be performed in a manner that will prevent leaded waste from coming into contact with the ground or from entering the interior of the dwelling unit.

b-2-b. All windows and doors of the dwelling unit shall be sealed or kept closed

while lead hazard control is being conducted.

b-2-c. Six mil plastic to collect control waste shall be attached to and extend at least 6 feet from the foundation and at the base of the structure being worked on and in all cases adequate to contain any falling debris.

c. Permissible Methods. Permissible methods for the removal of lead-based coatings from all surfaces shall include the use of any of the following: wet scraping, a heat gun (less than 1,100(F), chemical strippers which do not contain methylene chloride and HEPA vacuum assisted electric planers. The affected areas can then be covered with non-lead based primer and paint, encapsulant or enclosure material such as vinyl or aluminum, to include caulking seams and edges and anchoring with mechanical fasteners.

d. Prohibited Methods. The removal of lead-based coatings by sanding, sandblasting, pressure washing, grinding, the use of an open flame torch, or strippers containing methylene chloride, vacuuming with non-HEPA-equipped household or shop vacuums, dry sweeping in areas that are not properly contained and sealed, or any method that allows leaded dust to become airborne, is prohibited. The department may approve exceptions to these prohibitions, contingent upon the existence of adequate engineering controls to eliminate lead exposure to occupants or workers.

e. Treatment of Interior Surfaces. e-1. Unit interior structures must first be maintained or corrected to structurally sound and sanitary condition in accordance with the standards provided in ss. 275-33 and 34.

e-2. All interior surfaces that are identified as lead based paint hazards shall be treated with methods in accordance with permissible methods, described in par. c, and shall be repaired to have structurally sound and smooth surfaces. Those surfaces must be HEPA vacuumed, washed with a general purpose detergent and then coated, covered or enclosed with a non-lead-based coating, encapsulant or material approved by the commissioner.

f. Treatment of Exterior Surfaces. f-1. Dwelling exterior structures first must be maintained or corrected to a structurally sound, weatherproof and watertight condition in accordance with the standards provided in ss. 275-32 and 34.

f-2. Exterior surfaces that are identified as lead-based paint hazards shall have the deteriorated lead-based surfaces removed in accordance with permissible methods, described in par. c, and shall be repaired to be structurally sound, weatherproof, watertight and smooth surfaces. Exterior surfaces shall then be coated with non-lead-based primer and paint, aluminum, vinyl or steel siding or a covering approved by the commissioner.

g. Treatment of deteriorated window components. Lead-based paint hazards identified on window components shall be treated with standard treatments, as described in sub. 5.

h. Final Cleaning. After the entire lead hazard control process has been completed, a final HEPA vacuum, wash with a general purpose detergent and rinse with clear water of all interior surfaces in the dwelling unit shall be done.

i. Removal of Waste. At the end of the work day, all waste resulting from interior or exterior lead hazard control process shall either be collected, contained or stored in a secure area, or shall be collected, contained and removed from the control site and be disposed of as provided in s. 66-22-11.

5. Standard treatments are lead hazard control methods specified by the department in a scope of work developed by the department for a lead-based paint hazard control project. All standard treatments shall be performed using essential maintenance practices. Standard treatments include the following:

a. Floors having deteriorated lead-based surfaces shall be covered with vinyl tile, vinyl sheet goods, linoleum flooring or other approved materials. Chemical stripping of a floor shall be permissible.

a-1. Varnish or other approved sealants may also be used on floors having deteriorated lead-based surfaces, provided the floors are carpeted or covered in a manner approved of by the commissioner after they are sealed.

a-2. Wood floors having deteriorated lead-based painted surfaces from a varnish, stain, urethane or shellac finish may be treated with a sealant approved by the commissioner.

b. All deteriorated components of a double hung window, including the exterior trough (well), shall be treated as interior surfaces with the exception of exterior casings and the exterior sill. Treatment of deteriorated window components shall require paint abatement, including removal to bare wood, enclosure techniques or component replacement, excluding the exterior casings and the exterior sill. All bare wood conditions shall be inspected and approved by an inspector prior to the application of primer and paint.

c. Deteriorated lead-based painted surfaces of wells (troughs) shall have all the lead-based surfaces removed to bare wood and then be stabilized with a non-lead-based primer and paint, be replaced with wood not covered with a lead-based surface or be enclosed with vinyl or metal. A trough insert may be used

where an operational, intact and complete combination storm/screen window is present. Any exterior window well (trough) surfaces treated for lead hazard reduction shall be smooth and cleanable.

d. The deteriorated surfaces of sash tracks shall either have all lead-based painted surfaces removed to bare wood and then be stabilized with a non-lead-based primer and paint or coating or be stabilized and have vinyl or aluminum double sash track liners installed. Any remaining exposed lead-based surfaces shall be removed to bare wood and then covered with a non-lead-based primer and paint or coating.

e. The deteriorated surfaces of lower and upper sashes shall have all the lead-based painted surfaces removed to bare wood and then covered with non-lead-based primer and paint or coating.

f. Complete window units or individual window components may be replaced with materials free of lead-based surfaces.

g. All unit windows shall have intact storm windows that are in sound working condition and free of lead-based paint hazards.

h. Other interior and exterior surfaces identified with lead-based paint hazards shall be corrected as specified by the department scope of work.

6. a. Lead-based paint hazard control work defined as abatement shall be conducted by state-certified lead supervisors and lead workers approved by the department.

b. Lead-based paint hazard control work defined as interim control activities and maintenance that is conducted in a preventive manner pursuant to this subchapter may be conducted by persons who are not state-certified lead supervisors or lead workers approved by the department. Attendance by such persons at department training classes on lead safe maintenance practices is strongly recommended but not required.

7. It is strongly recommended that interim control activities conducted pursuant to a department scope of work be conducted in unoccupied units at unit turnover.

66-48. Lead-based paint Hazard Control Permit.

1.a. No person shall conduct a lead-based paint hazard control project without obtaining a lead-based paint hazard control permit.

b. A property owner who elects to personally conduct interim control work, as defined by the department scope of work, shall secure a permit prior to beginning this work. A certified lead abatement contractor shall secure a permit prior to conducting

any abatement activity.

c. A permit is required for both interim control and abatement activities required to secure a certificate during the compliance period, as defined in s. 66-43-5. A permit is not required for preventive or ongoing maintenance required to maintain certification.

2. Application for a lead-based paint hazard control permit shall be made to the department on forms created and furnished by the department.

3. A project permit may be obtained only after an applicant has applied for a certificate and the department has conducted a risk assessment and developed a scope of work for the project.

4. a. An application for a permit may be denied or granted with conditions if the applicant has, on or after May 1, 1999, been convicted of any violation described in sub. 7.

b. Whenever a permit is denied or granted with conditions under par. a., the commissioner shall so notify the applicant in writing. The notice shall state that the applicant may appeal the decision under s. 66-61 and shall specify how such appeal may be made.

c. Based upon the record of a hearing conducted under s. 66-61, the commissioner shall enforce the decision of the environmental health board.

5. If essential maintenance practices and standard treatments are not followed or complied with, or conditions exist that create a hazardous environment, the commissioner may give written notice to suspend a lead-based paint hazard control permit. When a permit is suspended, all work shall be stopped and the lead hazards shall be contained or cleaned pending correction of the violation and reissuance of the permit. The department may charge a fee for reissuance of a permit.

6. Whenever a permit will expire before completion of the work, a permit extension shall be applied for and approved prior to expiration of the permit. The department may charge a fee for a permit extension.

7. The following practices shall be considered lead hazard control project violations and violations of this subchapter, and may result in the issuance of a citation for each violation:

a. Conducting lead hazard control projects without a permit, before the effective date of the permit or after the expiration date of the permit.

- b. Conducting lead hazard control work defined as abatement with an employe or worker who has not been approved by the department.
- c. Conducting lead hazard control work defined as abatement without having a lead supervisor certified by the state on the lead hazard control site when control activities are in progress.
- d. Failure to meet performance date criteria set forth on lead hazard control permits.
- e. Failure to meet specifications of the standard treatments or equally protective treatments as mutually agreed upon between the owner and the department.
- f. Failure to secure the lead hazard control site or post warning signs at all entrances or exits to the lead hazard control area.
- g. Failure to provide department approved interior or exterior containment prior to or during lead hazard control projects.
- h. Failure to properly decontaminate the areas undergoing lead hazard control by using a HEPA vacuum, washing with a general purpose detergent and rinsing with clear water.
- i. Removal, containment, storage, transport or disposal of lead containing materials in an unsafe manner.
- j. Subcontracting for an activity related to a lead hazard control project prior to final visual examination, clearance dust sampling and approval by the department.
- k. Failure to be in compliance with all applicable local, state and federal laws and regulations, including Wis. Adm. Code chs. HFS 163 and NR 600 to 685, as amended, and federal resource conservation recovery act, environmental protection agency and occupational safety and health agency regulations, as amended.

66-49. Lead Safe Maintenance Training. 1. The department shall offer a training course that instructs attendees in the proper performance of essential maintenance practices, as described in s. 66-47-4.

2. The course shall be provided without charge to the attendees.

66-51. Lead-based Paint Hazard Control During Compliance Period. 1. During the compliance period, an owner shall apply for a certificate, receive a department risk

assessment and scope of work, secure a permit and ensure the performance of lead-based paint hazard control for each unit, pursuant to the requirements of this subchapter.

2. a. Lead-based paint hazard control work defined as abatement activity shall be conducted by state-certified lead supervisors and lead workers approved by the department.

b. Lead-based paint hazard control work defined as interim control activities and maintenance that is conducted in a preventive manner pursuant to this subchapter may be conducted by persons who are not state-certified lead supervisors or lead workers approved by the department. Attendance by such persons at department training classes on lead safe maintenance practices is strongly recommended but not required.

3. It is strongly recommended that interim control activities conducted pursuant to a department scope of work be conducted in unoccupied units at unit turnover.

66-52. Funding Assistance. 1. An owner who has applied for a certificate under s. 66-57 during the compliance period shall not be required to have a valid certificate of lead-based paint hazard control as provided in s. 66-45 if the department determines that the owner is eligible for funding assistance under this section but no such funding assistance is available for the owner's project.

2. The department shall provide funding assistance for lead-based paint hazard control in a unit in one of the following ways:

a. After the department determines that lead safe maintenance of all surfaces except windows has been properly performed, a state-certified lead abatement contractor shall perform standard treatments, as described in s. 66-47-5-b to h. The department shall pay the cost of the standard treatments. There shall be no cost to the owner for the standard treatments. The maintenance of non-window surfaces may be conducted by persons who are not state-certified lead supervisors or lead workers approved by the department. Attendance by such persons at department training classes on lead safe maintenance practices is strongly recommended but not required. All such work shall be performed in accordance with essential maintenance practices.

b. A state-certified lead abatement contractor shall perform the lead-based paint hazard control work according to the scope of work. The owner shall pay 50 percent of the cost after the work is completed and the department shall pay 50 percent of the cost after the owner has made payment, except that the department's total payment for work on a property shall not exceed 15 percent of the assessed value of the property.

c. An owner who is a state-certified lead abatement supervisor or the owner's employes who are state-certified workers, shall perform the lead-based paint hazard control work according to the scope of work. After the work is completed, the department shall pay to the owner 50 percent of the actual cost of labor and material, except that the department's total payment for work on a property shall not exceed 15 percent of the assessed value of the property.

3. a. An owner is not eligible for payment under sub. 2 unless he or she has applied for a permit, the department has performed a risk assessment and prepared a scope of work for the project and the completed work has been inspected and approved by the department. All work for which payment is made under sub. 2 shall be performed under a permit issued by the department.

b. An owner is not eligible for payment under sub. 2 if the property has any of the following:

b-1. Unpaid, overdue property taxes.

b-2. An unpaid, overdue fine or forfeiture related to the property.

b-3. An order issued against the property by the department or the department of neighborhood services that has not been timely complied with.

4. a. An owner may select the contractor for work under sub. 2-a or b or may waive that right, in which case the department shall select the contractor.

b. Whenever an owner waives his or her right to select a contractor under sub. 2-b, the owner shall have the right to reject a contractor's bid. An owner who rejects a contractor's bid under sub. 2-b shall have the lead-based paint hazard control work performed under sub. 2-a or c.

c. An owner shall assist the contractor in getting access to units on which work is performed.

5. Whenever the department selects a contractor, the department shall assign and supervise the work and secure a lien waiver from the contractor.

66-53. Risk Assessments and Reinspections by the Department. 1. Subject to the provisions of s. 66-71-1 and 2, the department shall perform a risk assessment or reinspection on a unit for lead-based paint hazards whenever any of the following occur:

a. An application is made for a certificate for the unit.

- b. Completion of the lead hazard control work for which a permit has been issued.
 - c. A unit owner requests a risk assessment or reinspection.
 - d. An existing certificate is about to expire.
 - e. The department has reason to believe or has credible information that a lead-based paint hazard may be present in a unit.
2. Each risk assessment or reinspection shall consist of the procedures specified by the department in protocols.
3. The department shall determine whether lead-based paint hazards in a unit are controlled in compliance with essential maintenance practices and standard treatments, as described in s. 66-47-4 and 5.
4. The department shall ensure that department staff persons who are qualified to perform unit lead-based paint hazard risk assessments and reinspections are available during all ordinary office hours and at such other times as the department determines to be appropriate.
5. All department risk assessments and reinspections under this section shall be performed without cost to tenants or owners.

66-55. Lead-based Paint Hazards That Are Not Controlled. 1. Whenever the department, following a reinspection under s. 66-53, determines that lead-based paint hazards in a unit have not been controlled in compliance with essential maintenance practices and standard treatments, as described in s. 66-47-4 and 5, the department shall notify the owner, the permit applicant, or both, that lead-based paint hazards have not been controlled and the corrective action required.

2. Whenever the department finds that lead-based paint hazards in a unit have not been controlled in compliance with essential maintenance practices and standard treatments, as described in s. 66-47-4 and 5, the department shall suspend any certificate for that unit and shall not reinstate the certificate until the department determines, in a reinspection under s. 66-53, that lead-based paint hazards have been controlled.

3. Whenever the department finds that lead-based paint hazards in a unit have not been controlled under sub. 1 or suspends a certificate under sub. 2, the department shall send a written notice to the owner, the permit applicant, or both, specifying the action taken, the findings on which the action is based and corrective action required.

The notice shall state that the owner has a right to appeal the department's action as provided in s. 66-61.

4. Whenever an owner has not remedied deficiencies described in a notice under sub. 1, the department may issue an order to the owner to reduce a lead-based paint hazard, under s. 66-22.

66-57. Certificate Application and Issuance. 1. An owner who seeks a certificate shall submit an application to the department on a form prepared by the department.

2. The department shall issue a certificate whenever the department determines, after a risk assessment or reinspection under s. 66-53, that lead-based paint hazards in a unit have been controlled in compliance with essential maintenance practices and standard treatments, as described in s. 66-47-4 and 5. The department shall determine the contents of the certificate.

3. a. Some methods of lead-based paint hazard control deteriorate with the passage of time and eventually are no longer effective, causing a recurrence of the lead-based paint hazard. Pursuant to par. b and the schedule established under s. 66-59-1-b, the department shall set an expiration date for each certificate which is based on the length of time after hazard control when there is a scientifically significant likelihood of recurrence of the lead-based paint hazard, the length of time being dependent on the method of hazard control. When more than one method of lead-based paint hazard control has been used in a unit, the department shall set an expiration date based on the method with the shortest reinspection term in the reinspection schedule. The department may provide that no reinspection is required for a method of lead-based paint hazard control that completely abates all lead-based paint in a unit.

b. The department shall set no expiration date later than May 1, 2002, unless this subchapter is in effect after that date. If this subchapter is in effect after that date, the hazard control of any window that has had standard treatments shall be considered not to expire, because all lead-based paint has been abated on that window. There shall be no departmental requirement to reinspect such windows.

4. a. The department shall issue a renewal certificate whenever the department determines, after a reinspection under s. 66-53, that lead-based paint hazards are controlled in the unit. The department shall issue a renewal certificate in the same manner as an original certificate, but a renewal certificate may be issued for a different period of time than an original certificate or any prior renewal certificate, based on the reinspection schedule established under s. 66-59.

b. Whenever the department denies a new or renewal certificate under this section because the department finds that lead-based paint hazards in a unit have not been

controlled in compliance with essential maintenance practices and standard treatments, as described in s. 66-47-4 and 5, the department shall send a written notice to the owner specifying the action taken, the findings on which the action is based and corrective action needed. The notice shall state that the owner has a right to appeal the department's action as provided in s. 66-61.

5. The department shall maintain a file of certificates in a form that is readily accessible to the public.

66-58. Liability for Lead Poisoning or Lead Exposure; Rebuttable Presumptions. 1. Except as provided in sub. 2, an owner of a unit and the owner's employes and agents are rebuttably presumed not liable for damages for lead poisoning or lead exposure of a person who resides in, frequents or has visited the unit if, at the time the lead poisoning or lead exposure occurred, a certificate was in effect for the unit and essential maintenance practices have been performed.

2. The liability restriction in sub. 1 does not apply if any of the following occurred:

a. The lead poisoning or lead exposure resulted from a lead-based paint hazard created by the owner or the owner's employes or agents.

b. The owner or the owner's employe or agent committed fraud to obtain the certificate.

c. The owner or the owner's employe or agent created a lead-based paint hazard during renovation, remodeling, maintenance or repair after receiving the certificate.

d. The owner or the owner's employe or agent failed to respond in a timely manner to notification by the department that a lead-based paint hazard has recurred.

e. The lead poisoning or lead exposure occurred because of a source in the unit other than lead-based paint.

3. If a person who has lead poisoning or lead exposure resides in or frequents a unit that, at the time the lead poisoning or lead exposure occurred, was required to have a certificate and did not have a certificate in effect for the unit, there is a rebuttable presumption that the lead poisoning or exposure occurred because of a lead-based paint hazard in the unit.

66-59. Rules and Standards. 1. The department shall establish specific, objective rules and standards necessary to implement the provisions of this subchapter. Such rules and standards may include examples and other explanatory devices to clarify applicable requirements for persons subject to, or otherwise affected by, the rules and

standards. Such rules and standards shall specifically include, but not be limited to, rules and standards providing the following:

a. The standards used in a risk assessment or reinspection under s. 66-53 to identify and specify methods for control of lead-based paint hazards and to issue or renew a certificate.

b. A lead-based paint hazard control reinspection schedule under s. 66-57, which shall be based on the length of time after hazard control when there is a scientifically significant likelihood of recurrence of the lead-based paint hazard because some methods of lead-based paint hazard control deteriorate with the passage of time and eventually are no longer effective, causing a recurrence of the lead-based paint hazard. The schedule may provide that no reinspection is required for a method of lead-based paint hazard control that completely abates all lead-based paint in a unit. Standard treatments for a window is a method of lead-based paint hazard control that completely abates all lead-based paint on that window, and no reinspection shall be required for a window on which standard treatments have been performed.

2. The department shall make all rules and standards established under this section available upon request without charge at the department and shall furnish a copy of all such rules and standards to the legislative reference bureau.

66-61. Appeals to Environmental Health Board. 1. A person who is aggrieved by an action taken by the commissioner or the department under this subchapter may appeal the action to the environmental health board as provided in this section.

2. A person who seeks to appeal an action of the department or the commissioner shall file a written appeal with the commissioner within 5 working days after the owner has received written notice of the action being appealed. The appeal shall state with specificity the reason that the appellant believes the action was taken in error.

3. The board shall hold a due process hearing on each appeal within 10 working days of receipt of the written appeal.

4. The board shall serve the appellant with written notice of the hearing. The notice shall be served so that the appellant has at least 5 days' notice of the hearing. The hearing notice shall contain:

a. The date, time and place of the hearing.

b. A statement that an opportunity will be given to the appellant to challenge the action, present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

c. A statement that the appellant may be represented by an attorney of the appellant's choice at the appellant's expense, if the appellant so wishes.

d. At the hearing, the board chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the appellant admits notice. The chair shall advise the appellant that the appellant has an option to proceed with a due process hearing, represented by counsel, with all testimony both direct and cross-examination under oath, or that the appellant may simply make a statement to the board.

5. A due process hearing shall be conducted in the following manner:

a. All witnesses will be sworn in.

b. The department or commissioner shall proceed first.

c. The appellant shall be permitted an opportunity to cross-examine.

d. After the conclusion of the evidence of the department or commissioner, the appellant shall be permitted to present the appellant's own witnesses, subject to cross-examination.

e. Board members may ask questions of witnesses.

f. Both the department or commissioner and the appellant shall be permitted a brief summary statement.

6. The recommendations of the board regarding the appellant must be based on evidence presented at the hearing.

7. The board may affirm, reverse or modify the original action of the department or commissioner. The board may make a decision immediately following the hearing or at a later date. The board shall provide written notice of its decision to the commissioner and the appellant.

8. The appeal provisions of this section do not apply to citations issued for violations of this subchapter or of orders issued pursuant to this subchapter which are appealable through the judicial process.

66-63. Tenant Complaint. 1. A tenant of a unit that has a valid certificate may file a written complaint with the owner or his or her designee whenever the tenant believes there is a suspected lead-based paint hazard in a unit. The tenant shall deliver the

complaint to the owner or his or her designee either face to face or by first class mail, and the tenant shall provide the department with a copy of the complaint within a reasonable time after it is delivered to the owner.

2. The owner or owner's designee shall respond to a complaint as provided under s. 66-65-1.

3. A tenant may file a written complaint with the department whenever an owner fails to respond to a tenant complaint under sub. 1.

66-65. Ongoing Lead-based Paint Hazard Visual Examination and Maintenance. 1. An owner shall perform essential maintenance practices, as described in s. 66-47-4, to secure and maintain certification. At a minimum, an owner shall perform essential maintenance practices whenever there is a unit turnover and in response to tenant notification of a suspected lead-based paint hazard in a unit.

2. An owner shall promptly control any lead-based paint hazards found under sub. 1. All lead-based paint hazard control work shall be performed in conformance with s. 66-47.

66-67. Notice to Tenants. 1. The department shall prepare a printed brochure that informs a tenant how to recognize lead-based paint hazards. The brochure shall inform a tenant how to report suspected lead-based paint hazards to the owner under s. 66-63-1 and how to file a suspected lead-based paint hazard complaint with the department under s. 66-63-2. The brochure shall state that s. 66-69 prohibits retaliation by an owner against a tenant who files a suspected lead-based paint hazard complaint with an owner or the department.

2. The department shall provide brochures to owners and tenants upon request without charge.

3. An owner shall provide a tenant with the brochure described in sub. 1 when a tenant first occupies a unit.

66-69. Retaliation Prohibited. An owner shall not take any retaliatory action toward a tenant who reports a suspected lead-based paint hazard to the owner or the department under s. 66-63. It shall be a rebuttable presumption that any attempt by the owner to raise rents unreasonably, curtail services or evict a tenant within 6 months after the tenant has reported a lead hazard to the department or the owner constitutes a retaliatory action in violation of this section, except that nonpayment of rent or commission of waste upon the premises by the tenant shall be a basis for eviction.

66-71. Department Enforcement and Remediation. 1. The department may conduct a

risk assessment of a unit or premises which the department has reason to believe has not complied with the lead-based paint hazard control provisions of this subchapter.

2. If the department is refused admittance to any unit or premises to conduct a risk assessment, the commissioner may apply for and obtain a special inspection warrant pursuant to ss. 66.122 and 66.123, Wis Stats., to gain access.

3. If the department determines that a lead-based paint hazard exists in a unit, the department may:

a. Notify the tenant and the owner that lead-based paint hazards are present and require correction.

b. Issue orders to reduce those lead-based paint hazards as provided in s. 66-22.

4. a. If orders are not complied with by the expiration date, the commissioner may notify the owner of the commissioner's intention to summarily reduce the lead-based paint hazard and levy a special charge against the property for the cost thereof, not to exceed 40% of the assessed market value of the property. The written notice of the commissioner's intention shall state that the owner may file with the city clerk a written appeal of the commissioner's proposed action within 5 working days after the owner has received notice of the commissioner's intended action.

b. The city clerk shall transmit each appeal to the appropriate common council committee, which shall hold a due process hearing on each appeal at least 10 working days after receipt of the written appeal by the city clerk and no later than the date of the first regularly scheduled committee meeting held not less than 10 working days after such receipt.

c. The city clerk shall serve the owner with written notice of the hearing. The notice shall be served so that the owner has at least 5 days' notice of the hearing. The hearing notice shall contain:

c-1. The date, time and place of the hearing.

c-2. A statement specifying the action that the commissioner intends to take.

c-3. A statement that an opportunity will be given to the owner to challenge the action, present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

c-4. A statement that the owner may be represented by an attorney of the owner's choice at the owner's expense, if the owner so wishes.

d. At the hearing, the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the owner admits notice. The chair shall advise the owner that the owner has an option to proceed with a due process hearing, represented by counsel, with all testimony both direct and cross-examination under oath, or that the owner may simply make a statement to the committee.

e. A due process hearing shall be conducted in the following manner:

e-1. All witnesses will be sworn in.

e-2. The commissioner shall proceed first.

e-3. The owner shall be permitted an opportunity to cross-examine.

e-4. After the conclusion of the evidence of the commissioner, the owner shall be permitted to present the owner's own witnesses, subject to cross-examination.

e-5. Committee members may ask questions of witnesses.

e-6. Both the commissioner and the owner shall be permitted a brief summary statement.

f. The recommendations of the committee regarding the owner must be based on evidence presented at the hearing.

g. The committee may affirm, reverse or modify the original action of the commissioner. The committee may make a decision immediately following the hearing or at a later date. The committee shall provide written notice of its decision to the commissioner and the owner. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

h. The owner may file a written objection to the committee recommendation and request the common council to not approve the committee recommendation. The owner shall have the opportunity to present arguments in writing supporting the objection to the common council. The objection shall be filed with the city clerk at least 2 days prior to the date set for hearing by the common council.

h-1. The owner shall be given 5 days' notice of the date set for hearing by the common council.

h-2. At the meeting of the common council, the chair, in his or her discretion, may

allow oral argument by an owner who has presented written objections to the recommendations of the appropriate common council committee. The city attorney shall also be permitted a statement. Oral arguments shall not exceed 5 minutes on behalf of any party.

h-3. Prior to voting on the committee's recommendation, all members of the council who are present shall signify that they have read the recommendation and report of the committee and any objections that have been filed thereto. If they have not, the chair shall allocate time for the members to do so. If they have read the report and recommendation, then a roll call vote shall be taken as to whether or not the recommendation of the committee shall be accepted. The owner shall be provided with written notice of the results of the vote taken by the common council.

i. If the common council approves the commissioner's intention to summarily control the lead-based paint hazard, the commissioner shall apply for a special warrant pursuant to ss. 66.122 and 66.123, Wis. Stats., to gain access to the premises to perform lead-based paint hazard control work, unless the owner permits such access. After obtaining a warrant authorizing such entry, the commissioner shall have the lead-based paint hazard control work performed in the affected unit or units and shall assess the cost of such action, not to exceed 40% of the assessed market value of the property, as a special tax upon the property.

j. In addition to the principal remaining unpaid, interest shall be added at a rate calculated pursuant to s. 115-42-8-b-3, commencing after the billing date of the invoice. A 45-day grace period for payment will be granted from the date of billing and if not paid within such period, interest shall be charged on a restorative basis to the date of billing.

k. After being placed on the tax roll, such amounts of special charges shall be paid within the time allowed for the payment of general property taxes. If the taxpayer fails to pay a special charge within the time allowed for payment, it shall become delinquent and be treated in the same manner and subject to the same laws as a delinquent property tax.

66-73. Penalties. 1. Beginning May 1, 2000, a unit which does not have a valid certificate shall be subject to decertification for eligibility for rent assistance funds from the city for that unit.

2. A person who violates any provision of this subchapter is subject to a Class J penalty as provided in s. 61-16.

3. Non-compliance of orders issued under this subchapter may result in the issuance

of citations, as provided in s. 50-25.

4. If a person continues in violation of an order, the person shall be liable for further prosecution, conviction and punishment upon the same order without the necessity of the commissioner issuing a new order.

66-74. Emergency Orders. 1. a. Inspection. The commissioner may inspect any unit which is reported or found to be unsafe or a threat to human health.

b. Order to Discontinue Occupancy or Use. The commissioner may issue an order to the owner of any unit, or on the person occupying that unit, to discontinue such occupancy or use if the unit is, in the judgment of the commissioner, in an unsafe condition or a threat to human health. An order to discontinue occupancy or use shall identify the code violation that causes the unit to be unsafe or a threat to human health.

c. Closing of Unsafe or Unfit Units. If the owner or occupant of a unit, which the commissioner finds to be unsafe or a threat to human health, fails or refuses to discontinue the occupancy or use of that unit within the time prescribed by the commissioner, the commissioner may commence and prosecute an action in circuit court for an order of the court requiring any person occupying a unit whose occupancy has been prohibited under this section to vacate the premises.

d. Order to Keep Vacant. Whenever the commissioner finds a vacant unit to be unsafe or a threat to human health, the commissioner may issue an order to the owner of the premises to keep the unit vacant, and shall only permit occupancy when the unit is in conformance with essential maintenance practices and standard treatments so as not to pose a threat to the health and safety of the occupants, and protect the occupants from the environment.

2. SERVICE OF ORDERS AND PLACARDS. a. In all cases regulated by this subsection, the commissioner shall serve the order by both mailing or delivering the order in accordance with par. b and by posting a copy of the order in a conspicuous place on the premises.

b. b-1. An order shall be served upon the owner, operator, occupant or agent of the owner. The order shall be deemed to be properly served if served either by first class mail to the person's last known address or by delivering a copy to the person. If the person cannot be located, the order shall be deemed to be properly served when a copy of it is left at the person's usual place of abode in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing there and who shall be informed of the contents of the order. If the owner has not filed with the department a current address or the name and address of the person empowered to receive service of process, as required in s. 200-51.5, it

shall be deemed sufficient notice to the owner if a copy of the order is sent by first class mail to the last known address of the owner as identified by the records of the commissioner of assessments or the commissioner of neighborhood services.

b-2. When service has been completed as prescribed in subd. 1, the order shall be effective as to anyone having an interest in the premises whether not recorded or not at the time the order was issued, and shall be effective against any subsequent owner of the premises as long as the violation exists and there remains a city record of the order in a public file maintained by the commissioner.

c. Placarding of Unfit Units. If a unit is a threat to human health, occupancy or use but is not in danger of structural collapse the commissioner shall post a placard on the premises containing the following words: "This Dwelling Unit Cannot Be Used For Human Habitation, Occupancy or Use." The commissioner shall prohibit the use of the unit for human habitation by requiring the owner to vacate and prohibit further occupancy or use until the necessary lead hazard control work has been conducted.

d. Placarding of Illegally Occupied or Unsafe Units. In all cases regarding illegal occupancy or use or unsafe units, the commissioner may post on the premises a notice to the effect that the unit is unsafe, a threat to human health or that the unit is illegally occupied or used and shall be vacated at once as ordered.

e. Orders and placards shall remain effective until the required lead hazard control work has been completed and the department has reinspected and approved the work. No person may remove a posted order or placard, nor occupy, use or enter a posted or placarded unit, except for the purpose of making the required repairs or alterations, without written permission from the commissioner.

66-75. Report. The department shall submit to the common council a report on the residential rental property lead-based paint hazard control pilot project by May 1, 2001. To the extent the data is available, the report shall describe compliance with the pilot project requirements including compliance achieved under the pilot project. The report shall evaluate the pilot project's effects on the lead levels of children, the cost of lead hazard control, property disposition of non-compliant units, building code violations, availability of increased lead-based paint hazard control jobs, availability of rental housing and rental occupancy rates, rent increases or decreases, rental property ownership changes, tax delinquency of rental properties, city expenditures for the pilot project and any other factors that the common council or the department determines to be significant.

Part 4. Section 200-22-1-a of the code is repealed and recreated to read:

200-22. Rent Withholding. 1. NONCOMPLIANCE. a. Deposit in Escrow.

Notwithstanding any other provision of law or any agreement, whether oral or written, if an owner of real property, except rooming houses licensed under s. 275-20, or owner-occupied two-family dwellings, fails or neglects to comply with an order of the commissioner to correct a violation of this code, or an order of the commissioner of health to comply with ss. 66-20 to 73 upon the expiration of the order to correct those violations, and irrespective of any extensions granted by the commissioner, the tenant of the premises is authorized as of that date to deposit rental payments into an escrow account designated by the commissioner as provided in this section. This section is inapplicable if the damage or condition on which the order is based is caused by negligence or improper use by the tenant.

a-1. This section does not authorize rent to be withheld in full, if the tenant remains in possession. If the tenant remains in possession, rent abates to the extent the tenant is deprived of the full normal use of the premises. If the tenant justifiably moves out under this section, the tenant may deposit rental payments into an escrow account after the premises become untenable and the landlord must refund any rent paid in advance apportioned to the period after the premises become untenable.

a-2. It shall be an affirmative defense to a rent withholding under this section to show that:

a-2-a. The damage or condition on which the violation is based is caused by negligence or improper use by the tenant.

a-2-b. The amount of withheld rent has not been properly proportioned as required under subd. 1.

a-3. The tenant may commence rental deposits into the escrow account after the orders are past due, provided that payment is made prior to expiration of a 5-day quit or pay notice or service of a 14-day termination notice given by the lessor under ch. 704, Wis. Stats. The owner shall be notified of rent withholding authorization by the commissioner by first class mail within 5 days.

Part 5. This ordinance takes effect on May 1, 1999.

Part 6. This ordinance shall be null and void after May 1, 2002.

Sponsors: Ald. Hines Jr., Ald. Witkowiak, Ald. Gordon, Ald. D'Amato, Ald. Richards, Ald. Johnson-Odom and Ald. Breier

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

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

No: 0

Excused: 1 - Pratt

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [981449](#) A substitute ordinance relating to parking controls in various Aldermanic Districts.

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

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

"On the east side of N. 3rd Street from W. Kilbourn Avenue to W. State Street at any time"

"On the west side of N. 3rd Street from the south curb line of W. State Street to a point 248 feet south thereof at any time"

"On the west side of N. 3rd Street from W. Kilbourn Avenue to W. State Street at any time"

"On the north side of W. Stark Street from the east curb line of N. 36th Street to a point 70 feet east thereof at any time"

"On the north side of W. Villard Avenue from a point 280 feet east of the east curb line of N. 51st Street to a point 35 feet further east thereof at any time"

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

On the west side of Old World Third Street from a point 200 feet north of W. Kilbourn Avenue to W. State Street at any time

Part 3. Section 101-23-4-a of the Code relating to Fifteen Minute Parking is amended by striking the following:

"On the south side of W. Vliet Street from N. 34th Street to a point approximately 70 feet west from 8:00 AM to 6:00 PM except Sunday"

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. Walnut Street from N. 6th to N. 8th Streets"

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

On the west side of Old World Third Street from W. Kilbourn Avenue to a point 200 feet north from 8:00 AM to 6:00 PM on Saturdays

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

"On the west side of N. Teutonia Avenue between W. Fairmount Avenue and W. Cameron Avenue"

"On E. State Street from N. Milwaukee Street to N. Jackson Street from 7:00 AM to 7:00 PM except Sunday"

"On E. St. Paul Avenue from N. Van Buren Street, E. Chicago Street and Northwest Railroad tracks east thereof"

"On the north side of E. Townsend Street from N. Holton Street to N. Richards Street on even calendar dates"

"On E. Vine Street between N. 1st and N. Palmer Streets"

"On W. Armour Avenue from S. 13th Street to S. 14th Street from 7:00 AM to 5:00 PM except Saturday and Sunday"

"On the west side of N. 31st Street from W. Michigan Street to W. Clybourn Street from 9:00 AM to 5:00 PM except Saturday and Sunday"

Part 7. Section 101-23-10-c of the Code relating to Winter Parking is amended by striking the following:

"On the west side of N. 31st Street from W. Wisconsin Avenue to W. Park Hill Avenue"

Part 8. Section 101-23-10-c of the Code relating to Winter Parking is amended by adding the following:

On the west side of N. 31st Street from W. Park Hill Avenue to W. Clybourn Street

On the west side of N. 31st Street from W. Michigan Street to W. Wisconsin Avenue

Part 9. Section 101-24-1 of the Code relating to Tow-Away Zones is amended by striking the following:

"On the west side of N. Oakland Avenue from E. North Avenue to E. Royall Place from 7:00 AM to 9:00 AM and from 3:30 PM to 5:30 PM except Saturday and Sunday"

Part 10. Section 101-32-3-c-4 of the Code relating to One Hour Meter Parking is amended by adding the following:

On the west side of Old World Third Street from W. Kilbourn Avenue to a point 200 feet north from 8:00 AM to 6:00 PM Monday through Friday

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) [981450](#) 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 101-12-4-a of the Code relating to Mandatory Turns is amended by striking the following:

"Southbound N. 3rd Street to westbound W. Kilbourn Avenue curb lane right turn except buses"

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

On N. 84th Street from W. Burleigh Street to W. Locust Street

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

On W. Melvina Street at N. 53rd Street

Part 4. Section 101-22-2 of the Code relating to One-Way Alleys is amended by adding the following:

The alley between S. 34th Street and S. 35th Street north of W. Arthur Avenue westbound

Sponsors: THE CHAIR

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

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

No: 0

ADOPTION OF THE FOLLOWING:

- 3) [981563](#) Resolution relative to application, acceptance and funding of a Gang Resistance Education and Training (GREAT) Grant. (Police Department)
- Whereas, Under the terms of Cooperative Agreement #95699040, the City of Milwaukee appears to be eligible for grant funds from the U.S. Bureau of Alcohol, Tobacco and Firearms for a GREAT grant; and
- Whereas, The operation of this grant project from October 1, 1998 to September 30, 1999 would cost \$459,686 of which \$134,686 (30%) would be provided by the city and \$325,000 (70%) would be provided by the grantor; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that application to the U.S. Bureau of Alcohol, Tobacco and Firearms is authorized and the Police Department shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81 of the Code of Ordinances; and, be it
- Further Resolved, That the City Comptroller is authorized to:
1. Commit funds within the Project/Grant Parent of the 1999 Special Revenue Accounts-Grant and Aid Projects, the following amounts for the project fund titled:
- | Proj/Grt | Fund | Org | Program | BY | Subclass | ACCT |
|-------------|------|------|---------|------|----------|--------|
| GR009000000 | 0150 | 9990 | 0001 | 0000 | R999 | 000600 |
- | Project | Amount |
|---------------|-----------|
| Grantor Share | \$325,000 |
2. Create the necessary special revenue fund-Grant and Aid Project/grant and project/grant levels; budget against these Project/Grant values the amount required under the grant agreement;

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

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

1. Expend from the amount budgeted sums for specified purposes as indicated in the project budget and incur costs consistent with the award date;
2. Expend from the 1998/99 grant budget funds for specific items of equipment;
3. Expend from the 1998/99 grant budget funds for training and out-of-town travel by departmental staff;
4. Enter into subcontracts and leases as detailed in the grant budget.

Sponsors: THE CHAIR

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

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

No: 0

- 4) [981564](#) Resolution authorizing approval and execution of a Mobile Home Park Agent Agreement between the City of Milwaukee, Department of Neighborhood Services, and the State of Wisconsin, Department of Administration. (City Attorney)
- Whereas, The City of Milwaukee's Health Department has heretofore acted as an agent of the State to protect public health through enforcement of sanitation regulations and fostering sanitary practices in mobile home parks within the city; and
- Whereas, The previous Mobile Home Park Agent Agreement was executed by the designee of the City's Health Commissioner; and
- Whereas, The enactment of Common Council File Number 980963 transferred the duties and responsibilities of a mobile home park agent to the newly created Department of Neighborhood Services; and
- Whereas, The parties to the previous Mobile Home Park Agent 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

officers be and hereby are authorized and directed to execute the Mobile Home Park Agent Agreement between the City of Milwaukee, Department of Neighborhood Services, and the State, 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

- 5) [981571](#) Resolution authorizing the Milwaukee Police Department to accept donations of equipment for use by the Mounted Patrol Unit. (Police Department)
- Whereas, The Common Council passed File Number 930380 on July 6, 1993, an ordinance codifying the City's procedural guidelines regarding the receipt, appropriation and expenditure of contributions; and
- Whereas, The Milwaukee Police Department is establishing a Mounted Patrol Unit within its Special Operations Bureau to provide patrol support throughout the City; and
- Whereas, The Police Department has received an offer from the Downtown Management District - Business Improvement District #21 of the donation of a trailer for transport of patrol horses throughout the City; and
- Whereas, Other organizations have expressed an interest in making donations that could be used by the Mounted Patrol Unit; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Police Department is authorized to accept donations of equipment, supplies or services to be utilized by the Mounted Patrol Unit, in accordance with established City policies and procedures for acceptance of contributions; and, be it
- Further Resolved, That such authority to accept donations for said purpose shall continue unless otherwise rescinded or amended by future Common Council action.
- Sponsors:** THE CHAIR
- A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:**
- Aye:** 13 - Pratt, Kalwitz, D'Amato, Henningsen, Johnson-Odom, Gordon, Frank, Richards, Butler, Witkowiak, Pawlinski, Murphy Hines Jr.
- No:** 4 - Schramm, Scherbert, Breier Nardelli

- 6) [981572](#) Substitute resolution approving a lease agreement relating to the Milwaukee Police Department's use of horses for a Mounted Patrol Unit (Police Department).
Whereas, Richard Murphy is willing to enter into a one-year lease to make five patrol horses available to the City of Milwaukee Police Department; and
- Whereas, The Board of Business Improvement District No. 21 (hereinafter "BID 21") is willing to undertake payment of the rent necessary for the City to enter into such a lease; and
- Whereas, The lease will provide for the lease of five saddle horses for the purpose of a mounted police patrol, and the City of Milwaukee will agree to provide indemnification for any liability arising from the Milwaukee Police Department's possession and use of the horses; and
- Whereas, This Common Council wishes to authorize the execution and delivery of such a lease; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the lease agreement between the City, Richard Murphy and BID #21, substantially in the form attached to this file, is hereby approved; and
- Further Resolved, That the Chief of Police is authorized and directed to enter into such lease agreement 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:** 13 - Pratt, Kalwitz, D'Amato, Henningsen, Johnson-Odom, Gordon, Frank, Richards, Butler, Witkowiak, Pawlinski, Murphy Hines Jr.
- No:** 4 - Schramm, Scherbert, Breier Nardelli

PLACING ON FILE THE FOLLOWING:

- 7) [981512](#) Communication from the Milwaukee Safety Commission transmitting a report relative to the implementation of recommendations of the Common Council Ad Hoc School Bus Safety Task Force.
- Sponsors:** THE CHAIR
- A motion was made by Ald. Murphy that this matter be PLACED ON FILE. The motion carried by the following vote:**
- Aye:** 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 8) [981515](#) Communication from the Milwaukee Police Department transmitting a report relative to efforts to minimize absenteeism and maximize personnel resources to better serve our community.

Sponsors: THE CHAIR

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

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

No: 0

- 9) [981516](#) Communication from the Police Department transmitting a report relative to the quarterly reporting for 1998 of foot patrol programs.

Sponsors: THE CHAIR

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

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

No: 0

- 10) [981570](#) Communication from the Police Department transmitting a report relative to summarizing receipt and expenditure of Federal Asset Forfeiture Funds.

Sponsors: THE CHAIR

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

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

No: 0

- 11) [981592](#) Communication from the Bicycle Task Force transmitting their 1998 Annual Report.

Sponsors: THE CHAIR

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

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

No: 0

THE ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

- 1) [981590](#) Resolution of intent to issue industrial development revenue bonds (Semco, Inc. Project.)

Sponsors: Ald. Nardelli

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

THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [981288](#) Substitute ordinance relating to the change in zoning from Institutional (T/A/125 and T/C/60), Multi-Family Residence (R/C/60 and R/B/60), Local Business (L/C/60), Commercial Service (CS/B/60) and Parking (P/C/60) to a General Planned Development (GPD) known as Kilbourn Square, on land located North of West Wells Street and West of North 20th Street, in the 4th Aldermanic District.

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

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

Section 295-810(2)(a).0047.

(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 General Planned Development known as Kilbourn Square, 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 State Street, a line 128 feet East and parallel to the east line of North 23rd Street, a line 120 feet North and parallel to the north line of West State Street, the centerline of North 22nd Street, the centerline of West State Street, the

centerline of North 20th Street, the centerline of West Kilbourn Avenue, the centerline of North 22nd Street, a line 90 feet South and parallel to the south line of West Kilbourn Avenue, the centerline of North 23rd Street, the centerline of West Kilbourn Avenue, and the centerline of North 24th Street.

(3) The requirements set forth in said general 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 general plan is that such plan shall limit and control construction, location, use and operation of all land and structures included within the general plan to all conditions and limitations set forth in such general plan.

Part 2. Any persons, firm, company or corporation owning, controlling, or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved 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: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,
Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert,
Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 2) [981497](#) A substitute ordinance revising various code provisions relating to implementation of the department of neighborhood services.

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

Part 1. Section 66-12-9-0 of the code is amended to read:

66-12. Asbestos Hazard Control.

9. [[PROJECT]]>>ASBESTOS HAZARD<< VIOLATIONS.

Part 2. Section 200-32-3-a of the code is amended to read:

200-32. Permit Fees.

3. INCREASED FEES. a. Where construction is started, or when a premises is occupied without first obtaining a permit >>inspected under the jurisdiction of the department of neighborhood services,<< as required by this code, the fees specified in this section may be quadrupled, but the payment of such quadruple fee shall not relieve any person from fully complying with all the regulations of this code in the execution of the work nor from any other penalties prescribed in this code.

Part 3. Section 218-3-1-b and c of the code is amended to read:

218-3. WRECKER'S AND MOVER'S BOND AND INSURANCE.

1. PERFORMANCE BOND.

b. The wrecker's and mover's performance bond shall be executed by the applicant and a corporate surety, and shall provide in substance that the applicant and surety are firmly bound unto the city in the penal sum of \$20,000 >>or in such other amount as the commissioner shall deem necessary<<, and that such bond shall be void if the applicant shall perform and sufficiently complete all work for which the permit is issued in accordance with all ordinances of the city within a reasonable period of time, or within the time specified on the permit, and shall reimburse the city for all damages to any city property resulting from the work operations, regardless of whether the damage is done by the applicant, its agents, employees or subcontractors. The corporate surety shall be authorized to execute bonds in the state of Wisconsin and have a power of attorney on file in the city attorney's office. Such bond shall have affixed thereto an affidavit setting forth that no officer, official or employe of the city has any interest, directly or indirectly, in any premium, commission, or fee, or out of the sale of furnishing of such bond.

c. Any person wishing to apply for more than one permit to wreck, raze, demolish or move structures or buildings in the city in any calendar year, in lieu of filing a separate bond for each permit, may file a bond under the same terms and conditions set forth in

par. b, binding the surety to the sum of \$20,000 for each permit issued >>,but with an annual calendar aggregate limit of \$100,000.<<

Part 4. Section 295-51-3 of the code is amended to read:

295-51. ENFORCEMENT.

3. PENALTIES. Any person who owns, controls or manages any premises on which there shall be placed or there exists anything in violation of this chapter, assists in the commission of any violation of this chapter, builds contrary to the plans or specifications submitted to and approved by the commissioner of city development or omits, neglects or refuses to do any act required by this chapter [[, except where a specific penalty is provided,]] shall be subject to penalties as provided in ss. 200-19 [[and 200-33-8.8 until compliance is obtained]]. >>In addition, the department of neighborhood services may place a code enforcement fee as provided in s. 200-33-8.8 against the subject property which may be assessed and collected as a special charge.<<

Part 5. Renumbering. References to various citations listed in the following sections of the code are changed as shows:

Code Section	Current Reference	New Reference
200-26-5-c	s. 66.05, Wis. Stats.	s. 218-4
200-33-43.5	s. 66.05, Wis. Stats.	s. 218-4
218-9-1-a-2	s. 218-4-6	s. 200-11
218-9-1-a-2	s. 66.05, Wis. Stats.	s. 218-4

Sponsors: THE CHAIR

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) [981539](#) Resolution permitting a minor modification to the amended detailed plan for Stage 5 of a planned development known as Park Place, located on the North side of West Park Place and West of North 107th Street, in the 15th Aldermanic District. (DCD)

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

Whereas, The amended detailed plan for a commercial planned development known as Park Place was approved by the Common Council on November 6, 1990, under File No. 870710; and

Whereas, The developer proposes to use a private drive to stripe up to 50 additional parking spaces; and

Whereas, The proposed use is consistent with the spirit and intent of the approved plans and will not adversely affect surrounding development; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the minor modification to the approved plan permitting up to 50 parking spaces for Two Park Plaza is approved.

Sponsors: THE CHAIR

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

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

No: 0

- 4) [981540](#) Resolution approving the Land Disposition Report for the property at 1825 and 1831 (part) North Dr. Martin Luther King, Jr. Drive for sale to Bryon Kolitz and Kathryn Kolitz and to sell the remaining part of 1831 North Dr. Martin Luther King, Jr. Drive to the adjoining owners in the 6th Aldermanic District (Redevelopment Authority).

Whereas, On February 4, 1999, the Redevelopment Authority of the City of Milwaukee ("Authority") held a Public Hearing on the proposed sales as required by Wisconsin Statutes; and

Whereas, Pursuant to Wisconsin Statutes and as a condition precedent to the sale, lease or transfer of land, the Authority submits herewith a Land Disposition Report describing the terms and conditions of the proposed sales; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Land Disposition Report dated February 4, 1999, with respect to the proposed sale of the following described property is approved.

PROJECT

North Dr. Martin Luther King, Jr. Drive - West Reservoir Avenue

DEVELOPMENT SITE

1825 North Dr. Martin Luther King, Jr. Drive

1831 North Dr. Martin Luther King, Jr. Drive (southern 11 feet)

REDEVELOPER

Bryon Kolitz and Kathryn Kolitz

REMNANT PARCEL

1831 North Dr. Martin Luther King, Jr. Drive (northern 14 feet)

REDEVELOPER

Stephen Bialk and Stephen Jesmok

Sponsors: Ald. Johnson-Odom

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) [981567](#) Resolution authorizing and directing a transfer of funds from the Capital Improvements Planning Account to two subaccounts for residential, commercial, and economic development analysis activities and other technical planning studies. (DCD)
- Whereas, The Department of City Development continues work on neighborhood residential and commercial analysis and development as well as land use policy development; and
- Whereas, Technical assistance in these planning activities has often been provided by outside consultants; and
- Whereas, Funds are necessary to provide for such consultant services as the need arises; and
- Whereas, The current unencumbered balances in the Planning Studies-Economic

Development Subaccount and the Special Engineering and Technical Studies Subaccount are insufficient to cover anticipated 1999 needs; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City Comptroller is authorized and directed to transfer the amount of \$50,000 from the Capital Improvements Planning Account, Account No. UR01280000, to be allocated to two existing subaccounts Planning Studies-Economic Development, Account No. UR01280028, \$25,000, and Special Engineering and Technical Studies, Account No. UR01280041, \$25,000, to be used by the Department of City Development, as the need may arise, to support residential and commercial analyses and land use policy development; and, be it

Further Resolved, That the Department of City Development is authorized and directed to enter into such contracts and agreements as necessary to accomplish the intent and purpose of this resolution.

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

- 6) [981591](#) Substitute resolution relative to application for a U.S. Department of Commerce Telecommunications and Information Infrastructure Assistance Program grant. Whereas, The National Telecommunications and Information Administration of the U.S. Department of Commerce has established the Telecommunications and Information Infrastructure Assistance Program (TIIAP) to promote the development, widespread availability and use of advanced telecommunications and information technologies to serve the public interest; and

Whereas, TIIAP provides, on a competitive basis, matching grants of up to 50% of project cost to local governments and other public and non-profit entities in support of telecommunications and information technology-related projects that improve the effectiveness and efficiency of government and public services; and

Whereas, The Department of Neighborhood Services has proposed the use of TIIAP funds to develop, in conjunction with the Office of Youth Initiatives, a public-access, map-based (GIS) database of City-related information to be available on the Internet; and

Whereas, The availability of this database would make it easier for individuals and

community groups to access various types of City data, including Department of Neighborhood Services inspection/violation data, MPROP data and Office of Youth Initiatives economic development program information; and

Whereas, The information provided on this database would empower community groups in their efforts to take action against problem properties in their neighborhoods; and

Whereas, This database would also be useful for non-local individuals and companies interested in obtaining information about Milwaukee as a potential place to do business; and

Whereas, The deadline for submitting an application for a Fiscal Year 1999 THAP grant is March 11, 1999; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Neighborhood Services is authorized and directed to apply to the National Telecommunications and Information Administration of the U.S. Department of Commerce for a 1999 Telecommunications and Information Infrastructure Assistance Program grant in an amount up to \$500,000 to be used for development of a public-access, map-based database of City information to be made available on the Internet.

Sponsors: Ald. Murphy

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

THE PUBLIC IMPROVEMENTS COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [981569](#) A charter ordinance relating to performance guaranties for department of public works contracts. (DPW)
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 7-14-3 of the charter is repealed and recreated to read:

7-14. Duties when Common Council Orders Public Works.

3. PERFORMANCE BOND. a. All contracts involving \$10,000 or more for

performance of labor or furnishing materials when the same pertain to any public improvement or public work shall contain a provision for the payment by the prime contractor of all claims for labor performed and materials furnished, used or consumed in making the public improvement or performing the public work.

b. Such contracts whose cost exceeds \$10,000 in cost but does not exceed \$25,000, shall not be made unless the prime contractor gives either an irrevocable letter of credit or a performance and payment bond or bonds issued by a surety company licensed to do business in the state of Wisconsin. Such bond shall carry a penalty of not less than 50% of the contract price, and shall be conditioned for the faithful performance of the contract and the payment to each person entitled thereto of all the claims for labor performed and materials furnished under the contract to be used or consumed in making the public improvement or performing the public work as provided in the contract and this section. No assignment, modification or change of the contract, or change in the work covered thereby, or any extension of time for the completion of the work may release the sureties on the bond or bonds.

c. Such contracts exceeding \$25,000 in cost shall not be made unless the prime contractor gives a performance and payment bond or bonds issued by a surety company licensed to do business in the state of Wisconsin. Such bond shall carry a penalty of not less than the contract price, and shall be conditioned for the faithful performance of the contract and the payment to each person entitled thereto of all the claims for labor performed and materials furnished under the contract to be used or consumed in making the public improvement or performing the public work as provided in the contract and this section. No assignment, modification or change of the contract, or change in the work covered thereby, or any extension of time for the completion of the work may release the sureties on the bond or bonds.

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

Sponsors: THE CHAIR

A motion was made by Ald. 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:

- 2) [980461](#) Substitute resolution authorizing and directing the proper City officials to take the

necessary actions to amend and/or rescind existing special privileges to implement procedural changes as it relates to sidewalk area dining facilities in accord with Section 115-32.6 of the Milwaukee Code of Ordinances and Common Council Resolution File Number 980245, being a guideline resolution for the location, design and operation of sidewalk area dining facilities.

Whereas, The Common Council adopted an Ordinance (C.C. 98024) and a policy resolution (C.C. 98024) related to establishment of sidewalk area dining facilities (sidewalk cafe') by permit; and

Whereas, Permission to establish cafe's previously was by adoption of a special privilege resolution by the Common Council; and

Whereas, It is desirable to transfer permission granted by special privilege for sidewalk cafe's to the procedures established under Section 115-32.6 of the Milwaukee Code of Ordinances; and

Whereas, Some special privileges cover other facilities located within the public right-of-way in addition to the cafe' and those resolutions need to be amended to delete reference to the cafe; and

Whereas, The current procedure to rescind the permission of items that no longer occupy the public right-of-way is administrative and it appears to be applicable in this circumstance where the cafe' is the only special privilege item; and

Whereas, There are several housekeeping actions that need to be carried out related to application fees, past and future, for the present holders of permission for which Common Council authorization and direction is necessary; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that there be consistency and fairness among operators and permit holders of sidewalk cafes, and authorization is given to amend all special privileges without the need to pay a Petition for Special Privilege (publication) fee at those locations where sidewalk cafe' is not the only present special privilege item; and, be it

Further Resolved, That authorization is given to waive the \$100 application fee for sidewalk cafe' for those locations that presently have a sidewalk cafe' by special privilege either alone or in combination with other items; and, be it

Further Resolved, That authorization is given to apply the Special Privilege application fee of \$137 that was paid for those locations that, during the processing and enactment of the new ordinance for sidewalk area dining facilities (sidewalk cafe'), were held pending action on the ordinance to the \$100 sidewalk cafe' application fee and to the sidewalk cafe' annual fee (maximum of \$37.00) and further that any

remaining amount be refunded to the applicant; and, be it

Further Resolved, That the Commissioner of Public Works is authorized and directed to notify in writing the grantees of special privileges for existing cafe's of the new procedure regarding sidewalk cafe's; and, be it

Further Resolved, That the Commissioner of Public Works is authorized and directed to waive the Department of Public Works Sidewalk Area Dining Facility permit fees for those existing special privileges that the Commissioner of Building Inspection is currently processing bills (for the period July 1, 1998 through June 30, 1999) until January 1, 2000; and, be it

Further Resolved, That the Commissioner of Public Works is authorized and directed to administratively rescind all special privileges at locations where sidewalk cafe' is the only item; and, be it

Further Resolved, That the Department of Public Works\Infrastructure Services Division is authorized and directed to establish separate record keeping for bond and insurance for these sidewalk area dining facilities established under Section 115-32.6 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

3) Substitute resolutions amending various special privileges:

a) [980978](#) Substitute resolution amending a special privilege granted to Corcoran Limited Partnership to place and maintain a covered walk and to keep and maintain a ramp/platform/stairs, a service door, a canopy and a loading area in the public right-of-way abutting the premises at 120-26 North Jefferson Street, to now change the name of the grantee of the special privilege to Corcoran Place, LLC, in the 4th Aldermanic District in the City of Milwaukee.

Whereas, Corcoran Limited Partnership was granted a special privilege to install and maintain a covered walk and to use and maintain a platform with ramp and stairs, a service door swinging out over the platform, a canopy over the sidewalk area and a loading area all on the south side of East Corcoran Avenue adjacent to the premises at 120-26 North Jefferson Street; and

Whereas, The current owner of the property is Corcoran Place, LLC and should now

be named as grantee of the special privilege; and

Whereas, Said encroachments may only legally occupy the public way by the granting of a special privilege; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 961625 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Corcoran Place, LLC, 126 North Jefferson Street, Milwaukee, WI 53202-6105, is hereby granted the following special privileges:

1. To keep, use and maintain a covered walk at the northwest corner of the building at 120-26 North Jefferson Street. Said covered walk, 14 feet in width, is centered approximately 13 feet east of the eastline of North Jefferson Street, and encroaches approximately 10 feet into the 15-foot wide sidewalk area on the south side of East Corcoran Avenue. The covered walk is supported by the building at one end and by 1 vertical support at approximately 3 feet inside of each corner of the covered walk 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. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 7 feet above the sidewalk level. The covering shall be of any approved material.

All fixtures and materials for illumination of covered walks 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 business may be indicated only on the vertical portion of the covering and shall not exceed 12 inches in height.

Prior to installation, the grantee shall apply for and obtain "Loading Zone" or "No Parking Zone" status adjacent to the proposed covered walk location and maintain this status as long as the covered walk occupies the public way.

2. To keep, use and maintain an existing platform with ramp and stairs in the 15-foot wide public way on the south side of East Corcoran Avenue adjacent to the premises known as 120-26 North Jefferson Street. Said platform/ramp/stairs encroach approximately 9 feet, beginning approximately 7 feet east of the eastline of North Jefferson Street and extend east approximately 33 feet.

3. To keep, use and maintain an existing service door which, when fully open, swings approximately 3.0 feet over the platform in Item No. 2 above and into the 15-foot wide sidewalk area located on the south side of East Corcoran Avenue located approximately 16 feet east of the eastline of North Jefferson Street.

4. To keep, use and maintain an existing canopy over the sidewalk area, which extends from the north face of the building approximately 14 feet into the 15-foot wide stairway area on the south side of East Corcoran Avenue. Said canopy begins approximately 36 feet east of the eastline of North Jefferson Street and extends east approximately 90 feet. The bottom of said canopy is approximately 15 feet above the sidewalk below.

5. To use and maintain an existing loading area in the 15-foot wide sidewalk area on the south side of East Corcoran Avenue adjacent to the premises known as 120-26 North Jefferson Street. Said area is located adjacent to an overhead door 15 feet in width, which is centered approximately 115 feet east of the eastline of North Jefferson Street. Said door is the easternmost door of three and shall be the only door used for loading/unloading purposes. Vehicles occupying said area and extending over and across the 15-foot wide sidewalk area and portions of the roadway shall park in such a manner that they shall provide at least one lane for through traffic at all times, unless otherwise restricted.

All of the items indicated above shall be constructed, used and maintained to the satisfaction of the Departments of Public Works and Neighborhood Services and all necessary permits shall be obtained from the Departments of Public Works and Building Inspection.

Prior to installation of the covered walk, permits were to have been obtained from the Commissioner of Building Inspection for the structure itself and from the Commissioner of Public Works for excavation and to occupy the right-of-way during construction; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Corcoran Place, LLC, 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 \$5,000 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 \$526.71. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

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) [981321](#) Substitute resolution amending a special privilege granted to Sequoia Company to maintain a retaining wall in the public right-of-way adjacent to the property located at 6801-6917 West Brown Deer Road, to now change the name of the grantee of the special privilege to Inland Commercial Property Management, Inc., in the 15th Aldermanic District in the City of Milwaukee.

Whereas, Sequoia Company was granted a special privilege under Common Council Resolution File Number 900978, on November 27, 1990, to maintain a retaining wall

encroaching into the public right-of-way on the west side of West Brown Deer Road, adjacent to the premises at 6801-6917 West Brown Deer Road; and

Whereas, The current owner of the property is Inland Commercial Property Management, Inc., and should now be named as the grantee of the special privilege; and

Whereas, The retaining wall 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 900978 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Inland Commercial Property Management, Inc., c/o Property Tax Department, 2901 Butterfield Road, Oakbrook, IL 60523, is hereby granted the following special privilege:

To keep and maintain a retaining wall, which projects approximately 1 foot into the west sidewalk area of North 68th Street. The retaining wall is located on the west side of North 68th Street, beginning approximately at the southline of West Brown Deer Road and extending south approximately 130 feet. Said wall varies in height from 1.5 to 4.6 feet above grade, adjacent to the premises at 6801-6917 West Brown Deer Road. The retaining wall consists of stone blocks abutting the concrete sidewalk.

Said retaining wall shall be used and maintained to the satisfaction of the Commissioners of Public Works and Building Inspection.

Said retaining wall shall be removed from the public right-of-way, at such future time that it is 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 grantee, Inland Commercial Property Management, Inc., shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State

of Wisconsin, or duly licensed to do business in this State, in the sum of \$3,000.00 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer an annual fee which has an initial amount of \$274.48. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

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) [981327](#) Substitute resolution amending a special privilege granted to Teachers Insurance and Annuity Association of America to keep and maintain 26 metal tree grates and to install and maintain 12 uprights with brackets in the public rights-of-way adjacent to their property located at 411 East Wisconsin Avenue, to now change the name of the grantee of the special privilege to TIAA Realty, Inc., and give permission for the tree

grates and uprights to remain, in the 4th Aldermanic District in the City of Milwaukee. Whereas, Teachers Insurance and Annuity Association of America was granted a special privilege under Common Council Resolution File Number 940959 on November 7, 1994, to place and maintain 26 metal tree grates and to install and maintain 12 uprights with brackets in the public rights-of-way; and

Whereas, The current owner of the property is TIAA Realty, Inc., and should now be named as the grantee of the special privilege; and

Whereas, Continued existence of the tree grates and uprights in the public rights-of-way can only be allowed through the adoption of an amending 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 940959 is hereby rescinded; and, be it

Further Resolved, By the Common Council of Milwaukee that TIAA Realty, Inc., 730 Third Avenue, 7th Floor, New York, NY, 10017, is hereby granted the following special privileges:

1. To keep and maintain seven 5-foot square metal tree grates in the 20-foot wide fully paved sidewalk area on the south side of East Wisconsin Avenue. The tree grates shall be centered approximately 16 feet north of the southline of East Wisconsin Avenue and 30, 60, 87, 114, 144, 174 and 204 feet east of the eastline of North Milwaukee Street. There shall be a minimum of 14 feet of clear sidewalk area for pedestrian use.
2. To keep and maintain seven 5-foot square metal tree grates in the 15-foot wide fully paved sidewalk area on the west side of North Jefferson Street. The tree grates shall be centered approximately 11 feet east of the westline of North Jefferson Street and 44, 80, 116, 152, 188, 224 and 317 feet south of the southline of East Wisconsin Avenue. There shall be a minimum of 9 feet of clear sidewalk area for pedestrian use.
3. To keep and maintain six 5-foot square metal tree grates in the 12-foot wide sidewalk area on the north side of East Michigan Street. The tree grates shall be centered approximately 8.5 feet south of the northline of East Michigan Street and 40, 76, 112, 148, 184 and 220 feet west of the westline of North Jefferson Street. There shall be a minimum of 6 feet of clear sidewalk area for pedestrian use.
4. To keep and maintain six 5-foot square metal tree grates in the 12-foot wide sidewalk area on the east side of North Milwaukee Street. The tree grates shall be centered approximately 8.5 feet west of the eastline of North Milwaukee Street and 40, 76, 112, 148, 300 and 336 feet south of the southline of East Wisconsin Avenue.

There shall be a minimum of 6 feet of clear sidewalk area for pedestrian use.

5. To keep and maintain twelve up-lighting brackets and lights on street light poles on the south side of East Wisconsin Avenue. Each harp street light may have a maximum of two up-lighting units attached providing vertical clearance of 11.3 feet from the sidewalk grade. The harp street light poles with the up-lights shall be centered approximately 45, 75, 105, 135, 165 and 195 feet east of the eastline of North Milwaukee Street.

Said tree grates shall be designed and supported such that the minimum live load capacity is 250 pounds per square foot. Openings in the grates shall be positioned such that the maximum opening in the general direction of pedestrian travel is 3/4 inches. The brackets and lights will be attached to the street light poles by the City at the grantee's expense. Bulb replacement as well as other necessary maintenance shall be performed by the grantee. When a pole needs to be replaced and the bracket and/or lights need to be replaced/reattached, this will be at no cost to the City. All of the above-mentioned items shall be installed and maintained in a manner satisfactory to the Departments of Public Works and Neighborhood Services.

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, TIAA Realty, Inc., shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$3,000.00 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee which has an initial amount of \$250.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but

shall also restore to its former condition and to the approval of the Commissioner of Public Works any curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

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

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

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) [981401](#) Substitute resolution amending a special privilege granted to Arthur McCarthy to erect and maintain an awning and a gas street light in the public right-of-way at 775 North Jackson Street, to now grant permission for the awning and a planter to remain and to change the name of the grantee of the special privilege to Jaime's Cantina, Inc., in the 4th Aldermanic District in the City of Milwaukee.

Whereas, Arthur McCarthy was granted a special privilege under Common Council Resolution File Number 59-2737 to erect and maintain an awning then under Common Council Resolution File Number 59-2737b was allowed to also install a gas street light that encroaches into the right-of-way of North Jackson Street in front of the premises at 775 North Jackson Street; and

Whereas, A subsequent name change assignment took place under Common Council Resolution File Number 59-2737-c; and

Whereas, The present occupant of the premises is now Jaime's Cantina, Inc. and should now be named as the grantee of the special privilege; and

Whereas, Field inspection found that the gas street light has been removed from the public right-of-way but a moveable planter abuts the building; and

Whereas, Said remaining items may only legally occupy the public 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 Common Council Resolution File Number 59-2737, 59-2737-a, 59-2737-b and 59-2737-c are hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Jaime's Cantina, Inc., 2151 South 10th Street, Milwaukee, WI 53215-2746 is hereby granted the following special privilege:

1. To keep and maintain an 8-foot 6-inch wide stationary fabric awning extending approximately 7 feet 6 inches into the 15-foot wide west sidewalk area of North Jackson Street, adjacent to 775 North Jackson Street. The awning is attached to the building above the main entry door to the premises, centered approximately 162 feet south of the southline of East Wells Street. The clear height from the sidewalk to the awning frame is approximately 7 feet 4 inches, and from the sidewalk to the skirt of the awning fabric is 6 feet 5 inches.

2. To keep and maintain an approximate 2 foot diameter moveable planter abutting the building near the entrance in the public right-of-way adjacent to 775 North Jackson Street.

Said stationary fabric awning and planter shall be 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, Jaime's Cantina, Inc., shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer an annual fee which has an initial amount of \$35.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

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

- e) [981404](#) Substitute resolution amending a special privilege granted to The Big Apple Corporation d/b/a Bayou, to place a covered walk and two movable sidewalk planters on the west side of North Water Street within the public right-of-way at the 1133-37 building entrance to now change the name of the grantee of the special privilege to Bayou L.L.C., in the 4th Aldermanic District in the City of Milwaukee. Whereas, The Big Apple Corporation d/b/a Bayou was granted a special privilege under Common Council Resolution File Number 980388, adopted on July 24, 1998, to place and maintain a covered walk and two movable sidewalk planters within the public right-of-way at the North Water Street entrance to the building located at 1133-37 North Water Street; and

Whereas, The current owner of the business is Bayou L.L.C., and should now be named as the grantee of the special privilege; and

Whereas, Said covered walk and sidewalk planters may only legally occupy 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 Common Council Resolution File Number 980388 is hereby rescinded; and, be it

Resolved, By the Common Council of the City of Milwaukee that Bayou L.L.C., 14011 North Port Washington Road, Mequon, WI 53097, is hereby granted the following special privileges:

1. To keep and maintain a covered walk at the property known as 1133-37 North Water Street. Said covered walk, 7-feet 5-inches in width, is centered approximately 47 feet south of the southline of East Juneau Avenue and encroaches approximately 10 feet into the 12-foot wide fully concrete paved sidewalk area on the west side of North Water Street at the 1133-37 North Water Street address. The covered walk is 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 is centered approximately 2 feet from the curblines. There is an approximately 7-foot 5-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 4-inches. Draperies at the front corners shall be allowed as long as they are in good taste and do not cause a hazard.

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. 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 12 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.

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

2. To keep and maintain two 24-inch diameter above-ground flower pots/planters within the 12-foot wide fully concrete paved public sidewalk area on the west side of North Water Street abutting the building at 1133-37 North Water Street. Said planters shall be placed on either side of the main entrance to the building, which is centered approximately 47 feet south of the southline of East Juneau Avenue.

Said flower pots/planters shall be placed and maintained to the approval of the Departments of Public Works and Neighborhood Services. The plant material shall be approved by and maintained to the satisfaction of the City Forester.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Bayou L.L.C., 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 \$105.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works any curb, pavement or other public improvement which was removed,

changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

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

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

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) [981369](#) Resolution authorizing the execution of a three-year lease with the Mitchell Novelty Company for the off-street parking lot located at 3506 West National Avenue. (DPW)

Whereas, The City of Milwaukee has entered into a lease and lease extensions since 1993 with Mitchell Novelty Company for the off-street parking lot located at 3506 West National Avenue; and

Whereas, Mitchell Novelty Company has requested that this lease be renewed for a three-year term beginning on the first day of January 1999, under the same terms and conditions as the original lease and extensions, at a rental rate of One Thousand Twenty Dollars (\$1,020.00) per calendar year; and

Whereas, The leased premises shall be used by Mitchell Novelty Company for the use of its employees and customers; and

Whereas, There is sufficient off-street public parking in this area, and no additional public parking needs have been identified for these premises; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officers are hereby authorized to enter into a three-year lease with Mitchell Novelty Company, beginning on the first day of January 1999, and ending on the thirty-first day of December 2001, with two one (1) year extensions permitted at the option of the City, for the off-street parking lot located at 3506 West National Avenue at the

rental rate of One Thousand Twenty Dollars (\$1,020.00) per year.

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) [981405](#) Resolution to vacate the alley in the block bounded by East Corcoran Avenue, East Erie Street, vacated North Jackson Street, North Jefferson Street, and East Polk Street, in the 4th Aldermanic District. (DCD)

Whereas, It is proposed that the alley in the block bounded by East Corcoran Avenue, East Erie Street, vacated North Jackson Street, North Jefferson Street, and East Polk Street 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

- 6) [981478](#) Substitute resolution approving a Three-Year Harbor Development Statement of Intentions for the Port of Milwaukee.

Whereas, The Wisconsin Department of Transportation, in accord with State Statute, requires a Statement of Project Intentions from local units of government intending to apply for Federal and/or State aid for harbor-related work of benefit to commercial transportation within the next three years; and

Whereas, The Three-Year Harbor Development Statement of Intentions attached to this file describes proposed improvements which are in the best interest of the Port of Milwaukee, City of Milwaukee; and

Whereas, The Port of Milwaukee has carefully reviewed the estimated project costs, funding sources, physical location and alternatives to the proposed projects; and

Whereas, This Three-Year Harbor Development Statement of Intentions is used by the Wisconsin Department of Transportation for planning purposes only and is not a petition for Federal and/or State aid; and

Whereas, The Board of Harbor Commissioners approved the Three-Year Harbor Development Statement of Intentions at its meeting of January 13, 1999; and

Whereas, All projects included in the three-year program are contingent upon future Common Council approval of each project prior to proceeding with the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Three-Year Harbor Development Statement of Intentions attached to this file is 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

7) Substitute resolutions authorizing sidewalk replacement:

a) [981517](#) Resolution authorizing a sidewalk replacement by City crews at scattered sites in the City of Milwaukee. ST23090105 (816-100) (Infrastructure Services Div.)

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

Whereas, It is proposed that sidewalk replacement work be done as requested by City of Milwaukee property owners; and

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

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works be, and is hereby authorized and directed to proceed to do the above described sidewalk replacement work, and the City Comptroller is hereby authorized and directed to transfer \$200,000 from Account No. 0333-4926-ST23090000 and \$50,000 from Account No. 0330-4926-ST23090000, which is available from Subaccounts; and, be it

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

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) [981518](#) Resolution authorizing a sidewalk replacement project in the Thirteenth Aldermanic District. (Infrastructure Services Div.)

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

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

Area bounded by: West Edgerton Avenue, South 27th Street, West Layton Avenue and South 13th Street in the Thirteenth Aldermanic District. ST23090102 (816-370)

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

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works be, and is hereby authorized and directed to proceed to do the above described sidewalk replacement work, and the City Comptroller is hereby authorized and directed to transfer \$141,500 from Account No. 0333-4926-ST23090000 and \$296,000 from Account No.0330-4926-ST23090000, which is available for Subaccounts; and, be it

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

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) [981519](#) Resolution authorizing a sidewalk replacement project in the Eighth and Sixteenth Aldermanic Districts. (Infrastructure Services Div.)

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

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

Area bounded by: West Greenfield Avenue, West City Limits (Approximately South 39th Street, West Pierce Street and South Layton Boulevard in the Eighth and Sixteenth Aldermanic Districts. ST23090103 (816-371).

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

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works be, and is hereby authorized and directed to proceed to do the above described sidewalk replacement work, and the City Comptroller is hereby authorized and directed to transfer \$142,000 from Account No. 0333-4926-ST23090000 and \$248,000 from Account No.0330-4926-ST23090000, which is available for Subaccounts; and, be it

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

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) [981520](#) Resolution authorizing a sidewalk replacement project in the Seventh Aldermanic District. (Infrastructure Services Div.)

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

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

Area bounded by: West Wright Street, North Sherman Boulevard, West Hadley Street and North 35th Street in the Seventh Aldermanic District ST23090101 (816-369).

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

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works be, and is hereby authorized and directed to proceed to do the above described sidewalk replacement work, and the City Comptroller is hereby authorized and directed to transfer \$121,000 from Account No. 0333-4926-ST23090000 and \$205,000 from Account No. 0330-4926-ST23090000, which is available for Subaccounts; and, be it

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

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

- e) [981521](#) Resolution authorizing a sidewalk replacement project in the Ninth and Fifteenth Aldermanic Districts. (Infrastructure Services Div.)

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

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

Area bounded by: West Mill Road, North 91st Street, West Good Hope Road and North 76th Street in the Ninth and Fifteenth Aldermanic Districts ST23090104 (816-372).

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

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works be, and is hereby authorized and directed to proceed to do the above described sidewalk replacement work, and the City Comptroller is hereby authorized and directed to transfer \$160,500 from Account No. 0333-4926-ST23090000 and \$374,000 from Account No. 0330-4926-ST23090000, which is available for Subaccounts; and, be it

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

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) [981525](#) Resolution determining it necessary to make various assessable public improvements at various locations. (Infrastructure Services Div.)

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:

7th Aldermanic District

N. 44th St. - W. Clarke St. to W. Center St. ST21190244 (879-0896-7): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000)

12th Aldermanic District

S. Barclay St. - E. Mineral St. to E. National Ave. ST21100150 (870-0852-1): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund --\$5,000)

15th Aldermanic District

W. Donna Dr. - 550 feet m/l east of N. 111th St. to N. 111th St. ST21090127 (839-0902-2): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

W. Heather Ave. - N. 107th St. to N. 114th St. ST21090128 (839-0903-8): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

N. 108th St. - W. Kiehnau Ave. to 100 feet m/l south of W. Green Tree Rd. WT41091374 (829-4693-4): Installing water main extension.

;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) [981526](#) Substitute resolution approving levying of assessments and construction of assessable public improvement projects at various locations.

Whereas, The Common Council of the City of Milwaukee adopted preliminary resolutions, determining it necessary and in the public interest to construct and levy special assessments for the following improvements:

1st Aldermanic District

N. 35th St. - W. Glendale Ave. to W. Courtland Ave. ST21190191 (877-0444-4) File Number 85-381: Asphalt pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$67,885; Assessable Reconstruction Paving Fund -- \$12,085)

N. 35th St. - 395 feet m/l south of W. Glendale Ave. to W. Glendale Ave. ST21190208 (879-0783-2) File Number 880605: Asphalt pavement construction, replace sidewalk and driveway approaches where needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$23,590; Assessable Reconstruction Paving Fund -- \$18,475)

3rd Aldermanic District

N. Cass St. - E. Brady St. to E. Hamilton St. ST21190179 (874-0750-6) File Number 921421: Concrete pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches as needed, sodding, tree removal as necessary, and grading. (Nonassessable Reconstruction Paving Fund -- \$81,850; Assessable Reconstruction Paving Fund -- \$14,040)

5th Aldermanic District

Alley between W. Auer Ave., W. Concordia Ave., N. 90th St., and N. 91st St. ST21200107 (887-0874-9) File Number 960092: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, storm water drainage facilities where needed, and grading. (Nonassessable Alley Paving Fund -- \$68,195; Assessable Alley Paving Fund -- \$25,075)

7th Aldermanic District

W. Meinecke Ave. - N. 27th St. to N. 28th St. ST21190214 (879-0854-8) File Number 970750: Widen the roadway from 30 feet to 32 feet along the south side; replace all curb and gutter, and driveway approaches where needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$19,940; Assessable Reconstruction Paving Fund -- \$4,560)

N. 49th St. - W. Center St. to W. Locust St. ST21190186 (875-0785-4) File

Number 940035: Widen the roadway from 24 feet to 26 feet; asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$131,690; Assessable Reconstruction Paving Fund -- \$62,545)

Alley between W. Auer Ave., W. Burleigh St., N. 40th St. and N. 41st St. ST21290121 (881-0042-1) File Number 960973: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, storm water drainage facilities where needed, and grading. (Nonassessable Alley Paving Fund -- \$48,150; Assessable Alley Paving Fund -- \$22,535)

Alley between W. Auer Ave., W. Concordia Ave., N. 50th St., and N. 51st Blvd. ST21290132 (888-0672-8) File Number 960740: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, storm water drainage facilities where needed, and grading. (Nonassessable Alley Paving Fund -- \$47,735; Assessable Alley Paving Fund -- \$35,315)

7th and 17th Aldermanic Districts

N. 49th St. - W. Lisbon Ave. to W. Center St. ST21190177 (874-0708-7) File Number 921140: Widen the roadway from 24 feet to 26 feet; asphalt pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches as needed, sodding, tree removal where necessary, and grading. (Nonassessable Reconstruction Paving Fund -- \$163,080; Assessable Reconstruction Paving Fund -- \$94,465)

10th Aldermanic District

N. 41st St. - W. Nash St. to W. Roosevelt Dr. ST21190219 (879-0863-7) File Number 970997: Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches as needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$100,720; Assessable Reconstruction Paving Fund -- \$32,835)

Alley between W. Keefe Ave., W. Townsend St., N. 51st Blvd., and N. 53rd St. ST21290129 (888-0487-2) File Number 86-1721: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, storm water drainage facilities where needed, and grading. (Nonassessable Alley Paving Fund -- \$44,925; Assessable Alley Paving Fund -- \$29,735)

14th Aldermanic District

E. Euclid Ave. - E. Hillcrest Ave. to S. Ellen St. ST21190182 (875-0409-9) File

Number 83-1620: Asphalt pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches as needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$94,430; Assessable Reconstruction Paving Fund -- \$31,840)

E. Hillcrest Ave. - S. Kinnickinnic Ave. to S. Ellen St. ST21190183 (875-0415-1) File Number 83-1620: Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches as needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$81,195; Assessable Reconstruction Paving Fund -- \$26,195)

E. Holt Ave. - S. Logan Ave. to S. Pine Ave. ST21190225 (879-0869-X) File Number 970997: Concrete pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches as needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$96,130; Assessable Reconstruction Paving Fund -- \$38,605)

17th Aldermanic District

W. Lloyd St. - N. 32nd St. to N. 35th St. ST21190234 (879-0889-9) File Number 980280: Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches as needed, sodding, tree removal as necessary, and grading. (Nonassessable Reconstruction Paving Fund -- \$93,400; Assessable Reconstruction Paving Fund -- \$8,665)

;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.

Further Resolved, That projects N. 35th St. (877-0444-4), N. 35th St. (879-0783-2), N. Cass St. (874-0750-6), Alley W. Auer Ave. (887-0874-9), N. 49th St. (875-0785-4), Alley W. Auer Ave. (881-0042-1), Alley W. Auer Ave. (888-0672-8), N. 49th St. (874-0708-7), N. 41st St. (879-0863-7), Alley W. Keefe Ave. (888-0487-2), E. Euclid Ave., (875-0409-9), E. Hillcrest Ave. (875-0415-1), E. Holt Ave. (879-0869-X), and W. Lloyd St. (879-0889-9) 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 projects be cancelled from the 1999 Paving Program: 5th Aldermanic District Alley between W. Chambers St., W. Locust St., N. 77th St., and N. 78th St. ST21290141 (888-0742-8) File Number 961238. 15th Aldermanic District N. 81st St. - W. Clovernook St. to W. Acacia St. ST21190232 (879-0887-8) File Number 980184. Alley between W. Carmen Ave., W. Thurston Ave., N. 96th St., and N. 97th St. ST21200117 (888-0720-8) File Number 960973.

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) [981527](#) Resolution to increase funding on previously approved nonassessable public improvement sewer project. (Infrastructure Services Div.)
- Whereas, The Common Council of the City of Milwaukee on December 18, 1998, adopted File Number 981177 approving the authorized funding for a nonassessable sewer project, and

Whereas, This funding resolution is still valid and provides necessary partial funding

authorization for this sewer project, and

Whereas, The additional funds are needed due to a change in the lining of the sewer to maintain the hydraulic capacity of this sewer, and

Whereas, Additional funds must be authorized to undertake the following improvement:

6th Aldermanic District

N. Humboldt Ave. - N. Riverboat Rd. to E. North Ave. SW17190303
(859-0662-1) File Number 981177: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$420,000)

;now, therefore, be it

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

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

Sponsors: THE CHAIR

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

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

No: 0

- 11) [981528](#) Resolution approving construction of nonassessable public improvement projects at various locations. (Infrastructure Services Div.)

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:

5th Aldermanic District

W. Grantosa Dr. (N/S) - N. 82nd St. to N. 84th St. WT41091296 (821-4632-3)

File Number 980034: Relay water main. (Nonassessable Water Fund -- \$80,000)

N. 81st St. - W. Villard Ave. to W. Eggert Pl. WT41091338 (821-4674-2) File Number 980034: Relay water main. (Nonassessable Water Fund -- \$50,000)

6th Aldermanic District

N. Booth St. - E. Clarke St. to E. Center St. SW17190290 (859-0635-4) File Number 980621: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$111,000)

E. Center St. - N. Richards St. to N. Pierce St. SW17190254 (859-0555-X) File Number 971958: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$231,000)

7th Aldermanic District

N. 49th St. - W. Clarke St. to W. Center St. SW17190321 (859-0680-X) File Number 980621: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$143,000)

12th Aldermanic District

Alley between W. National Ave. , W. Pierce St., S. 10th St., S. 11th St. SW17190248 (859-0545-5) File Number 971958: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$28,000)

15th Aldermanic District

N. 98th Ct. - 200 feet m/l south of W. Langlade St. to W. Langlade St. WT41091345 (821-4681-0) File Number 980034: Relay water main. (Nonassessable Water Fund -- \$40,000)

17th Aldermanic District

W. Juneau Ave. (Ext'd) In Easement - N. Callahan Pl. to N. 17th St. SW17190291 (859-0642-2) File Number 971958: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$80,000)

W. Kilbourn Ave. - N. 17th St. to N. 18th St. SW17190259 (859-0566-X) File Number 971958: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$54,000)

W. Lisbon Ave. - Alley 200 feet m/l west of N. 42nd St. to N. 44th St.
SW17190249 (859-0547-6) File Number 971958: Relay combined sewer.
(Nonassessable Relief and Relay Sewer Fund -- \$111,000)

W. Lisbon Ave. - N. 49th St. to N. 50th St. SW17190250 (859-0549-7) File
Number 971958: Relay combined sewer. (Nonassessable Relief and Relay Sewer
Fund -- \$100,000)

N. 17th St. - W. Kilbourn Ave. to W. Wells St. SW17190293 (859-0651-1) File
Number 971958: Relay combined sewer. (Nonassessable Relief and Relay Sewer
Fund -- \$428,000)

N. 49th St. - W. Lisbon Ave. to W. Meinecke Ave. SW17190339 File Number
981529: Relay combined sewer. (Nonassessable Relief and Relay Sewer Fund --
\$54,000)

;now, therefore, be it

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

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

Sponsors: THE CHAIR

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

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

No: 0

12) [981529](#)

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

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:

15th Aldermanic District

N. 111th St. - 120 feet m/l south of W. Arch Ct. to W. Donna Dr. ST21090125
(839-0900-1): Paving the roadway with concrete. Laying a concrete curb and gutter.

Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

N. 111th St. - W. Donna Dr. to W. Heather Ave. ST21090129 (839-0904-3):
Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

N. 114th St. - W. Heather Ave. to W. Brown Deer Rd. ST21090126 (839-0901-7):
Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

16th Aldermanic District

N. 36th St. - W. McKinley Ave. to W. Vliet St. WT41091392: Relaying water main.
(Nonassessable Water Fund -- \$5,000)

17th Aldermanic District

N. 49th St. - W. Lisbon Ave. to W. Meinecke Ave. SW17190339: Relaying
combined sewer.

;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

- 13) [981557](#) Resolution authorizing and directing the Commissioner of Public Works to execute document titled "State/Municipal Agreement for a Highway Improvement Project" with the Wisconsin Department of Transportation for the construction of West O'Conner Street and West Kearney Street from South 84th Street to South 68th Street in the City of Milwaukee. (Infrastructure Services Div.)
- Whereas, The Wisconsin Department of Transportation (WISDOT) is proposing to improve the I-94 (East-West Freeway) frontage roads, also known as West O'Connor Street and West Kearney Street between South 84th Street and South 68th Street; and

Whereas, The Wisconsin Department of Transportation (WISDOT) has forwarded an agreement to be executed by the City of Milwaukee for the project; and

Whereas, The WISDOT will fund 100% of the project costs except sidewalk, sewer and plan review costs; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works (CPW) is hereby authorized and directed to execute the agreement for the construction of the aforementioned project, a copy of which is attached to Common Council Resolution File Number 981557, 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 preliminary engineering and plan review for the project (expenditure) and transfer to any of these Project/Grant Chartfield Values the amount required under the grant agreement and City accounting policy but not to exceed a 10 percent increase of the total amount appropriated for the local share or \$5,000, whichever is greater, as follows:

West O'Connor Street/West Kearney Street
South 84th Street to South 68th Street

City Share (Non-Accessible)
Fund Number 0333
Project/Grant ST3209000
\$5,000

Estimated Total \$5,000

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) [981559](#) Resolution authorizing the Commissioner of Public Works to enter into an agreement with Milwaukee County and the Village of Butler for the traffic control signals at the intersection of West Hampton Avenue and North 124th Street and an agreement with Milwaukee County, Waukesha County, and the Village of Butler for the traffic control signals at the intersection of West Silver Spring Drive and North 124th Street, both intersections are in the 15th Aldermanic District. (Infrastructure Services Div.)

Whereas, These intersections are currently controlled by traffic signals which will be modified and upgraded with the paving of N. 124th Street and no prior agreements have been reached regarding the design, construction, operation, and maintenance of the traffic control signals; and

Whereas, The issues of cost sharing, ownership, responsibility, and liability will be described and agreed to in these agreements; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works be and hereby is authorized and directed to enter into agreements between the City of Milwaukee and Milwaukee County, Waukesha County, and the Village of Butler as applicable for the design, construction, operation and maintenance of the traffic control signals at the intersection of W. Hampton Avenue and N. 124th Street and the intersection of W. Silver Spring Drive and N. 124th Street.

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) [981560](#) Resolution authorizing the Commissioner of Public Works to issue an excavation permit on pavement less than three years old in West Vine Street just west of North 20th Street for the purpose of installing building service laterals. (DPW)
- Whereas, Kuhs Quality Homes, developer of a single family home at 2008 West Vine Street, proposes to install building service laterals in West Vine Street; and
- Whereas, An open cut method of installation is required; and
- Whereas, This open cut will affect pavement less than three years old and subject to a pavement guarantee; and
- Whereas, The developer desires to install the laterals prior to the expiration of the pavement guarantee to provide services to a new building to be constructed in 1999; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is hereby authorized and directed to issue an excavation permit to allow the installation of service laterals in guaranteed pavement on West Vine Street; and, be it

Further Resolved, That the pavement restoration of the affected street shall be accomplished in accordance with the specifications and restrictions established by the Department of Public Works of the City of Milwaukee.

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) [981568](#) Resolution relative to the naming of the new Metcalfe Park Community Center. (DCD)

Whereas, The Neighborhood Improvement Development Corporation ("NIDC") is developing a new community facility on North Avenue in the Metcalfe Park neighborhood; and

Whereas, This new facility will house a K-4 through 8 Milwaukee Public School and a new Metcalfe Park Branch Boys & Girls Club; and

Whereas, NIDC is seeking funds to construct this facility from local Foundations, Corporations, individuals, as well as local units of Government; and

Whereas, The Todd Wehr Foundation, Inc., has agreed to pay NIDC, without interest, \$100,000 within 90 days of the commencement of actual construction, but not prior to June 30, 1999; and

Whereas, The Todd Wehr Foundation has agreed to pay \$100,000 annually on or before December 15th of each of the years following commencement of actual construction, until a total of \$600,000 has been paid; and

Whereas, The Todd Wehr Foundation has requested that the facility be named the Todd Wehr Metcalfe Park Community Center; and

Whereas, Ralph Metcalfe was a prominent African American graduate of Marquette University who went on to win Gold, Silver, and Bronze medals at the 1932 and 1936 Olympics and was a Member of Congress representing Illinois from 1971 until his death in 1978; and

Whereas, The Metcalfe Park Residents Association has endorsed the naming of the new facility the Todd Wehr Metcalfe Park Community Center and has requested that the school be named the Ralph H. Metcalfe Neighborhood School; now, therefore, be

it

Resolved, By the Common Council of the City of Milwaukee that the construction by NIDC of the school and Boys & Girls Club in Metcalfe Park is endorsed; and, be it

Further Resolved, That the name of the facility, during its entire useful life, shall be the "Todd Wehr Metcalfe Park Community Center"; and, be it

Further Resolved, That the Common Council of the City of Milwaukee respectfully requests that Milwaukee Public Schools name the new school to be constructed as a part of this facility, the "Ralph H. Metcalfe Neighborhood School".

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

RESOLUTIONS PRESENTED FOR IMMEDIATE ADOPTION

[981593](#) 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)
City of Milwaukee	351-3601-8, -3602-3, -3603-9
City of Milwaukee	324-1506-8, -1507-3, -1509-120-5
City of Milwaukee	324-1009-6, -1010-1, -1011-7
City of Milwaukee	324-0990-100-9, -0992-3
City of Milwaukee	324-0985, -0987-6
City of Milwaukee	324-0985-5, -0986, -0987-6
City of Milwaukee	351-1123-3, -1124-9, -1125-4
City of Milwaukee	351-1410-100, -1410-200, -1411-9, -1412-4, 1414-5, -1415
Heitman Development Co.	003-0181-8

Sponsors: ZONING and NEIGHBORHOODS & DEVELOPMENT COMMITTEE

A motion was made by Ald. Pawlinski 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

[981617](#)

Resolution relating to City of Milwaukee and Milwaukee County approval of future gaming amendments or compacts concerning the Menomonee Valley site or other sites in the city.

Whereas, The amendment to the Forest County Potawatomi Community of Wisconsin and the State of Wisconsin Gaming Compact approved by the Governor and the Tribe on December 3, 1998 stated that "...both the City and the County expressly approve the removal of the existing limitations on Class III games the Tribe may operate on the Menomonee Valley land..."; and

Whereas, The new five-year Compact as amended increased the limit on gaming machines the Potawatomi Tribe may operate from 200 slot machines authorized in the 1992 Compact up to 1,000 slot machines and 25 blackjack tables at the Menomonee Valley site; and

Whereas, The amendment to the Forest County Potawatomi Community of Wisconsin and the State of Wisconsin Gaming Compact of 1992 required the Tribe to deliver City and County Approval Resolutions to the State within 120 days from December 3, 1998; and

Whereas, The City of Milwaukee considers that any future additional gaming on this site or other sites in the city is of paramount local interest and has an impact in the areas of economic development, tourism, public services and social services; and

Whereas, The City of Milwaukee desires the same stipulation in all future gaming amendments or compacts concerning the Menomonee Valley site or other sites in the city; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it is the intent of the City of Milwaukee that City of Milwaukee and Milwaukee County approval be obtained for gaming amendments or compacts concerning the Menomonee Valley site or other sites in the city; and, be it

Further Resolved, That a certified copy of this resolution be sent to Governor Tommy Thompson with the request that he include local approvals in any further gaming amendments or compacts during his term of office and that he urge his successor to do the same.

Sponsors: Ald. Kalwitz and Ald. Pratt

A motion was made by Ald. Pawlinski 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

MOTION PRESENTED FOR IMMEDIATE APPROVAL

[981667](#)

Motion accepting the Forest County Potawatomi Community of Wisconsin's offer of expanding its charitable contributions to Milwaukee and commending it on its continuing, voluntary and expanded financial commitment to the citizens of the City of Milwaukee and Milwaukee County.

Whereas, The Forest County Potawatomi Community of Wisconsin has agreed to a direct minimum payment to the City of Milwaukee and Milwaukee County of \$6.62 million annually; and

Whereas, The Potawatomi Community will pay the City of Milwaukee and Milwaukee County an estimated \$333,000 annually in property taxes and for its proposed parking facility on non-trust land; and

Whereas, The Potawatomi Community will make a \$6 million payment to the State of Wisconsin for economic development initiatives in regions around the casino and promotion of tourism, etc.; and

Whereas, The Potawatomi Community will make an average annual payment of \$26.8 million to the Indian Community School; and

Whereas, The Potawatomi Community will annually generate an estimated \$27.3 million in payroll for Milwaukee area workers, \$24.5 million in purchases from Milwaukee area vendors, and \$3.2 million for health care benefits; and

Whereas, The Potawatomi Community will generate \$53.4 million in construction costs for an expanded facility; and

Whereas, In addition to these economic benefits, the Potawatomi Community has been an outstanding corporate donor and has committed to structuring its charitable contributions through a foundation that will administer and oversee \$3 million annually for the life of the amended compact with respect to the Potawatomi Casino in the City of Milwaukee, and that such voluntary contributions shall be considered a continued commitment to the Milwaukee community; and

Whereas, The Potawatomi Community, through its charitable contributions, seeks to assist those who are faced with economic challenges similar to those once experienced by members of the Potawatomi Community; and

Whereas, The Potawatomi Community, through the foundation, will distribute such contributions totaling \$3 million annually to promote job training and youth development, business development and charitable activities, with a minimum of two-thirds (\$2 million) earmarked for neighborhoods with very low and low-income residents as defined by the U.S. Bureau of the Census, and a minimum of one-third (\$1 million) targeted to other areas; and

Whereas, The Potawatomi Community has agreed to utilize existing community - based organizations involved in job referral to hire residents from neighborhoods having very low and low-income residents with respect to employment at the Potawatomi Casino in the City of Milwaukee; and

Whereas, The Potawatomi Community has agreed to a 25% goal for utilization of disadvantaged business enterprises, as defined in s. 360-01-9 of the Milwaukee Code of Ordinances, for contracts and subcontract dollars expended on pre-construction and construction activities, the purchase of services, and the purchase of professional services and supplies with respect to expansion of the Potawatomi Casino in the City of Milwaukee; now, therefore

It is moved, By the Common Council of the City of Milwaukee, that the Common Council herewith accepts the Forest County Potawatomi Community of Wisconsin's offer of expanding its charitable contributions and commends it on its continuing, voluntary and expanded financial commitment to the citizens of the City of Milwaukee and Milwaukee County.

Sponsors: Ald. Hines Jr., Ald. Kalwitz, Ald. Pratt, Ald. Frank and Ald. Gordon

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

Aye: 12 - Pratt, Kalwitz, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Witkowiak, Pawlinski, Breier, Nardelli Hines Jr.

No: 4 - D'Amato, Richards, Butler Murphy

Excused: 1 - Scherbert