

# City of Milwaukee

*City Hall  
200 East Wells Street  
Milwaukee, WI 53202*



## Common Council Minutes

Tuesday, May 20, 2008

9:00 AM

Common Council Chambers

**COMMON COUNCIL**

The meeting was called to order at 9:13 a.m.

The roll was called.

*Ald. Davis and Witkowski were both originally noted as absent.*

*Ald. Davis arrived at 9:16 a.m..*

*Ald. Witkowski arrived at 9:19 a.m.*

**Present: 13 -**

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

**Excused: 2 -**

Wade, Puente

The Pledge of Allegiance was said followed by a moment of silent meditation.

The question was put: Are there any corrections to the Common Council Journal of Proceedings for the Charter Meeting of April 15, 2008?

There being none, the minutes of that meeting were approved without objection.

Various commendatory and condolatory resolutions were read and approved without objection.

## THE LICENSES COMMITTEE RECOMMENDS:

## PASSAGE OF THE FOLLOWING:

1. [071518](#) A substitute ordinance relating to Class “B” tavern license holders exercising an age restriction.

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

Part 1. Section 84-5-3 of the code is renumbered to 84-5-4.

Part 2. Section 84-5-3 of the code is created to read:

84-5. Discrimination by License Holders.

3. LICENSEES EXERCISING AGE DISTINCTION IN THE INTEREST OF PUBLIC ORDER. Notwithstanding sub. 1, Class “B” tavern license holders may, in the interest of the public order and keeping the general peace, exercise a predetermined age restriction that must be posted at the establishment. A declaration required by sub. 2, minus the age provision, shall be required for the holders of these licenses.

Part 3. Section 90-5-1-c-2-i of the code is renumbered to 90-5-1-c-2-j.

Part 4. Section 90-5-1-c-2-i of the code is created to read:

90-5. Licensing.

1. APPLICATION: FORM AND CONTENTS.

c-2-i. What, if any, age distinctions are planned or currently conducted at the premises.

**Sponsors:** Ald. Bohl

**Attachments:** [Fiscal Note](#)  
[Notice List](#)  
[Notice Published on 6-6-08](#)

**PASSED**

**Aye:** 12 - Hamilton, Davis, Kovac, Bauman, Bohl, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 1 - Coggs

**Excused:** 2 - Wade Puente

2. [080009](#) A substitute ordinance relating to standardizing license and permit procedures for hearings and appeals.

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

Part 1. Section 68-4-3-a of the code is amended to read:

68-4. Food Dealer License.

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

Part 2. Section 68-4-10-d to f of the code is amended to read:

10. PROCEDURE FOR DENIAL OR NON-RENEWAL OF LICENSE.

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

e. Whenever the [[utilities and licenses]]>>licensing<< committee recommends non-renewal of an existing license, the applicant shall be given no less than 5

>>working << days notice of the date set for hearing by the common council. >>An applicant whose existing license has been recommended for non-renewal may submit a written statement containing objections, exceptions and arguments of law and fact, if any. If the committee hearing was initiated upon the objection of an interested party who has appeared and offered evidence, the objector may also submit a written statement or response. Any written statement or response shall be filed in the office of the city clerk before the close of business on a day that is 3 working days before the day set for hearing by the council.<<

f. At the meeting of the common council, the chair shall allow oral argument by an applicant >>for a renewal license and by an objector under sub.3-a, if any,<< who [[, at least 2 days prior to the date of the meeting, has presented written objections to the recommendation of the utilities and licenses committee]] >>has timely filed a written statement or response to the report and recommendations of the licensing committee. An applicant for license renewal shall appear in person or by counsel. A corporate licensee shall appear only by its designated agent or by counsel. A partnership shall appear only by a partner or by counsel. A limited liability company shall appear only by its designated agent or by counsel. Any person making an appearance before the council pursuant to this paragraph and who requires the services of an interpreter shall obtain one at his or her own expense<<. The city attorney shall also be permitted to make a statement. Oral arguments shall be limited to 5 minutes on behalf of each party.

Part 3. Section 68-4-15 of the code is repealed and recreated to read:

15. PROCEDURE FOR REVOCATION OR SUSPENSION. a. Notice and Service. Whenever either sworn written charges or a sworn written complaint are filed with the commissioner setting forth specific charges against a licensee relating to any of the causes for revocation or suspension of a license set forth in sub. 11, the procedures for notice and service of notice provided in s. 85-3 shall apply.

b. Committee Hearing. The licensing committee shall convene and hear the matter upon the complaint for revocation or suspension filed and noticed under par. a in the manner provided in s. 85-4-1 and 2 and shall prepare and submit a report as required by ss. 85-4-5 and 85-5-1. Grounds for revocation and suspension shall be those provided in sub. 11.

c. Council Action. Written statements in response to the findings and recommendations of the licensing committee shall be filed with the city clerk in the manner provided in s. 85-5-2, and copies shall be provided to common council members in the manner provided in s. 85-5-3. The procedures provided in s. 85-5-4 shall govern the conduct of the meeting of the common council.

Part 4. 68-4-16 of the code is amended to read:

16. REQUEST TO SURRENDER A LICENSE. [[In the event that]]>>If<< a licensee wishes to surrender his or her license after receiving a notice for a hearing on possible revocation or suspension under this section, the licensee shall request, in writing, permission from the [[utilities and licenses]] >>licensing<< committee [[of the common council]] to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the suspension or revocation hearing.

Part 5. Section 84-7-12-b of the code is repealed and recreated to read:

b. Procedure for Non-renewal. If there is a possibility that the licensing committee will not renew the license, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in s. 85-3 to 5 shall apply.

Part 6. Section 84-7-14 of the code is repealed and recreated to read:

14. HEARING PROCEDURE. a. Committee Procedure. The licensing committee shall conduct hearings with respect to the non-renewal, suspension or revocation of a license in the manner provided in ss. 85-3 and 85-4 relating to notice, conduct of the hearing, preparation of the record and s. 85-5-1 relating to the preparation and submission of a report.

b. Grounds for Non-Renewal, Suspension or Revocation. The recommendation of the committee regarding the licensee shall be based on evidence presented at the hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

b-1. Failure of the licensee to meet the municipal qualifications.

b-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the licensee or by any employee of the licensee.

b-3. The licensed premise, between the hours of 12 a.m. and 5 a.m., having been the source of congregations of persons which have resulted in one or more of the following:

b-3-a. Disturbance of the peace.

b-3-b. Illegal drug activity.

b-3-c. Public drunkenness.

b-3-d. Drinking in public.

b-3-e. Harassment of passers-by.

b-3-f. Gambling.

- b-3-g. Prostitution.
- b-3-h. Sale of stolen goods.
- b-3-i. Public urination.
- b-3-j. Theft.
- b-3-k. Assaults.
- b-3-L. Battery.
- b-3-m. Acts of vandalism, including graffiti.
- b-3-n. Excessive littering.
- b-3-o. Loitering.
- b-3-p. Illegal parking.
- b-3-q. Loud noise at times when the licensed premise is open for business.
- b-3-r. Traffic violations.
- b-3-s. Curfew violations.
- b-3-t. Lewd conduct.
- b-3-u. Display of materials harmful to minors, pursuant to s. 106-9.6.
- b-3-v. Any other factor which reasonably relates to the public health, safety and welfare.

c. Council Action. The common council shall consider the matter of non-renewal, revocation or suspension of the license in the manner provided in s. 85-5.

Part 7. Section 84-40-12-b of the code is repealed and recreated to read:

84-40. Shows or Exhibitions.

## 12. RENEWAL OF LICENSES.

b. Procedure for Non-renewal. If there is a possibility that the licensing committee will not renew the license, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply

Part 8. Section 84-40-12-c of the code is repealed.

Part 9. Section 84-40-12-d and e of the code is renumbered 84-40-12-c and d.

Part 10. Section 84-40-13-c of the code is repealed and recreated to read:

## 13. REVOCATION OR SUSPENSION OF LICENSES.

c. Whenever either sworn written charges or a sworn written complaint are filed with the city clerk setting forth specific charges against a licensee involving conduct which would violate ordinances that are grounds for revocation or suspension of a license the

procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply. Grounds for non-renewal, suspension or revocation of a shows or exhibitions license are those provided in sub. 14.

Part 11. Section 84-40-13-d to f is repealed.

Part 12. Section 84-40-14 is repealed and recreated to read:

14. GROUNDS FOR NON-RENEWAL, SUSPENSION OR REVOCATION.

The recommendation of the licensing committee regarding the licensee shall be based on evidence presented at the hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

- a. Failure of the licensee to meet municipal qualifications.
- b. Pending charges or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the licensee, his or her employes, or patrons.
- c. Failure to abide by conditions imposed by the common council pursuant to sub. 7-c.
- d. Neighborhood problems due to management or location.
- e. Any other factor or factors which reasonably relate to the public health safety and welfare or which demonstrate that the establishment has generated undesirable secondary effects set forth in sub. 1.

Part 13. Section 84-45-6-e and f of the code is repealed and recreated to read:

84-45. Filling Stations.

6. PROCEDURE FOR DENIAL OF LICENSE.

e. Whenever the licensing committee recommends non-renewal of an existing license, a report and recommendations shall be prepared and submitted to the common council in the manner provided in s. 85-4-5.

f. The common council shall consider the report and recommendations of the licensing committee in the manner provided in s. 85-5.

Part 14. Section 84-45-6-g of the code is repealed.



Part 15. Section 84-45-6-h of the code is renumbered 84-45-6-g.

Part 16. Section 84-45-12 of the code is repealed and recreated to read:

12. PROCEDURES FOR REVOCATION OR SUSPENSION. Whenever any person files either sworn written charges or a sworn written complaint with the commissioner setting forth specific charges against a licensee involving conduct which would violate statutes or ordinances that are grounds for revocation or suspension of a license as provided in sub. 7, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided at ss. 85-3 to 85-5 shall apply.

Part 17. Chapter 85 of the code is created to read:

CHAPTER 85  
DUE PROCESS PROCEDURES APPLICABLE TO  
LICENSE AND PERMIT DETERMINATIONS

TABLE

85-1	Purpose and Scope
85-2	Definitions
85-3	Notice and Service
85-4	Hearing Procedure
85-5	Council Action

85-1. Purpose and Scope. 1. PURPOSE. It is the purpose of the common council to assure uniformity and clarity in the procedures under which certain licenses and permits are considered for renewal, non-renewal, suspension and revocation. It is the further purpose of the common council to guarantee to licensees, permittees and members of the public those protections of due process of law respecting a full and fair right to be heard upon adequate notice, to confront and cross-examine witnesses, to have the benefit of rules of evidence, and to present evidence and arguments of law and fact.

2. SCOPE AND APPLICATION. The provisions of this chapter shall not supercede or replace any provision contained elsewhere in this code respecting licenses and permits, but shall apply where provisions for notice, committee hearing or council action are otherwise silent.

85-2. Definitions. 1. APPLICANT means any person, partnership, corporation,

limited liability company or other firm causing, either directly or by agent or counsel, a written application for license or license renewal or for a permit or permit renewal to be filed with an office of the city for consideration and determination by the common council. For purposes of this chapter, applicant shall also mean a licensee or permittee subject to suspension or revocation proceedings.

2. COMMITTEE means the licensing committee or permitting committee designated by common council ordinance or rule to review and hear matters related to identified licenses or permits.

3. COMPLAINANT means a person or party who asserts an interest affected by the operation or proposed operation of a licensee, or the issuance or continuance of a permit, who files a written complaint in compliance with the provisions of this code or the provisions of state law with respect to the license or permit.

4. OBJECTOR means a person or party affected by the operation or proposed operation of a licensee, or who is or may be affected by the issuance or continuance of a permit, whose written objection is sufficient under this code to initiate proceedings for non-renewal, suspension or revocation of a license or permit

85-3. Notice and Service. 1. NOTICE OF POSSIBLE NON-RENEWAL, SUSPENSION OR REVOCATION. a. Unless otherwise provided, the city clerk, or other city official or department authorized by the code to receive applications for licenses or permits, shall provide written notice of the possibility of non-renewal, or of suspension or revocation of a license or permit to the applicant addressed to the person or agent at the address most recently provided by the applicant.

b. Written notice of possible non-renewal, suspension or revocation shall include:

b-1. The date, time and place of a hearing to be held by the committee.

b-2. A statement of the common council's intent to revoke, suspend or not renew the license or permit if objections, charges or allegations are found to be true.

b-3. A statement of the specific reasons for revocation, suspension or non-renewal.

b-4. A statement that an opportunity will be provided to respond to and challenge the reasons for revocation, suspension or non-renewal, and to present witnesses under oath and to confront and cross-examine witnesses under oath.

b-5. A statement that the applicant may be represented by an attorney of the applicant's choice at the expense of the applicant.

b-6. A statement that, if the applicant requires the assistance of an interpreter, the applicant may employ an interpreter at the expense of the applicant.

b-7. A statement that, upon conclusion of a hearing before the committee, the committee will prepare a written report and recommendation to the common council, and shall provide a copy of the report and recommendation to the applicant.

2. SERVICE OF DOCUMENTS. Service of notices of meetings and service of other documents including committee reports and recommendations shall be made upon any party entitled to such notice and service by placing the same in the United States first class mail, postage prepaid.

85-4. Hearing Procedure. 1. AUTHORITY OF COMMITTEE. The committee shall conduct hearings with respect to the non-renewal, suspension or revocation of a license or permit pursuant to this section. The chair of the committee shall be the presiding officer.

2. COMMITTEE HEARING PROCEDURE. a. The chair shall advise the applicant of the right to proceed to a due process hearing represented by counsel with all testimony, both direct and cross examination, under oath or that the applicant may simply make a statement to the committee.

b. The chair shall direct that oaths be administered and subpoenas issued upon request of any party.

c. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this section. The chair shall open the hearing with a statement that a notice was sent to the applicant, and, if the applicant appears, shall further inquire whether the notice was received. In the event that the applicant does not admit receipt of the notice and also denies knowledge of the contents of the notice, the chair shall ascertain whether the applicant wishes to immediately proceed to a full hearing or whether the applicant wishes the matter to be held to the call of the chair or to a time certain. The decision to proceed or to hold the matter shall be made by the committee.

d. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

3. RECORD. A stenographic record shall be made of all proceedings before the committee and before the common council when written responses or statements have been timely filed by the licensee, permittee or complainant or objector, if any. Any interested party may at any stage of the proceedings order a copy of the transcript of the record or portions thereof at his or her own expense.

#### 4. GROUNDS FOR NON-RENEWAL, SUSPENSION OR REVOCATION.

The recommendations of the committee regarding the applicant shall be based on evidence presented at the hearing. Unless otherwise specified in the code, probative evidence concerning non-renewal, suspension or revocation may include evidence of:

- a. Failure of the applicant to meet municipal qualifications.
  
- b. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed or permitted activity, by the applicant or by any employe or other agent of the applicant.
  
- c. If the activities of the applicant involve a licensed premise, having been the source of congregations of persons which have resulted in any of the following:
  - c-1. Disturbance of the peace.
  - c-2. Illegal drug activity.
  - c-3. Public drunkenness.
  - c-4. Drinking in public.
  - c-5. Harassment of passers-by.
  - c-6. Gambling.
  - c-7. Prostitution.
  - c-8. Sale of stolen goods.
  - c-9. Public urination.
  - c-10. Theft.
  - c-11. Assaults.
  - c-12. Battery.
  - c-13. Acts of vandalism, including graffiti.
  - c-14. Excessive littering.

- c-15. Loitering.
- c-16. Illegal parking.
- c-17. Loud noise at times when the licensed premise is open for business.
- c-18. Traffic violations.
- c-19. Curfew violations.
- c-20. Lewd conduct.
- c-21. Display of materials harmful to minors, pursuant to s. 106-9.6.
- c-22. Any other factor which reasonably relates to the public health, safety and welfare.

5. HEARING OFFICER. Where it is impractical for the committee to hold an evidentiary hearing, the committee may employ a hearing officer for the purposes of taking testimony and rendering recommended findings of fact and conclusions of law to the committee. When such hearing officer is employed, he or she shall prepare written findings of fact and conclusions of law which shall be simultaneously transmitted to the committee as well as to the applicant, the applicant's agent, manager, operator or any other employe of the applicant, and to the person bringing the complainant or objector. The chair of the committee shall schedule a hearing on the receipt of the report of the hearing officer in not more than 30 days from receipt of the report. Notice of the committee hearing on the report shall be given to all parties. The committee may take and reserve additional evidence at the time of said hearing. The committee may accept or reject the report of the hearing officer or make any changes to the report which are warranted by the circumstances, the evidence presented and any arguments of the parties who appeared before the hearing officer and the committee. The committee shall transmit its recommendation to the full common council for action as provided in sub. 6.

6. COMMITTEE REPORT. The committee may make a report and recommendations immediately following the hearing or at a later date. The committee may recommend that the license or permit be renewed, not renewed, suspended or revoked. In addition, if the committee determines that circumstances warrant, the committee may recommend that the license or permit be renewed conditioned upon a suspension of the license or permit for a defined period of time. When the committee elects to recommend that a license or permit be renewed with a period of suspension, the license or permit may be suspended for a period of not less than 10 days and no

more than 90 days.

85-5. Council Action. 1. REPORT TO BE PROVIDED. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation upon the applicant and upon the complainant or objector, if any. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. A copy of the report shall be distributed to each member of the common council.

2. FILING WRITTEN STATEMENTS OR RESPONSES. Following a recommendation by the committee that the license or permit not be renewed, or that the license or permit be revoked or suspended, the applicant may submit a written statement including objections, exceptions and arguments of law and fact. When the proceedings have been commenced upon the complaint or objection of an interested party who has appeared and offered evidence, the complainant or objector may also submit a written statement in response. Written statements shall be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

3. COPIES TO BE PROVIDED TO COMMON COUNCIL MEMBERS. A copy of any statement in response to the report and recommendations of the committee that is timely filed shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

4. PROCEDURE AT MEETING OF THE COMMON COUNCIL. a. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendations. The city clerk shall notify the applicant, and the complainant or objector, if any, by United States first class mail, postage prepaid, 5 working days prior to the hearing before the common council, and shall also notify the city attorney, that the council will convene to act upon the report and recommendations.

b. Each member of the common council shall be asked to affirm that he or she has read the report and recommendations of the committee. When a written statement has been timely filed by the applicant, or by a complainant or objector, each member of the common council shall be asked to affirm that he or she has read the statement. If members of the council have not read the recommendation and report of the committee and any statement in response that has been timely filed, the chair shall allocate time for the members to do so.

c. Oral argument on behalf of the applicant, and oral argument by the complainant or objector, if any, shall be permitted only to those parties having timely filed a written statement. Oral argument shall be limited to 5 minutes. The city attorney shall also be

permitted to make an oral presentation of not more than 5 minutes.

d. Applicants shall appear only in person or by counsel. Corporate applicants shall appear only by designated agents or counsel. Partnerships shall be represented only by a partner or counsel. Limited liability companies shall be represented only by designated agents or counsel. Complainants and objectors shall appear only in person or counsel. Any person making an appearance before the council who requires the services of an interpreter shall obtain one at his or her own expense.

e. The common council shall determine by a majority roll call vote of those in attendance and voting whether to adopt the recommendation of the committee. The city clerk shall provide written notice of the decision to the applicant, and to the complainant or objector, if any, including a written statement or summary of the reasons for the decision.

f. Unless otherwise expressly provided, the revocation of a license or permit shall be effective upon service of the notice of decision upon the applicant or upon any person having charge or control of a licensed premises. Suspension of a license or permit in proceedings for revocation shall be effective upon service of the notice of decision upon the applicant or upon any person having charge or control of a licensed premises. Suspension of a license or permit in proceedings for renewal shall be effective on the date of license renewal. A license or permit may be suspended for not less than 10 days and no longer than 90 days.

Part 18. Section 89-23-2 of the code is repealed and recreated to read:

89-23. Procedures for Renewal, Non-renewal, Revocation or Suspension of Licenses.

2. NON-RENEWAL, SUSPENSION OR REVOCATION. a. Procedure. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply.

b. Revocation or Suspension Proceedings. Any license issued under this section may be suspended or revoked for cause. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

c. Grounds for Non-renewal, Suspension and Revocation. The recommendation of the committee regarding the licensee must be based upon evidence presented at the

hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

c-1. Failure of the licensee to meet the municipal qualifications or any of the terms of this section.

c-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the licensee, his or her employees, or frequenters.

c-3. Failure to abide by conditions imposed by the common council pursuant to s. 89-7-3-h.

c-4. Neighborhood problems due to management or the appropriateness of the location and premises where the principal business is located.

c-5. Any other factor or factors which reasonably relate to the public health, safety and welfare or which demonstrate that the premises where the place of business is located has generated the undesirable secondary effects.

d. Disqualification. d-1. Whenever a license is denied renewal or is revoked for a reason not relating to the fitness of the location of the premises, it shall be entered on the record by the city clerk and no escort service license shall be granted to the same person for a period of 12 months following the date of non-renewal.

d-2. Whenever any license is denied renewal or is revoked for a reason relating to the fitness of the location of the premises, it shall be entered on the record by the city clerk and no other application for an escort service license involving the location shall be recommended for approval by the licensing committee within 3 years of the date of non-renewal or revocation unless the applicant has demonstrated a change of circumstances since the revocation as set forth in s. 89-7-4.

e. Surrender. Unless otherwise expressly provided, if a licensee wishes to surrender his or her license after receiving a notice of a hearing on non-renewal, revocation or suspension, the licensee must request permission from the licensing committee to do so prior to commencement of the hearing. The committee may approve the request or deny the request and proceed with the hearing. When any license is surrendered in lieu of a pending non-renewal, revocation or suspension hearing, no other escort service or escort license shall be granted to the same person for a period of 12 months following the date of its surrender.

Part 19. Section 89-23-3 to 7 of the code is repealed.



Part 20. Section 90-11-2-c-2, d-2 and d-3 of the code is amended to read:

90-11. Renewal of License

2. PROCEDURE FOR NON-RENEWAL.

c. Recommendation.

c-2. The committee may make a recommendation immediately following the hearing or at a later date. The committee may recommend that the license be renewed or not renewed. In addition, if the committee determines that circumstances warrant it, the committee may recommend that the license be renewed conditioned upon a suspension of the license for a defined period of time. When the committee elects to recommend that a license be renewed with a period of suspension, the license may be suspended for not less than 10 days and no longer than 90 days. Such suspension shall commence on the effective date of the license renewal. Following the hearing, the committee shall submit a report to the common council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the council should take. The committee shall provide the complainant and applicant with a copy of the report. The applicant >>and complainant, if any,<<may file a written [[objection]]>>statement in response to the report including objections, exceptions and arguments of law and fact<< [[to the report to the common council]]. [[The objections shall be concisely stated and shall include supporting arguments. Written objections]]>>A written statement<< must be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

d-2. At the meeting of the common council, the chair[[, in his or her discretion, may]] >>shall<< allow oral argument by an applicant or complainant who has [[presented written objections together with supporting arguments]]>>timely submitted a written statement in response<< to the recommendations of the licensing committee. The city attorney shall also be permitted a statement. Oral arguments shall not exceed 5 minutes on behalf of any party. Applicants shall appear only in person or by counsel. Corporate applicants shall appear only by the agent or by counsel. Partnerships shall be represented only by a partner or by counsel. Limited liability companies shall be represented only by the agent or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

d-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

licensing committee and any [[objections]]>>written statements in response<< that have been filed thereto. If they have not, the [[chairman]]>>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 applicant shall be provided with written notice of the results of the vote taken by the full common council.

Part 21. Section 90-12-5-c-2, c-3 and d-1 of the code is repealed and recreated to read:

90-12. Revocation or Suspension of Licenses.

## 5. PROCEDURES FOR REVOCATION OR SUSPENSION.

### c. Committee Report.

c-2. The committee shall provide the licensee, and the complainant, if any, with a copy of the report. The licensee and complainant, may file a written statement or response including objections, exceptions and arguments of law and fact to the report to the common council. A written statement or response must be filed with the city clerk before the close of business on a day that is at least 3 working days prior to the date set for hearing by the common council.

c-3. Any written statement or response to the report and recommendations of the committee shall be filed by the close of business on the day that is 3 working days prior to the date on which the matter is to be heard by the common council. Copies of written statements shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

d. Council Action. d-1. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendations. Not less than 5 working days prior to the hearing before the common council, the city clerk shall notify the licensee and complainant by United States first class mail, postage prepaid, sent to the last known address of the licensee and complainant, and shall also notify the city attorney, of the time and place that the common council will convene. Each member of the common council shall be asked to affirm that he or she has read the report and recommendations of the committee. When written statements or responses are timely filed to a committee report and recommendations that the license be suspended or revoked, each member of the common council shall be asked to affirm that he or she has read the statements or responses. If members of the council have not read the recommendations and report of the committee and any statements or responses that have been filed, the chair shall allocate time for the members to do so. Oral argument in support of the

report and recommendations presented by the city attorney, oral argument on behalf of the licensee in opposition to the report and recommendations and oral argument by the complainant objecting to the report and recommendations shall be permitted where written statements or responses have been timely filed. Argument shall be limited to 5 minutes and the arguments shall be limited to the subject matter of the report and recommendations and the written exceptions. Licensees shall appear only in person or by counsel. Corporate licensees shall appear only by the agent or by counsel. Partnerships shall be represented only by a partner or by counsel. Limited liability companies shall be represented only by the agent or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

Part 22. Section 92-3-9-b to d of the code is repealed and recreated to read:

92-3. Junk Collectors and Dealers.

9. PROCEDURES FOR RENEWAL, NON-RENEWAL, REVOCATION OR SUSPENSION.

b. Revocation or Suspension. Any license issued under this section may be revoked or suspended for cause by the common council. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

c. Due Process Hearing and Common Council Review. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply.

d. Grounds for Non-renewal, Revocation or Suspension. The recommendation of the committee regarding the licensee must be based on evidence presented at the hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

d-1. Failure of the licensee to meet the municipal qualifications or any of the terms of this section.

d-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the licensee, his or her employees,

or frequenters.

d-3. Failure to abide by conditions imposed by the common council pursuant to sub. 5-h-1.

d-4. Failure to abide by provisions of the building and zoning code relating to the deposit of junk and the parking of commercial vehicles.

d-5. Neighborhood problems due to management or the appropriateness of the location and premises where the principal business or additional storage yard is located.

d-6. A showing that the premises where the principal place of business or additional storage yard is located has been the source of one or more of the following: disturbance of the peace; sale or purchase of stolen goods; excessive littering; loud noise at times when the operation is open for business; traffic violations.

d-7. Any other factor which reasonably relates to the public health, safety and welfare or which demonstrate that the premises where the principal place of business or additional storage yard is located has generated undesirable secondary effects.

Part 23. Section 92-3-9-e and f of the code is created to read:

e. Disqualification. e-1. Whenever a license is denied renewal or is revoked for a reason not relating to the fitness of the location of the premises, it shall be entered on the record by the city clerk and no license shall be granted to the same person for a period of 12 months following the date of non-renewal.

e-2. Whenever any license is denied renewal or is revoked for a reason relating to the fitness of the location of the premises, it shall be entered on the record by the city clerk and no other application for a junk dealer or junk collector license involving the location shall be recommended for approval by the licensing committee within 3 years of the date of non-renewal or revocation unless the applicant has demonstrated a change of circumstances since the revocation as set forth in sub. 7.

f. Surrender. If a licensee wishes to surrender his or her license after receiving a notice of a hearing on non-renewal, revocation or suspension, the licensee must request permission from the licensing committee to do so prior to commencement of the hearing. The committee may approve the request or deny the request and proceed with the hearing. When any license is surrendered in lieu of a pending non-renewal, revocation or suspension hearing, no other license shall be granted to the same person for a period of 12 months following the date of its surrender.

Part 24. Section 93-11 of the code is repealed and recreated to read:

93-11. Renewal, Non-renewal, Revocation or Suspension of License.

1. APPLICATION FOR RENEWAL. Application for renewal of a license shall be made to the city clerk and forwarded to the licensing committee for its recommendation to the common council after reports, to be issued within 15 days, by the police department, the department of neighborhood services and the health department indicating that the applicant still meets all of the licensing qualifications.

2. REVOCATION OR SUSPENSION. Any license issued under this section may be revoked or suspended for cause by the common council. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

3. DUE PROCESS AND COMMON COUNCIL REVIEW. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply.

4. GROUNDS FOR NON-RENEWAL, REVOCATION OR SUSPENSION. The recommendation of the committee regarding the licensee shall be based on evidence presented at the hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

- a. Failure of the licensee to meet the municipal qualifications or any of the terms of this section.
- b. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the licensee, his or her employes, or patrons other than those specified in s. 218.0116, Wis. Stats., as amended.
- c. Neighborhood problems due to management or the appropriateness of the location and premises where the principal business or additional storage yard is located.
- d. Failure to abide by the plan of operation submitted pursuant to s. 93-7-2-h.
- e. A showing that the premises where the principal place of business or additional storage yard is located has been the source of one or more of the following: disturbance of the peace; sale or purchase of stolen goods; excessive littering; loud noise at times when the operation is open for business; traffic violations.

f. If the licensee is a firm, corporation or limited liability company, it shall be sufficient cause for denial, suspension or revocation of a license that any officer, director, trustee or manager of the firm, corporation or limited liability company, or any member in case of a partnership, has been guilty of any act or omission which would be cause for non-renewal, suspension or revocation of a license to that party as an individual. Each licensee shall be responsible for the acts of any or all of his or her employes while acting as his or her agent.

g. Any other factor or factors which reasonably relate to the public health, safety and welfare or which demonstrate that the premises where the principal place of business or additional storage yard is located has generated undesirable secondary effects.

5. DISQUALIFICATION. a. Whenever a license is denied renewal or is revoked for a reason not relating to the fitness of the location of the premises, it shall be entered on the record by the city clerk and no secondhand motor vehicle and auto wrecker license shall be granted to the same person for a period of 12 months following the date of non-renewal.

b. Whenever any license is denied renewal or is revoked for a reason relating to the fitness of the location of the premises, it shall be entered on the record by the city clerk and no other application for a secondhand motor vehicle and auto wrecker license involving the location shall be recommended for approval by the licensing committee within 3 years of the date of non-renewal or revocation unless the applicant has demonstrated a change of circumstances since the non-renewal or revocation in the manner set forth in sub. 9-4-b.

6. SURRENDER. If a licensee wishes to surrender his or her license after receiving a notice of a hearing on non-renewal, revocation or suspension, the licensee must request permission from the licensing committee to do so prior to commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing. When any license is surrendered in lieu of a pending non-renewal, revocation or suspension hearing, no other secondhand motor vehicle and auto wrecker license shall be granted to the same person for a period of 12 months following the date of its surrender.

Part 25. Section 93-13 of the code is repealed.

Part 26. Section 95-14-9-0 and b to e of the code is repealed and recreated to read:

95-14. Home Improvement Contractor and Salesperson Licenses.

9. PROCEDURES FOR NON-RENEWAL, REVOCATION OR SUSPENSION

## OF LICENSE.

b. Revocation or Suspension. Any license issued under this section may be revoked or suspended for cause by the common council. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

c. Due Process Hearing and Common Council Review. If there is a possibility that the licensing committee will not recommend renewal of the license, or if suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply.

d. Grounds for Non-renewal, Revocation or Suspension. The recommendation of the committee regarding the licensee must be based on evidence presented at the hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

d-1. Failure of the licensee to meet the municipal qualifications or any of the terms of this section.

d-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the licensee, his or her employes, subcontractors or customers.

d-3. Failure to obtain any permit required under the ordinances of the city or the laws of the state of Wisconsin, or employing persons not authorized to do any specific work as required under the ordinances of the city or laws of the state of Wisconsin.

d-4. Whether the licensee, or his or her employes, has violated any of the required and prohibited practices set forth in this section.

d-5. Whether the licensee has been issued a warning letter or had the imposition of administrative sanctions by the Wisconsin department of agriculture, trade and consumer protection.

d-6. Whether a judgment has been rendered against the licensee by any court of competent jurisdiction regarding violations of ordinances of the city or laws of the state of Wisconsin the nature of which substantially relate to the particular activity for which the license is issued, or a judgment has been rendered against the licensee.

d-7. Any other factor which reasonably relates to the public health, safety and welfare.

e. Evidence of Quality of Workmanship Excluded. The recommendations of the committee regarding the licensee shall not be based on evidence presented at the hearing related to quality of workmanship.

Part 27. Section 95-14-9-f to h of the code is created to read:

f. Disqualification. Whenever a license is denied renewal or is revoked, it shall be entered on the record by the city clerk and no home improvement or salesperson license shall be granted to the same person for a period of 12 months following the date of non-renewal.

g. Surrender. If a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal, revocation or suspension, the licensee must request permission from the licensing committee to do so prior to commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing. When any license is surrendered in lieu of a pending non-renewal, revocation or suspension hearing, no other home improvement contractor or salesperson license shall be granted to the same person for a period of 12 months following the date of its surrender.

h. Request to Surrender a License. If a licensee who has surrendered his or her license wishes to have the surrendered license returned, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this section for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this section for non-renewal or revocation.

Part 28. Section 95-14-10 and 11 of the code is repealed.

Part 29. Section 100-50-16 of the code is repealed and recreated to read:

100-50. Public Passenger Vehicle Permits.

16. PROCEDURE FOR NON-RENEWAL, REVOCATION OR SUSPENSION.

a. Applicable Procedures. If there is a possibility that the licensing committee will not recommend renewal of the permit, or if revocation or suspension proceedings are



initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply.

b. Grounds for Non-renewal, Suspension or Revocation. The recommendation of the committee regarding the permittee shall be based upon evidence presented at the hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

b-1. Failure of the permittee to meet the municipal qualifications or any of the licensing requirements of this chapter.

b-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the permittee, or by any employe, driver or lessee of the permittee.

b-3. The permittee, or any employe, driver or lessee of the permittee, having violated any of the operating regulations and prohibited practices set forth in this chapter.

b-4. Any other factor or factors which reasonably relate to the public health, safety and welfare.

Part 30. Section 100-54-7 of the code is repealed and recreated to read:

100-54. Driver's License.

7. PROCEDURE FOR NON-RENEWAL, REVOCATION OR SUSPENSION.

a. Applicable Procedures. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 5 shall apply.

b. Grounds for Non-renewal, Suspension or Revocation. The recommendation of the committee regarding the licensee must be based on evidence presented at the hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

b-1. Failure of the licensee to meet the municipal qualifications of this chapter.

b-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the

circumstances of the particular licensed activity, by the licensee.

b-3. Violations of rules or regulations of this chapter.

b-4. Any other factor or factors which reasonably relate to the public health, safety and welfare.

Part 31. Section 101-23.7-7-b of the code is repealed and recreated to read:

101-23.7. Loading and Unloading Zone Permits.

7. RENEWAL OF PERMITS.

b. Procedure for Non-renewal. If there is a possibility that the committee will not recommend renewal of a permit, the procedures for notice, hearing and review by the common council provided in sub. 9 shall govern.

Part 32. Section 101-23.7-8 and 9 of the code is repealed and recreated to read:

8. REVOCATION OF PERMITS. Any permit issued under this section may be revoked or suspended for cause by the common council. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

9. DUE PROCESS HEARING AND COMMON COUNCIL REVIEW. a. Committee Hearing and Review. If there is a possibility that the permitting committee will not recommend renewal of the permit, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply

b. Grounds for Non-renewal. The recommendation of the committee regarding the permit shall be based on evidence presented at the hearing. Probative evidence concerning non-renewal or revocation may include evidence of:

b-1. Failure of the permittee to meet the municipal qualifications.

b-2. Permitting the loading and unloading zone to be used as a parking space by vehicles not actually engaged in loading or unloading.

b-3. The death of the disabled person for whom the loading and unloading zone permit was issued.

b-4. Evidence related by the department of public works that the circumstances for which the permit was first issued no longer pertain.

b-5. Any other factor which reasonably relates to the public health, safety and welfare.

Part 33. Section 105-75-7-b to d of the code is repealed and recreated to read:

105-75. Private Alarm Systems and Regulations.

7. RENEWAL AND NON-RENEWAL.

b. Non-renewal. If there is a possibility that the committee will not recommend renewal of a permit, the procedures for notice, hearing and review by the common council provided in sub. 8 shall govern.

c. Disqualification. Whenever any license is denied renewal, it shall be entered on the record by the city clerk and no license granted under this section shall be granted to the same applicant for a period of 12 months following the date of non-renewal.

d. Surrender. When any license is surrendered in lieu of a pending non-renewal proceeding, no other license granted under this section shall be granted to the same person for a period of 12 months following the date of its surrender.

Part 34. Section 105-75-7-e of the code is repealed.

Part 35. Section 105-75-8 of the code is repealed and recreated to read:

8. PROCEDURES FOR NON-RENEWAL, SUSPENSION OR REVOCATION.

a. Any license issued under this section may be non-renewed, suspended or revoked for cause by the common council after notice to the licensee and a hearing.

b. Non-renewal, suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police or upon a sworn written complaint filed with the city clerk by any interested party.

c. Due Process Hearing and Review by the Common Council. If there is a possibility that the licensing committee will not recommend renewal of the license, or when revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.

d. Grounds for Non-renewal or Revocation. The recommendation of the committee regarding the licensee shall be based on evidence presented at the hearing. Probative evidence concerning non-renewal or revocation may include evidence of:

d-1. Failure of the licensee to meet the municipal qualifications.

d-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the licensed activity, by the licensee or by any employe of the licensee.

d-3. Failure of the alarm company to keep adequate records as to the locations where alarm systems are installed as well as the name, home or billing address, and telephone numbers of the purchaser or subscriber or alarm systems or service.

d-4. Relaying excess false alarms from customers' premises to the fire or police department.

d-5. Failure of the licensee to obtain, in the case of a burglary alarm, a verified response that an attempted or actual crime has occurred at the alarm site before the alarm signal is transmitted to the police department.

d-6. Failure to provide a private first responder service, as required by sub. 14-f.

d-7. Any other factor which reasonably relates to the public health, safety and welfare.

Part 36. Section 105-75-9 of the code is repealed.

Part 37. Section 108-9-2 of the code is repealed and recreated to read:

108-9. Renewal of Licenses.

2. PROCEDURE FOR NON-RENEWAL. If there is a possibility that the committee will not recommend renewal of a permit, the procedures for notice, committee hearing and review by the common council provided in s. 108-11 shall govern.

Part 38. Section 108-11-1 of the code is repealed and recreated to read:

108-11. Non-renewal, Revocation or Suspension of Licenses.

1. PROCEDURE. Procedures for Revocation or Suspension. a. Any license issued under this section may be revoked or suspended for cause by the common council. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

b. Due Process Hearing and Common Council Review. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern except that oral argument before the common council shall only be permitted at the discretion of the chair.

Part 39. Section 108-11-4 and 5 of the code is created to read:

4. REQUEST TO SURRENDER A LICENSE. a. If a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal, revocation or suspension, the licensee must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this chapter for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this chapter for non-renewal or revocation.

5. GROUNDS FOR NON-RENEWAL, SUSPENSION OR REVOCATION.

The recommendation of the committee regarding the licensee must be based on evidence presented at the hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

a. Failure of the licensee to meet the municipal qualifications or any of the terms of this chapter.

b. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the

circumstances of the particular licensed activity, by the licensee, his or her employes, or patrons.

c. Failure to abide by conditions imposed by the common council pursuant to s. 108-7-1-i.

d. Neighborhood problems due to management or the appropriateness of the location and premises where the public dance hall is located.

e. A showing that the licensed premises has been the source of congregations of persons which have resulted in one or more of the following:

e-1. Disturbance of the peace.

e-2. Illegal drug activity.

e-3. Public drunkenness.

e-4. Drinking in public.

e-5. Harassment of passers-by.

e-6. Gambling.

e-7. Prostitution.

e-8. Sale of stolen goods.

e-9. Public urination.

e-10. Theft.

e-11. Assaults.

e-12. Battery.

e-13. Acts of vandalism, including graffiti.

e-14. Excessive littering.

e-15. Loitering.

e-16. Illegal parking.

e-17. Loud noise at times when the licensed operation is open for business.

e-18. Traffic violations.

e-19. Curfew violations.

e-20. Lewd conduct.

e-21. Display of materials harmful to minors, pursuant to s. 106-9.6.

e-22. Cruising.

f. Any other factor which reasonably relates to the public health, safety and welfare or which demonstrate that the establishment has generated the undesirable secondary effects set forth in s. 108-1.

g. The recommendations of the committee regarding the applicant must not be based on evidence presented at the hearing related to type or content of any music.

Part 40. Section 108-13 of the code is repealed.

Part 41. Section 275-20-9 of the code is repealed and recreated to read:

275-20. Licensing Of Licensed Dwelling Facilities.

9. PROCEDURE FOR NON-RENEWAL, REVOCATION, SUSPENSION OF LICENSES.

a. Proceedings. Denial of renewal, suspension or revocation proceedings may be instituted by the commissioner of health, the commissioner of neighborhood services, the chief of police, any resident or neighbor of the licensed dwelling facility, any city resident, any building owner affected by the activity of the licensed dwelling facility, or by the licensing committee or a common council member. Written charges shall be verified and filed with the city clerk by the person bringing the complaint. Written charges relating to renewal of a license shall be verified and filed no later than 60 days prior to the expiration of the license.

b. Revocation or Suspension. Any license issued under this section may be revoked or suspended for cause by the common council. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, or upon a sworn written complaint filed with the city clerk by any interested party.

c. Due Process and Common Council Review. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in s. 85-3 to 85-5 shall apply.

d. Evidence and Committee Recommendation. Notwithstanding the provisions of s. 85-4-4, the recommendation of the committee may also be based upon evidence including the following:

d-1. A conviction of the licensee, the licensee's agent, manager, operator or any other employe for keeping a gambling house or house of prostitution or for any violation of law, the circumstances of which are substantially related to the circumstances of the operation of the licensed dwelling facility.

d-2. The licensed dwelling facility is operated in such a manner that it generates complaints from neighbors or residents relating to, but not limited to, loud and raucous noise, undesirable activities of residents or guests of residents, and has a substantial adverse effect upon the health, safety, convenience or property interests of the surrounding neighborhood.

d-3. The conviction of the licensee, agent of the licensee or the officers or directors of a corporation, or any employe, for any felony, misdemeanor or civil forfeiture the circumstances of which substantially relate to the operation of the licensed dwelling facility.

d-4. The police department receives calls for service at the licensed dwelling facility for such reasons and in such numbers as to indicate the dwelling facility constitutes a threat to the health, safety, convenience or property interests of the surrounding neighborhood.

**Sponsors:** THE CHAIR

**Attachments:** [Notice List](#)  
[Fiscal Note](#)  
[Text File of 080009](#)  
[Notice Published on 6-6-08](#)

**PASSED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

PLACING ON FILE THE FOLLOWING:

3. Various obsolete files:

a. [051343](#) An ordinance providing exceptions to closed door requirements for Class “B” tavern premises.

**Sponsors:** Ald. D'Amato

**Attachments:** [Fiscal Note](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

b. [060074](#) A substitute ordinance relating to the hours of operation of Class “B” tavern licensees.

**Sponsors:** Ald. D'Amato

**Attachments:** [Fiscal Note](#)  
[Proposed Substitute A](#)

**PLACED ON FILE**



**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- c. [070221](#) Communication from the State of Wisconsin Department of Corrections relating to licensing matters.

**Sponsors:** THE CHAIR

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

APPROVAL OF THE FOLLOWING:

4. [071554](#) Motion relating to the recommendations of the Licenses Committee relative to various licenses.

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

**Sponsors:** THE CHAIR

**Attachments:** [License Applications Recommendations](#)  
[Cover Letter Transmitting Findings of Fact and Conclusions](#)  
[Letters sent after Committee Meeting](#)  
[Landry Transcript - Committee](#)  
[Cover letter transmitting written objections - Mohammad Choudry and Eretta Honey](#)  
[License Applications 5/20/08](#)  
[Singh Transcript - Committee](#)  
[License Applications and Actions 5/20/08](#)  
[Written Objection - Susan Morgese](#)  
[Letters sent after Common Council Meeting](#)  
[Grant List](#)

*The court reporter was sworn in.*

*The question was put: Have the members of the Common Council read the report and recommendations of the Common Council and any objections filed in this matter?*

*All members indicated that they had done so.*

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

*Mohammad Choudry was present by Attorney Kimberly Powers.*

*Eretta Honey was present in person.*

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

*There was no objection.*

*Attorney Powers appeared and addressed the Common Council.*

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

*Eretta Honey appeared and addressed the Common Council.*

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

*Ald. Bohl moved that the Committee rise.*

*There was no objection.*

**APPROVED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

1. [071619](#) Motion relating to the recommendations of the Public Safety Committee relative to various licenses.  
The Common Council of the City of Milwaukee hereby accepts the recommendations of the Public Safety Committee as contained in the listings attached to this file.  
**Sponsors:** THE CHAIR  
**Attachments:** [License Applications](#)  
[Grant List](#)  
[Letters sent after Common Council Meeting](#)  
**APPROVED**  
**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.  
**No:** 0  
**Excused:** 2 - Wade Puente

PASSAGE OF THE FOLLOWING:

2. [070429](#) A substitute ordinance clarifying complaint and prosecution procedures for certain noise violations and noise nuisances.  
**Sponsors:** Ald. Donovan, Ald. Dudzik, Ald. Puente, Ald. Bauman, Ald. Zielinski, Ald. Bohl, Ald. Hines Jr., Ald. Wade, Ald. Davis, Ald. Murphy, Ald. Hamilton, Ald. Witkowski and Ald. Witkowiak  
**Attachments:** [City Attorney's Opinion relating to complaint procedures for noise violations](#)  
[Fiscal Note](#)  
[Notice List](#)  
[Proposed Substitute A](#)  
[Proposed Substitute B](#)  
[Media Release by Ald. Donovan](#)  
[Updated Fiscal Note](#)  
[Notice Published on 6-6-08](#)  
*Language submitted on the floor.*  
**AMENDED**  
**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.  
**No:** 0  
**Excused:** 2 - Wade Puente

[070429](#)

A substitute ordinance clarifying complaint and prosecution procedures for certain noise violations and noise nuisances.

Whereas, Members of the public have a right to and should be ensured an environment free from excessive noise that jeopardizes health, welfare or safety, or degrades the quality of life; and

Whereas, Excessive noise generated by vehicles and other machinery operated on public highways is a hazard to traffic and pedestrian safety, and adversely affects the health, safety and welfare of persons in the vicinity; and

Whereas, Abatement of excessive noise, and especially noise generated from vehicles as opposed to fixed sources, requires significant expenditures of resources for enforcement and control; and

Whereas, It is the policy of the State of Wisconsin to prohibit and prevent the illegal use of radios or other electronic sound devices and to authorize local jurisdictions to impound vehicles and remove sound-producing devices under circumstances delineated at ss. 66.0411(1m)(b) and 346.94(16), Wis. Stats.; and

Whereas, The Common Council of the City of Milwaukee declares that it is a priority of the City to reduce and prevent unnecessary and harmful noise produced by car stereos, radios, amplification equipment and other sound-producing devices; now, therefore

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

Part 1. Section 80-60-12 of the code is amended to read:

80-60. Definitions.

12. PERSON means an owner as that term is defined in s. 200-08-66, an operator as that term is defined in s. 200-08-64 and occupant as that term is defined in s. 200-08-61. >>For purposes of enforcing the provisions of s. 80-63, "person" shall also mean the owner or operator, as defined in s. 340.01(41), Wis. Stats., of a vehicle or other machinery on the public highways. <<

Part 2. Section 80-63-1 of the code is repealed and recreated to read:

80-63. Excessive Noise Prohibited. 1. No person shall produce, assist in producing, or cause to be produced noise which exceeds the limitations set forth in s. 80-64 or 80-65. It shall be unlawful for any person occupying or having charge or control of any building or premises, or any part thereof, to cause, suffer or allow any loud, excessive or unusual noise in the operation of any radio, stereo or other mechanical or

electrical device, instrument or machine, which loud, excessive or unusual noise tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity. It shall be unlawful for any person having charge or control of any vehicle or machinery, or owning a vehicle or machinery, to cause, suffer or allow any loud, excessive or unusual noise in the operation of any radio, stereo or other mechanical or electrical device, instrument or machine upon the highways, which loud, excessive or unusual noise tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity.

Part 3. Section 80-63-4 of the code is created to read:

4. a. A person who owns or operates a vehicle or machinery upon the highways shall be liable for all of the costs of administration and enforcement of this subsection whenever all of the following occur:

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

a-2. The police department has sent by first class mail a written notice of the violation described in subd. 1, addressed to the last known address of the owner or operator. Written notice shall state that the operator or owner may be subject to the costs of investigation, administration and enforcement associated with subsequent charges of noise violations involving the same vehicle or machinery.

a-3. A person operating or occupying the vehicle or machinery is found to have been charged with violating the noise limitations set forth in s. 80-64 or 80-65 upon a credible complaint, and that violation occurred not less than 8 business days after mailing of notice under subd. 2. The violation shall involve the same vehicle or machinery, but need not involve the same operator or occupant for whom notice of violation was sent under subd. 2.

b. The chief of police shall provide a record of each charged violation of s. 80-64 or 80-65 and the costs of investigation, administration and enforcement to the city attorney.

c. In the event of the occurrence of all the provisions set forth in par. a., the costs of the investigation, administration and enforcement of the second and all subsequent charged violations referred to in par. a-3, may be charged to the owner or operator and in whole or in part and collected as a city receivable. The city shall establish a reasonable charge for the costs of administration and enforcement of this subsection.

d. Appeal of the determination of the chief of police imposing costs against the owner or operator may be submitted to the administrative review appeals board as provided

by s. 320-11.

Part 4. Section 80-65-4-0 and a of the code is repealed and recreated to read:

80-65. Method of Measuring Noise.

4. NOISE NUISANCES (AMPLIFIERS, AIR CONDITIONERS, OTHER INTERMITTENT, RANDOM AND DISRUPTIVE NOISE, etc.). a. Purpose. Certain noises are impractical to measure to determine compliance with the community noise standards as described in s. 80-64 and this section. These noises may occur randomly or at unpredictable times or be of short duration. Whenever such noises occur and constitute a nuisance as defined in s. 80-60-11, alternate methods of processing and relief shall be applied as follows:

a-1. The chief of police or commissioner may commence prosecution for a noise nuisance violation upon the observation by a police officer or department inspector of noise or upon direct evidence of activities constituting a noise nuisance as defined in s. 80-60-11 or prohibited noise violation as set forth in s. 80-63-1.

a-2. Complaint by member of the public. As an alternative to commencement of prosecution based upon the direct observation of a police officer or department inspector, the chief of police or commissioner may commence prosecution upon receipt of a complaint submitted by a member of the public that complies with the requirements of subd. 3 and which alleges conduct that is boisterous and unreasonably loud as described in par. b.

a-3. Information contained in a complaint. A complaint by a member of the public, sufficient to authorize the commencement of a noise nuisance prosecution in the absence of direct observation of the noise by a police officer or department inspector shall include relevant information relating to the date, time and place of the alleged noise nuisance, the nature of the noise nuisance, and shall identify the person or persons responsible for or allowing the human or mechanically created noise, or alternatively, shall include information leading to the identification of the person or persons by police or a department inspector. Information included in the complaint shall also identify one or more persons who witnessed or were affected by the noise, at least one of whom is an adult available to testify in court.

a-4. Testimony required. No person shall be convicted under this procedure except upon testimony of at least one affected adult person.

Part 5. This ordinance takes effect June 16, 2008.

Part 6. The provisions of Part 2 of this ordinance shall be null and void after January 1, 2009.

**Sponsors:** Ald. Donovan, Ald. Dudzik, Ald. Puente, Ald. Bauman, Ald. Zielinski, Ald. Bohl, Ald. Hines Jr., Ald. Wade, Ald. Davis, Ald. Murphy, Ald. Hamilton, Ald. Witkowski, Ald. Witkowiak and Ald. Kovac

**Attachments:** [City Attorney's Opinion relating to complaint procedures for noise violations](#)  
[Fiscal Note](#)  
[Notice List](#)  
[Proposed Substitute A](#)  
[Proposed Substitute B](#)  
[Media Release by Ald. Donovan](#)  
[Updated Fiscal Note](#)  
[Notice Published on 6-6-08](#)

**PASSED**

**Aye:** 12 - Hamilton, Davis, Kovac, Bauman, Bohl, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 1 - Coggs

**Excused:** 2 - Wade Puente



3. [071551](#) A substitute ordinance relating to parking controls in various Aldermanic Districts.
- The Mayor and Common Council of the City of Milwaukee do ordain as follows:
- Part 1. Section 101-23-2 of the Code relating to No Stopping is amended by adding the following:
- On the east side of North 19th Place from West Hampton Avenue to a point 130 feet south
- Part 2. Section 101-23-3 of the Code relating to No Parking is amended by striking the following:
- “On the east side of North 19th Place from West Hampton Avenue to a point 130 feet south thereof at any time”
- “On the east side of North Farwell Avenue from the north curb line of East Irving Place to a point 50 feet north thereof at any time”
- Part 3. Section 101-23-3 of the Code relating to No Parking is amended by adding the following:
- On the south side of West Pierce Street from South 21st Street to a point 50 feet west
- In the alley bounded by West Milwaukee Road, West Canal Street and Selig Drive (private road)
- On the north side of West Burleigh Street from North 51st Street to a point 150 feet east
- On the south side of West Burleigh Street from North 51st Street to a point 150 feet west
- On the east side of South Howell Avenue from East Norwich Street to a point 140 feet south
- Part 4. Section 101-23-4-a of the Code relating to Twenty-five Minute Parking is amended by adding the following:
- On the north side of West St Paul Avenue from North 4th Street to North 5th Street 8:00 AM to 6:00 PM Saturday and Sunday

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

“On the north side of West Orchard Street from South 38th Street west to 30 feet east of the railroad tracks”

“On South 41st Street between West Greenfield Avenue and West Orchard Street”

“On West Dakota Street from South 34th Street to South 35th Street”

“On South 34th Street from West Forest Home Avenue to West Kinnickinnic River Parkway”

“On the west side of South 5th Street from South Chase Avenue to West Lincoln Avenue”

“On West Mineral Street from South 15th Street to South 16th Street from 7:00 AM to 7:00 PM Except Sunday”

“On the south side of East Bolivar Avenue from South Burrell Street to South Howell Avenue”

“On the south side of East Bolivar Avenue from South Burrell Street to South Austin Street”

“On South 13th Street between West Montana Street and West Ohio Avenues”

“On South Indiana Avenue from East Holt Avenue to East Morgan Avenue on regular school days 8:00 AM to 4:00 PM”

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

On West Wells Street from North 21st Street to North 22nd Street

On South 33rd Court from West Roundhouse Road to a point 400 feet north and 700 feet south one-hour before to one-hour after stadium events

On South 36th Street from West Wheelhouse Road to West Milwaukee Road one-hour before to one-hour after stadium events

On West Roundhouse Road from South 33rd Court to West Canal Street one-hour before to one-hour after stadium events

On West Wheelhouse Road from South 36th Street to Selig Drive (private road)  
one-hour before to one-hour after stadium events

On West Milwaukee Road from West Canal Street to Selig Drive (private road)  
one-hour before to one-hour after stadium events

On South 34th Street from West Forest Home Avenue to West Dakota Street

On the west side of South 5th Street from West Lincoln Avenue to a point 150 feet  
south

On the north side of West Florida Street from South 4th Street to a point 170 feet  
east

On the south side of West Lincoln Avenue from South 5th Street to South 5th Place

On the east side of South 13th Street from West Montana Street to West Ohio  
Avenue

On the west side of South 13th Street from West Montana Street to a point 445 feet  
north of West Oklahoma Avenue

On the west side of South 13th Street from West Oklahoma Avenue to West Ohio  
Avenue

Part 7. Section 101-23-4-e of the Code relating to Three-Hour Parking is amended  
by striking the following:

“On South 40th Street between West Greenfield Avenue and West Orchard Street,  
7:00 AM to 7:00 PM”

Part 8. Section 101-23-4-g of the Code relating to Five-Hour Parking is amended by  
adding the following:

On the south side of West St Paul Avenue from North 4th Street to North 5th Street  
8:00 AM to 6:00 PM Saturday and Sunday

On the north side of West St Paul Avenue from North 5th Street to North 7th Street  
8:00 AM to 6:00 PM Saturday and Sunday

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

On the east side of North 19th Place from West Hampton Avenue to a point 130 feet south

Part 10. Section 101-27-3-b-1 of the Code relating to Alternate Side Night Parking is amended by adding the following:

On North Iroquois Avenue from West Hampton Avenue north to the City limits

On North Mohawk Avenue from West Hampton Avenue north to the City limits

On North Navajo Avenue from West Hampton Avenue north to the City limits

On East Conway Street from South Kinnickinnic Avenue to South Woodward Street

Part 11. Section 101-32-3-am of the Code relating to Twenty-Five Minute Meter Parking is amended by adding the following:

On the north side of West St Paul Avenue from North 4th Street to North 5th Street 8:00 AM to 6:00 PM Monday through Friday

Part 12. Section 101-32-3-d-2 of the Code relating to Two-Hour Meter Parking is amended by striking the following:

“On the west side of North Farwell Avenue from a point 40 feet north of East Irving Place to a point 80 feet north thereof”

Part 13. Section 101-32-3-d-2 of the Code relating to Two-Hour Meter Parking is amended by adding the following:

On the west side of North Farwell Avenue from East Irving Place to a point 130 feet north 8:00 AM to 9:00 PM Except Sunday

Part 14. Section 101-32-3-f-4 of the Code relating to Five-Hour Meter Parking is amended by striking the following:

“On West St Paul Avenue from North 4th Street to North 5th Street”

Part 15. Section 101-32-3-f-4 of the Code relating to Five-Hour Meter Parking is amended by adding the following:

On the south side of West St Paul Avenue from North 4th Street to North 5th Street 8:00 AM to 6:00 PM Monday through Friday

On the north side of West St Paul Avenue from North 5th Street to North 7th Street  
8:00 AM to 6:00 PM Monday through Friday

**Sponsors:** THE CHAIR

**Attachments:** [Parking Letters](#)  
[Fiscal Note](#)  
[Notice List](#)  
[Notice Published on 6-6-08](#)

**PASSED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan,  
Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

4. [071552](#) 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 101-10-2 of the Code relating to No Right Turn on Red Signal is amended by striking the following:
- “Eastbound and Northbound traffic on South Howell Avenue at East Howard Avenue”
- “On East Howard Avenue at South Howell Avenue Eastbound”
- Part 2. Section 101-11-1 of the Code relating to No Left Turns is amended by adding the following:
- On South Layton Boulevard at the first median opening north of West National Avenue northbound
- Part 3. Section 101-13-8 of the Code relating to School Speed 20 MPH is amended by adding the following:
- On West Lisbon Avenue from North 50th Street to North 52nd Street
- Part 4. Section 101-15 of the Code relating to Yield signs is amended by adding the following:
- On West Vienna Avenue at North 54th Boulevard
- Part 5. Section 101-16-1 of the Code relating to Stop signs is amended by striking the following:
- “On South 19th Street at West Pittsburgh Avenue”
- Part 6. Section 101-16-1 of the Code relating to Stop signs is amended by adding the following:
- On North 54th Boulevard at West Melvina Street northbound
- On North 54th Street at West Melvina Street southbound
- On North 55th Street at West Melvina Street northbound
- On North 57th Street at West Melvina Street northbound

On North 58th Boulevard at West Melvina Street northbound

On North 58th Street at West Melvina Street southbound

On West Melvina Street at North 54th Boulevard westbound

On West Melvina Street at North 54th Street/North 55th Street eastbound

On West Melvina Street at North 57th Street/North 58th Street westbound

On North 52nd Street at West Marion Street

On South 23rd Street at West Euclid Avenue

On South Austin Street at East Clifford Street

On West Potawatomi Circle and South 19th Street in all directions

On West Potawatomi Circle and West Potawatomi Circle (old South 20th Street) in all directions

On West Becher Street and South 26th Street in all directions

Part 7. Section 101-16-2 of the Code relating to Through highways is amended by striking the following:

“On East/West Becher Street from South Kinnickinnic Avenue to east line of South Layton Boulevard”

Part 8. Section 101-16-2 of the Code relating to Through highways is amended by adding the following:

On East/West Becher Street from South Kinnickinnic Avenue to east line of South 26th Street

On West Becher Street from the west line of South 26th Street to east line of South Layton Boulevard

Part 9. Section 101-18-1 of the Code relating to No Heavy Traffic is amended by adding the following:

On West Parnell Avenue at South 27th Street eastbound

On East Conway Street from South Kinnickinnic Avenue to South Logan Avenue

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note](#)  
[Traffic Letters](#)  
[Notice List](#)  
[Fiscal Note - Substitute](#)  
[Added Traffic Letters](#)  
[Notice Published on 6-6-08](#)

**PASSED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

ADOPTION OF THE FOLLOWING:



5. [071692](#) Resolution authorizing acceptance of additional funding for an Organized Crime Drug Enforcement Task Force grant.

Whereas, The City of Milwaukee appears to be eligible for Organized Crime Drug Enforcement Task Force grant funds from the U.S. Department of Justice, Federal Bureau of Investigation; and

Whereas, Grant funding for the period of October 1, 2007 to September 30, 2008 was \$20,000; and

Whereas, Additional funding of \$13,000 has been provided by the U.S. Department of Justice, Federal Bureau of Investigation; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Police Department is authorized to accept the additional grant funding without further approval unless its terms change as indicated in Section 304-81, Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to increase the current grant budget by \$13,000 for a grant total of \$33,000; and, be it

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

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

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note](#)  
[Grant Analysis Form](#)  
[Grant Budget Form](#)  
[Notice List](#)  
[8-14-08 Memo from Milwaukee Police Dept](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

6. [071693](#) Resolution amending Resolution File Number 060990, relating to the Operation Ceasefire Program Grant.

Whereas, The Common Council adopted Resolution File Number 060990 on December 12, 2006, approving an increase in funding and extension to the Operation Ceasefire Program grant; and

Whereas, Grant funding for the period of October 1, 2005 to September 30, 2007, was \$23,000; and

Whereas, Additional funding of \$6,600 has been provided by the Operation Ceasefire Program grant; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Resolution File Number 060990 adopted on December 12, 2006, is amended by deleting the amounts "\$9,000 and "\$23,000" respectively in the 1st "Further Resolved" clause, and inserting in lieu thereof the amounts "\$6,600" and "\$29,600", thereby increasing the grant by \$6,600.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note](#)  
[Grant Analysis form](#)  
[Grant Budget Form](#)  
[Notice List](#)  
[2007 CEASEFIRE TASK FORCE STATISTICS](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

7. [071706](#) Substitute resolution approving an Intergovernmental Agreement with Milwaukee County for temporary signage at Milwaukee County Parks for fireworks prevention, and appropriating funds for the City share of this Agreement.
- Whereas, Milwaukee County and the City of Milwaukee both qualify as “municipalities” authorized to enter into contracts for the receipt or furnishing of services pursuant to s. 66.0301, Wis. Stats.; and
- Whereas, The City and the County conclude that the prevalence of illegal fireworks creates substantial public health and safety risks; and
- Whereas, Both parties agree that installing temporary signage at certain park entrances 7 to 10 days prior to the 4th of July will accomplish the goal of educating users of the illegality of fireworks; and
- Whereas, According to the Agreement, the County shall install between 20 and 30 signs at entrances of the parks stated in the Agreement between 7 and 10 days prior to the Milwaukee County Parks 4th of July celebrations, whether or not the locations have celebrations; and
- Whereas, The County shall also remove and store signs, and report to the City the total number of signs that were recovered and the total number of signs that were recovered but damaged beyond being rendered useable in the future; and
- Whereas, The City shall have sole responsibility for creating the content and design of the temporary signs, and shall contract with the distributor and pay all costs for signage production; and
- Whereas, The County shall reimburse the City for 50% of cost of signage production, not to exceed \$600.00; and
- Whereas, This Agreement shall terminate at the end of 2008, and may be extended by the parties to cover subsequent years under the same terms and conditions that exist in this Agreement after receiving further approval from the Common Council and the County Board of Supervisors; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Intergovernmental Agreement with Milwaukee County for temporary signage at Milwaukee County Parks for fireworks prevention is approved, a copy of which is attached to this file; and, be it
- Further Resolved, That the City Clerk is authorized to execute the Agreement with the County, and the Clerk shall commit funds in the amount of \$600.00 for this purpose.

**Sponsors:** Ald. Davis and Ald. Witkowski

**Attachments:** [Notice List](#)  
[Agreement.rtf](#)  
[Fiscal Note.rtf](#)  
[Temporary Signage](#)

**ADOPTED**

**Aye:** 12 - Hamilton, Davis, Kovac, Bauman, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 1 - Bohl

**Excused:** 2 - Wade Puente

8. [080023](#) Substitute resolution amending Common Council File #071092 relative to the application, acceptance and funding of the 2008 Tobacco Control Grant from the State of Wisconsin Division of Health and Family Services.
- Whereas, Common Council File 071092 authorized the Health Department to apply for, accept and fund the 2008 Tobacco Control Grant from the State of Wisconsin Division of Health and Family Services. This grant provided for a Grantor share total of \$265,193; and

Whereas, The Grantor share for this program is increased by \$37,097; now, therefore be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin Division of Health and Family Services is authorized and the Health Department shall accept such a grant without further Common Council approval unless the terms of the grant changes as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects fund, the following amount for the project titled 2008 Tobacco Control Grant:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$37,097

And, be it

Further Resolved , That all standard resolved clauses articulated in Common Council File 071092 remain applicable.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note](#)  
[Notice List](#)  
[Grant Analysis](#)  
[Fiscal Note - substitute](#)  
[Legislative Reference Bureau Analysis.doc](#)  
[Operating Grant Budget](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

9. [080026](#) Substitute resolution amending Common Council File #071093 relative to the application, acceptance and funding of the 2008 Women, Infants and Children’s Grant from the State of Wisconsin Division of Health and Family Services.

Whereas, Common Council File 071093 authorized the Health Department to apply for, accept and fund the 2008 Women, Infants and Children’s Grant from the State of Wisconsin Division of Health and Family Services. This grant provided for a Grantor share total of \$ 922,525; and

Whereas, The Grantor share for this program is increased by \$160,674; now, therefore be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin Division of Health and Family Services is authorized and the Health Department shall accept such a grant without further Common Council approval unless the terms of the grant changes as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects fund, the following amount for the project titled 2008 Women, Infants and Children’s Grant:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$160,674

; And, be it

Further Resolved, That all standard resolved clauses articulated in Common Council File 071093 remain applicable.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note](#)  
[Notice List](#)  
[Grant Analysis](#)  
[Fiscal Note - substitute](#)  
[Operating Grant Budget](#)  
[Legislative Reference Bureau Analysis](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

CONFIRMATION OF THE FOLLOWING:

10. [071647](#) Reappointment of Assistant District Attorney Paul Tiffin to the Milwaukee Commission on Domestic Violence and Sexual Assault by the Milwaukee County District Attorney.

**Sponsors:** THE CHAIR

**Attachments:** [Appointment Letter](#)  
[Attendance Information](#)

**CONFIRMED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

11. [071648](#) Appointment of Assistant District Attorney Jeffrey Greipp to the Milwaukee Commission on Domestic Violence and Sexual Assault by the Milwaukee County District Attorney.

**Sponsors:** THE CHAIR

**Attachments:** [Appointment Letter](#)  
[Notice List](#)  
[Resume](#)

**CONFIRMED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

12. [071649](#) Appointment of Assistant District Attorney Matthew Torbenson to the Milwaukee Commission on Domestic Violence and Sexual Assault by the Milwaukee County District Attorney.

**Sponsors:** THE CHAIR

**Attachments:** [Appointment Letter](#)  
[Notice List](#)  
[Biographical Information](#)

**CONFIRMED**



**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

13. [080039](#) Appointment of Kathryn Hein to the Fire and Police Commission by the Mayor.  
(14th Aldermanic District)

**Sponsors:** THE CHAIR

**Attachments:** [Appointment Letter](#)  
[Resume - Hein](#)  
[Notice List](#)  
[Letter from the Executive Director of the Fire & Police Commission](#)

**REFERRED TO**

**Aye:** 10 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Dudzik, Witkowiak Hines Jr.

**No:** 3 - Murphy, Witkowski Zielinski

**Excused:** 2 - Wade Puente

14. [080040](#) Appointment of Nancy Hernandez to the Fire and Police Commission by the Mayor.  
(4th Aldermanic District)

**Sponsors:** THE CHAIR

**Attachments:** [Appointment Letter](#)  
[Resume-Hernandez](#)  
[Letter from the Executive Director of the Fire & Police Commission](#)  
[Notice List](#)  
[Withdrawal Letter](#)

**REFERRED TO**

**Aye:** 11 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Dudzik, Witkowiak, Zielinski Hines Jr.

**No:** 2 - Murphy Witkowski

**Excused:** 2 - Wade Puente

PLACING ON FILE THE FOLLOWING:

15. Various obsolete files:

- a. [030214](#) A substitute ordinance relating to the body color of taxicabs operated by Yellow Cab of Milwaukee.

**Sponsors:** THE CHAIR

**Attachments:** [Letter from Mr. Tsounis.PDF](#)  
[Letter from Atty. Whitcomb.PDF](#)  
[City Attorney's Opinion.PDF](#)  
[5/1/03 Letter from Yellow Cab of Milw. Inc.PDF](#)  
[Exhibit 1 and 2.PDF](#)  
[Yellow Cab-transcript.PDF](#)  
[Letter from Miles.PDF](#)  
[Taxi Color-transcript.rtf](#)  
[Letter from J. Reiss.PDF](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- b. [030792](#) A substitute ordinance prohibiting taxicab companies and cooperatives from adopting certain names.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note.doc](#)  
[Letter -City Attorney.PDF](#)  
[Yellow Cab Transcript.rtf](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- c. [050101](#) Communication from the Milwaukee Police Department relating to the Milwaukee Homicide Commission.

**Sponsors:** THE CHAIR

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- d. [050288](#) An ordinance relating to feral cats.
- Sponsors:** Ald. Zielinski  
**PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- e. [051034](#) An ordinance relating to the forfeiture for possession of marijuana.
- Sponsors:** Ald. Zielinski  
**PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- f. [051035](#) An ordinance relating to forfeitures for committing certain code violations within the vicinity of a school.
- Sponsors:** Ald. Zielinski  
**PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- g. [051042](#) An ordinance relating to transportation of emergency patients under the citywide emergency medical service system.
- Sponsors:** Ald. Puente  
**PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente

- h. [051500](#) Resolution approving a Memorandum of Understanding between the United States Coast Guard and the Milwaukee Fire Department Water Patrol Unit.
- Sponsors:** THE CHAIR
- Attachments:** [Fire Department's Cover Letter.doc](#)  
[Fiscal Note.doc](#)  
[Memorandum of Understanding](#)  
[Memorandum of Understanding](#)  
[Fiscal Analysis](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- i. [051514](#) Resolution relating to an agreement with Bell Ambulance Company concerning compliance with smoke detector regulations.
- Sponsors:** Ald. Zielinski
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- j. [060327](#) An ordinance relating to health care coverage for uninsured employees.
- Sponsors:** Ald. Zielinski
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- k. [060332](#) Resolution relating to parking of personal vehicles on City-owned lots.
- Sponsors:** Ald. Witkowski
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente

- L. [060463](#) Substitute resolution relating to an audit of the Law Enforcement Services Grant Agreement with the Milwaukee Brewers Baseball Club.
- Sponsors:** Ald. McGee Jr.
- Attachments:** [Fiscal Note](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- m. [061029](#) Substitute ordinance relating to the regulation of the application and use of fertilizer.
- Sponsors:** Ald. D'Amato
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- n. [061036](#) An ordinance establishing a moratorium on the issuance of new permits for operation of luxury limousine service.
- Sponsors:** Ald. Davis
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- o. [061037](#) An ordinance relating to transactions and activities involving vehicles transported and delivered to auto wreckers.
- Sponsors:** Ald. Donovan
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente

- p. [061454](#) An ordinance relating to public notification of snow emergencies.
- Sponsors:** Ald. Bauman  
**PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- q. [061536](#) An ordinance relating to the ambulance service board.
- Sponsors:** Ald. Donovan  
**PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- r. [070570](#) Communication from various City agencies relating to the Quiet Zone near 10th and Waterford.
- Sponsors:** THE CHAIR  
**PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- s. [070629](#) An ordinance defining and regulating the employment of minors in street trades.
- Sponsors:** Ald. Murphy and Ald. Dudzik  
**PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente

16. [071601](#) Communication relating to implementation of the recommendations of the Fireworks Task Force.

**Sponsors:** Ald. Davis and Ald. Witkowski

**Attachments:** [Fireworks Task Force Recommendations \(Council file 070742\)](#)  
[Police Department Letter](#)  
[Cover Letter regarding Fireworks Task Force Final Recommendations](#)  
[City Attorney Update](#)  
[Safety Division Report of the Milwaukee Police Department](#)  
[Police Department Overview](#)  
[Attached Safety Division Report to the Police Department Overview](#)  
[Update from the City Clerk's Office](#)  
[E-Mail from the Department of Administration](#)  
[Notice List](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

17. [071650](#) Communication from the Center for Driver's License Recovery and Employability related to its activities.

**Sponsors:** THE CHAIR

**Attachments:** [Notice List](#)  
[Executive Summary](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

18. [080021](#) Resolution relative to application, acceptance and funding of the Medical Assistance Outreach-BadgerCare Plus Grant from the State of Wisconsin Department of Health and Family Services.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note](#)  
[Notice List](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

19.        [080025](#)        Resolution relative to application, acceptance and funding of the West Nile Virus Grant from the State of Wisconsin Division of Health and Family Services.

**Sponsors:**        THE CHAIR

**Attachments:**    [Fiscal Note](#)  
                          [Notice List](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente



## THE FINANCE &amp; PERSONNEL COMMITTEE RECOMMENDS:

## PASSAGE OF THE FOLLOWING:

1. [071548](#) A substitute ordinance to further amend the 2008 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 070604 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2008 - December 30, 2007):

Under Salary Grade 005, add the title "Research and Policy Analyst."

Under Salary Grade 006, add the title "Security Manager."

Under Salary Grade 007, add the title "Fire & Police Commission Investigator/Auditor."

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 have been in force and effect from and after Pay Period 1, 2008 (December 30, 2007).

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

**Sponsors:** THE CHAIR

**Attachments:** [Notice Published on 6-6-08](#)

**PASSED**

**Aye:** 12 - Hamilton, Davis, Kovac, Bauman, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 1 - Bohl

**Excused:** 2 - Wade Puente

2. [071549](#) A substitute ordinance to further amend the 2008 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 070605 relative to offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2008 - December 30, 2007):

Under "Fire and Police Commission", delete one position of "Auditing Specialist", two positions of "Research & Policy Specialist", one position of "Administrative Assistant III" and add two positions of "Fire & Police Commission Investigator/Auditor", one position of "Research Assistant" and one position of "Program Assistant III."

Part 2. Section 1 of ordinance File Number 070605 relative to offices and positions in the City Service is hereby amended as follows:

Under "City Attorney", delete one position of "Assistant City Attorney (Y) (.60 FTE)" and add one position of "Assistant City Attorney (A)(Y)."

Under "Comptroller, General Accounting Division", delete one position of "Accounting Program Assistant II" and add one position of "Accounting Program Assistant III."

Under "Health Department, Disease Control and Prevention Division", delete four positions of "Environmental and Disease Control Specialist (X) (CCC) (KKK)" and add four positions of "Environmental and Disease Control Specialist (X) (CCC)" and amend footnote "(CCC)" to read as follows: "To expire 9/30/08 unless the Beach Monitoring Grant is extended. One position partially funded by the Beach Monitoring Grant."

Under "Health Department, Milwaukee Breast Cancer Awareness Program", add footnote "(LL)" to one position of "Public Health Nurse (X)(G)(KK)(GG)(U)" and add footnote "(LL)" as follows "To expire 6/30/08 unless the Breast and Cervical Cancer Case Management Grant, available from the State of Wisconsin Division of Health and Family Services, is extended."

Under "Health Department, Milwaukee Fetal Infant Mortality Review Grant (M)", add one position of "Office Assistant II (M) (0.5 FTE)" and amend footnote "(M)" to read as follows "To expire 5/31/09 unless the Milwaukee Fetal Infant Mortality Review Grant, available from the Black Health Coalition of Wisconsin is extended."

Under "Health Department, Medical Assistance Outreach Program", delete one position of "Public Health Educator II (X) (S)(CC)(R)" and add one position of

“Public Health Educator II (X) (S)(AA)” and add footnote “(AA)” to read as follows: “To expire 10/31/08 unless the Medical Assistance Outreach-BadgerCare Plus Grant from Community Advocates, is extended.”

Under “Health Department, Milwaukee Nurse-Family Partnership Program (PPP)”, delete two positions of “Public Health Nurse (1.75 FTE) (X)(G)(PPP)” and add two positions of “Public Health Nurse (X)(G)(PPP)” and amend Footnote “(PPP)” to read as follows: “To expire 3/26/09 unless the Milwaukee Nurse-Family Partnership Program from University of Wisconsin-School of Medicine and Public Health is extended.”

Under “Health Department”, amend footnote “(AAA)” to read as follows: “To expire 3/31/09 unless the Weinhardt Computerized HIV Intervention Grant is extended.”

Under “Police Department, Administrative Services Decision Unit, Communications Division”, delete one position of “Police Alarm Operator (G)” and add one position of “Police Dispatcher (G).”

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

Part 4. The provisions of Part 1 of this ordinance are deemed to have been in force and effect from and after Pay Period 1, 2008 (December 31, 2007).

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

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

**Sponsors:** THE CHAIR

**Attachments:** [Memo from Dept of Employee Relations re administrative positons change Notice Published on 6-6-08](#)

**PASSED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

3. [080010](#) A substitute ordinance relating to a position in the fire and police commission relating to overtime.

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

Part 1. Section 350-13 of the code is amended to read:

350-13. Fire and Police Commission. Whenever it becomes necessary in the judgment of the fire and police commission executive director, the director may employ [[an administrative]] >>a program<< assistant for overtime assignments and compensate him or her at an overtime compensation rate of 1.5 times the actual overtime hours worked with cash payments or compensatory time off, the choice being at the discretion of the director.

**Sponsors:** THE CHAIR

**Attachments:** [Department of Employee Relations Letter](#)  
[Hearing notice list](#)  
[Fiscal note](#)  
[Notice Published on 6-6-08](#)

**PASSED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

ADOPTION OF THE FOLLOWING:

4. [061509](#) Substitute resolution authorizing attendance at conventions, seminars and other travel.

Resolved, By the Common Council of the City of Milwaukee, that attendance of the following person(s) at the following convention(s) and/or seminar(s) is approved, to be paid from departmental budgeted funds, such travel and reimbursement to be in accordance with policy guidelines set forth in 350-181 of the Milwaukee Code of Ordinances:

1. Three Aldermen (CC-CC); “National League of Cities, National Black Caucus of Local Elected Officials, Annual Summer Conference”; July 23-27, 2008; Atlanta, Georgia; \$8,640.00.

2. One Alderman (CC-CC); “National SweatFree Summit”; July 11-13, 2008; Philadelphia, PA; \$1,250.00.

; and, be it

Further Resolved, That the dollar amount shown for each authorized convention, seminar and other travel listed above is simply an ESTIMATE of the convention, seminar and other travel 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 convention, seminar and other travel 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.

Further Resolved, That the Common Council President is authorized to attend any of the above conventions that he deems necessary and advisable, to be paid from funds budgeted under section 304-13, Milwaukee Code.

**Sponsors:** THE CHAIR

**Attachments:** [Brochure for NLC - National Black Caucus of Local Elected Officials Annual Sumn](#)  
[Fiscal note](#)  
[National SweatFree Summit](#)  
[Sub. 2 Fiscal note](#)

**ADOPTED**

**Aye:** 12 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 1 - Dudzik

**Excused:** 2 - Wade Puente

5. [071691](#) Resolution relating to the expenditure of capital funds to be reimbursed by greater than anticipated Revenue in the amount of \$200,000 received from a court settlement by the Department of Public Works, Infrastructure Services Division, Environmental Section.

Whereas, Section 34-91 of the Milwaukee Code of Ordinances establishes procedural guidelines related to the expenditure of funds to be reimbursed by greater than anticipated revenues; and

Whereas, The Department of Public Works, Infrastructure Services Division, Environmental Section received \$200,000 in unanticipated revenue from CNA Insurance Company in fiscal year 2008; and

Whereas, The payment resulted from a settlement with CNA Insurance Company regarding City of Milwaukee v. Terra Engineering & Construction Corporation, et al, Milwaukee County Circuit Court Case No. 06-CV-001133; and

Whereas, The settlement from CNA insurance is a compromise of disputed issues regarding alleged failures in the performance of contracts for riverbank stabilization in the Milwaukee River following the partial removal of the North Avenue Dam; and

Whereas, This receipt results in revenue of \$200,000 higher than the estimate for Sewer Maintenance Capital revenue included in the adopted 2008 City budget; and

Whereas, The Comptroller has certified below that greater than anticipated revenue has been realized from CNA Insurance Company with respect to the settlement of the City's claims against Terra Engineering and Camp, Dresser & McKee in City of Milwaukee v. Terra Engineering & Construction Corporation, et al, Milwaukee County Circuit Court Case No. 06-CV-001133 in the amount of \$200,000, pursuant to s. 304-91,

City Comptroller Certification

Pursuant to s.304-91, I hereby certify that \$200,000 from CNA Insurance Company was realized on or before March 5, 2008, and is to be expended only for the purposes specified in this resolution.

\_\_\_\_\_

W. Martin Morics, Comptroller

\_\_\_\_\_

Date

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Comptroller is hereby authorized and directed to increase appropriations in the amount of \$200,000 in the capital program account (006300-0491-6831-0001-R999-0000-SM498080000) and increase estimated revenues by \$200,000 in the revenue account (009870-0491-6831-0001-R999-0000) of the Department of Public Works, Infrastructure Services Division, Environmental Section; and, be it

Further Resolved, That the Department of Public Works, Infrastructure Services Division, Environmental Section is authorized to conduct engineering studies, which are NonAssessable by City Charter, to determine the extent of the remediation necessary in the area of the North Avenue Dam to meet the requirements established by Wisconsin Department of Natural Resources. The costs of the engineering studies are estimated to be \$200,000 and are to be accounted for utilizing project SM498080100. The total costs of the project have yet to be determined; and, be it

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

**Sponsors:** Ald. Kovac and Ald. Coggs

**Attachments:** [Hearing notice list](#)  
[Infrastructure Services Division Cover Letter](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

6. [071705](#) Substitute resolution relating to the application, acceptance, and funding of a Federal Emergency Management Agency (FEMA) grant and the State of Wisconsin, Division of Emergency Management grant for costs associated with emergency snow removal and other protective measures by the City of Milwaukee.

Whereas, The City of Milwaukee received a record snowfall on February 6 and 7, 2008; and

Whereas, The Federal Emergency Management Agency (FEMA) declared it a disaster; and

Whereas, Various costs relating to snow removal and protective measures are eligible for reimbursement: overtime hours of city employees or cost of temporary workers removing snow from emergency routes and roads to critical facilities to permit the passage of emergency vehicles, equipment costs used in snow removal such as trucks, blades and salt/sand spreaders, related materials such as sand and salt, protective measures such as search and rescue costs, shelter operation costs and police and fire department response costs; and

Whereas, The City of Milwaukee applied for reimbursement of those costs in Common Council File Number 071704, adopted April 9, 2008; and

Whereas, FEMA will provide reimbursement for 75% of the total eligible costs, the State of Wisconsin will cover 12.5% with the City of Milwaukee covering the remaining 12.5%; and

Whereas, it has also been learned that the City is eligible for up to 1.5% in administrative costs; and

Whereas, FEMA and the State of Wisconsin have notified the City of Milwaukee that the City is eligible to receive from FEMA and the State of Wisconsin total awards of \$1,115,122, of which \$1,088,560 will be used by the Department of Public Works, \$860 by the Fire Department, \$6,908 by the Police Department and \$18,794 by the Department of Administration; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Public Works, Fire and Police Departments and the Department of Administration are authorized to apply, accept, and fund \$939,710 from FEMA and \$175,412 from the State of Wisconsin Division of Emergency Management in accordance with s. 304-81, Milwaukee Code; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant



and Aid Projects Fund, the following amounts for the project titled Emergency Snow Response Grant

Project/Grant	GR00008000	GR0000800000	GR0000800000
Fund	0150	0150	0150
Org	9990	9990	9990
Program	0001	0001	0001
Budget Year	0000	0000	0000
Subclass	R999	R999	R999
Account	000600	000600	000600
Projec	Grantor Share	Grantor Share	Grantor Share
Amount	\$1,088,560	\$860	\$6,908
	(Dept. of Public Works)	(Fire Department)	(Police Department)

Project/Grant	GR00008000
Fund	0150
Org	9990
Program	0001
Subclass	R999
Account	000600
project	Grantor Share
Amount	\$18,794
	(Department of Administration)

2. Create the necessary Grant and Aid Project/Grant and Project/Grant Levels, budget against these Project/Grant Values the amount required under the grant agreement.

3. Establish the necessary city share project values.

; and, be it

Further Resolved, That these funds are budgeted for the Public Works, Fire and Police Departments, and Department of Administration which are authorized to:

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

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

**Sponsors:** Ald. Donovan

**Attachments:** [Hearing notice list](#)  
[Fiscal note](#)  
[Fiscal Analysis](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

7. [080017](#) Substitute resolution relative to application, acceptance and funding of the Beach Monitoring Grant from the Wisconsin Department of Natural Resources.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Department of Natural Resources to fund daily bacterial monitoring of City of Milwaukee public beaches; and

Whereas, The operation of this grant project from 05/01/08 to 09/30/08 would cost \$20,063 entirely provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent of the 2008 Special Revenue-Grant and Aid Projects fund, the following amounts for the project titled Beach Monitoring Grant:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$20,063

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

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

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

2. Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff; and

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

Further Resolved, That the Common Council directs that the 2008 Positions Ordinance C.C. File Number 070605, should be amended as follows:

Under

HEALTH DEPARTMENT  
Disease Control and Prevention Division

Delete:

Environmental and Disease Control Specialist (X) (CCC) (KKK) 4 positions

Add:

Environmental and Disease Control Specialist (X) (CCC) 4 positions

Change Footnote (CCC) to read as follows:

To expire 9/30/08 unless the Beach Monitoring Grant is extended. One position partially funded by the Beach Monitoring Grant.

**Sponsors:** THE CHAIR

**Attachments:** [Operating Grant Budget](#)  
[Legislative Reference Bureau Analysis.doc](#)  
[Health Department Cover Letter](#)  
[Notice List](#)  
[Grant Analysis](#)  
[Fiscal Note - substitute](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

8. [080018](#) Substitute resolution relative to application, acceptance and funding of the Breast and Cervical Cancer Case Management Grant from the State of Wisconsin - Division of Health and Family Services.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Division of Health and Family Services to provide screening, diagnostic services, and case management to low-income and under-served women 45-64 years of age; and

Whereas, The operation of this grant project from 07/01/07 to 06/30/08 would cost \$118,903 provided entirely by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin Division of Health and Family Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 061326 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amounts for the program titled Breast and Cervical Cancer Case Management Grant:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$118,903

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

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

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

2. Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff; and

3. Enter into subcontracts as specified in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2008 Positions Ordinance C.C. File Number 070605, should be amended as follows:

Under

Health Department

Milwaukee Breast Cancer Awareness Program

Add Footnote (LL) to the position of:

Public Health Nurse (X)(G)(KK)(GG)(U)

and

Add footnote (LL) as follows:

To expire 6/30/08 unless the Breast and Cervical Cancer Case Management Grant, available from the State of Wisconsin Division of Health and Family Services, is extended.

**Sponsors:** THE CHAIR

**Attachments:** [Health Department Cover Letter](#)  
[Notice List](#)  
[Fiscal Note](#)  
[Grant Analysis](#)  
[Operating Grant Budget](#)  
[Legislative Reference Bureau Analysis](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

9. [080019](#) Substitute resolution relative to application, acceptance and funding of the Fetal Infant Mortality Review Grant from the Black Health Coalition.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the U.S. Health Resources and Services Administration through the Black Health Coalition of Wisconsin for the interdisciplinary review of infant deaths occurring in the city of Milwaukee to identify opportunities to reduce infant mortality and support families at risk; and

Whereas, The operation of this grant project from June 1, 2008 to May 31, 2009 would cost \$100,000 entirely provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Black Health Coalition of Wisconsin is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 061326 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue Grant and Aid Project fund, the following amounts for the project titled Fetal Infant Mortality Review Grant:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Acct	000600
Project	Grantor Share
Amount	\$100,000

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

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

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

2. Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff; and
3. Expend from the 2008 grant budget funds for equipment as detailed in the grant budget; 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 2008 Positions Ordinance C.C. File Number 070605, should be amended as follows:

Under

HEALTH DEPARTMENT

Milwaukee Fetal Infant Mortality Review Grant (M)

Add one (1) position of:

Office Assistant II (M) (0.5 FTE)

Change footnote (M) to read as follows:

To expire 5/31/09 unless the Milwaukee Fetal Infant Mortality Review Grant, available from the Black Health Coalition of Wisconsin is extended.

**Sponsors:** THE CHAIR

**Attachments:** [Health Department Cover Letter](#)  
[Notice List](#)  
[Grant Analysis](#)  
[Operating Grant Budget](#)  
[Fiscal Note](#)  
[Legislative Reference Bureau Analysis.doc](#)  
[Chart showing 3 year rolling average infant mortality.doc](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente



10. [080020](#) Substitute resolution relative to application, acceptance and funding of the Medical Assistance Outreach-BadgerCare Plus Grant from Community Advocates.
- Whereas, The City of Milwaukee appears to be eligible for grant funds from Community Advocates to provide BadgerCare Plus application assistance to city of Milwaukee residents at a rate of \$50 per application; and

Whereas, The operation of this grant project from 05/01/08 to 10/31/08 would cost \$20,000 entirely provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amounts for the program titled Medical Assistance Outreach-BadgerCare Plus Grant:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$20,000

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

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

1. Expend from the amount appropriated sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff; and

3. Enter into subcontracts as specified in the grant budget.

Further Resolved, That the Common Council directs that the 2008 Positions Ordinance C.C. File Number 070605, should be amended as follows:

Under

Health Department  
Medical Assistance Outreach Program

Delete:

Public Health Educator II (X) (S)(CC)(R)

Add:

Public Health Educator II (X) (S)(AA)

and

Add footnote (AA) as follows:

To expire 10/31/08 unless the Medical Assistance Outreach-BadgerCare Plus Grant from Community Advocates, is extended.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note](#)  
[Notice List](#)  
[Grant Analysis](#)  
[Operating Grant Budget](#)  
[Legislative Reference Bureau Analysis.doc](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puento

11. [080022](#) Substitute resolution relative to application, funding and expenditure of the Milwaukee Nurse-Family Partnership Program from the University of Wisconsin-School of Medicine and Public Health.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the University of Wisconsin-School of Medicine and Public Health to provide this home visiting program; and

Whereas, The operation of this grant project from 05/01/08 to 3/26/09 would cost \$136,328 entirely provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amount for the project titled Milwaukee Nurse-Family Partnership Program:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$136,328

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

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

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

2. Enter into subcontracts and leases as detailed in the grant budget; and
3. Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff; and, be it

Further resolved, That the Common Council directs that the 2008 Positions Ordinance C.C. File Number 070605, should be amended as follows:

Under

HEALTH DEPARTMENT

Milwaukee Nurse-Family Partnership Program (PPP)

Delete:

Public Health Nurse (1.75 FTE) (X)(G)(PPP)      2 positions

Add:

Public Health Nurse (X)(G)(PPP)                      2 positions

Amend Footnote (PPP) to read as follows:

To expire 3/26/09 unless the Milwaukee Nurse-Family Partnership Program from University of Wisconsin-School of Medicine and Public Health is extended.

**Sponsors:**      THE CHAIR

**Attachments:**    [Fiscal Note](#)  
[Notice List](#)  
[Fiscal Note - substitute](#)  
[Operating Budget](#)  
[Grant Analysis](#)  
[Legislative Reference Bureau Analysis.doc](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

12. [080024](#) Substitute resolution relative to application, acceptance and funding of the Weinhardt Computerized HIV Intervention Grant from the Medical College of Wisconsin. Whereas, The City of Milwaukee appears to be eligible for grant funds from the Medical College of Wisconsin to assess the effectiveness of HIV risk reduction counseling delivered by a computer; and

Whereas, The operation of this grant project from 04/01/08 to 03/31/09 would cost \$96,683 provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled Weinhardt Computerized HIV Intervention Grant:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$96,683

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

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

1. Expend from the amount budgeted sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 2008 grant budget for training and out-of-town travel for staff; and

3. Expend from the 2008 grant budget for equipment as specified in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2008 Positions Ordinance C.C. File Number 070605, should be amended as follows:

Under

HEALTH DEPARTMENT

Change footnote (AAA) to read as follows:

To expire 3/31/09 unless the Weinhardt Computerized HIV Intervention Grant is extended.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note](#)  
[Notice List](#)  
[Operating Grant Budget](#)  
[Grant Analysis](#)  
[Fiscal Note - substitute](#)  
[Legislative Reference Bureau Analysis.doc](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

PLACING ON FILE THE FOLLOWING:

13. [040237](#) Substitute ordinance relating to the procurement of items of apparel from responsible manufacturers included on a list of preferred providers.

**Sponsors:** Ald. Zielinski

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

14. [041638](#) Resolution directing the Department of Administration - Business Operations Division to study the potential impacts of requiring all work performed under service contracts with the City of Milwaukee to be performed within the United States.
- Sponsors:** Ald. Zielinski
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
15. [071550](#) Communication from the Department of Administration - Budget and Management Analysis Division regarding various vacancy requests, fund transfers and equipment requests.
- Sponsors:** THE CHAIR
- Attachments:** [Hearing notice list](#)  
[Revised Vacancy agenda 5-15-08](#)  
[Approved agenda](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
16. [071625](#) Communication from the Department of Employee Relations relative to classification studies scheduled for City Service Commission action.
- Sponsors:** THE CHAIR
- Attachments:** [Letter from Dept of Employee Relations and job evaluations reports](#)  
[Fiscal note and spreadsheet](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente

17.        [080113](#)        Communication from the office of the City Attorney relating to an amendment to the positions ordinance.

**Sponsors:**        THE CHAIR

**Attachments:**    [City Attorney letter](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente



## THE JUDICIARY &amp; LEGISLATION COMMITTEE RECOMMENDS:

## ADOPTION OF THE FOLLOWING:

1. [071662](#) Resolution authorizing payment of the claim of Tim and Cathy Spath.

Whereas, The claimants, Tim and Cathy Spath, C.I. File No: 07-L-107, have filed a claim against the City of Milwaukee in amount of \$6,250.00; and

Whereas, The City of Milwaukee has agreed to pay the claim in the amount of \$6,250.00; and

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

Resolved, By the Common Council of the City of Milwaukee, that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$6,250.00, payable to the order of Tim and Cathy Spath, 3166 South 95th Street, Milwaukee, WI 53227-4323, in full and final payment of this claim, upon receipt of a release of claims, approved as to form and execution by the City attorney; said amount to be charged to the Water Department Liability Account 006300 - Fund No. 0410 - Organization 6410 - Program 2631 - Sub Class R643.

**Sponsors:** THE CHAIR

**Attachments:** [City Attorney Letter.doc](#)  
[Fiscal Note.doc](#)  
[Claim](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

2. [071666](#) Substitute resolution relating to an appeal from Earl Equitz for property damage.
- Whereas, Members of the Judiciary and Legislation Committee have reviewed the records to this claim in the amount of \$2,875.00, related to property damage. Based on this review, members of the Committee recommend the claimant be reimbursed \$500.00 in payment of this claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the total sum of \$500.00 payable to Earl Equitz, 3825 N 50th Street, Milwaukee, WI 53216, to reimburse for the loss; and, be it

Further Resolved, That the check is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to Account No. 636505, Fund - 0001, Organization - 1490, Program - 2631, Sub Class - S118. This resolution would release the City from any further liability arising from this incident.

**Sponsors:** THE CHAIR

**Attachments:** [Appeal](#)  
[City Attorney Letter](#)  
[Fiscal Note](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

3. [071675](#) Subtitute resolution relative to various legislative bills.

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

Resolved That the Common Council of the City of Milwaukee hereby instructs the Division of Intergovernmental Relations to watch and report on the following, viz:

H. R. 980/S. 213 (Public Safety Employer cooperation Act of 2007)

**Sponsors:** THE CHAIR

**Attachments:** [United States H.R. 80/S. 2123 \(Public Safety Employer-Employee Cooperation Act of 2007\)](#)  
[Letter from US Dept of Justice - Michael B Mukasey- opposition](#)  
[Letter in opposition of legislation](#)  
[Fiscal Note](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

4. [071676](#) Substitute Resolution to settle claims of Cermele & Associates and Gimbel Reilly Guerin & Brown for defense of various police officers.
- :Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the sum of \$902.00 payable to Gimbel Reilly Guerin & Brown, Two Plaza East, Suite 1170, 330 East Kilbourn Avenue Milwaukee, WI 53202 to reimburse them for legal fees for defense of the following police officers:

POLICE OFFICERS	AMOUNT
Steven Herman	\$462.00
Timothy Wilger	\$440.00
TOTAL	\$902.00

; and, be it

Further Resolved, That the check for \$902.00 is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to the Damages and Claims Account -636506- Fund No. 0001 - Organization 1490- Program 2631 - Sub Class S118.

; and, be it

Further Resolved, That the proper city officers be and they hereby are authorized and directed to issue a city check in the sum of \$35,224.15 payable to Cermele & Associates, 6310 West Bluemound Rd., Suite 200, Milwaukee, WI 53213 to reimburse him for legal fees for defense of the following police officers:

POLICE OFFICERS	AMOUNT
Robert Ferrell	\$537.08
Thomas Kline	\$1,417.16
POLICE OFFICERS	AMOUNT
David Martinez	\$1,002.00
David Bettin, Brian Flannery, Gregory Nelson, Ray Harris, Jeffrey Buckson and Eric Rom	\$336.12

David Skonieczny	\$1,597.25	
Luke Ardis, Larry Leibsle, Nicholas Rice, Scott Randow, Gerald Kraker and Troy Hopgood	\$1,616.76	
Dawn Jones, Phillip Simmert, Vincent Woller, Christopher Navarette and David Bublitz		\$657.35
Philip Poulos, Jr. and Heather Peerenboom		\$2,592.44
Thomas Multhauf	\$754.00	
Eric Rom, David Bettin, Jeff Buckson and Ray Harris	\$759.00	
David Kritzeck and David Larscheidt		\$605.00
Truman Dodd	\$352.00	
Javier Cornejo	\$407.00	
Michael Pelnar and Nat Tharpe		\$957.00
Matthew Knight and Rick Sandoval		\$525.00
Daniel Knitter and Eric Mlodzek		\$352.00
Randy Piontkowski	\$165.00	
Debora Stacey	\$591.60	
Douglas Marx	\$4,315.00	
Robert Kendziorski	\$430.64	
Phillip Simmert and Christopher Navarrette		\$1,842.06
POLICE OFFICERS	AMOUNT	
James Campbell	\$298.07	
Tracy Becker	\$353.50	

Brian Biscobing	\$2,426.12
Eric Devries and Susan Stirmel	\$1,732.00
Jacob Knight and Chad Boyack	\$6,027.00
Joel Moeller	\$424.00
Todd Lewan	\$2,152.00
TOTAL	\$35,224.15

; and, be it

Further Resolved, That the check for \$35,224.15 is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to the Damages and Claims Account -636506- Fund No. 0001 - Organization 1490- Program 2631 - Sub Class S118.

Drafter

City Attorney  
enm  
05/08/08

1032-2007-2723/132713

Sponsors: THE CHAIR

**Attachments:** [Fiscal Note](#)  
[Eric Devries & Susan Stirmel](#)  
[Brian Biscobing](#)  
[Tracy Becker](#)  
[James Campbell](#)  
[Phillip Simmert & Christopher Navarrete](#)  
[Robert Kendziorski](#)  
[Doyglas R. Marx](#)  
[Debora Stacey](#)  
[Randy Piontkowski](#)  
[Daniel Knitter & Eric Mlodzek](#)  
[Matthew Knight & Rick Sandoval](#)  
[Michael Pelnar & Nat Tharpe](#)  
[Timothy Wilger](#)  
[Steven Herman](#)  
[Javier Cornejo](#)  
[Truman Dodd](#)  
[David Kritzeck & David Larscheidt](#)  
[Eric Rom, David Bettin, Jeff Buckson & Ray Harris](#)  
[Thomas Multhauf](#)  
[Phillip J Poulos, Jr & Heather Peerenboom](#)  
[Dawn Jones, Phillip Simmert, Vincent Wolter, Christopher S Navarrette & David B](#)  
[Luke Ardis, Larry Leibsle, Nicholas Rice, Scott Randow, Gerald Krake & Troy Hop](#)  
[David Skonieczny](#)  
[David Bettin, Brian Flannery, Gregory Nelson, Ray Harris, Jeffrey Buckson & Eric](#)  
[David Martinez](#)  
[Thomas Kline](#)  
[Robert Ferrell](#)  
[Todd Lewan](#)  
[Joel Moeller](#)  
[Jacob Knight & Chad Boyack](#)  
[Fiscal Note - Substitute A](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

5. [071703](#) Resolution expressing City of Milwaukee support for efforts to end unrestricted busing of Milwaukee Public School (“MPS”) students.
- Whereas, The current MPS busing policy has provided no discernible benefits, as measured by academic performance, attendance, parental involvement or participation in extracurricular activities, to the students of MPS; and

Whereas, MPS continues to experience declining enrollment and financial pressures; and

Whereas, These financial pressures have necessitated the reduction or elimination of programs that contribute to a quality and comprehensive education including art, music, guidance, science, foreign language and before and after-school programs; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council supports efforts to end unrestricted busing of MPS students and restrict busing to:

1. Students attending citywide specialty schools.
2. Neighborhood students living more than 2 miles from their schools.
3. Chronic disruptive students to alternative schools controlled by MPS.
4. Students with disabilities as specified in their individual education plans.

; and, be it

Further Resolved, That the City Clerk shall send a certified copy of this resolution to the superintendent of MPS and all MPS board members.

**Sponsors:** Ald. Zielinski, Ald. Wade, Ald. Bohl, Ald. Donovan, Ald. Bauman and Ald. Davis

**Attachments:** [Fiscal Note](#)  
[Proposed Substitute A](#)

**ADOPTED**

**Aye:** 12 - Hamilton, Davis, Kovac, Bauman, Bohl, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 1 - Coggs

**Excused:** 2 - Wade Puente



6. [080033](#) Resolution approving and authorizing the settlement of judgment for delinquent taxes entered on behalf of the City of Milwaukee by the Kohn Law Firm against Keefe Richards LLC for the property located at 274 E. Keefe Ave.

Whereas, The City of Milwaukee (“the City”), through the Kohn Law Firm (“Kohn”), filed suit against Keefe Richards LLC (“Keefe”) for real estate taxes for the tax years 1995 thru 2005 for the property located at 274 E. Keefe Ave.; and

Whereas, Keefe became the owner of the property in June 2006; and

Whereas, Kohn has conducted an examination of Keefe’s assets and determined that enforcement of the judgment would be difficult due to Keefe’s nominal assets; and

Whereas, The City would not acquire the property because it is on the do not acquire list; and

Whereas, Kohn has negotiated a proposed settlement of the judgment for a total of \$ 26,531.04 and that figure represents the principal amount that the taxes for 1995-2005 would have been without the interest, penalties, costs and fees; and

Whereas, Keefe has already paid the 2006 taxes in full; and

Whereas, Keefe would be required to pay the 2007 taxes including interest, penalties, fees and costs in full before the 1995-2005 interest and penalties would be remitted under the terms of the settlement negotiation between Keefe and Kohn; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Judgment against Keefe be settled for \$26,531.04 and said Judgment interest, penalties, fees and costs be and is hereby cancelled.

**Sponsors:** THE CHAIR

**Attachments:** [City Attorney Cover Letter](#)  
[Fiscal Note](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

CONFIRMATION OF THE FOLLOWING:

7. [080035](#) Reappointment of Dwight Ellis to the Ethics Board by the Mayor. (4th Aldermanic District)

**Sponsors:** THE CHAIR

**Attachments:** [Appointment Letter](#)  
[Attendance Record](#)  
[Oath of Office](#)

**CONFIRMED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

8. [080036](#) Reappointment of Patricia Hintz to the Ethics Board by the Mayor. (4th Aldermanic District)

**Sponsors:** THE CHAIR

**Attachments:** [Appointment Letter](#)  
[Attendance Record](#)

**CONFIRMED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

PLACING ON FILE THE FOLLOWING:

9. Various obsolete files:

- a. [991438](#) Resolution to settle claim of Attorney Steven R. Kohn, Steven R. Kohn Law Office, for defense of Police Officer Lamont Hodnett. (City Attorney)

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Review Analysis.doc](#)  
[Atty Whitcomb Letter.PDF](#)  
[City Atty Letter.PDF](#)  
[Atty Kohn Letter.PDF](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- b. [031025](#) A substitute ordinance relating to the provisions of the code of ethics.
- Sponsors:** Ald. Pratt
- Attachments:** [CA- re: Chapter 303 Code of Ordinances, ethics education requirement, and regis Ethics Board Comments on proposed changes to chapter 303 and 305, March 20](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- c. [040132](#) An ordinance relating to the reporting of gifts to city officials.
- Sponsors:** Ald. Bohl
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- d. [040512](#) Resolution directing the Intergovernmental Relations Division - Department of Administration to seek introduction and passage of state legislation relating to hours of operation for sale of alcohol beverages for certain premises licensed as Class "B" taverns.
- Sponsors:** Ald. Zielinski
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- e. [040706](#) Communication from the City Attorney's Office transmitting a communication from Timothy Brophy, Jr. relative to a claim for property damage.
- Sponsors:** THE CHAIR
- Attachments:** [City Atty Letter.DOC](#)  
[Claim.PDF](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- f. [050630](#) An ordinance implementing certain recommendations of the election task force.

**Sponsors:** Ald. D'Amato

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- g. [051033](#) Resolution relating to establishment of an amnesty parking program.

**Sponsors:** Ald. McGee Jr.

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- h. [051043](#) An ordinance relating to establishment of an amnesty parking program.

**Sponsors:** Ald. McGee Jr.

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- i. [051629](#) Resolution relating to penalties provided in state law for homicides committed under certain circumstances.

**Sponsors:** Ald. McGee Jr.

**Attachments:** [Ald. McGee Press Release](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- j. [060081](#) Communication from the Wisconsin Sentencing Commission concerning the Commission's study on race as the basis of imposing sentences in criminal cases, state-wide sentencing practices, pending and on-going reports, and other related information.
- Sponsors:** Ald. McGee Jr.
- Attachments:** [2005 Annual Report](#)  
[Race and Sentencing in Wisconsin](#)  
[Offender Ages by Race and Crime](#)  
[Offender Race by Crime](#)  
[Semi Annual Report #3](#)  
[Draft Executive Summary](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- k. [060464](#) An ordinance relating to use of city and Milwaukee Public Schools' facilities for community special events.
- Sponsors:** Ald. McGee Jr.
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- L. [061579](#) Communication relating to Milwaukee Election Commission procedures for absentee voting.
- Sponsors:** Ald. McGee Jr.
- Attachments:** [Letters & Responses from Board of Election Commission](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente

- m. [070747](#) Resolution directing the Department of Administration - Intergovernmental Relations Division to seek introduction and passage of state legislation relating to the manner in which election officials and trainees may be compensated.
- Sponsors:** Ald. D'Amato
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- n. [071543](#) Resolution relating to an appeal from Attorney Lawrence Knauf on behalf of Brian Loffredo for property damage. (4th Aldermanic District)
- Sponsors:** THE CHAIR
- Attachments:** [Appeal](#)  
[City Attorney Letter](#)  
[Hearing Notice list](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
10. [071544](#) Resolution authorizing settlement of the lawsuit entitled David Hollins, Jr. v. Demetrius Ritt, et al., in the amount of \$20,000.
- Sponsors:** THE CHAIR
- Attachments:** [City Attorney Cover Letter](#)  
[Fiscal Note](#)  
[Hearing notice list](#)
- PLACED ON FILE**
- Aye:** 11 - Hamilton, Davis, Kovac, Bauman, Coggs, Donovan, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 2 - Bohl Murphy
- Excused:** 2 - Wade Puente

## DISALLOWANCE AND INDEFINITE POSTPONEMENT OF THE FOLLOWING:

11. Various claims against the city:

- a. [071628](#) Resolution relating to the claim of Hayden Headley for property damage. (15th Aldermanic District)
- Sponsors:** THE CHAIR
- Attachments:** [City Attorney Letter.doc](#)  
[Claim](#)  
[Disallow letter](#)
- DISALLOWED AND INDEFINITELY POSTPONED**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- b. [071633](#) Resolution relating to the claim of Benjamin Wager of Habush, Habush & Rottier, SC on behalf of John and Amy Sanheim for personal injuries. (2nd Aldermanic District)
- Sponsors:** THE CHAIR
- Attachments:** [City Attorney Letter.doc](#)  
[Claim](#)  
[Disallow letter - claimant](#)  
[Disallow letter - atty](#)
- DISALLOWED AND INDEFINITELY POSTPONED**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
- c. [071664](#) Resolution relating to an appeal from Sylvia Jones for property damage. (2nd Aldermanic District)
- Sponsors:** THE CHAIR
- Attachments:** [Appeal](#)  
[City Attorney Letter](#)  
[Disallow letter](#)
- DISALLOWED AND INDEFINITELY POSTPONED**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente

- d. [071665](#) Resolution relating to an appeal from Albert Taylor for damages and lost wages. (1st Aldermanic District)

**Sponsors:** THE CHAIR

**Attachments:** [Appeal](#)  
[City Attorney Letter](#)  
[Disallow letter](#)

**DISALLOWED AND INDEFINITELY POSTPONED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- e. [071707](#) Resolution relating to the claim of Karter Stank for personal injuries and property damage. (2nd Aldermanic District)

**Sponsors:** THE CHAIR

**Attachments:** [City Attorney Letter.doc](#)  
[Claim](#)  
[Disallow letter](#)

**DISALLOWED AND INDEFINITELY POSTPONED**

**Aye:** 12 - Hamilton, Davis, Kovac, Bauman, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 1 - Bohl

**Excused:** 2 - Wade Puente

- f. [080007](#) Resolution relating to an appeal from Richard Wang, Agent for The Park Terrace, for property damage. (2nd Aldermanic District)

**Sponsors:** THE CHAIR

**Attachments:** [Appeal](#)  
[City Attorney Letter](#)  
[Disallow letter](#)

**DISALLOWED AND INDEFINITELY POSTPONED**

**Aye:** 12 - Hamilton, Davis, Kovac, Bauman, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 1 - Bohl

**Excused:** 2 - Wade Puente



## THE ZONING, NEIGHBORHOODS &amp; DEVELOPMENT COMMITTEE RECOMMENDS:

## PASSAGE OF THE FOLLOWING:

1. [071711](#) Substitute ordinance relating to the change in zoning from Single-Family Residential to Commercial Service for properties located at 1636-46 North 14th Street for use by the Department of Public Works, in the 15th Aldermanic District.

Resolved, That the Mayor and Common Council of the City of Milwaukee, do ordain as follows:

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

Section 295-601.4.0006. The zoning map is amended to change the zoning for the area bounded and described by the zoning line along the right-of-way line of West Walnut Street, the zoning line along the right-of-way line of North 14th Street, the zoning line along the right-of-way line of the east adjacent alley and the zoning line along the right-of-way line of the south adjacent alley, from Single-Family Residential (RS6) to Commercial Services (CS).

**Sponsors:** Ald. Hines Jr.

**Attachments:** [Notice List](#)  
[Site Plan.pdf](#)  
[Proposed Zoning Change Map.jpg](#)  
[Affidavit for Zoning Change.pdf](#)  
[City Plan Commission Letter.doc](#)  
[Notice Published on 6-6-08](#)

**PASSED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

2. [071714](#) An ordinance relating to certificate of code compliance regulations.

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

Part 1. Section 200-33-7-a of the code is amended to read:

200-33. Fees.

7. CERTIFICATE OF CODE COMPLIANCE. a. The application and inspection fee for every certificate of code compliance shall be \$75 per [[building]] >>taxkey except as noted in s. 200-52-5-b in which instance the fee shall be \$150<<.

Part 2. Section 200-52-2-c-1, 3-a and b of the code is amended to read:

200-52. Certificate of Code Compliance.

2. DEFINITIONS.

c-1. Designated reinvestment area number [[one]] >>1<< means the area comprised of census tracts 158 to 163, 169 partially, and 170 which is bounded clockwise by West Pierce Street, South 16th Street, South Pearl Street, South 17th Street, West Mitchell Street, South 18th Street, West Burnham Street, South Muskego Avenue, West Becher Street, South 31st Street, West Lapham Street, South 38th Street, West Mitchell Street, South 39th Street, west along city limits, South 42nd Street, West Lapham Street, South 43rd Street, West Greenfield Avenue, South 38th Street, West National Avenue, and South 39th Street.

3. CERTIFICATE OF CODE COMPLIANCE REQUIRED. a. [[No person]] >>Persons<< acquiring an ownership interest within the designated reinvestment areas within the city, as a result of a sale, transfer or conveyance of a one or 2-family dwelling shall >>, within 15 days of sale, transfer or conveyance,<< [[occupy or rent the property after the time of sale, transfer or conveyance without having first applied]] >>apply<< for a certificate of code compliance.

b. [[No person]] >>Persons<< acquiring an ownership interest as the result of a sale, transfer or conveyance of a >>non-owner occupied<< one or 2-family dwelling within the city shall [[allow others to occupy the property or rent the property after time of sale, transfer or conveyance without having first applied]] >>within 15 days of sale, transfer or conveyance, apply<< for a certificate of code compliance.

Part 3. Section 200-52-5 of the code is repealed and recreated to read:

5. APPLICATION FOR INSPECTION.

a. When a certificate of code compliance is required, an application for inspection shall be filed with the department on forms provided by the department within 15 days of the sale or transfer or conveyance of the property. The application shall be signed

by the owner, and it shall state the street address of the dwelling to be inspected, the owner's legal name, the owner's phone number and date of birth, and, if applicable, the buyer's name, address, phone number and date of birth. The application for inspection shall be accompanied by the payment in full of the fee required in s. 200-33.

b. Failure to apply for the certificate of code compliance as required in this section may result in the department initiating the certificate of code compliance process and the department assessing double the required fee in s. 200-33-7.

c. The application for the certificate of code compliance shall be valid for one year from the date of the original inspection.

d. In the event of a sale, transfer or conveyance of a property within 3 months of the initial code compliance inspection, the new application fee shall be waived if the new owner submits an application as required by this section.

e. A certificate of code compliance application shall not be transferable.

Part 4. Section 200-52-6-b of the code is amended to read:

#### 6. INSPECTION PROCEDURE.

b. The department shall issue a certificate of code compliance only after it has inspected the dwelling and found that its >>observable<< exterior conditions conform to the building maintenance code and that there are [[also]] no outstanding orders issued against it pursuant to s. 308-81.

Part 5. Section 200-52-7-b and d of the code is amended to read:

#### 7. ENFORCEMENT.

b. Nonhazardous Conditions. Should the department upon inspection determine that there are code violations which do not constitute an imminent danger, the owner [[shall]] >>may<< be issued a temporary certificate of [[occupancy]] >>code compliance<< and given a specified number of days to remedy the violations.

d. Uncorrected Violations. Failure to abate violations cited as a result of the inspection pursuant to an application for a certificate of code compliance constitutes a violation of the building maintenance code and may result in the enforcement measures normally instituted by the department in such instances. >>The department may cancel the application if the owner fails to abate such violations.<<

**Sponsors:** Ald. Bauman

**Attachments:** [Fiscal Note](#)  
[Notice List](#)  
[Letter from Thomas G. Mishefske re proposed changes](#)  
[Notice Published on 6-6-08](#)

**PASSED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

ADOPTION OF THE FOLLOWING:

3. [071699](#) Resolution relating to a minor modification to the General Planned Development known as City Light, on land located at 1601 West Mount Vernon Avenue and 200 North 16th Street, in the 8th Aldermanic District.

Whereas, Section 295-907-3(i) of the Milwaukee Code of Ordinances permits variation to planned developments after approval of the Common Council; and

Whereas, The general plan known as City Light was approved by the Common Council of the City of Milwaukee on February 27, 2007, under File No. 061141; and

Whereas, The minor modification to allow for the temporary use of the site for special event/live entertainment for up to 3 months during the Harley Anniversary is consistent with the spirit and intent of the approved plan and will not adversely affect surrounding development and a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the minor modification to the approved plan permitting the temporary use of site for special event/live entertainment for up to 3 months for the Harley Anniversary is approved.

**Sponsors:** Ald. Donovan

**Attachments:** [Notice List](#)  
[Exhibit A.pdf](#)  
[Site Plan as of 5-7-08.pdf](#)  
[Affidavit for Zoning Change.pdf](#)  
[City Plan Commission Letter.doc](#)  
[Site Photos as of 5-7-08.pdf](#)  
[Operating Plan-Sign Photos-Site Plan-Background as of 5-8-08.pdf](#)  
[Site Plan as of 5-8-08](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

## PLACING ON FILE THE FOLLOWING:

4. Various obsolete files:
- a. [041663](#) A substitute ordinance relating to the voting requirements for changing the zoning of parcels zoned industrial.

**Sponsors:** Ald. D'Amato

**Attachments:** [Legal Opinion](#)  
[City Plan Commission letter.doc](#)  
[Notice Published on April 4, and 11, 2005.PDF](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- b. [050262](#) Resolution amending city policy on sale of certain City-owned vacant lots.

**Sponsors:** Ald. Hines Jr.

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- c. [050283](#) An ordinance relating to the disposition of city real estate property.

**Sponsors:** Ald. Hines Jr.

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- d. [050710](#) Ordinance relating to the change in zoning from Industrial Light (IL1) to Detailed Planned Development (DPD), on land located on the West Side of North Cambridge Avenue and North of East North Avenue, in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- e. [050965](#) An ordinance relating to the penalty for illegal occupancy or use of a building, structure or premises.

**Sponsors:** Ald. D'Amato

**Attachments:** [Fiscal note](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- f. [051172](#) An ordinance relating to criteria for application and funding of tax incremental districts.

**Sponsors:** Ald. Murphy

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- g. [051178](#) An ordinance relating to building code regulations for the drainage of paved parking areas.

**Sponsors:** Ald. Zielinski

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- h. [051300](#) Resolution suspending the sale or other disposition of properties owned by the City of Milwaukee, and financing and expenditure of budgeted funds for existing and new Tax Increment Districts.

**Sponsors:** Ald. McGee Jr.

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- i. [051311](#) Resolution amending provisions of the project plan for Tax Incremental District Number 22 (“Beerline B”).

**Sponsors:** Ald. McGee Jr.

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- j. [051338](#) An ordinance relating to regulations for land uses classified as permitted uses or limited uses by the zoning code.

**Sponsors:** Ald. Bauman

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- k. [051355](#) Ordinance relating to the change in zoning from Industrial Heavy (IH) to a Detailed Planned Development (DPD) known as Bishop’s Creek, on land located on the South Side of West Hampton Avenue and West of North 32nd Street, in the 1st Aldermanic District.

**Sponsors:** Ald. Hamilton

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- L.        [061334](#)        Resolution establishing a Reinspection Fee Task Force.
- Sponsors:        Ald. McGee Jr.
- Attachments:    [Fiscal Note](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:**    0
- Excused:** 2 - Wade Puente
- m.        [070230](#)        An ordinance relating to the maximum permitted height for buildings in the RM7 multi-family residential zoning district.
- Sponsors:        Ald. Bauman
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:**    0
- Excused:** 2 - Wade Puente
- n.        [070657](#)        Ordinance approving the First Amendment to a Detailed Planned Development known as Willow Creek, on lands located on the South Side of West Edgerton Avenue and West of South 13th Street, in the 13th Aldermanic District.
- Sponsors:        Ald. Witkowski
- Attachments:    [Notice Published on 8-31-07 and 09-7-07](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:**    0
- Excused:** 2 - Wade Puente
- o.        [071605](#)        Ordinance relating to the change in zoning from Industrial Light to a Detailed Planned Development known as Cambria Suites on land located at 191 West Edgerton Avenue for hotel development, in the 13th Aldermanic District.
- Sponsors:        Ald. Witkowski
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.



**No:** 0

**Excused:** 2 - Wade Puente

5. [071181](#) Resolution authorizing the sale of the City-owned vacant lots at 2801(R) South Fifth Court, 520 West Rosedale Avenue and part of 2744 (Adj.) South Sixth Street to Cardinal Capital Management, Inc., for residential development, in the 14th Aldermanic District.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note.doc](#)  
[Proposed Substitute A.rtf](#)  
[Proposed Substitute B.rtf](#)  
[Land Disposition Report.doc](#)  
[Right-of-Way and Easement Map.doc](#)  
[City Plan Commission Letter.doc](#)  
[Proposed Substitute C.rtf](#)  
[Notice List](#)  
[CMAQ questions for KK River Bike Trail](#)  
[Non-speakers](#)  
[Speakers](#)

**PLACED ON FILE**

**Aye:** 11 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Dudzik, Witkowski, Zielinski Hines Jr.

**No:** 2 - Murphy Witkowiak

**Excused:** 2 - Wade Puente

6. [071292](#) Substitute ordinance relating to the change in zoning from Industrial Heavy to General Planned Development on land located on the East Side of South 6th Street and North and South of West Rosedale Avenue for affordable housing, retail space and support services, in the 14th Aldermanic District.

**Sponsors:** THE CHAIR

**Attachments:** [Exhibit A as of 3-3-08.pdf](#)  
[Exhibit A Continued as of 3-3-08.pdf](#)  
[Meetings Related to Development of Empowerment Village.doc](#)  
[City Attorney Opinion.pdf](#)  
[Proposed Zoning Change Map.jpg](#)  
[Affidavit for Zoning Change.pdf](#)  
[Support Chudnow.pdf](#)  
[Support John.pdf](#)  
[Support Neidhardt.pdf](#)  
[Support Wilberg.pdf](#)  
[City Plan Commission Letter.doc](#)  
[Notice Published on 2-1-08 and 2-8-08](#)  
[Notice Published on 2-28-08 and 3-6-08](#)  
[Proposed Substitute A.rtf](#)  
[Support Beth Anderson](#)  
[Support Gregory Oberland](#)  
[Support AO Smith Corporation](#)  
[Support Thomas and Janet Hamilton](#)  
[Notice List](#)  
[Support American Behavioral Clinics](#)  
[CMAQ questions for KK River Bike Trail](#)  
[Support Andreia Johnson](#)  
[Support Thomas Carroll](#)  
[Speakers](#)  
[Non-speakers](#)  
[Handout from Tigie Whaley Smith - part 1](#)  
[Handout from Tigie Whaley Smith - part 2](#)  
[Handout from Tigie Whaley Smith - part 3](#)

**PLACED ON FILE**

**Aye:** 11 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Dudzik, Witkowski, Zielinski Hines Jr.

**No:** 2 - Murphy Witkowiak

**Excused:** 2 - Wade Puente

THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [070141](#) A substitute ordinance relating to the method by which the city of Milwaukee youth council is selected and abolishing the youth council advisory committee.
- The Mayor and Common Council of the City of Milwaukee do ordain as follows:
- Part 1. Section 320-45 of the code is repealed and recreated to read:
- 320-45. Youth Council.
1. CREATION. There is created a city youth council, which is attached to the office of the city clerk, to serve and advance the interests of city youth as a representative body in city government through a working partnership with the common council and the mayor.
  2. COMPOSITION. The youth council shall be comprised of 15 members, who shall be of ages 18 and under upon appointment. Each youth council member shall:
    - a. Currently attend high school or alternative school, or demonstrate the intent to attend a high school or alternative school.
    - b. Be committed to improving the lives of all the young people of Milwaukee.
  3. SELECTION.
    - a. Selection Committee. Nominations to the youth council shall be made by a committee composed of one member of the common council, appointed by the common council president; one representative of community-based organizations appointed by the common council president; and one citizen member appointed by the mayor. The common council member shall serve as chair of the committee. All members shall serve 3-year terms.
    - b. Application Process. The selection committee shall determine the process to be used for soliciting and evaluating applications submitted by prospective members of the youth council. Nominations for membership to the youth council shall be submitted to the common council by the selection committee no later than July 1 of each year.
    - c. Council Member Selection. Each member of the common council shall, no later than June 1 of each year, select one resident of his or her district eligible to serve as a member of the youth council as a candidate for his or her district's representative on the youth council. The common council president shall select a candidate for districts that have no sitting aldermanic representation. The name of the candidate so selected shall be submitted in writing to the office of the city clerk.
  4. TERM OF OFFICE.
    - a. All youth council members shall take an oath of office before beginning their terms.
    - b. Members shall serve one-year terms, from August 1 to July 31 of the following year.
    - c. A member shall continue to serve until he or she resigns or is replaced.
    - d. Vacancy shall be filled for unexpired terms in the same manner as original appointments.
  5. OFFICERS AND RULES.
    - a. The youth council shall elect a president and vice-president for one-year terms and may select such other officers as it provides by rule.

b. The youth council may adopt rules to assist the council in carrying out its responsibilities.

c. The president may appoint youth council members and other interested parties to serve on committees.

d. In the absence of a youth council rule to the contrary, the provisions of Robert's rules of order, latest edition, shall govern the proceedings of the council.

6. DUTIES AND POWERS. a. The youth council shall:

a-1. Participate in the operation of programs as specifically authorized or directed by the common council, including such programs as may be financed in whole or in part by city financial contributions used to carry out a particular youth council program or accomplish a particular youth council goal.

a-2. Assess and evaluate community needs and resources relative to the protection and promotion of city youth and communicate those assessments and evaluations to the common council and mayor.

a-3. Encourage and assist in studies designed to evaluate and recommend changes in laws, policies, procedures and practices for the purpose of improving community conditions and promoting wholesome youth development.

a-4. Receive program proposals from youth groups within the city.

a-5. Recommend funding allocations for the execution of program proposals authorized by the common council.

b. The president may designate representatives to attend community forums and meetings.

7. STAFFING. a. The office of the city clerk shall provide staff assistance to the youth council and the selection committee and maintain the records of both bodies.

b. All city departments and agencies shall cooperate with the youth council and assist the youth council to achieve its objectives.

8. REPORTS. The youth council shall annually provide a written report of its activities to the common council and the mayor and shall report more frequently as the youth council, the common council or the mayor may find proper.

9. FUNDING. Ten percent of annual city community development block grant reprogramming dollars shall be allocated to support the recommendations for youth service activities and objectives. The city shall create, administer, and audit all revenue and expenditure accounts related to the youth council according to city budget and accounting standards and procedures.

10. OVERSIGHT. The common council shall review all programs and contracts proposed for funding by the youth council and may reject any youth council decision by a majority vote.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note](#)  
[Notice List](#)  
[Notice Published on 6-6-08](#)

**PASSED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

ADOPTION OF THE FOLLOWING:

2. [071634](#) Resolution relating to terminating the sister city relationship with Schwerin, Germany.

Whereas, The Common Council created the Sister Cities Committee to assist in the establishment and maintenance of sister city relationships pursuant to Sister Cities International guidelines; and

Whereas, The Sister Cities Committee reviews requests for new relationships, investigates and makes recommendations to the Common Council concerning the establishment of new relationships, and maintenance or termination of existing sister city relationships; and

Whereas, The Sister Cities Committee has reviewed the current sister city relationship with Schwerin, Germany, and recommends that the sister city relationship be terminated due to lack of information on activities, reports and documentation as required to meet the goals and guidelines set by Sister Cities International; and

Whereas, This relationship is no longer active, does not have local community support that fosters opportunities for reciprocal cultural, educational, municipal, business, professional or humanitarian exchanges and projects, and is therefore recommended for termination by the Sister Cities Committee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Resolution File Number 970335, adopted on June 3, 1997, is rescinded, thereby terminating the sister city relationship with Schwerin, Germany.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal note](#)  
[Notice List](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

3. [071694](#) Substitute resolution relating to the use and allocation of HOME Investment Partnership reprogramming funds.

**Sponsors:** THE CHAIR

**Attachments:** [Community Block Grant Cover Letter](#)  
[Notice List](#)  
[Fiscal Note](#)  
[Attachment A HOME 2008 Reprogramming Recommendations](#)  
[Amended Attachment A HOME 2008 Reprogramming Recommendations](#)  
[Sub. 2 Attachment A HOME 2008 Reprogramming Recommendations](#)

*This motion was ruled to supercede an earlier motion by Ald. Davis to amend.*

**REFERRED TO**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

4. [071695](#) Substitute resolution relating to the use and allocation of Community Development Block Grant reprogramming funds.

Whereas, The amount of Community Development Block Grant funds available for reprogramming is \$964,659; and

Whereas, The Community and Economic Development Committee recommends approval to allocate funding in the amount of \$964,659, to the organizations in Attachment A for reprogramming; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that reprogramming awards are approved for the organizations in Attachment A; and, be it

Further Resolved, That the Community Development Grants Administration is responsible for awarding a subrecipient contract for these approved activities; and, be it

Further Resolved, That the subrecipient organizations shall submit budget and activity reports in amounts and according to any conditions approved by the Common Council and in accordance with File Number 74-92-5v, to the Community Development Grants Administration and the City Comptroller for review and approval; and, be it

Further Resolved, That payments for CDBG cost incurred shall be paid in accordance with approved CDBG reimbursement policy based on the approval by the Community Development Grants Administration and the City Comptroller; and, be it

Further Resolved, That except as modified by this resolution, the guidelines for handling the Community Development Block Grant Program set forth in Common council File Number 74-92-5v are fully applicable to the 2008 Community Development Entitlement Funding Program.

**Sponsors:** THE CHAIR

**Attachments:** [Community Block Grant Cover Letter](#)  
[Notice List](#)  
[Fiscal Note](#)  
[Attachment A CDBG 2008 REPROGRAMMING RECOMMENDATIONS](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente



## CONFIRMATION OF THE FOLLOWING:

5. [071355](#) Appointment of Joel Lee to the Business Improvement District Board #41 (Downer Avenue) by the Mayor. (4th Aldermanic District)
- Sponsors:** THE CHAIR
- Attachments:** [Appointment Letter](#)  
[Biography](#)  
[Notice List](#)
- HELD IN COUNCIL**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
6. [071356](#) Appointment of John Sendik to the Business Improvement District Board #41 (Downer Avenue) by the Mayor. (3rd Aldermanic District)
- Sponsors:** THE CHAIR
- Attachments:** [Appointment Letter](#)  
[Biography](#)  
[Hearing Notice](#)
- HELD IN COUNCIL**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
7. [071357](#) Appointment of Mike Eitel to the Business Improvement District Board #41 (Downer Avenue) by the Mayor. (3rd Aldermanic District)
- Sponsors:** THE CHAIR
- Attachments:** [Appointment Letter](#)  
[Biography](#)  
[Notice List](#)
- HELD IN COUNCIL**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente

8. [071358](#) Appointment of Boris Gokhman to the Business Improvement District Board #41 (Downer Avenue) by the Mayor. (3rd Aldermanic District)

**Sponsors:** THE CHAIR

**Attachments:** [Appointment Letter](#)  
[Biography](#)  
[Notice List](#)

**HELD IN COUNCIL**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

9. [071359](#) Appointment of Lynn Hartwig to the Business Improvement District Board #41 (Downer Avenue) by the Mayor. (3rd Aldermanic District)

**Sponsors:** THE CHAIR

**Attachments:** [Appointment Letter](#)  
[Biography](#)  
[Notice List](#)

**HELD IN COUNCIL**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

10. [080037](#) Appointment of Jaclynne Lopez to the Business Improvement District Board #29 (Atkinson/Capitol/Teutonia) by the Mayor. (1st Aldermanic District)

**Sponsors:** THE CHAIR

**Attachments:** [Appointment Letter](#)  
[Resume](#)  
[Notice List](#)

**CONFIRMED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

PLACING ON FILE THE FOLLOWING:

11. [071646](#) Communication from the Sister Cities Committee relating to its 2006 and 2007 Annual Reports.
- Sponsors:** THE CHAIR
- Attachments:** [2006 Sister Cities Report](#)  
[2007 Sister Cities Report](#)  
[Notice List](#)  
[3-23-06 meeting minutes and exhibits](#)  
[5-25-06 meeting minutes and exhibits](#)  
[7-21-06 meeting minutes and exhibits](#)  
[9-21-06 meeting minutes and exhibits](#)  
[11-15-06 meeting minutes and exhibits](#)  
[2-23-07 meeting minutes](#)  
[4-27-07 meeting minutes](#)  
[3-30-07 meeting minutes and exhibits](#)  
[1-03-07 meeting minutes](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
12. [071696](#) Communication from the Community Block Grant Administration relating to the City of Milwaukee HOME Investment Partnership Contingency Account.
- Sponsors:** THE CHAIR
- Attachments:** [Community Block Grant Cover Letter](#)  
[Notice List](#)  
[Statement of Changes in Financial Position](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
13. [071697](#) Communication from the Community Block Grant Administration relating to the City of Milwaukee Community Development Block Grant Contingency Account.
- Sponsors:** THE CHAIR
- Attachments:** [Community Block Grant Cover Letter](#)  
[Notice List](#)  
[Statement of Changes in Financial Position](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

14. Various obsolete files:

a. [051037](#) Communication relating to City efforts concerning grant administration activities.

**Sponsors:** Ald. McGee Jr.

**Attachments:** [Communication Report Request](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

b. [060073](#) A substitute ordinance relating to the emerging business enterprise program.

**Sponsors:** Ald. McGee Jr.

**Attachments:** [City Attorneys Opinion - 2/11/04](#)  
[City Attorneys Opinion - 4/3/90](#)  
[City Attorneys Opinion - 7/21/06](#)  
[City Attorneys Opinion - 11/22/05](#)  
[Fiscal Note](#)  
[Letter from Roy Evans dated 7/25/06](#)  
[3/7/06 Ald. McGee press release](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

c. [060659](#) Resolution creating a task force to develop a conflict resolution program/curriculum for use by schools in the City of Milwaukee.

**Sponsors:** Ald. Hines Jr.

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- d. [070651](#) An ordinance relating to eligible activities funded by the development fund.

**Sponsors:** Ald. Zielinski

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan,  
Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

THE PUBLIC WORKS COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [071682](#) A substitute ordinance related to sales on the public right of way.

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

Part 1. Section 105-57-1-of the code is amended to read:

105-57. Sales on Public Right of Way (Special Events). 1. PURPOSE. It is determined and declared that the use of certain public right of way on the days on which certain special events listed in sub. 2 are scheduled for the specific public purposes to which the right of way is intended is preeminent. It is further determined and declared that sales on the designated public right of way in sub. 2 interferes with their use for their intended purposes. >>It is further determined and declared that the use of the public sidewalk and streets outside of the designated right of way for events listed in sub. 2 interferes with the orderly ingress and egress to and from those special events and therefore with their use for their intended purposes.<<

Part 2. Section 105-57-2 of the code is repealed and recreated to read:

2. SPECIAL EVENTS; DESIGNATED RIGHT OF WAY. The right of way for Jazz in the Park, River Rhythms, Riversplash, the Westown Farmer's Market, and certain special events designated by the commissioner of public works shall be as described in the application for the special event permit issued by the department of public works.

Part 3. Section 105-57-3 of the code is repealed and recreated to read:

3. REGULATIONS. a. It shall be unlawful for any person to sell, or offer to sell, any goods, merchandise, foodstuffs, tickets or any other article of any kind on any public street or public sidewalk within 500 feet of the right of way for special events designated in sub.2, for the period of time beginning 2 hours immediately before the commencement of any scheduled event therein and ending one hour immediately after the conclusion of the event. This paragraph does not apply to any sales or offers to sell within the designated right of way of the special events listed in sub 2.  
b. An organization sponsoring a special event specified in sub. 2 shall assign locations to vendors for the event. All vendor vehicles or tents must be located at least 15 feet apart from each other.

Part 4. Section 105-57-4 of the code is renumbered 105-57-5.

Part 5. Section 105-57-4 of the code is created to read:

4. EXCEPTIONS. Nothing in this section shall be construed to prohibit the resale of tickets to entertainment or sporting events at or below face value.

**Sponsors:** Ald. Bauman

**Attachments:** [Hearing notice list](#)  
[Fiscal note](#)  
[Notice Published on 6-6-08](#)

**PASSED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

ADOPTION OF THE FOLLOWING:

2. Various resolutions relating to special privileges:



- a. [051203](#) Substitute resolution granting a special privilege to Eric Uecke for two platforms with stairs, an air conditioner enclosure with air conditioners, recycling cart and trash dumpster in the public right-of-way for the premises at 2494-96 South Wentworth Avenue, in the 14th Aldermanic District.

Whereas, Eric Uecke is requesting permission to keep a platform and stairs in the public right-of-way; and

Whereas, A site visit revealed the presence of an addition platform with stairs, an air conditioner enclosure with air conditioners, a recycling cart and a trash dumpster within the public right-of-way; and

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

Resolved, By the Common Council of the City of Milwaukee that, Eric Uecke, 2494 South Wentworth Avenue, Milwaukee, Wisconsin 53207 is hereby granted the following special privileges:

1. To keep and maintain a concrete platform with stairs and handrail in the north 16-foot wide sidewalk area of East Russell Avenue. Said 5-foot 4-inch wide platform with stairs projects 2 feet 2 inches into the public way. Said platform with stairs and handrail is centered approximately 62 feet east of the eastline of South Wentworth Avenue. There is a 3-foot wide door that swings open over said platform in excess of the 12 inches allowed under Section 245-4.8 of the Milwaukee Code of Ordinances.
2. To keep and maintain a 5-foot 1-inch wide concrete platform with stairs and handrails projecting into the public right-of-way at a 45-degree angle at the intersection of East Russell Avenue and South Wentworth Avenue.
3. To keep and maintain an air conditioner enclosure with capacity for two air conditioners in the north, 16-foot wide sidewalk area of East Russell Avenue. Said air conditioner enclosure, centered approximately 62 feet east of the eastline of South Wentworth Avenue, is 5 feet 4 inches long and projects 2 feet 2 inches into the public way. The air conditioner enclosure is a minimum of 6 feet above the adjacent sidewalk grade.
4. To keep and maintain a dumpster and recycling cart in the 18-foot wide, east sidewalk area of South Wentworth Avenue. The dumpster, centered approximately 16 feet north of the northline of East Russell Avenue, is 6 feet long and 4 feet wide. The 2-foot square recycling cart is centered approximately 23 feet north of the northline of East Russell Avenue.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of 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, Eric Uecke, 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. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled 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 \$93.34. 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 and 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 66.0425 of the Wisconsin Statutes (1999), 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

**Sponsors:** THE CHAIR

**Attachments:** [Special Privilege Petition.PDF](#)  
[Fiscal Note](#)  
[cover letter](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

b. [070583](#) Substitute resolution amending a special privilege for change of ownership to DGM Development, LLC and granting permission for altered items and a gas meter in the public right-of-way for the premises at 1850 North Water Street, in the 3rd Aldermanic District.

Whereas, Five & Ten Tap, LLC requested permission to construct and maintain two sets of concrete steps and a barrier free access ramp within the public right-of-way; and

Whereas, Permission for said items was granted in 2003 under Common Council Resolution File Number 001099; and

Whereas, DGM Development, LLC now owns the property and has renovated the property; and

Whereas, As part of the renovation, the applicant removed and reconstructed the barrier free access ramp and concrete steps; and

Whereas, The applicant had constructed a gas meter which projects into the public right-of-way; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

Whereas, Said gas meter and altered items may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that DGM Development, LLC, 7 West Main Street, Madison, WI 53703, is hereby granted the following special privileges:

1. To construct and maintain a platform with barrier free access ramp and metal handrail projecting 4 feet 7 inches into the easterly, 15-foot sidewalk area of North Water Street. Said platform with barrier free access ramp commences approximately 333 feet northerly of the north line of East Hamilton Street and extends 23 feet 6 inches northerly.

2. To construct and maintain a platform with steps and metal handrail projecting 3 feet 8 inches into the easterly, 15-foot sidewalk area of North Water Street. Said platform with steps commences approximately 410 feet northerly of the northline of East Hamilton Street and extends 13 feet 5 inches northerly.

3. To construct and maintain a platform with steps and metal handrail projecting 3 feet

7 inches into the easterly, 15-foot sidewalk area of North Water Street. Said platform with steps commences approximately 450 feet northerly of the northline of East Hamilton Street and extends 19 feet 11 inches northerly.

4. To construct and maintain three excess door swings that, when fully open, project 2 feet 6 inches into the public right-of-way, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. All of said doors open over the aforementioned platforms of items #1 thru #3.

5. To construct and maintain a gas service meter and appurtenant piping projecting 11 inches into the easterly, 15-foot sidewalk area of North Water Street. Said gas service meter with appurtenant piping is centered approximately 440 feet northerly of the northline of East Hamilton Street and is 6 feet long and 4 feet 10 tall.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as it is no longer needed, to the satisfaction of the Commissioners of Public Works and Department of 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, DGM Development, 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 \$3,000 such bond to be approved by the City Attorney. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled 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 \$286.25.

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 and 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 66.0425 of the Wisconsin Statutes (1999), 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

**Sponsors:** THE CHAIR

**Attachments:** [Petition for Special Privilege.PDF](#)  
[Drawing.PDF](#)  
[pictures of 1850 N Water St](#)  
[map of 1850 N Water St](#)  
[Fiscal Note](#)  
[Cover letter](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- c. [071268](#) Substitute resolution granting a special privilege to True Vine Missionary Baptist Church for a building facade in the public right-of-way for the premises at 1000-02 West Burleigh Street, in the 6th Aldermanic District.

Whereas, True Vine Missionary Baptist Church is requesting permission to construct and maintain a building façade in the public right-of-way; and

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

Resolved, By the Common Council of the City of Milwaukee, that True Vine Missionary Baptist Church, 1000-02 West Burleigh Street, Milwaukee, Wisconsin 53206 is hereby granted the following special privileges:

1. To construct and maintain a wood building façade projecting 8 inches into the 15-foot wide west sidewalk area of North 10th Street. Said façade covers the entirety of the building from the ground up. The façade commences at the northline of West Burleigh Street and extends 11 feet to the north.
2. To construct and maintain a wood building façade projecting 6 inches into the 9-foot wide north sidewalk area of West Burleigh Street. Said façade cover the entirety of the building from the ground up. The façade commences at the westline of North 10th Street and extends 30 feet 2 inches to the west.

Said above-mentioned building facade shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said building facade shall be maintained or removed from the public right-of-way, at such future time as it is no longer needed, to the satisfaction of the Commissioners of Public Works and Department of 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, True Vine Missionary Baptist Church, 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 such bond to be approved by the City Attorney. This 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 own 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 cancelled 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 \$42.22. 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 and 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 66.0425 of the Wisconsin Statutes (1999), 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

**Sponsors:** THE CHAIR

**Attachments:** [Petition For A Special Privilege](#)  
[Fiscal Note](#)  
[cover letter](#)  
[pictures 1000 W Burleigh St](#)  
[map](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente



- d. [071368](#) Substitute resolution granting a special privilege to Lance Quigley to construct and maintain a covered walk for the premises at 5822 West Fond du Lac Avenue, in the 2nd Aldermanic District.

Whereas, Lance Quigley is requesting permission to construct a covered walk in the public right-of-way; and

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

Resolved, By the Common Council of the City of Milwaukee, that Lance Quigley, 5822 West Fond du Lac Avenue, Milwaukee, WI 53218, is hereby granted the following special privileges:

To install and maintain a covered walk in the northerly, 13-foot wide sidewalk area of West Fond du Lac Avenue centered approximately 171 feet westerly of the westline of North 58th Street. The covered walk will be 8 feet wide and will project 11 feet into the public way.

The covered walk shall be supported by the building and two vertical supports near each corner closest to the curb along each side of the covered walk. Each vertical support nearest the curb will be 2 feet from the present curblines. There will be an opening 8 feet wide between the vertical supports, which will parallel the curb. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below must be 7 feet 6 inches.

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 wire 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 the covered walks shall be indicated on 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 walks. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

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

Said above-mentioned item shall be used, kept and maintained to the satisfaction of

the Commissioners of Public Works and Department of Neighborhood Services.

Said item shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of 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, Lance Quigley, 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. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$75.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and 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 66.0425 of the Wisconsin Statutes (1999), 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

**Sponsors:** THE CHAIR

**Attachments:** [Special Privilege Petition and Drawing](#)  
[Cover letter](#)  
[Fiscal Note](#)  
[pictures 5822 W Fond du Lac Ave](#)  
[map 5822 W Fond du Lac Ave](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- e. [071460](#) Substitute resolution amending a special privilege for change of ownership to Wisconsin Corporation of Seventh-Day Adventists for a concrete platform with steps and barrier-free access ramp for the premises at 2175 South 28th Street, in the 8th Aldermanic District.

Whereas, Lad Lake, Inc. requested permission to keep and maintain a tunnel and a platform with barrier-free access ramp and steps in the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 051521 in 2006; and

Whereas, Subsequently, Lad Lake, Inc. divided its property and sold a portion to the applicant; and

Whereas, Lad Lake, Inc. still owns and maintains the aforementioned tunnel, as well as the property on the west end of the tunnel; and

Whereas, For the liability for the platform with barrier-free access ramp and steps to be formally transferred to the current owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Wisconsin Corporation of Seventh-Day Adventists, PO Box 7310, Madison, Wisconsin 53707-7310 is hereby granted the following special privilege:

To keep and maintain a concrete platform with stairs, barrier-free access ramp and handrail which projects 4 feet into the west, 15-foot wide public sidewalk area of South 28th Street. Said platform commences at a point approximately 36 feet north of the northline of West Grant Street and ends at a point approximately 25 feet to the south. The top of the platform is approximately 11 inches above sidewalk grade.

Said above-mentioned concrete platform with stairs, barrier-free access ramp and handrail shall be used, kept, and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said concrete platform with stairs, barrier-free access ramp and handrail shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services

; and, be it

Further Resolved, That this special privilege is granted only on condition that by

accepting this special privilege the grantee, Wisconsin Corporation of Seventh-Day Adventists, 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. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled 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 \$100.00. 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 and 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 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

**Sponsors:** THE CHAIR

**Attachments:** [Special Privilege Petition](#)  
[Picture of 2175 S 28th Street](#)  
[Map](#)  
[Cover letter](#)  
[Fiscal Note](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- f. [071540](#) Resolution combining two special privileges and changing the name to Triple Net Properties, LLC for encroachment into the public right-of-way of items previously granted permission for the premises at 411 East Wisconsin Avenue, in the 4th Aldermanic District in the City of Milwaukee.
- Whereas, Triple Net Properties, LLC requested permission to construct and maintain underground electrical conduit and electrical outlets in the public right-of-way; and
- Whereas, Common Council Resolution File Number 060027 was drafted to grant permission for said items to encroach into the public right-of-way, however, through clerical oversight, items previously granted permission under Common Council Resolution File Number 981327 were not included in the newer resolution; and
- Whereas, The name of the owner must be amended for the items granted permission under Common Council Resolution File Number 981327 in order to transfer liability to the current property owner and this amendment should have been done under Common Council Resolution File Number 060027; and
- Whereas, Combining both special privileges will make future management of the special privileges more efficient; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that Triple Net Properties, LLC, 411 East Wisconsin Avenue, Suite 500, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:
1. To keep and maintain electrical wiring from the building to six in-ground planters in the south 20-foot wide sidewalk area of East Wisconsin Avenue. Said electrical wiring commences from the southline of East Wisconsin Avenue at a point approximately 43 feet west of the westline of North Jefferson Street, then 18 feet northeast to a point 30 feet 6 inches west of the westline of North Jefferson Street. The electrical wiring continues west to a point approximately 222 feet west of the westline of North Jefferson Street. The total length of the electrical wiring is approximately 240 feet.
  2. To keep and maintain six electrical outlets in the south, 20-foot wide sidewalk area of East Wisconsin Avenue. Said outlets are centered approximately 13 feet north of the southline of East Wisconsin Avenue and 30.5, 65.5, 89, 173, 195.5, and 222 feet west of the westline of North Jefferson Street.
  3. To keep and maintain seven, 5-foot square metal tree grates in the west, 15-foot wide fully paved sidewalk area of North Jefferson Street. The tree grates are centered approximately 11 feet east of the westline of North Jefferson Street and 44, 80, 116, 152, 188, 224, 317 feet south of the southline of East Wisconsin Avenue.

4. To keep and maintain six, 5-foot square metal tree grates in the north, 12-foot wide sidewalk area of East Michigan Street. The tree grates are centered approximately 8 feet 6 inches 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.

5. To keep and maintain six, 5-foot square metal tree grates in the east, 12-foot wide sidewalk area of North Milwaukee Street. The tree grates are centered approximately 8 feet 6 inches 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.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of 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, Triple Net Properties, 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 \$3,000 such bond to be approved by the City Attorney. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled 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 \$395.00. 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 and 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 66.0425 of the Wisconsin Statutes (1999), 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

**Sponsors:** THE CHAIR

**Attachments:** [Infrastructure Services Division Cover Letter](#)  
[Fiscal Note](#)  
[picture of 411 E Wisconsin Ave](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

g. [071560](#) Substitute resolution amending a special privilege for change of ownership to El Rey Enterprises, LLP for a building façade and excess door swing in the public right-of-way for the premises at 704-10 West National Avenue, in the 12th Aldermanic District.

Whereas, West Grand Corporation requested permission to keep and maintain a building façade and excess door swing in the north sidewalk area of West National Avenue; and

Whereas, Permission for said items was granted in 2004 under Common Council File Number 031086; and

Whereas, El Rey Enterprises, LLP now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 031086 is hereby rescinded; and, be it

Further Resolved, That El Rey Enterprises, LLP, 916 South Cesar E. Chavez Drive, Milwaukee, Wisconsin 53204, is hereby granted the following special privileges:

1. To keep and maintain a metal building façade projecting 11 ½ inches into the north, 8-foot wide sidewalk area of West National Avenue. Said façade commences at a point approximately 75 feet west of the westline of South 7th Street and extends 75 feet to the west.

2. To keep and maintain an excess door swing projecting 3 feet 7 ½ inches, when fully open, into the north, 8-foot wide sidewalk area of West National Avenue. Said door swing is centered approximately 88 feet west of the westline of South 7th Street. Said door, when fully open, projects into the public right-of-way more than the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of 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, El Rey Enterprises, LLP, 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. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled 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 \$319.79. 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 and 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 66.0425 of the Wisconsin Statutes (1999), 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

**Sponsors:** THE CHAIR

**Attachments:** [Petition for Special Privilege](#)  
[Fiscal Note](#)  
[Cover Letter from Commissioner of Public Works](#)  
[pictures of 704-10 W National Ave](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- h. [071561](#) Substitute resolution amending a special privilege for change of ownership to Milwaukee Science Education Consortium, Inc. for private lighting and appurtenant facilities in the public right-of-way for the premises at 2100 West Kilbourn Avenue, in the 4th Aldermanic District.

Whereas, Good Samaritan Medical Center requested permission to install and maintain 25 private light fixtures and appurtenant facilities in the public right-of-ways adjacent to the subject premises; and

Whereas, Permission for said private light fixtures and appurtenant facilities was granted in 1984 under Common Council File Number 84-1047; and

Whereas, Milwaukee Science Education Consortium, Inc. now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 84-1047 is hereby rescinded; and, be it

Further Resolved, That Milwaukee Science Education Consortium, Inc., 2100 West Kilbourn Avenue, Milwaukee, Wisconsin 53233, is hereby granted the following special privileges:

1. To keep and maintain 10 decorative lighting fixtures and appurtenant electrical conduit in the north, 18-foot wide sidewalk area of West Kilbourn Avenue. Said light fixtures are centered 4 feet 6 inches south of the northline of West Kilbourn Avenue and approximately 42, 103, 164, 225, 286, 348, 404, 446, 503 and 560 feet west of the westline of North 20th Street.
2. To keep and maintain 6 decorative lighting fixtures and appurtenant electrical conduit in the south, 10-foot wide sidewalk area of West State Street. Said light fixtures are centered 6 inches north of the southline of West State Street and approximately 41, 113, 185, 274, 334 and 394 feet west of the westline of North 20th Street.
3. To keep and maintain 9 decorative lighting fixtures and appurtenant electrical conduit in the west, 15-foot sidewalk area of North 20th Street. Said light fixtures are centered 1 foot 10 inches east of the westline of North 20th Street and approximately 39, 94, 149, 204, 259, 314, 369, 424 and 479 feet north of the northline of West Kilbourn Avenue.

Said above-mentioned private light fixtures and appurtenant electrical conduit shall be

used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said private light fixtures and appurtenant electrical conduit shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of 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, Milwaukee Science Education Consortium, 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. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled 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 and 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 66.0425 of the Wisconsin Statutes (1999), 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

**Sponsors:** THE CHAIR

**Attachments:** [Petition for Special Privilege](#)  
[Cover letter](#)  
[Fiscal Note](#)  
[Map](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- i. [071569](#) Substitute resolution amending a special privilege for change of ownership to Milwaukee Industrial Trade Center, LLC for a fence and a guardrail in the public right-of-way for the premises at 2823 West Vienna Avenue, in the 7th Aldermanic District.

Whereas, Tower Automotive Products Company, Inc. requested permission to keep and maintain a chain link fence and a guardrail in the public right-of-way; and

Whereas, Permission for said items was granted in 1997 under Common Council File Number 970403; and

Whereas, Milwaukee Industrial Trade Center, LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 970403 is hereby rescinded; and, be it

Further Resolved, That Milwaukee Industrial Trade Center, LLC, 4777 West Lincoln Avenue, Milwaukee, Wisconsin 53219, is hereby granted the following special privileges:

1. To keep and maintain a 6-foot tall chain link fence and adjacent guardrail projecting 3 feet 2 inches into the west, variable width sidewalk area of North 28th Street. Said fence and guardrail commence at a point approximately 19 feet south of the southline of West Vienna Avenue and extend 370 feet south, then, at a point approximately 40 feet north of the northline of West Hopkins Street, said fence connects into a diagonal fence section in West Hopkins Street.
2. To keep and maintain a 6-foot tall fence and adjacent guardrail projecting 6 feet 3 inches into the south, 15-foot wide sidewalk area of West Vienna Avenue. Said fence and guardrail commence at a point approximately 19 feet east of the westline of North 29th Street, extended, and extend 215 feet east. At a point approximately 19 feet west of the westline of North 28th Street, said fence connects into a diagonal fence section that connects the fence on North 28th Street to the fence on West Vienna Avenue.
3. To keep and maintain asphalt pavement between the aforementioned fences and the right-of-way lines of North 28th Street and West Vienna Avenue. Said asphalted areas are part of a parking lot on the subject premises.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of



the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of 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, Milwaukee Industrial Trade Center, 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 \$1,000 such bond to be approved by the City Attorney. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled 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 \$144.28. 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 and 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 66.0425 of the Wisconsin Statutes (1999), 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

**Sponsors:** THE CHAIR

**Attachments:** [Petition for Special Privilege](#)  
[Cover letter](#)  
[Fiscal Note](#)  
[pictures for 2823 W Vienna Ave](#)  
[map for 2823 W Vienna Ave](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- j. [071614](#) Substitute resolution amending a special privilege for change of ownership to Mostreet, LLC for a barrier free access ramp, step, exhaust fan duct and moveable planters in the public right-of-way for the premises at 152 West Wisconsin Avenue, in the 4th Aldermanic District.

Whereas, Caswell Investments requested permission to construct and maintain a barrier free access ramp, concrete step, exhaust fan duct and moveable planters in the public right-of-way; and

Whereas, Permission for said items was granted in 2005 under Common Council File Number 030578; and

Whereas, Mostreet, LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 030578 is hereby rescinded; and, be it

Further Resolved, That Mostreet, LLC, 710 North Plankinton Avenue #802, Milwaukee, Wisconsin 53203, is hereby granted the following special privileges:

1. To keep and maintain a barrier free access ramp with a steel handrail located at the northwest corner of North Plankinton Avenue and West Wisconsin Avenue. The ramp projects 5 feet into the north sidewalk area of West Wisconsin Avenue for a length of 13 feet 6 inches. The ramp also projects 2 feet into the west sidewalk area of North Plankinton Avenue for a length of 12 feet.
2. To keep and maintain a concrete platform with steel handrails. Said 5-foot 11 -inch wide platform centered approximately 44 feet north of the northline of West Wisconsin Avenue, projects 3 feet 10 inches into the west sidewalk area of North Plankinton Avenue. A single door projects 3 feet over said platform in excess of the 12 allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
3. To keep and maintain a 1-foot 6-inch square exhaust fan duct centered approximately 70 feet north of the northline of West Wisconsin Avenue. Said exhaust duct exits the building under a fixed awning approximately 6 inches above the bottom of the awning skirt; it then protrudes vertically through the top of the awning approximately 2 feet. The portion of the duct that protrudes through the top of the awning shall be painted so that it blends with the color of the awning.
4. To keep and maintain twelve moveable planters of various sizes centered around the aforementioned barrier free access ramp and concrete platform. Planters shall be

positioned such that there is a minimum 5-foot clear width for pedestrian travel at all times.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of 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, Mostreet, 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 \$10,000 such bond to be approved by the City Attorney. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled 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 \$391.03. 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 and 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 66.0425 of the Wisconsin Statutes (1999), 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

**Sponsors:** THE CHAIR

**Attachments:** [Special Privilege Petition](#)  
[Fiscal Note](#)  
[Cover letter](#)  
[Pictures 152 W Wisconsin Ave](#)  
[pictures 152 W Wisconsin Ave](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- k. [071652](#) Resolution rescinding various special privileges that are no longer necessary.
- Whereas, Said special privileges granted permission for various encroachments in the public right-of-way; and
- Whereas, The special privileges listed below are no longer necessary because the subject items have be removed from the public right-of-way by the owner; and
- Whereas, For items removed from the public right-of-way, said owners notified the Department of Public Works that they no longer need the special privilege granted them; and
- Whereas, In order to release property owners from the bonding, insurance and annual special privilege fee requirements placed on the property owner as part of the granting of a special privilege, the Common Council needs to pass a resolution rescinding special privileges which are no longer needed; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the following special privilege resolutions are rescinded:
1. Common Council Resolution File Number 17197 granted to A. F. Gallun and Sons Company for a heating main for the premises at 823 East Hamilton Street.
  2. Common Council Resolution File Number 43240 granted to Carly Capitol Group for a door opening onto Mason Street for the premises at 735 North Water Street.
  3. Common Council Resolution File Numbers 82074 and 82074-a granted to the Province of St. Joseph of the Capuchin Order for a tunnel under North 10th Street, south of West Highland Avenue.
  4. Common Council Resolution File Number 49-958-b granted to In Place Machine Company for a back up driveway for the premises at 332 East Reservoir Avenue.
  5. Common Council Resolution File Numbers 55-1244 and 55-1244-a granted to Flo Company for an underground conduit for the premises at 1337 West Forest Home Avenue.
  6. Common Council Resolution File Number 58-688 granted to Monitor Properties for an overhead, enclosed conveyor belt for the premises at 1601 West St Paul Avenue.
  7. Common Council Resolution File Numbers 58830 and 58830-a granted to Pabst Brewing Company for two brick paved loading spaces for the premises at 1243

North 10th Street.

8. Common Council Resolution File Number 59-1973 granted to Red Owl for a conveyor for the premises at 1500 South Muskego Avenue.
9. Common Council Resolution File Number 62-3291 granted to Blatz Brewing Company for a back-up driveway at 219 East Highland Avenue.
10. Common Council Resolution File Number 63-196 granted to James O'Leary for a back-up driveway for the premises at 3048 West Galena Street.
11. Common Council Resolution File Number 68-775 granted to Pfister Vogel Tanning Company Inc for an overhead power cable for the premises at 1531 North Water Street.
12. Common Council Resolution File Number 70-1381 granted to Kenneth and Carol Steinke for a raised planter for the premises at 931 East Russell Avenue.
13. Common Council Resolution File Number 71-217 granted to American Paper Company for a backup driveway and bollards for the premises at 627 South 12th Street.
14. Common Council Resolution File Numbers 77-652, 77-652-a and 930267 granted to Morris Katz for a covered walk and sidewalk café for the premises at 1932 East Kenilworth Place.
15. Common Council Resolution File Number 77-1382 granted to Inryco Inc for underground conduit for the premises at 7123 West Calumet Road and 7140 West Calumet Road.
16. Common Council Resolution File Number 78-556 granted to McDonald's Corporation for landscaping for the premises at 500 West State Street.
17. Common Council Resolution File Number 81-501 granted to McDonald's Corporation for a wooden fence and concrete curbing for the premises at 2612 West Morgan Avenue.
18. Common Council Resolution File Number 84-1041 granting permission for the Floral Reter program, which consisted of mounting flower pots with placards to city parking meter poles; within the East Town area.
19. Common Council Resolution File Number 85-634 granted to Wiechmann Enterprises for a sign and electrical conduit for the premises at 6801 West Morgan

Avenue.

20. Common Council Resolution File Numbers 870834 and 83-429 granted to Astor's for a display in the right-of-way for the premises at 2630 North Downer Avenue.
21. Common Council Resolution File Number 881591 granted to Beck Carton Corporation for a building façade, mansard structure and excess door swing for the premises at 153 North Milwaukee Street.
22. Common Council Resolution File Number 890474 granted to Ideas Unlimited for a direct seller for various locations.
23. Common Council Resolution File Number 900262 granted to Shirley Waldo for direct seller for various locations.
24. Common Council Resolution File Number 921155 granted to Traci and Lazlo Kulcsar d/b/a 5th Avenue Antiques for a non-code compliant projecting sign for the premises at 422 North 5th Street.
25. Common Council Resolution File Number 950923 granted to University Car Wash Inc for monitoring wells for the premises at 4519 North Green Bay Avenue.
26. Common Council Resolution File Number 951480 granted to BP Corporation of North America Inc for monitoring wells for the premises at 5100 West Burleigh Street.
27. Common Council Resolution File Number 960080 granted to Civic Minded Inc for a monitoring well and seven horizontal vapor extraction wells for the premises at 4200 South 27th Street.
28. Common Council Resolution File Number 960091 granted to Bulk Petroleum Corporation for monitoring wells for the premises at 808 West Atkinson Avenue.
29. Common Council Resolution File Number 960102 granted to Bulk Petroleum Corporation for monitoring wells for the premises at 6727 West Villard Avenue.
30. Common Council Resolution File Number 960104 granted to Marlene Knie for monitoring wells for the premises at 6016 West Lisbon Avenue.
31. Common Council Resolution File Number 961231 granted to Center Fuel Company for monitoring wells for the premises at 610 West Becher Street.



32. Common Council Resolution File Number 990632 granted to Suzy's Cream Cheesecakes for a barrier free access ramp for the premises at 5901 West Vliet Street.

33. Common Council Resolution File Number 991421 granted to Sue Colburn-Straus and Robert E. Straus d/b/a Strauss Investments LLP for a steam service extension for the premises at 236 North Water Street.

34. Common Council Resolution File Number 020977 granted to Brian Maahs for monitoring wells for the premises at 3633 West Burnham Street.

**Sponsors:** THE CHAIR

**Attachments:** [Infrastructure Services Division Cover Letter](#)  
[Fiscal Note](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- L.        [071653](#)        Resolution amending a special privilege for change of premises address and deletion of an item for the premises at 2820 West Grant Street, in the 8th Aldermanic District. Whereas, Lad Lake, Inc. requested permission to keep and maintain a tunnel and a platform with barrier-free access ramp and steps in the public right-of-way; and
- Whereas, Permission for said items was granted under Common Council Resolution File Number 051521 in 2006; and
- Whereas, Subsequently, Lad Lake, Inc. divided its property located on both the east and west sides of a north-south alley and known as 2169 South 28th Street, and sold a portion of said property to Wisconsin Corporation of Seventh-Day Adventists; and
- Whereas, Adoption of Common Council Resolution File Number 071460 will change the owner of the platform with barrier-free access ramp and steps to Wisconsin Corporation of Seventh-Day Adventists; and
- Whereas, Lad Lake, Inc. still owns and maintains the aforementioned tunnel and owns the property on the west end of the tunnel presently known as 2820 West Grant Street; and
- Whereas, This resolution only revises the previously granted special privilege in terms of premises address and deletion of the platform with barrier-free access ramp and steps; and
- Whereas, Revising the special privilege previously granted under Common Council Resolution File Number 051521 will allow for more efficient future maintenance of special privileges; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 051521 is hereby rescinded; and, be it
- Further Resolved, That Lad Lake, Inc., PO Box 158, Dousman, Wisconsin 53118 is hereby granted the following special privilege:
- To keep and maintain a tunnel approximately 5 feet wide, 8 feet 6 inches tall and 15 feet long under and across the 15-foot wide, north-south public alley in the block bounded by South 28th Street, South 29th Street, West Becher Street and West Grant Street. Said tunnel is located approximately 40 feet north of the northline of West Grant Street.
- Said above-mentioned tunnel shall be used, kept, and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special

privilege.

Said tunnel shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by accepting this special privilege the grantee, Lad Lake, 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 \$10,000 such bond to be approved by the City Attorney. This 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 \$100,000 covering bodily injury to any one person and \$200,000 covering bodily injury to more than one person in any one accident and \$40,000 covering property damage to any own 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 cancelled 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 and 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 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common

Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

**Sponsors:** THE CHAIR

**Attachments:** [Infrastructure Services Division Cover Letter](#)  
[Fiscal Note](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

m. [071661](#) Substitute resolution to grant a special privilege to Rubin 224 East Chicago, LLC for a concrete platform with ramp with decorative concrete wall and three moveable planters for the premises at 224 East Chicago Street, in the 4th Aldermanic District. Whereas, The applicant is in the process of renovating its building and is requesting permission to construct and maintain a concrete platform with ramp and decorative concrete wall to allow for an additional, accessible building entrance; and

Whereas, A site visit revealed the presence of three concrete moveable planters in the public right-of-way adjacent to the subject premises; and

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

Resolved, By the Common Council of the City of Milwaukee, that Rubin 224 East Chicago, LLC, 317 East Wilson Street, Madison, Wisconsin 53703 is hereby granted the following special privileges:

1. To construct and maintain a concrete platform with ramp and decorative concrete wall that will project 6 feet into the north, 15-foot sidewalk area of East Chicago Street. Said ramp will commence approximately 6 feet west of the westline of the east, north-south alley in the block bounded by North Broadway, East Buffalo Street, East Chicago Street and North Water Street and extend 11 feet 6 inches west.
2. To install and maintain three moveable planters in the north, 15-foot sidewalk area of East Chicago Street adjacent to the subject premises. Said planters are 4 feet in diameter and 2 feet tall.

Said above-mentioned items shall be used, kept, and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by accepting this special privilege the grantee, Rubin 224 East Chicago, 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 \$1,000 such bond to be approved by the City Attorney. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled 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 \$153.85. 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 and 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 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

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

**Sponsors:** THE CHAIR

**Attachments:** [Drawing](#)  
[Special Privilege Petition](#)  
[Hearing notice list](#)  
[pictures for 224 E Chicago St](#)  
[Map for 224 E Chicago St](#)  
[cover letter](#)  
[Fiscal Note](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- n. [071709](#) Substitute resolution amending a special privilege for change of ownership to Wisconsin Book Bindery, Inc. for a backup driveway and for addition of concrete steps and sloped concrete sidewalk pavement for the premises at 347 East Ward Street, in the 14th Aldermanic District.
- Whereas, B&L Realty Company requested permission to construct and maintain a back up driveway along South Robinson Avenue; and
- Whereas, Permission for said backup driveway was granted under Common Council File Numbers 54-1878, 54-1878-a and 69-2942; and
- Whereas, For the liability for the back up driveway to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and
- Whereas, A site visit revealed the presence of two concrete steps and sloped concrete sidewalk; and
- Whereas, Said items may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that Common Council File Numbers 54-1878, 54-1878-a and 69-2942 are hereby rescinded; and, be it
- Further Resolved, That Wisconsin Book Bindery, Inc. 347 East Ward Street, Milwaukee, Wisconsin 53207, is hereby granted the following special privileges:
1. To construct and maintain a concrete step in the south, 10-foot wide sidewalk area of East Ward Street. Said 3-foot 8-inch long step projects 1 foot 1 inch into the public way and is centered approximately 50 east of the eastline of South Robinson Avenue.
  2. To construct and maintain a concrete step in the east, 13-foot wide sidewalk area of South Robinson Avenue. Said 4-foot 4-inch long step projects 1 foot 4 inches into the public way and is centered approximately 40 feet south of the southline of East Ward Street.
  3. To construct and maintain a sloped sidewalk adjacent to the premises at 347 East Ward Street. Along East Ward Street, the sloped sidewalk projects 3 feet 6 inches into the public way, commences at the eastline of South Robinson Avenue and extends approximately 45 feet to the east. Along South Robinson Avenue, the sloped sidewalk projects 3 feet 4 inches into the public way, commences at the southline of East Ward Street and extends approximately 20 feet to the south. It should be noted



that the sloped sidewalk does not interfere with the pedestrian clear path and that the minimum 5-foot width is available for pedestrian usage.

4. To keep and maintain a back up driveway in the 13-foot wide east sidewalk area of South Robinson Avenue approximately 25 feet south of the southline of East Ward Street. Said driveway serves an 8-foot wide service door. Vehicles may occupy the sidewalk area and a portion of the roadway. The grantee is to provide sufficient traffic control to allow for two-way traffic at all times while backup driveway is in use.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of 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, Wisconsin Book Bindery, 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. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled 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 \$117.41. 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 and 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 66.0425 of the Wisconsin Statutes (1999), 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

7. Owner must ensure sufficient traffic control while using the back up driveway to allow continued, safe traffic flow for two-way traffic on South Robinson Avenue at all times. Traffic control measures may include, but are not limited to flag persons and traffic cones.

**Sponsors:** THE CHAIR

**Attachments:** [Special Privilege Petition](#)  
[Fiscal Note](#)  
[Cover letter](#)  
[pictures of 347 E Ward St](#)  
[map of 347 E Ward St](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

3. [071396](#) Substitute resolution to vacate a portion (East side) of the North-South alley in the block bounded by West Chambers Street, West Locust Street, North 24th Place and North 24th Street, in the 7th Aldermanic District.

Whereas, It is proposed that a portion (East side) of the North-South alley in the block bounded by West Chambers Street, West Locust Street, North 24th Place and North 24th Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

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

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

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

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

That part of the North-South alley as presently laid out in Block 13 of A. K. Mayhew's Subdivision No. 2, a recorded subdivision, in the Northwest 1/4 of Section 18, Township 7 North, Range 22 East, described as follows: Commencing at the southwest corner of Lot 1 in said Block 13; thence Easterly, along the south line of Lot 1, to the present northwest corner of Lot 2 in said Block 13, said point lying 5.00 feet east of, as measured normal to, the southerly extension of the west line of Lot 1; thence Southerly, parallel to said southerly extension, to a point in the north line of Lot 4 in said Block 13; thence Westerly, along said north line, to the northwest corner of Lot 4; thence Northerly to the point of commencement is vacated; and, be it

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

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

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or

belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said portion of alley had not been vacated.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note.doc](#)  
[Exhibit A](#)  
[City Plan Commission Letter](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

4. [071397](#) Substitute resolution to vacate the North Cottage Grove Place abandoned street remnant in the block bounded by West Randolph Street, West Townsend Street, North 1st Street and North 2nd Street, in the 6th Aldermanic District.

Whereas, It is proposed that the North Cottage Grove Place abandoned street remnant in the block bounded by West Randolph Street, West Townsend Street, North 1st Street and North 2nd Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

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

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

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

Resolved, By the Common Council of the City of Milwaukee, that said abandoned street remnant as indicated by Exhibit A and bound and described by:

All of Cottage Grove Place as platted in Adler, Fiebrantz and Mueller's Subdivision No. 1, a recorded subdivision, in the Southeast 1/4 of Section 8, Township 7 North, Range 22 East, lying between the north line of said subdivision and the south line of said subdivision is vacated; and, be it

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

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

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said abandoned street remnant had not been vacated.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note.doc](#)  
[Hearing notice list](#)  
[Exhibit A.pdf](#)  
[City Plan Commission Letter.doc](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

5. [071399](#) Substitute resolution to vacate a portion of excess right-of-way located on the Northeast corner of South 13th Street and West College Avenue, in the 13th Aldermanic District.

Whereas, It is proposed that a portion of excess right-of-way located on the Northeast corner of South 13th Street and West College Avenue be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

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

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

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

Resolved, By the Common Council of the City of Milwaukee, that said portion of excess right-of-way as indicated by Exhibit A and bound and described by:

All that part of South 13th Street in the Southeast 1/4 of Section 31 and the Southwest 1/4 of Section 32, Township 6 North, Range 22 East, described as follows: Commencing at the most westerly corner of Lot 1 of Certified Survey Map No. 4635; thence South 89°55'53" East, along the south line of Lot 1 aforesaid, 25.03 feet to a point; thence South 00°00'00" West, along the present easterly line of South 13th Street, 81.00 feet to a point in the present northerly line of West College Avenue; thence North 63°20'07" West 38.57 feet to a point; thence North 15°23'15" West 9.87 feet to a point; thence North 12°32'40" East 55.53 feet to the point of commencement is vacated; and, be it

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

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

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any

underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said portion of excess right-of-way had not been vacated.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note.doc](#)  
[Hearing notice list](#)  
[Exhibit A.pdf](#)  
[City Plan Commission Letter.doc](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente



6. [071651](#) Resolution accepting seven water easements.

Resolved, By the Common Council of the City of Milwaukee, that the following water easements offered the City:

WE925A executed by the City of Milwaukee, a municipal corporation of the State of Wisconsin, and Falcon Glen, LLC, for a permanent water main easement in C.S.M. No. 7821, Lots 1, 2, 3, and 4 at N/O W. Edgerton Ave. and W/O S. 110th St., in the City of Greenfield.

WE926 executed by the City of Milwaukee, a municipal corporation of the State of Wisconsin, and the Estate of Anne H. Marisch, for a permanent water main easement in Winterpark Subdivision at S. 119th St. and W. Carpenter Ave. Extended, in the City of Greenfield.

WE927 executed by the City of Milwaukee, a municipal corporation of the State of Wisconsin, and the Milwaukee River View Development, LLC, for a permanent water main easement in Lots 13 and 14, Block 1 of River View Subdivision from 115' S/O W. Parkland Ct. to W. Parkland Ct., in the City of Milwaukee.

WE931 executed by the City of Milwaukee, a municipal corporation of the State of Wisconsin, and the Commerce Power, LLC, for a permanent water main easement in Lot 1, C.S.M. No. 7775, at W. Vliet St. Extended from 151' E/O N. Dr. Martin Luther King Jr. Dr. to N. Dr. Martin Luther King Jr. Dr., in the City of Milwaukee.

WE932A, B, & C executed by the City of Milwaukee, a municipal corporation of the State of Wisconsin, and Greenfield Highlands, LLC, for a permanent water main easement in C.S.M. No. 7988, Parcels 1, 2, and 3 at S/O W. Cold Spring Rd. and W/O S. 108th St., in the City of Greenfield.

WE932D executed by the City of Milwaukee, a municipal corporation of the State of Wisconsin, and Bouraxis Properties (Budget S108), LLC, for a permanent water main easement in C.S.M. No. 5410, Parcel 2, S/O W. Cold Spring Rd. from S. 108th St. to 230' W/O S. 108th St., in the City of Greenfield

WE935 executed by the City of Milwaukee, a municipal corporation of the State of Wisconsin, and the Milwaukee County, for a permanent water main easement at the Milwaukee County Zoo in S. 100th St. Extended and Water Easement W.E. 173, from 700' S/O W. Blue Mound Rd. to 850' S/O W. Blue Mound Rd., in the City of Milwaukee.

Said documents being attached to and part of this resolution, are accepted; and, be it

Further Resolved, That after said Easements have been accepted, they shall be forwarded to the Department of Public Works for recording and proper distribution.

**Sponsors:** THE CHAIR

**Attachments:** [Water Works Cover Letter](#)  
[Fiscal Note](#)  
[Water Easement 925A](#)  
[Water Easement 926](#)  
[Water Easement 927](#)  
[Water Easement 931](#)  
[Water Easement 932AB&C](#)  
[Water Easement 932D](#)  
[Water Easement 935](#)  
[Plat Map for WE926](#)  
[Plat Map for WE927](#)  
[Plat Map for WE932AB&C](#)  
[Exhibit A for WE932AB&C](#)  
[Plat Map for WE935](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

7. [071678](#) Substitute resolution to vacate the North-South and East-West alleys in the block bounded by North 13th Street, North 14th Street, West Galena Street and West Walnut Street, in the 15th Aldermanic District.

Whereas, It is proposed that the North-South and East-West alleys in the block bounded by North 13th Street, North 14th Street, West Galena Street and West Walnut Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

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

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

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

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

The North-South and East-West 20-foot wide alleys as presently laid out in Block 8 of Kneeland's Addition, a recorded subdivision, in the Southeast 1/4 of Section 19, Township 7 North, Range 22 East, described as follows: Commencing at the southwest corner of Lot 7 in said Block 8; thence Easterly, along the south line of Lot 7 aforesaid, 150 feet to the southeast corner of Lot 7; thence Northerly, along the east line of Lots 7, 6 and 3 in said Block 8, to a point lying 4.00 feet north of the southeast corner of Lot 3; thence Easterly, parallel to the easterly extension of the south line of Lot 3, to a point lying 7.50 feet east of, as measured normal to, the east line of Lot 3; thence Northerly, parallel to said east line, to a point in the westerly extension of the north line of the south 15.00 feet of Lot 4 in said Block 8; thence Easterly, along said westerly extension, to a point lying 5.00 feet east of, as measured normal to, the west line of Lot 4 as originally platted; thence Southerly, parallel to the west line of Lots 4, 5, 8 and 9 as originally platted in said Block 8, to a point in the easterly extension of the north line of the south 30.00 feet of Lot 10 in said Block 8; thence Westerly, along said easterly extension and the north line of the south 30 feet of Lot 10, to a point in the west line of Lot 10 in said Block 8; thence Northerly, along the northerly extension of said west line, to the point of commencement is vacated; and, be it

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

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

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said alleys had not been vacated.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note.doc](#)  
[Hearing notice list](#)  
[Exhibit A.pdf](#)  
[Response from City Plan Commission](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

8. [071679](#) Resolution directing the Department of City Development to prepare a resolution to vacate the North-South alley in the block bounded by North 13th Street, North 14th Street, West Galena Street and West Walnut Street, in the 15th Aldermanic District. Whereas, It has been proposed by the Department of Public Works that the North-South alley from the north edge of the East-West alley bordered by North 14th Street, West Galena Street, North 13th Street and West Walnut Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; now, therefore, be it

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

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note.doc](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

9. [071681](#) Resolution directing the Department of City Development to prepare a resolution to vacate the North-South alley in the block bounded by West North Avenue, North 7th Street, West Garfield Avenue and North 8th Street, in the 6th Aldermanic District. Whereas, It has been proposed by the Department of City Development that the North-South alley in the block bounded by West North Avenue, North 7th Street, West Garfield Avenue and North 8th Street, be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; now, therefore, be it

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

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note.doc](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

10.        [071686](#)        Resolution authorizing the Commissioner of Public Works to extend the permit to the City Hall Restoration contractor to occupy the south third of the Market Street roadway.
- Whereas, J. P. Cullen & Sons, Inc., has been awarded the contract for the City Hall Restoration Project and work on the project is currently progressing; and
- Whereas, Given the constraints of the site, certain staging, storage, and construction activities will necessarily spill over into adjacent streets; and
- Whereas, Construction is expected to last from July, 2005 through December, 2008; and
- Whereas, The Commissioner of Public Works is authorized to issue a permit for temporary occupancy of up to one third of the roadway adjacent to building sites, while temporary use beyond that must be approved by the Common Council; and
- Whereas, Staff from the Department of Public Works will work with J.P. Cullen & Sons, Inc., so that during periods of inactivity or at such time that the progress of the project may warrant, re-establishment of a traffic lane could occur; and
- Whereas, The Commissioner of Public Works was authorized to issue a permit to the City Hall Restoration contractor to occupy the south third of Market Street between July, 2005, and December, 2005, by Common Council Resolution 050411; and
- Whereas, The Commissioner of Public Works was authorized to extend that permit for the time period between January, 2006, and June, 2006, by Common Council Resolution 050979; and
- Whereas, The Commissioner of Public Works was authorized to extend that permit for the time period between July, 2006, and December, 2006, by Common Council Resolution 060059; and
- Whereas, The Commissioner of Public Works was authorized to extend that permit for the time period between January 2007, and June, 2007, by Common Council Resolution 060980; and
- Whereas, the Commissioner of Public Works was authorized to extend that permit for the period of time between July, 2007 and December, 2007 by Common Council Resolution 070218; and
- Whereas, the Commissioner of Public Works was authorized to extend that permit for the period of time between January, 2008 and June, 2008 by Common Council

resolution 071067; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commission of Public Works is hereby authorized to extend the permit to J.P. Cullen & Sons, Inc., for the City Hall Restoration Project, allowing occupancy of the south third of the Market Street roadway for the period of time between July, 2008 and December, 2008.

**Sponsors:** THE CHAIR

**Attachments:** [Buildings and Fleet Services Cover Letter](#)  
[Fiscal Note](#)  
[Attachment A](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

11. [071687](#) Resolution authorizing the Commissioner of Public Works to execute a Cost Sharing Agreement with the Wisconsin Department of Transportation for the planned improvement of West Appleton Avenue (STH 175) from USH 45 to Lilly Road.

Whereas, The Wisconsin Department of Transportation (WISDOT) has scheduled the improvement of West Appleton Avenue (STH 175) from USH 45 to Lilly Road for the summer of 2008; and

Whereas, The WISDOT has undertaken the necessary preliminary engineering and plan preparation for the improvement; and

Whereas, The City of Milwaukee has requested and the WISDOT has agreed to undertake work, as shown in attached agreement, with their paving contractor in conjunction with the improvement project at City of Milwaukee cost; and

Whereas, The WISDOT has prepared a Cost Sharing Agreement to address those costs that will be the responsibility of the City of Milwaukee as part of the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized to execute a Cost Sharing Agreement with the WISDOT for its share of the construction costs associated with the improvement of West Appleton Avenue (STH 175) from USH 45 to Lilly Road, a copy of which is attached to the Common Council File No. 071687, and is incorporated by reference as though set forth in full; and, be it

Further Resolved, The City of Milwaukee that the Comptroller is hereby authorized and directed to create within the Capital Improvement Fund, Grant and Aid Projects the necessary Project/Grant Chartfield Values for construction costs and transfer to this account the amount required under the grant agreement and city Accounting Policy but not to exceed a 10 percent increase of the total amounts reserved for grantor's share and local share of \$5,000.00, whichever is greater as follows:

Project ID 2010-08-70  
West Appleton Avenue (STH 175)  
USH 45 to Lilly Road

Infrastructure Services Division  
City Share Non-Assessable Paving Fund  
Account No. ST320080000  
Fund 0333  
\$25,000.00

Construction is scheduled for 2008



Previously authorized for street construction: \$0.00

Current estimated cost for street construction: \$25,000.00

Current estimated cost of total project including this resolution: \$6,695,000.00.

Original estimated cost of total project: \$6,695,000.00

; and, be it

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

**Sponsors:** THE CHAIR

**Attachments:** [Infrastructure Services Division Cover Letter](#)  
[Fiscal Note](#)  
[Agreement](#)  
[Comptroller's Certificate](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

12. [071688](#) Resolution relative to the cost participation under the 2008 Highway Safety Improvement Program for the installation of a traffic control signal at the intersection of West Vliet Street and North 40th Street in the 15th Aldermanic District at a total estimated cost of \$55,068.32, with an estimated grantor share of \$49,561.49, and an estimated City share of \$5,506.83.
- Whereas, The Project Agreement for the installation of a traffic control signal under the 2008 Highway Safety Improvement Program (HSIP) was approved by the Common Council under File Number 071480; and
- Whereas, The Federal Surface Transportation Program provides cost participation for the construction of traffic control improvements in conjunction with Federal/State Aid under the 2008 HSIP; and
- Whereas, The HSIP is intended to reduce the number and severity of vehicle and pedestrian crashes; and
- Whereas, The total estimated cost of this project is \$55,068.32 for the installation of a traffic control signal; and
- Whereas, Ten percent of the participating costs, or \$5,506.83, is not reimbursable and is included in the Division's 2008 Capital Purpose Project/Grant Number ST320080000; and
- Whereas, Ninety percent of the participating project cost, or \$49,561.49, is reimbursable from the Wisconsin Department of Transportation (WISDOT), and should be earmarked for this project in the 2008 Capital Grant and Aids Projects Fund Project/Grant Number SP032080100; and
- Whereas, The State cannot proceed with any project cost overruns and/or changes in scope of more than 5% without prior Department of Public Works approval; and
- Whereas, The Department of Public Works shall notify the Common Council of the City of Milwaukee at the next scheduled meeting of any such project cost overruns and/or changes in scope approved by the Department of Public Works; and
- Whereas, The Common Council of the City of Milwaukee recognizes that the City may be 100% liable for any such project cost overruns and/or changes in scope as approved by the Department of Public Works; and
- Whereas, The Common Council of the City of Milwaukee recognizes that the City may be liable for any costs incurred by the State should the City decide to withdraw from the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works and the Comptroller are authorized to enter into a funding agreement and are directed to execute the contract with WISDOT for the installation of a traffic control signal at the intersection of West Vliet Street and North 40th Street with unit prices based on a predetermined estimate prepared under the Federal/State aided highway program, a copy of which is attached to this resolution, and is incorporated into this resolution as though set forth in full; and, be it

Further Resolved, That upon approval of this contract, the Commissioner of Public Works is directed to install a traffic control signal at the intersection of West Vliet Street and North 40th Street; and, be it

Further Resolved, That upon approval of this contract, the City Comptroller is hereby authorized to create within the Capital Grant and Aid Projects Fund the appropriate Project/Grant Chartfield Value for this project; and transfer to these accounts the amount required under the agreement and City accounting policy, but not to exceed a ten percent increase of the total amounts reserved for the grantor's share and local share or \$5,000, whichever is greater as follows:

Location:

Project I.D.-2984-18-91

West Vliet Street and North 40th Street Intersection

City of Milwaukee Share

Fund Number-0333

Project/Grant Number-ST320080000

\$5,506.83

Grantor Reimbursable Cash - Traffic Control

Fund Number-0306

Project/Grant Number-SP032080100

\$49,561.49

Total-\$55,068.32

Previously Authorized for Traffic Control Improvements-\$0.00

Current Estimated Cost of the Total Project Including this Resolution-\$305,000.00

Original Estimated Cost of the Total Project (Common Council Resolution File Number 051254)-\$196,899.00

**Sponsors:** THE CHAIR

**Attachments:** [Infrastructure Services Division Cover Letter](#)  
[Fiscal Note](#)  
[Contract](#)  
[Comptroller's Certificate](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan,  
Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

13. [071689](#) Resolution authorizes the Commissioner of Public Works and Comptroller to execute six Project Agreements with the Wisconsin Department of Transportation for traffic signal and roadway improvements and to fund preliminary engineering for these six projects in various Aldermanic Districts with a total estimated cost of \$94,900.00, with an estimated grantor share of \$80,910.00, and an estimated City share of \$13,990.00.

Whereas, The submittal of five Highway Safety Improvement Program (HSIP) grant applications to the Wisconsin Department of Transportation (WISDOT) was approved by the Common Council under File Number 061544; and

Whereas, The HSIP grant application for the installation of signal improvements at 13 intersections citywide was split into 2 projects to separate projects that are located on connecting highways; and

Whereas, Preliminary approval has been requested and received from WISDOT, along with six Project Agreements to be executed by the City of Milwaukee, for the programming and construction of six projects under the 2008 HSIP; and

Whereas, WISDOT has submitted six project agreements for execution by the City of Milwaukee for the design and construction of:

Project I.D. 2984-08-07/97  
Three Connecting Highway Intersections  
Milwaukee County

Project I.D. 2984-08-09/99  
Ten Intersections Citywide  
Milwaukee County

Project I.D. 2400-10-00/70/90  
West Oklahoma Avenue and South 35th Street Intersection  
Milwaukee County

Project I.D. 2110-05-00/70/90  
West Lincoln Avenue and South 35th Street Intersection  
Milwaukee County

Project I.D. 2265-12-00/70/90/91/97  
South 27th Street from West Kinnickinnic River Parkway to West Howard Avenue  
Milwaukee County

Project I.D. 2555-06-00/70/90/97  
West Burleigh Street, West Roosevelt Drive, and North 60th Street Intersection

Milwaukee County;

; and

Whereas, The State cannot proceed with any project cost overruns and/or changes in scope of more than 5% without prior Department of Public Works approval; and

Whereas, The Department of Public Works shall notify the Common Council of the City of Milwaukee at the next scheduled meeting of any such project cost overruns and/or changes in scope approved by the Department of Public Works; and

Whereas, The Common Council of the City of Milwaukee recognizes that the City may be 100% liable for any such project cost overruns and/or changes in scope as approved by the Department of Public Works; and

Whereas, The Common Council of the City of Milwaukee recognizes that the City may be liable for any costs incurred by the State should the City decide to withdraw from the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works and the Comptroller are authorized to execute six Project Agreements for the programming and the design/construction of aforementioned projects with Highway Safety Improvement Program funds, copies of which are attached to and incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That the proper City of Milwaukee official is hereby directed to undertake preliminary engineering for the above-mentioned projects and to reimburse WISDOT for preliminary engineering costs they incur for the improvements; and, be it

Further Resolved, That Department of Public Works shall request in a future resolution funding for the construction phases of these six projects; and, be it

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

Project I.D. 2984-08-07  
Three Connecting Highway Intersections  
Milwaukee County

## Preliminary Engineering

City of Milwaukee Share

Fund Number-0333

Project/Grant Number-ST320080000

\$310.00

Grantor Reimbursable Cash

Fund Number-0306

Project/Grant Number-SP032080100

\$2,790.00

Total-\$3,100.00

Project I.D. 2984-08-09

Ten Intersections Citywide

Milwaukee County

## Preliminary Engineering

City of Milwaukee Share

Fund Number-0333

Project/Grant Number-ST320080000

\$1,330.00

Grantor Reimbursable Cash

Fund Number-0306

Project/Grant Number-SP032080100

\$11,970.00

Total-\$13,300.00

Project I.D. 2400-10-00

West Oklahoma Avenue and South 35th Street Intersection

Milwaukee County

## Preliminary Engineering

City of Milwaukee Share

Fund Number-0333

Project/Grant Number-ST320080000

\$5,000.00

Grantor Reimbursable Cash  
Fund Number-0306  
Project/Grant Number-SP032080100  
\$0.00

Total-\$5,000.00

Project I.D. 2110-05-00  
West Lincoln Avenue and South 35th Street Intersection  
Milwaukee County

Preliminary Engineering

City of Milwaukee Share  
Fund Number-0333  
Project/Grant Number-ST320080000  
\$600.00

Grantor Reimbursable Cash  
Fund Number-0306  
Project/Grant Number-SP032080100  
\$5,400.00

Total-\$6,000.00

Project I.D. 2265-12-00  
South 27th Street from West Kinnickinnic River Parkway to West Howard Avenue  
Milwaukee County

Preliminary Engineering

City of Milwaukee Share  
Fund Number-0333  
Project/Grant Number-ST320080000  
\$4,050.00

Grantor Reimbursable Cash  
Fund Number-0306  
Project/Grant Number-SP032080100  
\$36,450.00  
Total-\$40,500.00



Project I.D. 2555-06-00  
West Burleigh Street, West Roosevelt Drive, and North 60th Street Intersection  
Milwaukee County

Preliminary Engineering

City of Milwaukee Share  
Fund Number-0333  
Project/Grant Number-ST320080000  
\$2,700.00

Grantor Reimbursable Cash  
Fund Number-0306  
Project/Grant Number-SP032080100  
\$24,300.00

Total-\$27,000.00

Total Cost of Preliminary Engineering-\$94,900.00

Previously Authorized for Preliminary Engineering-\$0.00  
Current Estimated Cost of the Total Project Including this Resolution-\$934,190.00  
Original Estimated Cost of the Total Project-\$934,190.00

**Sponsors:** THE CHAIR

**Attachments:** [Infrastructure Services Division Cover Letter](#)  
[Fiscal Note](#)  
[Agreement for 2. 27th Street Intersections](#)  
[Agreement for 3 Connecting Highway Intersections](#)  
[Agreement for 10 Intersections](#)  
[Agreement for West Burleigh Street](#)  
[Agreement for West Lincoln and 35th Street](#)  
[Agreement for West Oklahoma and 35th Street](#)  
[Comptroller's Certificate](#)  
[Hearing notice list](#)  
[Proposed Mast ARM Installations](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan,  
Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

14. [071690](#) Resolution authorizing the execution of an agreement with the Wisconsin Department of Transportation placing Connecting Highway designation on West Fond du Lac Avenue between West Walnut Street and West McKinley Avenue.

Whereas, Section 86.32(1), Wisconsin Statutes enables the State to designate certain marked routes of the State highway system over the streets or highways in any municipality for which the municipality will be responsible for maintenance and traffic control; and

Whereas, The character of travel service provided by this route, uniformity of maintenance, the effect on the maintaining agency and the municipality's maintenance capability predicate this designation; and

Whereas, Reimbursement for maintenance of the connecting highway shall be determined using the rates per mile provided under Section 86.32, Wisconsin Statutes; and

Whereas, The removal of the Park East Freeway and associated roadway construction created a new segment of West Fond du Lac Avenue between West Walnut Street and West McKinley Avenue; and

Whereas, This segment of West Fond du Lac Avenue carries USH 145 designation; and

Whereas, The increase in Connecting Highway lane miles caused by placing Connecting Highway status on this segment of USH 145 will result in an annual increase in State funding of \$34,820.00; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works and Comptroller are authorized to enter into an agreement with the Wisconsin Department of Transportation for the placement of Connecting Highway status on West Fond du Lac Avenue between West Walnut Street and West McKinley Avenue.

**Sponsors:** THE CHAIR

**Attachments:** [Infrastructure Services Division Cover Letter](#)  
[Fiscal Note](#)  
[Agreement](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

15. [071701](#) Resolution authorizing an easement with Wisconsin Bell, Inc. on the City-owned property at 2706 South 49th Street, in the 8th Aldermanic District.

Whereas, Wisconsin Bell Inc., doing business as AT&T - Wisconsin, provides telecommunication services to the City of Milwaukee ("City") through facilities adjacent to and on the City-owned vacant lot at 2706 South 49th Street; and

Whereas, Wisconsin Bell Inc. has requested a permanent easement on the East 10 feet of this lot to install, maintain and upgrade its facilities under the conditions outlined in the AT&T - Wisconsin Exclusive Easement, a copy of which is attached to this Common Council File; and

Whereas, Wisconsin Bell, Inc. has offered the City \$3,000 as consideration for the easement, which represents fair compensation given the limited marketability of the lot and potential loss in value; and

Whereas, The Department of City Development ("DCD") and the Department of Public Works have reviewed the easement and recommend approval; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said easement with Wisconsin Bell Inc. at the City-owned vacant lot at 2706 South 49th Street is approved and that the proper City officials are authorized to execute the Easement; and, be it

Further Resolved, That the sale proceeds, minus a 30 percent disposition cost reimbursement to the Redevelopment Authority of the City of Milwaukee, shall be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106.

**Sponsors:** Ald. Donovan

**Attachments:** [Fiscal Note.doc](#)  
[Easement.PDF](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

16. [071702](#) Resolution authorizing acceptance and funding of a State of Wisconsin, Department of Natural Resources, 2008 Wisconsin Urban Non-Point Source Water Pollution Abatement & Storm Water Management Grant, in the 1st and 7th Aldermanic Districts.

Whereas, The Common Council of the City of Milwaukee (“Common Council”) approved the application of a State of Wisconsin, Department of Natural Resources, 2008 Wisconsin Urban Non-Point Source Water Pollution Abatement & Storm Water Management Grant on March 22, 2007, via File No. 061532; and

Whereas, The City of Milwaukee (“City”) is eligible for grant funds from the State of Wisconsin, Department of Natural Resources, to fund a Regional Storm Water Management Plan within the 30th Street Industrial Corridor; and

Whereas, The operation of this 2008 Wisconsin Urban Non-Point Source Water Pollution Abatement & Storm Water Management Grant from January 1, 2008 to December 31, 2009 will cost \$106,719 of which 28 percent will be provided by the City, 8 percent will be provided by the Redevelopment Authority of the City of Milwaukee and 64 percent will be provided by the Grantor; and

Whereas, The City Share will be provided by the Department of Public Works; and

Whereas, The City is seeking to provide support to the area known as the 30th Street Industrial Corridor; and

Whereas, Similar to the way in which the storm water park in the Menomonee Valley benefits nearby Valley businesses, a Regional Storm Water Management Plan in the 30th Street Industrial Corridor is anticipated to benefit existing corridor companies and companies that decide to locate in the corridor; and

Whereas, Improved storm water treatment in the corridor will improve the environmental health of Lincoln Creek and ultimately the Milwaukee River; now, therefore, be it

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

Further Resolved, That the City Share will be provided by the Department of Public Works; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the project/grant parent of the 2008 Special Revenue Grant and Aid Projects Fund the following amounts for the program/project titled State of Wisconsin, Department of Natural Resources, 2008 Wisconsin Urban Non-Point Source Water Pollution Abatement & Storm Water Management Grant:

Project/Grant: GR0000800000

Fund: 0150

Org: 9990

Prog: 0001

By: 0000

Class: R999

Account: 000600

Amount: \$68,300

2. Create the necessary grant and aid project/grant and project/grant levels budget against these project grant values the amount required under the grant agreement.

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

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

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

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

**Sponsors:** Ald. Hamilton and Ald. Wade

**Attachments:** [Fiscal Note.doc](#)  
[Grant Budget Form.doc](#)  
[Hearing notice list](#)  
[Fiscal Analysis](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

17. [080001](#) Substitute resolution approving levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes with the City cost of these projects approved by this resolution is estimated to be \$1,283,600 for a total estimated cost of \$1,516,600.

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

Alley between W. Hampton Ave., W. Stark St., N. 20th St. and N. 21st St. (ST212060123) File Number 051660: Concrete alley pavement reconstruction, replace some abutting walk or driveway approaches, grading, and storm drainage facilities where necessary. (Assessable Alley Paving Fund -- \$69,300; Nonassessable Alley Paving Fund -- \$50,000). The total estimated cost for this project including the requested amount is \$132,300. This project is anticipated to be completed during the 2008 construction season.

2nd Aldermanic District

W. Thurston Cr. - N. 76th St. to N. 78th St. (ST211070137): File Number 061097: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding, and grading. (Assessable Reconstruction Paving Fund -- \$12,600; Nonassessable Reconstruction Paving Fund -- \$55,000). The total estimated cost for this project including the requested amount is \$80,600. This project is anticipated to be completed during the 2008 construction season.

N. 78th St. - W. Silver Spring Dr. to W. Florist Ave. (ST211070138): File Number 061097: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding, and grading. (Assessable Reconstruction Paving Fund -- \$134,900; Nonassessable Reconstruction Paving Fund -- \$275,000). The total estimated cost for this project including the requested amount is \$457,900. This project is anticipated to be completed during the 2008 construction season.

2nd and 10th Aldermanic Districts

W. Melvina St. - N. 60th St. to N. 68th St. (ST211070136): File Number 061097: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding, and grading. (Assessable Reconstruction Paving Fund -- \$38,600; Nonassessable Reconstruction Paving Fund -- \$340,000). The total estimated cost for this project including the requested amount is \$422,100. This project is anticipated to be completed during the 2008 construction season.

## 7th Aldermanic District

Alley between W. Chambers St., W. Locust St., N. 24th Pl. and N. 25th St. (ST212070107) File Number 060699: Concrete alley pavement reconstruction, replace some abutting walk or driveway approaches, grading, and storm drainage facilities where necessary. (Assessable Alley Paving Fund -- \$41,200; Nonassessable Alley Paving Fund -- \$30,000). The total estimated cost for this project including the requested amount is \$88,200. This project is anticipated to be completed during the 2008 construction season.

## 8th Aldermanic District

S. 47th St. - W. Oklahoma Ave. to W. Manitoba St. (ST211070149) File Number: 070782. Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding, and grading. (Assessable Reconstruction Paving Fund -- \$44,500; Nonassessable Reconstruction Paving Fund -- \$65,000). The total estimated cost for this project including the requested amount is \$127,500. This project is anticipated to be completed during the 2008 construction season.

## 14th Aldermanic District

E. Norwich St. - S. Kansas Ave. to S. Nevada St. (Portions in the City of St. Francis) (ST21110139) File Number 061097: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding, and grading. (Assessable Reconstruction Paving Fund -- \$47,500; Nonassessable Reconstruction Paving Fund -- \$80,000). (ST214080103 City of St. Francis Portion \$60,500). The total estimated cost for this project including the requested amount is \$208,000. This project is anticipated to be completed during the 2008 construction season.

; and

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

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

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



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

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

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

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

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

Further Resolved, That projects: Alley W. Hampton Ave. (ST212060123), W. Thurston Cr. (ST2112070137), N. 78th St. (ST211070138), W. Melvina St. (ST211070136), Alley W. Chambers St. (ST212070107), S. 47th St. (ST211070149), and E. Norwich St. (ST21110139) will be billed after January 1, 2010, but not before 12 months after the project contract has been completed.

**Sponsors:** THE CHAIR

**Attachments:** [Infrastructure Services Division Cover Letter](#)  
[OFFICIAL NOTICE NUMBER 112](#)  
[Hearing notice list](#)  
[Official Notice Number 112 ACTIONS](#)  
[Fiscal Note](#)  
[Notice Published on 6-6-08](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

18. [080002](#) Substitute resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$977,400 for a total estimated cost of these projects being \$3,159,000.

Whereas, The Common Council of the City of Milwaukee adopted preliminary resolutions determining it necessary and in the public interest to construct nonassessable improvements; and

Whereas, Plans, specifications and cost estimates have been prepared for the following described improvements:

3rd Aldermanic District

N. Prospect Ave. - Bridge over Oak Leaf Bike Trail (BR320051401) and (ST320051401): Bridge Replacement

City Share Non-Assessable Paving Fund -- \$20,400

These funds are to be transferred to the construction account ST320051410.

Previously authorized for construction: \$1,474,600

Current estimated cost of the total project including this resolution: \$1,792,000

Original estimated cost of the total project File Number (041289): \$1,747,000

(This resolution does not change these two estimates.)

This project is anticipated to be completed during the 2008 construction season.

4th Aldermanic District

W. St. Paul Ave. - N. 9th St. to N. 13th St. (WT410080012) File Number 070266: Relay water main. (Nonassessable Water Fund -- \$650,000). The total estimated cost for this project including the requested amount is \$680,000. This project is anticipated to be completed during the 2008 construction season.

12th Aldermanic District

W. Forest Home Ave. - W. Historic Mitchell St. to S. 16th St. (SM495070140) File Number 071489. Combined sewer relay and lining. (Nonassessable Sewer Maintenance Relay Fund -- \$73,000 Additional funds). The total estimated cost for this project including the requested amount is \$428,000. This project is anticipated to be completed during the 2008 construction season.

13th and 14th Aldermanic Districts

W. Saveland Ave. - S. Howell Ave. to S. 1st St. (SM495070136) File Number 071055: Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$40,000) The total estimated cost for this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2008 construction season.

15th Aldermanic District

N. 13th St. - W. Cherry St. to 250 feet m/l north of W. Cherry St. (SM495080002) File Number 071378: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$64,000). The total estimated cost for this project including the requested amount is \$79,000. This project is anticipated to be completed during the 2008 construction season.

N. 21st St. - W. Galena St. to W. Walnut St. (TD05888004) File Number 050276: Install concrete walk, install concrete driveway approaches where needed, sodding, and grading. (TID Nonassessable Paving Fund -- \$28,000). The total estimated cost for this project including the requested amount is \$28,000). This project is anticipated to be completed during the 2008 construction season.

Alley between W. Galena St., W. Walnut St., N. 20th St. and North 21st St. (TD05888004) File Number 050276: Construct concrete alley pavement, construct some abutting walk or driveway approaches, grading and storm drainage facilities where needed. (TID Nonassessable Paving Fund -- \$51,000). The total estimated cost for this project including the requested amount is 51,000. This project is anticipated to be completed during the 2008 construction season.

Alley between W. Galena St., W. Walnut St., N. 21st St. and North 22nd St. (TD05888004) File Number 050276: Construct concrete alley pavement, construct some abutting walk or driveway approaches, grading, and storm drainage facilities where needed. (TID Nonassessable Paving Fund -- \$51,000). The total estimated cost for this project including the requested amount is \$51,000. This project is anticipated to be completed during the 2008 construction season.

; now, therefore, be it

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

Resolved, By the Common Council of the City of Milwaukee, that the following water main be rescinded as follows:

City of Greenfield

W. Forest Home Ave. @ S. 68th St. (WT410071410) File Number 070783: Relay water main. (Nonassessable Water Fund -- \$35,000). The total estimated cost for this project including the requested amount is \$50,000.

; and, be it

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

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

**Sponsors:** THE CHAIR

**Attachments:** [Infrastructure Services Division Cover Letter](#)  
[Fiscal Note](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

19. [080003](#) Substitute resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$290,000 for a total estimated cost of these projects being \$710,000.

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

City Wide (SM495080009): Sewer Exams (Nonassessable Sewer Maintenance Relay Fund -- \$60,000). The total estimated cost of this project is \$60,000. This project is anticipated to be completed during the 2008 construction season.

City Wide (SM495080010): Sewer structure construction and rehabilitation. (Nonassessable Sewer Maintenance Relay Fund --\$95,000). The total estimated cost of this project is \$95,000. This project is anticipated to be completed during the 2008 construction season.

Various Locations - Water Main Material Inspection (WT410091305): Inspection. (Nonassessable Water Fund -- \$30,000). The total estimated cost of this project including the requested amount is \$30,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations - Water Main Alterations by Milwaukee Water Works Distribution Section prior to paving (WT410091300): Alterations. (Nonassessable Water Fund - - \$15,000). The total estimated cost of this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations - Water Main Alterations by Private Contractors prior to paving (WT410091500): Alterations. (Nonassessable Water Fund -- \$15,000). The total estimated cost of this project including the requested amount is \$250,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations - Water Main Alterations by Private Contractors prior to sewer construction. (WT410091700): Alterations. (Nonassessable Water Fund -- \$15,000). The total estimated cost of this project including the requested amount is \$200,000. This project is anticipated to be completed during the 2009 construction season.

Suburbs - Review of Consultant Prepared Suburban Construction Plans (WT440090000): Plan Review. (Nonassessable Water Fund -- \$60,000). The total estimated cost of this project including the requested amount is \$60,000. This project is anticipated to be completed during the 2009 construction season.

; and, be it

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

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

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

**Sponsors:** THE CHAIR

**Attachments:** [Infrastructure Services Division Cover Letter](#)  
[Fiscal Note](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

20. [080004](#) Substitute resolution determining it necessary to make various assessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$145,000 for a total estimated cost of these projects being \$1,754,900.

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

2nd Aldermanic District

W. Marion St. - N. 64th St. to N. 66th St. (ST211090120): 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 -- \$8,000). The total estimated cost for this project including the requested amount is \$90,000. This project is anticipated to be completed during the 2009 construction season.

W. Perkins Pl. - W. Appleton Ave. to N. 76th St. (ST211080121): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$65,000. This project is anticipated to be completed during the 2008 construction season.

N. 64th St. - W. Capitol Dr. to W. Marion St. (ST211090118): 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 -- \$18,000). The total estimated cost for this project including the requested amount is \$240,000. This project is anticipated to be completed during the 2009 construction season.

N. 66th St. - W. Capitol Dr. to W. Congress St. (ST211090119): 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 -- \$20,000). The total estimated cost for this project including the requested amount is \$315,000. This project is anticipated to be completed during the 2009 construction season.

6th Aldermanic District

N. 1st St. - W. Concordia Ave. to W. Keefe Ave. (ST211089001): Traffic calming devices. (Nonassessable Reconstruction Paving Fund -- \$2,000). The total estimated cost for this project including the requested amount is \$9,000. This project is anticipated to be completed during the 2008 construction season.

#### 9th Aldermanic District

N. Servite Dr. - A point south of W. Brown Deer Rd. to W. Brown Deer Rd. (ST211060159): 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 -- \$20,000 Additional Funds). The total estimated cost for this project including the requested amount is \$100,900. This project is anticipated to be completed during the 2008 construction season.

#### 10th Aldermanic District

N. 91st St. - W. Blue Mound Rd. to W. Wisconsin Ave. (ST21110123): 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 Additional funds). File Number 991032 Authorized \$13,000. Total engineering costs of \$18,000. The total estimated cost including the requested amount is \$131,000. This project is anticipated to be completed during the 2009 construction season.

#### 11th Aldermanic District

Alley between W. Eden Pl., W. Morgan Ave., S. 63rd St., S. 66th St. (West half) (ST212070109): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$11,000). The total estimated cost including the requested amount is \$90,000. This project is anticipated to be completed during the 2009 construction season.

#### 12th Aldermanic District

Alley between W. Mineral St., W. National Ave., S. 22nd St., S. 23rd St. (ST212070111): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$15,000). The total estimated cost including the requested amount is \$115,000. This project is anticipated to be completed during the 2009 construction season.

#### 13th Aldermanic District



W. Parnell Ave. - S. 29th St. to W. Ramsey Ave. (ST211090121): 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 -- \$25,000). The total estimated cost for this project including the requested amount is \$475,000. This project is anticipated to be completed during the 2009 construction season.

Alley between W. Crawford Ave., W. Wilbur Ave., S. 14th St., S. 15th St. (ST212070108): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$16,000) The total estimated cost including the requested amount is \$124,000. This project is anticipated to be completed during the 2009 construction season.

; and, be it

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

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

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

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

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

**Sponsors:** THE CHAIR

**Attachments:** [Infrastructure Services Division Cover Letter](#)  
[Fiscal Note](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puentes

21. [080013](#) Resolution relative to the cost participation under the 2008 Highway Safety Improvement Program for the installation of traffic control signal improvements in conjunction with reconstruction of the intersection of West Silver Spring Drive and North Teutonia Avenue in the 1st Aldermanic District at a total estimated cost of \$75,410.59, with an estimated grantor share of \$67,869.53, and an estimated City share of \$7,541.06.
- Whereas, The Revised Project Agreement for the installation of a traffic control signal under the 2008 Highway Safety Improvement Program (HSIP) was approved by the Common Council under File Number 060592; and
- Whereas, The Surface Transportation Program provides cost participation for the construction of traffic control signal improvements in conjunction with Federal/State Aid under the 2008 HSIP; and
- Whereas, The HSIP is intended to reduce the number and severity of vehicle and pedestrian crashes; and
- Whereas, The total estimated cost of this project is \$75,410.59 for the installation of traffic control signal improvements; and
- Whereas, Ten percent of the participating costs, or \$7,541.06, is not reimbursable and is included in the Division's 2008 Capital Purpose Project/Grant Number ST320080000; and
- Whereas, Ninety percent of the participating project cost, or \$67,869.53, is reimbursable from the Wisconsin Department of Transportation (WISDOT), and should be earmarked for this project in the 2008 Capital Grant and Aids Projects Fund Project/Grant Number SP032080100; and
- Whereas, The State cannot proceed with any project cost overruns and/or changes in scope of more than 5% without prior Department of Public Works approval; and
- Whereas, The Department of Public Works shall notify the Common Council of the City of Milwaukee at the next scheduled meeting of any such project cost overruns and/or changes in scope approved by the Department of Public Works; and
- Whereas, The Common Council of the City of Milwaukee recognizes that the City may be 100% liable for any such project cost overruns and/or changes in scope as approved by the Department of Public Works; and
- Whereas, The Common Council of the City of Milwaukee recognizes that the City may be liable for any costs incurred by the State should the City decide to withdraw

from the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works and the Comptroller are authorized to enter into a funding agreement and are directed to execute the contract with WISDOT for the installation of traffic control signal improvements in conjunction with reconstruction of the intersection of West Silver Spring Drive and North Teutonia Avenue with unit prices based on a predetermined estimate prepared under the Federal/State aided highway program, a copy of which is attached to this resolution, and is incorporated into this resolution as though set forth in full; and, be it

Further Resolved, That upon approval of this contract, the Commissioner of Public Works is directed to install traffic control signal improvements at the intersection of West Silver Spring Drive and North Teutonia Avenue; and, be it

Further Resolved, That upon approval of this contract, the City Comptroller is hereby authorized to create within the Capital Grant and Aid Projects Fund the appropriate Project/Grant Chartfield Value for this project; and transfer to these accounts the amount required under the agreement and City accounting policy, but not to exceed a ten percent increase of the total amounts reserved for the grantor's share and local share or \$5,000, whichever is greater as follows:

Location:

Project I.D.-2080-08-90

West Silver Spring Drive and North Teutonia Avenue Intersection

City of Milwaukee Share

Fund Number-0333

Project/Grant Number-ST320080000

\$7,541.06

Grantor Reimbursable Cash - Traffic Control

Fund Number-0306

Project/Grant Number-SP032080100

\$67,869.53

Total-\$75,410.59

Previously Authorized for Traffic Control Improvements-\$0.00

Current Estimated Cost of the Total Project Including this Resolution-\$1,000,000.00

Original Estimated Cost of the Total Project (Common Council Resolution File

Number 045866)-\$850,000.00

**Sponsors:** THE CHAIR

**Attachments:** [Infrastructure Services Division Cover Letter](#)  
[Fiscal Note](#)  
[Contract](#)  
[Comptroller's Certification](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan,  
Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

22.        [080014](#)        Resolution relative to an agreement with 544 South 1st Street, LLC for the installation and funding of a new traffic control signal at the intersection of West Virginia Street and South 1st Street in the 12th Aldermanic District at a total estimated cost of \$79,000, with one hundred percent of the total cost funded by 544 South 1st Street, LLC.

Whereas, 544 South 1st Street, LLC, a development company, plans to develop a facility on the southeast corner of the intersection of West Virginia Street and South 1st Street that is anticipated to generate transit trips to and from the facility by persons with disabilities; and

Whereas, Vehicular gaps in traffic on South 1st Street are not adequate for persons with disabilities to cross to and from bus stops safely; and

Whereas, The City of Milwaukee recognizes that a traffic signal is the only way to provide safe access for disabled persons to the site without compromising pedestrian and vehicular operation and safety; and

Whereas, The traffic signal is warranted for no other reason and therefore would be a private interest signal, funded completely by the private interest benefiting from its placement; and

Whereas, 544 South 1st Street, LLC has agreed to completely fund the operation, installation and maintenance of the traffic signal; and

Whereas, The estimated cost of the initial installation is \$79,000 with any cost overruns paid by 544 South 1st Street, LLC; and

Whereas, The operation and maintenance costs will be billed by the City of Milwaukee to 544 South 1st Street, LLC annually based on the amount of work operation and maintenance done yearly; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works and Comptroller be and hereby are directed to execute the agreement with 544 South 1st Street, LLC pertaining to the cost participation for the installation, maintenance and operation of a new traffic control signal at the intersection of West Virginia Street and South 1st Street, a copy of which is attached to this Common Council Resolution File, and is incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That upon approval of this agreement, the Commissioner of Public Works is authorized to install a new traffic control signal at the intersection of West Virginia Street and South 1st Street; and, be it

Further Resolved, That upon approval of this agreement, the City Comptroller is hereby authorized to create within the Capital Grant and Aid Projects fund the appropriate Project/Grant Chartfield Value for this project; and transfer to these accounts the amount required under the agreement and City accounting policy.

Location

West Virginia Street and South 1st Street

Grantor Share

Fund 0336

Project/Grant Number SP032080100

Total Estimated Cost \$79,000

Previously Authorized for Traffic Signals and Signs-\$0

Current Estimated Cost of the Total Project Prior to this Resolution-\$79,000

Original Estimated Cost of the Total Project-\$79,000

**Sponsors:** THE CHAIR

**Attachments:** [Infrastructure Services Division Cover Letter](#)  
[Fiscal Note](#)  
[Agreement](#)  
[Comptroller's Certification](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

23. [080015](#) Resolution relative to application, acceptance, and funding of a 2008 and 2009 Vehicle Miles of Travel Monitoring Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Department of Transportation to provide expanded monitoring of roadway usage levels and travel characteristics in the City of Milwaukee; and

Whereas, The operation of this grant project from July 1, 2008 to September 30, 2009 would cost \$105,138 and would be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works and Comptroller are here by authorized to make application to the Wisconsin Department of Transportation through execution of the agreement attached and incorporated in this resolution; and, be it

Further Resolved, That the Department of Public Works shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81 of the Milwaukee Code of Ordinance; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit Funds within the Project/Grant Parent of the 2008 and 2009 Special Revenue Grant and Aid Projects Fund the following amounts for the program/project titled 2008 and 2009 Vehicle Miles of Travel Monitoring Project:

Project/Grant Parent Grantor Share  
Project/Grant ChartField GR0000-8-00000  
Fund 0150  
Organization 9990  
Program 0001  
Budget Year (BY) 0008  
Subclass R999  
Account 000600  
2008 Project/Grant Total \$46,568

Project/Grant Parent Grantor Share  
Project/Grant ChartField GR0000-9-00000  
Fund 0150  
Organization 9990  
Program 0001  
Budget Year (BY) 0009  
Subclass R999  
Account 000800

2009 Project/Grant Total \$58,570

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

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

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

2. Expend from the 2008/2009 grant budget funds for training and out-of-town travel by departmental staff.

**Sponsors:** THE CHAIR

**Attachments:** [Infrastructure Services Division Cover Letter](#)  
[Fiscal Note](#)  
[Agreement](#)  
[Comptroller's Certification](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente



24. [080016](#) Substitute resolution approving 2008 monthly solid waste collection charges for multiunit dwellings with 5 or more units.

Whereas, Section 79-2-1-b of the Milwaukee Code of Ordinances directs the Department of Public Works to charge a fee to the owners of multiunit dwellings with 5 or more units to recover 100% of the cost of solid waste collection services, excluding costs related to capital equipment depreciation; and

Whereas, This section also stipulates that the amount of the solid waste collection fee shall be determined annually by the Commissioner of Public Works, subject to approval of the Common Council; and

Whereas, The Commissioner of Public Works has determined the monthly charges required for 100% recovery of the current cost of providing solid waste collection services to multiunit dwellings with 5 or more units; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the following schedule of 2008 monthly and quarterly charges for collection of solid waste from multiunit dwellings with 5 or more units is approved:

	Monthly Rate	Quarterly Rate
Top Load Container		
2-yard	\$52.00	\$156.00
3-yard	\$56.00	\$168.00
4-yard	\$61.00	\$183.00
6-yard	\$70.00	\$210.00
8-yard	\$79.00	\$237.00

Rear Load Container  
2-yard \$84.00 \$252.00

Garbage Cart \$14.00 \$42.00

**Sponsors:** THE CHAIR

**Attachments:** [Environmental Services Cover Letter](#)  
[Fiscal note](#)  
[Hearing notice list](#)  
[Fiscal Analysis](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

25. [080027](#) Resolution authorizing the Commissioner of Public Works to install fiber and provide network connectivity at the expense of and for the use and benefit of the Milwaukee Public Museum.

Whereas, The City of Milwaukee wishes to promote higher educational resources, tourism and economic development and supporting cultural exchange in the community; and

Whereas, The Milwaukee Public Museum is one of the nation's premier natural history and science facilities known world-wide for its exhibits, collections and ongoing scientific research; and

Whereas, The Milwaukee Public Museum has requested the assistance of the City of Milwaukee in obtaining high speed network connectivity to the internet through WiscNet at its expense; and

Whereas, The WiscNet is a not-for-profit association established to further education, research, economic development and public service in the state of Wisconsin by creating and operating a digital communications network interconnecting public and private organizations including the provision of internet services; and

Whereas, Resolution File Number 051269, adopted on February 7, 2006, authorized the Commissioner of Public Works to execute an agreement between the City of Milwaukee and the WiscNet Association to establish collocation facilities within the City of Milwaukee and that made it feasible for the University of Wisconsin-Milwaukee to become a node on BOREAS-Net; and

Whereas, This collocation facility enables Milwaukee area educational and cultural institutions to gain access to WiscNet and the next generation internets including: BoreasNet, Abilene/Internet2 and other national and international networks, and further enables connectivity between higher education and cultural institutions within the City of Milwaukee including: Marquette University, Milwaukee Area Technical College, Milwaukee Public Television, Discovery World, Pier Wisconsin, VISIT Milwaukee, Milwaukee World Festival, Inc., and Midwest Airlines Center; and

Whereas, The City of Milwaukee owns dark fiber and can provide network services in certain routes that would be beneficial to the extension and enhancement of the Milwaukee Public Museum to further its mission; and

Whereas, It would be in the best interests of the City of Milwaukee to facilitate connectivity within the City for the Milwaukee Public Museum; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is directed to install dark fiber and to provide network connectivity at

no cost to the City of Milwaukee in certain routes where capacity is available to enable the Milwaukee Public Museum to connect to the WiscNet/BOREAS-Net collocation facility at the Department of Public Works Network Operations Center (DPW-NOC).

**Sponsors:** Ald. Bauman

**Attachments:** [Letter from Milwaukee Public Museum](#)  
[Fiscal note](#)  
[Hearing notice list](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

26. [080032](#) Substitute resolution accepting the gift of a grandfather clock.

Whereas, Section 304-24 of the City of Milwaukee Code of Ordinances regulates the receipt, appropriation, and expenditure of contributions received by the City; and

Whereas, Michelle Holly, granddaughter of longtime alderman and Common Council President Cornelius L. Corcoran, wishes to donate the grandfather clock that for decades graced the main hallway of former Common Council President Corcoran's home at State and Cass Streets; and

Whereas, Former Common Council President Corcoran faithfully served Milwaukee as alderman for 44 years and as Council President for 30 years; and

Whereas, Former Council President Corcoran was instrumental in developing Milwaukee's lakefront and harbor which have been, and continue to be, used and enjoyed by generations of Milwaukeeans and visitors to the City, and contribute to the high quality of life in Milwaukee; and

Whereas, The grandfather clock offered to the City is a beautiful and valuable furnishing that will serve as an elegant artifact and bring Milwaukee's great history alive for residents and visitors, and connect the City to its past; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City graciously accepts this generous donation made by Michelle Holly of the grandfather clock once owned by her grandfather, Cornelius L. Corcoran, longtime alderman and Common Council President; and, be it

Further Resolved, That the City Clerk shall take charge of this donation and see that this grandfather clock is located and displayed in a setting befitting its beauty, utility and historic significance.

**Sponsors:** Ald. Hines Jr.

**Attachments:** [Appraisal](#)  
[Pictures](#)  
[Hearing notice list](#)  
[Fiscal note](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

## PLACING ON FILE THE FOLLOWING:

27. [060826](#) Communication from the Commissioner of Public Works relative to Erie Street Plaza.
- Sponsors:** Ald. Bauman  
**PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
28. [061360](#) Substitute resolution amending a special privilege for change of ownership to Midwest Auto Recycling, LLC for encroachment into the public right-of-way of a fence and use of a portion of unimproved West Wright Street for the premises at 2431 North 30th Street, in the 15th Aldermanic District.
- Sponsors:** THE CHAIR
- Attachments:** [Special Privilege Petition.PDF](#)  
[Fiscal Note](#)  
[Cover letter](#)  
[map](#)  
[pictures for 2431 N 30th](#)  
[Hearing notice list](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 2 - Wade Puente
29. [070683](#) Communication from the Budget & Management Division relating to a Best Practices Review of Capital Project Management.
- Sponsors:** THE CHAIR
- Attachments:** [Budget and Management Cover Letter](#)  
[DRAFT- Matrix Report - Management Study of the Capital Project Management P](#)  
[PowerPoint Presentation by Matrix Consulting Group re Milwaukee Capital Project](#)  
[Matrix Report - Final 10-23](#)  
[Responses letter from Dept of Public Works](#)  
[Attachment A](#)  
[Attachment B](#)
- PLACED ON FILE**
- Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0

**Excused:** 2 - Wade Puente

30. [070939](#) Communication from the Department of City Development and the Office of the City Attorney relating to the infrastructure surrounding Miller Park.

**Sponsors:** THE CHAIR

**Attachments:** [Exhibit A-1](#)  
[Exhibit A-2](#)  
[Communication](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

31. Various obsolete files:

- a. [981757](#) Resolution amending a special privilege granted to All Saint's Cathedral Corporation at 818 East Juneau Avenue by replacing a \$2,000 surety bond requirement with a \$2,000 cash bond requirement.

**Sponsors:** Ald. Henningsen

**Attachments:** [City Atty. Opinion](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- b. [040507](#) Resolution voiding a special privilege granted to Joseph and Ellen Checota for the maintenance of a private and secure driveway and further vacating a portion of East Hampshire Street for this same purpose.

**Sponsors:** Ald. D'Amato

**Attachments:** [Letter to Ald. D'Amato.PDF](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- c. [040826](#) Resolution directing the departments of Public Works and City Development to cease work on, and participation in, the Milwaukee Downtown Transit Connector Study.

**Sponsors:** Ald. Bauman

**Attachments:** [3-23-06 Ald. Bauman news release](#)  
[3-24-06 Ald. Bauman news release](#)  
[3-27-06 Ald. Bauman news release](#)  
[3-30-06 letter from Ald. Bauman](#)  
[3-31-06 Ald. Bauman news release](#)  
[4-4-06 letter from Ald. Bauman](#)  
[4-5-06 Ald. Bauman news release](#)  
[4-12-06 Ald. Bauman news release](#)  
[4/13/06 E-mail from Ald. Bauman](#)  
[4-17-06 Ald. Hines letter](#)  
[4-5-06 MMAC letter](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- d. [041050](#) Substitute resolution to vacate a portion of the north side of West Canal Street located East of North Emmer Lane, in the 12th Aldermanic District.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note.doc](#)  
[Exhibit A](#)  
[CPC letter](#)  
[6-23-06 email from DCD](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- e. [051116](#) An ordinance relating to signs in the public right-of-way.

**Sponsors:** Ald. Bauman

**Attachments:** [Fiscal Note.doc](#)  
[Infr. Serv. Div. Cover Letter.doc](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0



**Excused:** 2 - Wade Puente

- f. [060328](#) Substitute resolution relating to water service to the City of New Berlin.

**Sponsors:** Ald. Zielinski

**Attachments:** [Fiscal note](#)  
[Fiscal Analysis](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- g. [060329](#) Resolution directing the Department of Public Works to submit a new streetscaping plan for the E. Erie Street streetscaping project.

**Sponsors:** Ald. Bauman

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- h. [060531](#) Resolution authorizing the honorary naming of the 3200 block of North 16th Street as "Rion Johnson."

**Sponsors:** Ald. McGee Jr.

**Attachments:** [Rion Johnson obituary](#)  
[Map - N. 16th St. between W. Concordia Ave and W. Ring St.](#)  
[Property addresses that are notices](#)  
[Obituary and Funeral Order of Service](#)  
[7-18-06 Journal-Sentinel article](#)  
[7-19-06 Journal-Sentinel article](#)  
[DPW-Infra. reply letter](#)  
[Fiscal note](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- i. [060661](#) A substitute ordinance relating to procedures for placement of above ground utility boxes in the public right-of-way.

**Sponsors:** Ald. Bauman, Ald. Murphy, Ald. Donovan, Ald. Bohl, Ald. D'Amato, Ald. Davis, Ald. Witkowiak, Ald. Zielinski and Ald. Hamilton

**Attachments:** [Pictures](#)  
[Fiscal note](#)  
[Proposed Substitute A](#)  
[Proposed Substitute B](#)  
[Proposed Substitute C](#)  
[Proposed Substitute D](#)  
[Memo from LRB to ALD. Bauman](#)  
[Letter from the CA - Grant Langley to Ald. Davis](#)  
AT&T Response

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- j. [061598](#) An ordinance relating to the implementation of various recommendations included in the City Comptroller's audit of the Canal Street reconstruction project.

**Sponsors:** Ald. Murphy

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

- k. [070324](#) Substitute resolution reserving and appropriating up to \$50,000 from the 2007 Common Council Contingent Fund to hire a consultant to review and evaluate the condition of the City of Milwaukee's streets and related maintenance and reconstruction procedures.

**Sponsors:** Ald. Bohl

**Attachments:** [CContingent Fund Request Info.rtf](#)  
[Fiscal Note.rtf](#)  
[6/26/07 MEMO from LRB RE: Street Maintenance Budget Reductions, 1998-2007](#)  
[6/25/07, LRB REsearch & Analysis Section Memo](#)  
[letter from David A. Kuemmel, P.E.](#)  
[Inside the Guts of Milwaukee](#)  
[Infrastructure Systems: 1987 Summary Statistics](#)  
[8/24/07 Ald. Bohl news release](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

L. [070325](#) An ordinance regulating the placement of temporary signs on public property.

**Sponsors:** Ald. Bohl

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

m. [070328](#) A substitute ordinance relating to the removal of construction and yard waste.

**Sponsors:** Ald. Bauman

**Attachments:** [Fiscal note](#)  
[City Attorney - Opinion](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

n. [070978](#) Substitute resolution directing the Department of Public Works to finish construction and connection of Wheelhouse Road, Milwaukee Road and an alley to connect to the East Access Road in the vicinity of Miller Park.

**Sponsors:** Ald. Bauman

**Attachments:** [Fiscal Note](#)

**PLACED ON FILE**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

THE FOLLOWING ZONING, NEIGHBORHOOD AND DEVELOPMENT COMMITTEE ITEMS WERE RECONSIDERED AT 10:34 A.M.:

[071181](#)

Resolution authorizing the sale of the City-owned vacant lots at 2801(R) South Fifth Court, 520 West Rosedale Avenue and part of 2744 (Adj.) South Sixth Street to Cardinal Capital Management, Inc., for residential development, in the 14th Aldermanic District.

**Sponsors:** THE CHAIR

**Attachments:** [Fiscal Note.doc](#)  
[Proposed Substitute A.rtf](#)  
[Proposed Substitute B.rtf](#)  
[Land Disposition Report.doc](#)  
[Right-of-Way and Easement Map.doc](#)  
[City Plan Commission Letter.doc](#)  
[Proposed Substitute C.rtf](#)  
[Notice List](#)  
[CMAQ questions for KK River Bike Trail](#)  
[Non-speakers](#)  
[Speakers](#)

**RECONSIDERED**

**Aye:** 4 - Murphy, Dudzik, Witkowiak Witkowski

**No:** 9 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan,  
Zielinski Hines Jr.

**Excused:** 2 - Wade Puente

[071292](#)

Substitute ordinance relating to the change in zoning from Industrial Heavy to General Planned Development on land located on the East Side of South 6th Street and North and South of West Rosedale Avenue for affordable housing, retail space and support services, in the 14th Aldermanic District.

**Sponsors:** THE CHAIR

**Attachments:** [Exhibit A as of 3-3-08.pdf](#)  
[Exhibit A Continued as of 3-3-08.pdf](#)  
[Meetings Related to Development of Empowerment Village.doc](#)  
[City Attorney Opinion.pdf](#)  
[Proposed Zoning Change Map.jpg](#)  
[Affidavit for Zoning Change.pdf](#)  
[Support Chudnow.pdf](#)  
[Support John.pdf](#)  
[Support Neidhardt.pdf](#)  
[Support Wilberg.pdf](#)  
[City Plan Commission Letter.doc](#)  
[Notice Published on 2-1-08 and 2-8-08](#)  
[Notice Published on 2-28-08 and 3-6-08](#)  
[Proposed Substitute A.rtf](#)  
[Support Beth Anderson](#)  
[Support Gregory Oberland](#)  
[Support AO Smith Corporation](#)  
[Support Thomas and Janet Hamilton](#)  
[Notice List](#)  
[Support American Behavioral Clinics](#)  
[CMAQ questions for KK River Bike Trail](#)  
[Support Andrea Johnson](#)  
[Support Thomas Carroll](#)  
[Speakers](#)  
[Non-speakers](#)  
[Handout from Tigie Whaley Smith - part 1](#)  
[Handout from Tigie Whaley Smith - part 2](#)  
[Handout from Tigie Whaley Smith - part 3](#)

**RECONSIDERED**

**Aye:** 4 - Murphy, Dudzik, Witkowiak Witkowski

**No:** 9 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Zielinski Hines Jr.

**Excused:** 2 - Wade Puente

Various communications from City officers were read and ordered on file without objection.

RESOLUTIONS AND MOTION FOR IMMEDIATE ADOPTION:

080080

Resolution supporting U.S. House Bill H.R. 5690 calling for a lifting of travel restrictions to the U.S. placed on past and present members of the African National Congress of South Africa based solely on membership in an organization once labeled a terrorist organization during its struggle against the injustices of apartheid.

Whereas, The native South African people, who fought valiantly against the Dutch and English for over 100 years to retain their freedom, were ultimately overwhelmed by European forces and conquered, colonized and subjugated in 1878; and

Whereas, The Afrikaner-led National Party government took power 60 years ago in South Africa and initiated a policy of apartheid which systematically began removing non-white South Africans from the electoral rolls and restricting where non-whites could live and travel, and restricting the political activities of non-whites; and

Whereas, The South African National Party government's policy of apartheid was in clear and direct violation of the principles set forth in the Universal Declaration of Human Rights adopted by the United Nations in 1948 to recognize and proclaim that "the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world"; and

Whereas, The African National Congress ("ANC") began participating in the non-violent Defiance Campaign in June, 1952, to protest the oppressive policies of apartheid and adopted the Freedom Charter in 1955 which called for a democratic South Africa supporting equal rights for all South Africans regardless of race; and

Whereas, The ANC was banned from all political activity and every means of non-violent protest in 1960 after 69 protesters were killed by police, many shot in the back trying to flee, in the Sharpeville massacre, forcing the organization to abandon non-violent protest and to establish a military wing, the MK ("Umkhonto we Sizwe"), "Spear of the Nation"; and

Whereas, The ANC only reluctantly resorted to violent protest as future Nobel Peace Prize Laureate, Nelson Mandela, the MK leader, argued that "down through the years oppressed peoples have fought for their birthright by peaceful means, where that was possible, and through force when peaceful channels were closed" to them, and asserted that a liberation movement may resort to violence as "a legitimate form of self-defense against a morally repugnant system of government which will not allow even peaceful forms of protest"; and

Whereas, In an effort to distance its violent protest from terrorism, the ANC, in 1980, signed the Geneva Convention Protocol relating to irregular war, codifying its commitment to avoid attacking civilians and to conduct its war of protest in the most humane ways possible; and

Whereas, Despite the ANC's commitment to avoid terrorism, the party was named a terrorist organization by the oppressive South African government and in the anti-communist fervor of the "cold war" era, the United States, anxious to court the anti-communist South African government as a cold war ally against the Soviet Union, likewise labeled the ANC a terrorist organization; and

Whereas, Mounting pressure and internal strife finally forced the ruling South African government to dismantle apartheid and rescind its 30-year-old ban of the anti-apartheid African National Congress, 18 years ago on February 2, 1990; and

Whereas, The ANC became a registered political party in South Africa winning 63% of the seats in the South African Parliament on May 10, 1994 in the first democratic elections in that country's history; and

Whereas, The ANC has been the governing party in every South African coalition government since majority rule was established in May, 1994; and

Whereas, Past and present South African ANC members are routinely denied visas to visit the U.S., including former ANC chairman and premier of the South African province of Gauteng, Tokyo Sexwale, and former South African Ambassador to the U.S., Barbara Masekela, based solely on their past or present membership in the ANC; and

Whereas, U.S. Congressman Howard Berman, Chairman of the House Foreign Affairs Committee, has introduced House Bill H.R. 5690, co-sponsored by Homeland Security Committee Chairman, Rep. Bennie Thompson, Committee member, Rep. Barbara Lee and Africa Subcommittee Chairman, Donald Payne, which effectively lifts travel restrictions to the U.S. for former and present ANC members, and removes the ANC from any and all U.S. terrorist databases and terrorism watch lists while preserving the rights of the Secretaries of State or Homeland Security to intercede on a case-by-case basis as individual circumstances warrant; and

Whereas, The U.S. Secretary of State, Condoleezza Rice, has been quoted in the media as favoring a lifting of this arbitrary ban on travel to the U.S. by past and present ANC members for acts solely in protest of apartheid; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City of Milwaukee supports U.S. House Bill H.R. 5690 and urges U.S. Senators and Representatives from the State of Wisconsin, and all other U.S. Senators and Representatives, to vote for this measure and establish H.R. 5690 as the law of the land in order to redress the injustice of denying travel to the U.S. to any person solely because that person was once, or is now, associated with an organization committed to fighting for freedom and the equality of all peoples regardless of race; and, be it

Further Resolved, That the City Clerk shall send a copy of this resolution to each member of Wisconsin's U.S. Congressional delegation.

**Sponsors:** Ald. Davis, Ald. Kovac and Ald. Murphy

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puentes



[080139](#) Resolution approving various final certified survey maps.

Resolved, By the Common Council of the City of Milwaukee, that the following certified survey maps be and hereby are approved:

NAME	TAX KEY NUMBER(S)
Milwaukee Habitat for Humanity (DCD #2670)	3101501100
Greater New Birth Church, Inc. (DCD #2676)	3250640100, 3250641100, 3250643100, 3250644000, 3250645000, 3250646000, 3250647100
Pragmatic Construction, LLC (DCD #2680)	3140110000
City of Milwaukee (DCD #2682)	3630122100, 3630124000, 3630125110, 3630114111, 3630140100
Milwaukee Kollé, Inc. (DCD #2683)	2881060000, 2881061000

**Sponsors:** THE CHAIR

**Attachments:** [Department of City Development Letter for #2670](#)  
[Department of City Development Letter for #2676](#)  
[Department of City Development Letter for #2680](#)  
[Department of City Development Letter for #2683](#)  
[Department of City Development Letter for #2682](#)  
[Letter to Mayor's Office](#)  
[Certified Survey Maps for #2676](#)  
[Certified Survey Maps for #2670](#)  
[Certified Survey Maps for #2680](#)  
[Certified Survey Maps for #2682](#)  
[Certified Survey Maps for #2683](#)

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

[080142](#)

Resolution authorizing attachment of signs on median light poles on State Highway 41, Appleton Avenue between North 76 Street and 107th Street by the Association for Northwest Advancement.

Whereas, For the last 13 years, the Association for Northwest Advancement has sponsored the plantings and maintenance on the medians on State Highway 41, Appleton Avenue, between North 76 Street and 107th Street; and

Whereas, The State of Wisconsin has provided funding to the Association for Northwest Advancement in lieu of reimbursing Milwaukee County for maintaining boulevards on State Highway 41; and

Whereas, The funding received from the state only partially reimburses the association for the median plantings and maintenance, requiring the association to seek contributions from its members; and

Whereas, In the past the association has recognized members of the association who contribute to fund the median maintenance by placing sponsorship signs in the median; and

Whereas, The association desires to continue to recognize members who contribute to maintain the median by attaching sponsorship signs to median light poles; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that after determining that the signs will be attached to median light poles in an approved manner, the Department of Public Works is directed to allow the Association for Northwest Advancement to attach signs on State Highway 41, Appleton Avenue, between North 76 Street and 107th Street between June 1, 2008, and November 1, 2008.

**Sponsors:** Ald. Bohl

**ADOPTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

[080169](#)

Resolution authorizing the City Clerk's Office to accept a donation of advertising space on billboards and bus shelters from Clear Channel Outdoor.

**Sponsors:** Ald. Davis and Ald. Witkowski

**Attachments:** [Proposed Substitute 1.rtf](#)

**SUBSTITUTED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puento

**Sponsors:** Ald. Davis and Ald. Witkowski

**Attachments:** [Proposed Substitute 1.rtf](#)

**AMENDED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puento

Whereas, Section 304-24 of the City of Milwaukee Code of Ordinances regulates the receipt, appropriation and expenditure of contributions received by the City; and

Whereas, Clear Channel Outdoor has offered to donate advertising space on billboards and bus shelters for relaying fireworks prevention-related public service announcements; and

Whereas, Clear Channel Outdoor has offered to run announcements on 6 changeable message billboards intermittently between June 20, 2008, and July 11, 2008, for a total of 22,000 spots, and to put announcements in 50 bus shelters during this period; and

Whereas, These public service announcements will help decrease the prevalence of illegal fireworks before and after the 4th of July holiday; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Clerk's Office is authorized to accept an in-kind donation of advertising space on billboards and bus shelters from Clear Channel Outdoor; and, be it

Further Resolved, That the City Clerk's Office shall design and provide to Clear Channel Outdoor the copy for the public service announcements.

**Sponsors:** Ald. Davis and Ald. Witkowski

**Attachments:** [Proposed Substitute 1.rtf](#)

**ADOPTED**

**Aye:** 11 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Dudzik, Witkowiak, Zielinski Hines Jr.

**No:** 2 - Murphy Witkowski

**Excused:** 2 - Wade Puente

[080170](#)

Motion amending the schedule of regular meetings of the Common Council and standing committees for 2008.

It is moved, By the Common Council of the City of Milwaukee, that the calendar of Common Council and council committee meetings for the year 2008 (January 1 through December 31, 2008) as adopted by Common Council File Number 070744 is amended as follows:

The Community and Economic Development Committee meeting previously scheduled for June 4, 2008, is rescheduled to June 2, 2008, beginning at 9:00 a.m.

The Community and Economic Development Committee meeting previously scheduled for June 25, 2008, is rescheduled to June 23, 2008, beginning at 9:00 a.m.

The Community and Economic Development Committee meeting previously scheduled for July 23, 2008, is rescheduled to July 21, 2008, beginning at 9:00 a.m.

The Community and Economic Development Committee meeting previously scheduled for October 1, 2008, is rescheduled to September 29, 2008, beginning at 9:00 a.m.

The Community and Economic Development Committee meeting previously scheduled for October 22, 2008, is rescheduled to October 20, 2008, beginning at 9:00 a.m.

The Community and Economic Development Committee meeting previously scheduled for December 10, 2008, is rescheduled to December 8, 2008, beginning at 9:00 a.m.

The Finance and Personnel Committee meeting previously scheduled for June 5, 2008, is rescheduled to June 4, 2008, beginning at 9 a.m.

The Finance and Personnel Committee meeting previously scheduled for June 26, 2008, is rescheduled to June 25, 2008, beginning at 9 a.m.

The Finance and Personnel Committee meeting previously scheduled for July 24, 2008, is rescheduled to July 23, 2008, beginning at 9 a.m.

The Finance and Personnel Committee meeting previously scheduled for October 2, 2008, is rescheduled to October 1, 2008, beginning at 9 a.m.

The Finance and Personnel Committee meeting previously scheduled for October 23, 2008, is rescheduled to October 22, 2008, beginning at 9 a.m.

The Finance and Personnel Committee meeting previously scheduled for December 11, 2008, is rescheduled to December 10, 2008, beginning at 9 a.m.

The following meetings of the Judiciary and Legislation Committee, previously scheduled for 9 a.m., are rescheduled to 1:30 p.m.: June 2, June 23, July 21, September 29, October 20, and December 8; and

It is further moved, that the start times for all regular meetings of the Common Council and its committees may be altered at the discretion of the Common Council President or the chair of a committee provided written notice of the change is submitted to the City Clerk no less than 24 hours before the time at which the Common Council or the committee will meet.

**Sponsors:** Ald. Davis

**APPROVED**

**Aye:** 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

**No:** 0

**Excused:** 2 - Wade Puente

Various announcements were made.

There being no further business to come before the Common Council, the meeting was adjourned at 10:58 a.m.

-- Jim Owczarski, Deputy City Clerk