



# City of Milwaukee

City Hall  
200 East Wells Street  
Milwaukee, WI 53202

## Meeting Agenda COMMON COUNCIL

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Tuesday, December 22, 2009

9:00 AM

Council Chambers, 3rd Fl., City Hall

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### THE PUBLIC WORKS COMMITTEE RECOMMENDS:

### ADOPTION OF THE FOLLOWING:

1.     [090672](#)     Substitute resolution authorizing the City Engineer to accept various incentives and rebates, not to exceed \$191,849.00, provided through We Energies' Focus on Energy program for the purchase and installation of Light Emitting Diode signal heads at various traffic signal locations within the City of Milwaukee.  
**Sponsors:**     THE CHAIR
  
2.     [090779](#)     Substitute resolution authorizing the City of Milwaukee and the Milwaukee Metropolitan Sewerage District to enter into an Intergovernmental Cooperation Agreement for the purposes of establishing the responsibilities of the two parties with respect to the design and construction of the replacement of the South Sixth Street Bridge over the Kinnickinnic River in the City of Milwaukee.  
**Sponsors:**     THE CHAIR
  
3.     [090969](#)     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 \$82,500 for a total estimated cost of these projects being \$2,058,000.  
**Sponsors:**     THE CHAIR
  
4.     [090970](#)     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 \$1,038,500 for a total estimated cost of \$3,240,930.  
**Sponsors:**     THE CHAIR
  
5.     [090971](#)     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 \$1,825,000 for a total estimated cost of these projects being \$10,873,000.  
**Sponsors:**     THE CHAIR
  
6.     [090972](#)     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 \$8,522,000 for a total estimated cost of these projects being \$8,921,000.

**Sponsors:** THE CHAIR

7. [090974](#) Resolution to remove obstructions and to remove or reconstruct encroachments, projections, and special privileges from streets and alleys on the 2010 paving program.

**Sponsors:** THE CHAIR

8. [090984](#) Resolution rescinding various special privileges that are no longer necessary.

**Sponsors:** THE CHAIR

9. [090989](#) Resolution designating the City Engineer as the authorized agent for the City of Milwaukee for the purpose of entering into a 2010 Urban Nonpoint Source and Stormwater construction grant agreement between the City of Milwaukee and the Wisconsin Department of Natural Resources.

**Sponsors:** THE CHAIR

10. [090990](#) Resolution authorizing the Commissioner of Public Works to apply for a 2010-2011 Wisconsin Coastal Management Program grant from the State of Wisconsin Department of Administration for the removal and replacement of the engineered soil mix at the bioretention facility located at North 25th Street and West Canal Street.

**Sponsors:** THE CHAIR

11. [090992](#) Resolution authorizing the Commissioner of Public Works to apply for a Wisconsin Coastal Management Program grant from the Wisconsin Department of Administration for the repair and rehabilitation of fourteen storm sewer outfalls located at various areas in the City of Milwaukee.

**Sponsors:** THE CHAIR

12. [090993](#) Resolution authorizing the Commissioner of Public Works to apply for a Wisconsin Coastal Management Program grant from the Wisconsin Department of Administration for the replacement of forty storm water inlets with water quality catchbasins in the area bounded by West Hope Avenue, West Congress Street, North 30th Street, and North 27th Street.

**Sponsors:** THE CHAIR

13. [090996](#) Resolution relative to the 2010 Capital Improvements Program to provide funds for street lighting work at various locations.

**Sponsors:** THE CHAIR

14. [090997](#) Resolution relative to the 2010 Capital Improvements Program to provide funds for traffic signs and signal work at various locations.

**Sponsors:** THE CHAIR

15. [091014](#) Resolution authorizing the City Comptroller to transfer funds to various State and/or Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs totaling \$200,679.72, City share is \$169,629.93 and the Grantor's share is \$31,049.79.

**Sponsors:** THE CHAIR

16. [091015](#) Resolution authorizing the construction of street lighting improvements on various local streets and bridges as part of the Mitchell Interchange Reconstruction, with a total estimated cost of \$227,440.40 of which 100% is State funded.  
**Sponsors:** THE CHAIR
17. [091016](#) Resolution authorizing the Commissioner of Public Works to execute project agreements titled "State/Municipal Agreement for a Highway Improvement Project" with the Wisconsin Department of Transportation for the programming, design, railroad coordination, and construction of various local bridge projects with 80 percent Federal/State aid under the Local Bridge Replacement and Rehabilitation Program and to set up funds for design engineering and railroad coordination with a City of Milwaukee share of \$117,800 and a grantor share of \$471,200.  
**Sponsors:** THE CHAIR
18. [091017](#) Substitute resolution expressing the City of Milwaukee's interest in exploring the potential sale of water to the City of Waukesha.  
**Sponsors:** Ald. Bauman, Ald. Hines Jr. and Ald. Wade
19. [091047](#) Substitute resolution authorizing the installation of a new traffic control signal at the intersection of West Port Avenue and North 60th Street in the 9th Aldermanic District at a cost of \$80,000 for a total estimated cost of \$80,000.  
**Sponsors:** THE CHAIR  
---(Note: Committee vote: 4 ayes, 1 no)

**CONFIRMATION OF THE FOLLOWING:**

20. [091092](#) Reappointment of Claude Krawczyk to the Harbor Commission by the Mayor. (4th Aldermanic District)  
**Sponsors:** THE CHAIR
21. [091093](#) Reappointment of Kristine Martinsek to the Harbor Commission by the Mayor. (14th aldermanic District)  
**Sponsors:** THE CHAIR

**PLACING ON FILE THE FOLLOWING:**

22. [091097](#) Communication from the Department of Public Works relating to Preparation for the 2009 - 2010 Snow Season.  
**Sponsors:** THE CHAIR



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Master With Text

**File Number: 090970**

**File ID:** 090970

**Type:** Resolution

**Status:** In Council-Adoption

**Version:** 1

**Reference:**

**Controlling Body:** PUBLIC WORKS  
COMMITTEE

**Requester:** COMMON COUNCIL

**Cost:**

**File Created:** 12/01/2009

**File Name:**

**Final Action:**

**Title:** 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 \$1,038,500 for a total estimated cost of \$3,240,930.

### Notes:

### Code Sections:

**Agenda Date:**

**Indexes:** PUBLIC IMPROVEMENTS

**Agenda Number:**

**Sponsors:** THE CHAIR

**Enactment Date:**

**Attachments:** Fiscal Note, Cover Letter, Official Notice Number 36  
committee actions 2, Official Notice Number 36,  
Comptroller's certification, Pictures, E-mails, Hearing  
Notice List

**Enactment Number:**

**Drafter:** mld

**Effective Date:**

**Contact:**

**Extra Date 2:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	COMMON COUNCIL	12/01/2009	ASSIGNED TO	PUBLIC WORKS COMMITTEE			
	<b>Action Text:</b> This Resolution was ASSIGNED TO to the PUBLIC WORKS COMMITTEE						
0	PUBLIC WORKS COMMITTEE	12/04/2009	HEARING NOTICES SENT		12/09/2009		
0	PUBLIC WORKS COMMITTEE	12/04/2009	HEARING NOTICES SENT		12/09/2009		
0	PUBLIC WORKS COMMITTEE	12/09/2009	SUBSTITUTED				Pass
	<b>Action Text:</b> A motion was made by ALD. DUDZIK that this Resolution be SUBSTITUTED. This motion PREVAILED by the following vote:						
	<b>Notes:</b> <i>Individual present:</i> <i>Mary Dziejwiontkowski, Dept. of Public Works</i>						
Mover:	ALD. DUDZIK	Aye:5 - Bauman, Dudzik, Wade, Donovan, and Puente No:0					5-0

1	PUBLIC WORKS COMMITTEE	12/09/2009	RECOMMENDED FOR ADOPTION	Pass
	<b>Action Text:</b> A motion was made by ALD. DUDZIK that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:			
Mover:	ALD. DUDZIK	Aye:5 - Bauman, Dudzik, Wade, Donovan, and Puente No:0		5-0
1	CITY CLERK	12/10/2009	DRAFT SUBMITTED	
	<b>Action Text:</b> This Resolution was DRAFT SUBMITTED			
1	COMMON COUNCIL	12/22/2009		

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**Text of Legislative File 090970**

..Number

090970

..Version

SUBSTITUTE 1

..Reference

040588

..Sponsor

THE CHAIR

..Title

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 \$1,038,500 for a total estimated cost of \$3,240,930.

..Analysis

This resolution confirms the report of the Commissioner of Public Works, as modified by the Common Council Committee, on projects for which Public Hearings have been held. The resolution authorizes the levying of special assessments and directs the installation and construction of said public improvements. The City cost of these projects approved by this resolution is estimated to be \$1,038,500. The total estimated cost of these projects is \$3,240,930.

..Body

Whereas, The Common Council of the City of Milwaukee adopted preliminary resolutions, determining it necessary and in the public interest to construct and levy special assessments for the following improvements:

**1st Aldermanic District**

W. Glendale Ave. - N. 27th St. to N. 32nd St. (ST21100134) File Number 040588: Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding (17-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$10,400; Nonassessable Reconstruction Paving Fund -- \$205,000). The total estimated cost for this project including the requested amount is \$252,000. This project is anticipated to be completed during the 2010 construction season.

**4th and 12th Aldermanic Districts**

S. 2nd St. - W. National Ave. to a point north of The Menomonee River (ST320021301)(2245-01-00) File Number 010810: Concrete pavement reconstruction, replace all curb and gutter, sidewalk and driveway approaches, sodding (4-foot width of tree border area), grading, and narrowing the roadway from 58 feet to 50 feet.

Grantor Non-Reimbursable Paving Fund--\$ 1,056,695;  
Grantor Reimbursable Paving Fund -- \$158,505  
City Share Non-assessable Paving Fund--\$ 277,500.00;  
City Share Assessable Paving Fund -- \$26,300

These funds are to be transferred to the construction account (ST320021311) (2245-01-70).

Previously authorized for street construction: \$0.00

Current estimated cost of total project including this resolution: \$ 2,366,830.35

Original estimated cost of the project (File Number 010810): \$ 1,832,420.00

This project is anticipated to be completed during the 2010 construction season.

#### 6th Aldermanic District

E. Garfield Ave. - N. Humboldt Ave. to N. Weil St. (ST211089004): Install traffic calming speed hump(s). (Assessable Reconstruction Paving Fund -- \$1,500; Nonassessable Reconstruction Paving Fund -- \$8,500). The total estimated cost for this project including the requested amount is \$10,000. This project is anticipated to be completed during the 2010 construction season.

N. Weil St. - E. Garfield Ave. to E. North Ave. (ST211089002): Install traffic calming speed hump(s). (Assessable Reconstruction Paving Fund -- \$4,100; Nonassessable Reconstruction Paving Fund -- \$6,000). The total estimated cost for this project including the requested amount is \$10,100. This project is anticipated to be completed during the 2010 construction season.

N. 15th St. - W. Burleigh St. to W. Ring St. (ST21100140) File Number 090760: Install traffic calming speed hump(s). (Assessable Reconstruction Paving Fund -- \$10,000; Nonassessable Reconstruction Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$25,000. This project is anticipated to be completed during the 2010 construction season.

#### 8th Aldermanic District

Alley between W. Lapham St., W. Mitchell St., S. 29th St. and S. 30th St. (ST212090109) File Number 081390: Concrete alley pavement reconstruction, replace some abutting walk or driveway approaches, grading, and storm drainage facilities where necessary. (Assessable Alley Paving Fund -- \$33,300; Nonassessable Alley Paving Fund -- \$40,000). The total estimated cost for this project including the requested amount is \$76,000. This project is anticipated to be completed during the 2010 construction season.

#### 10th Aldermanic District

N. 91st St. - W. Hawthorne Ave. to W. St. Paul Ave. (ST211020138) File Number 080123: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (7-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$10,400; Nonassessable Reconstruction Paving Fund -- \$155,000). The total estimated cost for this project including the requested amount is \$198,000. This project is anticipated to be completed during the 2010 construction season.

#### 14th Aldermanic District

E. Bennett Ave. - S. Ellen St. to a Point West of S. Ellen St. (ST211050114) File Number 090105: Asphalt pavement resurfacing, replace all curb and gutter, sidewalk and driveway approaches, sodding (6-foot width of tree border area), grading, tree removal where necessary, and narrowing the roadway from 36 feet to 32 feet. (Assessable Reconstruction Paving Fund -- \$5,300; Nonassessable Reconstruction Paving Fund - 2010 Budgeted Funds- \$78,500). The total estimated cost for this project including the requested amount is \$97,000. This project is anticipated to be completed during the 2010 construction season.

S. Taylor Ave. - E. Malvern Pl. to E. Euclid Ave. (ST211080110) File Number 061382: Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where necessary,

sodding (7-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$16,700; Nonassessable Reconstruction Paving Fund -- \$140,000). The total estimated cost for this project including the requested amount is \$206,000. This project is anticipated to be completed during the 2010 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 City Engineer and the Commissioner of Public Works are hereby authorized to negotiate and enter into an agreement with the State of Wisconsin, Department of Transportation for the City to undertake construction management duties on the following project: S. 2nd St. (ST320021301); and, be it

Further Resolved, That the City Engineer is authorized and directed to approve and make periodic payments to the State of Wisconsin, Department of Transportation after receipt of invoices from said State for the city's share of the costs for said project: S. 2nd St. (ST320021301); and, be it

Further Resolved, That upon the completion of project: S. 2nd St. (ST320021301) and a determination of the actual costs, it is understood that if the City of Milwaukee's share is less than the amount previously paid, the difference will be refunded to said City; and, be it

Further Resolved, That the 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: W. Glendale Ave. (ST21100134), S. 2nd St. (ST320021301), E. Garfield Ave. (ST211089004), N. Weil St. (ST211089002), N. 15th St. (ST211100140), Alley Lapham St. (ST212090109), N. 91st St. (ST211020138), E. Bennett Ave. (ST211050114) and S. Taylor Ave. (ST211080110) will be billed after January 1, 2012, but not before 12 months after the project contract has been completed.

..Requestor  
Infrastructure Services Division  
..Drafter  
MLD:dr  
Afr 5

## CITY OF MILWAUKEE FISCAL NOTE

A) DATE December 10, 2009

FILE NUMBER: 090970

Original Fiscal Note ☐ Substitute ☒

**SUBJECT:** 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 \$1,038,500 for a total estimated cost of \$3,240,930.

B) SUBMITTED BY (Name/title/dept./ext.): Mary Dzewiontkoski/Assessment Engineer/Public Works/X2460

C) CHECK ONE: ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENT ACCOUNT(DA) ☐ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
	Grant & Aid Reimbursable Paving Funds (Fund 0306)	SP032090100	\$158,505	\$158,505	
	Grant & Aid Non-Reimbursable Paving Funds		\$1,056,695	\$1,056,695	
	City Share Non-Assessable Paving Funds (Fund 0333)	ST320090000	\$277,500		
	City Share Assessable Paving Funds (0330)	ST320090000	\$26,300		
	Street ST2110		\$661,400		
	Alley ST2120		\$73,300		
OTHER:					
TOTALS			\$2,253,700	\$1,215,200	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditure = <b>\$1,519,000</b>
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Revenue = <b>\$1,215,200</b>
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:


H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE: The total expenditure includes the cost of engineering, inspection, construction, and city forces.


PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐



November 16, 2009

File Number

To the Honorable, the Common Council

Dear Council Members:

The Common Council has adopted preliminary resolutions which determined it necessary and in the public interest to make various public improvements and to make special assessments therefore.

The Commissioner of Public Works is filing this report consisting of a list of projects. This report is subject to amendment at the next Public Works Committee Hearing. The plans and specifications of said improvements are on file in the City Engineer's Office.

I am herewith submitting a report regarding the above matter and recommend adoption of the amended resolution approving same.

Respectfully submitted,

Special Deputy Commissioner  
of Public Works

MLD:dr  
Afr 5  
Report Appended

**OFFICIAL NOTICE NUMBER 36  
PUBLIC HEARING ON PROPOSED IMPROVEMENTS  
AND SPECIAL ASSESSMENTS**

**FILE NO. 090970**

**PUBLIC WORKS COMMITTEE HEARING December 9, 2009**

Members Present: Ald. Bauman, Dudzik, Puente, Donovan and Wade

Members Excused:

**1st Aldermanic District**

**W. Glendale Ave. – N. 27th St. to N. 32nd St. (ST21100134):**

Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding (17-foot width of tree border area), and grading.

*---Approve with late billing, by Ald. Dudzik. The motion prevailed.*

**4th and 12th Aldermanic Districts**

**S. 2nd St. – W. National Ave. to a point north of The Menomonee River  
(ST320021301):**

Concrete pavement reconstruction, replace all curb and gutter, sidewalk and driveway approaches, sodding (4-foot width of tree border area), grading, and narrowing the roadway from 58 feet to 50 feet.

*Individuals present: Clark Wantoch, Dept. of Public Works, Rocky Marcoux, Commissioner of Dept. of City Development, Ald. Witkowiak – In favor, Kevin Shafer, Milw. Metropolitan Sewerage Dist. - In favor, Judy Kaufmann (Walkers Point Neighborhood Assoc.), 538 S. 2<sup>nd</sup> St. - business owner – In favor, Ann Peoples (Peoples Property) – In favor, Silvano Monreal – 401 S. 2<sup>nd</sup> St. – In favor, Dieter Wegner – Commercial and Residential Property owner – In favor, Shea Schachameyer-Bicycle Federation Association, Joe Sanfelippo, 646 S. 2<sup>nd</sup> St., Representing Horn Properties – Opposed, Mike Kuharski, 704 S. 2<sup>nd</sup> St. – In favor, May Lynn Nelson – 221-225 and 235 S. 2<sup>nd</sup> St. – In favor.*

*Ald. Dudzik moved to make the e-mails and pictures submitted by Mr. Sanfelippo a part of the record. The motion prevailed.*

*---Approve by Ald. Wade. The motion prevailed. (4-1) (Ald. Dudzik voting no)*

### **6th Aldermanic District**

**E. Garfield Ave. – N. Humboldt Ave. to N. Weil St. (ST211089004):**

Install traffic calming speed humps.

*Individual present: Rich Steennwyk, 2203 W. Weil St. – In favor*

*---Approve by Ald. Donovan. The motion prevailed. (4-1) (Ald. Dudzik voting no)*

**N. Weil St. – E. Garfield Ave. to E. North Ave. (ST211089002):**

Install traffic calming speed humps.

*Individual present: Rich Steennwyk, 2203 W. Weil St. – In favor*

*---Approve by Ald. Donovan. The motion prevailed. (4-1) (Ald. Dudzik voting no)*

**N. 1st St. – W. Wright St. to W. Clarke St. (ST211100137):**

Install traffic calming speed humps.

*---Hold by Ald. Donovan. The motion prevailed.*

**N. 15th St. – W. Burleigh St. to W. Ring St. (ST211100140):**

Install traffic calming speed humps.

*Individual present: Carletta Bellinger, 3158 N. 15<sup>th</sup> St. – In favor*

*---Approve by Ald. Donovan. The motion prevailed. (4-1) (Ald. Dudzik voting no)*

### **8th Aldermanic District**

**Alley between W. Lapham St., W. Mitchell St., S. 29th St. and S. 30th St. (ST212090109):**

Concrete alley pavement reconstruction, replace some abutting walk or driveway approaches, grading, and storm drainage facilities where necessary.

*Individuals present: Egnés Starr, 1653 S. 29<sup>th</sup> St. – In favor, James Starr, 1649 S. 29<sup>th</sup> St. – In favor*

*---Approve with late billing, by Ald. Donovan. The motion prevailed. (4-0)(Ald. Puente excused)*

### **10th Aldermanic District**

**N. 91st St. – W. Hawthorne Ave. to W. St. Paul Ave. (ST211020138):**

Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (7-foot width of tree border area), and grading.

*Individual present: Ald. Murphy – In favor*

*---Approve with late billing, by Ald. Dudzik. The motion prevailed.*

**14th Aldermanic District**

**E. Bennett Ave. – S. Ellen St. to a Point West of S. Ellen St. (ST211050114):**

Asphalt pavement resurfacing, replace all curb and gutter, sidewalk and driveway approaches, sodding (6-foot width of tree border area), grading, tree removal where necessary, and narrowing the roadway from 36 feet to 32 feet.

*---Approve with late billing, by Ald. Puente. The motion prevailed.*

**S. Taylor Ave. – E. Malvern Pl. to E. Euclid Ave. (ST211080110):**

Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding (7-foot width of tree border area), and grading.

*---Approve with late billing, by Ald. Wade. The motion prevailed.*

You may examine a copy of the report recommending these projects in Room 908, 841 North Broadway, Milwaukee, Wisconsin during the hours of 8:30 A.M. and 4:30 P.M., Monday through Friday.

*Terry J. MacDonald  
Staff Assistant*

**OFFICIAL NOTICE NUMBER 36  
PUBLIC HEARING ON PROPOSED IMPROVEMENTS  
AND SPECIAL ASSESSMENTS**

There will be a public hearing held by the Public Works Committee of the Common Council of the City of Milwaukee concerning the following improvements and special assessments. The Commissioner of Public Works has determined these improvements are necessary and in the public interest.

The hearing will be held at the date and time shown below:

<p><b>WEDNESDAY</b></p> <p><b>DECEMBER 9, 2009</b></p> <p><b>ROOM 301-B – CITY HALL</b></p> <p><b>9:00 A.M.</b></p>
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**1st Aldermanic District**

**W. Glendale Ave. – N. 27th St. to N. 32nd St. (ST21100134):**

Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding (17-foot width of tree border area), and grading.

**4th and 12th Aldermanic Districts**

**S. 2nd St. – W. National Ave. to a point north of The Menomonee River (ST320021301):**

Concrete pavement reconstruction, replace all curb and gutter, sidewalk and driveway approaches, sodding (4-foot width of tree border area), grading, and narrowing the roadway from 58 feet to 50 feet.

**6th Aldermanic District**

**E. Garfield Ave. – N. Humboldt Ave. to N. Weil St. (ST211089004):**

Install traffic calming speed humps.

**N. Weil St. – E. Garfield Ave. to E. North Ave. (ST211089002):**

Install traffic calming speed humps.

**N. 1st St. – W. Wright St. to W. Clarke St. (ST211100137):**

Install traffic calming speed humps.

**N. 15th St. – W. Burleigh St. to W. Ring St. (ST211100140):**

Install traffic calming speed humps.

### **8th Aldermanic District**

**Alley between W. Lapham St., W. Mitchell St., S. 29th St. and S. 30th St. (ST212090109):**

Concrete alley pavement reconstruction, replace some abutting walk or driveway approaches, grading, and storm drainage facilities where necessary.

### **10th Aldermanic District**

**N. 91st St. – W. Hawthorne Ave. to W. St. Paul Ave. (ST211020138):**

Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (7-foot width of tree border area), and grading.

### **14th Aldermanic District**

**E. Bennett Ave. – S. Ellen St. to a Point West of S. Ellen St. (ST211050114):**

Asphalt pavement resurfacing, replace all curb and gutter, sidewalk and driveway approaches, sodding (6-foot width of tree border area), grading, tree removal where necessary, and narrowing the roadway from 36 feet to 32 feet.

**S. Taylor Ave. – E. Malvern Pl. to E. Euclid Ave. (ST211080110):**

Asphalt pavement resurfacing, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding (7-foot width of tree border area), and grading.

You may examine a copy of the report recommending these projects in Room 908, 841 North Broadway, Milwaukee, Wisconsin during the hours of 8:30 A.M. and 4:30 P.M., Monday through Friday, except November 26th and 27th, 2009.

This notice is published by authority of the Common Council of the City of Milwaukee in accordance with 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.

Office of the City Clerk, Milwaukee

---

Ronald D. Leonhardt, City Clerk

November 23, 2009

**PW FILE NUMBER: 090970**

NAME	ADDRESS	DATE SENT		
Mary Dziewiontkowski	DPW-Infra.	12/04/09		
Ald. Kovac		12/04/09		
Ald. Coggs		12/04/09		
Ald. Murphy		12/04/09		
Ald. Dudzik		12/04/09		
Ald. Zielinski		12/04/09		
ALd. Hines				



## Legislation Details (With Text)

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**File #:** 091092      **Version:** 0

**Type:** Appointment      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Reappointment of Claude Krawczyk to the Harbor Commission by the Mayor. (4th Aldermanic District)

**Sponsors:** THE CHAIR

**Indexes:** APPOINTMENTS, HARBOR COMMISSION

**Attachments:** Reappointment Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		



**Number**

091092

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Reappointment of Claude Krawczyk to the Harbor Commission by the Mayor. (4th Aldermanic District)

**Drafter**

Mayor

TB

12/1/09

December 1, 2009

To the Honorable, the Common Council  
of the City of Milwaukee

Honorable Members of the Common Council:

I am pleased to reappoint the following persons to the Harbor Commission:

Mr. Claude Krawczyk  
730 North Plankinton Avenue - #9D  
Milwaukee, Wisconsin 53203

Ms. Kristine Martinsek  
1325 East Potter Avenue  
Milwaukee, Wisconsin 53207

These reappointments are pursuant to Section 30.37 of the Wisconsin State Statutes and Common Council File Numbers 18129, 68-1476 and 68-1476-a. The terms will commence upon taking of the oath of office.

I trust these reappointments will have the approval of your Honorable Body.

Respectfully submitted,

A handwritten signature in black ink, reading "Tom Barrett". The signature is written in a cursive, flowing style with a long horizontal line extending from the start of the name.

Tom Barrett  
Mayor

PW FILE NUMBER: 091092

[illegible]



## Legislation Details (With Text)

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**File #:** 091093      **Version:** 0

**Type:** Appointment      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Reappointment of Kristine Martinsek to the Harbor Commission by the Mayor. (14th Aldermanic District)

**Sponsors:** THE CHAIR

**Indexes:** APPOINTMENTS, HARBOR COMMISSION

**Attachments:** Reappointment Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

**Number**

091093

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Reappointment of Kristine Martinsek to the Harbor Commission by the Mayor. (14th Aldermanic District)

**Drafter**

Mayor

TB

12/1/09

December 1, 2009

To the Honorable, the Common Council  
of the City of Milwaukee

Honorable Members of the Common Council:

I am pleased to reappoint the following persons to the Harbor Commission:

Mr. Claude Krawczyk  
730 North Plankinton Avenue - #9D  
Milwaukee, Wisconsin 53203

Ms. Kristine Martinsek  
1325 East Potter Avenue  
Milwaukee, Wisconsin 53207

These reappointments are pursuant to Section 30.37 of the Wisconsin State Statutes and Common Council File Numbers 18129, 68-1476 and 68-1476-a. The terms will commence upon taking of the oath of office.

I trust these reappointments will have the approval of your Honorable Body.

Respectfully submitted,

A handwritten signature in black ink, reading "Tom Barrett". The signature is written in a cursive style with a large, sweeping initial "T".

Tom Barrett  
Mayor

PW FILE NUMBER: 091093

[illegible]



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Master With Text

**File Number: 091017**

**File ID:** 091017

**Type:** Resolution

**Status:** In Committee

**Version:** 1

**Reference:**

**Controlling Body:** PUBLIC WORKS  
COMMITTEE

**Requester:** COUNCIL  
MEMBER-DISTRICT 4

**Cost:**

**File Created:** 12/01/2009

**File Name:**

**Final Action:**

**Title:** Substitute resolution expressing the City of Milwaukee's interest in exploring the potential sale of water to the City of Waukesha.

### Notes:

### Code Sections:

### Agenda Date:

**Indexes:** WATER SALES

### Agenda Number:

**Sponsors:** Ald. Bauman and Ald. Hines Jr.

### Enactment Date:

**Attachments:** File Number 090457, Research Information, Exhibit  
A, Hearing Notice List

### Enactment Number:

**Drafter:** mcw

### Effective Date:

**Contact:**

### Extra Date 2:

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	COMMON COUNCIL	12/01/2009	ASSIGNED TO	PUBLIC WORKS COMMITTEE			
	<b>Action Text:</b> This Resolution was ASSIGNED TO to the PUBLIC WORKS COMMITTEE						
0	PUBLIC WORKS COMMITTEE	12/04/2009	HEARING NOTICES SENT		12/09/2009		
0	PUBLIC WORKS COMMITTEE	12/04/2009	HEARING NOTICES SENT		12/09/2009		
1	CITY CLERK	12/07/2009	DRAFT SUBMITTED				
	<b>Action Text:</b> This Resolution was DRAFT SUBMITTED						
0	PUBLIC WORKS COMMITTEE	12/09/2009					

## Text of Legislative File 091017

..Number  
091017

..Version  
SUBSTITUTE 1



..Reference  
080457

..Sponsor  
ALD. BAUMAN AND HINES

..Title  
Substitute resolution expressing the City of Milwaukee's interest in exploring the potential sale of water to the City of Waukesha.

..Analysis  
This resolution expresses the City of Milwaukee's interest in exploring the possibility of selling drinking water to the City of Waukesha on terms acceptable to Milwaukee and according to the process established with resolution file #080457 for water sales to neighboring communities.

..Body  
Whereas, The City of Waukesha is preparing its application for the Wisconsin Department of Natural Resources ("DNR") as a first, formal step in its petition for such a water diversion; and

Whereas, Section 281.346(4)(b)4m Wis., Stats., and the Wisconsin DNR indicate the City of Waukesha's DNR application must include letters or resolutions from possible water suppliers expressing the willingness of such suppliers to sell water to the City of Waukesha, under terms to be negotiated and mutually agreed upon at such time the City of Waukesha's application for a Lake Michigan water diversion is approved; and

Whereas, Resolution file #080457, adopted by the Milwaukee Common Council on July 30, 2008, establishes the process by which the City of Milwaukee may provide drinking water to neighboring communities; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Superintendent of Milwaukee Water Works is directed to issue a letter to the City of Waukesha that complies in form and substance to Exhibit A attached hereto and incorporated herein.

..Requestor

..Drafter  
LRB 09466-2  
ANC  
12/07/09

**Resolution File #091017**  
**Exhibit A**

Honorable Larry Nelson  
Mayor  
City of Waukesha  
City Hall  
201 Delafield Street  
Waukesha, WI 53188

Dear Mayor Nelson,

We understand that the City of Waukesha is contemplating the submission of an application for Great Lakes water to the appropriate authorities. We further understand that as part of that application, you require expressions of interest from potential suppliers of that water.

Please be advised that pursuant to Common Council resolution #091017 adopted on \_\_\_\_\_, the City of Milwaukee is willing to consider providing treated drinking water through our water utility to any community, including the City of Waukesha, that complies with all applicable local, state, national and international laws, regulations and compacts; has secured all required approvals; and which satisfies the requirements set forth in City of Milwaukee Resolution #080457, which establishes the process by which the City of Milwaukee may provide drinking water to neighboring communities.

In addition, with respect to requests to provide Lake Michigan drinking water outside the Great Lakes Basin, we would expect that community to have adopted a return flow plan that is acceptable to all affected communities prior to commencing formal discussions.

Very truly yours,

## CITY OF MILWAUKEE FISCAL NOTE

A) DATE December 8, 2009FILE NUMBER: 091017Original Fiscal Note ☒ Substitute ☐SUBJECT: Substitute resolution expressing the City of Milwaukee's interest in exploring the potential sale of water to the City of WaukeshaB) SUBMITTED BY (Name/title/dept./ext.): Carrie Lewis/Superintendent/DPW- Water Works/x2801

- C) CHECK ONE: ☐ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☒ NOT APPLICABLE/NO FISCAL IMPACT.

- D) CHARGE TO: ☐ DEPARTMENT ACCOUNT(DA) ☐ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY) *Revenue from MCAMLIS S.C.*

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

- F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

- G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:


- H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:


PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin 53202

## Legislation Details (With Text)

**File #:** 080457 **Version:** 1  
**Type:** Resolution **Status:** Passed  
**File created:** 7/1/2008 **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:** **Final action:** 7/30/2008  
**Effective date:**  
**Title:** Substitute resolution establishing terms and conditions by which the City of Milwaukee will provide water service to neighboring communities.  
**Sponsors:** ALD. BAUMAN  
**Indexes:** WATER SALES  
**Attachments:** Hearing notice list, Fiscal Note, Cleveland Portage County Agreement.pdf, 8/12/08 Ald. Hines news release

Date	Ver.	Action By	Action	Result	Tally
7/1/2008	0	COMMON COUNCIL	ASSIGNED TO		
7/3/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
7/14/2008	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
7/24/2008	1	CITY CLERK	DRAFT SUBMITTED		
7/29/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
7/30/2008	1	COMMON COUNCIL	ADOPTED	Pass	12:0
8/8/2008	1	MAYOR	RETURNED NOT SIGNED		

**Number**

080457

**Version**

SUBSTITUTE 1

**Reference**

980871, 020459

**Sponsor**

ALD. BAUMAN

**Title**

Substitute resolution establishing terms and conditions by which the City of Milwaukee will provide water service to neighboring communities.

**Analysis**

The City of Milwaukee's current policy for reviewing potential agreements for water service to other communities is contained in Council Resolution 980871, adopted April, 1999, as amended by Resolution 020459, adopted March 25, 2003. This resolution rescinds the policy set forth in those resolutions, and creates a new policy for negotiating and reviewing potential agreements for water service to other communities. This new policy differs from the current policy in 3 principal ways:

- 1) It states that before negotiations may commence regarding an agreement for water service, the following must occur:
  - The Common Council directs the Milwaukee Water Works, the Legislative Reference Bureau and the Department of City Development to perform analysis and evaluation relating to the proposed agreement; these agencies shall submit their reports via a communication file not less than 7 working days prior to the Common Council committee for which it is scheduled.
  - The community which has applied for water service shall submit a written response to the aforementioned communication file not less than 7 working days prior to the committee hearing, providing information relating to the community's comprehensive plan, affordable housing plan and public transportation plan.
  - The Common Council directs the proper City officials to begin negotiations with a community for a water service agreement. The current policy does not require that these studies be completed before negotiations may occur.
- 2) It creates a water service negotiating team which shall be responsible for reviewing and negotiating potential water service agreements. The team is authorized to commence negotiations upon Council adoption of a resolution directing negotiations.
- 3) It states that before an agreement for water service may be executed, the community which has applied for water service from the City of Milwaukee must enter into an intergovernmental agreement that contains a "non-compete" clause and an economic compensation provision.

The policy set forth in this resolution does not apply to agreements referenced in Common Council File Numbers 080011 and 080012.

**Body**

Whereas, The Water Works currently has significant excess capacity and could readily supply water to new customers; and

Whereas, The City of Milwaukee is widely recognized for its superior quality of drinking water, which

may prompt requests for the Water Works to expand its service to new areas; and

Whereas, By providing water to other communities, the City, directly or indirectly, facilitates residential, industrial, retail and commercial growth in other communities; and

Whereas, This growth may result in lost opportunities for additional housing, jobs and tax base in the City of Milwaukee; and

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

Resolved, By the Common Council of the City of Milwaukee, that the provisions set forth in Resolution File Number 980871, adopted April 20, 1999, and Resolution File Number 020459, adopted March 25, 2003, establishing policy and procedure for potential water service agreements, are rescinded, and a new policy addressing those matters is created; and, be it

Further Resolved, That this policy establishes procedures and policy criteria for potential water service agreements between the City of Milwaukee and other communities, as follows:

Requirements before negotiations of a potential agreement may occur

The following criteria must be met before any negotiation of a potential water service agreement may be authorized:

- 1) The Water Works shall introduce and receive approval, via Common Council resolution, for the Water Works, the Legislative Reference Bureau (LRB) and the Department of City Development (DCD) to perform analysis, in accord with this policy, relating to a proposed water service agreement.
- 2) The City Clerk shall introduce a communication file to transmit Water Works, LRB and DCD analyses, and the report from the community which has applied for water service, and the Water Works, LRB, DCD and the community shall submit their analyses to the communication file not less than 7 working days prior to the date on which the file will be heard before the appropriate Council committee.

Reporting requirements

**A. Milwaukee Water Works reporting requirements**

The Milwaukee Water Works shall submit to the communication file a written evaluation of the water service request including a feasibility analysis of the proposed sale of water, which shall include, but not be limited to, increased revenue, cost of production, effect on the City's water rates, impact on capacity utilization and any required capital costs, and other information the Water Works deems relevant to the Council's consideration.

**B. Legislative Reference Bureau reporting requirements**

The LRB shall submit to the communication file a written report that analyzes and evaluates the following:

B-1. The reason for the request for water (e.g. is the request for water the result of a water shortage, water contamination, public health concerns, drought or some other conditions).

B-2. The economic profile of the community, including tax rate, assessed valuation per capita, median household income, per capita income and median home value.

B-3. Poverty rates, minority representation and other demographic and community characteristic data it finds to be pertinent.

B-4. The current status and an analysis of past and future trends relating to the availability of public transportation and affordable housing.

B-5. The environmental impact of the proposed sale.

B-6. Other information that the bureau finds pertinent to the Common Council's consideration of the proposed water service request.

**C. Department of City Development reporting requirements**

The DCD shall submit to the communication file a written report that analyzes and evaluates the following:

C-1. Whether the water can be used directly or indirectly to facilitate new residential, industrial, retail or commercial development in the community which has applied for water service, and the value of such development and the number of new jobs and residents that such development will generate.

C-2. Potential negative social and economic impacts on the City due to lost opportunities for attracting new businesses and jobs to Milwaukee, and the loss of businesses and jobs that exist in Milwaukee.

C-3. The current land use patterns in the community which has applied for water service and expected trends in land use if Milwaukee provides water to the community.

**D. Reporting requirements for the community which has applied for water service**

In addition, for purposes of Common Council review, the community which has applied for water service from the City of Milwaukee shall submit a written report to the aforementioned communication file indicating that the community has adopted and implemented:

D-1. A comprehensive plan pursuant to s. 66.1001, Wis. Stats., and, if the plan has not been completed, indicate the status of the community's compliance with each of the 9 requirements which comprise s. 66.1001 (2), Wis. Stats.

D-2. A comprehensive housing plan and can demonstrate that such plan has resulted in the creation of affordable housing opportunities that have resulted in racial, age and income diversification, with data on the percentage of population in assisted and affordable housing that is age 30 or less, above age 30 and below 65, and age 65 and above.

D-3. A comprehensive public transportation plan and can demonstrate that such plan has resulted in the expansion and improvement of public transportation links between persons living in the City of Milwaukee and job opportunities in the community which has applied for water service. Such plan may include, but is not limited to, participation and inclusion in the Southeast Wisconsin Regional Transportation Authority or an equivalent entity.

3) The Water Works shall introduce and receive approval, via Common Council resolution directing the City negotiating team to begin negotiations with a community for a water service agreement, and any negotiations with a community which has applied for water service from the City of Milwaukee shall consider the analyses provided in the aforementioned communication file. The negotiating team shall be composed of the Mayor, or the Mayor's designee; the City Attorney, or the City Attorney's designee; the Superintendent of the Milwaukee Water Works; the Common Council President, or the President's designee; the Comptroller, or the Comptroller's designee; the Director of the Budget and Management Division, or designee; and one representative from the Legislative Reference Bureau. Before an agreement for water service may be executed the community which has applied for water service must enter into an intergovernmental agreement that contains a "non-compete" clause and an economic compensation provision that is substantially similar to the "Cleveland Agreement" which is attached to this file; provided, however, the precise amount of economic compensation shall depend on the particular circumstances of the community which has applied for water service.

; and, be it

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

Further Resolved, That the policy set forth in this resolution does not apply to agreements referenced in Common Council File Numbers 080011 and 080012.

**Requestor**

**Drafter**  
LRB08356-2  
LCS  
7/23/08



# ORIGINAL

## ECONOMIC DEVELOPMENT AGREEMENT

### BETWEEN

### THE CITY OF CLEVELAND

### AND

### PORTAGE COUNTY

This Economic Development Agreement ("Agreement") is entered into this 16th day of August, 2006, between the City of Cleveland, under the authority of Ordinance No. 607-06, passed by the Council of the City of Cleveland on May 8, 2006, and Portage County, under the authority of Resolution No. 06-0697 adopted August 10, 2006.

### RECITALS

- 1) Sections 4 and 6 of Article XVIII of the Ohio Constitution authorize Cleveland to extend its water service outside the City's corporate limits and to determine the terms and conditions under which such service will be extended; and
- 2) Portage County desires to obtain Cleveland water service to supply its customers (including the City of Aurora), also known as the "Service Area," through a Competitive Response Master Meter Water Service Agreement (the "WSA"); and
- 3) The provision of Cleveland water to the Service Area will facilitate economic development, create and preserve jobs, improve property values, and advance the economic welfare of the inhabitants and businesses within Portage County; and
- 4) The provision of Cleveland water to the Service Area may have negative economic impacts for Cleveland through the loss of economic development that may otherwise have occurred within Cleveland; and

5) In consideration of such extension of water service by the Cleveland Division of Water, Portage County has agreed to enter into this Agreement to compensate Cleveland for the impacts to economic development within Cleveland, caused by the extension of water service to Portage County.

## **ECONOMIC DEVELOPMENT AGREEMENT**

### **Article I. Compensation to Cleveland**

A)Amount. In consideration of Cleveland's agreement to extend water service, Portage County agrees to pay to Cleveland's General Fund an annual economic loss mitigation fee (the "Fee"), due upon the signing of this Agreement and on the anniversary date each following year, to compensate for current and future economic losses suffered by Cleveland that may be caused by extension of water service to the Service Area, as follows:

- 1) The annual Impact Fee shall initially be \$37,500 until the 16" express main, described in the WSA, is operational.
- 2) Once the main is available, the annual Impact Fee shall increase to \$100,000, and will escalate at the Consumer Price Index (CPI) up to 5% per year, until such time that 2.5 million gallons per day average annual flow is drawn from Cleveland.
- 3) Once Portage County demands more than 2.5 million gallons per day annual flow from Cleveland, the Fee shall increase by an additional \$100,000, and shall escalate as described in the paragraph above.
- 4) The Fee shall be prorated for any year in which the Fee increases to reflect the additional amount.
- 5) The parties agree that for purposes of this Article I, a year shall begin on the date on which Portage County's first payment of \$37,500 is due, and ends on the day before the

first anniversary of that date.

B)Nature of Compensation. The parties expressly recognize that the payments made by Portage County to Cleveland are intended to be compensation to Cleveland for impacts to economic development within Cleveland due to its extension of water service, and shall not be considered tax receipts or revenues of the City's water system. Cleveland shall deposit the fees into a fund designated to offset impacts of economic development outside Cleveland, to promote economic development within Cleveland and/or to promote joint economic development activities between Cleveland and Portage County.

C) Cleveland Businesses. Portage County shall not take any action to promote, encourage, offer economic incentives to, or otherwise solicit Cleveland businesses to relocate to the Service Area. Portage County will include a similar provision in future agreements with other communities in the service area.

## **Article II. Term**

The term of this Agreement shall begin on the date of its execution and shall run concurrently with the term of the WSA, including any renewals or extensions.

## **ARTICLE III. Water Service Agreement**

A)Water service to the Service Area. Cleveland's obligation to provide water service to the Service Area is contingent upon the receipt of the fee described in Article I (A) of this Agreement.

B)Termination. In the event that this Agreement is deemed to be unenforceable under any local, state, or federal law, or if for any reason Portage County ceases to make the payments to Cleveland required by Article I (A), Cleveland shall have the right, upon six months' written notice to Portage County, to terminate the WSA and discontinue water service to Portage County. Prior to Cleveland's exercising such right, however, the parties will use best efforts to enter into a new Agreement and WSA under terms and conditions that will cure the defect(s) that rendered this Agreement unenforceable.

## **Article V. Default and Remedies**

A failure to comply with the terms of this Agreement shall constitute a default. In the event of a default, the parties shall follow the Dispute Resolution process set forth in the WSA.

## **Article VI. Miscellaneous**

- A) Governing Law. This Agreement shall be governed exclusively by and construed in accordance with the laws of Ohio.
- B) Captions and Headings. The captions and headings used in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any contract provision.
- C) Binding On Successors. This agreement shall be binding upon successor governmental authorities of the parties to the extent permitted by law.
- D) Amendments to Be In Writing. This agreement shall not be amended, modified, discharged or extended except by written instrument executed by the parties, under their respective ordinances and charters, and the laws of Ohio.

## **Article VII. Form of Notices**

Any notice or demand to be given by or to any of the parties shall be made in writing and shall be deemed to have been given or delivered, as the case may be, two (2) days after deposit in the U.S. Post Office, registered or certified mail, postage prepaid, return receipt requested and addressed as follows (or as to each party, to such other address as the party may designate by a notice given in accordance with the provisions of this Section):

Notice to Cleveland shall be addressed to:

Director of Finance  
City of Cleveland  
Department of Finance  
601 Lakeside Avenue  
Cleveland, Ohio 44114

With a copy to:

Director of Public Utilities  
City of Cleveland  
Department of Public Utilities  
1201 Lakeside Avenue  
Cleveland, Ohio 44114

Notice to Portage County shall be addressed to:

Board of Portage County Commissioners  
449 South Meridian Street  
Ravenna, Ohio 44266-1217

The parties have executed this Agreement as of the date and year first above written.

**CITY OF CLEVELAND**

By: Sharon Dumas  
Director of Finance

The legal form and  
correctness of this Agreement are approved:

ROBERT J. TRIOZZI

Director of Law

---

By: Katie Novak  
Assistant Director of Law

Date: 8/15/06

**PORTAGE COUNTY  
BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**Christopher Smeiles**

\_\_\_\_\_  
**Charles W. Keiper, II**

\_\_\_\_\_  
**Maureen T. Frederick**

**8-10-06**  
Date

**8-10-06**  
Date

**8-10-06**  
Date

Approved:

ASSISTANT PORTAGE COUNTY PROSECUTOR

By: \_\_\_\_\_

Date: 8-10-06

**Certificate of Auditor**

I HEREBY CERTIFY that the amount of **\$ 37,500.00** required to meet the foregoing contract, agreement, or obligation has been lawfully appropriated, or authorized or directed for such purposes, and is in the County treasury to the credit of Fund 54001004 400000 free from any outstanding obligation.

**8-10-06**  
Date

Janet Esposito (signed)  
Portage County Auditor



---

Common Council President

---

15th District Alderman

---



**Willie L. Hines, Jr.**  
*City of Milwaukee Common Council*

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For Immediate Release:  
August 12, 2008

Contact: Bill Arnold  
286-3285

## President Hines asks, **"What is Water Worth?"**

Last week, Mayor Barrett signed an agreement to sell Lake Michigan water to New Berlin. This binding contract will undoubtedly benefit the citizens of New Berlin, but little value was gained for the residents of Milwaukee. When it comes to our most precious natural and economic resource, we owe it to Milwaukee taxpayers to negotiate an arrangement that serves the interests of all parties involved.

What is water worth? Specifically, what is Lake Michigan worth to Milwaukee and its suburban counterparts? That is the critical question that must be addressed before another agreement is made.

Selling water to New Berlin – or any other suburb that is attempting to establish itself and gain population – is an action central to how Southeastern Wisconsin is developed. Lake Michigan water is more than sinks and swimming pools; it is subdivisions, shopping malls and industrial parks. When fresh water is pumped to an undeveloped area, businesses begin to boom. These new businesses and developments do not occur in a vacuum – they take away resources from Milwaukee.

We can no longer afford to ignore this reality. We cannot merely pretend to know the economic impact and value of Lake Michigan water. Some have touted the fact that New Berlin will pay a \$1.5 million surcharge for its 20-year contract with Milwaukee. That money, however, will serve as a one-time budget patch for this year only; for the remaining 19 years, Milwaukee will essentially give away its most powerful economic leveraging tool without any benefit to our taxpayers.

Other municipalities throughout the Midwest, like Cleveland, have secured much better deals for their residents when selling water to suburban neighbors. Cleveland secured a \$200,000-per-year, 20-year contract for its taxpayers – about \$3 million more than Milwaukee will earn in its 20-year deal with New Berlin.

-More-



## Water/ADD ONE

The field of water resource economics is robust and mature in other parts of the United States. In the Southwestern and the Southern states especially, fresh water is so scarce that local and state governments have dedicated millions of dollars to the academic study of its sale – and the economic impact that those sales mean for development. In Milwaukee, however, we've managed to largely avoid investing in this research, because we are in the fortunate position of bordering one of the largest bodies of fresh water in the world.

I am not against selling Lake Michigan water. In fact, my position has always been that New Berlin is in a good position to purchase water from Milwaukee, considering that it is a "straddling community" (as designated by the Great Lakes Compact) and that we already sell water to the eastern part of New Berlin.

But these considerations do not outweigh Milwaukee's own requirements for water sales. According to a resolution adopted by the Common Council and signed by the Mayor, New Berlin was required to submit a housing study and a transportation study in order to be considered as a candidate for Lake Michigan water. These studies were never attempted, much less submitted.

Just as it is important for New Berlin to have clean, Milwaukee-treated water, it is important to accurately assess the economic ramifications of regional water sales. We cannot have the attitude of New Berlin's own state representatives, when they brazenly proclaimed, "Milwaukee will survive," in regard to our state-shared revenue cuts. If our western neighbors need water, they have to be willing to compensate Milwaukee appropriately.

Fortunately, the Common Council has taken action to set aside funds for a thorough analysis of Lake Michigan's worth. We will finally be able to quantify its value for residents in Milwaukee and throughout the region. This new data will allow City of Milwaukee policymakers to make informed decisions.

When our suburban counterparts exhibit a true appreciation for the region's most important economic and natural resource, they demonstrate a true commitment to regionalism.

[< Back](#) | [Home](#)

# Portage County aims to avoid water problems

**By: Kristen Russo and Morgan Day**

**Posted: 10/18/07**

With a 3.5 percent yearly population increase, Portage County is giving a "Herculean effort" to keep its water supply in the clear, said Harold Huff, director of Portage County Water Resources.

Portage County Commissioner Chuck Keiper said, before an agreement made last year with Cleveland for 5 million gallons of drinking water a day, the county only had enough resources to provide its residents with water for another four to five years. The agreement fully went into effect in August of this year.

"We now believe we can serve the needs of Portage County for 100 years until we need to find additional sources," Keiper said.

The agreement was originally made to help supply Aurora and Streetsboro with water, but the water, which will travel through pipes from Lake Erie to Aurora, will help with the rest of Portage County's future needs as well. Keiper said the agreement also saves Portage County money because it doesn't have to create another water plant.

"Both federal and Ohio (Environmental Protection Agencies) have significant numbers of regulations to comply with," he said. "We take advantage of the fact Cleveland has a plant that can already meet those regulations without us spending another dime (for water)."

However, in addition to paying for the water it receives from Cleveland, Huff said Portage County will pay \$100,000 a year into the city's economic development fund.

Huff explained that money for water can only go into funding the water supply, and Cleveland needed money for economic development.

"What's good for Portage County is good for Cleveland - what's good for Cleveland is good for Portage County," he said. "If Cleveland collapses tomorrow, we've got problems over here."

The \$100,000 for the fund is included in individual customer's water rates and future rate increases. Beginning this past August, the rate increase is at 3.5 percent per year for the next two years.

Huff said this is a low rate of increase. Aurora had an 11 percent rate increase in January, but the agreement with Cleveland brought the rate down to 3.5 percent, a drop of 7.5 percent.

The increase also includes the rising costs of chemicals, employee salaries and supplying an increasing customer base with water.

Cleveland Water Commissioner Chris Nielson said the city was happy to enter the agreement with Portage County, and the 5 million gallons a day won't pose any threat to Cleveland's water supply.

"It's a national trend that people are using less water, so we're not worried about our ability to serve water to Portage County or surrounding areas," Nielson said.

Huff agreed.

"Are we running out of supply? The lake's not going down," he said. "We've hit a home run."

However, the agreement with Cleveland isn't the only effort the county has taken when planning for its future water needs. It also has an agreement with Ravenna and Mantua, which have their own separate water supplies. The Ravenna agreement is for a maximum of 2.5 million gallons per day and the Mantua agreement is for a maximum of 400,000.

Huff said the county actually gets about 600,000 gallons per day from Ravenna, but could use up to 2.5 million if needed.

The county doesn't use any of the 400,000 gallons from its agreement with Mantua. But Huff said the agreement is in place in case the county builds a customer base in that area.

He said the county is also working on an agreement for 1.5 million gallons per day of raw, untreated water from Mantua. The water would be treated in Portage County water plants and sent out for customer use.

There are no extra costs in the agreements with Ravenna and Mantua. Huff said the county only pays for the water it uses.

When supplying the area with water, Huff said he likes to take the regional approach. He said Cleveland has the means to supply the water, and Portage County has the means for distributing the water, engineering and offering customer service.

"Let them remain their own entity. Let us remain our own entity," he said. "But let's work together for the common good."

*Contact public affairs reporters Kristen Russo at [karusso@kent.edu](mailto:karusso@kent.edu) and Morgan Day at [mlday1@kent.edu](mailto:mlday1@kent.edu).*

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## **COMMUNITIES**

From staff reports; The Plain Dealer

640 words

30 August 2007

The Plain Dealer

Final B3

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## **CLEVELAND**

### **Water deal with Portage**

The city will sign a 20-year agreement today to sell water to Aurora and Portage County. The water service agreement also stipulates that the cities and the county will not lure businesses from each other through tax breaks and will work together to attract new jobs and companies from outside the region. Cleveland will sell at least 1 million gallons daily to Portage County, which in turn will sell it to Aurora. As part of the agreement, the county will pay an annual economic development fee to Cleveland once the county starts taking water. That will be in about 18 months, after a waterline ties Cleveland's system to Portage County's, said Cleveland Water Commissioner J. Christopher Nielson. The development fee will start at \$100,000 and will escalate yearly with consumer price index.

PW FILE NUMBER: 091017

[illegible]



## Legislation Details (With Text)

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**File #:** 091097      **Version:** 0

**Type:** Communication      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Communication from the Department of Public Works relating to Preparation for the 2009 - 2010 Snow Season.

**Sponsors:** THE CHAIR

**Indexes:** DEPARTMENT OF PUBLIC WORKS, SNOW REMOVAL

**Attachments:** Cover Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

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**File #:** 091097 **Version:** 0

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**Number**

091097

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Communication from the Department of Public Works relating to Preparation for the 2009 - 2010 Snow Season.

**Requestor**

**Drafter**

DPW

JJM:WAB:mra

12/2/09

December 1, 2009

Mr. Ron Leonhardt  
City Clerk  
City Hall, Room 205

Dear Mr. Leonhardt:

Please introduce a communication file from DPW at the Public Works Committee meeting scheduled for December 9, 2009. The file should be titled "DPW's Preparation for the 2009 – 2010 Snow Season". The Commissioner will present remarks and a short PowerPoint on bus stop and sidewalk snow removal operations. The presentation will be available to Committee members in advance of the meeting.

Very truly yours,

Jeffrey J. Mantes  
Commissioner of Public Works

JJM:WAB:mra  
c: W. Booker  
D. Sivyer  
J. Dellemann  
File



## PW FILE NUMBER: 091097

[illegible]



## Legislation Details (With Text)

---

**File #:** 090969      **Version:** 1

**Type:** Resolution      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** 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 \$82,500 for a total estimated cost of these projects being \$2,058,000.

**Sponsors:** THE CHAIR

**Indexes:** PUBLIC IMPROVEMENTS

**Attachments:** Cover Letter, Fiscal note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	1	CITY CLERK	DRAFT SUBMITTED		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

**Number**

090969

**Version**

SUBSTITUTE 1

**Sponsor**

THE CHAIR

**Title**

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 \$82,500 for a total estimated cost of these projects being \$2,058,000.

**Analysis**

This resolution authorizes engineering studies and directs the Commissioner of Public Works to determine any benefits or damages which would result if the projects were to be constructed. After the Commissioner files his report, a Public Hearing will be held on those projects determined assessable. A resolution will be submitted after the Public Hearing authorizing construction. The City cost for engineering these projects is estimated to be \$82,500 with the total cost estimated to be \$2,058,000.

**Body**

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:

**1st Aldermanic District**

N. 35th St. - W. Villard Ave. to W. Silver Spring Dr. (ST21100111) File Number 061497: 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). The total estimated cost for this project including the requested amount is \$440,000. This project is anticipated to be completed during the 2010 construction season.

Alley between W. Fairmount Ave., W. Lancaster Ave., N. Teutonia Ave., and N. 28th St. (ST212020107): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$66,000. This project is anticipated to be completed during the 2011 construction season.

**3rd Aldermanic District**

N. Marietta Ave. - E. Locust St. to E. Kenwood Blvd. (ST211020144): 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 \$227,000. This project is anticipated to be completed during the 2011 construction season.

Alley between N. Bremen St., E. Center St., N. Fratney St., and E. Hadley St. (ST212080107): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$20,000). The total estimated cost for this project including the

requested amount is \$115,000. This project is anticipated to be completed during the 2011 construction season.

#### 4th Aldermanic District

E. Erie St. - 600 feet m/l east of N. Jackson St. to N. Jackson St. (ST211080128) File Number 071262: 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). The total estimated cost for this project including the requested amount is \$425,000. This project is anticipated to be completed during the 2009 construction season.

#### 5th Aldermanic District

Alley between W. Appleton Ave., W. Congress St., W. Hope Ave., and W. Potomac Ave. (southerly 700 feet of north/south leg) (ST212020110): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$200,000. This project is anticipated to be completed during the 2011 construction season.

Alley between W. Auer Ave., W. Burleigh St., N. 80th St., and N. 81st St. (ST212040101): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$97,000. This project is anticipated to be completed during the 2011 construction season.

Alley between W. Auer Ave., W. Concordia Ave., N. 87th St., and N. 88th St. (ST212010143): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$105,000. This project is anticipated to be completed during the 2011 construction season.

Alley between W. Glen Ave., W. Medford Ave., W. Sheridan Ave., and N. 83rd St. (ST212080104): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$7,500). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2011 construction season.

Alley between W. Keefe Ave., W. Nash St., N. 99th St., and N. 100th St. (ST212020119): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$83,000. This project is anticipated to be completed during the 2011 construction season.

#### 7th Aldermanic District

Alley between W. Auer Ave., W. Concordia Ave., N. Sherman Blvd., and N. 44th St. (northerly 225 feet m/l) (ST212060115): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2011 construction season.

Alley between W. Hadley St., W. Locust St., N. 32<sup>nd</sup> St., and N. 33<sup>rd</sup> St.(ST212050124): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2010-11 construction season.

14th Aldermanic District

Alley between W. Holt Ave., W. Morgan Ave., S. 10th St., and S. 11th St. (ST212070110): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$110,000. This project is anticipated to be completed during the 2011 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; and, be it

Further Resolved, That if surplus 2009 funds become available, some or all of the 2010 budget projects may be funded with 2009 funds, however, all remaining 2009 funds shall be used for these projects prior to any 2010 fund expenditures.

**Requestor**

Infrastructure Services Division

**Drafter**

MLD:dr

Apr 5

12/04/09

November 16, 2009

File Number

To the Honorable, the Common Council

Dear Council Members:

Please find attached a "Title Only" resolution for determining it necessary to make various assessable public improvements to be introduced at the next Common Council Meeting. It is our intent to insert the body of the resolution in this jacket prior to the meeting of the Public Works Committee of December 9, 2009.

Respectfully submitted,

Special Deputy Commissioner  
of Public Works

MLD:dr  
Title only  
Apr 5

# CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)

A) DATE: December 4, 2009

FILE NUMBER: 090969

Original Fiscal Note ☐ Substitute ☒

SUBJECT: 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 \$82,500 for a total estimated cost of these projects being \$2,058,000.

B) SUBMITTED BY (name/title/dept./ext.): Mary Dziewiontkoski/Assessment Engineer/Public Works/X2460

C) CHECK ONE: ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
 LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER Paving	ST211		\$ 15,000		
	ST212		\$67,500		
TOTALS:			\$82,500		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:


H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION: *The total expenditure includes the cost of engineering, inspection, construction, and city forces. The total cost of this project is \$77,500.*


PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

PW FILE NUMBER: 090969

[illegible]





## Legislation Details (With Text)

---

**File #:** 090971      **Version:** 1

**Type:** Resolution      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** 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 \$1,825,000 for a total estimated cost of these projects being \$10,873,000.

**Sponsors:** THE CHAIR

**Indexes:** PUBLIC IMPROVEMENTS

**Attachments:** Fiscal Note, Cover Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	1	CITY CLERK	DRAFT SUBMITTED		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number

090971

Version

SUBSTITUTE 1

Sponsor

THE CHAIR

Title

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 \$1,825,000 for a total estimated cost of these projects being \$10,873,000.

Analysis

This resolution authorizes engineering studies on projects which by City Charter are nonassessable. After design plans and estimates of costs have been prepared, a resolution authorizing construction will be submitted to the Common Council. The City cost for engineering these projects is estimated to be \$1,825,000 with the total cost estimated to be \$10,873,000.

Body

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

#### 1st Aldermanic District

Area bounded by W. Silver Spring Dr. to Lincoln Creek and N. 27th St. to N. 41st St. (SM494100001): Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$5,000). The total estimated cost for this project including the requested amount is \$2,475,000. This project is anticipated to be completed during the 2010 construction season.

N. 19th Pl. - W. Courtland Ave. to W. Hampton Ave. (SM495100013): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$12,000). The total estimated cost for this project including the requested amount is \$152,000. This project is anticipated to be completed during the 2010 construction season.

#### 3rd Aldermanic District

N. Oakland Ave. - E. Royall Pl. to E. Kane Pl. (SM495100014): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$12,000). The total estimated cost for this project including the requested amount is \$102,000. This project is anticipated to be completed during the 2010 construction season.

#### 5th Aldermanic District

N. 107th St. - 150 feet m/l north of W. Lancaster Ave. to W. Villard Ave. (SM495100012): Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$12,000). The total estimated cost for this project including the requested amount is \$56,000. This project is anticipated to be completed during the 2010 construction season.

#### 7th Aldermanic District

W. Auer Ave. - N. 37th St. to N. 38th St. (SM495100016): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$12,000). The total estimated cost for this

project including the requested amount is \$61,000. This project is anticipated to be completed during the 2010 construction season.

W. Hope Ave. - 180 feet m/l east of N. Toronto Ave. to N. 39th St. (SM495100009): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$12,000). The total estimated cost for this project including the requested amount is \$275,000. This project is anticipated to be completed during the 2010 construction season.

#### 10th Aldermanic District

W. Stevenson Ave. - 130 feet m/l east of N. 69th St. to N. 69th St. (SM495100007): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$12,000). The total estimated cost for this project including the requested amount is \$35,000. This project is anticipated to be completed during the 2010 construction season.

#### 11th Aldermanic District

W. Kinnickinnic River Pkwy. - W. Cleveland Ave. to S. 60th St. (SM495100016): Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$12,000). The total estimated cost for this project including the requested amount is \$94,000. This project is anticipated to be completed during the 2010 construction season.

W. Oklahoma Ave. - S. 72nd St. to the bridge west of S. 74th St. (Milwaukee County ARRA) (ST214090111): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. The total estimated cost for this project is \$600,000. This project is anticipated to be completed during the 2010 construction season.

#### 14th Aldermanic District

E. Tripoli Ave. - 350 feet m/l east of S. Clement Ave. to S. Clement Ave. (SM495100011): Storm sewer lining. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$12,000). The total estimated cost for this project including the requested amount is \$18,000. This project is anticipated to be completed during the 2010 construction season.

S. 6th St. - W. Ohio Ave. to W. Euclid Ave. (SM495100008): Storm sewer lining. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$12,000). The total estimated cost for this project including the requested amount is \$76,000. This project is anticipated to be completed during the 2010 construction season.

#### 15th Aldermanic District

Area bounded by W. Clarke St. to W. Meinecke Ave. and N. 20th St. to N. 26th St. (SM495100010): Combined sewer lining. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$12,000). The total estimated cost for this project including the requested amount is \$3,314,000. This project is anticipated to be completed during the 2010 construction season.

#### City Wide

Examinations of medium sized sewers by CCTV (SM495100006): (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$15,000). The total estimated cost for this project including the requested amount is \$420,000. This project is anticipated to be completed during the 2010 construction season.

Indirect Account/Engineering Studies throughout the City of Milwaukee (SM495100001): (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$600,000). The total estimated cost for this project is \$600,000. This project is anticipated to be completed during the 2010 construction season.

#### Various Aldermanic Districts

Administration cost for alley paving engineering (ST212100001): (Nonassessable Alley Paving Fund-2010 Budgeted Funds -- \$150,000). The total estimated cost for this project is \$150,000. This project is anticipated to be completed during the 2010 construction season.

Administration cost for alley paving engineering (ST212090001): (Nonassessable Alley Paving Fund -- \$10,000, Additional Funds). The total estimated cost for this project is \$160,000. This project is anticipated to be completed during the 2009 construction season.

Administration cost for sidewalk paving engineering (ST230100001): (Nonassessable 2010 Budgeted Funds -- \$80,000). The total estimated cost for this project is \$80,000. This project is anticipated to be completed during the 2010 construction season.

Administration cost for 2011 sidewalk paving engineering (ST230110138): (Nonassessable 2010 Budgeted Funds -- \$20,000). The total estimated cost for this project is \$80,000. This project is anticipated to be completed during the 2010 construction season.

Administration cost for street paving engineering (ST211100001): (Nonassessable Reconstruction Paving Fund-2010 Budgeted Funds -- \$800,000). The total estimated cost for this project is \$800,000. This project is anticipated to be completed during the 2010 construction season.

Administration cost for new street paving engineering (ST210100001): (Nonassessable New Paving Fund-2010 Budgeted Funds -- \$25,000). The total estimated cost for this project is \$25,000. This project is anticipated to be completed during the 2010 construction season.

Asphalt resurfacing of various streets by contract. (ST211100143): The total estimated cost for this project is \$700,000. This project is anticipated to be completed during the 2010 construction season.

Sealcoating of various streets by contract (ST211100144): The total estimated cost for this project is \$400,000. This project is anticipated to be completed during the 2010 construction season.

Crackfilling of various streets by contract (ST211100145): The total estimated cost for this project is \$200,000. This project is anticipated to be completed during the 2010 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; and be it

Further Resolved, That if surplus 2009 funds become available, some or all of the 2010 budget projects may be funded with 2009 funds, however, all remaining 2009 funds shall be used for these projects prior to any 2010 fund expenditures.

Requestor  
Infrastructure Services Division  
Drafter  
MLD:dr  
Npr 5  
12/04/09

## CITY OF MILWAUKEE FISCAL NOTE

A) DATE December 4, 2009

FILE NUMBER: 090971

Original Fiscal Note ☐ Substitute ☒

**SUBJECT:** 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 \$1,825,000 for a total estimated cost of these projects being \$10,873,000.

B) SUBMITTED BY (Name/title/dept./ext.): Mary Dziewiontkoski/Assessment Engineer/Public Works/X2460

C) CHECK ONE: ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENT ACCOUNT(DA) ☐ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
OTHER:					
	Sewer SM495		\$ 735,000		
	Sewer SM494		\$ 5,000		
	Street ST210		\$ 25,000		
	Street ST211		\$ 800,000		
	Street ST212		\$ 160,000		
	Street ST230		\$ 100,000		
TOTALS			\$1,825,000		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:


H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE: The total expenditure includes the cost of engineering, inspection, construction, and city forces. The total cost of these projects is estimated to be \$1,825,000.

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

November 16, 2009

File Number

To the Honorable, the Common Council

Dear Council Members:

Please find attached a "Title Only" resolution for determining it necessary to make various nonassessable public improvements to be introduced at the next Common Council Meeting. It is our intent to insert the body of the resolution in this jacket prior to the meeting of the Public Works Committee of December 9, 2009.

Respectfully submitted,

Special Deputy Commissioner  
of Public Works

MLD:dr  
Title only  
Npr 5

## PW FILE NUMBER: 090971

[illegible]





## Legislation Details (With Text)

**File #:** 090972 **Version:** 1  
**Type:** Resolution **Status:** In Committee  
**File created:** 12/1/2009 **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:** **Final action:**  
**Effective date:**

**Title:** 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 \$8,522,000 for a total estimated cost of these projects being \$8,921,000.

**Sponsors:** THE CHAIR

**Indexes:** PUBLIC IMPROVEMENTS

**Attachments:** Fiscal Note, Cover Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	1	CITY CLERK	DRAFT SUBMITTED		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number

090972

Version

SUBSTITUTE 1

Reference

090971

Sponsor

THE CHAIR

Title

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 \$8,522,000 for a total estimated cost of these projects being \$8,921,000.

Analysis

This resolution directs the installation and construction of certain public improvements which have been determined to be nonassessable by the Commissioner of Public Works. The City cost of the projects approved by this resolution is estimated to be \$8,522,000. The total estimated cost of these projects is \$8,921,000.

Body

Whereas, The Common Council of the City of Milwaukee adopted preliminary resolutions determining it necessary and in the public interest to construct nonassessable improvements; and

Whereas, Plans, specifications and cost estimates have been prepared for the following described improvements:

#### 1st Aldermanic District

Area bounded by W. Silver Spring Dr. to Lincoln Creek and N. 27th St. to N. 41st St. (SM494100001) File Number 090971: Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$2,470,000). The total estimated cost for this project including the requested amount is \$2,475,000. This project is anticipated to be completed during the 2010 construction season.

#### 2nd Aldermanic District

N. 74th St. - W. Hope Ave. to W. Marion St. (SM495090092) File Number 090762: Sanitary sewer relay and lining. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$147,000). The total estimated cost for this project including the requested amount is \$159,000. This project is anticipated to be completed during the 2010 construction season.

#### 5th Aldermanic District

W. Auer Ave. - N. 89th St. to N. 91th St. (SM495090091) File Number 090762: Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$159,000). The total estimated cost for this project including the requested amount is \$171,000. This project is anticipated to be completed during the 2010 construction season.

W. Lisbon Ave. (South Side) - N. 84th St. to N. 86th St. (SM495090084) File Number 090762: Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$38,000). The total estimated cost for this project including the requested amount is \$50,000. This

project is anticipated to be completed during the 2010 construction season.

N. 88th St. - W. Townsend St. to W. Keefe Ave. (Ext'd) (SM495090085) File Number 090762: Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$121,000). The total estimated cost for this project including the requested amount is \$133,000. This project is anticipated to be completed during the 2010 construction season.

N. 92nd St. - W. Townsend St. to W. Keefe Ave. (SM495090087) File Number 090762: Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$268,000). The total estimated cost for this project including the requested amount is \$280,000. This project is anticipated to be completed during the 2010 construction season.

N. 94th St. - 225 feet m/l north of W. Burleigh St. to W. Auer Ave. (SM495090083) File Number 090762: Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$90,000). The total estimated cost for this project including the requested amount is \$102,000. This project is anticipated to be completed during the 2010 construction season.

N. 95th St. - 90 feet m/l south of W. Nash St. to 160 feet m/l north of W. Nash St. (SM495090089) File Number 090762: Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$22,000). The total estimated cost for this project including the requested amount is \$34,000. This project is anticipated to be completed during the 2010 construction season.

N. 98th St. - W. Townsend St. to W. Keefe Ave. (SM495090086) File Number 090762: Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$128,000). The total estimated cost for this project including the requested amount is \$140,000. This project is anticipated to be completed during the 2010 construction season.

N. 99th St. - 230 feet m/l south of W. Nash St. to 200 feet m/l north of W. Vienna Ave. (SM495090088) File Number 090762: Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$213,000). The total estimated cost for this project including the requested amount is \$225,000. This project is anticipated to be completed during the 2010 construction season.

#### 11th Aldermanic District

W. Crawford Ave. - S. 53rd St. to S. 55th St. (WT410091409) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$155,000). The total estimated cost for this project including the requested amount is \$170,000. This project is anticipated to be completed during the 2010 construction season.

W. Crawford Ave. - S. 57th St. to S. 58th St. (WT410091407) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$70,000). The total estimated cost for this project including the requested amount is \$85,000. This project is anticipated to be completed during the 2010 construction season.

W. Eden Pl. - S. 61st St. to S. 63rd St. (WT410091403) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$155,000). The total estimated cost for this project including the requested amount is \$170,000. This project is anticipated to be completed during the 2010 construction season.

W. Morgan Ave. - S. 60th St. to S. 61st St. (WT410091404) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$70,000). The total estimated cost for this project including the requested amount is \$85,000). This project is anticipated to be completed during the 2010 construction season.

W. Oklahoma Ave. - S. 72nd St. to the bridge west of S. 74th St. (Milwaukee County ARRA) (ST214090111) File Number 090971: Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Developer Paving Fund-2010 Budgeted Funds -- \$600,000). The total estimated cost for this project including the requested amount is \$600,000. This project is anticipated to be completed during the 2010 construction season.

W. Warnimont Ave. - S. 60th St. to 100 feet west of S. 61st St. (WT410091406) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$105,000). The total estimated cost for this project including the requested amount is \$120,000. This project is anticipated to be completed during the 2010 construction season.

W. Wilbur Ave. - S. 54th St. to S. 55th St. (WT410091411) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$70,000). The total estimated cost for this project including the requested amount is \$85,000. This project is anticipated to be completed during the 2010 construction season.

S. 54th St. - W. Crawford Ave. to W. Howard Ave. (WT410091410) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$160,000). The total estimated cost for this project including the requested amount is \$175,000. This project is anticipated to be completed during the 2010 construction season.

S. 54th St. - W. Midland Dr. to W. Wilbur Ave. (WT410091412) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$130,000). The total estimated cost for this project including the requested amount is \$145,000. This project is anticipated to be completed during the 2010 construction season.

S. 57th St. - W. Crawford Ave. to W. Howard Ave. (WT410091408) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$150,000). The total estimated cost for this project including the requested amount is \$165,000. This project is anticipated to be completed during the 2010 construction season.

S. 61st St. - W. Eden Pl. to W. Warnimont Ave. (WT410091405) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$135,000). The total estimated cost for this project including the requested amount is \$150,000. This project is anticipated to be completed during the 2010 construction season.

S. 63rd St. - W. Morgan Ave. to W. Eden Pl. (WT410091402) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$55,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2010 construction season.

12th Aldermanic District

W. Burnham St. - S. 11th St. to S. 15th St. (SM495080015) File Number 080125: Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$335,000). The total estimated cost for this project including the requested amount is \$345,000. This project is anticipated to be completed during the 2010 construction season.

W. National Ave. - S. 11th St. to S. 12th St. (SM495090011) File Number 081489: Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$88,000). The total estimated cost for this project including the requested amount is \$103,000. This project is anticipated to be completed during the 2010 construction season.

E. Oregon St. (Ext'd) - S. Barclay St. to S. Water St. (SM495070066) File Number 070081: Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$226,000). The total estimated cost for this project including the requested amount is \$237,000. This project is anticipated to be completed during the 2010 construction season.

#### 12th and 13th Aldermanic Districts

W. Windlake Ave. - S. 16th St. to S. 17th St. (SM495070085) File Number 070266: Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$113,000). The total estimated cost for this project including the requested amount is \$123,000. This project is anticipated to be completed during the 2010 construction season.

#### 12th and 14th Aldermanic Districts

W. Cleveland Ave. - S. 14th St. to S. 15th St. (SM495070086) File Number 070266: Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$64,000). The total estimated cost for this project including the requested amount is \$74,000. This project is anticipated to be completed during the 2010 construction season.

#### 13th Aldermanic District

W. Abbott Ave. - 123 feet east of S. 26th St. to S. 27th St. (WT410091414) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$85,000). The total estimated cost for this project including the requested amount is \$100,000. This project is anticipated to be completed during the 2010 construction season.

W. Edgerton Ave. - S. 23rd St. to S. 27th St. (WT410091413) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$305,000). The total estimated cost for this project including the requested amount is \$325,000. This project is anticipated to be completed during the 2010 construction season.

S. 26th St. - W. Abbott Ave. to 340 feet south of W. Abbott Ave. (WT410091415) File Number 071573: Relay water main. (Nonassessable Water Fund -- \$90,000). The total estimated cost for this project including the requested amount is \$105,000. This project is anticipated to be completed during the 2010 construction season.

#### City Wide

Examinations of medium sized sewers by CCTV ( SM49510006) File Number 090971: (Nonassessable Sewer Maintenance Relay Fund-2010 Budgeted Funds -- \$405,000). The total estimated cost for this project including the requested amount is \$420,000. This project is anticipated to be completed during the 2010 construction season.

#### Various Locations

Asphalt resurfacing of various streets by contract. (ST211100143) File Number 090971: (Nonassessable Reconstruction Paving Fund-2010 Budgeted Funds -- \$700,000). The total estimated cost for this project is \$700,000. This project is anticipated to be completed during the 2010 construction season.

Sealcoating of various streets by contract. (ST211100144) File Number 090971: (Nonassessable Reconstruction Paving Fund-2010 Budgeted Funds -- \$400,000). The total estimated cost for this project including is \$400,000. This project is anticipated to be completed during the 2010 construction season.

Crackfilling of various streets by contract. (ST211100145) File Number 090971: (Nonassessable Reconstruction Paving Fund-2010 Budgeted Funds -- \$200,000). The total estimated cost for this project is \$200,000. This project is anticipated to be completed during the 2010 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

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; and be it

Further Resolved, That if surplus 2009 funds become available, some or all of the 2010 budget projects may be funded with 2009 funds, however, all remaining 2009 funds shall be used for these projects prior to any 2010 fund expenditures.

Requestor  
Infrastructure Services Division  
Drafter  
MLD:dr  
Nfr 5  
12/04/0

# CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)

**A) DATE:** December 4, 2009

**FILE NUMBER:** 090972

**Original Fiscal Note** ☐ **Substitute** ☒

**SUBJECT:** 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 \$8,522,000 for a total estimated cost of these projects being \$8,921,000.

**B) SUBMITTED BY** (name/title/dept./ext.): Mary Dziewiontkoski/Assessment Engineer/Public Works/X2460

**C) CHECK ONE:** ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
 LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☐ NOT APPLICABLE/NO FISCAL IMPACT.

**D) CHARGE TO:** ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☒ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
<b>SALARIES/WAGES:</b>					
<b>SUPPLIES:</b>					
<b>MATERIALS:</b>					
<b>NEW EQUIPMENT:</b>					
<b>OTHER: Paving</b>	ST211		\$1,300,000		
<b>Paving</b>	ST214		\$ 600,000		
<b>Water</b>	WT410		\$1,735,000		
<b>Sewer</b>	SM494		\$2,470,000		
<b>Sewer</b>	SM495		\$2,417,000		
<b>TOTALS:</b>			\$8,522,000		

**F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.**

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

**G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

**H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:** *The total expenditure includes the cost of engineering, inspection, construction, and city forces.*

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

November 16, 2009

File Number

To the Honorable, the Common Council

Dear Council Members:

Please find attached a "Title Only" resolution for approving construction of nonassessable public improvements to be introduced at the next Common Council Meeting. It is our intent to insert the body of the resolution in this jacket prior to the meeting of the Public Works Committee of December 9, 2009.

Respectfully submitted,

Special Deputy Commissioner  
of Public Works

MLD:dr  
Title only  
Nfr 5



**PW FILE NUMBER: 090972**

[illegible]



## Legislation Details (With Text)

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**File #:** 090984      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution rescinding various special privileges that are no longer necessary.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** Cover Letter, Fiscal Note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

**Number**

090984

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution rescinding various special privileges that are no longer necessary.

**Analysis**

This resolution rescinds various special privileges granting permission for items to encroach into the public right-of-way because said items have been removed from the public right-of-way or the items are allowed under an air space lease or the owner is a public utility registered with the State of Wisconsin.

**Body**

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 been removed from the public right-of-way by the owner or the owner is a recognized utility with the Public Service Commission of Wisconsin or the items are now included under an Air Space Lease; 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, Utilities registered with the Public Service Commission of Wisconsin are allowed to keep and maintain their facilities within the public right-of-way without a special privilege;

Whereas, Permission to allow the building overhang of item number 10 listed below has been incorporated into an air space lease, making the special privilege unnecessary; and

Whereas, In order to release property owners from the 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 hereby rescinded:

1. Common Council Resolution File Number 61-619 granted to A. L. Gebhardt Co. for a 6-inch diameter steam service extension for the premises at 226 North Water Street.
2. Common Council Resolution File Number 63-4423-C granted to Marquette University for a raised planter strip for the premises at 1926 West Wisconsin Avenue.
3. Common Council Resolution File Number 77-976 granted to Marquette University for an identification pylon, an exposed aggregate walkway and various landscape materials for the premises at 1040 West Wisconsin Avenue.
4. Common Council Resolution File Number 921636 granted to Jack and Mary Pettigrew for two backup driveways for the premises at 531 East Keefe Avenue.
5. Common Council Resolution File Number 940417 granted to Bulk Petroleum Corporation for three monitoring wells for the premises at 3308 West Vliet Street.
6. Common Council Resolution File Number 971792 granted to Brian Jost for a backup driveway and a loading platform for the premises at 160 South 2<sup>nd</sup> Street.

7. Common Council Resolution File Number 980064 granted to Century Venture Corporation for television cables in various public rights-of-way.
8. Common Council Resolution File Number 990703 granted to Plankinton LLC for a covered walk for the premises at 208 West Wisconsin Avenue.
9. Common Council Resolution File Number 991158 granted to Ken Posto for five monitoring wells for the premises at 1010 East Layton Avenue.
10. Common Council Resolution File Number 061199 granted to Terrace Row LLC for a building overhang and the third and fourth floor elevations for the premises at 755-785 East Kilbourn Avenue. Note that this building overhang is now incorporated into an air space lease granted under Ordinance Number 080804.

**Requestor**

Department of Public Works

**Drafter**

Infrastructure Services Division

MDL: ns

November 9, 2009

November 9, 2009

To the Honorable, the Common Council

Dear Council Members:

Attached please find a resolution which rescinds special privileges that are no longer necessary because the items have been removed from the public right-of-way, the items are allowed under an air space lease, or the owner is a public utility registered with the State of Wisconsin.

For items that have been removed from the public right-of-way, the Department of Public Works received notification from the property owners regarding the item removal. Site visits were made to confirm that the items in question have been removed from the public right-of-way satisfactorily. Item Number 10 on the attached resolution has been replaced by an air space lease granted under Ordinance Number 080804. Finally, utilities registered with the Public Service Commission of Wisconsin are allowed to keep and maintain their facilities within the public right-of-way without a special privilege.

Only the Common Council can rescind its resolutions. Thus, in order to release the special privilege grantees from the annual fee and insurance requirements of their special privileges, which are no longer needed, the attached resolution has been drafted. Additionally, the attached resolution, if passed, will allow for efficient management of special privileges.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

Art Dahlberg, Commissioner  
Department of Neighborhood Services

MDL: ns

Attachment

c: City Clerk License Division

## CITY OF MILWAUKEE FISCAL NOTE

A) DATE November 9, 2009

FILE NUMBER: \_\_\_\_\_

Original Fiscal Note ☒ Substitute ☐SUBJECT: Resolution rescinding various special privileges that are no longer necessary.B) SUBMITTED BY (Name/title/dept./ext.): JEFFREY S. POLENSKE, P.E./CITY ENGINEER/INFRASTRUCTURE SERVICES DIVISION/2400

C) CHECK ONE: ☐ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES

☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.

☒ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENT ACCOUNT(DA) ☐ CONTINGENT FUND (CF)

☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)

☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)

☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

PW FILE NUMBER: 090984

[illegible]



## Legislation Details (With Text)

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**File #:** 090974      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution to remove obstructions and to remove or reconstruct encroachments, projections, and special privileges from streets and alleys on the 2010 paving program.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** Fiscal Note, Cover Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		



**Number**

090974

**Version**

ORIGINAL

**Reference**

081136-081137

**Sponsor**

THE CHAIR

**Title**

Resolution to remove obstructions and to remove or reconstruct encroachments, projections, and special privileges from streets and alleys on the 2010 paving program.

**Analysis**

This resolution authorizes the removal of obstructions and the removal or the reconstruction of encroachments, projections, and special privileges from streets and alleys on the 2010 paving program.

**Body**

Resolved, By the Common Council of the City of Milwaukee, that under Section 66.0425 of the Wisconsin Statutes, Section 7.05 of the Milwaukee City Charter and Section 245-3 of the Milwaukee Building Code and amendments thereto, all special privileges and permits for projections and encroachments on streets and alleys on which the Common Council approves for improvement during 2010 whether granted as provided by law or otherwise exercised, are hereby cancelled to the extent necessary to accomplish the construction or reconstruction, of said streets and alleys, and the Commissioner of Public Works is hereby authorized and directed to notify the owners of the premises abutting such obstructions, special privileges, encroachments, and projections, to alter, as may be necessary, or to remove the same within thirty (30) days; and, be it

Further Resolved, That upon failure of the owner or owners to alter or remove said obstructions, special privileges, encroachments, and projections on the streets and alleys above-mentioned within said thirty (30) day period, the Commissioner of Public Works is hereby authorized and directed to remove and fill in the same, either by contract or by City forces, and assess the cost thereof against the owner or owners of the abutting property.

**Requestor**

Department of Public works

**Drafter**

Infrastructure Services Division

MLD: ns

November 12, 2009

# CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)  
Ref: GEN\FISCALNT.MST

A) DATE: November 12, 2009

FILE NUMBER:

Original Fiscal Note ☒ Substitute ☐

SUBJECT: Resolution to remove obstructions and to remove or reconstruct encroachments, projections, and special privileges from streets and alleys on the 2010 paving program.

B) SUBMITTED BY (NAME/TITLE/DEPT./EXT.): Jeffrey S. Polenske, City Engineer, DPW, ext. 2400

C) CHECK ONE: ☐ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
☐ LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☒ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS:					

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

--

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

--

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

November 12, 2009

To the Honorable, the Common Council

Subject: 2010 Paving Program Encroachment Removals

Dear Council Members:

It is the intention of the City of Milwaukee to remove obstructions on certain streets and alleys in the 2010 paving program. There are existing encroachments, projections, and special privileges on some streets and alleys that will interfere with the proper execution of this work.

In order to have such obstructions, encroachments and projections altered or removed, the attached resolution is recommended for adoption.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

MLD: ns

Attachment

PW FILE NUMBER: 090974

[illegible]



## Legislation Details (With Text)

---

**File #:** 090989      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution designating the City Engineer as the authorized agent for the City of Milwaukee for the purpose of entering into a 2010 Urban Nonpoint Source and Stormwater construction grant agreement between the City of Milwaukee and the Wisconsin Department of Natural Resources.

**Sponsors:** THE CHAIR

**Indexes:** AGREEMENTS, STATE GRANTS, WISCONSIN DEPARTMENT OF NATURAL RESOURCES

**Attachments:** Cover Letter, Fiscal Note.pdf, Certified, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

**Number**

090989

**Version**

ORIGINAL

**Reference**

090065

**Sponsor**

THE CHAIR

**Title**

Resolution designating the City Engineer as the authorized agent for the City of Milwaukee for the purpose of entering into a 2010 Urban Nonpoint Source and Stormwater construction grant agreement between the City of Milwaukee and the Wisconsin Department of Natural Resources.

**Analysis**

This resolution designates the City Engineer as the authorized agent for the City of Milwaukee for the purposes of entering into a 2010 Urban Nonpoint Source and Stormwater (UNPS&SW) construction grant agreement between the City of Milwaukee (City) and the Wisconsin Department of Natural Resources (DNR).

**Body**

Whereas, On April 15, 2009, the City of Milwaukee applied for 2010 Urban Nonpoint Source and Stormwater (UNPS&SW) construction grant and planning grant; and

Whereas, The City of Milwaukee (City) ranked high enough to receive funding for the 2010 UNPS&SW construction grant; and

Whereas, As part of the application requirement, the City submitted Resolution 090065, which authorized the City Engineer to apply for the 2010 UNPS&SW construction and planning grants; and

Whereas, Resolution 090065 also authorized the City Engineer to submit quarterly and final reports, make periodic requests for grant reimbursements and submit a signed Environmental Hazard Assessment form; and

Whereas, The resolution did not indicate who the City designated as its authorized agent to enter into a grant agreement between the Wisconsin Department of Natural Resources (DNR).and the City is; and

Whereas, This information is necessary for the City to be awarded the grant funding; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Engineer is designated as the authorized agent for the City of Milwaukee for the purpose of entering into a 2010 Urban Nonpoint Source and Stormwater construction grant agreement between the City of Milwaukee and the Wisconsin Department of Natural Resources.

**Requestor**

Department of Public Works  
Infrastructure Services Division

**Drafter**

Environmental Engineering Section  
TJT/SB  
November 12, 2009



Department of Public Works  
Infrastructure Services Division

**Jeffrey J. Mantes**  
Commissioner of Public Works

**Preston D. Cole**  
Director of Operations

**Jeffrey S. Polenske**  
City Engineer

November 16, 2009

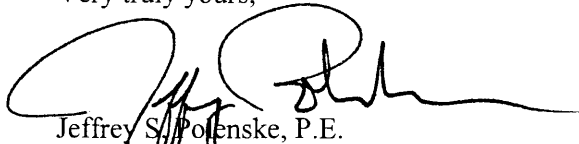
To the Honorable, the Common Council

Dear Council Members:


The attached resolution designates the City Engineer as the authorized representative of the City of Milwaukee for the purpose of entering into a 2010 Urban Nonpoint Source and Stormwater (UNPS&SW) construction grant agreement between the City of Milwaukee (City) and the Wisconsin Department of Natural Resources (DNR). Resolution File Number 090065 (attached) authorized the City Engineer to submit grant application to the DNR and the application was scored high enough for the City to receive grant funding. The DNR requires local governments to submit a resolution designating an agent to act as an authorized representative on behalf of the local governments before awarding the grants.

We recommend adoption of the attached resolution.

Very truly yours,



Jeffrey S. Polenske, P.E.  
City Engineer



Jeffrey J. Mantes, P.E.  
Commissioner of Public Works

*1 maa*  
TJT: sb  
Attachment  
SB: 3-5

## CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)  
Ref: GEN\FISCALNT.MST

A) DATE: November 16, 2009

FILE NUMBER:  
Original Fiscal Note ☒ Substitute ☐

SUBJECT: Original resolution to designate the City Engineer as the authorized agent for the City of Milwaukee for the purpose of entering into a 2010 Urban Nonpoint Source and stormwater (UNPS&SW) construction grant agreement between the City of Milwaukee and the Wisconsin Department of Natural Resources (DNR).

B) SUBMITTED BY (NAME/TITLE/DEPT./EXT.): Jeffrey S. Polenske, P.E./City Engineer/Public Works/2400

C) CHECK ONE: ☐ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
☐ LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☒ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	N/A				
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$		
TOTALS:			\$		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX

N/A		
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

N/A

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

N/A

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐



# City of Milwaukee

Office of the City Clerk

200 E. Wells Street  
Milwaukee, Wisconsin 53202

Certified Copy of Resolution

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**FILE NO: 090065**

**Title:**

**Substitute resolution directing the City Engineer to apply for 2010 Urban Nonpoint Source and Stormwater Construction and Planning grants from the State of Wisconsin, Department of Natural Resources.**

**Body:**

Whereas, Stormwater pollution control is an important component of the City of Milwaukee's (City) storm water management regulation and the City's permit with the State of Wisconsin, Department of Natural Resources (DNR); and

Whereas, Green Streets, along with their environmental benefits when creating large green spaces in fully urbanized areas, are also an established and cost effective means of removing sediment from public streets and alleys; and

Whereas, The City is proposing to construct green streets on portions of West Grange Avenue between South 23rd Street and South 27th Street located within the municipal separate storm sewer system (MS4) portion of the city; and

Whereas, The DNR, per NR 151.13 (2) of the Wis. Adm. Code, requires all municipalities subject to its storm water discharge permit to implement, to the maximum extent practicable, a 40% reduction in Total Suspended Solids (TSS) by March 10, 2013; and

Whereas, Green streets are one of the methods that can be implemented to reach the 40% TSS reduction goal; and

Whereas, The City has completed modeling of the portion of the City within the separated sewer area by using the Source Loading and Management Modeling software (SLAMM) to determine Best Management Practices (BMPs) needed to accomplish the TSS reduction goal; and

Whereas, The modeling was performed by using land use data compiled in 1997; and

Whereas, The City desires to retain the services of a consulting engineering firm to update its storm sewer system plans to reflect current land use, soil condition and size of drainage areas within each system; and

Whereas, The City also desires that the engineering consulting firm update the storm sewer system plans to comply with the requirements of the City's Wisconsin Pollutant Discharge Elimination System (WPDES) permit; and

Whereas, To assist in funding for the said green street project and to assist in the funding of the consultant fee to complete the update of the City's storm system plans, the City desires to apply for grant funds from the WDNR under the Urban Nonpoint Source and Stormwater (UNPS &SW) Construction Grant Program and UNPS &SW Planning Grant Program respectively; and

Whereas, The City Engineer will submit a signed Environmental Hazard Assessment form; and

Whereas, The operation of these grants begins on January 1, 2010 and ends on December 31, 2011; and

Whereas, The WDNR would provide a maximum cost share of 50% of eligible costs, with a total grantor share not exceed \$150,000 for the construction grant and 70% of eligible costs, with a total grantor share not exceed \$85,000 for the planning grant; and

Whereas, The City Engineer will submit quarterly and final reports to the DNR and make periodic requests for grant reimbursement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Engineer is directed to apply for a 2010 Urban Nonpoint Source and Stormwater construction grant and planning grant from the DNR.



**I, Ronald D. Leonhardt, City Clerk, do hereby certify that the foregoing is a true and correct copy of a(n) Resolution Passed by the COMMON COUNCIL of the City of Milwaukee, Wisconsin on May 27, 2009.**

Ronald D. Leonhardt

November 12, 2009

Date Certified

## PW FILE NUMBER: 090989

[illegible]



## Legislation Details (With Text)

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**File #:** 090990      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution authorizing the Commissioner of Public Works to apply for a 2010-2011 Wisconsin Coastal Management Program grant from the State of Wisconsin Department of Administration for the removal and replacement of the engineered soil mix at the bioretention facility located at North 25th Street and West Canal Street.

**Sponsors:** THE CHAIR

**Indexes:** STATE GRANTS, WISCONSIN DEPARTMENT OF NATURAL RESOURCES

**Attachments:** Cover Letter, Fiscal Note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

**Number**

090990

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

Title

Resolution authorizing the Commissioner of Public Works to apply for a 2010-2011 Wisconsin Coastal Management Program grant from the State of Wisconsin Department of Administration for the removal and replacement of the engineered soil mix at the bioretention facility located at North 25<sup>th</sup> Street and West Canal Street.

**Analysis**

This resolution authorizes the Commissioner of Public Works to apply for a 2010-2011 Wisconsin Coastal Management Program (WCMP) grant from the State of Wisconsin Department of Administration (DOA) in the amount of \$250,000 with a City share of \$205,000 and a grantor share of \$45,000. The purpose of this grant is to aid in funding for the repair of the bioretention facility (facility) at North 25<sup>th</sup> Street and West Canal Street by removing and replacing the engineered soil mix.

**Body**

Whereas, Stormwater pollution and quantity control is an important component of the City of Milwaukee's (City) storm water management regulation and the City's permit with the Wisconsin Department of Natural Resources; and

Whereas, The City desires to improve the performance of the bioretention facility at North 25<sup>th</sup> Street and West Canal Street by removing and replacing the existing engineered soil; and

Whereas, The new engineered soil mix will be prepared according to Wisconsin Department of Natural Resources (DNR) technical standards; and

Whereas, The facility will sufficiently treat and drain stormwater within 24 hrs; and

Whereas, To assist in funding for the repair of the facility, the City wishes to apply for grant funds from the DOA under the 2010-2011 WCMP Grant Program; and

Whereas, The operation of this grant begins on July 1, 2010 and the DOA would provide a maximum cost share of 18% of eligible costs, with a total grantor share not exceed \$45,000; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is authorized to apply for a 2010-2011 Wisconsin Coastal Management Program grant from the State of Wisconsin, Department of Administration.

**Requestor**

Department of Public Works

**Drafter**

Infrastructure Services Division

Environmental Engineering Section

TJT/SB

November 16, 2009



Department of Public Works  
Infrastructure Services Division

**Jeffrey J. Mantes**  
Commissioner of Public Works

**Preston D. Cole**  
Director of Operations

**Jeffrey S. Polenske**  
City Engineer

November 16, 2009

To the Honorable, the Common Council


Dear Council Members:

The attached resolution authorizes the Infrastructure Services Division of the Department of Public Works to apply for a 2010-2011 Wisconsin Coastal Management (WCMP) grant from the Wisconsin Department of Administration (DOA) for the replacement of the engineered soil at the bioretention facility at North 25<sup>th</sup> Street and West Canal Street in the amount of \$45,000.

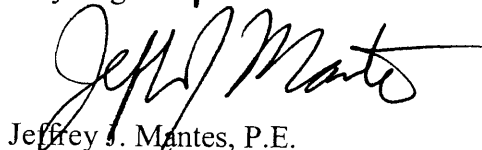
The resolution will authorize the Commissioner of Public Works to execute and submit an application for the grant to the DOA.

We recommend adoption of the attached resolution.

Very truly yours,



Jeffrey S. Polenske, P.E.  
City Engineer



Jeffrey J. Mantes, P.E.  
Commissioner of Public Works

*hjt* TJT: sb  
Attachment  
SB: 3-4

## CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)  
Ref: GEN\FISCALNT.MST

A) DATE: November 16, 2009

FILE NUMBER:  
Original Fiscal Note ☒ Substitute ☐

**SUBJECT: Original resolution authorizing the Commissioner of Public Works to apply for a Wisconsin Coastal Management Program grant from the Wisconsin Department of Administration for the removal and replacement of the engineered soil mix at the bioretention facility located at North 25<sup>th</sup> Street and West Canal Street in the amount of \$45,000.**

B) SUBMITTED BY (NAME/TITLE/DEPT./EXT.): Jeffrey S. Polenske, P.E./City Engineer/Public Works/2400

C) CHECK ONE: ☐ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
☐ LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☒ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	N/A				
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$		
TOTALS:			\$		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX

N/A		
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

N/A

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

N/A

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

## PW FILE NUMBER: 090990

[illegible]





## Legislation Details (With Text)

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**File #:** 090992      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution authorizing the Commissioner of Public Works to apply for a Wisconsin Coastal Management Program grant from the Wisconsin Department of Administration for the repair and rehabilitation of fourteen storm sewer outfalls located at various areas in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** EROSION CONTROL, STATE GRANTS, STORM SEWERS

**Attachments:** Cover Letter, Fiscal Note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

**Number**

090992

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution authorizing the Commissioner of Public Works to apply for a Wisconsin Coastal Management Program grant from the Wisconsin Department of Administration for the repair and rehabilitation of fourteen storm sewer outfalls located at various areas in the City of Milwaukee.

**Analysis**

This resolution authorizes the Commissioner of Public Works to apply for a 2010-2011 Wisconsin Coastal Management Program (WCMP) grant from the Wisconsin Department of Administration (DOA) in the amount of \$200,000 with a City of Milwaukee (City) share of \$140,000 and a grantor share of \$60,000. The purpose of this grant is to aid in funding for repairing and rehabilitation of fourteen (14) damaged storm sewer outfalls at various areas throughout the City by restoring the eroded areas, applying erosion control measures at these outfalls and by replacing those that are severely damaged.

**Body**

Whereas, There are 757 outfalls within the City of Milwaukee limits which convey the storm sewer flow from the sewers throughout the City to the State's waterways; and

Whereas, The City's regular outfall inspection has identified fourteen (14) outfalls that are damaged or severely eroded; and

Whereas, The soil erosion at the storm sewer outfalls is considered to be contributor to pollution of the state water ways; and

Whereas, Stormwater pollution control is an important component of the City of Milwaukee's (City) storm water management regulation and the City's permit with the Wisconsin Department of Natural Resources (DNR); and

Whereas, To assist in funding for the repair of fourteen (14) storm sewer outfalls as part of said storm sewer outfall rehabilitation and erosion control project, the City wishes to apply for grant funds from the DOA under the 2010-2011 Wisconsin Coastal Management Program; and

Whereas, The operation of this grant begins on July 1, 2010 and the DOA would provide a maximum cost share of 30% of eligible costs, with a total grantor share not to exceed \$60,000; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is directed to apply for a 2010-2011 Wisconsin Coastal Management Program grant from the State of Wisconsin, Department of Administration.

Requestor

Department of Public Works

**Drafter**

Infrastructure Services Division

Environmental Engineering Section

TJT/SB

November 16, 2009



Department of Public Works  
Infrastructure Services Division

**Jeffrey J. Mantes**  
Commissioner of Public Works

**Preston D. Cole**  
Director of Operations

**Jeffrey S. Polenske**  
City Engineer

November 16, 2009

To the Honorable, the Common Council

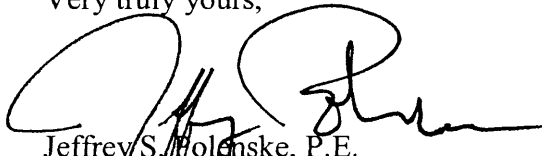
Dear Council Members:

The attached resolution authorizes the Infrastructure Services Division of the Department of Public Works to apply for a 2010-2011 Wisconsin Coastal Management (WCMP) grant from the Wisconsin Department of Administration (DOA) for the repair and rehabilitation of fourteen storm sewer outfalls in the amount of \$60,000.

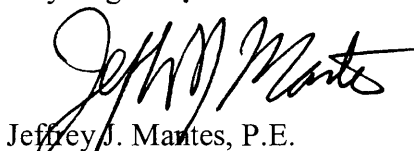
The resolution will authorize the Commissioner of Public Works to execute and submit an application for the grant to the DOA.

We recommend adoption of the attached resolution.

Very truly yours,



Jeffrey S. Polenske, P.E.  
City Engineer



Jeffrey J. Mantes, P.E.  
Commissioner of Public Works

*mjs* TJT: sb  
Attachment  
SB: 3-3

## CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)  
Ref: GEN\FISCALNT.MST

A) DATE: November 16, 2009

FILE NUMBER:  
Original Fiscal Note ☒ Substitute ☐

SUBJECT: Original resolution authorizing the Commissioner of Public Works to apply for a Wisconsin Coastal Management Program grant from the Wisconsin Department of Administration for the repair and rehabilitation of fourteen storm sewer outfalls in the amount of \$60,000.

B) SUBMITTED BY (NAME/TITLE/DEPT./EXT.): Jeffrey S. Polenske, P.E./City Engineer/Public Works/2400

C) CHECK ONE: ☐ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
☐ LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☒ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	N/A				
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$		
TOTALS:			\$		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX

N/A		
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

N/A

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

N/A

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

## PW FILE NUMBER: 090992

[illegible]



## Legislation Details (With Text)

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**File #:** 090993      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution authorizing the Commissioner of Public Works to apply for a Wisconsin Coastal Management Program grant from the Wisconsin Department of Administration for the replacement of forty storm water inlets with water quality catchbasins in the area bounded by West Hope Avenue, West Congress Street, North 30th Street, and North 27th Street.

**Sponsors:** THE CHAIR

**Indexes:** STATE GRANTS, STORM SEWERS

**Attachments:** Cover Letter, Fiscal Note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

**Number**

090993

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution authorizing the Commissioner of Public Works to apply for a Wisconsin Coastal Management Program grant from the Wisconsin Department of Administration for the replacement of forty storm water inlets with water quality catchbasins in the area bounded by West Hope Avenue, West Congress Street, North 30th Street, and North 27<sup>th</sup> Street.

**Analysis**

This resolution authorizes the Commissioner of Public Works to apply for a 2010-2011 Wisconsin Coastal Management Program (WCMP) grant from the Wisconsin Department of Administration (DOA) in the amount of \$275,000 with a City share of \$233,750 and a grantor share of \$41,250. The purpose of this grant is to aid funding for the replacement of forty (40) storm water inlets and catch basins with water quality catch basins. The inlets and catch basins are located in the area bounded by West Hope Avenue, West Congress Street, North 30th Street, and North 27<sup>th</sup> Street, which is part of the 30<sup>th</sup> Street Corridor.

**Body**

Whereas, Stormwater pollution control is an important component of the City of Milwaukee's (City) storm water management regulation and the City's permit with the Wisconsin Department of Natural Resources (WDNR); and

Whereas, The Commissioner of Public Works intends to apply for a grant from the DOA to help construct practices that promote stormwater pollution abatement; and

Whereas, Water quality catch basins with large sump areas, along with routine cleaning, have been proven as a practice well suited for the removal of sediments from urban stormwater runoff; and

Whereas, To assist in funding for the replacement of the forty (40) inlets and catch basins as part of said inlet and catch basin replacement project, the City wishes to apply for grant funds from the DOA under the 2010-2011 Wisconsin Coastal Management Program; and

Whereas, The operation of this grant begins on July 1, 2010 and the DOA would provide a maximum cost share of 15% of eligible costs, with a total grantor share not to exceed \$41,250; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is authorized to apply for a 2010-2011 Wisconsin Coastal Management Program grant from the State of Wisconsin, Department of Administration.

Requestor

Department of Public Works

**Drafter**

Infrastructure Services Division

Environmental Engineering Section

TJT/SB

November 16, 2009



Department of Public Works  
Infrastructure Services Division

**Jeffrey J. Mantes**  
Commissioner of Public Works

**Preston D. Cole**  
Director of Operations

**Jeffrey S. Polenske**  
City Engineer

November 16, 2009

To the Honorable, the Common Council

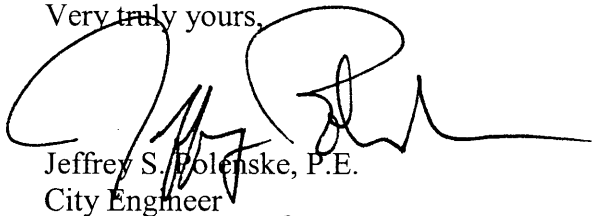
Dear Council Members:

The attached resolution authorizes the Infrastructure Services Division of the Department of Public Works to apply for a 2010-2011 Wisconsin Coastal Management (WCMP) grant from the Wisconsin Department of Administration (DOA) for the replacement of forty storm water inlets and catch basins with water quality catch basins in the amount of \$41,250.

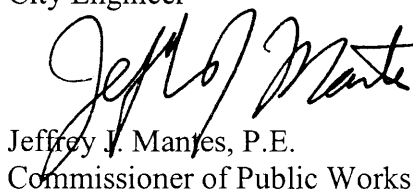
The resolution will authorize the Commissioner of Public Works to execute and submit an application for the grant to the DOA.

We recommend adoption of the attached resolution.


Very truly yours,



Jeffrey S. Polenske, P.E.  
City Engineer



Jeffrey J. Mantes, P.E.  
Commissioner of Public Works

 TJT: sb  
Attachment  
SB: 3-5



## CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)  
Ref: GEN\FISCALNT.MST

A) DATE: November 16, 2009

FILE NUMBER:

Original Fiscal Note ☒ Substitute ☐

SUBJECT: Original resolution to authorize the Commissioner of Public Works to apply for a Wisconsin Coastal Management Program grant from the Wisconsin Department of Administration for the replacement of forty storm water inlets with water quality catchbasins in the amount of \$41,250.

B) SUBMITTED BY (NAME/TITLE/DEPT./EXT.): Jeffrey S. Polenske, P.E./City Engineer/Public Works/2400

C) CHECK ONE: ☐ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
☐ LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☒ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	N/A				
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$		
TOTALS:			\$		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX

N/A		
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

N/A

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

N/A

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

**PW FILE NUMBER: 090993**

[illegible]



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Master With Text

**File Number: 090672**

**File ID:** 090672

**Type:** Resolution

**Status:** In Council-Adoption

**Version:** 1

**Reference:**

**Controlling Body:** PUBLIC WORKS  
COMMITTEE

**Requester:** DPW-INFRASTRUCTURE SERVICES  
DIVISION

**Cost:**

**File Created:** 09/22/2009

**File Name:**

**Final Action:**

**Title:** Substitute resolution authorizing the City Engineer to accept various incentives and rebates, not to exceed \$191,849.00, provided through We Energies' Focus on Energy program for the purchase and installation of Light Emitting Diode signal heads at various traffic signal locations within the City of Milwaukee.

**Notes:**

**Code Sections:**

**Agenda Date:**

**Indexes:** ENERGY CONSERVATION, GRANTS, TRAFFIC  
CONTROL SIGNALS, WISCONSIN ELECTRIC  
POWER COMPANY

**Agenda Number:**

**Sponsors:** THE CHAIR

**Enactment Date:**

**Attachments:** Sub Fiscal note, Fiscal Note, Cover Letter, 12-2-09  
Cover Letter from Dept of Public Works, Fiscal  
Analysis, Hearing Notice List

**Enactment Number:**

**Drafter:** rwb

**Effective Date:**

**Contact:**

**Extra Date 2:**

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	COMMON COUNCIL	09/22/2009	ASSIGNED TO	PUBLIC WORKS COMMITTEE			
	<b>Action Text:</b> This Resolution was ASSIGNED TO to the PUBLIC WORKS COMMITTEE						
0	PUBLIC WORKS COMMITTEE	09/30/2009	HELD TO CALL OF THE CHAIR				Pass
	<b>Action Text:</b> A motion was made by ALD. DONOVAN that this Resolution be HELD TO CALL OF THE CHAIR. The motion PREVAILED by the following vote:						
Mover:	ALD. DONOVAN		Aye:5 - Bauman, Dudzik, Wade, Donovan, and Puente No:0				5-0
0	PUBLIC WORKS COMMITTEE	12/04/2009	HEARING NOTICES SENT		12/09/2009		
0	PUBLIC WORKS COMMITTEE	12/09/2009	SUBSTITUTED				Pass

**Action Text:** A motion was made by ALD. DONOVAN that this Resolution be SUBSTITUTED. This motion PREVAILED by the following vote:

**Notes:** *Individuals present:*  
*Clark Wantoch, Dept. of Public Works, Infrastructure Services*  
*Bob Bryson, Dept. of Public Works, Infrastructure Services*

Mover: ALD. DONOVAN Aye:5 - Bauman, Dudzik, Wade, Donovan, and Puente 5-0  
No:0

1 PUBLIC WORKS 12/09/2009 RECOMMENDED Pass  
COMMITTEE FOR ADOPTION

**Action Text:** A motion was made by ALD. DUDZIK that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Mover: ALD. DUDZIK Aye:5 - Bauman, Dudzik, Wade, Donovan, and Puente 5-0  
No:0

1 COMMON COUNCIL 12/22/2009

---

### Text of Legislative File 090672

..Number

090672

..Version

SUBSTITUTE 1

..Reference

090672

..Sponsor

THE CHAIR

..Title

Substitute resolution authorizing the City Engineer to accept various incentives and rebates, not to exceed \$191,849.00, provided through We Energies' Focus on Energy program for the purchase and installation of Light Emitting Diode signal heads at various traffic signal locations within the City of Milwaukee.

..Analysis

This resolution authorizes the City Engineer to accept various incentives and rebates, not to exceed \$191,849.00, provided through We Energies' Focus on Energy program for the purchase and installation of Light Emitting Diode signal heads at various traffic signal locations within the City of Milwaukee.

..Body

Whereas, We Energies regularly provides various incentives and rebates through its Focus on Energy program for the purchase and installation of equipment or systems to improve energy efficiency; and

Whereas, Department of Public Works/Infrastructure Services Division, in the normal course of maintaining and updating its facilities, regularly purchases and installs energy efficient equipment or systems that appear eligible for Focus on Energy incentives and rebates; and

Whereas, These Focus on Energy incentives and rebates apply to energy efficiency improvements in replacing incandescent signal heads and would also apply in some cases to energy efficiency improvements the Department of Public Works/Infrastructure Services Division has already purchased and installed; and

Whereas, These Focus on Energy incentives and rebates reduce the costs of Department of Public Works/Infrastructure Services Division's normal maintenance and facility updates, and are therefore beneficial to the City and its taxpayers; and

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

Whereas, The Comptroller has certified greater than anticipated revenue in the amount of \$191,849, pursuant to s. 304-91; and

Pursuant to s. 304-91, I hereby certify that the money required for this item is anticipated to be realized on

or before 12/31/2009 to be expended only for the purpose in this resolution.

\_\_\_\_\_  
Comptroller

\_\_\_\_\_  
Date

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that \$191,849 is appropriated to the Capital Expenditures account for the Department of Public Works/Infrastructure Services Division 0333-5010-0001-006000-ST220090300 and to increase the estimated revenues for the Miscellaneous revenue account 0333-5010-0001-009870-ST22009000A; and, be it

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

..Requestor

Department of Public works

..Drafter

Infrastructure Services Division

RWB: ns

December 2, 2009

## **LRB – RESEARCH AND ANALYSIS SECTION**

**PUBLIC WORKS COMMITTEE  
ITEM 18, FILE #090672**

**DECEMBER 9, 2009**

**File #090672 authorizes the City Engineer to accept incentives and rebates not to exceed \$191,849 through We Energies' Focus on Energy Program. Monies will be used to reimburse the Traffic Control Facilities Program capital account for expenditures associated with earlier purchases and installations of Light Emitting Diode ("LED") signal heads at traffic signal locations within the City of Milwaukee.**

### **BACKGROUND & DISCUSSION**

In the normal course of maintaining and updating traffic control facilities, the Department of Public Works' Infrastructure Services Division has regularly purchased and installed LED signal heads at traffic signal locations in an effort to improve energy efficiency and reduce energy costs. We Energies provides various incentives and rebates for this type of energy efficiency improvement through its Focus on Energy Program.

However, because the Focus on Energy Program requires purchase and installation prior to providing these incentives and rebates, the \$191,849 in revenues could not technically be budgeted within the Traffic Control Facilities Program, necessitating this resolution. Specifically, Section 304-91 of the Milwaukee Code of Ordinances establishes procedural guidelines related to the expenditure of funds to be reimbursed by greater than anticipated revenues. In this case, the "expenditure of funds" – the purchase and installation of LED signal heads – is being reimbursed by "greater than anticipated revenues – the Focus on Energy Program incentives and rebates.

### **FISCAL IMPACT**

Approval of this file authorizes the Comptroller, per s. 304-91, to certify that greater than anticipated revenue in the amount of \$191,849 is anticipated to be realized on or before December 31, 2009 for the purpose delineated above.

cc: Marianne Walsh  
W. Martin Morics  
Jeffrey Mantes  
Jeffrey Polenske  
Clark Wantoch

Prepared by:  
Michael Talarczyk  
Legislative Fiscal Analyst  
286-8661  
December 8, 2009

September 16, 2009

To the Honorable, the Common Council

Subject: Unanticipated Revenue of \$191,849.00 from  
We Energies' Focus on Energy Program

Dear Council Members:

Please find the attached resolution relating to the expenditure of capital funds to be reimbursed by greater than anticipated Revenue in the amount of \$191,849.00 received from the We Energies' Focus on Energy program.

The payments will consist of incentives and rebates for the purchase and installation of Light Emitting Diode signal heads at various traffic signal locations within the City of Milwaukee.

We have therefore, prepared and recommend adoption of the attached resolution authorizing and directing the City Comptroller to establish the necessary accounts and accounting procedures to carry out the intent of this resolution.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

RWB: ns

Attachment

c: Mr. W. Martin Morics

## CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)  
Ref: GEN\FISCALNT.MST

A) DATE: September 16, 2009

FILE NUMBER:

Original Fiscal Note ☒ Substitute ☐

**SUBJECT:** Resolution authorizing the City Engineer to accept various incentives and rebates, not to exceed \$191,849.00, provided through We Energies' Focus on Energy program for the purchase and installation of Light Emitting Diode signal heads at various traffic signal locations within the City of Milwaukee.

B) SUBMITTED BY (NAME/TITLE/DEPT. /EXT.): Jeffrey S. Polenske, City Engineer, DPW, ext. 2400

C) CHECK ONE: ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
☐ LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)  
☒ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
	Capital Improvement Fund	ST220060200 Fund 0333	\$21,940.00	\$21,940.00	
MATERIALS:	Capital Improvement Fund	ST220070200 Fund 0333	\$43,640.00	\$43,640.00	
	Capital Improvement Fund	ST220080200 Fund 0333	\$126,269.00	\$126,269.00	
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS:			\$191,849.00	\$191,849.00	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditures \$191,849.00	Revenue \$191,849.00
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

None

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐



December 2, 2009

To the Honorable, the Common Council

Subject: Unanticipated Revenue of \$191,849.00 from  
We Energies' Focus on Energy Program

Dear Council Members:

Please find the attached resolution relating to the expenditure of capital funds to be reimbursed by greater than anticipated Revenue in the amount of \$191,849.00 received from the We Energies' Focus on Energy program.

The payments will consist of incentives and rebates for the purchase and installation of Light Emitting Diode signal heads at various traffic signal locations within the City of Milwaukee.

We have therefore, prepared and recommend adoption of the attached resolution authorizing and directing the City Comptroller to establish the necessary accounts and accounting procedures to carry out the intent of this resolution.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

RWB: ns

Attachment

c: Mr. W. Martin Morics

## CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)  
Ref: GEN\FISCALNT.MST

A) DATE: December 2, 2009

FILE NUMBER: 090672

Original Fiscal Note ☒ Substitute ☐

**SUBJECT:** Resolution authorizing the City Engineer to accept various incentives and rebates, not to exceed \$191,849.00, provided through We Energies' Focus on Energy program for the purchase and installation of Light Emitting Diode signal heads at various traffic signal locations within the City of Milwaukee.

B) SUBMITTED BY (NAME/TITLE/DEPT. /EXT.): Jeffrey S. Polenske, City Engineer, DPW, ext. 2400

C) CHECK ONE: ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
☐ LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)  
☒ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
	Capital Improvement Fund	ST220090300 Fund 0333	\$191,849.00	\$191,849.00	
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS:			\$191,849.00	\$191,849.00	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditures \$191,849.00	Revenue \$191,849.00
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

None

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

## PW FILE NUMBER: 090672

[illegible]



## Legislation Details (With Text)

---

**File #:** 090996      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution relative to the 2010 Capital Improvements Program to provide funds for street lighting work at various locations.

**Sponsors:** THE CHAIR

**Indexes:** CAPITAL IMPROVEMENTS, STREET LIGHTING

**Attachments:** Cover Letter, Fiscal Note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

**Number**

090996

**Version**

Original

**Reference**

**Sponsor**

The Chair

**Title**

Resolution relative to the 2010 Capital Improvements Program to provide funds for street lighting work at various locations.

**Analysis**

This resolution provides funds for street lighting alterations at various locations in response to lighting needs and paving projects and authorizes 2010 fund transfers for the general purposes indicated.

**Body**

Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works is hereby authorized to modify and/or install street lighting at various locations; and, be it

Further Resolved, That the Comptroller's Office is authorized to transfer from the Street Lighting Capital Improvements budget, Account Number ST240100000 up to \$7,000,000, to the general purpose sub-accounts indicated as follows:

General Engineering

Account Number: ST240100100

Substation Repair

Account Number: ST240100200

Substation Enclosure Maintenance

Account Number: ST240100300

Street Lighting Related to Paving

Account Number: ST240100400

Street and Alley Lighting Conversion

Account Number: ST240100500

Remove Series Circuitry

Account Number: ST240100700

Pole, Cable and Miscellaneous Replacement

Account Number: ST240100800

Electrical Facilities Digitizing Project

Account Number: ST240100900

Uncollectable Pole Knockdown and Repair

Account Number ST240101000

Total 2010 Funds Authorized: \$7,000,000

; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer funds as required without further Common Council authorization, the total amount of such transfer shall not exceed the amount authorized in the 2010 Street Lighting Capital Improvements budget.

**Requestor**

Department of Public Works

**Drafter**

Infrastructure Services Division

RWB: ns

November 17, 2009

2010 Capital Improvements Program

November 17, 2009

To the Honorable, the Common Council

Subject: Street Lighting Alterations and Installations  
2010 Capital Improvements Program

Dear Council Members:

We have prepared and recommend the adoption of the attached resolution pertaining to the 2010 Capital Improvements Program. This resolution provides funding for street lighting improvements, modifications and facility installation at various locations throughout the City in conjunction with paving and other facility improvement initiatives. It also authorizes and directs the City Comptroller to transfer funds into the appropriate general purpose sub-accounts for these initiatives.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

RWB: ns

Attachments

c: Mr. W. M. Morics, Comptroller

## CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)  
Ref: GEN\FISCALNT.MST

A) DATE: November 17, 2009

FILE NUMBER:

Original Fiscal Note ☒ Substitute ☐

SUBJECT: Resolution relative to the 2010 Capital Improvements Program to provide funds for street lighting work at various locations.

B) SUBMITTED BY (NAME/TITLE/DEPT./EXT.): Jeffrey S. Polenske, City Engineer, DPW, ext. 2400

C) CHECK ONE: ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
☐ LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☒ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	Street Lighting Capital Improvements Fund	ST240100000	\$7,000,000		
TOTALS:			\$7,000,000		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

Normal Operating and Maintenance Costs for City Street Lighting System.

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE

Adopted 2010 Street Lighting Capital Program Budget Allocation.

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐



PW FILE NUMBER: 090996

[illegible]



## Legislation Details (With Text)

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**File #:** 090997      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution relative to the 2010 Capital Improvements Program to provide funds for traffic signs and signal work at various locations.

**Sponsors:** THE CHAIR

**Indexes:** CAPITAL IMPROVEMENTS, TRAFFIC CONTROL SIGNALS

**Attachments:** Cover Letter, Fiscal Note, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

**Number**

090997

**Version**

Original

**Reference**

**Sponsor**

The Chair

**Title**

Resolution relative to the 2010 Capital Improvements Program to provide funds for traffic signs and signal work at various locations.

**Analysis**

This resolution provides funds for traffic control alterations at various locations in response to changes in traffic patterns, paving projects and other required traffic control upgrades, and authorizes 2010 fund transfers for the general purposes indicated.

**Body**

Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works is hereby authorized to modify and/or install traffic control signs and signals at various locations; and, be it

Further Resolved, That the Comptroller's Office is authorized to transfer from the Traffic Control Facilities Capital Improvements budget, Account Number ST220100000 up to \$1,182,500, to the general purpose sub-accounts indicated as follows:

General Engineering

Account Number: ST220100100

Miscellaneous Traffic Signal Modifications, Non-Paving

Account Number: ST220100200

Traffic Signal Reconstruction with Paving

Account Number: ST220100300

Miscellaneous Traffic Signs with Paving

Account Number: ST220100500

Traffic Control Signs, Non-Paving

Account Number: ST220100600

Uncollectable Traffic Control Knockdown Repair

Account Number: ST220100700

Total 2010 Funds Authorized: \$1,182,500

; and, be it

Further Resolved, That the City Comptroller is authorized to transfer funds as required without further Common Council authorization, the total amount of such transfer shall not exceed the amount authorized in the 2010 Traffic Control Facilities Capital Improvements budget.

**Requestor**

Department of Public Works

**Drafter**

Infrastructure Services Division

RWB: ns

November 17, 2009

2010 Capital Improvement Program -Traffic

November 17, 2009

To the Honorable, the Common Council

Subject: Traffic Signs and Signal Alterations and Installations  
2010 Capital Improvements Program

Dear Council Members:

We have prepared and recommend the adoption of the attached resolution pertaining to the 2010 Capital Improvements Program. This resolution provides funding for traffic sign and signal improvements, modifications and facility installation at various locations throughout the City in conjunction with paving and other facility improvement initiatives. It also authorizes the City Comptroller to transfer funds into the appropriate general purpose sub-accounts for these initiatives.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

RWB: ns

Attachments

c: Mr. W. M. Morics, Comptroller

## CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)  
Ref: GEN\FISCALNT.MST

A) DATE: November 17, 2009

FILE NUMBER:

Original Fiscal Note ☒ Substitute ☐

SUBJECT: Resolution relative to the 2010 Capital Improvements Program to provide funds for traffic sign and signal work at various locations.

B) SUBMITTED BY (NAME/TITLE/DEPT./EXT.): Jeffrey S. Polenske, City Engineer, DPW, ext. 2400

C) CHECK ONE: ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
☐ LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☒ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	Traffic Control Facilities Capital Improvements Fund	ST220100000	\$1,182,500		
TOTALS:			\$1,182,500		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE

Adopted 2010 Traffic Control Facilities Capital Program Budget Allocation.

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

PW FILE NUMBER: 090997

[illegible]



## Legislation Details (With Text)

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**File #:** 091015      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution authorizing the construction of street lighting improvements on various local streets and bridges as part of the Mitchell Interchange Reconstruction, with a total estimated cost of \$227,440.40 of which 100% is State funded.

**Sponsors:** THE CHAIR

**Indexes:** AGREEMENTS, EXPRESSWAY, STREET LIGHTING, WISCONSIN DEPARTMENT OF TRANSPORTATION

**Attachments:** Cover Letter, Fiscal Note, Contract, Comptroller's Certification, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		



**Number**

091015

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution authorizing the construction of street lighting improvements on various local streets and bridges as part of the Mitchell Interchange Reconstruction, with a total estimated cost of \$227,440.40 of which 100% is State funded.

**Analysis**

This resolution authorizes the Commissioner of Public Works to install interim street lighting facilities, to install permanent street lighting facilities and remove interim street lighting facilities on West Layton Avenue from South 20th Street to South 13th Street, South 20th Street from West Layton Avenue to West Van Norman, West Whitaker Avenue from South 13th Street to South 15th Street, South 16th Street from West Vogel Avenue to a point north West Holmes Avenue, and under deck lighting at the overpasses at West Edgerton Avenue, West Bolivar Avenue, and West Ramsey Avenue and adjoining streets in conjunction with Mitchell Interchange reconstruction. Funding for the construction of the street lighting improvements is to be provided entirely by the Wisconsin Department of Transportation as part of the interchange project, total estimated cost of \$227,440.40 of which 100% is State funded.

**Body**

Whereas, The Wisconsin Department of Transportation is reconstructing the Mitchell Interchange of IH 94, USH 41, IH 43, and IH 894 under the State Highway Improvement Program; and

Whereas, The Interchange reconstruction project provides cost participation for City of Milwaukee street lighting system improvements required due to this construction; and

Whereas The Council has previously passed Common Council File number 090541 on September 22, 2009, for the installation of transformer enclosures as part of this project; and

Whereas, Additional interim and permanent lighting facilities will be installed and interim facilities removed on West Layton Avenue from South 20th Street to South 13th Street, South 20th Street from West Layton Avenue to West Van Norman, West Whitaker Avenue from South 13th Street to South 15th Street, South 16th Street from West Vogel Avenue to a point north West Holmes Avenue, and under deck lighting at the overpasses at West Edgerton Avenue, West Bolivar Avenue, and West Ramsey Avenue and adjoining streets as part of this project; and

Whereas, The total estimated cost of street lighting improvements included as part of this project is; \$227,440.40; and

Whereas, One hundred percent of the participating project cost, or \$227,440.40, is reimbursable from the Wisconsin Department of Transportation, and should be earmarked for this project in the 2009 Capital Grant and Aid Projects Account, Project/Grant Number SP032090100; 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 be and hereby is authorized to execute a contract with the Wisconsin Department of Transportation pertaining to cost participation for the

installation of street lighting system improvements, in conjunction with the reconstruction of the Mitchell Interchange, on on West Layton Avenue from South 20th Street to South 13th Street, South 20th Street from West Layton Avenue to West Van Norman, West Whitaker Avenue from South 13th Street to South 15th Street, South 16th Street from West Vogel Avenue to a point north West Holmes Avenue, and under deck lighting at the overpasses at West Edgerton Avenue, West Bolivar Avenue, and West Ramsey Avenue and adjoining streets adjoining streets; and, be it

Further Resolved, That upon approval of this contract, the Commissioner of Public Works is authorized to install or modify street lighting facilities in conjunction with the paving of these highway improvements; and, be it

Further Resolved, That upon approval of this contract, the City Comptroller is hereby authorized to 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 or \$5,000, whichever is greater as follows:

Location:

Project I.D. 1030-21-97 (ST320080395)

West Layton Avenue from South 20th Street to South 13th Street, South 20th Street from West Layton Avenue to West Van Norman, West Whitaker Avenue from South 13th Street to South 15th Street, South 16th Street from West Vogel Avenue to a point north West Holmes Avenue, and under deck lighting at the overpasses at West Edgerton Avenue, West Bolivar Avenue, and West Ramsey Avenue and adjoining streets and adjoining streets.

Grantor Share (WISDOT)

Fund Number 0306

Estimated Cost - \$227,440.40

Project/Grant Number SP032090100

Total Estimated Cost

\$227,440.40

Previously authorized for street lighting improvements: \$210,000.00

Current estimated costs of the total project including this resolution: \$437,440.40

Original estimated costs of the total project: \$437,440.40

**Requestor**

Department of Public works

**Drafter**

Infrastructure Services Division

RWB: ns

November 17, 2009

November 17, 2009

To the Honorable, the Common Council

Subject: Street Lighting  
Mitchell Interchange Reconstruction  
Phase II Street Lighting

Dear Council Members:

Reconstruction of the Mitchell Interchange will include modifications to local streets. Due to the magnitude of this project, it is being divided into phases. This second phase will affect the area including West Layton Avenue from South 20th Street to South 13th Street, South 20th Street from West Layton Avenue to West Van Norman, West Whitaker Avenue from South 13th Street to South 15th Street, South 16th Street from West Vogel Avenue to a point north West Holmes Avenue, and under deck lighting at the overpasses at West Edgerton Avenue, West Bolivar Avenue, and West Ramsey Avenue and adjoining streets.

Street lighting facility modifications being done in conjunction with this project will include installation of interim lighting, installation of permanent lighting improvements, and the removal of the interim lighting in the above-named area. Funding for the street lighting work is provided by the Wisconsin Department of Transportation (WISDOT) by means of a Local Force Account (LFA) contract. One hundred percent of the total cost will be funded by WISDOT.

The attached resolution authorizes the Commissioner of Public Works to execute an LFA contract with WISDOT that allows City forces to install the interim lighting, permanent lighting improvements, and removal of the interim lighting in conjunction with the work in the above named areas.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

RWB: ns  
Attachment

## CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)  
Ref: GEN\FISCALNT.MST

A) DATE: November 17, 2009

FILE NUMBER

Original Fiscal Note ☒ Substitute ☐

**SUBJECT:** Resolution authorizing the construction of street lighting improvements on various local streets and bridges as part of the Mitchell Interchange Reconstruction, with a total estimated cost of \$227,440.40 of which 100% is State funded.

B) SUBMITTED BY Jeffrey S. Polenske, P.E./City Engineer/Infrastructure Services Division/2400

C) CHECK ONE: ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
☐ LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☒ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
	Grantor Reimbursable Paving (Fund 0306)	SP032090100	\$227,440.40	\$227,440.40	
TOTALS:			\$227,440.40	\$227,440.40	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditures: \$227,440.40
<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Revenues: \$227,440.40
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

None

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

Historic cost for Street Lighting improvements; current labor and material costs.

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

# CONTRACT FOR CONSTRUCTION

## Local Force Account

Wisconsin Department of Transportation  
DT2056 2003

<input checked="" type="checkbox"/> County Milwaukee	<input type="checkbox"/> Municipality  <input checked="" type="checkbox"/> City of <input type="checkbox"/> Village of <input type="checkbox"/> Town of
<input type="checkbox"/> Work on STH System - SHR Funded (CEF to BHO, Contract to BHO)	<input checked="" type="checkbox"/> Work on Local Units System (CEF to DTD, Contract to BHC)
<input type="checkbox"/> Work on STH System - Non-SHR Funded (CEF to BHO, Contract to BHO)	<input type="checkbox"/> Work on Another Local Units System (CEF to DTD, Contract to BHC)
Contract Amount \$227,440.40	Project 1030-21-97
Road Name West Layton Avenue from South 20th Street to South 13th Street, South 20th Street from West Layton Avenue to West Van Norman, West Whitaker Avenue from South 13th Street to South 15th Street, South 16th Street from West Vogel Avenue to a point north West Holmes Avenue, and under deck lighting at the overpasses at West Edgerton Avenue, West Bolivar Avenue, and West Ramsey Avenue and adjoining streets	Highway IH94, USH 41 IH43 and IH 894
Type of Work Install Intrium Street Lighting. Install Permanent Street Lighting, Remove Intrium Lighting	
Approximate Start Work Date December 1, 2009	Approximate Stop Work Date December 31, 2011

This contract is made and entered into by and between the Wisconsin Department of Transportation, Division of Transportation Districts, designated the "Department", represented by its Administrator, and the above-identified county or municipality, designated the "Local Governmental Unit", represented by its designees for constructing the above-specified project. The Department finds and determines that it is more feasible and advantageous for highway purposes to construct the identified project with the Local Governmental Unit's organization, forces, and equipment. The Department and Local Governmental Unit mutually agree to the provisions on the attached pages, which are made a part of this contract.

### Recommended for Approval

#### For County or Municipality

\_\_\_\_\_  
(Name) (Date)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Name) (Date)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Name) (Date)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Name) (Date)

#### For Wisconsin Department of Transportation

\_\_\_\_\_  
(District Director) (Date)

#### Approved for the State of Wisconsin

\_\_\_\_\_  
(Contract Specialist) (Date)

\_\_\_\_\_  
(Director of Construction) (Date)

---

(Title)

---

(Governor of Wisconsin)

---

(Date)

The Local Governmental Unit agrees to construct the described project in accordance with the requirements of the Department, the approved plans when required for such project, in accordance with the Standard Specifications for Road and Bridge Construction and approved supplements as may be applicable, and in accordance with the special provisions made a part of this contract. The word "contractor" as used in the specifications and special provisions shall, when applicable, be deemed to mean the Local Governmental Unit.

The provisions of Subsection 108.8 of the Standard Specifications, Liquidated Damages, are deleted from this contract.

The Local Governmental Unit is authorized by the Department and agrees to provide for the purchase, delivery, and storing of all materials required except those excluded from this contract, the furnishing or necessary rental of all equipment and small tools, and the furnishing of all labor necessary to expeditiously complete the work, and to pay all costs incurred pursuant to this contract.

The Department agrees to reimburse the Local Governmental Unit for actual costs of equipment, labor and materials incurred in performing the work up to the contract amount or as amended by contract change orders.

The Department agrees to pay to the Local Governmental Unit and the Local Governmental Unit agrees to accept in full, settlement for the work performed under this contract:

1. The actual cost of labor, at rates currently paid by the Local Governmental Unit for similar work in the area, materials and incidental expense furnished or incurred by the Local Governmental Unit pursuant to this contract, such payment to be based on a Detailed Statement of Expenditures, submitted monthly with the Monthly Report of Expenditures, and verified by the Local Governmental Unit.
2. The recognized costs incident to the employment of labor under this contract (such as worker's compensation insurance, unemployment and retirement contributions and time off with pay) computed and requisitioned in accordance with established policy.
3. An allowance for the use of equipment, tools and incidentals for the work under this contract. Such allowance shall be in accordance with the provisions of, and at the rates either:
  - (a) Specified in the Cost Agreement between the Department and the Local Governmental Unit in effect when the work is performed, except for the conditions, changes or additions as listed

below, or as may be otherwise provided in the Special Provisions of this contract; or,

- (b) Specified in the attached Equipment Rate schedule, or as may be otherwise provided in the special provisions of this contract.

These payments shall be based on a Detailed Statement of Expenditures, submitted monthly with the Monthly Report of Expenditures and verified by the Local Governmental Unit.

The rates established apply on equipment in good working order. Allowance will be made only for the time during which the equipment is in actual use on the project; no allowance will be made for equipment wholly inadequate or inefficient or in excess of the requirements of the work.

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s.51.01(5) Wis. Stats., sexual orientation, or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

The Local Governmental Unit agrees to furnish, on the Detailed Statement of Expenditures, an accurate distribution of the costs between the various items of work.

The estimated unit costs of materials being used on this contract are listed as attached.

# PROJECT UNIT COST ANALYSIS

Revised August 21, 2009

ESTIMATE OF QUANTITIES

PROJECT ID 1030-21-95

West Layton Avenue from South 20th Street to South 13th Street, South 20th Street from West Layton Avenue to West Van Norman Avenue  
West Whitaker Avenue from South 13th Street to South 15th Street, South 16th Street from West Vogel Avenue to a point north of  
West Holmes Avenue, and under deck lighting at the overpasses at West Edgerton Avenue, West Bolivar Avenue, and West Ramsey Avenue

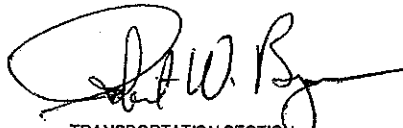
MILWAUKEE COUNTY

Item No.	Description	Unit	Quantity	Material Cost	Labor Cost	Equipment Cost	Total Cost	Quantity Total Cost
90030A	Install 3#2/1#8 LTP underground cable	L.F.	1000	\$4.68	\$2.20	\$0.02	\$6.90	\$6,900.00
90030D	Install 3#8/1#8 LTP underground cable	L.F.	380	\$1.41	\$2.20	\$0.02	\$3.63	\$1,379.40
90030F	Install 4#12 UF underground cable	L.F.	60	\$0.66	\$2.20	\$0.02	\$2.89	\$173.40
90030G	Install 3#12 UF underground cable	L.F.	1898	\$0.51	\$2.20	\$0.02	\$2.73	\$5,181.54
90030H	Install 2#12 UF underground cable	L.F.	560	\$0.73	\$2.20	\$0.02	\$2.95	\$1,652.00
90030J	Install 1#8 FS underground cable	L.F.	15360	\$1.94	\$2.20	\$0.02	\$4.16	\$63,897.60
90030N	Install t#6 primary line wire overhead wire	L.F.	2264	\$0.84	\$0.93	\$0.05	\$1.82	\$4,120.48
90030P	Install 2.5" P.V.C. conduit (hole hog/bore)	L.F.	2810	\$0.62	\$6.49	\$0.35	\$7.46	\$20,962.60
90030Q	Install 2.5" P.V.C. conduit (trench)	L.F.	400	\$0.06	\$6.98	\$0.37	\$7.41	\$2,964.80
90030S	Remove overhead line wires	L.F.	2780		\$0.93	\$0.05	\$0.98	\$2,724.40
90005EF	Install 70w/240 Volt wall pack fixture with 70 Watt high pressure sodium lamp	EA.	36	\$191.52	\$244.66	\$8.33	\$444.51	\$16,002.36
90005EG	Install wood pole	EA.	7		\$246.32	\$11.73	\$258.05	\$1,806.35
90005EJ	Install wood pole, 6' bracket, and 150w/240v cobra style fixture with 150 watt high pressure sodium lamp.	EA.	2	\$240.26	\$139.57	\$7.26	\$387.09	\$774.18
90005EK	Install wood pole, 6' bracket, and 250w/240v cobra style fixture with 250 watt high pressure sodium lamp.	EA.	2	\$237.21	\$139.57	\$7.26	\$384.04	\$768.08
90005EL	Install Metal Pedestal Cabinet	EA.	30	\$37.18	\$69.78	\$1.07	\$108.03	\$3,240.90
90005EM	Install Primary or Secondary risers	EA.	8	\$59.28	\$93.05	\$4.84	\$157.17	\$1,257.36
90005EQ	Remove wood, concrete, steel, or aluminum pole complete	EA.	60		\$347.96	\$15.08	\$363.04	\$21,782.40
90005ER	Remove primary or secondary riser	EA.	12		\$93.05	\$4.84	\$97.89	\$1,174.68
90005ES	Install 26' aluminum pole, 6' bracket, 150 watt series sodium transformer, 55 volt ignitor, cobra style fixture and 150 watt high pressure sodium lamp. (includes riser cable)	EA.	6	\$926.45	\$632.85	\$27.01	\$1,586.31	\$9,517.86
90005ET	Install 26' aluminum pole, 6' bracket, 250 watt series sodium transformer, 100 volt ignitor, cobra style fixture and 250 watt high pressure sodium lamp. (includes riser cable)	EA.	9	\$905.81	\$602.74	\$22.54	\$1,531.09	\$13,779.81
90005EV	Install 31' aluminum pole, 6' bracket, 250 watt series sodium transformer, 100 volt ignitor, cobra style fixture and 250 watt high pressure sodium lamp. (includes riser cable)	EA.	6	\$974.62	\$602.74	\$22.54	\$1,599.90	\$9,599.40
90005EW	Install 26' aluminum pole, 2-6' brackets, 150 watt series sodium transformer, 2-55 volt ignitors, 2-cobra style fixtures and 2-150 watt high pressure sodium lamps. (includes riser cables)	EA.	1	\$1,246.30	\$782.62	\$29.88	\$2,058.80	\$2,058.80
90005EZ	Install 31' aluminum pole, 2-6' brackets, 250 watt series sodium transformer, 2-55 volt ignitors, 2-cobra style fixtures and 2-250 watt high pressure sodium lamps. (includes riser cables)	EA.	9	\$1,352.27	\$782.62	\$29.80	\$2,164.69	\$19,482.21
90005FA	Install A26 concrete pole, A26 clamp, 6' bracket, 150 watt series sodium transformer, 55 volt ignitor, cobra style fixture, and 150 watt high pressure sodium lamp. (includes riser cable)	EA.	2	\$1,120.96	\$602.74	\$22.54	\$1,746.24	\$3,492.48
90005FK	Install A21 concrete pole, A21 clamp, 6' bracket, 100 watt series sodium transformer, 55 volt ignitor, slip-fit head, optical assembly, and 100 watt high pressure sodium lamp. (includes riser cable)	EA.	3	\$1,096.97	\$602.74	\$22.54	\$1,722.25	\$5,166.75
90005GR	Existing wood pole, installation of 6' bracket and 250w/240 volt cobra with 250 watt high pressure sodium vapor lamp. (includes riser cable)	EA.	4	\$246.78	\$249.62	\$12.10	\$508.50	\$2,034.00
90005DD	Install A21 concrete pole, A21 clamp, 6' bracket, 100w/240v slip fit head, optical assembly and 100 watt high pressure sodium vapor lamp (includes riser cable)	EA.	4	\$885.39	\$481.19	\$20.06	\$1,386.64	\$5,546.56

TOTAL CITY QUANTITY COST

\$227,440.40

ROBERT W. BRYSON  
CHIEF TRAFFIC AND LIGHTING ENGINEER



TRANSPORTATION SECTION  
TRAFFIC AND LIGHTING DESIGN UNIT  
THOMAS MANZKE  
17-Nov-09

\* Please note that the Total City Quantity Cost includes the embedded costs of mobilization and traffic control.



**Capital Grant Resolution Certification from the**  
**Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. \_\_\_\_\_ for the construction of street lighting improvements on various local streets and bridges as part of the Mitchell Interchange Reconstruction (City Share \$0 Grantor Share \$227,440.40) and approved the resolution as to:

- ☒ Sufficiency of funds
- ☒ Funding sources (per estimated **grant funding agreement**)
- ☒ Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

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The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: C. W. J. J. J.

Date: 11/18/07

## PW FILE NUMBER: 091015

[illegible]



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Master With Text

File Number: 091047

File ID: 091047

Type: Resolution

Status: In Council-Adoption

Version: 1

Reference:

Controlling Body: PUBLIC WORKS  
COMMITTEE

Requester: DPW-INFRASTRUCTURE SERVICES  
DIVISION

Cost:

File Created: 12/01/2009

File Name:

Final Action:

**Title:** Substitute resolution authorizing the installation of a new traffic control signal at the intersection of West Port Avenue and North 60th Street in the 9th Aldermanic District at a cost of \$80,000 for a total estimated cost of \$80,000.

Notes:

Code Sections:

Agenda Date:

Indexes: TRAFFIC CONTROL SIGNALS

Agenda Number:

Sponsors: THE CHAIR

Enactment Date:

Attachments: Sub. 1 Fiscal note, Fiscal Note, Cover Letter, Cover letter from Dept. of Public Works, Fiscal Note, Cover Letter, Hearing Notice List

Enactment Number:

Drafter: kal

Effective Date:

Contact:

Extra Date 2:

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	COMMON COUNCIL	12/01/2009	ASSIGNED TO	PUBLIC WORKS COMMITTEE			
	<b>Action Text:</b> This Resolution was ASSIGNED TO to the PUBLIC WORKS COMMITTEE						
0	PUBLIC WORKS COMMITTEE	12/04/2009	HEARING NOTICES SENT		12/09/2009		
0	PUBLIC WORKS COMMITTEE	12/04/2009	HEARING NOTICES SENT		12/09/2009		
0	PUBLIC WORKS COMMITTEE	12/09/2009	AMENDED				Pass
	<b>Action Text:</b> A motion was made by ALD. PUENTE that this Resolution be AMENDED. The motion PREVAILED by the following vote:						
	<b>Notes:</b> <i>Individuals present:</i> <i>Clark Wantoch, Dept. of Public Works, Infrastructure Services</i> <i>Bob Bryson, Dept. of Public Works, Infrastructure Services</i>						
	<i>Ald. Puente moved to amend by changing the funding source from the contingency fund account to the Department of Public Works Capital Improvement Fund account Number ST22009000.</i>						

Mover:	ALD. PUENTE	Aye:4 - Bauman, Wade, Donovan, and Puente No:1 - Dudzik	4-1
1	PUBLIC WORKS COMMITTEE	12/09/2009 RECOMMENDED FOR ADOPTION	Pass
	<b>Action Text:</b>	A motion was made by ALD. WADE that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:	
Mover:	ALD. WADE	Aye:4 - Bauman, Wade, Donovan, and Puente No:1 - Dudzik	4-1
1	CITY CLERK	12/14/2009 DRAFT SUBMITTED	
	<b>Action Text:</b>	This Resolution was DRAFT SUBMITTED	
1	COMMON COUNCIL	12/22/2009	

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**Text of Legislative File 091047**

..Number

091047

..Version

SUBSTITUTE 1

..Reference

091047

..Sponsor

THE CHAIR

..Title

Substitute resolution authorizing the installation of a new traffic control signal at the intersection of West Port Avenue and North 60th Street in the 9th Aldermanic District at a cost of \$80,000 for a total estimated cost of \$80,000.

..Analysis

This resolution authorizes the Commissioner of Public Works to install a new traffic control signal at the intersection of West Port Avenue and North 60th Street at a total estimated cost of \$80,000.

..Body

Whereas, Citizens, including the pastor of Christ the King Baptist Church located at 7750 North 60th Street, have requested that a traffic signal be installed at the intersection of West Port Avenue and North 60th Street; and

Whereas, The total estimated cost for installation of this traffic signal is \$80,000 with funding to come from the Division's Capital Improvement Fund Project/Grant Number ST22009000; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is authorized to install a new traffic control signal at the intersection of West Port Avenue and North 60th Street; and, be it

Further Resolved, That the City Comptroller is authorized to transfer funds in the amount of \$80,000 from the Traffic Control Facilities Parent Account Number ST22009000 to the sub account indicated as follows:

Location:

West Port Avenue and North 60th Street

Project/Grant Number: ST220090300

Total Estimated Cost: \$80,000

Previously Authorized for Traffic Signals and Signs - \$0

Current Estimated Cost of the Total Project Prior to this Resolution - \$80,000

Original Estimated Cost of the Total Project - \$80,000

..Requestor

Department of Public works

..Drafter

Infrastructure Services Division

November 19, 2009

To the Honorable, the Common Council

Subject: Infrastructure Services Division  
New Traffic Signal Installation at  
West Port Avenue and North 60<sup>th</sup> Street

Dear Council Members:

Attached is a resolution pertaining to the installation of a new traffic control signal at the intersection of West Port Avenue and North 60<sup>th</sup> Street in the 9<sup>th</sup> Aldermanic District. It is proposed that the \$80,000 estimated cost for the installation of this traffic signal come from the contingency fund.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

KAL:amh

Attachment

c: Alderman Robert Puente

# CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)  
Ref: GEN\FISCALNT.MST

A) DATE: November 23, 2009

FILE NUMBER:

Original Fiscal Note ☒ Substitute ☐

SUBJECT: Resolution authorizing the installation of a new traffic control signal at the intersection of West Port Avenue and North 60th Street in the 9th Aldermanic District.

B) SUBMITTED BY (NAME/TITLE/DEPT./EXT.): Jeffrey S. Polenske, City Engineer, DPW, ext. 2400

C) CHECK ONE: ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
☐ LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☒ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	Traffic Signal Installation		\$80,000		
TOTALS:			\$80,000		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

## PW FILE NUMBER: 091047

[illegible]



## Legislation Details (With Text)

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**File #:** 091014      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution authorizing the City Comptroller to transfer funds to various State and/or Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs totaling \$200,679.72, City share is \$169,629.93 and the Grantor's share is \$31,049.79.

**Sponsors:** THE CHAIR

**Indexes:** STREET IMPROVEMENTS, WISCONSIN DEPARTMENT OF TRANSPORTATION

**Attachments:** Cover Letter, Fiscal note, Comptroller's Certification, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		



Number  
091014  
Version  
ORIGINAL  
Reference  
Sponsor  
THE CHAIR  
Title

Resolution authorizing the City Comptroller to transfer funds to various State and/or Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs totaling \$200,679.72, City share is \$169,629.93 and the Grantor's share is \$31,049.79.

Analysis

This resolution authorizes the City Comptroller to transfer funds to the previously established subaccounts for the remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs in the amount of \$200,679.79. The City of Milwaukee's share is \$169,629.93 and the Grantor share is \$31,049.79.

Body

Whereas, The Common Council has previously adopted resolutions authorizing the City Comptroller to transfer funds to various State and/or Federal Aid project subaccounts for preliminary engineering and construction; and

Whereas, Additional planning and review during the design state and additional work during the construction stage have resulted in increased costs charged against the projects; and

Whereas, Additional funds are, therefore, necessary for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs for the projects; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City Comptroller is hereby authorized and directed to transfer funds to the project grant chartfields as follows:

Project Grant Value

State I.D. 2140-08-91  
ST30981015  
N. 76<sup>th</sup> Street from W. Florist Ave. to W. Clinton Ave.

City share Non-Assessable Paving  
ST320080000  
Fund 0333  
\$50,000.00

Previously authorized for street lighting: \$200,751.05  
Current estimated cost of total project including this resolution: \$37,674,504.56  
Original estimated cost of total project (Resolution #050156): \$37,304,000.00

Project Grant Value

State I.D. 2066-05-70  
ST320050115  
Traffic Signals Improvements  
Various Intersections

City Share Non-Assessable Paving

ST320080000  
Fund 0333  
\$9,000.00

Previously authorized for traffic signals: \$20,761.83  
Current estimated cost of total project including this resolution: \$29,761.83  
Original estimated cost of total project (Resolution #021538): \$25,120.00

Project Grant Value  
State I.D. 2204-00-70  
BR30280310/ST30280310  
State Street Bridge over Milwaukee River

City Share Non-Assessable Structures  
BR300080000  
Fund 0303  
\$9,600.00

City Share Non-Assessable Paving  
ST320080000  
Fund 0333  
\$5,680.00

Previously authorized for construction: \$11,985,000.00  
Current estimated cost of total project including this resolution: \$13,519,530.00  
Original estimated cost of total project (Resolution #912076): \$10,610,000.00

Project Grant Value  
State I.D. 2204-01-00  
ST30684001  
East State Street - Edison to Prospect

City Share Non-Assessable Paving  
ST320080000  
Fund 0333  
\$10,349.93  
Grantor Reimbursable Paving  
SP032080100  
Fund 0306  
\$31,049.79

Previously authorized for preliminary engineering: \$198,620.00  
Current estimated cost of total project including this resolution: \$2,005,293.86  
Original estimated cost of total project (Resolution #950972): \$604,200.00

Project Grant Value  
State I.D. 2230-12-70  
ST320011010  
W. Greenfield Ave. - S. 1<sup>st</sup> St. to S. Cesar E. Chavez Dr.

City Share Non-Assessable Paving  
ST320080000

Fund 0333  
\$65,000.00

Previously authorized for construction: \$2,323,000.00  
Current estimated cost of total project including this resolution: \$2,886,089.37  
Original estimated cost of total project (Resolution #011166): \$2,623,000.00

Project Grant Value  
State I.D. 2555-06-00  
ST320081201  
W. Burleigh St. - W. Roosevelt Dr., N. 60<sup>th</sup> St.

City Share Non-Assessable Paving  
ST320080000  
Fund 0333  
\$20,000.00

Previously authorized for preliminary engineering: \$29,964.76  
Current estimated cost of total project including this resolution: \$298,818.76  
Original estimated cost of total project (Resolution #071689): \$276,076.00

Summary of projects in this resolution:  
City Share Non-Assessable Paving (0333): \$160,029.93  
City Share Non-Assessable Structures (0303): \$9,600.00  
Grantor Reimbursable Paving (0306): \$31,049.79  
Resolution total: \$200,679.72

Requestor  
Department of Public Works  
Drafter  
Infrastructure Services Division  
LG:amh  
December 1, 2009

(12) Reso Vari Fed Sta Aid Pjec Saccou 111909.rtf

November 19, 2009

To the Honorable, the Common Council

Subject: Federal/State Aid Project Subaccounts

Dear Council Members:

Please find the attached resolution to authorize the City Comptroller to transfer funds to the subaccount for the State and/or Federal Aid street improvement project as listed in the body of the resolution.

Additional funds are necessary for the estimated remaining Wisconsin Department of Transportation (WISDOT) and City of Milwaukee preliminary engineering costs for this project.

We have, therefore, prepared and recommend adoption of the attached resolution authorizing the City Comptroller to transfer funds to the respective project subaccounts for the estimated remaining preliminary engineering costs.

Very Truly Yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

LG:amh

Attachment

c: Mr. W. Martin Morics  
bc: Ms. Lila Gorney  
Mr. Robert Bryson  
Ms. Cynthia Wisneski

## CITY OF MILWAUKEE FISCAL NOTE

A) DATE November 19, 2008

FILE NUMBER: \_\_\_\_\_

Original Fiscal Note ☒ Substitute ☐

SUBJECT: Resolution authorizing the City Comptroller to transfer funds to various State and/or Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs totaling \$200,679.72 , City share is \$169,629.93 and the Grantor's share is \$31,049.79.

B) SUBMITTED BY (Name/title/dept./ext.): Jeffrey S. Polenske, PE / City Engineer / Infrastructure Services Division / extension 2400

C) CHECK ONE: ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENT ACCOUNT(DA) ☐ CONTINGENT FUND (CF)  
☒ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☒ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	City Share Non-Assessable Paving	ST320080000 (Fund 0333)	\$160,029.93		
	City Share Non-Assessable Structures	BR300080000 (Fund 0303)	\$9,600.00		
	Grant & Aid Funds Reimbursable Paving	SP032080100 (Fund 0306)	\$31,049.79	\$31,049.79	
TOTALS			\$200,679.72	\$31,049.79	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditure: \$200,679.72
<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Revenue: \$31,049.79
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

**Capital Grant Resolution Certification from the**  
**Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. \_\_\_\_\_ for additional planning and review or additional construction work required on various State and/or Federal Aid projects (City Share \$149,629.93 Grantor Share \$31,049.79) and approved the resolution as to:

- ☒ Sufficiency of funds
- ☒ Funding sources (per estimated **grant funding agreement**)
- ☒ Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

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The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: C. Wisniewski

Date: 11/18/07

## PW FILE NUMBER: 091016

[illegible]



## Legislation Details (With Text)

**File #:** 091016      **Version:** 0  
**Type:** Resolution      **Status:** In Committee  
**File created:** 12/1/2009      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**

**Title:** Resolution authorizing the Commissioner of Public Works to execute project agreements titled "State/Municipal Agreement for a Highway Improvement Project" with the Wisconsin Department of Transportation for the programming, design, railroad coordination, and construction of various local bridge projects with 80 percent Federal/State aid under the Local Bridge Replacement and Rehabilitation Program and to set up funds for design engineering and railroad coordination with a City of Milwaukee share of \$117,800 and a grantor share of \$471,200.

**Sponsors:** THE CHAIR

**Indexes:** AGREEMENTS, BRIDGES, WISCONSIN DEPARTMENT OF TRANSPORTATION

**Attachments:** Cover Letter, Fiscal Note, Agreement for Whitnall Avenue Bridge, Agreement for Villard Avenue Bridge, Comptroller's Certification, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		



**Number**

091016

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Resolution authorizing the Commissioner of Public Works to execute project agreements titled "State/Municipal Agreement for a Highway Improvement Project" with the Wisconsin Department of Transportation for the programming, design, railroad coordination, and construction of various local bridge projects with 80 percent Federal/State aid under the Local Bridge Replacement and Rehabilitation Program and to set up funds for design engineering and railroad coordination with a City of Milwaukee share of \$117,800 and a grantor share of \$471,200.

**Analysis**

This resolution authorizes the Commissioner of Public Works to execute project agreements with the Wisconsin Department of Transportation for the programming, design, and construction of various local bridge projects with 80 percent Federal/State aid under the Local Bridge Replacement and Rehabilitation Program. This resolution also directs the City Comptroller to transfer funds and establish project/grant Chartfield values for the preliminary engineering and railroad coordination for these projects. The estimated total design engineering and railroad coordination cost for the projects is \$589,000, of which the City's share is \$117,800 and the grantor's share is \$471,200. The agreements reflect an estimated total cost for these bridge projects that is \$3,689,000, of which the City's share is \$737,800 and the grantor share is \$2,951,200. Construction funds for these projects will be included in future resolutions.

**Body**

Whereas, Preliminary approval has been received from the Wisconsin Department of Transportation (WISDOT) along with the agreements to be executed by the City of Milwaukee for the programming, design, and rehabilitation of the following local bridges with 80 percent Federal/State aid:

State I.D. 2984-32-01

West Villard Avenue Bridge Over Lincoln Creek

State I.D. 2660-05-00/50

South Whitnall Avenue Bridge over Union Pacific Railroad

; and

Whereas, These bridges are included on the Department of Public Works Local Bridge Replacement and Rehabilitation Program; 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 cost overruns and/or changes in scope approved by the Department of Public Works; and

Whereas, The bridge projects are programmed for construction starting in 2010; and

Whereas, Funds for the construction phase of the bridge projects will be included in future resolutions; 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 the project agreements for the rehabilitation of several local bridges with 80 percent Federal/State aid under the Local Bridge Replacement and Rehabilitation Program, copies of which are attached to Common Council Resolution File Number 091016, and are incorporated by reference as though set forth in full; and, be it

Further Resolved, That the Commissioner of Public Works is hereby authorized to undertake, or to engage a consultant to undertake, design engineering for the rehabilitation of several local bridges and to reimburse the WISDOT for design engineering costs they incur for the improvement; and, be it

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

Infrastructure Services Division Accounts

West Villard Avenue Bridge over Lincoln Creek  
State Project I.D. 2984-32-01

City Share Non-Assessable Fund, Structure  
BR300090000  
Fund 0303  
\$42,000

Grantor Reimbursable Fund, Structure  
SP032090100  
Fund 0306  
\$140,000

Grantor Non-Reimbursable Cash Fund, Structure  
SP032090100  
Fund 0306  
\$28,000

City Share Non-Assessable Fund, Paving  
ST320090000  
Fund 0333  
\$18,000

Grantor Reimbursable Fund, Paving  
SP032090100  
Fund 0306  
\$60,000

Grantor Non-Reimbursable Cash Fund, Paving  
SP032090100  
Fund 0306  
\$18,000

\$12,000

Total Estimated Design Engineering: \$300,000  
Previously Authorized for Design Engineering: \$0  
Current Estimated Cost of Total Project including this resolution: \$1,950,000  
Original Estimated Cost of Total Project: \$1,950,000

South Whitnall Avenue Bridge over Union Pacific Railroad  
State Project I.D. 2660-05-00

City Share Non-Assessable Fund, Structure  
BR300090000  
Fund 0303  
\$36,960

Grantor Reimbursable Fund, Structure  
SP032090100  
Fund 0306  
\$123,200

Grantor Non-Reimbursable Cash Fund, Structure  
SP032090100  
Fund 0306  
\$24,640

City Share Non-Assessable Fund, Paving  
ST320090000  
Fund 0333  
\$15,840

Grantor Reimbursable Fund, Paving  
SP032090100  
Fund 0306  
\$52,800

Grantor Non-Reimbursable Cash Fund, Paving  
SP032090100  
Fund 0306  
\$10,560

Total Estimated Design Engineering: \$264,000  
Previously Authorized for Design Engineering: \$0  
Current Estimated Cost of Total Project including this resolution: \$1,739,000  
Original Estimated Cost of Total Project: \$1,739,000

South Whitnall Avenue Bridge over Union Pacific Railroad  
State I.D. 2660-05-50

City Share Non-Assessable Fund, Paving  
ST320090000  
.....

Fund 0333  
\$5,000

Grantor Reimbursable Fund, Paving  
SP032090100  
Fund 0306  
\$20,000

Total Estimate Railroad Coordination: \$25,000  
Previously Authorized for Railroad Coordination: \$0  
Current Estimated Cost of Total Project including this resolution: \$1,739,000  
Original Estimated Cost of Total Project: \$1,739,000

Totals

City Share Non-Assessable Fund (Structure) BR300090000-Fund 0303: \$78,960  
City Share Non-Assessable Fund (Paving) ST320090000-Fund 0333: \$38,840  
Grantor Reimbursable Fund (Structure) SP032090100-Fund 0306: \$263,200  
Grantor Reimbursable Fund (Paving) SP032090100-Fund 0306: \$132,800  
Grantor Non-Reimbursable Cash Fund (Structure) SP032090100-Fund 0306: \$52,640  
Grantor Non-Reimbursable (Paving): \$22,560

Estimated Total \$589,000

; and, be it

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

**Requestor**

Department of Public works

**Drafter**

Infrastructure Services Division

CSL: ns

November 19, 2009

November 19, 2009

To the Honorable, the Common Council

Subject: Federal/State Funded Local Bridge Projects

Dear Council Members:

The following bridges are included on the Department of Public Works Local Bridge Replacement and Rehabilitation Program:

<u>Aldermanic District</u>	<u>Project Location</u>
2	West Villard Avenue Bridge over Lincoln Creek
14	South Whitnall Avenue Bridge over Union Pacific Railroad

These bridges are eligible for 80% Federal/State cost participation for improvements under the Local Bridge Replacement and Rehabilitation Program. We have requested and received project agreements from the Wisconsin Department of Transportation (WISDOT) to be executed by the City for programming, design, and construction.

We have, therefore, prepared the attached resolution, authorizing the Commissioner of Public Works to execute the project agreements with the WISDOT for the programming and bridge rehabilitation of the aforementioned bridges with 80% Federal/State aid. This resolution also directs the City Comptroller to transfer funds and establish the necessary sub accounts for the design engineering work for each of these projects. Construction funding for these projects will be requested in future resolutions.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

CSL: ns  
Attachments

c: Alderman Joe Davis, Sr.  
Alderman Tony Zielinski  
bc: Lois Gresl  
Cynthia Wisneski  
Lila Gorney

# CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)  
Ref: GEN\FISCALNT.MST

A) DATE: November 19, 2009

FILE NUMBER:  
Original Fiscal Note ☒ Substitute ☐

**SUBJECT:** Resolution authorizing the Commissioner of Public Works to execute project agreements titled "State/Municipal Agreement for a Highway Improvement Project" with the Wisconsin Department of Transportation for the programming, design, and construction of various local bridge projects with 80 percent Federal/State aid under the Local Bridge Replacement and Rehabilitation Program and to set up funds for design engineering with a City of Milwaukee share of \$117,800 and a grantor share of \$471,200..

B) SUBMITTED BY (NAME/TITLE/DEPT./EXT.): Jeffrey S. Polenske, City Engineer, DPW, ext. 2400

C) CHECK ONE: ☒ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
☐ LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☐ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)  
☒ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
	Grantor Non-Reimbursable (Paving)		\$22,560	\$22,560	
	Grantor Non-Reimbursable (Structures)		\$52,640	\$52,640	
OTHER:	Capital Improvement Funds (Paving)	ST320090000 Fund No. 0333	\$38,840		
	Capital Improvement Funds (Structures)	BR30009000 Fund No. 0303	\$78,960		
	Grant and Aid Reimbursable (Paving)	SP032090100 Fund No. 0306	\$132,800	\$132,800	
	Grant and Aid Reimbursable (Structures)	SP032090100 Fund No. 0306	\$263,200	\$263,200	
TOTALS:			\$589,000	\$471,200	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditure: \$589,000	Revenue: \$471,200
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

Construction funds will be included in future resolutions.

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

None

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

**STATE/MUNICIPAL AGREEMENT  
FOR A  
HIGHWAY IMPROVEMENT PROJECT**

Date: May 26, 2009  
STP-Local Bridge Agreement  
ID 2660-05-00/50/70  
South Whitnall Avenue Bridge (P-40-0644)  
Over Union Pacific RR  
Milwaukee County

The signatory city, village, town or county, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2) and (3) of the Statutes.

**NEEDS AND ESTIMATE SUMMARY:**

**Existing Facility - Describe and give reason for request:**

*Improvement needed due to the deterioration of the deck, deterioration to the substructure and painting failure throughout the bridge steel surfaces. 59.6*

**Proposed Improvement - Nature of work:**

*Replace the deck, bridge railing replacement, expansion joint replacement, repairing the substructure, repainting the superstructure and providing other needed repairs in order to extend the useful life of the bridge.*

The apportionment of costs for work necessary to finish the project (including non-participating work and work which will be undertaken by the Municipality) is as follows:

Estimated Cost					
	Total Estimated Cost	Federal Funds	%	Municipal Funds	%
Design	\$220,000	\$176,000	80%	\$44,000	20%
State Design Review	\$44,000	\$35,200	80%	\$8,800	20%
Rail Road	\$25,000	\$20,000	80%	\$5,000	20%
Construction	\$1,450,000	\$1,160,000	80%	\$290,000	20%
Total Cost Distribution*	\$1,739,000	\$1,391,200		\$347,800	

\* Project costs in excess of 10% of the total estimated cost must receive Region approval.

This request is subject to the terms and conditions that follow (pages 3 through 4) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon acceptance by the State shall constitute agreement between the Municipality and the State.

Signed for and on behalf of City of Milwaukee:	
Signature	Title
Name (Written Clearly)	Date

Signed for and on behalf of City of Milwaukee:	
Signature	Title
Name (Written Clearly)	Date

*-Terms and Conditions Begin on the Next Page-*



## **TERMS AND CONDITIONS**

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality will pay to the State all costs incurred by the State in connection with the improvement which exceeds Federal/State financing commitments or are ineligible for Federal/State financing. The Municipality's concurrence is required before award of the contract for the improvement when the contracts exceed 5% of the estimate. The Municipality must also concur with contract modifications to contracts awarded by the State over \$25,000.00, unless the authorized representative of the State determines that a prompt change order is needed to preserve the work in progress, prevent extraordinary damage avoid unreasonable & costly delay, or other extraordinary condition of necessity, safety or emergency exists. The authorized representative of the State shall provide notice of the prompt change order to the Municipality or its authorized representative as soon as practicable thereafter and the Municipality shall pay its share of the prompt change order cost.
3. Funding of each project phase (preliminary engineering, real estate, construction, and other) is subject to inclusion in an approved program. Federal aid and/or State transportation fund financing will be limited to participation in the costs of the following items as specified in the estimate summary:
  - a. Preliminary engineering and State review services.
  - b. The grading, base, pavement, and curb and gutter.
  - c. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
  - d. Construction engineering incidental to inspection and supervision of actual construction work.
  - e. Signing and pavement marking, including detour routes.
  - f. Storm sewer mains necessary for the surface water drainage.
  - g. Construction or replacement of sidewalks and surfacing of private driveways.
  - h. New installations or alteration of street lighting and traffic signals or devices.
  - i. Real Estate for the improvement, if required.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner or other responsible party (not including the State) includes the following items:
  - a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
  - b. Damages to abutting property due to change in street or sidewalk widths, grades or drainage.
  - c. Conditioning, if required, and maintenance of detour routes.
  - d. Repair of damages to roads or streets caused by reason of their use in hauling materials incidental to the improvement.
  - e. Bridge width in excess of standards.

5. As the work progresses, the Municipality will be billed for and agrees to pay for work completed which is not chargeable to Federal/State funds. Upon completion of the project, a final audit will be made to determine the final division of costs and the Municipality agrees to pay any required reimbursement to the State.
6. If the Municipality should withdraw from the project, it will reimburse the State for any costs incurred by the State on behalf of the project.
7. The work will be administered by the State and may include items not eligible for Federal/State participation.
8. The Municipality will at its own cost and expense:
  - a. Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory requirements, in a manner satisfactory to the State and will make ample provision for such maintenance each year.
  - b. Prohibit angle parking.
  - c. Regulate or prohibit all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
  - d. Regulate and prohibit parking at all times in the vicinity of the proposed improvements during their construction.
  - e. Assume general responsibility for all public information and public relations for the project and to make fitting announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
  - f. Provide complete plans, specifications, relocation order, real estate plat, and estimates, *except as provided in Paragraph 3 above*.
  - g. Use the WisDOT Utility Accommodation Policy unless it adopts a policy which has equal or more restrictive controls.
9. Basis for local participation: 80% Federal; balance by Municipality, as specified in Surface Transportation Program—Local Bridge Program regulations.
10. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.

**(End of Document)**

**STATE/MUNICIPAL AGREEMENT  
FOR A  
HIGHWAY IMPROVEMENT PROJECT**

Date: May 26, 2009  
STP-Local Bridge Agreement  
ID 2984-32-01/71  
West Villard Avenue Bridge (P-40-0894)  
Over Lincoln Creek  
Milwaukee County

The signatory city, village, town or county, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2) and (3) of the Statutes.

**NEEDS AND ESTIMATE SUMMARY:**

**Existing Facility - Describe and give reason for request:**

*Improvement is needed due to the advanced deterioration of the deck & substructure and painting failure on the steel beams. Current SR = 62.1.*

**Proposed Improvement - Nature of work:**

*Replace the existing deck, bridge railing replacement, expansion joint replacement, repairing the substructure, repainting the superstructure and providing other needed repairs in order to extend the useful life of the bridge.*

The apportionment of costs for work necessary to finish the project (including non-participating work and work which will be undertaken by the Municipality) is as follows:

Estimated Cost					
	Total Estimated Cost	Federal Funds	%	Municipal Funds	%
Design	\$250,000	\$200,000	80%	\$50,000	20%
State Design Review	\$50,000	\$40,000	80%	\$10,000	20%
Construction *	\$1,650,000	\$1,320,000	80%	\$330,000	20%
Total Cost Distribution	\$1,950,000	\$1,560,000		\$390,000	

\* Project costs in excess of 10% of the total estimated cost must receive Region approval.

This request is subject to the terms and conditions that follow (pages 3 through 4) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon acceptance by the State shall constitute agreement between the Municipality and the State.

Signed for and on behalf of City of Milwaukee:	
Signature	Title
Name (Written Clearly)	Date

Signed for and on behalf of City of Milwaukee:	
Signature	Title
Name (Written Clearly)	Date

*-Terms and Conditions Begin on the Next Page-*

## **TERMS AND CONDITIONS**

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality will pay to the State all costs incurred by the State in connection with the improvement which exceeds Federal/State financing commitments or are ineligible for Federal/State financing. The Municipality's concurrence is required before award of the contract for the improvement when the contracts exceed 5% of the estimate. The Municipality must also concur with contract modifications to contracts awarded by the State over \$25,000.00, unless the authorized representative of the State determines that a prompt change order is needed to preserve the work in progress, prevent extraordinary damage avoid unreasonable & costly delay, or other extraordinary condition of necessity, safety or emergency exists. The authorized representative of the State shall provide notice of the prompt change order to the Municipality or its authorized representative as soon as practicable thereafter and the Municipality shall pay its share of the prompt change order cost.
3. Funding of each project phase (preliminary engineering, real estate, construction, and other) is subject to inclusion in an approved program. Federal aid and/or State transportation fund financing will be limited to participation in the costs of the following items as specified in the estimate summary:
  - a. Preliminary engineering and State review services.
  - b. The grading, base, pavement, and curb and gutter.
  - c. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
  - d. Construction engineering incidental to inspection and supervision of actual construction work.
  - e. Signing and pavement marking, including detour routes.
  - f. Storm sewer mains necessary for the surface water drainage.
  - g. Construction or replacement of sidewalks and surfacing of private driveways.
  - h. New installations or alteration of street lighting and traffic signals or devices.
  - i. Real Estate for the improvement, if required
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner or other responsible party (not including the State) includes the following items:
  - a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
  - b. Damages to abutting property due to change in street or sidewalk widths, grades or drainage.
  - c. Conditioning, if required, and maintenance of detour routes.
  - d. Repair of damages to roads or streets caused by reason of their use in hauling materials incidental to the improvement.
  - e. Bridge width in excess of standards.

5. As the work progresses, the Municipality will be billed for and agrees to pay for work completed which is not chargeable to Federal/State funds. Upon completion of the project, a final audit will be made to determine the final division of costs and the Municipality agrees to pay any required reimbursement to the State.
6. If the Municipality should withdraw from the project, it will reimburse the State for any costs incurred by the State on behalf of the project.
7. The work will be administered by the State and may include items not eligible for Federal/State participation.
8. The Municipality will at its own cost and expense:
  - a. Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory requirements, in a manner satisfactory to the State and will make ample provision for such maintenance each year.
  - b. Prohibit angle parking.
  - c. Regulate or prohibit all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
  - d. Regulate and prohibit parking at all times in the vicinity of the proposed improvements during their construction.
  - e. Assume general responsibility for all public information and public relations for the project and to make fitting announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
  - f. Provide complete plans, specifications, relocation order, real estate plat, and estimates, *except as provided in Paragraph 3 above*.
  - g. Use the WisDOT Utility Accommodation Policy unless it adopts a policy which has equal or more restrictive controls.
9. Basis for local participation: 80% Federal; balance by Municipality, as specified in Surface Transportation Program—Local Bridge Program regulations.
10. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.

**(End of Document)**

**Capital Grant Resolution Certification from the  
Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. 091016 for the design, railroad coordination and construction of W Villard Ave Bridge over Lincoln Creek and S Whitnall Ave Bridge over Union Pacific Railroad (City Share \$117,800 Grantor Share \$471,200) and approved the resolution as to:

- ☒ Sufficiency of funds
- ☒ Funding sources (per estimated **grant funding agreement**)
- ☒ Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

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The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: 

Date: 11/20/09

## PW FILE NUMBER: 091016

[illegible]





## Legislation Details (With Text)

**File #:** 090779      **Version:** 1  
**Type:** Resolution      **Status:** In Committee  
**File created:** 10/13/2009      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**

**Title:** Substitute resolution authorizing the City of Milwaukee and the Milwaukee Metropolitan Sewerage District to enter into an Intergovernmental Cooperation Agreement for the purposes of establishing the responsibilities of the two parties with respect to the design and construction of the replacement of the South Sixth Street Bridge over the Kinnickinnic River in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** AGREEMENTS, BRIDGES, INTERGOVERNMENTAL AGREEMENTS, MILWAUKEE METROPOLITAN SEWERAGE DISTRICT

**Attachments:** Fiscal Note, Cover Letter, Letter regarding Cooperation Agreement, Cooperation Agreement, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/2/2009	1	CITY CLERK	DRAFT SUBMITTED		
12/4/2009	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/4/2009	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number

090779

Version

SUBSTITUTE 1

Reference

090779

Sponsor

THE CHAIR

Title

Substitute resolution authorizing the City of Milwaukee and the Milwaukee Metropolitan Sewerage District to enter into an Intergovernmental Cooperation Agreement for the purposes of establishing the responsibilities of the two parties with respect to the design and construction of the replacement of the South Sixth Street Bridge over the Kinnickinnic River in the City of Milwaukee.

Analysis

This resolution authorizes the City of Milwaukee (City) to enter into an Intergovernmental Cooperation Agreement with the Milwaukee Metropolitan Sewerage District (MMSD) for the purposes of establishing the responsibilities of MMSD and the City with respect to the design and construction of the replacement of the South Sixth Street Bridge (6<sup>th</sup> Street Bridge) over the Kinnickinnic River (KK River) in the City of Milwaukee.

Body

Whereas, MMSD has taken jurisdiction of the KK River for purposes of projecting, planning, design and construction for the drainage needs of the watershed and has devised the KK River Flood Management Plan to ameliorate or alleviate flood damage to property along the KK River within the corporate boundary of the City; and

Whereas, The Metropolitan Sewerage Commission, acting for and on behalf of MMSD, approved by Commission Resolution 08-087-9 dated September 22, 2008, expansion of the scope of the KK River Flood Management Project - Mainstem Work to South Chase Avenue on the KK River, and the inclusion of the 6<sup>th</sup> Street Bridge; and

Whereas, During the planning phase of the KK River Flood Management Plan, MMSD determined that the existing bridge over the KK River at Sixth Street is inadequate to allow flows from the 1% probability flood to pass; and

Whereas, MMSD has determined that the placement of the existing 6<sup>th</sup> Street Bridge to create a free opening under the roadway that is adequate to allow flows from the 1% probability flood to pass, along with stream improvements under the bridge, is the most cost effective way to achieve the goals of its KK River Flood Management Plan in the area of Sixth Street; and

Whereas, The current condition of the 6<sup>th</sup> Street Bridge indicates that the repairs of the bridge will be warranted in the near future and it is both the City's and the District's best interest to replace the existing 6<sup>th</sup> Street Bridge in the most cost-effective way; and

Whereas, MMSD has agreed to fund 100% of design costs incurred for the replacement of 6<sup>th</sup> Street Bridge, the relocation of MMSD owned Metropolitan Intercepting Sewers (MIS), and the relocation of the city owned water main and combined sewer to the extent that each is affected by the replacement of the 6<sup>th</sup> Street Bridge, including design services for the bridge replacement project; and

Whereas, The City has received funding by the Federal Highway Administration through Surface Transportation Program - Milwaukee Urbanized Area Funding under the American Recovery and Reinvestment Act (ARRA) for the construction cost as defined in this Agreement for the replacement 6<sup>th</sup> Street Bridge to allow flows from the 1% probability flood to pass; and further the City has agreed to fund the construction of the replacement 6<sup>th</sup> Street Bridge with those funds as well as such additional 80% federal and 20% local fund contribution as may be necessary to complete the construction of the replacement 6<sup>th</sup> Street Bridge in the event that ARRA funds are not sufficient; and

Whereas, MMSD has agreed to reimburse the City for half of the City's share of the total construction costs of the replacement 6<sup>th</sup> Street Bridge and the entire cost of the relocation of the City owned combined sewer in the event that ARRA funds are not sufficient; as well as the full costs of relocating MMSD owned MIS sewers, the City owned water

main, the City owned communication cables; the total construction cost of relocating the MIS sewers, the water main, combined sewer, and the communication cables is estimated at \$1,425,000; and

Whereas, The cost estimates show that the 6<sup>th</sup> Street Bridge replacement is a cost effective option for MMSD to implement in order to allow for the 1% probability flood to pass, as compared to “Culvert Alternative Cost”, if MMSD responsibility for sharing in the City’s costs of the Replacement 6<sup>th</sup> Street Bridge is capped at \$1,690,140 and subject to the other limitations stated in the Intergovernmental Cooperation Agreement. City is willing to accept this cost reimbursement cap of \$1,690,140, and to pay the remaining costs at its sole expense.

Whereas, MMSD will be solely responsible for the maintenance of the realigned KK River stream improvements and bank stabilization; and

Whereas, The City has agreed that the City will continue to own and be responsible for the maintenance of the replacement 6<sup>th</sup> Street Bridge once it is built, including the costs of repair and replacement of the bridge in the future, if needed; and

Resolved, By the Common Council of the City of Milwaukee that the City of Milwaukee is authorized to enter into an Intergovernmental Cooperation Agreement with the Milwaukee Metropolitan Sewerage District for the purposes of establishing the responsibilities of the two parties with respect to the design and construction of the replacement of the South Sixth Street Bridge over the Kinnickinnic River in the City of Milwaukee, a copy of which is attached to Common Council File Number 090779 and referenced herein; and, be it

Further Resolved, That minor changes to the contract which do not change its intent are hereby approved.

Requestor

Department of Public works

Drafter

Infrastructure Services Division

CSL: ns

December 2, 2009

# CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)  
Ref: GEN\FISCALNT.MST

A) DATE: December 2, 2009

Original Fiscal Note ☒ Substitute ☐

**SUBJECT:** Resolution authorizing the City of Milwaukee and the Milwaukee Metropolitan Sewerage District to enter into an Intergovernmental Cooperation Agreement for the purposes of establishing the responsibilities of the two parties with respect to the design and construction of the replacement of the South Sixth Street Bridge over the Kinnickinnic River in the City of Milwaukee.

B) SUBMITTED BY (NAME/TITLE/DEPT. /EXT.): Jeffrey S. Polenske, City Engineer, DPW, ext. 2400

C) CHECK ONE: ☐ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
☐ ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
☐ LIST ANTICIPATED COSTS IN SECTION G BELOW.  
☒ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☐ DEPARTMENTAL ACCOUNT (DA) ☐ CONTINGENT FUND (CF)  
☐ CAPITAL PROJECTS FUND (CPF) ☐ SPECIAL PURPOSE ACCOUNTS (SPA)  
☐ PERM. IMPROVEMENT FUNDS (PIF) ☐ GRANT & AID ACCOUNTS (G & AA)  
☐ OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS:					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

None

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

None

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐

October 15, 2009

To the Honorable, the Common Council

Dear Council Members:

This "Title only" resolution authorizing the City of Milwaukee and the Milwaukee Metropolitan Sewerage District to enter into an Intergovernmental Cooperation Agreement for the purposes of establishing the responsibilities of the two parties with respect to the design and construction of the replacement of the South Sixth Street Bridge over the Kinnickinnic River in the City of Milwaukee.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

CSL: ns

December 2, 2009

To the Public Works Committee

Subject: Intergovernmental Cooperation Agreement  
South Sixth Street Bridge over the Kinnickinnic River  
File No. 090779

Dear Honorable Members:

Please find the attached, proposed resolution, to fill the file for Resolution No. 090779, authorizing the City of Milwaukee to enter into an Intergovernmental Cooperation Agreement with the Milwaukee Metropolitan Sewerage District (MMSD) for the purposes of establishing the responsibilities of the City and MMSD with respect to the design and construction of the replacement of the South Sixth Street Bridge over the Kinnickinnic River in the City of Milwaukee.

The City received funding by the Federal Highway Administration under the American Recovery and Reinvestment Act (ARRA) for the construction of the bridge. MMSD has agreed to fund the design of the bridge and the non-ARRA eligible relocation and construction cost of the MMSD-owned sewers, the City-owned water main, the City-owned combined sewer, and the City-owned communication cables.

We have prepared and recommend adoption of the attached resolution authorizing the City to enter into an Intergovernmental Cooperation Agreement with MMSD. We have also included a copy of the proposed Intergovernmental Cooperation Agreement.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

CSL: ns  
Attachment

**INTERGOVERNMENTAL COOPERATION AGREEMENT  
BETWEEN THE CITY OF MILWAUKEE AND  
THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT  
CONCERNING THE REPLACEMENT OF THE 6<sup>TH</sup> STREET BRIDGE  
OVER THE KINNICKINNIC RIVER**

The CITY OF MILWAUKEE, a municipal corporation (“City”), and the MILWAUKEE METROPOLITAN SEWERAGE DISTRICT, a municipal body corporate, organized and operating under Wis. Stat. §§ 200.21 through 200.65 (“MMSD”), enter into this Intergovernmental Cooperation Agreement (“ICA”), pursuant to Wis. Stat. § 66.0301, for the purpose of establishing the responsibilities of MMSD and the City with respect to the design and construction of a replacement bridge over the Kinnickinnic River (the “KK River”) at South Sixth Street in the City of Milwaukee (the “6<sup>th</sup> Street Bridge”) and with respect to matters relating thereto.

**RECITALS**

A. MMSD has taken jurisdiction of the KK River for purposes of projecting, planning, design and construction for the drainage needs of the watershed and has devised a KK River flood management plan to ameliorate or alleviate flood damage to property along the KK River within the corporate boundary of the City.

B. During the planning phase of the MMSD-KK-Flood Management Project, MMSD determined that the existing 6<sup>th</sup> Street Bridge is inadequate to allow flows from the 1% probability flood to pass, and that replacement of that existing bridge to create a free opening under the roadway that is adequate to allow flows from the 1% probability flood to pass, along with stream improvements under the bridge, is the most cost-effective way to achieve the goals of the MMSD-KK-Flood Management Project in the area of Sixth Street. This conclusion was based on preliminary planning level cost estimates for the replacement of the 6<sup>th</sup> Street Bridge and the associated construction work. Replacement of the 6<sup>th</sup> Street Bridge also requires (i) abandonment and removal of existing MMSD-owned-MIS sewers, and the relocation and replacement of new MMSD-owned-MIS sewers (the “MMSD MIS Sewers”), and (ii) abandonment and removal of an existing City-owned water main, and the relocation and replacement of a new City-owned water main (the “City Water Main”), and (iii) abandonment and removal of existing City-owned communication cables, and the relocation and replacement of new City-owned communication cables (the “City Cables”), and (iv) abandonment and removal of an existing City-owned combined sewer, and the relocation and replacement of a new City-owned combined sewer (the “City Combined Sewer”).

C. The Metropolitan Sewerage Commission, acting on behalf of MMSD, by Commission Resolution 09-086-7 dated July 27, 2009, approved creation of the “KK River Flood Management Project—South 6<sup>th</sup> Street to South Chase Avenue” (the “MMSD-KK-Flood Management Project”) which includes authorizing the negotiation of an ICA to provide for replacement of the 6<sup>th</sup> Street Bridge; this Commission approval was based upon the MMSD preliminary planning level cost estimates for the project that were available at that time.

D. The City has determined that the current conditions of the existing 6<sup>th</sup> Street Bridge indicate that replacement of the bridge in the near future would be warranted and the City is willing to expedite this replacement in return for a cost-sharing arrangement with MMSD, so that both the City's and the MMSD's public purposes may be furthered by replacing the existing 6<sup>th</sup> Street Bridge in a cost-effective way.

E. The City received funding approval by the Federal Highway Administration ("FHA") through the Surface Transportation Program-Milwaukee Urbanized Area Funding under the American Recovery and Reinvestment Act ("ARRA") (the "ARRA Funding"), and the City entered into a "State/Municipal Agreement for a Stage 2 Local ARRA 2010 Construction Season Improvement Project" with the Wisconsin Department of Transportation ("DOT"), dated July 11, 2009 concerning expenditure of the ARRA Funding and the construction of a replacement 6<sup>th</sup> Street Bridge (the "City-DOT Contract") (Project I.D. 2235-01-71). A copy of the City-DOT Agreement, as amended by that certain letter agreement between the City and DOT (i.e., October 22, 2009 letter from Jeffrey Polenske to Kathleen Chung with attachment signed by the DOT on November 9, 2009, by Mary Forienza, Chief, WisDOT Local Transportation Programs & Finance) is attached to this ICA as **EXHIBIT A**. This ICA is premised upon the City-DOT Contract proceeding forward.

F. The preliminary final project cost estimates for the 6<sup>th</sup> Street Bridge Replacement Project have increased significantly over the planning level cost estimates and show that the 6<sup>th</sup> Street Bridge replacement is a cost effective option for MMSD to implement in order to allow for the 1% probability flood to pass, as compared to the "Culvert Alternative Cost", as defined below, *only* if MMSD responsibility for sharing in the City's costs of the Replacement 6<sup>th</sup> Street Bridge is capped at \$1,690,140 and subject to the other limitations stated in this ICA. City is willing to accept this cost reimbursement cap of \$1,690,140, and to pay the remaining costs at its sole expense, and, therefore, City and MMSD are willing to cooperate with each other, on, and subject to, the terms and conditions contained herein, so that both the City's and MMSD's public purposes may be furthered by replacing the existing 6<sup>th</sup> Street Bridge, replacing the MMSD MIS Sewers, replacing the City Water Main, replacing the City Cables, and replacing the City Combined Sewer, and so that work may take place as contemplated by and in harmony with the City-DOT Contract.

G. Subject to MMSD's \$1,690,140 cost reimbursement cap and other limitations stated in this ICA, MMSD has agreed to reimburse the City: (i) for a portion of the total 6<sup>th</sup> Street Bridge Construction Cost (defined below) if ARRA funds are not sufficient; (ii) the full costs of relocating the MMSD MIS Sewers, the City Water Main and the City Cables as each of those costs are defined herein, and (iii) the full City Combined Sewer Relocation Cost (defined below) to the extent not covered by subparagraph (i) of this Recital G.



H. Based on estimates currently available, MMSD's total reimbursement to the City under this ICA is currently estimated to be: \$1,491,650.

\$1,491,650 =

\$1,424,892 (= the "MMSD-MIS Sewer-Relocation Cost" + the "City Water Main and City Cable Relocation Cost" + the "City Combined Sewer Relocation Cost")

PLUS

\$66,758 (i.e. 50% of 20% of the "6<sup>th</sup> Street Bridge Construction Cost" that is currently expected to exceed the \$1,579,034 ARRA Funding) (i.e., 10% of the current estimate of the excess over the "6<sup>th</sup> Street Bridge Construction Cost").

### **AGREEMENT**

1. **Recitals Accepted.** MMSD and City acknowledge and accept the recitals above and agree to the same. For good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, MMSD and City agree to the terms and conditions herein.

2. **Defined Terms.** The following terms shall have the following meanings.

(a) **"Replacement 6<sup>th</sup> Street Bridge"** means the structures necessary to permit pedestrian and vehicular travel over the KK River along 6<sup>th</sup> Street while providing a free opening under the 6<sup>th</sup> Street Bridge adequate to allow flows from the 1% probability flood to pass.

(b) **"Stream Improvements"** means the stream realignment, concrete channel removal and any associated sediment or soils removal and disposal, bank stabilization, restoration, and landscaping improvements associated with the MMSD-KK-Flood Management Project, from approximately 50 feet upstream to approximately 50 feet downstream of the 6<sup>th</sup> Street Bridge.

(c) **"6<sup>th</sup> Street Bridge Construction Cost"** means

(i) all costs actually incurred by the City or DOT to demolish and remove the existing 6<sup>th</sup> Street Bridge, including construction engineering for bridge removal; and

(ii) all costs actually incurred to move any and all utilities including the City Combined Sewer, but *other than* the MMSD MIS Sewers, the City Water Main, and the City Cables; and

(iii) all costs actually incurred to perform Stream Improvements, including the costs to test, remove and properly dispose any contaminated soils or

sediments in or along the stream bed as required by law; and

(iv) all costs actually incurred to build the Replacement 6<sup>th</sup> Street Bridge, including but not limited to, costs of construction-contract bidding and award, construction-contract engineering, administration of the construction contract, inspection of construction, mobilization and demobilization for construction, all payments made to the construction contractor for the Replacement 6<sup>th</sup> Street Bridge.

The parties agree that the 6<sup>th</sup> Street Bridge Construction Cost was preliminarily estimated, at the time of project submittal to DOT for the award of ARRA funds, not to exceed **\$1,579,034** (which included \$1,268,300 for construction, \$19,025 for DOT oversight, and \$291,709 for construction contingencies and construction engineering), and the parties agree that this **\$1,579,034** amount *included* the preliminary estimate of \$42,000 for the City Combined Sewer Relocation Cost (defined below).

The parties agree that the 6<sup>th</sup> Street Bridge Construction Cost has been further refined and is currently estimated not to exceed **\$2,246,616** (which does not include any estimate for the City Combined Sewer Relocation Cost). The current estimate for City Combined Sewer Relocation Cost is now in ¶2(f), and this amount will be paid in accordance with ¶4.

(d) **“MMSD-MIS Sewer-Relocation Cost”** means (i) the costs actually incurred to abandon and remove the existing MMSD MIS Sewers; and (ii) the costs actually incurred to install and relocate the replacement MIS Sewers, including but not limited to costs of materials, mobilization and demobilization for construction of the MIS Sewer relocation, and all payments made to the construction contractor for the MIS Sewer relocation. The MMSD MIS Sewer Relocation Cost is currently estimated at **\$919,263**.

(e) **“City Water Main and City Cable Relocation Cost”** means (i) the costs actually incurred to abandon and remove the existing City Water Main and City Cables; and (ii) the costs actually incurred to install and relocate the replacement City Water Main and City Cables, including but not limited to costs of materials, mobilization and demobilization for construction of the City Water Main and City Cables relocation, and all payments made to the construction contractor for the City Water Main and City Cables relocation. The City Water Main and Cable Relocation Cost are currently estimated at **\$188,709**, with \$153,709 estimated for the City Water Main relocation and **\$35,000** for the City Cables relocation.

(f) **“City Combined Sewer Relocation Cost”** means (i) the costs actually incurred to abandon and remove the existing City Combined Sewer; and (ii) the costs actually incurred to install and relocate the replacement City Combined Sewer, including but not limited to costs of materials, mobilization and demobilization for construction of the City Combined Sewer relocation, and all payments made to the construction contractor for the City Combined Sewer relocation. The City Combined Sewer

Relocation Cost was preliminarily estimated at **\$42,000**, which amount was included in the estimated 6<sup>th</sup> Street Bridge Construction Cost as submitted and approved in the application for ARRA funds. The current estimate for City Combined Sewer Cost is **\$316,920**; this amount is based on site conditions discovered since the preparation of the preliminary estimate. The City intends to seek full funding either by requesting ARRA Funding or requesting other federal funding administered by DOT for the City Combined Sewer Relocation Cost. The City Combined Sewer Relocation Cost shall be paid in accordance with ¶4.

(g) **“Overall Project”** means the demolition and replacement of the 6<sup>th</sup> Street Bridge, the Stream Improvements, and the removal and replacement of the MMSD MIS Sewers, the City Water Main, the City Cables, and the City Combined Sewer.

(h) **“Culvert Alternative”** means the construction of two culverts to divert KK River flow around the base of the existing 6<sup>th</sup> Street Bridge which MMSD has identified as an alternative method of increasing river flow capacity in the area of the 6<sup>th</sup> Street Bridge to achieve flood management goals.

(i) **“Culvert Alternative Cost”** means the current cost estimate developed by MMSD for construction of the Culvert Alternative less the design costs incurred by MMSD for the construction of the Replacement 6<sup>th</sup> Street Bridge; this amount is \$1,690,140.

### **3. Design Services; MMSD Plans; Permits.**

(a) **Costs.** MMSD shall at its expense, fund 100% of the costs incurred to design the Overall Project. If any City-review fees are required for the design of the Overall Project, the City agrees it will not charge MMSD for any such review fees.

(b) **Preliminary Engineering Report for the Utility Relocations.** MMSD has at its expense, prepared a preliminary engineering report for the relocations of the MMSD MIS Sewers, the City Combined Sewer, and the City Water Main. The preliminary engineering report recommends the most cost-effective alternative for relocating each such utility that is acceptable to MMSD and the City, for their respective utility. The City has prepared a preliminary engineering report for relocating the City Cables.

(c) **Preliminary Plan and Design.** MMSD has, at its expense, prepared a preliminary plan that represents the 30% completion stage for the Overall Project, and MMSD has, after City approval, submitted the preliminary plan to DOT for approval. Also at the 30% completion stage, MMSD, on October 13, 2009, made the necessary presentation to the Milwaukee Arts Board.

(d) **90%, Final Plan; MMSD Option to Withdraw from Overall Project after Final Estimate.** After DOT approval of the preliminary plan, MMSD completed and submitted to the City for review and approval, 90% and final plans and specifications

for the Overall Project. MMSD and City reviewed and approved each such plan prior to submitting same to DOT for approval. MMSD coordinated with the City and DOT the planning and the design for each of the 30%, the 90%, and the final plans. MMSD's designs and plans were prepared in accordance with the DOT Bridge Design Manual and Facilities Development Manual. MMSD retains the right under this ICA, at any time prior to advertisement of this project by DOT for bids, to re-evaluate the cost effectiveness of the 6<sup>th</sup> Street Bridge replacement option, as compared to the "Culvert Alternative Cost", after receipt of the City and DOT comments on the final plans, final specifications and final cost estimate and to notify the City if the final cost estimates for the Overall Project have caused the 6<sup>th</sup> Street Bridge replacement option to exceed the Culvert Alternative Cost. If that determination is made, MMSD shall, at least three business days prior to DOT advertisement for bids, notify the City and DOT in writing of its intent to withdraw from the Overall Project in which case this ICA shall terminate.

(e) **Permits.** MMSD shall prepare applications and obtain, at its expense, all applicable permits and approvals from the State of Wisconsin Department of Natural Resources ("DNR") and the United States Army Corps of Engineers for the Overall Project; provided, however, that City agrees to cooperate in the permit-application process, including, if necessary, but at no out-of-pocket cost to City, the City becoming a sponsoring or co-sponsoring municipality and named permittee. MMSD shall obtain any necessary approvals and any necessary rights-of-entry for the Overall Project from Milwaukee County. The City will obtain the Conditional Letter of Map Revision (CLOMR) from the United States Federal Emergency Management Agency (FEMA), if required, for changes to the upstream or downstream 1% floodplain due to the replacement of the 6<sup>th</sup> Street Bridge; provided, however, that MMSD agrees to assist in hydrologic and hydraulic modeling efforts required by the permit. The contractor shall obtain all applicable construction permits for the Replacement 6<sup>th</sup> Street Bridge, and MMSD and City agree to cooperate in any permit-application process as necessary and appropriate.

#### **4. Payment Responsibility.**

(a) **MMSD Payment.** MMSD shall:

- (i) pay 100% of the design costs and the cost of design consultant's engineering services for each of the 30%, 90% and final plans, specifications, and cost estimates (including design costs associated with addressing DNR environmental issues associated with the Overall Project), and
- (ii) pay 100% of the design consultant's engineering **services** during construction associated with the Overall Project (total design and engineering services during construction currently estimated at \$260,600), and
- (iii) per City Invoices, pay the City for 100% of the actual MMSD-MIS

Sewer-Relocation Cost (currently estimated at \$919,263) subject to the conditions and reimbursement cap set out in par.4 (b) below, and

- (iv) per City Invoices, pay 100% of the actual City Water Main and Cable Relocation Cost (currently estimated at \$188,709) subject to the conditions and reimbursement cap set out in par.4 (b) below, and
- (v) per City Invoices, if the actual construction costs exceed the \$1,579,034 ARRA Funding, and any additional ARRA funding or other federal funding entitlement administered by the DOT for the Overall Project, pay 100% of the City Combined Sewer Relocation Cost (currently estimated at \$316,920) not funded by ARRA Funding or other federal funding entitlement administered by the DOT subject to and limited by the conditions set out in ¶ 4(b) below, and
- (vi) per City Invoices, and *only* in the event that actual incurred 6<sup>th</sup> Street Bridge Construction Costs exceed current ARRA funding of \$1,579,034, and exceed any additional ARRA or DOT funding which is available for the project, pay one-half of the 20% local share portion of any 6<sup>th</sup> Street Bridge Construction Costs that exceed \$1,579,034, subject to the conditions set out in par. 4(b) below. The City and MMSD intend that any excess costs incurred above the \$1,579,034 ARRA funding, in the event that ARRA funding is not available for the excess costs, will be paid by the City using the 80% federal-funding entitlement administered by DOT, with the remaining 20% (local share) being shared by City and MMSD on a 50-50 basis, subject to the limitations and conditions of ¶ 4(b) below and with the exception that costs for all items or changes requested by the City of Milwaukee Arts Board and adopted in the final plans shall be paid entirely by the City.

**(b) MMSD Payment Conditions, Limitations, and MMSD Reimbursement Cap**

As a precondition or limitation to each of the payment obligations stated in paragraph 4. (a) (ii) through (vi) above, MMSD shall:

- (i) be entitled to review and approve in writing (in the form of **EXHIBIT B** attached) the construction contract costs presented in contract bids after bid opening by DOT and prior to contract award by DOT, and after existence of 80/20 funding for the 6<sup>th</sup> Street Bridge Construction Costs exceeding the \$1,579,034 ARRA Funding has been confirmed in writing by DOT. MMSD shall

have the right under this ICA to object to the award of the contract by DOT (any such MMSD objection to be in a written notice to DOT and City specifying reasons for objection). MMSD shall have no more than five working days to review construction contract bid costs prior to signing and approving **EXHIBIT B** or signing and sending any written objection. In the event that DOT proceeds to award the contract despite timely MMSD objection to the award, MMSD shall have no obligation under this ICA to participate in funding of the Overall Project.

- (ii) be entitled to review and approve all construction contract modifications that will increase or decrease the 6<sup>th</sup> St. Bridge Construction Cost, the MMSD-MIS Sewer-Relocation Cost, the City Combined Sewer Relocation Cost, the City Water Main and City Cable Relocation Cost prior to City approval of such contract modifications in accord with the terms of paragraph 5(e) below.

MMSD shall not be obligated to reimburse the City for any contract modification costs that have not been jointly approved in writing by MMSD and City (MMSD and City approval, in any event, not to be unreasonably withheld, conditioned or delayed).

- (iii) MMSD approval of construction contract bid amounts and contract modification amounts shall be obtained by the City by forwarding the necessary information in writing to Patrick Elliott, MMSD Project Manager, or his successor.
- (iv) In the event the actual 6<sup>th</sup> Street Bridge Construction Cost does not exceed the ARRA Funding amount of \$1,579,034, as increased by any available ARRA or DOT funding, MMSD shall have no duty to reimburse the City for any portion of the 6<sup>th</sup> Street Bridge Construction Cost. In the event the actual 6<sup>th</sup> Street Bridge Construction Cost exceeds the ARRA Funding amount of \$1,579,034, as increased by any available ARRA or DOT funding, the MMSD payment of unfunded excess Overall Project Cost to the City shall be capped and subject to the maximum cost reimbursement cap set out in paragraph 4 (b)(v) below.
- (v) Regardless of the reason for any cost overrun (i.e., any cost which exceeds current estimate or actual bid amount), and regardless of availability or non-availability of ARRA or other DOT administered funding for the Overall Project Cost, MMSD obligation to share or reimburse the City for costs of or associated with the Overall Project shall not exceed \$1,690,140 in total (i.e. the Culvert Alternative Cost). City agrees that MMSD shall not be required, for any reason, to reimburse to City any funds in excess

of this amount, and further, the City agrees that it will pay all costs of the Overall Project which remain after MMSD has reimbursed City for its costs or share of costs under this Agreement, up to but not exceeding this reimbursement cap amount of \$1,690,140.

(c) **Timing of MMSD Reimbursement Payments.** MMSD reimbursement payments to City shall be coordinated with City payments to DOT required under the City-DOT Contract so that MMSD payments to City precede City payments to DOT. Whenever City is invoiced by DOT under the City-DOT Contract (a “DOT Invoice”), City will promptly email or fax a copy of the DOT Invoice to MMSD together with a City invoice to MMSD (a “City Invoice”) for MMSD’s payment duties which shall be determined under the provisions of this Agreement, and based upon what is being invoiced under the DOT Invoice. MMSD shall pay the City Invoice within **20 days** of the date that City faxed or emailed the City Invoice, understanding that City will need MMSD funds in hand in order for City to pay the DOT Invoice.

## **5. City-DOT Contract.**

(a) **Cooperation in Good Faith.** Recognizing that the City received the ARRA Funding to construct the Replacement 6<sup>th</sup> Street Bridge, and that that funding will be spent per the City-DOT Contract, MMSD and City agree to cooperate with one another in good faith so that the work contemplated under the City-DOT Contract and under this Agreement may be completed efficiently and as envisioned. City and MMSD also agree to cooperate in good faith with DOT.

(b) **City Request to DOT.** The City will request DOT: (i) to bid and award the construction contract for the Replacement 6<sup>th</sup> Street Bridge (using the **EXHIBIT B** document attached hereto), including the replacement of the City Water Main, City Cables, and City Combined Sewer, and the replacement of the MMSD MIS Sewers.; (ii) to administer the construction contract; (iii) to provide inspection and resident engineering for the work under the construction contract, excluding the relocation of MMSD MIS Sewers, City Cables and City Water Main; and (iv) to demolish and remove the existing 6<sup>th</sup> Street Bridge, and complete the construction of the Replacement 6<sup>th</sup> Street Bridge, all in accordance with the terms of the City-DOT Contract.

(c) **City Water Main.** The City will provide resident engineering, inspection, Milwaukee Water Works crew mobilization, and all required sampling and testing for the relocation of the City Water Main.

(d) **Contingency About DOT Bid and Award Documents.** MMSD’s and City’s duties under this Agreement are contingent upon each of City and MMSD reviewing and approving in a written supplement to this Agreement (in form and substance of **EXHIBIT B** attached) the DOT-determined winning bid amount and contractor, and the DOT proposed Contract Award prior to the DOT actually awarding the Contract. The approval of MMSD and City shall not be unreasonably withheld, conditioned or delayed. City shall, after signing this Agreement, promptly provide a

copy of same to DOT.

(e) **DOT Contract Modifications; Change Orders.** When and if DOT asks City for approval to modify any construction contracts relating to the Overall Project (including any change order or modification that would increase cost), or if City otherwise wishes to approve any such modification or change order, then City shall, prior to granting approval, promptly solicit MMSD review and approval (which MMSD shall not unreasonably withhold, condition or delay), and City shall not grant approval to DOT until MMSD has approved same. MMSD shall review as quickly as possible but shall have up to (but no more than) **10 working days** to review and approve any such modification or change order. MMSD failure to respond by the 10-working-day deadline shall be deemed approval by MMSD. If MMSD provides notice of disapproval or otherwise conditions or qualifies its approval, then MMSD, City, DOT and Contractor shall meet to resolve the issue.

**6. Notices.** Notices required or desired to be given by one party to another party with respect to this Agreement shall be in writing and shall be:

- (i) delivered personally;
- (ii) sent by e-mail or facsimile - provided any e-mail or facsimile is sent during any Monday through Friday that Milwaukee's City Hall is open for business, and is sent during the hours between 8:30 A.M. and 4:30 P.M., and is sent successfully (for example, no error or inability to send message is generated as a result of any such e-mail or facsimile sent);
- (iii) sent by commercial overnight courier service, prepaid; or
- (iv) sent by United States registered or certified mail, return receipt requested, postage prepaid, and, in any event, notices shall be addressed as herein provided and shall be given to the following:



**CITY**

Jeff Polenske  
City Engineer  
City DPW – Infrastructure Services,  
Administration  
841 N. Broadway, Room 701  
Milwaukee, WI 53202  
Ph 414-286-2400  
Fax 414-286-5994  
[Jeffrey.polenske@milwaukee.gov](mailto:Jeffrey.polenske@milwaukee.gov)

***with a copy to***

Gregg Hagopian  
Asst. City Attorney  
841 N. Broadway, 7<sup>th</sup> Floor  
Milwaukee, WI 53202  
Ph 414-286-2620  
Fax 414-286-8550  
[ghagop@milwaukee.gov](mailto:ghagop@milwaukee.gov)

**MMSD**

Patrick Elliott  
MMSD – Project Manager  
260 W. Seeboth Street  
Milwaukee, WI 53204-1446  
Ph. 414-225-2168  
Fax 414-221-6801  
[pelliott@mmsd.com](mailto:pelliott@mmsd.com)

***with a copy to***

Susan Anthony  
Sr. Staff Attorney, MMSD  
260 W. Seeboth Street  
Milwaukee, WI 53204-1446  
Ph. 414-225-2106  
Fax 414-225-0167  
[santhony@mmsd.com](mailto:santhony@mmsd.com)

Recipient address information (such as change in facsimile number or e-mail address, or contact person) may, from time to time, be changed by notice duly sent hereunder.

**7. Ownership and Maintenance.** The City will continue to own and maintain the 6<sup>th</sup> Street Bridge, the City Water Main, the City Cables, and the City Combined Sewer. The City will continue to be responsible for maintenance and repair of all structural supports for the bridge, as well as the deck, sidewalks, and railings of the bridge. MMSD shall maintain the Stream Improvements so as to maintain their hydraulic and hydrology capabilities. MMSD shall continue to own and maintain the MMSD MIS Sewers.

**8. Entire Agreement.** This is the entire agreement between the parties hereto, and this Agreement may only be amended or modified by a written agreement signed by each of MMSD and City.

**9. Counterparts.** This Agreement may be signed in one or more counterparts each of which shall, when taken together, constitute one and the same document.

**10. Hold Harmless Agreement.** In the event that, the ownership or maintenance by the City of the existing 6<sup>th</sup> Street Bridge or the replacement 6<sup>th</sup> Street Bridge, including the need to repair or replace such structure or any part thereof, is a cause, in whole or in part, for any claim against the MMSD or in the case of any alleged violation of any applicable law or regulations related in any way to the existing or the replacement 6<sup>th</sup> Street Bridge, including but not limited to regulations of the Wisconsin Department of Natural Resources, the City will defend and hold harmless the MMSD against any and all liability, claim, need to remediate, demand, judgment, or settlement. In the event that the ownership or maintenance by MMSD of the MMSD owned MIS Sewers, or the maintenance (or failure to maintain) by MMSD of the Stream Improvements, is a cause, in whole or in part, for any claim against the City, or in the case of any claim against the City based on any alleged violation of any applicable law or regulations related in any way to the MMSD MIS Sewers or the Stream Improvements including but not limited to, any such claim based upon regulations of the Wisconsin Department of Natural Resources, MMSD will defend and hold harmless the City against any and all liability, claim, need to remediate, demand, judgment, or settlement. The City and MMSD agree and acknowledge that City is a third party beneficiary to the contract between MMSD and the firm of Short Elliott Hendrickson, Inc. for the design of the replacement 6<sup>th</sup> Street Bridge, which design has been fully funded by MMSD. MMSD and City shall each be responsible to each other for claims and liabilities caused solely by their respective conduct, and MMSD and City will hold each other harmless concerning the same.

**11. MMSD Permanent Easement to City.** MMSD, at its expense and within a reasonable period of time, shall secure fee simple title to, and grant to City a permanent easement in, the real estate from 6<sup>th</sup> Street to 8<sup>th</sup> Street necessary to relocate the City Combined Sewer. The Permanent Easement shall be in form and substance meeting City's reasonable approval and shall be consistent with typical permanent easements running to City for City combined sewers. The Permanent Easement shall be subject to review and approval by the City's and MMSD's legal staff, as well as necessary approvals by governing bodies.

**IN WITNESS WHEREOF**, MMSD and City have caused this Agreement to be executed by their duly authorized signatories.

Dated as of this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**CITY: CITY OF MILWAUKEE**

**MMSD: MILWAUKEE METROPOLITAN  
SEWERAGE DISTRICT**

By: \_\_\_\_\_

Jeff Mantes, DPW Commissioner  
Per Common Council File  
No. 090779. See also File No. 081603  
concerning City-DOT Contract.

By: \_\_\_\_\_

Kevin L. Shafer, P.E., *Executive Director*  
Per Resolutions No. 09-086-7 adopted  
July 27, 2009 and No. \_\_\_\_\_ adopted  
\_\_\_\_\_, 2010, by the Milwaukee  
Metropolitan Sewerage Commission.

**CITY CLERK**

**Approved by MMSD Division of Legal Services:**

\_\_\_\_\_  
Ronald Leonhardt

By: \_\_\_\_\_

Susan Anthony  
Senior Staff Attorney  
State Bar No. 1017288

**Countersigned:**

By: \_\_\_\_\_

Michael J. Daun, *Deputy Comptroller*

**Milwaukee City Attorney  
Approval**

By: \_\_\_\_\_

Gregg C. Hagopian  
*Assistant City Attorney*  
State Bar No. 1007373

Date: \_\_\_\_\_

**EXHIBIT B**

**MMSD AND CITY APPROVE DOT CONTRACT AWARD**

**SUPPLEMENT TO INTERGOVERNMENTAL COOPERATION AGREEMENT  
CONCERNING THE 6<sup>th</sup> STREET BRIDGE OVER THE KINNICKINNIC RIVER**

The CITY OF MILWAUKEE (“City”) and the METROPOLITAN MILWAUKEE SEWERAGE DISTRICT (“MMSD”) hereby enter this document, as envisioned and required by ¶4(b)(i) and ¶5(d) of that certain “Intergovernmental Cooperation Agreement” between City and MMSD (the “ICA”) concerning the replacement of the 6<sup>th</sup> Street Bridge over the Kinnickinnic River (the “KK River”).

Each of City and MMSD understand that, based on the FINAL PLANS approved by each of City, MMSD, and DOT (any term not defined herein shall have the meaning ascribed to it in the ICA), DOT solicited bids for the construction work for the Overall Project. DOT has informed City, and City has informed MMSD, that DOT believes that: \_\_\_\_\_ (“Contractor”) is the entity that submitted the winning bid for the Overall Project work, and \$ \_\_\_\_\_ is the overall amount bid by Contractor for the work (the “Bid Amount”).

City and MMSD have each conferred with one another and with DOT regarding the Overall Project, the Contractor, the Bid Amount, and 80/20 funding for 6<sup>th</sup> Street Bridge Construction Costs exceeding the \$1,579,034 ARRA Funding.

City and MMSD, after review, hereby approve the Contractor and Bid Amount, and City and MMSD approve and consent to DOT award of a contract to Contractor based on Contractor’s Bid and the Bid Amount.

City and MMSD waive the contingency set forth in ¶5(d) of the ICA. The parties understand that City will provide a copy of this signed document to DOT.

Dated as of this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**CITY: CITY OF MILWAUKEE**

**MMSD: MILWAUKEE METROPOLITAN  
SEWERAGE DISTRICT**

By: \_\_\_\_\_  
Jeffrey S. Polenske, P.E., City Engineer

By: \_\_\_\_\_  
Kevin L. Shafer, P.E., Executive Director

## PW FILE NUMBER: 090779

[illegible]