



City of Milwaukee
Common Council Minutes
COMMON COUNCIL

City Hall
200 East Wells Street
Milwaukee, WI 53202

Wednesday, November 30, 2011

9:00 AM

**Common Council Chambers, 3rd Fl., City
Hall**

The meeting was called to order at 9:12 a.m.

The roll was called.

Present: 15 -

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

The Pledge of Allegiance was said followed by an invocation offered by Father Robert Turner, pastor of Blessed Sacrament Parish.

The question was put: Are there any corrections to the Common Council Journal of Proceedings for the regular meeting of November 2, 2011, the budget adoption meeting of November 4, or the special meeting of November 18?

There being none, the minutes of these meetings were approved without objection.

Commendatory and condolatory resolutions were read and ordered on file without objection.

Ald. Murphy requested unanimous consent for the purpose of offering and having approved a commendation to Milwaukee Brewer Ryan Braun on the occasion of his winning the National League's Most Valuable Player Award.

There was no objection.

THE LICENSES COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

1. [110711](#) Motion relating to the recommendations of the Licenses Committee relative to licenses.

The question was put: Have the members of the Common Council read the Report and Recommendations of the Licenses Committee?

All members present indicated they had done so.

Return the application of Efraim Elmazi -- Extended Hours -- "Sal's New York Pizza" -- to Committee.

A motion was made by ALD. BOHL that this Motion be AMENDED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

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

A motion was made by ALD. BOHL that this Motion be APPROVED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

1. [110858](#) Motion relating to the recommendations of the Public Safety Committee relative to licenses.
The Common Council of the City of Milwaukee hereby accepts the recommendations of the Public Safety Committee as contained in the listings attached to this file.
The question was put: Have the members of the Common Council read the Report and Recommendations of the Public Safety Committee in these matters?

All members present indicated they had done so.

A motion was made by ALD. DONOVAN that this Motion be APPROVED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

PASSAGE OF THE FOLLOWING:

2. [110892](#) A substitute ordinance relating to parking controls.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

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

“On the west side of South Robinson Avenue from a point 340 feet south of the south curb line of East Becher Street to a point 70 feet further south at any time”

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

In the east/west alley north of West Washington Street, between South 15th Street and South Cesar E. Chavez Drive

Part 3. Section 101-23-4-d of the Code relating to Two-Hour Parking is amended by striking the following:

“On the east side of South 9th Street from the south line of the first alley south of West Mitchell Street to West Maple Street, from 9 AM to 7 PM”

“On the east side of South 10th Street from the alley north of West National Avenue

to West Pierce Street from 7:00 AM to 7:00 PM except Saturday and Sunday”

“On the west side of South 10th Street from West National Avenue to West Pierce Street from 7:00 AM to 7:00 PM except Saturday and Sunday”

“South 13th Street between West Montana Street and West Ohio Avenue”

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

South 13th Street between West Montana Street and West Euclid Avenue

On the west side of South 13th Street between West Euclid Avenue and West Ohio Avenue

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

On the north side of West National Avenue from South 9th Street to South 10th Street

On South 10th Street from West Pierce Street to West National Avenue

Part 6. Section 101-27-3-b-1 of the Code relating to Alternate Side Night Parking is amended by adding the following:

On South 3rd Street from West Mineral Street to West Washington Street

A motion was made by ALD. DONOVAN that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

3. [110893](#) A substitute ordinance relating to traffic controls.

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

Part 1. Section 101-13-1 of the Code relating to School Speed 25 MPH is amended by striking the following:

“25MPH when children are present within the school zone of Riverside University High School on E. Locust Street”

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

On East Locust Street from the Milwaukee River to North Oakland Avenue

Part 3. Section 101-16-1 of the Code relating to Stop signs is amended by striking the following:

“On West Rogers Street at South 36th Street”

“On North Humboldt Avenue and East Kane Place in all directions”

Part 4. Section 101-16-1 of the Code relating to Stop signs is amended by adding the following:

On West Rogers Street and South 36th Street in all directions

A motion was made by ALD. DONOVAN that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

ADOPTION OF THE FOLLOWING:

4. [110885](#) Resolution relative to application, acceptance, and funding of a Drug Recognition Expert Field Certification grant.
- Whereas, The City of Milwaukee appears to be eligible for a Drug Recognition Expert (DRE) Field Certification grant from the Wisconsin Department of Transportation, Bureau of Transportation Safety, and
- Whereas, The operation of this grant from 09/23/11 to 10/15/11 would cost \$27,360 of which 100% would be provided by the grantor; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that application to the Wisconsin Department of Transportation is authorized and the Police Department shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81, Milwaukee Code Ordinances; and, be it
- Further Resolved, That the City Comptroller is authorized to:
1. Commit funds within the Project/Grant Parent of the 2011 Special Revenue-Grant

and Aid Projects, the following amount for the program titled: DRE Field Certification Grant:

Project/Grant	Fund	Org	Program	BY	Subclass	Account
GR0001100000	0150	9990	0001	0000	R999	000600

Project	Amount
Grantor Share	\$27,360

2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels; budget against these Project/Grant values the amount required under the grant agreement;

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

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

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

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

5. [110949](#) Substitute resolution amending Common Council File #100149 relative to the application, acceptance and funding of the Public Health Impact Initiative Grant from the UW-Milwaukee School of Public Health.

Whereas, Common Council File #100149 authorized the Health Department to apply for, accept and fund the Public Health Impact Initiative Grant from the UW-Milwaukee School of Public Health. This grant provided for a Grantor share total of \$317,132; and

Whereas, The operation of this grant program is amended to 08/01/10 to 08/31/12; and

Whereas, the total expenditures of this program is increased by \$75,000 of which the entire amount is provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the

UW-Milwaukee School of Public Health is authorized and the Health Department shall accept this grant without further Common Council approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further resolved, That all standard resolved clauses articulated in Common Council File #110160 remain applicable.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

CONFIRMATION OF THE FOLLOWING:

6. [110926](#) Appointment of Dawn Helmrich to the Milwaukee Commission on Domestic Violence and Sexual Assault by the Common Council President.

A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

THE FINANCE & PERSONNEL COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [110108](#) A substitute ordinance relating to the annual salaries of the mayor and members of the common council.

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

Part 1. Section 350-100-1 of the code is repealed and recreated to read:

350-100. Salaries of Mayor and Members of the Common Council. 1. For the 2012-2016 term of office, the salaries of the mayor, common council members and the common council president shall be the same as the rates in effect for the 4th year of the 2008-2012 term.

A motion was made by ALD. MURPHY that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Abstain: 1 - Coggs

2. [110744](#) A substitute ordinance relating to employee relations, regulations and benefits for city employees.

Identified as amendment #1.

The file would be amended as follows:

Under Part 2, under section 350-a-4, between the words "holiday" and "hours", add the words "and vacation".

A motion was made by ALD. MURPHY that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 5 - Donovan, Puente, Dudzik, Witkowski Zielinski

No: 10 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Murphy, Witkowiak Hines Jr.

- [110744](#) A substitute ordinance relating to employee relations, regulations and benefits for city employees.

Identified as amendment #2.

The file would be amended as follows:

Under Part 12, under Part 14, under section 350-37-8, delete the last sentence which reads as follows: "The injury pay benefit shall be administered consistent with the 3-day waiting period under Ch. 102, Wis. Stats."

A motion was made by ALD. BOHL that this Ordinance be AMENDED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Davis

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

Part 1. Section 340-3 of the code is created to read:

340-3. General City Policies and Procedures. 1. DECLARATION OF POLICY.

The city has a fundamental interest in the development of harmonious and cooperative relationships between city government and its employees and their employee representative groups while enhancing employee performance, maximizing efficiency and reducing costs. The city is committed to creating and maintaining strong and positive employee-management working relationships that foster improved governmental decision-making, good will, innovation and quality public services. The city is committed to supporting these goals in a way that does not diminish the mayor's and the common council's authority while recognizing the rights of employee representative groups to enter into discussions with the city in the course of the city's setting personnel policies and terms and conditions of city employment. These policies and conditions of employment do not supersede the provisions of state law, city charter, other applicable ordinances and resolutions and the civil service rules. Any related code provisions are not intended, and shall not be construed to be in conflict with, state statutes regarding collective bargaining and the recognition of employee groups or organizations.

2. AUTHORITY OF DEPARTMENT. The department of employee relations shall be responsible for entering into discussions with employee representative groups for the settlement of employee complaints and establishing policies and procedures necessary for the creation of positive, productive and efficient workplaces. The department shall:

- a. Meet and confer with employees and employee groups, including currently and previously-certified employee groups, for the purpose of communicating, soliciting and exchanging information, views, ideas and interests concerning wages, hours, and other conditions of employment.
- b. Provide, if requested, written documents to employee representative groups of any jointly-recommended changes to be heard or acted upon by the common council.
- c. Establish the use of seniority for vacation selection, job-picking assignments and other assignments that provide for premium payments where this process is used and

where no operational disruptions are created.

d. Have authority to oversee and resolve all complaints raised by employees.

3. Requirements of ALL Departments. City officials appointed under s. 62.51, Wis. Stats., and department heads shall cooperate with the department of employee relations in the discharge of the duties set forth in this chapter and in implementing any directives issued by the department of employee relations. City officials and department heads shall:

a. Communicate departmental rules and procedures with employees and employee representative groups and provide reasonable notice of changes to work rules, practices or policies.

b. Engage employees and employee representative groups in the city's decision making processes concerning relevant personnel matters and operational issues by soliciting their input and feedback when appropriate.

c. Identify and communicate procedures available to employees and employee representative groups who allege that a departmental policy, rule or procedure has not been properly applied.

d. Offer, to the extent possible, overtime assignments first to employees who volunteer, and then assign, on a rotating basis, among those employees who volunteered. In cases where there are no volunteers for overtime, all employees shall perform the work starting with the least senior employee.

Part 2. Subchapter 1 of ch. 350 of the code is repealed and recreated to read:

SUBCHAPTER 1 HOLIDAY AND OVERTIME POLICIES

350-1. Definitions. In this chapter, unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following definitions shall apply:

1. HOLIDAY, except as specifically covered by other provisions of the code such as those pertaining to or for employees represented by a collective bargaining unit, means:

a. New Year's Day - January 1.

b. Good Friday.

c. Memorial Day - Last Monday in May.

d. Independence Day - July 4.

e. Labor Day - The 1st Monday in September.

f. Thanksgiving Day - The 4th Thursday in November or the day appointed by the governor of Wisconsin as a day of public thanksgiving in each year.

g. The day after Thanksgiving Day.

h. Christmas Day - December 25.

i. The last normal work day before Christmas Day.

j. The last normal work day before New Year's Day.

- k. Dr. Martin Luther King Jr.'s birthday - the 3rd Monday in January.
- 2. OVERTIME means the authorized hours worked in excess of 40 hours in one week.
- 3. TIME AND ONE-HALF means compensation per hour worked, determined by dividing the biweekly rate by 80 and multiplying by 1.5, unless otherwise provided.
- 4. TIME WORKED means the hours worked during scheduled work periods, all holiday hours paid but not worked and all furlough hours not worked.

350-2. Holidays, General Provisions. 1. WEEKEND HOLIDAY. Whenever Independence Day (July 4) falls on a Saturday, the preceding Friday shall be observed as a holiday. Whenever New Year's Day (January 1) and Christmas Day (December 25) fall on a Saturday, the following Monday shall be observed as a holiday. When New Year's Day, Independence Day or Christmas Day falls on a Sunday, the following Monday shall be observed as a holiday.

2. EMPLOYEES REPRESENTED BY A COLLECTIVE BARGAINING UNIT. For employees represented by collective bargaining units, the holiday schedule shall be as stated in their effective collective bargaining agreements, including any pertinent agreed-upon memoranda.

3. Statutory Compliance. Any statutory provisions establishing legal holidays on days other than those set forth under the definition of the term "holiday" in s. 350-1-1 shall not be observed in a manner resulting in a shorter workweek for general city employees. If the state of Wisconsin enacts a statute under which some or all of the holidays enumerated in s. 350-1-1 are established or observed as so-called Monday holidays, the city will move to observation of such law, but the conformance to state law shall not increase or diminish the number of holidays with pay granted annually.

350-3. Uniform Overtime Policies. Except as provided in s. 350-6, or unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following overtime policies shall be applied uniformly to positions in the city service.

- 1. CASH OR COMPENSATORY TIME. The determination as to whether overtime shall be taken as cash or compensatory time shall be made by each department head in consultation with the budget and management division. Department heads shall notify employees of whether cash or compensatory time-off is being offered for overtime worked prior to the actual work being performed. If notification is not provided that compensatory time is being offered for overtime worked, cash shall be paid for the overtime worked.
- 2. AS OVERTIME ONLY. When computing overtime of either type, time compensated for any reason on an overtime basis shall not be counted in computing further overtime.
- 3. RATE. Overtime shall be compensated, whether as cash or compensatory time, at time-and-one-half rates.
- 4. AUTHORIZATION. Department heads are authorized to order overtime work,

and no overtime shall be worked unless so ordered.

5. HOLIDAYS. All hours worked on a holiday by an eligible, fair labor standards act non-exempt employee shall be considered overtime.

6. CHANGE OF SHIFT. For departments that have regularly-scheduled multiple shifts, employees who are provided with less than 48 hours notice of a change in shift shall receive overtime for all hours worked during the subsequent 48-hour period.

7. EXCLUSIONS. Nothing contained within this section is intended to authorize or require overtime compensation for employees who are excluded from overtime compensation by other provisions of the code.

350-4. General Overtime Procedures and Regulations. 1. EARNED OVERTIME AND EARNED VACATION TIME, TO BE PAID IN CASE OF DEATH. A city officer or employee shall be allowed time with pay, notwithstanding the death of the officer or employee, for earned vacation time which has accrued. A city officer or employee shall be allowed time with pay, notwithstanding the death of the officer or employee for recorded and certified overtime which has accrued, not exceeding 120 hours worked or 180 hours for which time-off may be taken, to which the employee was entitled at the time of death. The proper city officers shall include overtime and vacation time on the regular or supplementary payroll to accomplish the purpose of this section.

2. REPORTING OVERTIME REQUIRED. a. To Employee Relations. A report of all overtime employment, whether compensated for in cash or by compensatory time-off allowed by each department, shall be submitted to the director of employee relations with the payroll for the period in which the overtime was authorized for a review of the necessity of the overtime employment. The director of employee relations shall prescribe the form of the report of overtime worked or compensatory time taken off, and the number and disposition of copies. In case of departmental error or omission in reporting overtime worked or time taken off, supplementary reports shall be submitted by the departments in order that payroll checks shall reflect correct amounts, and overtime records shall indicate the exact number of hours of overtime worked or time taken off.

b. To Common Council. From the departmental reports of overtime worked or compensatory time taken off, the director of employee relations shall prepare consolidated reports of the overtime worked or time taken off, and shall submit the consolidated reports together with other appropriate information to the common council at regular intervals.

c. Accumulated Overtime. If an employee accumulates a total of 180 hours of compensatory time-off, or 120 hours of overtime worked for which time-off may be taken, the director of employee relations shall initiate a schedule to eliminate the overtime backlog, investigate the cause and justification of the overtime work and, when possible, institute such recommended procedures as may be necessary to eliminate the need for overtime work. In each case, the director of employee relations shall provide to the common council a report of the overtime and the

recommendations made or action taken to reduce or eliminate the overtime work.

d. Overtime Studies. On the basis of regular and special reports, the common council shall regularly review the overtime worked by each department, require the presence of department heads or supervisors empowered to authorize overtime work for supporting or explaining its need, and establish rules as may be deemed necessary for controlling overtime work.

3. OVERTIME NOT TO BE USED FOR RETIREMENT CREDIT. No overtime period of service, nor the compensation received, shall be counted as accruing toward credit or deduction on any annuity or pension rights.

350-5. Exclusion from Overtime. 1. POSITIONS EXCLUDED. The director of employee relations shall determine the positions that shall be exempt from the overtime provisions of this chapter.

2. FLEXIBLE SCHEDULE. Employees of positions that work a minimum average of 40 hours per week, normally consisting of 5 workdays of 8 hours each, shall be considered to work on a flexible schedule within the limits of a 40-hour week, dependent on existing workload demands and with the approval of department heads. Under this flexible schedule provision, the daily work schedule of employees may be adjusted as necessary and appropriate to fulfill their assigned duties and responsibilities. The adjustments may include starting and quitting times that are earlier or later than established in the normal work schedule of a department and may include hours of work that are more or less than 8 hours in any particular day, within the limits described. This flexible schedule provision shall not be construed as allowing compensatory time-off at the rate of time and one-half, allowing time-off for extended personal illness without charge to sick leave, or allowing time-off for extended vacation.

3. ADMINISTRATION. Department heads shall enforce this section as it applies to personnel within their departments. The director of employee relations shall interpret the provisions of this section and report to the finance and personnel committee any problems or abuses concerning the interpretation or administration of this section.

4. TO BE USED WITHIN 2 YEARS. All employees entering positions excluded from payment in cash or compensatory time-off for overtime worked by these or any other provisions of the code shall take off any overtime balance previously earned within a 2-year period from the time of entering the position.

350-6. Compliance with the Fair Labor Standards Act. In accordance with the provisions of the federal fair labor standards act, the:

1. Director of employee relations shall determine the positions and classes that are covered by the act and transmit appropriate guidelines and instructions for carrying out the applicable provisions of the act to city departments and agencies.

2. Comptroller shall develop and establish payroll recordkeeping, payment inclusions and payroll practices to ensure good-faith compliance with the act.

3. Director of employee relations shall issue a policy statement prohibiting

departments and agencies from docking employees exempt from the act for partial-day absences and institute a policy for those employees to make up the time, consistent with departmental operations.

4. Labor negotiator shall meet with appropriate representatives to discuss and clarify city compliance policies.

Part 3. Subchapter 2 of ch. 350 of the code is repealed.

Part 4. Subchapter 3 of ch. 350 of the code is renumbered to subch. 2.

Part 5. Section 350-30 of the code is repealed and recreated to read:

350-30. Health Benefits. 1. PAYMENTS OF PREMIUMS, CLAIMS AND ADMINISTRATIVE FEES AUTHORIZED. The department of employee relations, division of employee benefits, is authorized to contract for insured or self-insured healthcare benefits for city employees and to make payments to an insurance company or fees and health care claims to a third-party administrator if the city self-funds the health insurance benefits.

2. EFFECTIVE DATE. Payment of premiums or claims accrued prior to January 1, 2012, shall be paid and then cease as of December 31, 2011. Subsequent payment of premiums or claims by the city shall commence on January 1, 2012.

3. ADDITIONAL COMPENSATION. Nothing contained in this section shall in any manner be construed or interpreted to mean that any additional compensation is being, or shall be, paid to any employee or officer of the city; nor shall any such person have or assert any claim against the city for payment to the person of any amount by reason of any provision of the code relating to the payment of premiums for city employees or officers of the city.

4. EMPLOYEE PAYMENTS. a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, every city employee shall be responsible for 12% of the health insurance premium selected by the employee as determined by the department of employee relations working with a consultant and an actuary to determine the total cost of the plan.

b. Every city employee shall be responsible for deductibles, co-payments or other charges as shall be determined by the common council.

5. ELIGIBILITY FOR NEW EMPLOYEES. New employees eligible for enrollment in health insurance are eligible for insurance on the 31st day of employment. Determination of eligibility shall be made by the department of employee relations.

6. ADMINISTRATION. The department of employee relations shall administer this section.

Part 6. Section 350-33-1 of the code is repealed and recreated to read:

350-33. Long-Term Disability Insurance. 1. PROGRAM AUTHORIZED,

PAYMENT OF PREMIUMS. The department of employee relations is authorized to enter into contracts on behalf of the city for the purchase of long-term disability benefits for eligible employees or groups as determined by the department of employee relations. The city shall pay the cost of benefits after a 180-day waiting period, and the policy may provide that an employee may elect to pay the vendor selected by the department of employee relations for a shorter waiting period, such as 60, 90 or 120 days.

Part 7. Section 350-34 of the code is created to read:

350-34. Dental Insurance. 1. PROGRAM AUTHORIZED, PAYMENT OF PREMIUMS. The department of employee relations is authorized to contract with dental providers and to determine dental benefits for city employees. The department of employee relations is authorized to make payments to dental insurance providers for these benefits.

2. ELIGIBILITY. The department of employee relations shall be authorized to determine eligibility for dental benefits.

3. EMPLOYEE CONTRIBUTIONS. The department of employee relations is authorized to pay \$13 per month for single dental and \$37.50 per month for family dental coverage. Each employee shall be responsible for the balance of the premium. The department of employee relations shall communicate information about these benefits to eligible employees.

Part 8. Subchapter 4 of ch. 350 of the code is renumbered to subch. 3.

Part 9. Section 350-35-2-b of the code is amended to read:

350-35. Leave of Absence Policies.

2. RUNNING FOR POLITICAL OFFICE.

b. Reinstatement Rights. In the case of his or her election, the elected official shall, upon request, be granted a leave of absence from his or her position of municipal employment, and [[such]] >>the<< leave of absence shall carry reinstatement rights to be exercised not later than one year from the expiration of his or her elected term of office, and [[such]] >>the<< reinstatement may be either to his or her position formerly held or to a position having substantially similar requirements, responsibilities and salary; provided, however, that any [[such]] reinstatement may be made only to fill a vacancy and shall not be made if the effect would be to displace a regularly and permanently appointed successor. This paragraph shall apply only to personnel holding [[permanent nonexempt]] >>civil service<< positions under the control of the common council.

Part 10. Section 350-35-3 of the code is repealed and recreated to read:

3. TIME-OFF FOR JURY DUTY. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, employees shall be granted time-off with pay for reporting for jury duty or jury service upon presentation of satisfactory evidence relating to this duty or service. Employees shall retain all compensation received for jury-duty service, but shall have deducted from their city pay an amount equal to the compensation received by them for jury duty, exclusive of travel pay and pay for jury duty performed on off-duty days. No greater amount of time shall be granted than necessary, and in any case, if an employee is called for jury duty and reports therefor without receiving a jury assignment for that day, or if the employee is engaged in jury duty or service for a part of a day, the employee shall, if his or her city work is available, report for the performance of city duties for the remainder of the day. If jury duty coincides with any mandatory furlough dates, the employee shall not be paid salary from the city on those dates but shall be allowed to retain jury-duty compensation.

Part 11. Section 350-35-3.5 of the code is amended to read:

3.5. TIME-OFF FOR COURT SUBPOENAS. [[Nonmanagement nonrepresented employees]] >>Employees<< shall be granted time-off with pay, upon presentation of satisfactory evidence relating to this duty, under a subpoena to appear in court during working hours with respect to any incident which occurred while the employees were at work. Compensation received, exclusive of travel pay, for this duty shall be immediately paid over to the city treasurer and shall be credited to the general fund, provided, however, that payment for the duty may be retained by employees for appearances made on off-duty hours. If court subpoena appearances coincide with any mandatory furlough dates, the employee shall not be paid salary from the city on those dates but shall be allowed to retain court subpoena appearance compensation.

Part 12. Section 350-35-5-a of the code is repealed and recreated to read:

5. FUNERAL LEAVE. a. Immediate Family. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, funeral leave shall cover necessary absence from duty of a general city employee because of death in the immediate family of the employee. "Immediate family" is defined as husband or wife, child, stepchild, brother, sister, parent, stepparent, mother-in-law, father-in-law, brother-in-law, sister-in-law or grandchild of the employee. "Brother-in-law" and "sister-in-law" includes a spouse's sibling's spouse. "Immediate family" includes stepparents and stepchildren by virtue of the employee's current spouse. Eligibility to use stepparent funeral leave benefits shall be limited to one stepmother and one stepfather regardless of the number of stepparents. "Immediate family" also includes an employee's domestic partner, if the domestic partnership is registered with the department of employee relations under s. 350-245 or was registered with the city clerk as provided in s. 111-3 in effect prior to October 30, 2009. In the case of a

death in the immediate family, an employee working a regular or alternative work schedule may be granted a leave of absence not to exceed 3 8-hour work days with pay. These work days shall be limited to work days falling within the 10 consecutive calendar-day period that begins on the day of death. One day with pay may be used to attend the funeral of a grandparent of the employee. If funeral leave coincides with any mandatory furlough dates, the mandatory furlough time shall be rescheduled as approved by the department head.

Part 13. Section 350-35-6 of the code is repealed and recreated to read:

6. UNPAID EDUCATIONAL LEAVES OF ABSENCE. a. Purpose. The purpose of the unpaid educational leave of absence is to provide for educational or professional development of employees. In no case shall the leave be used by the employee for purpose of pursuing other paid employment.
- b. Eligibility. Employees with at least 5 years of service shall be eligible for an unpaid educational leave of absence of up to one month and employees with at least 10 years of service shall be eligible for an unpaid educational leave of absence for up to 2 months.
- c. Approval. Department heads may authorize these unpaid leaves of absence and shall approve the timing of the leaves.
- d. Payments. The city shall continue to make health, dental and life insurance payments for employees who are on unpaid educational leave of absence.
- e. Reinstatement. Employees who are granted an unpaid educational leave of absence shall be entitled to reinstatement to their original positions upon return from leave.
- f. Additional Unpaid Leave. Nothing included in this subsection prohibits additional unpaid leave time from being granted under the rules of the city service commission, subject to department head approval.

Part 14. Section 350-37 of the code is repealed and recreated to read:

350-37. Sick and Disability Leave. Sick and disability leave shall cover necessary absence from duty of an employee because of the employee's personal illness or pregnancy-related disability, bodily injury or exclusion from employment because of exposure to contagious disease by the employee. In addition, an employee may request the substitution of sick leave for family leave under the state family and medical leave act, s. 103.10, Wis. Stats. Employees may not use sick and disability leave for furlough days. Employees may accrue time earned for sick and disability leave purposes while serving mandatory furlough time.

1. TIME GRANTED. a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, an eligible employee of the city who serves on a full-time basis may accrue 12 working days' sick and disability leave with pay during any year. City seasonal laborers shall be eligible to accrue sick and disability

leave credit for a maximum of one year of actual service, but they may not be paid sick and disability leave until they become regular city laborers or sanitation workers. Employees who serve the city on less than a full-time basis who qualify in all other respects may be granted a proportionate amount of sick and disability leave.

b. At the discretion of the department head, an employee may be excused for a paid absence of 2 hours or less to attend doctor or dentist appointments without reporting them as paid sick leave on no more than 3 separate occasions during a calendar year.

2. ACCUMULATIVE BASIS. a. Every permanent employee shall be granted sick and disability leave with pay at the rate of 3.7 work hours for each 2 weeks of service. The unused balance of sick and disability leave allowance shall be accumulated to the employee's credit up to 120 working days or 960 hours.

b. In addition to the normal sick leave benefits to which employees are entitled under this section, public officials appointed under s. 62.51, Wis. Stats., the director of administration and the director of employee relations shall be credited with a special sick leave account of 30 sick leave days. This special account shall be available for use until such time as 30 regular sick leave days have accrued in the normal sick leave account. As normal sick leave account days accrue, the special sick leave account shall be reduced accordingly. Unused days in the special sick leave accounts shall not be considered in the computation of any applicable benefits, including pension benefits, retirement health insurance benefits, terminal leave benefits or sick leave incentive pay benefits.

3. DOCTOR'S CERTIFICATE. At any point during the employee's use of sick and disability leave, the department head may require a statement from a private physician or dentist certifying the nature and seriousness of the sickness or pregnancy-related disability, or a certificate of an authorized and recognized Christian Science practitioner certifying that the employee is under Christian Science treatment.

4. CITY CONTRACT EMPLOYER. Service for an employer holding a city contract shall not be recognized as qualifying for sick and disability leave or as adding to a sick and disability leave accumulation even though the person so serving may have his or her name included on a city payroll.

5. QUALIFICATION. Any length of time during which an employee is on layoff, suspension, mandatory furlough or leave of absence, and any length of time not recognized by the annuity and pension board as accumulative of pension credit when the employee is a member of the annuity and pension system shall not be recognized as qualifying for sick and disability leave or as adding to a sick and disability leave accumulation.

6. ELIGIBILITY. Accrual and use of sick and disability leave allowance shall begin immediately upon employment.

7. TRANSFER. Whenever an employee eligible for a sick and disability leave allowance leaves the service of one employing unit of city government and accepts, by certification or transfer, service in a position in another employing unit of city government, obligation for any accumulated sick and disability leave allowance shall be assumed by the new employing unit. Separation from the service by resignation or

for cause shall cancel all unused accumulated sick and disability leave allowances. Whenever a permanent employee is laid off due to lack of work or lack of funds, any unused accumulated sick and disability leave shall continue in effect if the employee is rehired by any city department within one year. Sick and disability leave shall automatically terminate on the date of retirement of the employee or on the date an ordinary disability allowance under the retirement system becomes effective.

8. INJURY PAY. When an employee sustains an injury while within the scope of employment, as provided by ch. 102, Wis. Stats., and as determined by workers' compensation, the employee shall receive 66.67% of full salary as injury pay in lieu of workers' compensation for the period of time the employee is temporarily totally or temporarily partially disabled because of the injury, not to exceed 250 working days. In no case shall an employee receive injury pay for more than 250 working days during his or her period of employment with the city regardless of the number of compensable injuries. If time-off coincides with any mandatory furlough dates, the mandatory furlough time shall be rescheduled upon return to service as approved by the department head. The injury pay benefit shall be administered consistent with the 3-day waiting period under ch. 102, Wis. Stats.

9. OPTION. Bodily injuries shall be recognized as cause for granting sick and disability leave when they are disabling. Any employee sustaining a compensable injury or contracting a compensable disease under the Wisconsin workers' compensation law shall have the option of accepting sick and disability leave benefits or accepting workers' compensation. This option, which shall be in writing, may be terminated without prejudice to temporary total or temporary partial disability benefits under the workers' compensation act thereafter, but the termination shall not be retroactive, and any sick and disability leave already used at the time of the termination of option shall not be restored to the employee.

10. BENEFITS. The sick and disability leave and injury pay benefits described in this section shall be interpreted as providing sick and disability leave and injury pay limited to the period of time an employee would have worked in accordance with assigned work schedules.

11. FIRE AND POLICE DEPARTMENT SICK AND DISABILITY PAY.

a. Fire and police employees reporting absent on sick leave shall be governed by the rules, regulations and standard operating procedures of the fire and police departments. Each instance of sick leave for which an employee fails to comply with the requirements shall result in the employee losing entitlement to any sick leave with pay for that instance.

b. Administration and control of this subsection shall be under the chief of fire or police, respectively.

c. Nonrepresented, noncivilian fire and police department management employees who use their accumulated sick leave credit and then are placed on duty disability retirement pension, all as a result of duty-incurred injuries, shall be entitled to have their unused sick-leave credit or 30 working days of sick leave with pay, whichever is greater, added to their sick-leave accounts upon returning to active service.

12. REFERENCE. Reference to sick leave in any other section of the code shall apply to sick and disability leave.

13. CITY SERVICE COMMISSION TO PREPARE RULES. The city service commission shall prepare rules and regulations, forms and procedures of reporting sick leave.

14. VIOLATIONS: PENALTY. Willful violation of any provision of this section by any officer or employee, or willful making of any false report concerning illness or sick leave, shall subject the officer or employee committing the violation, or making the false report, to disciplinary action and shall be considered a cause for discharge, suspension or demotion, subject to the law and rules regulating these actions.

15. SICK LEAVE CONTROL INCENTIVE PROGRAM. As an incentive to eliminating abuse of sick leave and as a reward to employees with perfect attendance records, special incentive leave of up to 3 days per year with pay shall be granted to full-time employees who meet the following conditions:

- a. For each trimester period for which an individual employee has not used any sick leave or injury leave or been absent because of disciplinary actions, the employee shall earn 8 hours of special incentive leave, provided that the employee has a minimum of 12 days sick leave accumulation in his or her account prior to the trimester period. An employee shall maintain eligibility for a trimester sick-leave benefit if he or she suffered a verifiable lost-time work-related injury and returned to work for the next regularly-scheduled work shift following the occurrence of the injury.
- b. Special incentive leave time earned in trimester 1 may be used in trimester 2 or 3 of the same fiscal year; special incentive leave time earned in trimester 2 may be used in trimester 3 of the same fiscal year; and special incentive leave time earned in trimester 3 may be used in trimester 1, 2 or 3 of the following fiscal year.
- c. Special incentive leave time shall be added to the vacation leave account of the employee as it is earned. Special incentive leave time shall be administered like vacation and shall be subject to scheduling approval by the department head. The employee may elect to take cash in lieu of time-off.
- d. When special incentive leave time is used by or paid to an employee, there shall be no deduction from the employee's normal sick leave account balance.
- e. The sick leave control incentive program shall be established and administered by the department of employee relations.
- f. Payments made under the provisions of this program shall not be construed as being part of the employee's base salary and shall not be included in any fringe benefits. The payments shall not have any sum deducted for pension benefits, nor shall the payments be included in any computation establishing pension benefits or payments.

Part 15. Section 350-38 of the code is repealed and recreated to read:

350-38. Terminal Leave Compensation (Unused Sick Leave). 1. ELIGIBILITY.
Unless stated otherwise in a certified collective bargaining agreement while it is in force

and in effect, an employee in active service and employed by the city who retires under the provisions of the city's employees' retirement system, but excluding retirement on deferred or actuarially reduced pensions as they are defined under the system, shall upon retirement be entitled to a lump-sum payment under the terms and conditions provided in this subsection. The lump-sum payment shall be defined as terminal leave compensation.

2. COMPENSATION. An employee who is eligible for terminal leave compensation under sub. 1 shall upon retirement be entitled to a lump-sum payment equivalent to one 8-hour work shift's base pay for each one 8-hour work shift equivalent of the employee's earned and unused sick leave up to a maximum of 30 8-hour work shifts of pay except as otherwise required by law.

3. ADMINISTRATION. a. Terminal leave compensation shall not be construed as affecting an employee's pension benefits. Any payments made under this subsection shall not have any sum deducted for pension benefits nor shall the payments be included in establishing pension benefits or payments.

b. Terminal leave compensation benefits may be made as part of an employee's last regular paycheck upon normal retirement.

4. RESTRICTION. An employee shall be eligible for terminal leave compensation as set forth in this subsection, but in no event shall an employee be eligible for terminal leave on more than one occasion or from more than one position classification.

Part 16. Subchapter 5 of ch. 350 of the code is renumbered to subch. 4.

Part 17. Section 350-40-1-a of the code is amended to read:

350-40. Vacations. 1. DEFINITIONS. a. Active service means the time spent as an [[employee]] >>appointed employee<< on the city [[of Milwaukee]] payroll in a position qualifying for fringe benefits. [[In order for]] >>For<< this time spent to count as active service for vacation purposes, [[such]] >>the<< time, together with any authorized unpaid leaves of absence and mandatory furlough time, [[must]] >>shall< be continuous from the date of appointment. Active service shall also include the time an [[employee]] >>employee<< taking a military leave would have spent on the city [[of Milwaukee]] payroll in a position qualifying for fringe benefits if he or she had not taken a military leave.

Part 18. Section 350-40-2 of the code is repealed and recreated to read:

350-40. Vacations.

2. ELIGIBILITY. General vacation eligibility requirements shall be as follows:

a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, an employee shall be eligible to receive vacation benefits immediately upon employment.

b. Usage of vacation shall be based on an annual pay period year.

Part 19. Section 350-40-3-0 of the code is amended to read:

3. TIME EARNED FOR ANNUAL VACATION PERIOD. >>Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following time is earned for an annual vacation period:<<

Part 20. Section 350-40-3-a-1 of the code is amended to read:

a. [[Full Time Employees] >>Full-Time Employees<<.

a-1. [[Management pay plan employees] >>Full-time employees<<, except the executive director of the employees' retirement system, fire chief, chief of police and public officials appointed [[pursuant to]] >>under<< s. 62.51, Wis. Stats., and their deputies, shall earn vacation time [[for a fiscal year on a pay period]] >>on an annual pay-period-year<< basis in the following manner:

Part 21. Section 350-40-3-a-1-h of the code is amended to read:

a-1-h. Effective pay period 13, 2007, if it becomes necessary to recruit a [[management employe]] >>fair labor standards act-exempt employee<< at a vacation rate above the minimum of 3.7 hours per pay period, the department of [[employe]] >>employee<< relations, with the concurrence of the chair of the committee on finance and personnel, may authorize vacation at the rate of 5.3 hours per pay period which will provide a third week of vacation. A listing of appointments made [[pursuant to]] >>under<< this provision shall be [[communicated]] >>provided<< to the committee on finance and personnel.

Part 22. Section 350-40-3-a-1-i of the code is repealed.

Part 23. Section 350-40-5 of the code is repealed and recreated to read:

5. MAXIMUM VACATION BALANCES. The maximum amount of vacation employees can maintain in their vacation accounts shall be as follows:

- a. 176 hours for employees who have completed less than 4 years.
- b. 216 hours for employees who have completed 4 years of service but less than 9 years of service.
- c. 256 hours for employees who have completed 9 years of service but less than 14 years of service.
- d. 296 hours for employees who have completed 14 years of service but less than 21 years of service.
- e. 336 hours for employees who have completed at least 21 years of service.
- f. 352 hours for employees described in sub. 3-a-1-f.
- g. 360 hours for employees described in sub. 3-a-1-g.

Part 24. Section 350-40-9 of the code is repealed.

Part 25. Section 350-40-14 of the code is repealed.

Part 26. Section 350-40-15 is repealed and recreated to read:

15. POLICE AND FIRE DEPARTMENTS.

a. Members of the Police Force.

a-1 Special Service Credit. Police department employees in active service and in the following position classifications shall have time spent on duty disability pension included as years of service for computing current and prospective vacation benefits:

a-1-a Chief of police.

a-1-b Assistant chief of police.

a-1-c Deputy chief of police.

a-1-d Police commander.

a-2. Police Heroism. The chief of police is authorized to establish departmental rules in accordance with city ordinances for granting additional vacation and off-days to members of the police force who demonstrate outstanding merit in the apprehension of criminals and meritorious acts of heroism and bravery beyond the call of duty. No more than 14 additional off-days shall be granted to any one member of the police force in a calendar year.

a-3. The amount of vacation earned by a member of the police force in 1998 for use in 1999 shall be placed in a transitional vacation account (TVA). TVA hours may be scheduled with the approval of the chief. A member of the police force may not borrow vacation hours until all of his or her TVA hours have been exhausted.

b. Members of the Fire Department.

b-1 Special Service Credit. Fire department employees in active service and in the following position classifications shall have time spent on duty disability pension included as years of service for computing current and prospective vacation benefits:

b-1-a Fire chief.

b-1-b Assistant fire chief.

b-1-c Deputy chief of fire.

b-1-d Battalion chief.

b-1-e Chief dispatcher of fire alarm and telegraph.

b-2. Time Earned Per Week. Employees in active service during a fiscal year and whose normal hours of work exceed 40 hours per week shall be entitled to vacation with pay during that fiscal year at the following rates:

b-2-a. 3.7 hours per pay period for employees who have completed fewer than 6 years of active service.

b-2-b. 5.6 hours per pay period for employees who have completed 6 years but fewer than 11 years of active service.

b-2-c. 8.4 hours per pay period for employees who have completed 11 years but

fewer than 19 years of active service.

b-2-d. 10.2 hours per pay period for employees who have completed 19 years or more years of active service.

b-3. Employees on Injury Leave. An employee on authorized injury leave as a result of a duty-incurred injury may use vacation scheduled during the period of the leave, provided he or she notifies his or her immediate supervisor orally of this fact prior to the start of the vacation and indicates the time when the vacation is to be used.

b-4. Employees on Sick Leave. An employee on authorized sick leave may use vacation scheduled during the period of the leave, provided he or she notifies his or her immediate supervisor orally of this fact prior to the start of the vacation and indicates the time when the vacation is to be used.

b-5. Scheduling. The assignment and scheduling of vacations with pay shall be controlled by the fire chief.

b-6. Administration. Administration and control of this subsection shall be under the fire chief.

Part 27. Section 350-40-16 of the code is repealed.

Part 28. Section 350-45-2-g of the code is amended to read:

350-45. Accrued Time-Off Donor Program.

2. DONATION RULES.

g. The types of leave eligible for donation shall be limited to vacation, compensatory time off [,"09" days]] and time-off in lieu of holidays.

Part 29. Section 350-45-3-a of the code is repealed and recreated to read:

3. RECIPIENTS' ELIGIBILITY CRITERIA AND RULES. a. Eligible employees may receive donations of 2,080 hours per illness from qualified city employees regardless of department or union affiliation.

Part 30. Sections 350-45-3-j and k of the code are repealed.

Part 31. Section 350-45-4-a and b of the code is repealed and recreated to read:

4. PARTICIPATION BY EMPLOYEE UNIONS. a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, all city employees shall be eligible to participate in this program.

b. Disputes arising from the administration of this benefit shall not be subject to any challenge.

Part 32. Section 350-45-7 of the code is repealed.

Part 33. Subchapter 6 of ch. 350 of the code is renumbered subch. 5.

Part 34. Section 350-90-0, 1 and 4 of the code is repealed and recreated to read:

350-90. Uniform and Clothing Allowance. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, uniform and clothing requirements shall be as follows:

1. PROCEDURE. The heads of all departments providing or requiring uniforms or uniform allowances shall:

- a. Establish uniform and equipment requirements and specifications.
- b. Determine items to be provided to employees.
- c. Requisition these items through the procedure established by the department of administration, with the exception of the health department, division of public health services.
- d. Establish procurement and inspection procedures for their respective departments.

4. UNIFORM REPLACEMENT. The need for and timing of uniform replacement is at the discretion of the respective department head. Items damaged or destroyed in the line of duty shall be replaced or the employee compensated at the discretion of the respective department head.

Part 35. Section 350-90-7 of the code is amended to read:

7. PAYMENTS NOT TO AFFECT PENSION. Payments made under [[the provisions of ss. 350-90 to 350-93]] >>this section<< shall not be construed as being part of the employee's base salary and shall not be included in the computation of any fringe benefits. Payments shall not have any sum deducted for pension benefits, nor shall the payments be included in any computation establishing pension benefits or payments.

Part 36. Section 350-91 of the code is repealed.

Part 37. Section 350-92-5 of the code is repealed.

Part 38. Section 350-93 of the code is repealed.

Part 39. Section 350-94 of the code is amended to read:

350-94. [[Management Employees:]] Safety Shoe Allowance. [[Management employees, other than those covered by s. 350-91-5, who work in a classification which requires the wearing of an approved safety shoe, shall be entitled to the standard safety shoe allowance provided to subordinate represented employees.]] >>Employees working in a classification which management has determined requires

the wearing of approved safety shoes shall be eligible for the standard safety shoe allowance of \$125 annually for the reimbursement of the purchase of safety shoes.<< Payments made under this section shall not be construed as being part of an employee's base salary and shall not be included in the computation of any fringe benefits. Payments shall not have any sum deducted for pension benefits, nor shall the payments be included in any computation establishing pension benefits or payments.

Part 40. Section 350-95 of the code is created to read:

350-95. Safety Glasses Allowance. The city shall provide eye protection or prescription safety glasses to all full-time active employees as required by the federal occupational safety and health administration and the city and as recommended by the American national standards institute. Under s. 340-23, the department of employee relations shall issue and enforce standards for authorizing safety glasses. The city is not responsible for the eye examination to obtain the prescription, the repair or replacement of glasses damaged due to non-work related activities or negligent use by the employee.

Part 41. Subchapter 7 of ch. 350 of the code is renumbered subch. 6.

Part 42. Subchapter 8 of ch. 350 of the code is renumbered subch. 7.

Part 43. Section 350-143 of the code is repealed and recreated to read:

350-143. Fire Department Hours of Work. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the fire chief shall determine the hours of work for fire department employees.

Part 44. Subchapter 9 of ch. 350 of the code is renumbered subch. 8.

Part 45. Section 350-181-2-c is repealed and recreated to read:

350-181. Authorized Travel Regulations and Procedures

2. AUTHORIZATION.

c. Departments shall adhere to the administrative guidelines for automobile and travel allowance provided in ss. 350-181 to 350-187.

Part 46. Section 350-183-7 of the code is repealed and recreated to read:

350-183. Private Transportation Reimbursement.

7. RATES. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, mileage incurred on official city business by an employee or official authorized to be reimbursed for use of his or her private

automobile, excluding members of the common council who shall be reimbursed as provided for in sub. 8-a, shall be made once per month based on the internal revenue service standard mileage rate in effect for each mile driven on official city business.

Part 47. Section 350-188 of the code is created to read:

350-188. Parking. 1. ASSISTANT CITY ATTORNEYS. Assistant city attorneys shall receive parking paid for and secured by the city.
2. POLICE ADMINISTRATION BUILDING EMPLOYEES. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, employees assigned to the police administration building shall be reimbursed for parking. The reimbursement shall not exceed \$125 per month, nor shall it exceed the actual monthly costs paid for by the employee. To be eligible for reimbursement, the employee shall submit all parking receipts to the police department administration. Receipts for parking paid by the month shall be submitted by the 15th of the current month. Receipts for parking paid by the day shall be submitted by the 5th of the following month.

Part 48. Subchapter 10 of ch. 350 is renumbered subch. 9.

Part 49. Section 350-204 of the code is amended to read:

350-204. Direct Deposit for City Employees. [[Those management, nonmanagement/nonrepresented and represented/nonsworn employes]] >>Each employee<< who [are] >>is<< capable of maintaining a financial relationship with a banking institution shall participate in the direct deposit of city pay checks.

Part 50. Section 350-206 of the code is repealed and recreated to read:

350-206. Tuition Benefits; All Employees. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, employees shall be eligible for tuition benefits relating to tuition and required textbooks. Tuition benefits shall be \$1,200 per calendar year. The following provisions apply:

1. Up to \$600 of tuition benefits per calendar year may be used for job or promotion-related certifications and license fees.
2. Up to \$1,200 in tuition benefits per calendar year may be used for job-related membership dues.
3. Police aides shall be eligible for a combined maximum of \$2,400 during the first 2 calendar years of employment.
4. The department of employee relations shall establish guidelines for the administration of tuition benefits.

Part 51. Section 350-209 of the code is amended to read:

350-209. Hours of Labor of City Employees. 1. [[EIGHT HOUR DAY. The basic workday of all employes of the city of Milwaukee shall consist of 8 hours out of the calendar day.]] >>WORKDAY. Department heads shall determine hours of work, but the basic workday of all employees of the city shall consist of 8 hours in a calendar day.<< As far as it is practicable, this workday shall conform with the established hours of business. This conformity shall not interfere with the special time schedules governing departments operating more than 8 hours in each calendar day, nor shall this provision for an 8-hour day for city employees be construed as prohibiting the creation of part-time employment or the establishment of rotative, staggered or shortened work periods.

2. [[FIVE-DAY WEEK ESTABLISHED]] >> WORK WEEK<<. The service week of every employee or officer of the city in most cases shall be limited to 5 days' employment or duty per week, except in cases where the reduction would conflict with some legal requirement. >>This in no way prohibits a department head from establishing an alternative work schedule.<< So far as is practicable the days on which employees and officials shall not be required to work shall be Saturdays and Sundays to provide uniformity and an opportunity to take advantage of the economies of a complete shutdown of city activities. [[Where the regular schedule of departmental operation requires work on these days, this work shall not be considered overtime work, and the employe shall be entitled to time off during such periods as the department head may designate.]] >>If the regular schedule of departmental operation requires work on these days, this work shall not be considered overtime work, and the employee shall be entitled to time-off during such periods as the department head may designate.<<

Part 52. Section 350-225 of the code is repealed.

Part 53. Section 350-237 of the code is repealed and recreated to read:

- 350-237. Exclusion from Benefits. 1. DEFINITIONS. In this section: a. "Part-time employee" means an employee whose employment averages 20 hours per week or less.
- b. "Provisional, emergency and temporary appointments" are as defined in the city civil service rules.
2. BENEFITS EXCLUDED. a. A permanent employee who is eligible for benefits and receives a provisional, emergency or temporary appointment shall not lose rights to any employment benefits.
- b. Except as specifically provided, any individual who is hired on a provisional, emergency or temporary appointment, student aide or volunteer auxiliary police officer shall not be eligible for the following employment benefits:
- b-1. Vacation with pay.
- b-2. Additional off-days with pay.

- b-3. Sick leave with pay.
 - b-4. Funeral leave with pay.
 - b-5. Injury pay.
 - b-6. Holiday pay.
 - b-7. Holiday differential pay.
 - b-8. Shift differential pay.
 - b-9. Jury duty with pay.
 - b-10. Military training and civil disturbance leave of absence with pay.
 - b-11. Medical benefits.
 - b-12. Group life insurance.
 - b-13. All other benefits not specifically listed in this section.
 - c. Crossing guards shall not be eligible for any benefits.
3. BENEFITS PROVIDED. a. Those employees listed under sub. 2-b shall be eligible for certain employment benefits as provided for in other code provisions or state statutes.
- b. City laborers (seasonal) shall be eligible for the following employee benefits upon appointment:
 - b-1. Salary Increments.
 - b-2. Overtime in cash or compensatory time-off.
 - b-3. Workers' compensation.
 - b-4. Pay during time-off for military induction examinations.
 - b-5. Call-in pay.
 - b-6. Medical benefits.
 - b-7. Vacation pay. Employees may take vacation time earned after working 2,080 hours.
 - c. City laborers (seasonal) shall become city laborers (regular) after completing 2,080 hours of work and shall become eligible for the following additional employment benefits:
 - c-1. Sick leave with pay. The 6-month waiting period shall be waived.
 - c-2. Injury pay.
 - c-3. Holiday pay.
 - c-4. Shift differential pay.
 - c-5. Weekend differential pay.
 - c-6. Jury duty with pay.
 - c-7. Military training leave of absence with pay.
 - c-8. Dental insurance.
 - c-9. Group life insurance.
 - c-10. Retirement benefits.
 - c-11. Sick leave incentive program.
 - d. Part-time employees shall be eligible for the following employment benefits on a pro rata basis and only during the period of actual employment:
 - d-1. Vacation with pay.
 - d-2. Holiday pay.

- d-3. Sick leave with pay.
- d-4. Funeral leave.
- d-5. Sick leave incentive program.
- d-6. Jury duty with pay.
- d-7. Tuition and textbook reimbursement.
- d-8. Group life insurance.

4. APPLICATION AND ADMINISTRATION. a. An employee on the payroll prior to January, 1966, shall not lose any of the benefits provided to that employee, except that an employee, regardless of his or her date of placement on the city's payroll, who attained status in the city's central clerical pool on or after December 30, 1973, shall not be entitled to any of the employment benefits listed in sub. 2, as long as he or she retained status in the clerical pool. In addition, if any employee with status conferred via the clerical pool receiving the benefits specified in sub. 2 because he or she meets the criteria set forth in sub. 2 ceases to qualify for benefits according to sub. 3, that employee shall under no condition be eligible to receive benefits.

b. The department of employee relations shall administer the provisions of this section.

c. No provision of this section shall be construed to prevent elected and appointed city officers from accruing all benefits, including sick leave, but excluding salary increments, listed in subs. 1 and 2 from which they are not otherwise excluded by state statute, and these officials shall accrue benefits in a like manner as all other city employees who are eligible for those benefits, and the terms of office of these officials shall be deemed as periods of employment with the city for accrual of benefits.

d. The director of employee relations is authorized to accept a statement from elected or appointed city officers concerning sick leave usage and balance as needed to determine sick leave accruals.

e. Elected and appointed city officers, and former elected and appointed city officers who are employees of the city, are covered by this section.

f. Employees hired on or after July 1, 1982, to fill the positions of temporary customer service representative and accounting aide in the office of the city treasurer, shall not receive any employment benefits listed in sub. 3 regardless of their previous employment status in the city service. Employees in the city treasurer's office who had previously worked in these positions prior to July 1, 1982, shall retain their benefits status.

Part 54. Section 350-239 of the code is amended to read:

350-239. Promotion from Grade to Grade. Promotion from one grade to the next higher grade of positions in the classified civil service shall involve a change of duties and shall be made only when a vacancy has been created by resignation, transfer, death or dismissal, or when a new position shall have been created. [[Promotion shall only be made after a competitive civil service examination.]]

Part 55. Section 350-241 of the code is repealed and recreated to read:

350-241. Disciplinary Grievance Procedure. 1. DEPARTMENT OF EMPLOYEE RELATIONS. The department of employee relations shall be the official agency for the resolution of grievances arising from warning notices and unpaid disciplinary suspensions that are not appealable to the board of city service commissioners under s. 63.43, Wis. Stats., or any other board or commission under s. 63.44, Wis. Stats.

2. ELIGIBILITY. Only a regularly-appointed employee who has passed probation and has received an unpaid suspension of one to 15 days or a warning notice may use the grievance procedure established by the department of employee relations. An employee who receives a second suspension within 6 months of the initial suspension, independent of the length of the second suspension, may file an appeal with the board of city service commissions in accordance with rule XIII, s. 2 of the civil service rules if he or she chooses to contest the discipline. An employee who is not subject to the rules of the city service commissioners under s. 63.27, Wis. Stats., is not eligible to utilize the grievance procedure established by the department of employee relations.

3. PROCEDURE. Employees and supervisors shall make every reasonable effort to resolve any concerns, questions or misunderstandings that have arisen from the imposition of discipline before filing grievances. The department of employee relations shall develop and administer a grievance procedure that includes a final independent review of the circumstances of the grievance and determine whether the disciplinary action was reasonable under the circumstances. An independent reviewer shall make these determinations and shall have the authority to either affirm, reduce or set aside associated disciplinary actions.

4. REPORTS. The city service commission shall receive an annual report of the grievances filed and resolved under this section.

Part 56. Section 350-242 of the code is created to read:

350-242. Nature of Employee Regulations and Benefits. Except to the extent that the city provides otherwise in a collective bargaining agreement lawfully entered into pursuant to the Wisconsin municipal employment relations act, none of the provisions in ch. 350 of the code are intended to give rise to or create, and none of the provisions in ch. 350 should be construed by any individual employee or any group of employees as giving rise to or creating, any contractual rights or any vested rights or interests of any kind whatsoever, and all such provisions are subject to modification or revocation by the common council at any time.

Part 57. Whenever the term “employee” or “employees” appear in ch. 350, the term “employee” or “employees” is substituted.

Part 58. Certain members of Public Employees' Union #61, LIUNA, AFL-CIO, CLC, specified in the attachment to this file, shall receive an additional week of vacation placed in a transitional vacation account for use at the employees' discretion or to be saved until retirement.

Part 59. Parts 1 to 16, 28 to 55, 57 and 58 of this ordinance take effect January 1, 2012, with implementation to occur immediately or as soon thereafter as administratively practicable, but no later than pay period 2, 2012.

Part 60. Parts 17 to 27 and 56 of this ordinance take effect pay period 1, 2012.

A motion was made by ALD. MURPHY that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

3. [110798](#) A substitute charter ordinance relating to retirement benefits for certain employees employed by the fire department.

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

Part 1. Section 36-03-6-h of the charter is created to read:

36-03. Membership.

6. WHO NOT TO BECOME MEMBERS.

>>h. Persons who are employed as fire cadets.<<

Part 2. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed as provided in s. 66.0101(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

A motion was made by ALD. MURPHY that this Charter Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

4. [110935](#) A substitute ordinance to further amend the 2011 rates of pay of offices and positions in the City Service.

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

Part 1. Part Section II, Section 12 of ordinance File Number 100413 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Section 12 e (7), delete the following language:

“These individuals shall receive a 3.1% increase on their salary anniversary pay period up to the maximum of the salary grade. These adjustments shall begin in 1995 and occur in each succeeding year thereafter, provided that the individual is otherwise eligible” and add the following language:

“The rate of pay for the City Treasurer for the term commencing in April of 2012 shall be \$4,386.14 biweekly (\$114,040 annually). The rate of pay for the Comptroller for the term commencing in April of 2012 shall be \$4,831.04 biweekly (\$125,607 annually). The rate of pay for the City Attorney for the term commencing in April of 2012 shall be \$5,666.75 biweekly (\$147,335.50 annually).

Due to the changes in responsibilities and salary adjustments made in 2012, it is the intent of the Common Council to have the compensation levels for the City Comptroller’s Office professional/management staff reviewed for market compatibility and salary compression within 2 years of the adoption of this ordinance, and have a report prepared by the Department of Employee Relations made to the Finance and Personnel Committee regarding the review."

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

Part 3. The provisions of Part 1 of this ordinance are deemed to be in force and effect from and after Pay Period 8, 2012 (April 1, 2012).

The provisions of all other parts of this ordinance are deemed to be in force and effect from and after its passage and publication.

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

A motion was made by ALD. MURPHY that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

ADOPTION OF THE FOLLOWING:

5. [110597](#) Substitute resolution relating to the expenditure of funds to be reimbursed by greater than anticipated revenue. (Election Commission)
- Whereas, Section 304-91 of the Code of Ordinances establishes procedural guidelines related to the expenditure of funds to be reimbursed by greater than anticipated revenues; and
- Whereas, Under Wisconsin statutes and the rules of the Wisconsin Government Accountability Board, the City of Milwaukee Election Commission was required to conduct election recount activities related to the 2011 Spring Elections; and
- Whereas, By memorandum of April 18, 2011, the Government Accountability Board advised that the entire costs to the City of the 2011 Spring Election recount would be reimbursable by Milwaukee County; and
- Whereas, The Election Commission has been advised by the Milwaukee County Election Commission that it is entitled to reimbursement from Milwaukee County of at least \$31,620.34 of expenses incurred by the Election Commission in the 2011 Spring Election recount, and a check for payment of \$31,620.34 has been received from Milwaukee County and funds placed in estimated revenue account Number 987999; and
- Whereas, The City Comptroller has certified greater than anticipated revenue in the amount of \$31,620.34, pursuant to s. 304-91,
- Pursuant to s. 304-91, I hereby certify that the money required for this is to be realized on or before December 31, 2011, and is to be expended only for the purposes specified in this resolution.

Comptroller

Date

; and

Whereas, It is the intent of the Common Council that unanticipated revenue resulting from reimbursement of expenses incurred by the Election Commission be appropriated to the operating accounts of the Election Commission and authorized for expenditure; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Comptroller is directed to appropriate an amount of \$31,620.34 from estimated revenue account Number 987999, to increase appropriations in the amount of

\$31,620.34 in the general operating expenditure accounts of the Election Commission (0001-1700-R999-006300) for expenditure from appropriate accounts (including 630100 to 637501), and to increase the estimated revenues representing reimbursement of costs relating to the 2011 Spring Elections recount; and, be it

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

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

6. [110920](#)

Resolution authorizing the Commissioner of Public Works to execute a Revised Project Agreement titled "State/Municipal Agreement for a Highway Improvement project" between the City of Milwaukee and Wisconsin Department of Transportation for replacement of the West Capitol Drive Bridge over Menomonee River with 75 percent Federal and State aid under the State Trunk Highway Program and to fund the revised design estimate with a City of Milwaukee Share of \$25,500 and a grantor share of \$76,500.

Whereas, The Common Council of the City of Milwaukee adopted Resolution File Number 061548 authorizing and directing the Commissioner of Public Works to execute an agreement with the Wisconsin Department of Transportation (WISDOT) for replacement of the West Capitol Drive Bridge over Menomonee River with Federal and/or State aid under the State Trunk Highway Program; and

Whereas, As part of the preliminary engineering process, engineering and construction costs have been refined and increased since the original agreement was drafted five years ago; and

Whereas, The WISDOT has submitted a Revised Project Agreement that includes additional funding for the engineering and construction costs associated with the bridge project for City execution; and

Whereas, The bridge project is scheduled for construction in 2013 and construction funds for the project will be requested in a separate resolution, 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 Revised Project Agreement updating and revising the engineering and construction costs associated with the replacement of the West Capitol Drive Bridge over Menomonee River with Federal and/or State aid under the State Trunk Highway Program, a copy of which is attached

to Common Council File Number 110920 and incorporated in this resolution as though set forth therein in full.

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

Infrastructure Services Division Accounts

West Capitol Drive Bridge over Menomonee River
State Project I.D. 2025-16-00

BR320070301
City Share Non-Assessable Fund, Structure
BR300110000
Fund 0303
\$25,500

Grantor Reimbursable Fund, Structure
SP032110100
Fund 0306
\$63,750

Grantor Non-Reimbursable Cash Fund, Structure
SP032110100
Fund 0306
\$12,750

Total Estimated Additional Engineering: \$102,000
Previously Authorized for Preliminary Engineering: \$299,250.00
Current Estimated Cost of Total Project including this resolution: \$3,224,000
Original Estimated Cost of Total Project (Res. No. 061548): \$2,402,000

; 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.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

7. [110937](#) Substitute resolution authorizing city departments to expend monies appropriated in the 2012 city budget for Special Purpose Accounts, Debt Service Fund, Provisions for Employees' Retirement Fund, Delinquent Tax Fund, Common Council Contingent Fund, Grant and Aid Fund, and Special Capital Projects or Purposes.

Whereas, Section 65.06(6)(b) of the Wisconsin Statutes (1981-1982) states: "The Common Council at any time after the adoption of the budget may, by resolution adopted by a majority vote of the members thereof direct the proper officers of any department to expend such sum or sums of money as are specially appropriated out of any specific fund under its control for any of the several purposes enumerated therein. The adoption of such resolution shall be the authority for such department to proceed and expend such specified sum for the purpose as directed therein"; and,

Whereas, That the amounts included in Exhibit A attached to Common Council File No. 110937 be appropriated from the 2012 Budget for Special Purpose Accounts, Debt Service Fund, Provision for Employees' Retirement Fund, Delinquent Tax Fund, Common Council Contingent Fund, Grant and Aid Fund, and Special Capital Projects for the purposes as specified and that departments be authorized to expend the appropriated moneys, be it

Resolved, That for the purpose of interpreting and applying the provisions of Section 16.05 City Charter (Department of Administration-Business Operations Division duties) the words "appropriated to the assigned department," used above shall not be intended to mean "for use of all departments..." and, be it

Further Resolved, That the Comptroller is hereby authorized to transfer \$13,767,000 from the Tax Stabilization Fund as specified in the 2012 Budget; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that the 2012 Special Purpose Accounts and amounts assigned and authorized for expenditure to specified departments in this resolution shall be deemed to have been appropriated to the assigned department for the specific municipal public purpose intended in the budget, and for no other departmental purpose; and, be it

Further Resolved, That such Special Purpose Accounts shall therefore be deemed eligible for carryover under the provision of Section 65.07(1)(p) Wisconsin Statutes; and, be it

Further Resolved, That the Treasurer is hereby authorized to expend moneys from the

Remission of Taxes Fund to remit taxes levied in error and corrected by the Assessment Commissioner as provided in Section 70.43 of the Wisconsin Statutes; and, be it

Further Resolved, That the proper city officials are authorized to enter into necessary contracts for the purposes listed.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

8. [110938](#) Resolution appropriating \$50,000,001 from the 2012 Special Purpose Account Reimbursable Services Advance Fund.

Whereas, The 2012 city budget authorizes a specific fund under the control of the Common Council for the purpose of advance funding of reimbursable materials and services; and

Whereas, Appropriations for such purpose can be made available only after the adoption of a resolution appropriating sums out of such fund for the purposes enumerated therein; and

Whereas, In anticipation of estimated revenues to be applied to such fund, it is necessary to temporarily transfer general city funds, in accordance with Section 925-140a, Wisconsin Statutes 1919; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the sum of \$50,000,000, be and hereby is, transferred from general city funds to the specific fund under the control of the Common Council for the purpose of incurring expenditures for reimbursable materials or services; and, be it

Further Resolved, That such sum is hereby appropriated to the city departments and agencies listed in Exhibit A in the amounts specified and that such departments and agencies be, and hereby are, authorized to use amounts so appropriated for the purpose of incurring expenditures for materials or services furnished for which such city departments and agencies are to be reimbursed; and, be it

Further Resolved, That the Water Department, which is funded from its own revenue (earnings, both current and retained), is hereby authorized to use its available cash reserves to perform reimbursable work prior to receiving revenue in reimbursement; and, be it

Further Resolved, That each department or agency listed in Exhibit A is hereby directed to take all necessary steps to assure that expenditures of such appropriations for reimbursable services are in fact recovered through timely billing and amounts so recovered are paid to the specific fund under the control of the Common Council for such purpose; and, be it

Further Resolved, That the proper city officers be, and hereby are, directed and authorized to return moneys transferred from general city funds to the specific fund under the control of the Common Council for this purpose as revenues from reimbursable services are paid to the specific fund; and, be it

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

Further Resolved, That if the expenditure authorization provided in this resolution to any one department or agency becomes inadequate to handle the necessary reimbursable expenditures, it shall be the responsibility of the department or agency head to initiate a timely request through the Department of Administration-Budget and Management Division for supplementary expenditure authorization.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

9. [110959](#) Substitute resolution implementing a footnote to the 2012 Budget relating to a study of increasing the efficiency of fire suppression systems and transportation in the Fire Department.

Whereas, The Fire Department purchases major firefighting apparatus using vehicle specifications conforming to the standards of the National Fire Protection Association; and

Whereas, The Fire Department maintains a front line fleet of 36 fire engines, 15 ladder trucks and 12 ambulances, and a reserve fleet of 13 engines, 7 trucks and 6 ambulances; and

Whereas, Ultra high-pressure firefighting systems have been used by other fire departments as an alternative to engine and ladder trucks when fighting all fires other than internal structure fires; and

Whereas, Departments using ultra high-pressure firefighting systems mount the systems

on pick-up trucks or sport utility vehicles, resulting in reduced capital and fuel expenses; and

Whereas, The vehicles used for ultra high-pressure firefighting systems can also be fitted with medical supplies to allow for deployment to EMT calls; and

Whereas, Structure fires represent approximately 1% of the nearly 67,000 calls for service received annually by the Fire Department; and

Whereas, The Fire Department may be able to increase the efficiency of fire suppression systems, EMT response and transportation by using ultra high-pressure firefighting systems; and

Whereas, The 2012 Budget includes a footnote directing the Fire Department and City Comptroller to conduct a study relating to increasing the efficiency of fire suppression systems and transportation in the Fire Department and to submit their findings to the Common Council by March 1, 2012; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Fire Department and City Comptroller are directed to conduct a study relating to increasing the efficiency of fire suppression systems and transportation of the Fire Department; and, be it

Further Resolved, That Fire Department and City Comptroller shall submit a report of their findings to the Common Council by March 1, 2012.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

10. [110999](#) Substitute resolution relating to expenditure of funds to be reimbursed by greater than anticipated revenue. (Department of Public Works)

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 Department of Public Works will receive more revenue than estimated for snow and ice control fee, recycling processing, and reimbursement from FEMA for equipment rental in 2011; and

Whereas, The amount received is \$2,526,000 from increased revenues that cannot be directly credited to an expenditure; and

Whereas, The Comptroller has certified greater than anticipated revenue in the amount of \$2,526,000, pursuant to s. 304-91; and

Pursuant to s. 304-91, I hereby certify that the money required for this is anticipated to be realized on or before 12/31/11 and to be expended only for the purpose in this resolution.

Comptroller	Date

Now, therefore, be it

Resolved, That \$2,526,000 is appropriated to the Department of Public Works Operation Division account #0001-5450-R999-006300; and, be it

Further Resolved, That the Department of Public Works Operation Division is authorized to expend \$2,526,000 in the account #0001-5450-R999-006300; and, be it

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

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

CONFIRMATION OF THE FOLLOWING:

- 11. [110983](#) Appointment of James Klajbor to serve the remainder of the term as City Treasurer by the Mayor.

A motion was made by ALD. MURPHY that this Appointment be CONFIRMED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

12. [110936](#) An ordinance to further amend the 2011 offices and positions in the City Service.
- A motion was made by ALD. MURPHY that this Ordinance be PLACED ON FILE.**
This motion PREVAILED by the following vote:
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
13. [110942](#) Communication regarding the "Wellness Your Choice Milwaukee" health assessment and improvement efforts through Froedtert Health Workforce Health.
- A motion was made by ALD. MURPHY that this Communication be PLACED ON FILE. This motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
14. [110993](#) Communication from the Department of Employee Relations relating to the salaries of certain elected officials.
- A motion was made by ALD. MURPHY that this Communication be PLACED ON FILE. This motion PREVAILED by the following vote:**
- Aye:** 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0

THE FINANCE AND PERSONNEL COMMITTEE FURTHER RECOMMENDS:

PASSAGE OF THE FOLLOWING:

---The following item may be referred from the SPECIAL Finance and Personnel Committee meeting held on Wednesday, November 30, 2011 at 8:30 A.M.

15. [110998](#) A substitute ordinance relating to limitations on professional service contracts with retired city employees.
- The Mayor and Common Council of the City of Milwaukee do ordain as follows:
- Part 1. Section 310-12 of the code is created to read:
- 310-12. Professional Service Contract Limitations. If a department enters into a professional service contract, as defined in s. 310-13-2-a, with any person who has

retired from that department and is receiving a retirement allowance from the employees' retirement system, the combined value of the professional service contract and the retirement allowance may not exceed the retired person's earnable compensation, as defined under s. 36-02-12 of the charter, during the 12 months immediately preceding the retirement date, and the contract term shall not exceed a period longer than 18 months, unless approved by the common council.

A motion was made by ALD. MURPHY that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Zielinski Hines Jr.

No: 1 - Witkowski

Abstain: 1 - Coggs

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. [110056](#) Substitute resolution relating to legislative bills.

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

Resolved, By the Common Council of the City of Milwaukee, that it hereby approves the following legislative bill and instructs the Division of Intergovernmental Relations to appear before the proper committees to support such bill and use its best endeavors to have the same enacted into law, viz:

LRB-3141/1 Creating an individual income tax deduction for certain amounts paid for sewer, water, and garbage collection fees.

LRB-3420-P1 Proposal to require the WI Department of Revenue to provide municipalities with preliminary determinations of equalized value.

; and, be it

Further resolved, that the Common Council takes no position with respect to SB-247 Exemption of individuals who are at least 65 years of age from the requirements to provide poof of identification for voting.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Donovan

2. [110895](#) Substitute resolution relating to the claim of Jeff Carl for property damage. (2nd Aldermanic District)

Whereas, Members of the Judiciary and Legislation Committee have reviewed the records to this claim in the amount of \$345.00, related to alleged damage to garage. Based on this review, members of the Committee recommend the claimant be reimbursed \$345.00 in payment of this claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the

total sum of \$345.00 payable to Jeff Carl, 4526 North 76th Street, Milwaukee, WI, 53218 to reimburse for the loss; and, be it

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

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Donovan

3. [110899](#) Substitute resolution authorizing the return of real estate located at 3703 N 22nd St, in the 6th Aldermanic District to its former owner. (Shavanaka Feagin by Ronald Kelly) Whereas, The property located at 3703 N 22nd St, previously owned by Shavanaka Feagin by Ronald Kelly, has delinquent taxes for 2008-2010 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated September 16 110899; and

Whereas, Shavanaka Feagin by Ronald Kelly would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since September 16; and

Whereas, Shavanaka Feagin by Ronald Kelly has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 3703 N 22nd St, a cashier's check must be submitted in the amount indicated by the City Treasurer within thirty (30) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 11CV7456 known as the 2011-01 In Rem Parcel 60, securing the court's order and recording said order with the Milwaukee County

Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within thirty (30) calendar days of the adoption of this resolution, this process becomes null and void.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Donovan

4. [110900](#) Substitute resolution authorizing the return of real estate located at 3412-3414 N 15th St, in the 6th Aldermanic District to its former owner. (Nannie Triggs represented by Darlene Rose)

Whereas, The property located at 3412-3414 N 15th St, previously owned by Nannie Triggs represented by Darlene Rose, has delinquent taxes for 2008-2010 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated September 16, 2010; and

Whereas, Nannie Triggs represented by Darlene Rose would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since September 16, 2010; and

Whereas, Nannie Triggs represented by Darlene Rose has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 3412-3414 N 15th St, a cashier's check must be submitted in the amount indicated by the City Treasurer within thirty (30) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 11CV7456 known as the 2011-01 In Rem Parcel 82, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within thirty (30) calendar days of the adoption of this resolution, this process becomes null and void.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Donovan

5. [110927](#) Substitute resolution authorizing the return of real estate located at 1908-1910 N 34th St, in the 15th Aldermanic District to its former owner. (Phua Vang)

Whereas, The property located at 1908-1910 N 34th St, previously owned by Phua Vang, has delinquent taxes for 2008-2010 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated September 16110927; and

Whereas, Phua Vang would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since September 16; and

Whereas, Phua Vang has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 1908-1910 N 34th St, a cashier's check must be submitted in the amount indicated by the City Treasurer within thirty (30) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 11CV7456 known as the 2011-01 In Rem Parcel 188, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within thirty (30) calendar days of the adoption of this resolution, this process becomes null and void.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Donovan

6. [110928](#) Substitute resolution authorizing the return of real estate located at 3714 N 2nd Lane, in the 6th Aldermanic District to its former owner. (Robert Triplett)

Whereas, The property located at 3714 N 2nd Lane, previously owned by Robert Triplett, has delinquent taxes for 2008-2010 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated September 16 110928; and

Whereas, Robert Triplett would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since September 16; and

Whereas, Robert Triplett has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 3714 N 2nd Lane, a cashier's check must be submitted in the amount indicated by the City Treasurer within thirty (30) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 11CV7456 known as the 2011-01 In Rem Parcel 72, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within thirty (30) calendar days of the adoption of this resolution, this process becomes null and void.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Donovan

7. [110929](#) Substitute resolution authorizing the proper City officers to enter into a contract for the collection of receivables.

Whereas, in June of 2011, the Common Council passed Resolution File No. 110270 authorizing

the City Attorney to request proposals for the collection contract for City receivables; and

Whereas, the City Attorney advertised for proposals three times in the Milwaukee Journal/Sentinel, the Milwaukee Business Journal, and the Daily Reporter, between August 19

and September 6, 2011, and the City Purchasing Director placed an announcement on her department's website; and

Whereas, the City Attorney received 53 requests for the RFP and eight proposals; and

Whereas, the City Attorney and the evaluation team, consisting of representatives from the

Treasurer's Office, the Department of Neighborhood Services, the Department of Public Works,

and the City Attorney's Office reviewed the eight proposals, conducted oral presentations and

interviews, and ranked the proposals, and now recommends that the City enter into the attached

contract with The Kohn Law Firm, S.C. for the collection of City receivables, to commence

January 1, 2012; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that a contract with the Kohn Law

Firm, S.C. in substantially the same form as is attached to this file is approved, and the proper

City officers are hereby authorized to execute said contract.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Donovan

8. [110940](#) Substitute resolution authorizing the return of real estate located at 2968 N 9th St, in the 6th Aldermanic District to its former owner. (Calves Haynes)

Whereas, The property located at 2968 N 9th St, previously owned by Calves Haynes, has delinquent taxes for 2008-2010 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated September 16, 2009; and

Whereas, Calves Haynes would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since September 16, 2009; and

Whereas, Calves Haynes has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 2968 N 9th St, a cashier's check must be submitted in the amount indicated by the City Treasurer within thirty (30) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 11CV7456 known as the 2011-01 In Rem Parcel 132, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within thirty (30) calendar days of the adoption of this resolution, this process becomes null and void.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Donovan

DISALLOWANCE AND INDEFINITE POSTPONEMENT OF THE FOLLOWING:

9. Claims against the city:
- a. [110415](#) Resolution relating to the claim of Sharon Megna relating to property damage. (6th Aldermanic District)
- A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. This motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 1 - Donovan
- b. [110879](#) Resolution relating to an appeal from Corves Coleman for property damage. (1st Aldermanic District)
- A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. This motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 1 - Donovan
- c. [110903](#) Resolution relating to an appeal from Pamela Jordan for the loss of her dog. (6th Aldermanic District)
- A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. This motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 1 - Donovan
- d. [110905](#) Resolution relating to an appeal from Nikola Stojisavljevic for appeal costs. (12th Aldermanic District)
- A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. This motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 1 - Donovan

THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [071364](#) A substitute ordinance relating to a change in zoning from General Planned Development to a Detailed Planned Development, Phase II, known as ReadCo, on land located on the north side of East North Avenue and east of North Humboldt Avenue, for residential and commercial development, in the 3rd Aldermanic District. The Mayor and Common Council of the City of Milwaukee (“Common Council”), do ordain as follows:

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

Section 295-907(2)(c).0124.

(1) In accordance with the provisions of Section 295-907(2) of the Code relating to the establishment of planned development districts, the Common Council approves the subject Detailed Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for the properties located at 1132 East North Avenue, Tax Key No. 320-1416-100; 1136 East North Avenue, Tax Key No. 320-1693-000; and 1164 East North Avenue, Tax Key No. 320-1692-000, from General Planned Development (GPD) to a Detailed Planned Development (DPD).

(3) The requirements set forth in said detailed plan attached to this Common Council File as Exhibit A, constitute the zoning regulations for the area contained in such planned development district described, provided further, that the effect of the approval of such detailed plan is that such plan shall limit and control construction, location, use and operation of all land and structures included within the detailed plan to all conditions and limitations set forth in such detailed plan.

Part 2. Any persons, firm, company or corporation owning, controlling or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved by the Commissioner of the Department of City Development, or any person, firm, company or corporation who shall omit, neglect or refuse to do any act required in this ordinance shall be subject to the penalties provided in Section 200-19 of the Code.

Part 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

2. [110586](#)

A substitute ordinance relating to the First Amendment to the General Planned Development known as ReadCo, to facilitate development, on land located on the north side of East North Avenue and east of North Humboldt Avenue, in the 3rd Aldermanic District.

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

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

Section 295-907(2)(a).0063.

(1) In accordance with the provisions of Section 295-907(2) of the Code relating to the procedures and establishment of planned development districts, the Common Council approves the subject amended General Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for properties located at 1132 East North Avenue, Tax Key No. 320-1416-100; 1136 East North Avenue, Tax Key No. 320-1693-000; 1164 East North Avenue, Tax Key No. 320-1692-000; 2340 North Commerce Street, Tax Key No. 320-1691-000; and 2362 North Stanley Place, Tax Key No. 320-1694-000.

(3) The requirements set forth in said general plan attached to this Common Council File as Exhibit A, constitute the zoning regulations for the area contained in such planned development district described, provided further, that the effect of the approval of such general plan is that such plan shall limit and control construction,

location, use and operation of all land and structures included within the general plan to all conditions and limitations set forth in such general plan.

Part 2. Any persons, firm, company or corporation owning, controlling or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved by the Commissioner of the Department of City Development, or any person, firm, company or corporation who shall omit, neglect or refuse to do any act required in this ordinance shall be subject to the penalties provided in Section 200-19 of the Code.

Part 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

3. [110692](#) A substitute ordinance relating to the establishment of the East Side architectural review board.

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

Part 1. Section 200-61-2-e of the code is amended to read:

200-61. Architectural Review Board.

2. DEFINITIONS.

e. "District" means the area designated by common council resolution 870501 as business improvement district #2 >>or the area designated by common council resolution 110693 as the East Side architectural review district<<. [[This area shall also be known as the "Historic Third Ward District."]] "District" also means such additional areas as may be designated by the common council. Each district created hereunder shall have a separate board.

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

4. [110738](#) A substitute ordinance relating to fence regulations.

Part 1. Section 239-2-2 of the code is amended to read:

239-2. Fences.

2. HEIGHT, SETBACK AND VISION TRIANGLE. Fences >>, including all posts and vertical structural supports,<< shall meet the applicable fence height, setback and vision triangle regulations of ch. 295.

Part 2. Section 239-2-3-h of the code is created to read:

3. STRUCTURAL REGULATIONS.

h. Each fence shall be uniform in color, except that a fence painted, stained or otherwise finished in 2 colors shall be permitted. A fence may be painted, stained or otherwise finished in 3 or more colors only with the permission of the commissioner.

Part 3. Section 239-2-7 of the code is created to read:

7. REMOVAL OF EXISTING FENCE. Whenever a new fence is constructed parallel to and within 6 feet of an existing fence on the same lot, the existing fence shall be removed within 10 days of completion of the new fence.

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Murphy

5. [110862](#) A substitute ordinance relating to the establishment of a Master Sign Program Overlay Zone known as East Pointe Marketplace, to establish signage standards for a portion of the property located at 605 East Lyon Street, on the north side of East Ogden Street and east of North Jefferson Street, in the 3rd Aldermanic District.

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

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

Section 295-1017.0008. The zoning map is amended to establish a Master Sign Program Overlay Zone (“MSP”) for the subject area located at 605 East Lyon Street, Tax Key No. 360-1281-000.

Part 2. In accordance with the provisions of Section 295-1017(2)(a) of the Code relating to the establishment of Master Sign Program Overlay Zones, the Common Council approves the sign program, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part thereof as though fully set forth herein.

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

ADOPTION OF THE FOLLOWING:

6. [061018](#) Substitute resolution relating to the sale of surplus property at 1136-46 East North Avenue to 1150 North, LLC for mixed-use development, in the 3rd Aldermanic District.

Whereas, By adoption of File No. 031163, the Common Council of the City of Milwaukee declared the City Ward Yard at 1136-46 East North Avenue surplus to municipal needs and authorized a six-month Option to Purchase with Readco, LLC (“Readco”) to purchase and redevelop the property; and

Whereas, Readco did not acquire the property as outlined in File No. 031163 due to market conditions and the demands of developing a UW-Milwaukee dormitory on its adjacent property, but continued to work on a development proposal for the site; and

Whereas, Readco has formed a new limited liability company, 1150 North, LLC (“Developer”), and has submitted new plans to assemble the City Ward Yard property with its adjacent properties at 1132 and 1164 East North Avenue to develop a market rate apartment building with a ground-floor retail component as summarized in a Land Disposition Report (“LDR”), a copy of which is attached to this Common Council File; and

Whereas, Section 304-49-5 of the Milwaukee Code of Ordinances allows the City to sell Development Property with Common Council approval, and Section 304-49-7

allows the City, with Common Council approval, to sell City lands to designated persons for adequate fair market consideration, which includes monetary and non-monetary consideration; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of City Development (“DCD”), in consultation with the City Attorney’s Office, is authorized to negotiate and enter into a Purchase and Sale Agreement with the Developer and to convey said property to the Developer for the project, consistent with the LDR, which LDR and transaction reflect the fair compensation to the City in terms of the purchase price and investment in the neighborhood, and that assemblage of the City property with the adjacent properties results in a better development than if the City Ward Yard was sold independently; and, be it

Further Resolved, That the Commissioner of DCD, or designee, is authorized to execute the Purchase and Sale Agreement, deed and all needed closing documents, including any needed easements and/or releases of deed restrictions; and, be it

Further Resolved, That the proceeds from the sale, less closing expenses and a 30 percent disposition cost reimbursement to the Redevelopment Authority of the City of Milwaukee, shall be deposited in the City of Milwaukee’s General Fund.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

7. [090688](#) Substitute resolution approving Amendment No. 1 to the Project Plan and a Term Sheet authorizing expenditures for Tax Incremental District No. 75 (Reed Street Yards), in the 12th Aldermanic District.

Whereas, On September 22, 2009, the Common Council of the City of Milwaukee (“Common Council”) adopted File No. 090564, which approved a Project Plan and created Tax Incremental District No. 75 (Reed Street Yards) (the “District”); and

Whereas, Pursuant to Section 66.1105(4)(h)(l), Wisconsin Statutes, on November 17, 2011, the Redevelopment Authority of the City of Milwaukee (“Authority”) conducted a public hearing on Amendment No. 1 to the Project Plan for the District (“Amendment”), approved the Amendment by resolution and submitted the Amendment, a copy of which is attached to this Common Council File, to the Common Council for its approval; and

Whereas, Section 66.1105(4)(g) and (h)(1), Wisconsin Statutes, provides that an amendment to a Project Plan shall be approved by the Common Council by adoption

of a resolution, which contains findings that such amendment is feasible and in conformity with the Master Plan of the City of Milwaukee (“City”); now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it finds and determines as follows:

1. The Amendment retains the existing boundaries of the District and does not alter the number of properties within the District. Therefore, the findings made in File No. 090564, pursuant to Section 66.1105(4)(gm)l and 4, Wisconsin Statutes, are reaffirmed.
2. The Amendment revises the project costs to be supported by the District and revises the forecast of District Cash Flow and the District Financial Feasibility Analysis that is part of the Project Plan and makes related changes regarding the timing of project costs and methods of financing.
3. The project costs provided in the Amendment relate directly to promoting development consistent with the City's Master Plan and with the purpose(s) for which the District was created under Section 66.1105(4)(gm)4a, Wisconsin Statutes.
4. The percentage of the aggregate value of the equalized taxable property of the District, plus the incremental value of all other existing Tax Incremental Districts (“TID”), does not exceed the statutory maximum 12 percent of the aggregate value of total equalized value of taxable property within the City; and, be it

Further Resolved, That the Amendment is approved and the Project Plan for the District, as amended, is feasible, in conformity with the Master Plan for the City and will promote the orderly development of the City; and, be it

Further Resolved, That:

1. The City Clerk is directed to notify the Wisconsin Department of Revenue in such form as may be prescribed by said Department of the approval of this Amendment pursuant to the provisions of Section 66.1105(5), Wisconsin Statutes.
2. The City Comptroller is directed to transfer the sum of \$6,217,770, plus capitalized interest for two years, if necessary, from the Parent TID Account to Project Account No. TD07580000 for the purpose of providing the necessary funding for the Amendment.
3. The City Comptroller, in conjunction with the Commissioner of the Department of City Development, is directed to perform such acts and to create such accounts and

subaccounts and make appropriate transfers, upon written request by the Department of City Development, for all revenue or expenditure activity under this resolution.

4. The proper City officials are directed to execute a Cooperation and Development Agreement providing for the granting of funds to the Authority such that the Authority may make the grants and provide a loan to the Project as specified in the Amendment on the terms and conditions set forth in the Term Sheet, a copy of which is attached to this Common Council File; and, be it

Further Resolved, That the proper City officials are authorized to execute any additional documents and instruments necessary to carry out the provisions of the Cooperation and Development Agreement and implement the Project.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

8. [101340](#) Resolution approving a final Certified Survey Map for property located on the west side of South 6th Street and north of West College Avenue, which will create one lot and dedicate land for public purposes, in the 13th Aldermanic District.

Whereas, The Milwaukee Code of Ordinances, Chapter 119-5, Subdivision Regulations, requires City Plan Commission (“CPC”) approval, conditional approval or disapproval of all Certified Survey Maps (“CSMs”), which provide dedication of land to the City of Milwaukee (“City”) for public purposes; and

Whereas, The City received one final CSM, a copy of which is attached to this Common Council File, which dedicates land to the City for public purposes; and

Whereas, In compliance with the above-referenced chapter of the Milwaukee Code of Ordinances, CPC has reviewed and recommended approval of said CSM; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the following CSM is approved:

OWNER’S NAME, DCD NO., TAX KEY NO.

Lindner Terminals LLP, DCD No. 2858, Tax Key Nos. 688-0002-000, 688-0001-100, 688-9988-100, 688-9987-110 and 688-9987-200

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

9. [110693](#) Substitute resolution approving the boundary and design guidelines for the East Side Architectural Review District.
- Whereas, Consistent with s. 200-61-2 of the Milwaukee Code of Ordinances, the Common Council finds that the physical and architectural character of the Business Improvement District No. 20 (“*BID 20*”) area, which encompasses properties on both sides of East North Avenue between the Milwaukee River and North Prospect Avenue warrants special regulation with respect to the alteration, rehabilitation and construction of buildings, structures or sites because of the area’s significant historical, cultural, social and commercial attributes; and
- Whereas, The Common Council further finds that to protect, promote and enhance the special physical and architectural character of the *BID 20* area, it is essential that an architectural review board be created to review all applications for the alteration, rehabilitation or construction of buildings, structures and sites in the area; and
- Whereas, Common Council File Number 110692 is an ordinance that creates an architectural review board for the *BID 20* area - the East Side Architectural Review Board (“*Board*”); and
- Whereas, Section 200-61-2-d and 4-c of the Code require that an architectural review board use Common Council-adopted design guidelines when reviewing applications for certificates of appropriateness for the alteration, rehabilitation and construction of buildings, structures and sites in the architectural review district; and
- Whereas, Since May of 2009, the board of *BID 20*, an architectural consultant engaged by *BID 20* (Mr. James Piwoni), property owners and other stakeholders in the *BID 20* area, and City staff from the Department of City Development and the City Attorney’s Office have worked together to develop design guidelines for the *BID 20* architectural review area; and
- Whereas, The “East Side Business Improvement District #20 Architectural Review Board Design Guidelines” which are attached to this Common Council file represent the final product of this 2-year guideline-development process; and
- Whereas, The board of *BID 20* recommends and requests that the Common Council adopt the “East Side Business Improvement District #20 Architectural Review Board Design Guidelines”; and

Whereas, These design guidelines, which would be supplemental and subordinate to the City's zoning regulations, set forth objectives and supporting criteria in the areas of urban design, building type, architecture, frontages and street edges, including suggested alternatives for construction and building modifications to aid in meeting those objectives; and

Whereas, The City's architectural review board ordinance (s. 200-61) requires that an architectural review board administer adopted design guidelines within a specifically-designated area; and

Whereas, File Number 110692 provides for designation of the area comprising the East Side Architectural Review District via this Common Council file (File Number 110693); and

Whereas, The board of BID 20 and Department of City Development staff recommend that the area within the boundary shown in Exhibit "A" attached to this file, and further described by the list of properties in Exhibit "A," be designated the East Side Architectural Review District; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the area within the boundary shown in Exhibit "A," and further described by the list of properties in Exhibit "A," is designated the East Side Architectural Review District; and, be it

Further Resolved, That the "East Side Business Improvement District #20 Architectural Review Board Design Guidelines" that are attached to this Common Council file are adopted as the design guidelines for the East Side Architectural Review District.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

- 1. [110572](#) Substitute resolution relative to the acceptance and funding of a United States Department of Labor Green Jobs Innovation Funds Grant.
Whereas, The City of Milwaukee received notification as a subrecipient of a subaward from the Jobs for the Futures Inc. in the amount of \$901,200. This grant is from the U. S. Department of Labor, in connection with the Workforce Investment Act - for a project titled “Green Jobs Innovation Fund”; and

Whereas, The operation of this grant from July 1, 2011 through June 30, 2014 would costs \$901,200 which will be provided by the Jobs for the Future Inc.; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, the Community Development Grants Administration shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81, Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to:

- 1. Commit funds within the Project/Grant Parent of the 2011 Special Revenue Grant And Aid Project Funds, the following amounts for the program/project titled Jobs for the Future; Workforce Investment Act-Green Jobs Innovation Fund:

Project/Grant	Fund	Org	Program	BY	SubClass	Acct
GR0001100000	0150	9990	0001 0000		R999	000600

Project	Amount
Grantor Share	\$901,200

- 2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels; budget against these Project/Grant values the amount required under the grant agreement;

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

Further Revolved, That these funds are budgeted for the Community Development Grants Administration which is authorized to:

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

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

A motion was made by ALD. DAVIS that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

2. [110908](#) Resolution to review and approve modifications to the contract used by the Community Development Grants Administration for 2012 community development activity and to authorize execution of contracts and subcontracts by City departments. Whereas, The Common Council of the City of Milwaukee has previously approved funding recommendations for the City's 2012 Community Development Block Grant program in Resolution No. 110811, 110812, 110813, 110814 and 110815, (hereinafter referred to as the "2012 CDBG Funding Resolutions"); and

Whereas, Pursuant to Common Council Resolution No. 74-92-5v, the Common Council now wishes to make certain modifications to the form of contract to be used in the implementation of the CDBG program for 2012; to authorize the execution of contracts and subcontracts by such City departments; and to authorize an Interdepartmental Cooperation Agreement to be executed by CDGA and each City department which received CDBG funding in 2012; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the form of contract for use in implementation of the 2012 Community Development Block Grant program, with entities other than City departments or agencies receiving CDBG funds, in the form on file with the Common Council in Resolution No. 110811, 110812, 110813, 110814 and 110815 (Form CDA-8, Contract for Services and Vendors) is hereby approved, subject to such revisions and modifications as may be required from time to time by the City Attorney; and, be it

Further Resolved, That the form of contract for use in implementation of the 2012 Community Development Block Grant program by City departments and agencies receiving Community Development Block Grant funds, in the form on file with the Common Council in Resolution No. 110811, 110812, 110813, 110814 and 110815 (Interdepartmental Cooperation Agreement) is also hereby approved, subject to such revisions and modifications as may be required from time to time by the City Attorney; and, be it

Further Resolved, That the various City departments identified in the 2012 CDBG Funding Resolutions (including the City Comptroller, the Department of City Development, the Department of Neighborhood Services, the Health Department, the Milwaukee Fire Department, RACM, and the Department of Administration,) are hereby authorized to enter into such contracts and subcontracts as may be required within the limits of the respective approved project budgets set forth in the 2012 CDBG Funding Resolutions, subject to the terms of the Interdepartmental Cooperation Agreement referred to in the preceding paragraph and entered into between CDGA and each such City department.

A motion was made by ALD. DAVIS that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

3. [110915](#) Resolution authorizing the transfer of the 2012 Community Development Block Grant and 2012 HOME funding for Neighborhood Improvement Project activities from the YMCA-Community Development Corp. to the Community First Inc. organization.

Whereas, The YMCA-Community Development Corp. has notified the Community Development Grants Administration (CDGA) in the attached letters of their plan to transfer their Community Development Block Grant (CDBG) funding, and HOME funding for the Neighborhood Improvement Project activities to Community First, Inc.; and

Whereas, The amount of 2012 funding to be transferred to Community First, Inc. will be as follows: CDBG \$198,801, and HOME \$735,000. The transfers of funds are effective January 1, 2012; now therefore, be it

Resolved, That the Common Council of the City of Milwaukee hereby approves the transfer of funding and shelter activity as stated above from the YMCA-Community Development Corp. to Community First, Inc.; and, be it

Further Resolved, That Community First, Inc. shall submit budget and activity reports in amounts and according to any conditions approved by the Common Council and in accordance with File Number 74-92-5v, to the Community Development Grants Administration and the City Comptroller for review and approval; and, be it

Further Resolved, That payments for CDBG and HOME costs incurred shall be paid in accordance with approved CDBG and HOME reimbursement policy based on the approval by the Community Development Grants Administration and the City Comptroller; and, be it

Further Resolved, That except as modified by this resolution, the guidelines for handling the Community Development Block Grant Program set forth in Common Council File Number 74-92-5v are fully applicable to the Community Development Entitlement Funding Program.

A motion was made by ALD. DAVIS that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Coggs

PLACING ON FILE THE FOLLOWING:

4. [110361](#) Resolution appropriating \$100,000 from the Development Fund for a Building Restoration Grant to TMB Development Corp. for the Iron Block building, in the 4th Aldermanic District.

A motion was made by ALD. DAVIS that this Resolution be PLACED ON FILE. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

5. [110921](#) Communication from the Office of Environmental Sustainability on the City's Sustainability Accomplishments.

A motion was made by ALD. DAVIS that this Communication-Report be PLACED ON FILE. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

6. [110975](#) Communication from the Public Policy Forum relating to the report, "Assembling the Parts".

A motion was made by ALD. DAVIS that this Communication-Report be PLACED ON FILE. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

THE PUBLIC WORKS COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. [110257](#) Substitute resolution amending a special privilege to Marquette University to construct and maintain additional chiller lines in the public right-of-way for the university campus at and adjacent to 1801 West Wisconsin Avenue, in the 4th Aldermanic District.
Whereas, Marquette University had requested permission for chiller lines, steam lines, electrical lines and communications conduit in various public rights-of-way to serve buildings on the university campus; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 080435 in 2008; and

Whereas, Marquette University is currently requesting permission to construct and maintain two additional chiller lines crossing North 13th Street; and

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

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Numbers 080435 is hereby rescinded; and, be it

Further Resolved, That Marquette University, P.O. Box 1881, Milwaukee, Wisconsin 53201-1881 is hereby granted the following special privileges:
 1. To construct and maintain two, 14-inch diameter chiller pipes under and across the 60-foot wide right-of-way of North 13th Street at a point approximately 110 feet north of the northline of West Wisconsin Avenue. Said pipes are located 6 feet 6 inches feet below grade.
 2. To keep and maintain a 12-inch diameter steam pipe under and across the 60-foot wide right-of-way of North 13th Street at a point approximately 165 feet north of the northline of West Wisconsin Avenue. Said pipe is located 5 feet 6 inches below grade.
 3. To keep and maintain two, 14-inch diameter chiller pipes under and across the 100-foot wide public right-of-way of West Wisconsin Avenue. Said pipes are centered approximately 193 feet west of the westline of North 12th Street and are located 18 feet below grade.
 4. To keep and maintain eight, 4-inch diameter conduits encased in a 34-inch wide

and 18-inch high concrete box commencing at the intersection of the eastline of North 18th Street and the northline of West Wisconsin Avenue and, then, extending south 110 feet under and across West Wisconsin Avenue to a point approximately 10 feet south of the southline of West Wisconsin Avenue on the eastline of North 18th Street and, then, extending west 62 feet under and across North 18th Street to a point approximately 15 feet south of the southline of West Wisconsin Avenue at the westline of North 18th Street. Said underground conduits will be approximately 2 feet below grade. Total length of said conduit in the public right-of-way is 182 feet.

5. To keep and maintain a 4-inch diameter conduit under and across the 60-foot right-of-way of North 13th Street approximately 192 feet north of the northline of West Wells Street. Said conduit is approximately 30 inches below grade.

6. To keep and maintain six, 4-inch diameter conduits encased in concrete crossing the 60-foot wide right-of-way of North 16th Street at a point approximately 203 feet north of the northline of West Wisconsin Avenue. The conduit package is located approximately 2 feet below grade.

7. To keep and maintain six, 4-inch diameter conduits encased in concrete extending under and diagonally across North 17th Street located approximately 2 feet below finished grade beginning at a point on the west side of North 17th Street, approximately 187 feet north of the northline of West Wisconsin Avenue, then extending northeasterly for a distance of approximately 60.2 feet under the public right-of-way to a point located approximately 192 feet north of the northline of West Wisconsin Avenue.

8. To keep and maintain four, 3-inch and two, 4-inch diameter conduits encased in concrete crossing the 60-foot wide right-of-way of North 18th Street at a point approximately 207 feet south of the southline of West Wells Street. Said conduit package is located approximately 2 feet below grade.

9. To keep and maintain six, 4-inch diameter conduits encased in concrete extending under and diagonally across North 19th Street located approximately 2 feet below finished grade beginning at a point on the west side of North 19th Street, approximately 175.5 feet north of the northline of West Wisconsin Avenue, then extending southeasterly for a distance of approximately 60.06 feet under the public right-of-way to a point approximately 172.8 feet north of the northline of West Wisconsin Avenue.

10. To keep and maintain six, 4-inch diameter electrical conduits encased in concrete extending under and diagonally across West Wisconsin Avenue located approximately 5 feet below finished grade and extending from a point along the northline of West Wisconsin Avenue, approximately 15 feet east of the eastline of North 13th Street, in

a southeasterly direction, to a point along the southline of West Wisconsin Avenue into a manhole located on private property covering a total distance of approximately 169.61 feet under the public right-of-way.

11. To keep and maintain four, 4-inch diameter electrical conduits encased in concrete located approximately 2 feet below finished grade, extending for a distance of approximately 4 feet south from the building at 729 North 11th Street into the east-west alley bounded by West Wells Street, West Wisconsin Avenue, North 11th Street and North 12th Street, approximately 4 feet west of the westline of North 11th Street to a manhole, then continuing east for a distance of approximately 4 feet to the westline and 70 feet directly across North 11th Street, approximately 162 feet north of the northwest corner of North 11th Street and West Wisconsin Avenue, to a manhole at or near the eastline of North 11th Street for a total distance of 78 feet under the public rights-of-way.

12. To keep and maintain six, 4-inch diameter conduits encased in concrete located approximately 2 feet below finished grade extending from a point approximately 152 feet north of the northline of West Wisconsin Avenue on the westline of North 13th Street then crossing 30 feet to the centerline of North 13th Street, then continuing in a southeasterly direction for approximately 30 feet to the eastline of North 13th Street for a distance of approximately 60 feet under the public right-of-way, then connecting to a manhole located approximately 2 feet east of the eastline of North 13th Street on private property.

13. To keep and maintain four, 4-inch diameter electrical conduits encased in concrete crossing the 70-foot wide right-of-way of North 12th Street at a point approximately 184 feet north of the northline of West Wisconsin Avenue. Said conduit package is located approximately 2 feet below grade.

14. To keep and maintain six, 4-inch diameter electrical conduits encased in concrete crossing the 100-foot wide right-of-way of West Wisconsin Avenue at a point approximately 125 feet west of the westline of North 15th Street. Said package is approximately 2 feet 6 inches below grade.

15. To keep and maintain one, 15-inch diameter heating pipe with one 4-inch diameter return pipe both encased in concrete crossing the 100-foot wide right-of-way of West Wisconsin Avenue at a point approximately 155 feet west of the westline of North 15th Street. Said package is located approximately 5 feet below grade.

16. To keep and maintain one, 12-inch diameter steam heating pipe and a group of six 4-inch diameter electrical conduits crossing the 60-foot wide right-of-way of North 16th Street at a point approximately 249 feet north of the northline of West Clybourn

Street. Said package, which is encased in concrete, is approximately 2 feet 6 inches below grade.

17. To keep and maintain six, 4-inch diameter conduits encased in a 22-inch wide and 16-inch high concrete box crossing the 60-foot wide right-of-way of North 16th Street at a point approximately 184 feet north of the northline of West Wells Street. Said conduit is approximately 2 feet below grade.

18. To keep and maintain six, 4-inch diameter conduits encased in a 22-inch wide and 16-inch high concrete box crossing West Wells Street located approximately 2 feet below finished grade beginning at a point on the southline of West Wells Street, located approximately 171 feet east of the eastline of North 16th Street, then crossing northerly for a distance of approximately 79.18 feet under the public right-of-way to a point on the northline of West Wells Street, located approximately 134 feet east of the eastline of North 16th Street.

19. To install and maintain six, 4-inch diameter conduits encased in a 22-inch wide and 16-inch high concrete box crossing West Wells Street located approximately 2 feet below finished grade beginning at a point on the southline of West Wells Street, located approximately 135 feet east of the eastline of North 18th Street, crossing easterly for a distance of approximately 70.86 feet under the public right-of-way to a point on the northline of West Wells Street located approximately 146 feet east of the eastline of North 18th Street.

20. To install and maintain six, 4-inch diameter conduits encased in a 22-inch wide and 16-inch high concrete box crossing the 15-foot wide east-west alley bounded by North 19th Street, West Wisconsin Avenue and West Wells Street at a point approximately 111 feet west of the westline of North 18th Street. Said conduit package is approximately 2 feet below grade.

21. To install and maintain six, 4-inch diameter conduits encased in a 22-inch wide and 16-inch high concrete box crossing the 60-foot wide right-of-way of North 15th Street at a point approximately 70 feet north of the northline of West Wells Street. Said package is located 2 feet below grade.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as it is no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that, by acceptance of this special privilege, the grantee, Marquette University, shall:

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

File with the Commissioner of Public Works a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.

Pay to the City Treasurer an annual fee, which has an initial amount of \$3095.95. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

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

Not now or in the future use the cable communication facility in a manner that will conflict with the provisions of Chapter 99 of the Code of Ordinances regarding the transmission and distribution of video entertainment programming to subscribers.

Join and continue to be a member of Digger's Hotline, the one call system that

operates in the Milwaukee area, as long as there are private underground facilities in the public right-of-way as required in Section 182.0175(1m)(6) of the Wisconsin Statutes.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

2. [110890](#) Resolution relating to application, acceptance and funding of a Wisconsin Department of Natural Resources 2012 Urban Forestry Grant.

Whereas, The City of Milwaukee appears to be eligible for a 2012 Urban Forestry Grant from the Wisconsin Department of Natural Resources; and

Whereas, The Department of Public Works-Operations Division (Forestry Section) would use this grant to conduct a public awareness campaign; and

Whereas, This project would include the following components:

1. Extend a public awareness radio campaign on Emerald Ash Borer (EAB) and the economic, ecological and social benefits of Milwaukee's urban tree canopy. The radio campaign will consist of ads developed and funded by the 2011 Urban Forestry grant in order to direct 2012 grant funds to the radio buy (frequency and duration).
2. Develop a door hanger to be distributed as field material to notify homeowners of services provided by the Forestry Section. The door hanger will also include information on EAB and Milwaukee's urban tree canopy benefits.
3. Use ash tree injection program funded in the proposed 2012 capital budget to meet 50% match requirement.

; and

Whereas, The implementation of the public awareness campaign will cost \$50,000, of which \$25,000 (50%) will be provided by the grantor and \$25,000 (50%) will be provided in-kind by the City; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works is authorized to apply, accept and fund a 2012 Urban Forestry Grant "Milwaukee's Trees Keep Talking" in the amount of \$25,000 from the Wisconsin Department of Natural Resource without further Common Council approval, unless the terms of the grant change in a manner described in s. 304-81 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to:

- 1. Encumber in the parent accounts of the 2012 Special Revenue Accounts-Grant and Aid Projects the following amounts for the project titled Urban Forestry Grant:

Project/Grant	GR0001200000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Sub Class	R999
Account	000600
Project	Grantor Share
Amount	\$25,000

- 2. Create a Special Revenue Fund-Grant and Aid Projects and the necessary expenditure and revenue accounts, appropriate to these accounts the amounts required under the Grant Agreement, and transfer the corresponding offsetting estimated revenue.

- 3. Establish the necessary Grant and Aid performance sub-measures.

; and, be it

Further Resolved, That these funds are appropriated to the Department of Public Works-Operations Division (Forestry Section), which is authorized to:

- 1. Make expenditures from these funds for specified purposes as indicated in the program budget, a copy of which is attached to this file.
- 2. Transfer funds within the project budget as long as the amount expended for each specific purpose does not exceed the amount authorized by the budget by 10% or more.
- 3. Enter into subcontracts and leases to the extent detailed in the project budget.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- 3. [110894](#) Substitute resolution directing the Commissioner of Public Works to execute a revised

project agreement titled “State/Municipal Agreement for a Highway Improvement Project”, with the Wisconsin Department of Transportation (WisDOT), for the improvement of North 91st Street/North Swan Road from West Hampton Avenue to West Flagg Avenue, with 80 percent Federal and/or State aid, under the STP Urban Improvement Program; with an estimated total cost of \$5,810,500, which is due to a change in project scope from resurfacing to reconstruction, is an increase of \$2,075,500, and a total estimated increase in preliminary engineering cost of this project is \$215,500 of which the City’s share is \$43,100 and grantor’s share is \$172,400.

Whereas, A project agreement has been executed by the WisDOT and the City of Milwaukee for the improvement of North 91st Street/North Swan Road from West Hampton Avenue to West Flagg Avenue, with Federal and/or State aid under the STP Urban Improvement Program, in accordance with the Common Council resolution file number 100152 adopted June 29, 2010; and

Whereas, The City requested and the WisDOT approved a change in project scope from roadway resurfacing to roadway reconstruction, resulting in an increase in preliminary engineering and construction costs, from the original agreement; and

Whereas, A revised project agreement with the updated project costs has been received from the WisDOT, to be executed by the City of Milwaukee with 80 percent Federal and/or State aid, under the STP Urban Improvement Program; and

Whereas, Construction funds for the project will be included in a separate resolution; therefore be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works (CPW) is hereby authorized to execute a revised project agreement for the increased cost of North 91st Street/North Swan Road from West Hampton Avenue to West Flagg Avenue, due to a change in scope from a resurfacing project to a reconstruction project, with 80 percent Federal and/or State aid under the STP Urban Improvement Program; be it

Further Resolved, A copy of the revised project agreement is attached to Common Council resolution file number 110894, and is incorporated into this resolution by reference as though set forth in full; be it

Further Resolved, That the City Comptroller is hereby authorized to transfer to the appropriate accounts the amount required under the revised grant agreement and City Accounting Policy but not to exceed a 10 percent increase of the total amounts reserved for the grantor’s share and local share or \$5,000, whichever is greater, as follows:

Infrastructure Services Division
State I.D. 2504-00-00
ST320101301- North 91st Street/North Swan Road
West Hampton Avenue to West Flagg Avenue

City Share Non-Assessable Paving
ST320110000
Fund 0333
\$43,100

Grantor Reimbursable Cash Paving
SP032110100
Fund 0306
\$172,400

Construction is scheduled for 2012

Previously authorized for preliminary engineering: \$531,000
Current estimated cost of total project including this resolution: \$5,810,500
Original estimated cost of the total project (Resolution 100152): \$3,735,000

Resolution total: \$215,500

and; be it

Further Resolved, That the City Engineer is hereby authorized to approve and make periodic payments to the WisDOT, upon receipt of invoices, for the City of Milwaukee's share of the costs to the project.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

4. [110901](#) Resolution authorizing the proper City officers to execute four Release of Easements.

Whereas, On April 8, 1992 the City of Milwaukee was granted water easement WE642 located in Lands West of South 95th Street and South of West Adler Street, being a portion of Tax Key Number 416-1015-111, by Wisconsin Bell Inc.; and

Whereas, On January 4, 1990, the City of Milwaukee was granted water easement WE676 located in Parcel 2, C.S.M. No. 5272, East of South 108th Street and 610'

North of West Layton Avenue, being a portion of Tax Key Number 608-9995-006, by Wal-Mart Properties Inc.; and

Whereas, On August 24, 1994 the City of Milwaukee was granted water easement WE685 located in Parcel 4, C.S.M. No. 5272, North of West Layton Avenue and East of South 108th Street, being a portion of Tax Key Number 608-9995-008, by E.A.E. Inc.; and

Whereas, On December 13, 1993 the City of Milwaukee was granted water easement WE759 located in C.S.M. No. 5860, Parcel 2, North of West Cold Spring Road and West of South 108th Street, being a portion of Tax Key Number 566-9962-002, by ALDI Inc.; and

Whereas, The water mains that were constructed in the easement areas of WE642, WE676, WE685, and WE759 have been altered or abandoned; and

Whereas, These easement areas are no longer required for future water purposes and do not serve the interest of the City of Milwaukee and should be released; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City Officers are hereby authorized to execute the documents for Release of Water Easements WE642R, WE676R, WE685R and Partial Release of Water Easement WE759R, copies of which are attached to and part of this resolution; and, be it

Further Resolved, That after said easement releases have been executed by the proper City Officers, they shall be forwarded to the Department of Public Works for recording and proper distribution.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

5. [110914](#) Resolution rescinding various special privileges that are no longer necessary.

Whereas, Said special privileges granted permission for various encroachments in the public right-of-way; and

Whereas, The special privileges listed below are no longer necessary because the subject items have be removed from the public right-of-way by the owner or are now permitted by the Milwaukee Code of Ordinances; and

Whereas, Property owners notified the Department of Public Works that they no longer need the special privilege granted them because the items had been removed from the public right-of-way; and

Whereas, The Milwaukee Code of Ordinances has been amended to allow some additional encroachments into the public right-of-way; 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, 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 66-1087-b granted to Joseph Apollo for a retaining wall for the premises at 2713 West Richardson Place.
2. Common Council Resolution File Number 77-1141-a granted to James Oman for a retaining wall and concrete steps for the premises at 2513-15 West Clybourn Avenue.
3. Common Council Resolution File Number 79-1065 granted to John and Margaret Garlic for a fence atop a retaining wall for the premises at 2014 East Lafayette Place.
4. Common Council Resolution File Number 980610 granted to Derek S. Hanley for a covered walk and two moveable planters for the premises at 3425 West State Street.
5. Common Council Resolution File Number 031428 granted to Ragtime Condominiums for a retaining wall for the premises at 1536 North Jackson Street.
6. Common Council Resolution File Number 041143 granted to Monique Stewart for a concrete retaining wall with fence and steps for the premises at 3881 North 25th Street.
7. Common Council Resolution File Number 090674 granted to Sake II LLC for a storm enclosure for the premises at 714 North Milwaukee Street.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

6. [110916](#) Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal and State Aid paving of North Port Washington Avenue from North Dr. Martin Luther King Jr. Drive to the North City Limit in the 6th Aldermanic District at a total estimated cost of \$86,718.20, with an estimated grantor share of \$69,374.56, and an estimated City share of \$17,343.64.
- Whereas, The Project Agreement for the paving of North Port Washington Avenue from North Dr. Martin Luther King Jr. Drive to the North City Limit was approved by the Common Council under File Number 100021; and
- Whereas, The Surface Transportation Program provides cost participation for traffic control improvements in conjunction with the paving of highways located on the Federal/State Aid Highway System; and
- Whereas, The project will include the installation of new warranted traffic control signal at the intersection of North Port Washington Avenue and the eastbound West Capitol Drive ramps; and
- Whereas, The total estimated cost of this project is \$86,718.20 for the alteration and upgrade of traffic control signals and the upgrade of traffic control signs; and
- Whereas, Twenty percent of the participating costs, or \$17,343.64, is not reimbursable and is included in the Division's 2011 Capital Purpose Project/Grant Number ST320110000; and
- Whereas, Eighty percent of the participating project cost, or \$69,374.56, is reimbursable from the Wisconsin Department of Transportation (WISDOT), and should be earmarked for this project in the 2011 Capital Grant and Aids Projects Fund Project/Grant Number SP032110100; and
- Whereas, The State cannot proceed with any project cost overruns and/or changes in scope of more than 5% without prior Department of Public Works approval; and
- Whereas, The Department of Public Works shall notify the Common Council of the City of Milwaukee at the next scheduled meeting of any such project cost overruns and/or changes in scope approved by the Department of Public Works; and
- Whereas, The Common Council of the City of Milwaukee recognizes that the City may be 100% liable for any such project cost overruns and/or changes in scope as

approved by the Department of Public Works; and

Whereas, The Common Council of the City of Milwaukee recognizes that the City may be liable for any costs incurred by the State should the City decide to withdraw from the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works and the Comptroller are authorized to enter into a funding agreement and are directed to execute the contract with WISDOT for the installation of traffic control facilities in conjunction with the improvements to North Port Washington Avenue from North Dr. Martin Luther King Jr. Drive to the North City Limit with unit prices based on a predetermined estimate prepared under the Federal/State aided highway program, a copy of which is attached to this resolution, and is incorporated into this resolution as though set forth in full; and, be it

Further Resolved, That upon approval of this contract, that the Commissioner of Public Works is directed to install and modify traffic control facilities in conjunction with the improvements to North Port Washington Avenue from North Dr. Martin Luther King Jr. Drive to the North City Limit; and, be it

Further Resolved, That upon approval of this contract, the City Comptroller is hereby authorized to create within the Capital Grant and Aid Projects Fund the appropriate Project/Grant Chartfield Value for this project; and transfer to these accounts the amount required under the agreement and City accounting policy, but not to exceed a ten percent increase of the total amounts reserved for the grantor's share and local share or \$5,000, whichever is greater as follows:

Location:

Project I.D.-2570-04-90

North Port Washington Avenue - North Dr. Martin Luther King Jr. Drive to the North City Limit

City of Milwaukee Share

Fund Number-0333

Project/Grant Number-ST320110000

\$17,343.64

Grantor Reimbursable Cash - Traffic Control

Fund Number-0306

Project/Grant Number-SP032110100

\$69,374.56

Total-\$86,718.20

Previously Authorized for Traffic Control Improvements-\$0
Current Estimated Cost of the Total Project Including this Resolution-\$3,005,000
Original Estimated Cost of the Total Project (Common Council Resolution File Number 100021)-\$2,505,000.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

7. [110917](#) Resolution authorizing the Commissioner of Public Works to issue a Request for Proposal to select a consultant to provide professional engineering services for the rehabilitation of the St. Paul Avenue Lift Bridge over the Milwaukee River.

Whereas, The Common Council of the City of Milwaukee through adoption of Common Council Resolution Number 100839 authorized funds estimated at \$1,000,000 for professional engineering services for rehabilitation of the St. Paul Avenue Lift Bridge over the Milwaukee River; and

Whereas, The St. Paul Avenue Lift Bridge is in need of rehabilitation to repair the structural, mechanical, hydraulic, and electrical components to provide safe and dependable operation; and

Whereas, It is deemed desirable to engage the services of a consultant to provide professional engineering services to prepare plans and specifications for the rehabilitation; and

Whereas, The bridge rehabilitation project is scheduled for construction starting in 2013 and continuing through 2014; and

Whereas, Funds for the construction phase of the project will be included in a future resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized to issue a Request for Proposal to select a consultant to provide professional engineering services for the rehabilitation of the St. Paul Avenue Lift Bridge over the Milwaukee River; and, be it

Further Resolved, That the Commissioner of Public Works and the City Comptroller are authorized to execute a contract with the selected qualified consultant for the professional engineering services.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

- 8. [110919](#) Resolution authorizing the execution of an agreement for the installation, operation, and maintenance of a fiber optic subduct connection through the City Conduit System between the County Courthouse and the Medical Examiner’s Complex in the Fourth Aldermanic District.

Whereas, The City of Milwaukee has an underground conduit system; and

Whereas, The system connects many buildings in the City; and

Whereas, The system connects the County Courthouse and the Medical Examiner’s Complex in the City; and

Whereas, The Milwaukee County has agreed to pay the City to install subduct in the conduit system for \$6,000.00 between the County Courthouse and the Medical Examiner’s; and

Whereas, The Milwaukee County has agreed to pay the City for the length of the 295.5 foot distance at \$1.95 per foot per year per Chapter 98 as a class 2a installation; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works be and hereby is directed to execute the agreement with Milwaukee County pertaining to the cost participation for the installation, design and construct the subduct system that connects through the City Conduit System, a copy of which is attached to this Common Council Resolution File, and is incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That upon approval of this agreement, the Commissioner of Public Works is authorized to install the subduct system that connects through the City Conduit System.

Location
Milwaukee County Courthouse and the Medical Examiner’s Complex

County Share
Estimated Cost \$6,000

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

9. [110922](#) 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 \$207,000 for a total estimated cost of these projects being \$3,028,000.

Resolved, By the Common Council of the City of Milwaukee that it is necessary and in the public interest to do the following described 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. 27th St. - W. Villard Ave. to 570 feet m/l north of W. Silver Spring Dr. (ST211060102): 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 -- \$15,000, Additional Funds). The total estimated cost for this project including the requested amount is \$500,000. This project is anticipated to be completed during the 2013 construction season.

N. 30th St. - A point 550 feet m/l south of W. Roosevelt Dr. to W. Congress St. (ST211130131): 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 -- \$12,000). The total estimated cost for this project including the requested amount is \$160,000. This project is anticipated to be completed during the 2013 construction season.

N. 35th St. - W. Cameron Ave. to W. Villard Ave. (ST211130121): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$220,000. This project is anticipated to be completed during the 2013 construction season.

3rd 4th and 6th Aldermanic Districts

W. Juneau Ave. - N. Old World Third St. to a point west of N. 6th St. (ST211130132): 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 -- \$40,000). The total estimated cost for this project including the requested amount is \$360,000. This project is anticipated to be completed during the 2013 construction season.

11th Aldermanic District

S. Honey Creek Dr. - W. Cold Spring Rd. to S. 60th St. (Including W. Leroy St. - S. 57th St. to S. Honey Creek Dr.) (ST211040132): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$20,000, Additional Funds). The total estimated cost for this project including the requested amount is \$192,000. This project is anticipated to be completed during the 2013 construction season.

W. Tripoli Ave. - S. 97th St. to S. 99th St. (Including S. 98th Ct.) (ST211130133): 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 -- \$10,000). The total estimated cost for this project including the requested amount is \$117,000. This project is anticipated to be completed during the 2013 construction season.

Alley between W. Crawford Ave., W. Howard Ave., S. 52nd St., and S. 53rd (east-west leg) (ST212130110): 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 2013 construction season.

Alley between S. Honey Creek Dr., W. Morgan Ave., W. Verona Ct., and S. 73rd St. (ST212130111): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$205,000. This project is anticipated to be completed during the 2013 construction season.

S. 58th St. - W. Forest Home Ave. to W. Morgan Ave. (ST211070128): 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 -- \$10,000, Additional Funds). The total estimated cost for this project including the requested amount is \$180,000. This project is anticipated to be completed during the 2013 construction season.

S. 58th St. - W. Morgan Ave. to 240 feet m/l north of W. Ohio Ave. (ST211070129): 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 -- \$10,000, Additional Funds). The total estimated cost for this project including the requested amount is \$225,000. This project is anticipated to be completed during the 2013 construction season.

S. 66th St. - W. Euclid Ave. to W. Oklahoma Ave. (ST21100118): 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 -- \$10,000, Additional Funds). The total estimated cost for this project including the requested amount is \$100,000. This project is anticipated to be completed during the 2013 construction season.

S. 82nd St. - W. Wilbur Ave. to W. Morgan Ave. (ST211060101): 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 -- \$10,000, Additional Funds). The total estimated cost for this project including the requested amount is \$209,000. This project is anticipated to be completed during the 2013 construction season.

S. 94th St. - 600 feet m/l north of W. Howard Ave. to W. Eden Pl. (ST211080111): 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 -- \$10,000, Additional Funds). The total estimated cost for this project including the requested amount is \$250,000. This project is anticipated to be completed during the 2013 construction season.

13th Aldermanic District

S. 17th St. - W. Euclid Ave. to W. Oklahoma Ave. (ST211130129): 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 -- \$10,000). The total estimated cost for this project including the requested amount is \$130,000. This project is anticipated to be completed during the 2013 construction season.

S. 18th St. - W. Euclid Ave. to W. Oklahoma Ave. (ST211130130): 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 -- \$10,000). The total estimated cost for this project including the requested amount is \$130,000. This project is anticipated to be

completed during the 2013 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.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

10. [110923](#) 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 \$11,360,700 for a total estimated cost of \$25,218,185.85.

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:

2nd Aldermanic District

W. Flagg Ave. - N. 96th St. to N. 98th St. (ST211110130) File Number 100837: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (12-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$1,200; Nonassessable Reconstruction Paving Fund -- \$75,000). The total estimated cost for this project

including the requested amount is \$91,200. This project is anticipated to be completed during the 2012 construction season.

N. 97th St. - W. Carmen Ave. to W. Flagg Ave. (ST211110123) File Number 100837: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (13-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$100; Nonassessable Reconstruction Paving Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$31,100. This project is anticipated to be completed during the 2012 construction season.

N. 98th St. - W. Carmen Ave. to W. Flagg Ave. (ST211110124) File Number 100837: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (13-foot width of tree border area), and grading. (Assessable Reconstruction Paving Fund -- \$300; Nonassessable Reconstruction Paving Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$30,300. This project is anticipated to be completed during the 2012 construction season.

2nd, 5th and 10th Aldermanic Districts

W. Capitol Dr. - N. 60th St. to N. 84th St. (ST320070501) (2025-11-00) File Number 100328: Concrete pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, tree removal where necessary, sodding (width of tree border area varies 0-6 feet), and grading.

Grantor Non-Reimbursable Paving Fund -- \$ 7,388,000
Grantor Reimbursable Paving Fund -- \$ 1,107,800;
City Share Non-assessable Paving Fund -- \$ 436,600;
City Share Assessable Paving Fund -- \$17,600

These funds are to be transferred to the construction account (ST320070510) (2025-11-70).

Previously authorized for project construction: \$0.00

Current estimated cost of total project including this resolution: \$ 22,450,500

Original estimated cost of the project (File Number 041289): \$ 19,065,000

This project is anticipated to be completed during the 2012 construction season.

5th Aldermanic District

W. Nash St. - N. 96th St. to a point west of N. 100th St. (West City Limits) (ST211110133) File Number 101437: 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 -- \$5,000; Nonassessable Reconstruction Paving Fund -- \$175,000). The total estimated cost for this project including the requested amount is \$203,000. This project is anticipated to be completed during the 2012 construction season.

6th Aldermanic District

N. 20th St. - W. Hopkins St. to W. Capitol Dr. (ST320071401) (2275-04-00) File Number 071072: Asphalt pavement resurfacing, replace walk, driveways and curb and gutter as necessary.

Grantor Non-Reimbursable Paving Fund -- \$ 1,530,000
Grantor Reimbursable Paving Fund -- \$ 230,000;
City Share Non-assessable Paving Fund -- \$ 253,000;
City Share Assessable Paving Fund -- \$12,000

These funds are to be transferred to the construction account (ST320071410) (2275-04-70).

Previously authorized for project construction: \$0.00

Current estimated cost of total project including this resolution: \$ 2,278,485.85

Original estimated cost of the project (File Number 071072): \$ 2,219,000.00

This project is anticipated to be completed during the 2012 construction season.

11th Aldermanic District

S. 53rd St. - W. Tesch Ave. to W. Howard Ave. (Including W. Van Beck Ave. - S. 53rd St. to a point 150 feet m/l west of S. 53rd St.) (ST211050135) File Number 090907: 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 -- \$4,100; Nonassessable Reconstruction Paving Fund -- \$85,000). The total estimated cost for this project including the requested amount is \$130,600. This project is anticipated to be completed during the 2012 construction season.

; and

Whereas, The report of the Commissioner of Public Works has been filed with the City Clerk; and

Whereas, Notices have been sent to all interested persons and public hearings held; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works' Report, as amended at said Public Hearing, is approved and the properties therein identified are benefited; and, be it

Further Resolved, That said Commissioner of Public Works is authorized and directed to proceed with said work in accordance with said report pursuant to Section 66.0703 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the proper departments take such action as is required of them to assess the abutting or adjacent properties and collect such assessment in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts; and, be it

Further Resolved, That the projects do not involve any parcels of agricultural land which are eligible for deferred special assessments under the provisions of Section 14.30 of the Milwaukee City Charter; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That projects: W. Flagg Ave. (ST211110130), N. 97th St. (ST211110123), N. 98th St. (ST211110124), W. Capitol Dr. (ST320070501), W. Nash St. (ST211110133), N. 20th St. (ST320071401), and S. 53rd St. (ST211050135) will be billed after January 1, 2014, but not before 12 months after the project contract has been completed.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

11. [110924](#) 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 \$710,000 for a total estimated cost of these projects being \$9,788,340.

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

3rd and 6th Aldermanic Districts

Pleasant Street Lift Bridge over the Milwaukee River (BR100070104): Engineering for major movable bridge rehabilitation. (City Share Non-assessable Structure Fund - \$600,000, Additional Funds). The total estimated cost for this project including the requested amount is \$7,700,000. This project is anticipated to be completed during the 2012-2013 construction season.

4th Aldermanic District

N. 35th St. at W. Juneau Av. (ST211110186): Replace concrete curb and gutter and sidewalk as necessary. (Non-assessable Reconstruction Paving Fund -- \$50,000). The total estimated cost of this project including the request is \$50,000. This project is anticipated to be completed during the 2011 construction season.

10th Aldermanic District

North 45th Street Bridge over the Menomonee River (BR320062201) (ST320062201): Consultant Design Services for right-of-way plat preparation, hazardous material assessment, and environmental documentation. (City Share Non-assessable Paving Fund -- \$25,000, Additional Funds). The total estimated cost for this project including the requested amount is \$1,281,340. This project is anticipated to be completed during the 2014 construction season.

13th Aldermanic District

W. Grange Ave. Green Medians - S. 19th St. to S. Howell Ave. (SM493110101): Bioswales. (Nonassessable TSS Removable Fund -- \$25,000). The total estimated cost for this project including the requested amount is \$600,000. This project is anticipated to be completed during the 2012 construction season.

15th Aldermanic District

N. 33rd St. - W. Vine St. to W. Brown St. (SM495100090): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000, Additional

Funds). The total estimated cost for this project including the requested amount is \$157,000. This project is anticipated to be completed during the 2012 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.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

12. [110925](#) Resolution directing the Commissioner of Public Works to apply for a 2012-2013 Wisconsin Coastal Management Program grant from the State of Wisconsin Department of Administration.
- 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, Bioretention facilities and porous pavement areas are environmentally beneficial and cost effective in removing sediment from public streets; and
- Whereas, The City desires to construct a bioretention area and a porous pavement area at the cul de sac adjacent to Lake Michigan on East Greenfield Avenue by creating a landscaped area designed to capture stormwater runoff from roadways and by reconstructing the existing portion of the roadway with porous pavers; and
- Whereas, Both the bioretention area and the porous paver area will be designed and constructed according to Wisconsin Department of Natural Resources (DNR) technical standards; and
- Whereas, To assist in funding for the construction of said stormwater management areas, the City wishes to apply for grant funds from the DOA under the 2012-2013

Wisconsin Coastal Management Program (WCMP) Grant Program; and

Whereas, The operation of this grant begins on July 1, 2012 and shall be completed by June 30, 2013; and

Whereas, The DOA would provide a maximum cost share of 40% of eligible costs, with a total grantor share not exceed \$39,200; 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 2012-2013 Wisconsin Coastal Management Program grant from the State of Wisconsin, Department of Administration.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

13. [110941](#) Resolution authorizing the Department of Public Works, to accept and expend a contribution of \$50,000 from the Carton Council of North America, Inc., to support the inclusion of aseptic and gable top cartons in the City's curbside recycling program. Whereas, Section 304-24 of the City of Milwaukee Code of Ordinances regulates the receipt, appropriation and expenditure of contributions received by the City; and

Whereas, The Carton Council of North America, Inc., has offered a contribution of \$50,000 to the City of Milwaukee, Department of Public Works, to assist in public promotion of residential recycling program changes associated with the Department of Public Works' new Single-Sort program including, but not limited to, the addition of cartons and other materials to the list of recycled materials, costs for which may include direct mail and advertising; and

Whereas, This contribution will assist with disseminating public information important for optimizing participation in the City's residential recycling program; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works, accepts the \$50,000 contribution made by the Carton Council of North America, Inc.; and, be it

Further Resolved, That upon receipt and deposit of these funds, the City Comptroller is authorized and directed to establish a special account within the DPW budget for the expenditure of the contribution; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer appropriations and estimated revenue from the Contribution Fund-General, account number 0001-9990-0001-006300-D0001, and the estimated revenue account for contributions, account number 0001-2110-0001-009850 to the Department of Public Works' special account 0001-5450-0001-006300-DXXX, and the Department of Public Works' estimated revenue account 0001-5450-0001-009850, in the amount of \$50,000; and be it

Further Resolved, That expenditure of these funds is authorized and shall be consistent with the purposes specified in the Letter of Intent attached to this file, which the Commissioner of Public Works is authorized to execute.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

14. [070959](#) Resolution to grant a special privilege to Renaissant Lafayette LLC to construct and maintain a storm water discharge metering manhole for the premises at 2036 N. Prospect Ave., in the 3rd Aldermanic District.

A motion was made by ALD. BAUMAN that this Resolution be PLACED ON FILE. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

15. [110843](#) Communication relating to a MATA Community Media 2012 Plan of Operations to the City of Milwaukee.

A motion was made by ALD. BAUMAN that this Communication-Report be PLACED ON FILE. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Communications from city officers were read and ordered on file without objection.

IMMEDIATE ADOPTIONS:

1. [111059](#) Resolution amending Common Council Resolution File Number 100416 to extend the reporting deadline for the Pension Task Force.

Whereas, Common Council Resolution File Number 100416, adopted on September 21, 2010, created a Pension Task Force; and

Whereas, Common Council Resolution File Number 110122, adopted on May 24, 2011, extended the original Pension Task Force reporting deadline from June 30, 2011, to December 31, 2011; and

Whereas, Extending the task force's reporting deadline from December 31, 2011, to June 30, 2012, will provide sufficient time for the Pension Task Force to thoroughly investigate, analyze and make recommendations to the Common Council, and this extension is not expected to diminish the potential impact of recommendations made; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 100416, as amended by Common Council Resolution File Number 110122, is amended by replacing the final "Further Resolved" clause with the following:

"Further Resolved, The Pension Task Force shall report its findings to the Common Council by June 30, 2012, and be automatically dissolved."

A motion was made by ALD. MURPHY that this Resolution-Immediate Adoption be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

2. [111060](#) Resolution approving final certified survey maps.

Resolved, By the Common Council of the City of Milwaukee, that the following certified survey maps be and hereby are approved:

NAME	TAX KEY NUMBER(S)
Housing Authority of the City of Milwaukee (DCD #2888)	35227995
Edward E. Gillen Company (DCD #2890)	4670005000, 4670006000

Mandeep Dhawan (DCD #2892) 3270951000, 3270952000

Drabor Investments, Inc., Goldcrest 6690931000, 6690921000
Investments, Inc., South 51st Street 6690922000, 6690923000
Investments, Inc., & Slavomir
Investments, Inc. (DCD #2895)

Mill Valley Recycling, LLC (DCD #2897) 4310804100, 4310801210

A motion was made by ALD. MURPHY that this Resolution-Immediate Adoption be ADOPTED. This motion PREVAILED by the following vote:

Aye: 15 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Wade, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Announcements were made.

There being no further business to come before the Common Council, the meeting was adjourned at 10:42 a.m.

-- Jim Owczarski, Deputy City Clerk