



City of Milwaukee
Common Council Minutes
COMMON COUNCIL

City Hall
200 East Wells Street
Milwaukee, WI 53202

Tuesday, July 1, 2008

9:00 AM

Common Council Chambers

The meeting was called to order at 9:25 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 a moment of silent meditation.

The question was put: Are there any corrections to the Common Council Journal of Proceedings for the regular meeting of June 10, 2008?

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

Ald Murphy moved that the Common Council convene itself into a Committee of the Whole for the purpose of making a presentation.

There was no objection.

The President called forward Michelle "Micki" Holly and Patsy Shields Casey accompanied by Aldermen Robert Bauman, Michael Murphy, Robert Donovan, and Willie Wade.

A presentation was made.

Ald. Kovac moved that the Committee rise.

There was no objection.

There were no items of unfinished business.

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

THE LICENSES COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [080189](#) A substitute ordinance relating to standardizing disqualification and change of circumstances regulations and procedures related to certain licenses and permits, and establishing a fee to file for a hearing related to changed circumstances.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-1-3-c of the code is created to read:

81-1. General Provisions.

3. REFUND OF FEES BY CITY CLERK'S OFFICE.

c. No refund shall be made for any license or permit that has been surrendered by the holder or revoked by the common council.

Part 2. Section 81-19.2 of the code is created to read:

19.2. CHANGE OF CIRCUMSTANCES. The fee to file for a hearing related to changed circumstances under s. 85-15 shall be \$75. Fees shall not be refunded once a written statement of changed circumstances is filed.

Part 3. Section 84-7-9 of the code is repealed and recreated to read:

84-7. Extended Hours Establishments.

9. DISQUALIFICATION. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

Part 4. Section 84-7-12-c and d of the code is repealed.

Part 5. Section 84-40-12-c and d of the code is repealed.

Part 6. Section 84-40-12.5 of the code is created to read:

84-40. Shows or Exhibitions.

12.5. DISQUALIFICATION. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

Part 7. Section 84-45-10 of the code is repealed and recreated to read:

84-45. Filing Stations.

10. DISQUALIFICATION. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

Part 8. Section 84-45-14 of the code is repealed.

Part 9. Section 84-45-15 and 16 of the code is renumbered 84-45-14 and 15.

Part 10. Chapter 85-0 of the code is repealed and recreated to read:

CHAPTER 85

LICENSE AND PERMIT PROCEDURES

Part 11. Sections 85-11 to 85-15 of the code are created to read:

85-11. Purpose and Scope. 1. PURPOSE. It is the purpose of the common council to assure uniformity and clarity in the procedures related to application for and administration of certain licenses and permits.

2. SCOPE AND APPLICATION. The provisions of this subchapter shall not supersede or replace any provision contained elsewhere in this code respecting licenses and permits, but shall apply where provisions for application and administration are otherwise silent.

85-13. Disqualification for License. 1. APPLICABILITY. Whenever any application denied, or license not renewed, revoked or surrendered, is an alcohol beverage retail establishment or tavern entertainment license, the provisions of this section related to periods of disqualification for these licenses shall apply to any other type of alcohol beverage retail establishment license.

2. EXCEPTIONS. This section shall not apply to any application that is denied or any license that is not renewed for a reason based solely on the failure of the applicant to appear before the licensing committee for a hearing on whether a new or renewal application shall be recommended for approval or denial to the common council.

3. WHEN DENIED. a. Except as provided in par. b, whenever an application is denied, no other application by the same applicant for the same license, and where applicable, at the same premises, shall be recommended for approval by the licensing

committee for a period of 12 months following the date of the denial.

b. Whenever an application for a new license is denied for a reason relating to the fitness of the location of the premises to be licensed, no other application by any party for the same license at the same premises shall be recommended for approval by the licensing committee within 3 years of the date of the denial unless the applicant has demonstrated under s. 85-15 a change of circumstances since the denial.

4. WHEN NOT RENEWED. a. Except as provided in par. b, whenever a license is not renewed, no other application by the same applicant for the same license, and where applicable, at the same premises, shall be recommended for approval by the licensing committee for a period of 12 months following the date of nonrenewal.

b. Whenever a license is not renewed for a reason relating to the fitness of the location of the licensed premises, no other application by any party for the same license at the same premises shall be recommended for approval by the licensing committee within 3 years of the date of the nonrenewal unless the applicant has demonstrated under s. 85-15 a change of circumstances since the nonrenewal.

5. WHEN REVOKED. a. Except as provided in pars. b and c, whenever a license is revoked, no other new application by the same applicant for the same license, and where applicable, at the same or any other premises, shall be recommended for approval by the licensing committee for a period of 12 months following the date of revocation.

b. Whenever a license is revoked, no other application by any other party for the same license at the same premises shall be recommended for approval by the licensing committee for a period of 12 months following the date of revocation.

c. Whenever a license is revoked for a reason relating to the fitness of the location of the licensed premises, no other application by any party for the same license at the same premises shall be recommended for approval by the licensing committee within 3 years of the date of the revocation unless the person has demonstrated under s. 85-15 a change of circumstances since the revocation.

6. WHEN SURRENDERED. Whenever a license is surrendered in lieu of pending nonrenewal or revocation proceedings, no other new application by the applicant for the same license, and where applicable, at the same or any other premises, shall be recommended for approval by the licensing committee for a period of 12 months following the date of surrender.

85-15. Change of Circumstances. 1. ELIGIBILITY. a-1. Except as provided in pars. b and c, whenever an application accompanied by the fee specified under s.

81-19.2 and a written statement of changed circumstances is filed with the city clerk setting forth the change in circumstances relating to the fitness of the location of the proposed premises since the prior denial, nonrenewal or revocation, the committee shall hold a hearing to determine if changed circumstances exist.

a-2. Except as provided in pars. b and c, whenever the owner of the premises has filed with the city clerk the fee specified under s. 81-19.2 and a written statement of changed circumstances setting forth the change in circumstances relating to the fitness of the location of the proposed premises since the prior denial, nonrenewal or revocation, and no application for a license or permit has been filed, the committee shall hold a hearing to determine if changed circumstances exist sufficient for removal of the disqualification.

b. No hearing under this section shall be held by the licensing committee within a period of 12 months following the date of denial, nonrenewal or revocation of a license for a reason relating to the fitness of the location of the premises.

c. Not more than one hearing under this section involving the same applicant or owner at the same premises shall be held by the licensing committee during the period of disqualification under s. 85-13.

2. HEARING. a. At the hearing, testimony and other evidence shall be limited to that offered by the applicant or owner, appearing in person or by counsel, to demonstrate a change in circumstances. The committee may also entertain relevant evidence offered by city officers and employees.

b. If the committee determines that the applicant or owner has failed to demonstrate that a sufficient change in circumstances exists, the period of disqualification shall remain in effect. If an application has been filed under sub. 1-a-1, then the committee shall recommend that the application be denied.

c. If the committee determines that a sufficient change in circumstances has been demonstrated, the period of disqualification shall be terminated. If an application has been filed under sub. 1-a-1, then the committee shall schedule a separate hearing on whether the application should be recommended for approval or denial.

d. In considering whether changed circumstances exist, the committee shall consider, among other factors:

d-1. A change in the type of license sought by an applicant.

d-2. A change in the number of premises holding the same license in the neighborhood.

d-3. A change in zoning applicable to the subject property.

d-4. New developments or land uses in the vicinity of the subject property.

Part 12. Section 89-7-4 of the code is repealed and recreated to read:

89-7. Application for Escort Service License.

4. DISQUALIFICATION. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

Part 13. Section 89-23-2-d and e of the code is repealed.

Part 14. Section 90-5-9 of the code is repealed and recreated to read:

90-5. Licensing.

9. DISQUALIFICATION. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 15 shall apply.

Part 15. Section 90-11-9 of the code is repealed.

Part 16. Section 90-12-8 of the code is repealed.

Part 17. Section 90-35-12 of the code is repealed and recreated to read:

90-35. Licensing.

12. DISQUALIFICATION. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

Part 18. Section 90-37-9-d and e of the code is repealed.

Part 19. Section 92-3-7 of the code is repealed and recreated to read:

92-3. Junk Collectors and Dealers.

7. DISQUALIFICATION. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and

change of circumstances provided in ss. 85-13 and 85-15 shall apply.

Part 20. Section 92-3-9-e and f of the code is repealed.

Part 21. Section 93-9-4 of the code is repealed and recreated to read:

93-9. Committee Action.

4. DISQUALIFICATION. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

Part 22. Section 93-11-5 and 6 of the code is repealed.

Part 23. Section 95-14-7-d of the code is repealed.

Part 24. Section 95-14-7.5 of the code is created to read:

7.5. DISQUALIFICATION. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license provided in s. 85-13 shall apply.

Part 25. Section 95-14-9-f and g of the code is repealed.

Part 26. Section 105-75-7-c and d of the code is repealed.

Part 27. Section 105-75-7.5 of the code is created to read:

105-75. Private Alarm Systems and Regulations.

7.5. DISQUALIFICATION. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in s. 85-13 shall apply.

Part 28. Section 108-7-2 of the code is repealed and recreated to read:

108-7. Issuance of License.

2. DISQUALIFICATION. Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

Part 29. Section 108-11-2 and 3 of the code is repealed.

A motion was made by ALD. BOHL that this Ordinance be PASSED. The 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:

2. [071713](#) Substitute resolution approving an intergovernmental cooperation agreement between the City of Milwaukee and the State of Wisconsin relating to the acquisition by the City Clerk's Office License Division of the Department of Regulation and Licensing's Integrated Credentialling and Enforcement software.

Whereas, The City Clerk's License Division believes that Wisconsin Department of Regulation and Licensing's Integrated Credentialling and Enforcement (ICE) software could eventually meet its needs for a licensing information system; and

Whereas, The City Clerk's Office desires to enter into an intergovernmental cooperation license agreement with the Wisconsin Department of Regulation and Licensing relating to ICE under which the department will grant a non-exclusive perpetual license to the City to access, use and benefit from the ICE code, database tables, documentation and other information and materials necessary for the use of the ICE software, at no cost to the City; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the intergovernmental agreement between the City of Milwaukee and the Wisconsin Department of Regulation and Licensing relating to the Integrated Credentialling and Enforcement software, a copy of which is attached to this file, is approved; and, be it

Further Resolved, That the appropriate City officials are authorized to execute the agreement on behalf of the City; and, be it

Further Resolved, That the agreement is subject to the City Attorney's review and approval and any non-substantive change made by the City Attorney.

A motion was made by ALD. BOHL that this Resolution be ADOPTED. The 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

APPROVAL OF THE FOLLOWING:

3. [080005](#) Motion relating to the recommendations of the Licenses Committee relative to various licenses.

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

The court reporter was sworn in.

The question was put: Have the members of the Common Council read the report and recommendations of the Licenses Committee as well as any objections that may have been filed in this matter?

All members indicated that they had done so.

The question was put: Is Steven Conzoner or his counsel present and, if so, does he or she wish to address the Common Council?

Mr. Conzoner was present by Attorney Andrew Arena.

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

There was no objection.

Attorney Arena appeared and addressed the Common Council.

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

Ald. Bohl moved that the Committee of the Whole rise.

There was no objection.

Motion by Ald. Bohl to return the Class "D" Bartender license application of Melanie R. Jerow to committee.

On the motion: PASS: Coggs NO.

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

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

No: 0

Abstain: 2 - Davis Puente

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

1. [071673](#) Motion relating to the recommendations of the Public Safety Committee relative to various licenses.

Return Public Passenger Vehicle License application of David Braden to committee.

A motion was made by ALD. DONOVAN 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 Public Safety Committee as contained in the listings attached to this file.

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. [080134](#) A substitute ordinance relating to parking controls in various Aldermanic Districts.

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

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

On West Center Street from North Teutonia Avenue to a point 175 feet east

On the north side of West Center Street from North Teutonia Avenue to a point 175 feet west

On North Teutonia Avenue from West Center Street to a point 175 feet north

On North Teutonia Avenue from West Center Street to a point 175 feet south

Part 2. Section 101-23-4-d of the Code relating to Two-Hour Parking is amended

by striking the following:

“On West Notre Dame Court from North Hawley Road, east to the end of said street, 7:00 AM to 4:00 PM, Except Saturdays”

A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The 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. [080135](#) A substitute ordinance relating to traffic controls in various Aldermanic Districts.

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

Part 1. Section 101-12-4 of the Code relating to Mandatory Turn Lanes is amended by adding the following:

On North 11th Street at West Wells Street southbound left lane must turn left

On North 11th Street at West Wells Street southbound right lane must turn right

Part 2. Section 101-16-1 of the Code relating to Stop signs is amended by striking the following:

“On East Potter Avenue at South Logan Avenue”

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

On East Erie Street and East Polk Street in all directions

On West Custer Avenue and North 103rd Street in all directions

On South Logan Avenue and East Potter Avenue in all directions

Part 4. Section 101-13-8 of the Code relating to School Speed 20 MPH is amended by striking the following:

“On West Wisconsin Avenue from North 26th Street to North 29th Street”

A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The 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. [080193](#) A substitute ordinance relating to maximum allowable meter fare taxicab charges.

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

Part 1. Section 100-52-3-a-0, a-1 and a-3 of the code is amended to read:

100-52. Rates Established

3. METER FARE TAXICAB. a. No person owning, operating or controlling any motor vehicle licensed as a meter fare taxicab and operating within the area bounded by Lake Michigan on the east and 22000 block west on the west, 12000 block north on the north and 11100 block south on the south shall charge [[not to exceed]]>>an amount exceeding<< the following rates:

a-1. The first 1/8th mile or fraction of a mile, for one or more persons, [[[\$2.25]]>>\$3.50. Effective January 1, 2009, the maximum charge for the first 1/8th mile shall be \$2.25<<.

a-3. For each minute of waiting time, [[[\$0.25]]>>\$0.40. Effective January 1, 2009, the maximum charge for each minute of waiting time shall be \$0.25<<. In this subdivision "waiting time" includes the time when the meter fare taxicab is not in motion beginning 5 minutes after the specified time designated by the passenger as the time of arrival at the place to which the meter fare taxicab has been called or the time consumed while standing at the direction of the passenger, but no charge shall be made for the time lost for inefficiency of the meter fare taxicab or its operator or time consumed by premature response to a call.

A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The 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. [080194](#) A substitute ordinance relating to chronic nuisance violations and liability for the costs of ordinance enforcement associated with nuisance properties to parties.

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

Part 1. Section 80-10-1 of the code is amended to read:

80-10. Chronic Nuisance Premises.

1. FINDINGS. The common council finds that any premises that has generated 3 or more calls for police service for nuisance activities has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the city. The common council further finds that premises owners>>, and other parties conducting business activities upon the premises,<< that chronically fail to control the use of their property substantially interfere with the comfortable enjoyment of life, health and safety of the community. The common council therefore directs the chief of police and the commissioner of neighborhood services, as provided in this section, to charge the owners of such premises the costs associated with abating the violations at premises at which nuisance activities chronically occur.

Part 2. Section 80-10-2-b-12 of the code is amended to read:

2. DEFINITIONS.

b-12. Crimes involving illegal possession >>or use<< of firearms as defined in [[ss. 941.23, 941.26, 941.28, 941.29]] >>ch. 941<< and >>s.<< 948.60, Wis. Stats.

Part 3. Section 80-10-2-b-31 and 32 of the code is created to read:

b-31. Underage alcohol activities, as defined in s. 90-18.

b-32. Adult contributing, allowing, providing alcohol to underage persons activities, as defined in s. 90-18.

Part 4. Section 80-10-2-c of the code is renumbered 80-10-2-d.

Part 5. Section 80-10-2-c of the code is created to read:

2. DEFINITIONS.

c. "Other responsible party" means any individual or entity other than the owner of the premises that is licensed or subject to license in the operation of a business upon a premises.

Part 6. Section 80-10-3-a-0 of the code is amended to read:

3. PROCEDURE. a. Whenever the chief of police determines that the police department has responded to 3 or more nuisance activities that have occurred at a premises on separate days during a 30-day period or that the police department has responded to 2 or more nuisances of the types defined in sub. 2-b-5, 9 to 12 that

have occurred at a premises within one year, the chief of police may notify the premises owner>> or other responsible party<< in writing that the premises is a nuisance. This notice shall contain:

Part 7. Section 80-10-3-a-3 of the code is amended to read:

a-3. A statement indicating that the cost of future enforcement may be assessed as a special charge against the premises and that the owner>> or other responsible party<< may be cited under sub. 6.

Part 8. Section 80-10-3-a-5 of the code is amended to read:

a-5. A statement that the premises owner>> or other responsible party<< shall within 10 days either respond to the chief of police with an acceptable, written course of action to abate the nuisance activities at the premises or file an appeal pursuant to sub. 5-a.

Part 9. Section 80-10-3-b and c of the code is amended to read:

b. This notice shall be deemed to be properly delivered if sent either by first class mail to the premises owner's >> or other responsible party's<< last known address or if delivered in person to the premises owner>> or other responsible party<<. If the premises owner>> or other responsible party<< cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the premises owner's >> or other responsible party's<< usual place of abode>> or regular business<< in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing >>or conducting business<< there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by first class mail to the last known address of the owner >> or other responsible party<< as identified by the records of the commissioner of assessments>>, to the appropriate licensing authority<< or the commissioner of neighborhood services.

c. Upon receipt of the nuisance premises notice, the premises owner >> or other responsible party<< shall respond within 10 days to the chief of police with a written course of action outlining the abatement actions the premises owner >> or other responsible party<< will take in response to the notice. Upon review of the [[premises owner's]] written course of action, the chief shall accept or reject the plan.

c-1. If the written course of action is accepted, the chief shall inform the owner>> or other responsible party<< of same and permit the owner>> or other responsible party<< 45 days to implement the written course of action. If the premises owner >> or other responsible party<< has implemented the approved written course of action

within 45 days, no further action by the department may be taken except that if nuisance activity continues, the chief may request the premises owner >> or other responsible party<< to revise the accepted written course of action.

c-2. If the premises owner >> or other responsible party<< fails to respond, proposes an unacceptable written course of action or fails to implement or modify an approved written course of action, the chief shall notify the premises owner >> or other responsible party<< that the cost of future enforcement may be assessed as a special charge against the premises and that the owner >> or other responsible party<< may be cited under sub. 6.

Part 10. Section 80-10-3-d-1 and d-2 of the code is amended to read:

d-1. 13 days after notice was given pursuant to sub. 3-a if the premises owner>> or other responsible party<< fails to respond or fails to propose a written course of action for abatement that is acceptable to the chief of police; or,

d-2. 45 days after the written course of action was accepted and the premises owner>> or other responsible party<< failed to properly implement or modify the accepted written course of action for abatement.

Part 11. Section 80-10-3-e-0, e-2, e-3 and e-5 of the code is amended to read:

e. The chief of police shall notify the premises owner>> or other responsible party<< of the decision to refer the cost of police services by copy of the chief's cost referral letter to the commissioner of neighborhood services>> or, alternatively, the chief of police shall notify the responsible party of the decision to refer the cost of police services by copy of the chief's referral letter to the city attorney for collection and to the appropriate licensing authority <<. Delivery of this notice shall be made as set forth in sub. 3-b. The cost referral letter shall contain:

e-2. A statement that the chief of police has referred the cost of enforcement to the commissioner>> or to the city attorney and to the appropriate licensing authority,<< with a concise description of the nuisance activities and the relevant sections of the code.

e-3. A notice of the premises owner's >> or other responsible party's<< right to appeal pursuant to sub. 5.

e-5. A statement that whenever a premises owner >> or other responsible party<< has been billed, on 3 or more separate dates, for the costs of enforcement within one year, he or she may be issued a citation of not less than \$1,000 nor more than \$5,000 after notification by the chief of police that the premises is a chronic nuisance due to

the premises owner's >> or other responsible party's<< failure to abate the nuisance activities.

A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The 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. [080225](#) Substitute resolution approving an agreement between the Medical College of Wisconsin and the Milwaukee Fire Department for the Safe Schools/Healthy Students Initiative.

Whereas, The Common Council adopted Resolution 070875 on November 11, 2007, approving the acceptance and expenditure of up to \$650,000 in private contributions to the City of Milwaukee and the Fire Department for training and supplies for the Safe Schools/Healthy Students Initiative, Project Staying Alive program; and

Whereas, Children's Hospital and the Milwaukee Public Schools have already demonstrated interest in making contributions to the program; and

Whereas, The Safe Schools/Healthy Students Initiative will develop community-wide approaches to create safe, respectful, drug-free schools and promote pro-social skills and healthy childhood development; and

Whereas, The Medical College of Wisconsin desires to provide a contribution of \$148,698 to the City of Milwaukee and the Fire Department related to the Safe Schools/Healthy Students Initiative for a collaborative project entitled Healthy Youth: Strong and Connected; and

Whereas, The Medical College of Wisconsin's Healthy Youth: Strong and Connected program is similar and has the same aims and activities as the Milwaukee Fire Department's Safe Schools/Healthy Students Initiative; and

Whereas, The Medical College of Wisconsin and the Fire Department are committed to working together with other partners in the Healthy Youth: Strong and Connected program and Safe Schools/Healthy Students Initiative; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the agreement and addendum to the agreement between the Medical College of Wisconsin and the Milwaukee Fire Department for the Healthy Youth: Strong and Connected and Safe

Schools/Healthy Students Initiative, a copy of which is attached, is approved.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. The 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. [080260](#)

Resolution authorizing the Milwaukee Police Department to accept a donation of “B.A.C.K. Packets” from With Wings and a Halo - R.E.A.C.H. a Child.

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, With Wings and a Halo - R.E.A.C.H. a Child, a 501(c)3” nonprofit entity, has offered to donate approximately 200 “B.A.C.K. Packets” for use by the Milwaukee Police Department to share with area youth, and may continue the program by further donations of books and “B.A.C.K. Packets” to the Department; and

Whereas, Each “B.A.C.K (Be A Cheerful Kid) Packet” will be filled with 10-12 children’s books, which the Police Department will primarily distribute to children in domestic crisis situations; and

Whereas, Distribution of “B.A.C.K. Packets” will allow the Police Department to promote both the Department and With Wings and a Halo while positively interacting with youth; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee Police Department is authorized to accept a donation of “B.A.C.K. Packets” from With Wings and a Halo - R.E.A.C.H. a Child; and, be it

Further Resolved, That the authority to accept donations for this purpose shall continue, unless otherwise rescinded or amended by future Common Council action.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. The 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. [080289](#)

Resolution relating to application and acceptance of a community policing grant from the State Department of Justice for the Milwaukee Police Department’s 2008

Neighborhood Safety Initiative.

Whereas, The initial \$250,000 grant award for the period July 1, 2007 through June 30, 2008 was approved by the Common Council on January 15, 2008, File No. 071236; and

Whereas, The State of Wisconsin included \$250,000 in each year of the State's 2007/09 biennium budget for a community policing grant to the City of Milwaukee for activities related to decentralized law enforcement and crime prevention in targeted neighborhoods that suffer from high levels of violent and drug-related crime; and

Whereas, The operation of this grant from July 1, 2008 through June 30, 2009 would cost \$250,000 of which 100% would be provided by the grantor and \$0 (0%) would be provided by the city; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin, Department of Justice 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 of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue Grant and Aid Projects fund, the following amount for the program titled: Neighborhood Safety Initiative Grant:

Project/Grant	Fund	Org	Program	BY	Subclass	Account
GR0000800000	0150	9990	0001	0000	R999	000600
Project	Amount					
Grantor Share	\$250,000					

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; and, be it

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

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

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 percent.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. The 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. [080317](#) Resolution amending Resolution File 061452, relating to Law Enforcement Services Grant Agreement with the Milwaukee Brewers Baseball Club for 2007-2008

Whereas, The Common Council adopted Resolution File Number 061452 on March 22, 2007, approving a Law Enforcement Services Grant Agreement with the Milwaukee Brewers Baseball Club ("Brewers"); and

Whereas, Grant funding for law enforcement services provided to the Brewers for the grant contract period of March 25, 2007, to October 31, 2008, was originally estimated at \$1.2 million; and

Whereas, Due to Brewer game attendance increases and increases in the salary rates for police officers, an additional funding of \$800,000 is required from the Brewers for a grant total of \$2 million; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Resolution File 061452, adopted on March 22, 2007, is amended by deleting the amount "\$1,200,000" in the 3rd "Further Resolved" clause under Item 1, and inserting in lieu thereof the amount "\$2,000,000", thereby increasing the grantor share by \$800,000.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. The 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:

10. [080065](#) Reappointment of Daniel Alexander to the position of Homeland Security Director by the Mayor.

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

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

No: 1 - Puente

-
11. [080329](#) Reappointment of Richard Cox to the Fire and Police Commission by the Mayor. (7th Aldermanic District)
- A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.**
The 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. Various appointments and reappointments to the Milwaukee Commission on Domestic Violence and Sexual Assault:
- a. [080330](#) Appointment of Angela Mancuso to the Milwaukee Commission on Domestic Violence and Sexual Assault by the Mayor.
- A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.**
The 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
- b. [080331](#) Appointment of Latrice Buck Briggs to the Milwaukee Commission on Domestic Violence and Sexual Assault by the Mayor.
- A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.**
The 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
- c. [080332](#) Reappointment of Ann Ranfranz to the Milwaukee Commission on Domestic Violence and Sexual Assault by the Mayor.
- A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.**
The 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
- d. [080333](#) Reappointment of Roberta Rieck to the Milwaukee Commission on Domestic

Violence and Sexual Assault by the Mayor.

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.
The 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

- e. [080334](#) Reappointment of Alvience Sue Lamb to the Milwaukee Commission on Domestic Violence and Sexual Assault by the Mayor.

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.
The 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

- f. [080335](#) Reappointment of Daisy Cubias to the Milwaukee Commission on Domestic Violence and Sexual Assault by the Mayor.

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.
The 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

- g. [080336](#) Reappointment of Victoria Olsen to the Milwaukee Commission on Domestic Violence and Sexual Assault by the Mayor.

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.
The 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

- h. [080337](#) Reappointment of Mark Lyday to the Milwaukee Commission on Domestic Violence and Sexual Assault by the Mayor.

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.
The 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

- i. [080338](#) Reappointment of Bagwajkwe Madosh to the Milwaukee Commission on Domestic Violence and Sexual Assault by the Mayor.

A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED. The 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:

13. [070330](#) An ordinance requiring city taxicabs to be hybrid vehicles or vehicles that have the capacity to operate with an ethanol content of at least 85%.

A motion was made by ALD. DONOVAN 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

14. [080246](#) Communication from the Commissioner of Public Works relating to a report comparing current revenue generated from oversized and overweight vehicle permit fees, with 2005 and 2006 revenues.

A motion was made by ALD. DONOVAN that this Communication-Report be PLACED ON FILE. The 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. [080248](#) A substitute ordinance to further amend the 2008 offices and positions in the City Service under control of the Common Council.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

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

Under “Family and Community Health Services, Healthy Behaviors & Healthcare Access, Adolescent Community Health Grant”, delete footnote “(J)” from one position of “Health Project Coordinator-Plain Talk (X)(J)(NNN)(QQQ)(Y)(RRR)” and amend footnote “(QQQ)” to read as follows: “To expire 3/31/09 unless the Plain Talk Grant - Milwaukee Foundation is extended. Partially funds one position of Health Project Coordinator - Plain Talk”; under ‘Congenital Disorders Grant (O)’, amend footnote “(O)” to read as follows: “To expire 06/30/09 unless the Congenital Disorders Grant is extended. Also partially funds one position of Public Health Nurse.”

Under “Health Department, Office of Violence Prevention”, add footnote “(TTT)” to one position of “Violence Reduction and Prevention Initiative Manager (X)(Y)” and add footnote “(TTT)” to read as follows: “To expire 09/30/10 unless the Community Collaborative - Disabled Victims of Sexual Assault and Domestic Violence Grant from IndependenceFirst is extended”; under “Office of Violence Prevention”, add one position of “Program Manager-Office of Violence Prevention (X)(UUU)” and add Footnote “(UUU)” to read as follows: “To expire 06/30/09 unless the Mayors Against Illegal Guns Regional Coordinator Grant from the Joyce Foundation is extended.”

Under “Health Department, Disease Control and Prevention Division, Weinhardt Computerized HIV Intervention Grant (BBB)”, add footnote “(BBB)” to one position of “Nurse Practitioner (X) (AAA)” and add footnote “(BBB)” to read as follows: “To expire 12/31/08 unless the Dual Protection Partnership Initiative from the State of Wisconsin Division of Public Health-Family Planning Program (DPH-FP) and the Family Planning Health Services, Inc. (FPHS, Inc.) is extended.”

Under “Health Department, Home Environmental Health Program, Childhood Lead Poisoning Prevention Program (W)”, amend footnote “(W)” to read as follows: “To expire 06/30/09 unless the Childhood Lead Poisoning Prevention Grant is extended.”

Under, Health Department, Healthy Behaviors & Healthcare Access, Milwaukee Breast Cancer Awareness Program”, delete footnote “(U)” from one position of

“Public Health Nurse (X)(G)(KK)(GG)(U)” and amend footnote “(LL)” to read as follows: “To expire 6/30/09 unless the Breast and Cervical Cancer Case Management Grant, available from the State of Wisconsin Division of Health and Family Services, is extended” and amend footnote “(U)” to read as follows: “To expire 6/30/09 unless the Milwaukee Breast and Cervical Cancer Awareness Grant, available from the State of Wisconsin Division of Health and Family Services, is extended.”

Under “Health Department, Healthy Behaviors & Healthcare Access, Milwaukee Breast Cancer Awareness Program”, delete one position of “Public Health Educator II (X)(J)(JJ)(GG)” and amend footnote “(JJ)” to read as follows: “To expire 6/30/09 unless the Breast and Cervical Cancer Screening Grant, available from the State of Wisconsin Division of Health and Family Services, is extended.”

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

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

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

A motion was made by ALD. MURPHY that this Ordinance be PASSED. The 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:

2. [080166](#) Substitute resolution authorizing the Department of Employee Relations to enter into a new three-year contract with Anthem from January 1, 2009 through December 31, 2011 to provide third-party-administrative services to the City and City employees enrolled in the City Basic health plan.

Whereas, The City of Milwaukee has completed a Request for Proposal process to solicit third-party-administrative vendors to provide services to the City; and

Whereas, The City received responses from three vendors - Anthem, UnitedHealthcare and Humana; and

Whereas, The City Review Team that included representatives of the Comptroller's Office, the Budget Office, the Legislative Reference Bureau, and the Department of Employee Relations met with the City consultant, Willis of Wisconsin, to review the

responses; and

Whereas, The Review Team has determined that the proposal from Anthem is in the best interest of the City, from both a financial and a customer service standpoint; and

Whereas, Willis of Wisconsin supports this recommendation; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Department of Employee Relations, in cooperation with the City Attorney's Office, is authorized to enter into a contract with Anthem to provide third party administrative services through their networks for City employees and retirees in the Basic health insurance plan from January 1, 2009 through December 31, 2011.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The 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. [080168](#) Substitute resolution authorizing the Department of Employee Relations to enter into a new three-year contract with Navitus Health Solutions from January 1, 2009 through December 31, 2011 to provide prescription benefit management (PBM) services to City employees and retirees.

Whereas, The City of Milwaukee has completed a Request for Proposal process to solicit prescription-benefit-management vendors to provide services to the City, City employees and retirees in both the Basic health insurance plan and the UHC Choice plan HMO and to provide a Medicare D Plan with a Wrap to City Medicare retirees; and

Whereas, The City received responses from six vendors - WisconsinRx/Caremark, Medco, Navitus Health Solutions, Restat, Walgreens and WellpointRx; and

Whereas, The City Review Team that included representatives of the Comptroller's Office, the Budget Office, the Legislative Reference Bureau, and the Department of Employee Relations met with the City consultant, Willis of Wisconsin, to review the responses; and

Whereas, The Review Team has determined that the proposal from Navitus Health Solutions is in the best interest of the City, from both a financial and a customer service standpoint; and

Whereas, Willis of Wisconsin supports this recommendation; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Department of Employee Relations, in cooperation with the City Attorney's Office, is authorized to enter into a contract with Navitus Health Solutions to provide prescription benefit management services for City employees and retirees in both the Basic health insurance plan and the UHC Choice plan HMO as well as a Medicare D Plan through DeanCareRx from January 1, 2009 through December 31, 2011.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The 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. [080216](#) Resolution authorizing the acceptance and expenditure of up to \$250,000 in private contributions by the Department of Administration, Community Development Grants Administration Division for the Housing Trust Fund.

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, There are organizations interested in making contributions to the City of Milwaukee's Housing Trust Fund; and

Whereas, It is in the City's best interest to augment sources of trust fund revenue to achieve the goal of acquisition, construction, rehabilitation and modification of affordable and accessible housing for low-income households; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, the Department of Administration, Community Development Grants Administration Division is authorized to accept up to \$250,000 in private contributions associated with the City of Milwaukee's Housing Trust Fund; and, be it

Further Resolved, that upon receipt and deposit of these funds, the City Comptroller is directed to establish a special account with the Department of Administration for the expenditure of the funds; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer appropriations from the special Purpose Account-Contributions, 0001-2110-0001-D000-006300, and the estimated revenue from the Estimated Revenue Account-Contributions, 0001-9990-0001-009850 to the Department of Administration special account, 0001-1510-0001-006300-Dxxx and the Department of Administration Estimated Revenue Account, 0001-1510-0001-009850, up to the amount actually received, but no more than \$250,000; and, be it

Further Resolved, That the Department of Administration, Community Development Grants Administration is authorized to expend funds actually received for housing purposes associated with the City of Milwaukee's Housing Trust Fund in accordance with Chapter 316, Milwaukee Code of Ordinances, which governs the operation and funding of the Housing Trust Fund, but not to exceed \$250,000.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The 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. [080251](#) Substitute resolution authorizing attendance at conventions, seminars and other travel.

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

One City Clerk Staff; "League of Wisconsin Municipalities 110th Annual Conference"; October 22-24, 2008; Steven Point, WI; \$936.44.

; and, be it

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

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

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

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The 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. [080276](#) Substitute resolution relative to the application, acceptance and funding of the Plain Talk Milwaukee Initiative - Greater Milwaukee Foundation Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Greater Milwaukee Foundation to provide this community-based initiative; and

Whereas, The operation of this grant project from 04/01/08 to 03/31/09 would cost \$50,000 entirely provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amount for the project titled Plain Talk Milwaukee Initiative - Greater Milwaukee Foundation Grant:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$50,000

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

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

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Enter into subcontracts and leases as detailed in the grant budget; and
3. Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff.

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

Under

Family and Community Health Services
Healthy Behaviors & Healthcare Access
Adolescent Community Health Grant

Delete Footnote (J):

Health Project Coordinator-Plain Talk (X)(J)(NNN)(QQQ)(Y)(RRR)

Amend Footnote (QQQ) to read as follows:

To expire 03/31/09 unless the Plain Talk Milwaukee Initiative - Greater Milwaukee Foundation Grant is extended. Partially funds one position of Health Project Coordinator - Plain Talk.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The 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. [080277](#) Substitute Resolution relative to application, acceptance and funding of the Congenital Disorders Grant from the State of Wisconsin - Division of Health and Family Services. Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Division of Health and Family Services to screen newborns for over 26 rare disorders; and

Whereas, The operation of this grant program from 07/01/08 to 06/30/09 would cost \$132,735 entirely provided by the grantor; now, therefore, be it

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

State of Wisconsin Division of Health and Family Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent account of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled Congenital Disorders Grant:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$132,735

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

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

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

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

Under

HEALTH DEPARTMENT
Family & Community Health Services

Congenital Disorders Grant (O)

Amend footnote (O) to read as follows:

To expire 06/30/09 unless the Congenital Disorders Grant is extended. Also partially funds one position of Public Health Nurse.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The 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. [080278](#) Substitute resolution relative to application, acceptance and funding of the Dual Protection Partnership Initiative from the State of Wisconsin Division of Public Health-Family Planning Program (DPH-FP) and the Family Planning Health Services, Inc. (FPHS, Inc.)

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Division of Public Health-Family Planning Program (DPH-FP) and the Family Planning Health Services, Inc. (FPHS, Inc.) to improve access for low-income women to receive dual protection services and supplies; and

Whereas, The operation of this grant project from 04/01/08 to 12/31/08 would cost \$120,240 provided entirely by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin Division of Public Health-Family Planning Program (DPH-FP) and the Family Planning Health Services, Inc. (FPHS, Inc.) is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled Dual Protection Partnership Initiative from the State of Wisconsin Division of Public Health-Family Planning Program (DPH-FP) and the Family Planning Health Services, Inc. (FPHS, Inc.):

Project/Grant

GR0000800000

Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$120,240

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

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

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

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

Under

HEALTH DEPARTMENT

Disease Control and Prevention Division

Weinhardt Computerized HIV Intervention Grant (BBB)

Add footnote (BBB) to the position of:

Nurse Practitioner (X) (AAA)

Add footnote (BBB) to read as follows:

To expire 12/31/08 unless the Dual Protection Partnership Initiative from the State of Wisconsin Division of Public Health-Family Planning Program (DPH-FP) and the Family Planning Health Services, Inc. (FPHS, Inc.) is extended.

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

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

No: 2 - Bohl Dudzik

9. [080280](#)

Substitute resolution relative to application, acceptance and funding of the Childhood Lead Poisoning Prevention Grant from the State of Wisconsin Division of Health and Family Services.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Division of Health and Family Services for comprehensive and coordinated service delivery to lead-poisoned children; and

Whereas, The operation of this grant project from 07/01/08 to 06/30/09 would cost \$971,321 of which \$323,774 (33%) would be provided by the city and \$647,547 (67%) would be provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects fund, the following amount for the project titled Childhood Lead Poisoning Prevention Grant:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$647,547

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

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

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

Expend from the 2008 grant budget funds for specific items of equipment;

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

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

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

Under

HEALTH DEPARTMENT

Disease Control and Prevention Division

Home Environmental Health Program

Childhood Lead Poisoning Prevention Program (W)

Amend footnote (W) to read as follows:

To expire 06/30/09 unless the Childhood Lead Poisoning Prevention Grant is extended.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The 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. [080283](#) Substitute resolution relative to application, acceptance and funding of the Milwaukee Breast and Cervical Cancer Awareness Grant from the State of Wisconsin - Division of Health and Family Services.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Division of Health and Family Services to expand the scope of the Wisconsin Women's Cancer Control Program; and

Whereas, The operation of this grant project from 07/01/08 to 06/30/09 would cost \$104,302 provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

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

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$104,302

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

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

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

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

Health Department

Amend footnote (U) as follows:

To expire 6/30/09 unless the Milwaukee Breast and Cervical Cancer Awareness Grant, available from the State of Wisconsin Division of Health and Family Services, is extended.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The 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. [080284](#) Substitute resolution relative to application, acceptance and funding of the Breast and Cervical Cancer Case Management Grant from the State of Wisconsin - Division of Health and Family Services.

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

Whereas, The operation of this grant project from 07/01/08 to 06/30/09 would cost \$118,903 provided entirely by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

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

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600

Project	Grantor Share
Amount	\$118,903

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

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

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

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

Under

Health Department
Milwaukee Breast Cancer Awareness Program

Delete Footnote (U) from the position of:

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

and

Amend footnote (LL) as follows to read as follows:

To expire 6/30/09 unless the Breast and Cervical Cancer Case Management Grant, available from the State of Wisconsin Division of Health and Family Services, is extended.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The 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. [080285](#) Substitute resolution relative to application, acceptance and funding of the Breast and Cervical Cancer Screening Grant from the State of Wisconsin - Division of Health and Family Services.

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

Whereas, The operation of this grant project from 07/01/08 to 06/30/09 would cost \$99,450 provided entirely by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

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

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$99,450

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

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

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

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

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

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

Under

Health Department

Healthy Behaviors & Healthcare Access

Milwaukee Breast Cancer Awareness Program

Delete the following position:

Public Health Educator II (X)(J)(JJ)(GG)

Amend footnote (JJ) as follows:

To expire 6/30/09 unless the Breast and Cervical Cancer Screening Grant, available from the State of Wisconsin Division of Health and Family Services, is extended.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The 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. [080286](#) Substitute resolution relative to application, acceptance and funding of the Community Collaborative - Disabled Victims of Sexual Assault and Domestic Violence Grant from IndependenceFirst.

Whereas, The City of Milwaukee appears to be eligible for grant funds from IndependenceFirst to provide this community-based initiative; and

Whereas, The operation of this grant project from 10/01/07 to 9/30/10 would cost \$35,000 provided entirely by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the IndependenceFirst is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in

Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amount for the project titled Community Collaborative - Disabled Victims of Sexual Assault and Domestic Violence Grant from IndependenceFirst:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$35,000

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

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

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Enter into subcontracts and leases as detailed in the grant budget; and
3. Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff.

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

Under

Health Department
Office of Violence Prevention

Add footnote (TTT) to the position of:

Violence Reduction and Prevention Initiative Manager (X)(Y)(TTT)

ADD Footnote (TTT) to read as follows:

To expire 09/30/10 unless the Community Collaborative - Disabled Victims of Sexual Assault and Domestic Violence Grant from IndependenceFirst is extended.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The 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. [080287](#) Substitute resolution relative to application, acceptance and funding of the Mayors Against Illegal Guns Regional Coordinator Grant from the Joyce Foundation.
- Whereas, The City of Milwaukee appears to be eligible for grant funds from the Joyce Foundation to provide this community-based initiative; and

Whereas, The operation of this grant project from 07/01/08 to 06/30/09 would cost \$99,600 of which \$24,600 would be provided by the city and \$75,000 would be provided by the grantor; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amount for the project titled Mayors Against Illegal Guns Regional Coordinator Grant from the Joyce Foundation:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600

Project	Grantor Share
Amount	\$75,000

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

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

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Enter into subcontracts and leases as detailed in the grant budget; and
3. Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff.

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

Under

Health Department
Office of Violence Prevention

Add one (1) position of:

Program Manager-Office of Violence Prevention (X)(UUU)

ADD Footnote (UUU) to read as follows:

To expire 06/30/09 unless the Mayors Against Illegal Guns Regional Coordinator Grant from the Joyce Foundation is extended.

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

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

No: 1 - Dudzik

15. [080314](#) Substitute resolution authorizing the Department of Employee Relations to provide health insurance benefits to the surviving spouse of any police officer killed in the line

of duty after June 12, 1979, and prior to January 1, 1985, through age 65.

Whereas, Common Council File Number 78-1687, adopted June 12, 1979, limits health insurance benefits for surviving spouses; and

Whereas, Certain labor agreements effective January 1, 1985 to the present date provide health insurance benefits for surviving spouses up to age 65; and

Whereas, This Common Council wishes to extend health insurance benefits to the surviving spouses of police officers killed in the line of duty between June 12, 1979, and January 1, 1985, upon the same terms and conditions; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that surviving spouses of police officers killed in the line of duty between June 12, 1979, and January 1, 1985, shall be eligible for health insurance coverage upon the same terms and conditions as general city retirees, including termination of coverage at age 65 and payment by the surviving spouse of the required share of the cost of the premium for such coverage; and, be it

Further Resolved, That the Common Council authorizes the Department of Employee Relations and Employee Retirement System to coordinate the providing of health insurance benefits to surviving spouses of police officers killed in the line of duty between June 12, 1979, and January 1, 1985; and, be it

Further Resolved, That Common Council Resolution No. 78-1687, except to the extent specifically amended by this resolution, to provide health insurance benefits to the surviving spouses of police officers killed in the line of duty between June 12, 1979, and January 1, 1985, shall remain in full force and effect; and, be it

Further Resolved, That this resolution shall not be interpreted nor applied in such a way as to provide any retroactive health insurance benefits prior to the effective date of this resolution, or to provide any reimbursements for health insurance benefits with respect to which any surviving spouses have previously paid premium charges.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The 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:

16. [080127](#) Communication from the Department of Administration - Budget and Management Analysis Division regarding various vacancy requests, fund transfers and equipment

requests.

A motion was made by ALD. MURPHY that this Communication be PLACED ON FILE. The 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

17. 080342 A charter ordinance relating to earnable compensation and creditable service relating to periods of absence for members of Local 150, Local 950, Local 1616 and the Milwaukee Building and Construction Trades Council while performing military service.

A motion was made by ALD. MURPHY that this Charter Ordinance be PLACED ON FILE. The 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 FURTHER RECOMMENDS:

---The following item may be referred from the SPECIAL Finance & Personnel Committee meeting held on Tuesday, July 1, 2008 at 8:30 A.M.

18. [080042](#) A substitute ordinance relating to private transportation monthly reimbursement payments to common council members.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 350-183-8-a of the code is amended to read:

350-183. Private Transportation Reimbursement.

8. COMMON COUNCIL MEMBERS. a. In order to provide transportation which is necessary and essential to the discharge of the official duties of the members of the common council, each member shall be entitled to a monthly reimbursement payment. >>This payment shall not be made if during the month the member has not attended any of the scheduled meetings of the council, unless excused by the council president, and has not attended any of the scheduled meetings of the standing committees to which the member is appointed, unless excused by the committee chair.<<

Notwithstanding recommendation of the Committee.

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

Aye: 9 - Bohl, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 6 - Hamilton, Davis, Kovac, Bauman, Coggs Wade

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. [080088](#) A resolution authorizing cancellation of the City of Milwaukee's subrogation claim against Deborah Wolfram for medical services under the Basic Health Plan.
Whereas, Deborah Wolfram was injured in an automobile accident on June 19, 2006 and has asserted claims of a negligence to recover compensation for injuries sustained as a result of that accident; and

Whereas, The City of Milwaukee has made payments on behalf of Deborah Wolfram for medical treatment and services pursuant to its Basic Health Plan in the amount of \$24,510.10 for the injuries she claims resulted from the accident; and

Whereas, The City of Milwaukee has a subrogation claim as a result of such payments; and

Whereas, Plaintiff's counsel has offered the City the amount of \$13,500 in settlement of its subrogation claim; and

Whereas, Under these circumstances, the cancellation of the City of Milwaukee's subrogation claim reflects the legal liability of the parties and is a fair and equitable resolution of the City of Milwaukee's subrogation claim; and

Whereas, The Common Council wishes to cancel this claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, the City Attorney be and hereby is authorized and directed, on behalf of the City, to accept the settlement offer of \$13,500.00 and cancel and release the City's subrogation claim against Deborah Wolfram in the amount of \$24,510.52, and to execute any necessary stipulations and releases to effectuate this settlement.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The 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. [080107](#) Substitute resolution relating to an appeal from William F. Culp for property damage.

Whereas, Members of the Judiciary and Legislation Committee have reviewed the records to this claim in the amount of \$1,061.95 related to damage sustained to your vehicle when it collided with a pothole. Based on this review, members of the

Committee recommend the claimant be reimbursed \$1,000 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 \$1,000 payable to William F. Culp, 5634 W. Oaklahoma ,Apt. #104, Milwaukee, WI 53219, 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. The motion PREVAILED by the following vote:

Aye: 8 - Hamilton, Bauman, Bohl, Coggs, Wade, Donovan, Puente Zielinski

No: 7 - Davis, Kovac, Murphy, Dudzik, Witkowiak, Witkowski Hines Jr.

3. [080138](#)

Substitute resolution relating to an appeal from Denise McCaskill for property damage.

Whereas, Members of the Judiciary and Legislation Committee have reviewed the records to this claim in the amount of \$281.97 related to damage sustained to a vehicle when it collided with a pothole. Based on this review, members of the Committee recommend the claimant be reimbursed \$281.97 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 \$281.97 payable to Denise McCaskill, 4826 N. 91st Street, Milwaukee, WI 53225, 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. The 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. [080162](#) Resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 2006 tax roll, plus interest applicable to date of repayment, if appropriate.

Whereas, Assessments were made against certain parcels of real estate for the year 2006 as contained in Common Council Resolution File No. 080162; and

Whereas, The Board of Review has decreased these assessments as shown in this file; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers are authorized and directed to issue city checks in the amounts as shown in this file, payable to the City Treasurer or taxpayer as applicable, to be refunded to the taxpayer where appropriate, plus interest at the rate applicable pursuant to Section 70.511 of Wisconsin Statutes, for an appeal that was filed as shown in this file, applicable from date of payment to date of repayment, said amounts to be charged to the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and said checks to be delivered to the Customer Services Unit of the Treasurer's Office for disbursement; and, be it

Further Resolved, That the proper city officers are authorized and directed to reflect the reduction in State Tax Credits as shown in this file by means of journal entries, charging the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and crediting the State Tax Credit Fund; and, be it

Further Resolved, That interest for Key No. 355-0320-100-1 shall be applicable from date of payment to June 5, 2007 for the year 2006, and, that interest for Key No. 356-0303-100-6 shall be applicable from date of payment to June 5, 2007 for the year 2006, and that interest for Key No. 392-0783-000-7 shall be applicable from date of payment to March 23, 2007 for the year 2006, and that interest for Key No. 397-0106-111-3 shall be applicable from date of payment to November 3, 2006 for the year 2006, and that interest for Key No. 461-1469-100-3 shall be applicable from date of payment to August 16, 2007 for the year 2006, that interest for Key No. 462-0004-110-0 shall be applicable from date of payment to August 16, 2007 for the year 2006, and be it

Further Resolved, That delinquent interest and penalties on any account covered by this resolution are hereby canceled.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The 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. [080234](#) Substitute resolution relating to an appeal from Nan Markowski for property damage.

Whereas, Members of the Judiciary and Legislation Committee have reviewed the records to this claim in the amount of \$225.19 related to damage incurred after a city light pole fell on a private vehicle. Based on this review, members of the Committee recommend the claimant be reimbursed \$225.19 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 \$225.19 payable to Nan Markowski, P.O. Box 11325, Shorewood, WI. 53211, 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. The motion PREVAILED by the following vote:

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

No: 2 - Murphy Dudzik

6. [080259](#) Resolution authorizing settlement of the claim of Harrison Kern.

Whereas, The claimant, Harrison Kern, filed a claim with the City of Milwaukee specifically, Harrison Kern v. City of Milwaukee, et al, U.S.D.C. Case No. 05-C-0446; and

Whereas, The claimant has agreed to settle the lawsuit for the amount of \$36,000 total; and

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

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

of \$36,000, made payable to Knight Law Offices In Trust, in full and final settlement of the Claimant's claims, upon receipt of a release of claims, approved as to form and execution by the City Attorney, said amount to be charged to the Damages and Claims Fund, Account No. 0001-1490-0001-S118-006300.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The 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. [080308](#)

Resolution appropriating funds from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of retaining outside legal counsel in a case involving the Board of Zoning Appeals.

Whereas, In 1995, when the operator of the existing gas station located at 1530 W. State Street sought permission from the City to construct a fuel pump canopy, the Board of Zoning Appeals approved a special use permit for a period of 10 years to allow a gas station on the premises (a gas station was a special use under the zoning in effect at that time); and

Whereas, This special use permit was not renewed upon its expiration on April 5, 2005; and

Whereas, On November 14, 2006, the Common Council approved File Number 060733, an ordinance that changed the zoning of this property from LB2 (Local Business) to RT4 (Two-Family Residential); and

Whereas, Under RT4 zoning, a gas station is a prohibited use; and

Whereas, Because its special use permit was not renewed before the 2006 zoning change, the gas station at 1530 W. State Street lacks nonconforming special use status; and

Whereas, On February 15, 2007, the Board of Zoning Appeals denied a request from Bulk Petroleum Corp. for a use variance that would allow the existing gas station structure to be razed and a new gas station/convenience store to be constructed on the site; and

Whereas, The current lessee of the gas station, Kashmir Multani, has applied to the Board of Zoning Appeals for a use variance to continue occupancy of the premises as a filling station (BOZA Case No. 28710); and

Whereas, On May 22, 2008, the Board of Zoning Appeals adjourned Case No.

28710 for the purpose of collecting additional information from the petitioner and from City staff; and

Whereas, In a February 8, 2008, letter to Commissioner of Neighborhood Services Martin Collins, the City Attorney's Office indicated that, in its opinion, the pending use-variance application acts as a stay of enforcement of an order issued by the Department of Neighborhood Services placarding and ordering closure of the gas station; and

Whereas, Over the past several years, the neighborhood surrounding the gas station at 1530 W. State Street has become increasingly residential, with the gas station becoming more and more out of character with the neighborhood; and

Whereas, The 2006 rezoning of several blocks in this area to RT4 (Two-Family Residential) formalized the goal of the City and neighborhood residents and property owners to support and expand residential uses and development in this neighborhood; and

Whereas, Because the City Attorney's Office has already provided legal representation and advice to the Board on the pending use-variance application, and has opined on this matter to the Commissioner of Neighborhood Services, the City Attorney's Office can no longer represent the City of Milwaukee as an interested party in this case; and

Whereas, Because of this conflict of interest, it is necessary for the City to hire outside legal counsel if it wishes to oppose the use-variance application of Kashmir Multani; and

Whereas, It would be in the best interest of the City in general and residents of the surrounding neighborhood in particular to retain outside experts and legal counsel to represent the public interest by arguing that operation of a gas station at 1530 W. State Street would not be beneficial to the City or its residents; and

Whereas, The Outside Counsel/Expert Witness Fund Special Purpose Account is to be used by the City Attorney's Office for the purpose of retaining experts and outside legal counsel; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Attorney is directed to retain the services of Attorney Alan Marcuvitz to represent the City and the public interest by opposing the use variance requested in Board of Zoning Appeals Case No. 28710 and to represent the City and the public interest in any other appeals to the Board to allow continued operation of a gas station at 1530 W. State Street; and, be it

Further Resolved, That the sum of up to \$10,000 shall be reserved, appropriated and expended within the 2008 Special Purpose Account - Outside Counsel/Expert Witness Fund (006300-0001-9990-S157-2008) for retaining and engaging Attorney Alan Marcuvitz for these purposes.

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

Aye: 10 - Hamilton, Kovac, Bauman, Bohl, Wade, Donovan, Murphy, Witkowiak, Zielinski Hines Jr.

No: 5 - Davis, Coggs, Puente, Dudzik Witkowski

DISALLOWANCE AND INDEFINITE POSTPONEMENT OF THE FOLLOWING:

8. Various claims against the city:

- a. [080213](#) Resolution relating to the claim of Betty Carl, Agent for General Casualty on behalf of Tony Nice and Ken Markwardt Sales & Service for personal injuries.

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The 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

- b. [080214](#) Resolution relating to the claim of Steven Chiles, Agent for Afni Insurance Services on behalf of Thomas & Mary Craine for property damage. (14th Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The 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

- c. [080215](#) Resolution relating to the claim of Audrey White for property damage. (9th Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The 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

- d. [080220](#) Resolution relating to the claim of Jason & Beth Senfleben for property damage. (13th Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The 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

- e. [080222](#) Resolution relating to the claim of Kerry Cartier, Agent for General Casualty on behalf of Ken Markwardt Sales & Service for personal injuries and property damage.

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The 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

- f. [080223](#) Resolution relating to the claim of Atty. Mark Wurtz on behalf of Tony and Amy Nice for personal injuries.

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The 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

- g. [080235](#) Resolution relating to an appeal from Sharon Schnepf for property damage. (14th Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The 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 ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [051036](#) Substitute ordinance creating the Bay View/South Shore Drive Neighborhood Conservation Overlay Zone and approving the neighborhood conservation plan and development and design standards for the area generally located along South Shore Drive between East Russell Avenue and East Estes Street, in the 14th Aldermanic District.

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

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

Section 295-1003.0003. The zoning map is amended to establish the Neighborhood Conservation Overlay Zone (NC) for the area bounded by the zoning line within the right-of-way along East Russell Avenue, the zoning line within the right-of-way along South Shore Drive, the zoning line along East Ontario Street, the zoning line along the west side of South Shore Park, the zoning line within the right-of-way along East Nock Street, the zoning line within the right-of-way along South Shore Drive, the zoning line within the right-of-way along East Estes Street, a line 157.5 feet West and parallel to the west side of South Shore Drive, the zoning line within the right-of-way along East Nock Street, a line 157.5 feet West and parallel to the west side of South Shore Drive to the point of beginning, as indicated on Exhibit A, a copy of which is attached to this Common Council File.

Part 2. In accordance with the provisions of Section 295-1003(2)(a) of the Code relating to the establishment of Neighborhood Conservation Overlay Zones, the Common Council approves a neighborhood conservation plan, a copy of which is attached to this Common Council File as Exhibit B which is on file in the office of the City Clerk and made a part thereof as though fully set forth herein.

Part 3. In accordance with the provisions of Section 295-1003(2)(b) of the Code relating to the establishment of Neighborhood Conservation Overlay Zones, the Common Council approves development and design standards, a copy of which is attached to this Common Council File as Exhibit C which is on file in the office of the City Clerk and made a part thereof as though fully set forth herein.

Part 4. This ordinance shall be effective and enforceable on July 21, 2008.

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. The 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. [071596](#)

A substitute ordinance relating to regulations for roof signs in the industrial-mixed zoning district.

Whereas, Currently, there is no limit on the display area of a type “A” roof sign in the industrial-light and industrial-heavy zoning districts, while the display area of a type “A” roof sign in the industrial-mixed zoning district is limited to 50 square feet; and

Whereas, Since the use regulations for the industrial-mixed district are similar to those for the industrial-light districts, it is appropriate for the type “A” roof sign regulations for the industrial-mixed district to more closely resemble the type “A” roof sign regulations for the industrial-light districts; and

Whereas, Because industrial-mixed zoning is often found in close proximity to residential zoning districts, it is appropriate to establish more stringent regulations for type “A” roof signs located within 100 feet of residential districts; now, therefore

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

Part 1. Section 295-805-5-g of the code is renumbered 295-805-5-h.

Part 2. Section 295-805-5-g of the code is created to read:

295-805. Industrial Design Standards.

5. SIGNS.

g. Type “A” Roof Signs in the Industrial-Mixed District. g-1. There shall be no maximum display area for a type “A” roof sign located in an industrial-mixed district more than 100 feet from a residential district.

g-2. The maximum display area for a type “A” roof sign located in an industrial-mixed district within 100 feet of a residential district shall be 100 square feet. If this standard is not met, a type “A” roof sign in an industrial-mixed district shall be a special use.

g-3. All type “A” roof signs shall be stationary.

Part 3. Table 295-805-5 of the code is amended to read:

Table 295-805-5 INDUSTRIAL DISTRICT SIGN STANDARDS

Zoning District									
IO1/IO2	IL1/IL2	IM	IH						
Freestanding Signs		permitted	permitted	permitted	permitted				
Maximum number		1 per street frontage		1 per site *		1 per site *		1 per site *	
Type “A” max. display		area (sq. ft.)		80	100	80	100		
Type “B” max. display		area (sq. ft.)		40	50	40	50		
Maximum height		15	15	15	30				
Wall Signs		permitted	permitted	permitted	permitted				
Maximum number		1 per 25 lineal ft.		1 per 25 lineal ft.		1 per 25 lineal ft.		1	
per 25 lineal ft.									
Type “A” max. display		area (sq. ft.)		60	120	60	120		
Type “B” max. display		area (sq. ft.)		32	60	32	60		
Projecting Signs		permitted	permitted	permitted	permitted				
Maximum number		1 per 25 lineal ft.		1 per 25 lineal ft.		1 per 25 lineal ft.		1	
per 25 lineal ft.									
Type “A” max. display		area (sq. ft.)		50	60	50	60		
Type “B” max. display		area (sq. ft.)		25	30	25	30		
Awning Signs		type “A” permitted only							
Maximum number		1 per 25 lineal ft.		1 per 25 lineal ft.		1 per 25 lineal ft.		1	
per 25 lineal ft.									
Type “A” max. display		area (sq. ft.)		20	20	20	20		
Canopy and Hood Signs		permitted		permitted	permitted	permitted	permitted		
Maximum number		1 per 25 lineal ft.		1 per 25 lineal ft.		1 per 25 lineal ft.		1	
per 25 lineal ft.									
Type “A” max. display		area (sq. ft.)		50	60	50	60		
Type “B” max. display		area (sq. ft.)		25	30	25	30		
Roof Signs		type “A” permitted only		permitted	type “A” permitted only	permitted			
Maximum number		1 per building		1 per building	1 per building	>>façade<<	1		
per building									
Type “A” max. display		area (sq. ft.)		50	no limit	[[50]]	>>see s. 295-805-5		
-g<<		no limit							
Type “B” max. display		area (sq. ft.)		NA	100	NA	100		
Off-premise Signs		permitted**	permitted**	permitted**	permitted**	permitted**	permitted**		
Maximum number		1 per site		1 per site	1 per site	1 per site			
Maximum display are per		sign (sq. ft.)		672	672	300	672		
Minimum distance between		Signs	500 ft.	between any 2 ground or roof signs;					
200 ft.		between a ground or roof sign and a wall sign;			200 ft. between any 2 wall signs				
Maximum height,		freestanding sign	(ft.)	35	35	40	40		
Maximum height,		wall sign	(ft.)	40	40	60	60		
Maximum height,		roof sign	25 ft. above roof						
*Except 2 shall be permitted if the site fronts on 3 streets or has continuous street frontage of at least 240 feet. ** Subject to special use requirement set forth in s. 295-407-7-d.									

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. The 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:

3. [080263](#) Resolution permitting a minor modification to a Detailed Planned Development known as Milwaukee Metro Center, Phase 3, on land located on the North Side of West Metro Boulevard and West of North 107th Street, in the 5th Aldermanic District. Whereas, Section 295-907-3(i) of the Milwaukee Code of Ordinances permits variation to planned developments after approval of the Common Council; and

Whereas, The detailed plan for a planned development known as Milwaukee Metro Center, Phase 3, was approved by the Common Council on October 14, 2003, under File No. 030553; and

Whereas, The addition of one, 129 square-foot "HUMMER" sign to the exterior facade of the Bergstrom Milwaukee Chevrolet Dealership building to accommodate the relocation of Hummer's sales operation to said building is consistent with the spirit and intent of the approved plan and will not adversely affect surrounding development and a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the minor modification to the approved plan permitting the addition of one, 129 square-foot "HUMMER" sign to the exterior facade of the Bergstrom Milwaukee Chevrolet Dealership building to accommodate the relocation of Hummer's sales operation to said building, is approved.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. The 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. [080264](#) Resolution permitting a minor modification to a Detailed Planned Development known as Milwaukee Metro Center, Phase 1, on land located on the North Side of West Metro Boulevard and East of US Highway 41 and 45, in the 5th Aldermanic District.

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

Whereas, The detailed plan for a planned development known as Milwaukee Metro Center, Phase 1, was approved by the Common Council on January 22, 2002, under File No. 011042; and

Whereas, The conversion of the Bergstrom Milwaukee Hummer Dealership into the Bergstrom GM Certified Used Car Dealership, including alterations to the existing building facade and signage, is consistent with the spirit and intent of the approved plan and will not adversely affect surrounding development and a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the minor modification to the approved plan permitting the conversion of the Bergstrom Milwaukee Hummer Dealership into the Bergstrom GM Certified Used Car Dealership, including alterations to the existing building facade and signage, is approved.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. The 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. [080265](#) Resolution dissolving Tax Incremental District No. 14 (Historic King Place) and authorizing the distribution of excess incremental revenue to overlying taxing districts. Whereas, The City of Milwaukee ("City") created Tax Incremental District No. 14 ("TID" or "District") on July 10, 1990; and

Whereas, The District includes the former Home Bank Building and annex at North Dr. Martin Luther King Jr. Drive and West Garfield Avenue; and

Whereas, TID funding provided a loan to assist in converting this long-vacant property into 41 apartments for low and moderate-income families and 14,000 square feet of ground floor office and commercial space; and

Whereas, Sufficient revenue has been collected for the District, as of the 2007 tax levy, to cover project costs for TID No. 14; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Tax Incremental District No. 14 is hereby dissolved; and, be it

Further Resolved, That the City Clerk shall notify the Wisconsin Department of Revenue within 60 days of adoption of this resolution that the above District has been terminated; and, be it

Further Resolved, That the City Clerk shall sign the required Wisconsin Department of Revenue final accounting form agreeing on the date by which the City shall send final audit information to the Wisconsin Department of Revenue; and, be it

Further Resolved, That the proper City officials shall distribute any excess incremental revenue collected, after providing for ongoing expenses of the District, to the affected taxing jurisdictions with proportionate shares to be determined by final audit by the City's auditors.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. The 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. [080267](#) Resolution approving the First Amendment to the Marine Terminal Building Development and Riverwalk Agreement for an ADA accessible riverwalk connection, in the 4th Aldermanic District.

Whereas, The City of Milwaukee ("City") via adoption of Common Council File No. 040852 on November 3, 2004, entered into the Marine Terminal Building Development and Riverwalk Agreement dated March 7, 2007 ("Agreement"), with Mandel Riverfront Holdings I LLC ("Developer") and Mandel Riverfront Holdings III LLC ("Expansion Developer"); and

Whereas, Said Agreement established the standards, rules and procedures for construction of the Riverwalk; and

Whereas, The City, Mandel Riverfront Holdings I LLC and Mandel Riverfront Holdings III LLC now desire to enter into a First Amendment to the Agreement to provide for the development of an Americans with Disabilities Act(ADA) accessible connection between the Marine Terminal Building Riverwalk and the Riverwalk located adjacent to the Milwaukee Institute of Art and Design; and

Whereas, The City is willing to provide the Developer with up to an additional \$335,824 in funds from Tax Incremental District No. 56 to finance 100 percent of the cost of constructing this segment of Riverwalk; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City

officials are authorized to execute the First Amendment to the Marine Terminal Building Development and Riverwalk Agreement, a copy of which is attached to this Common Council File; and, be it

Further Resolved, That the City Attorney's office, in cooperation with the Commissioner of City Development, is authorized to make such further minor modifications to said First Amendment that are consistent with the intent and purpose of this resolution and which are mutually acceptable to the City Attorney, the Commissioner of City Development, Mandel Riverfront Holdings I LLC and Mandel Riverfront Holdings III LLC.

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

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

No: 0

Abstain: 1 - Witkowiak

7. [080271](#) Resolution approving the Land Disposition Report for 19 properties in the North 5th Street-West Vine Street Redevelopment Project Area for sale to Vineyard Business Park Development, LLC, for mixed-use development, in the 6th Aldermanic District. Whereas, In 2005, the Redevelopment Authority of the City of Milwaukee ("Authority") advertised a Request for Proposal for the purchase and development of property in the North 5th Street-West Vine Street Redevelopment Project Area; and

Whereas, By adoption of File No. 051348, on February 28, 2006, the Common Council of the City of Milwaukee continued the Authority's selection of Vineyard Business Park Development, LLC, ("Redeveloper") to purchase and develop the sites as a mixed-use business park; and

Whereas, The Redeveloper has worked diligently since its selection, but has needed to modify conditions as summarized in a Land Disposition Report, a copy of which is attached to this Common Council File; and

Whereas, On June 19, 2008, the Authority held a Public Hearing on the revised proposal as required by Wisconsin Statutes; and

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

Resolved, By the Common Council of the City of Milwaukee, that the Land

Disposition Report dated June 19, 2008, with respect to the proposed sale of the following property is approved.

REDEVELOPMENT PROJECT AREA

North 5th Street-West Vine Street

PARCEL ADDRESSES

504-04A and 506-08 West Walnut Street

1715-17, 1719, 1721, 1725, 1729, 1743, 1745 and 1749 North 5th Street

513, 523-25, 527, 531-33 and 535 West Vine Street

1728-28C, 1732-32A, 1734-36 and 1734A North 6th Street

REDEVELOPER

Vineyard Business Park Development, LLC, or assigns

; and, be it

Further Resolved, That the proper City officials are authorized to execute an Emerging Business Enterprises Agreement with the Redeveloper and the Authority and any other City of Milwaukee easements or documents necessary to close the transaction.

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

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

No: 0

Abstain: 1 - Zielinski

8. [080312](#) Resolution directing the appropriate City officials to enter into a memorandum of understanding to enable the City of Milwaukee to become a member of the Southeastern Wisconsin Watershed Trust.

Whereas, The water quality of Lake Michigan and its tributaries are central to Milwaukee's economy, environment and quality of life; and

Whereas, The City of Milwaukee supports efforts to achieve water resource goals and objectives; and

Whereas, The City supports efforts to build partnerships, to leverage funding and to enhance collaborative decision-making and joint project implementation to improve water quality; and

Whereas, The Southeastern Wisconsin Watershed Trust is a collaborative effort to achieve healthy and sustainable water resources throughout the Greater Milwaukee Watersheds, and the Watersheds is defined as the watersheds of the Kinnickinnic River, Menomonee River, Milwaukee River, Root River, Oak Creek, Lake Michigan direct drainage, the Milwaukee Harbor estuary and nearshore Lake Michigan; and

Whereas, By entering into a memorandum of understanding and becoming a member of the Trust, the City will participate in a voluntary, non-taxing partnership of independent units of governments, special purpose districts, agencies, organizations and members at large that share common goals and have come together to achieve those goals through coordinated collaboration and cooperation within the Greater Milwaukee Watersheds; and

Whereas, The memorandum of understanding reflects a commitment among the parties to cooperate and work together to achieve the vision and mission of the Southeastern Wisconsin Watershed Trust; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the appropriate City officials are directed to enter into a memorandum of understanding to enable the City of Milwaukee to become a member of the Southeastern Wisconsin Watershed Trust.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. The 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. [080322](#) Resolution approving the Land Disposition Report for the property at 502-04 West Cherry Street for conveyance to the Milwaukee Economic Development Corporation for environmental remediation, demolition and redevelopment, in the 6th Aldermanic District.

Whereas, In 2001, the Redevelopment Authority of the City of Milwaukee (“Authority”) acquired the vacant and abandoned property at 502-04 West Cherry Street through a bankruptcy settlement from Recycling Industries of Wisconsin, Inc.; and

Whereas, Past efforts to redevelop the existing building were unsuccessful due to the

environmental impacts and property condition and demolition and remediation are recommended using a loan from U.S. Environmental Protection Agency (“USEPA”) Revolving Loan Fund (“RLF”) and that is administered by the Authority and a USEPA Cleanup Grant; and

Whereas, The Milwaukee Economic Development Corporation has offered to help the Authority redevelop the site by acquiring the property, conducting environmental remediation and demolition of the building using a RLF loan from the Authority; and

Whereas, On June 19, 2008, the Authority held a Public Hearing on the proposed conveyance as required by Wisconsin Statutes; and

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

Resolved, By the Common Council of the City of Milwaukee, that the Land Disposition Report dated June 19, 2008, with respect to the proposed conveyance of the following property is approved.

REDEVELOPMENT PROJECT AREA

Haymarket Square

PARCEL ADDRESS

502-04 West Cherry Street

REDEVELOPER

Milwaukee Economic Development Corporation

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. The 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. [080324](#) Substitute resolution approving the designation of the McKinley Gardens Project, the Main Street Gardens project and the Cleveland Terrace Apartments Project as “Housing Projects” for the purpose of issuing tax exempt conduit revenue bonds and further authorizing the execution of Payment in Lieu of Taxes (PILOT) Agreements for each of those projects.

Whereas, The Wisconsin Housing Preservation Corp., a Wisconsin non-profit corporation (“WHPC”) has requested that the Redevelopment Authority of the City of Milwaukee (“Authority”) issue its revenue bonds pursuant to §§ 66.1333 and 66.1201 through 66.1211 of the Wisconsin Statutes, as amended, in a maximum aggregate amount of up to \$6,000,000 on behalf of McKinley Gardens, LLC to finance and/or refinance the acquisition and improvement of the McKinley Gardens Project consisting of approximately 119 units in 17 buildings at the locations set forth in the Notice of Public Hearing published by the Authority with respect to this Project; and

Whereas, WHPC has also requested the Authority to issue its revenue bonds in the amount of up to \$7,150,000 in order to finance and/or refinance the acquisition of and improvements to Main Street Gardens, 25-unit housing project comprised of six buildings located at the address as set forth in the Notice of Public Hearing published by the Authority and Cleveland Terrace Apartments, a 23-unit housing project comprised of seven buildings and also located at the address as reflected in the Notice of Public Hearing published by the Authority; and

Whereas, The Authority is acting pursuant to the terms of an Intergovernmental Cooperation Agreement between the Housing Authority of the City of Milwaukee and the Authority dated as of July 18, 2007 providing for the shared exercise of power and the designation of projects to be financed by the Authority as “Housing Projects;” and

Whereas, The designation of Projects such as the McKinley Gardens Project, the Main Street Gardens Project and the Cleveland Terrace Apartments Project requires the approval of the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the designation of the McKinley Gardens Project, the Main Street Gardens Project, and the Cleveland Terrace Apartments Projects as “Housing Projects” by the Authority is hereby approved.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. The 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. [080293](#) Substitute resolution relating to public funding for the West Pointe condominium project, 2632 W. Wells Street.

Whereas, The West End Development Corporation and its subsidiary, West Pointe LLC, have been redeveloping the existing mixed-use building (commercial and rental apartments) at 2632 W. Wells Street into a mixed commercial/condominium project known as “West Pointe”; and

Whereas, West Pointe, which would have retail uses on the ground floor and 14 condominium units (11 affordable, 3 market-rate) on the upper floors, was initially envisioned as a model project demonstrating the potential for converting rental housing into affordable owner-occupied housing, thereby offering home ownership opportunities to renter households with moderate incomes; and

Whereas, After working on this project for 6 years, West End Development Corporation and West Pointe LLC have neither completed rehabilitation of the building nor sold a single condominium unit within it; and

Whereas, On April 8, 2008, Ald. Robert Bauman sent a letter to the City Comptroller requesting a financial audit of the West Pointe project; and

Whereas, It is not in the best interests of the City of Milwaukee and its taxpayers to provide additional public funding to West End Development Corporation or West Pointe LLC for a project that, to date, they have been unable to complete, and which they may never complete; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that all City departments and officials, including but not limited to the Community Development Grants Administration Division-Department of Administration and the Department of City Development, are directed to cease providing any public funding, including loans, grants or equity, to the West End Development Corporation or West Pointe LLC for the West Pointe condominium project; and, be it

Further Resolved, That this directive shall remain in effect until the City Comptroller completes a financial audit of the West Pointe project and/or the Common Council rescinds this resolution.

A motion was made by ALD. DAVIS that this Resolution be ADOPTED. The 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. [080318](#) Resolution relating to acceptance and funding of a Milwaukee Public Schools grant for youth employment activities.

Whereas, The City of Milwaukee ("City"), Department of City Development, has operated youth employment programs that provide summer jobs for teenagers since 2005; and

Whereas, The operation of youth employment programs is consistent with the City's economic development agenda; and

Whereas, The City's Department of City Development has forged a partnership with the Milwaukee Area Workforce Investment Board to operate the Community Work Experience program, which provides jobs for teenagers at non-profit and faith-based agencies; and

Whereas, The number of youth served by such programs depends on the level of resources available to the City; and

Whereas, The Milwaukee Public Schools ("MPS") annual budget for fiscal year 2009 provides for a \$400,000 grant for summer youth employment activities in the City in summer 2008; and

Whereas, The City appears to be eligible for said grant funds from MPS; and

Whereas, The operation of this MPS Youth Employment Grant from July, 2008 through December, 2008 will cost \$400,000 of which, no City Share is required and \$400,000 (100 percent) will be provided by the Grantor; and

Whereas, The acceptance of these funds will allow the City to expand job opportunities for teenagers through the Community Work Experience program; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of City Development shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304.81, Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the project/grant parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amounts for the program titled MPS Youth Employment Grant:

Project/Grant: GR0000800000

Fund: 0150

Org: 9990

Program: 0001

By: 0000

Subclass: R999

Account: 000600

Project: Grantor Share

Amount: \$400,000

2. Create the necessary grant and aid project/grant and project/grant levels, budget against these project grant values the amount required under the grant agreement.

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

Further Resolved, That these funds are appropriated to the Department of City Development, which is authorized to:

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

Further Resolved, That the Department of City Development is authorized to enter into a cooperation agreement with the Milwaukee Area Workforce Investment Board to expend these funds to expand the Community Work Experience program in accordance with any requirements established by the Milwaukee Public Schools.

A motion was made by ALD. DAVIS that this Resolution be ADOPTED. The 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:

3. [071351](#) Appointment of Lloyd Stepien to the Business Improvement District Board #35 (Kinnickinnic River) by the Mayor.
- A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The 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. [080038](#) Appointment of Cherry Perkins to the Business Improvement District Board #29 (Atkinson/Capitol/Teutonia) by the Mayor. (1st Aldermanic District)
- A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The 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. [080325](#) Appointment of Andie Zacher to the Business Improvement District Board #41 (Downer Avenue) by the Mayor. (3rd Aldermanic District)
- A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The 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. [080326](#) Appointment of Brett Grasse to the Business Improvement District Board #41 (Downer Avenue) by the Mayor. (6th Aldermanic District)
- A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The 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. [080327](#) Reappointment of Ald. Michael Murphy to the Milwaukee Arts Board by the Mayor.

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

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

No: 0

Abstain: 1 - Murphy

8. [080328](#) Appointment of Ald. Nik Kovac to the Milwaukee Arts Board by the Mayor.

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

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

No: 0

Abstain: 1 - Kovac

THE PUBLIC WORKS COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. Various resolutions relating to special privileges:
 - a. [071683](#) Substitute resolution amending a special privilege for change of ownership to Grace Hmong Alliance Church for a fence and retaining wall and for addition of a fence in the public right-of-way for the premises at 2604 West Orchard Street, in the 8th Aldermanic District.

Whereas, St. Lawrence Congregation requested permission to construct and maintain a fence on top of a retaining wall in the public right-of-way; and

Whereas, Permission for said items was granted in 1965 under Common Council File Number 65-365; and

Whereas, Grace Hmong Alliance Church now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

Whereas, A site visit revealed the presence of an additional fence in the public right-of-way; and

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

Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 65-365 is hereby rescinded; and, be it

Further Resolved, That Grace Hmong Alliance Church, 2604 West Orchard Street, Milwaukee, Wisconsin 53215, is hereby granted the following special privileges:

 1. To keep and maintain a 5-foot tall chain link fence atop a retaining wall projecting, on average, 2 feet 2 inches into the 12-foot wide sidewalk area of West Greenfield Avenue. Said retaining wall is, on average, three feet tall and 10 inches thick. Said fence and retaining wall commence 2 feet 7 inches east of the westline of South 26th Street and extend west 136 feet.
 2. To keep and maintain a 5-foot tall chain link fence atop a retaining wall projecting, on average, 3 feet 5 inches into the west, 15-foot wide sidewalk area of South 26th Street. Said retaining wall is, on average, three feet tall and 10 inches thick. Said fence

and retaining wall commence 2 feet 2 inches north of the southline of West Greenfield Avenue and extends 127 feet to the south. There is a 21-foot 6-inch wide driveway entrance located within the limits of the retaining wall, reducing the total length of the wall to 105 feet 6 inches.

3. To construct and maintain a 3-foot 6-inch tall fence encroaching 3 feet 6 inches into the west, 15-foot sidewalk area of South 26th Street. Said fence commences at a point approximately 125 feet south of the southline of West Greenfield Avenue and extends south 167 feet.

4. To construct and maintain a 3-foot 6-inch tall fence encroaching 1 foot 10 inches into the north, 13-foot wide sidewalk area of West Orchard Street. Said fence commences at a point approximately 5 feet west of the westline of South 26th Street and extends 253 feet to the west. There is a portion of fence that angles between the south endpoint of the fence in South 26th Street, described above, and the east endpoint of this fence, located in West Orchard Street.

5. To construct and maintain a chain link fence encroaching 10 inches into the north, variable width sidewalk area of West Greenfield Avenue. Said fence commences at a point approximately 138 feet east of the eastline of South Layton Boulevard and extends 89 feet to the east.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Grace Hmong Alliance Church, shall:

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

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000

covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$171.79. 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.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The 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

- b. [071684](#) Substitute resolution amending a special privilege for change of ownership to ELK VI LLC for encroachment into the public right-of-way for a non-code compliant glass fixed awning for the premises at 624 North Water Street, in the 4th Aldermanic District.

Whereas, Mr. Peter Renner requested permission to install and maintain a glass fixed awning in the public right-of-way; and

Whereas, Permission for said glass fixed awning was granted in 1993 under Common Council File Number 930406; and

Whereas, ELK VI LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 930406 is hereby rescinded; and, be it

Further Resolved, That ELK VI LLC, 11327 West Lincoln Avenue, West Allis, WI 53227 is hereby granted the following special privilege:

To keep and maintain a non-code compliant glass fixed awning for the building at 624 North Water Street. Said awning projects 6 feet into the east 12-foot wide sidewalk area of North Water Street and is centered approximately 170 feet south of the southline of East Wisconsin Avenue.

Said awning is allowed to have a roof of laminated glass, conforming to the requirements contained in IHLR 51.14(5) or amended. Said awning is not required to be equipped with open slots, slats or louvers to permit the passage of rain or snow or be provided with snow guards with gutters and conductors connected to the house sewer or drain.

Said fixed awning is to be constructed, maintained, and/or repaired in accordance with all of the requirements set forth in Section 245-7 of the Milwaukee Code of Ordinances except those indicated above.

Said above-mentioned non-code compliant glass fixed awning shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said non-code compliant glass fixed awning shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

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

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

File with the City Clerk a bond of a surety company duly incorporated in the State of

Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

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

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.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The 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

- c. [080028](#) Substitute resolution amending a special privilege for change of ownership to MBI Properties LLC for a building façade in the public right-of-way for the premises at 327 East Wisconsin Avenue, in the 4th Aldermanic District.

Whereas, Emma Lange Inc requested permission to construct and maintain a structural glass and stone building façade projecting into the public right-of-way; and

Whereas, Permission for said items was granted in 1948 under Common Council File Number 48-982; and

Whereas, MBI Properties LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 48-982 is hereby rescinded; and, be it

Further Resolved, That MBI Properties LLC, 111 East Wisconsin Avenue, Suite 1710, Milwaukee, Wisconsin 53202, is hereby granted the following special privilege:

To keep and maintain a glass and stone building façade projecting 8 inches into the south, 20-foot wide sidewalk area of East Wisconsin Avenue. Said building façade commences at a point approximately 34 feet west of the westline of North Milwaukee Street and extends 26 feet to the west. It should be noted that the original building projected 4 inches into the public way and that the façade added 4 inches to this projection.

Said façade shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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

; and, be it

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

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

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the

special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$50.11. 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.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The 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

- d. [080030](#) Substitute resolution amending a special privilege for change of ownership to MBI Properties LLC for building encroachments in the public right-of-way for the premises at 319-323 East Wisconsin Avenue, in the 4th Aldermanic District.

Whereas, Howard D. Spector requested permission to keep and maintain a building façade projecting and building encroachment into the public right-of-way; and

Whereas, Permission for said items was granted in 1997 under Common Council File Number 961205; and

Whereas, MBI Properties LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the

Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 961205 is hereby rescinded; and, be it

Further Resolved, That MBI Properties LLC, 111 East Wisconsin Avenue, Suite 1710, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To keep and maintain a lower building façade encroachment projecting 1 foot into the south, 20-foot wide sidewalk area of East Wisconsin Avenue. Said building façade averages 1 foot 4 inches in height from the adjacent sidewalk grade. The building façade commences at the eastline of the north-south alley adjacent to the subject property and extends 62 feet east.
2. To keep and maintain a building façade encroachment projecting 1 foot 8 inches into the south, 20-foot sidewalk area of East Wisconsin Avenue. Said building façade is located above a show window area, but below the second floor elevation. The building façade commences at the eastline of the north-south alley adjacent to the subject property and extends east 62 feet.
3. To keep and maintain a building façade encroachment projecting 1 foot into the eastside of the 14-foot wide north-south alley adjacent to the subject property. Said façade commences at the southline of East Wisconsin Avenue and extends south 10 feet.

Said façades shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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

; and, be it

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

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

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such

bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$909.75. 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.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The 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. [080237](#) 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 \$675,000 for a total estimated cost of these projects being \$10,286,000.
- Resolved, By the Common Council of the City of Milwaukee, that it is necessary and in the public interest to do the following described improvements according to City specifications:

1st Aldermanic District

W. Roosevelt Dr. - 100 feet m/l east of N. 21st St. to N. 20th St. (SM495080026): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2008 construction season.

3rd Aldermanic District

N. Bartlett Ave. - E. North Ave. to 95 feet m/l north of E. North Ave. (SM495070105): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$64,000. This project is anticipated to be completed during the 2009 construction season.

N. Cramer St. - E. North Ave. to E. Thomas Ave. (SM495080031): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay 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 2009 construction season.

N. Maryland Ave. - E. Hartford Ave. to E. Newport Ave. (SM495080034): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$101,000. This project is anticipated to be completed during the 2009 construction season.

E. North Ave. - N. Bartlett Ave. to N. Cambridge Ave. (SM495080048): Combined sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$941,000. This project is anticipated to be completed during the 2009 construction season.

N. Oakland Ave. - E. Thomas Ave. to E. Bradford Ave. (SM495080042): Combined sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$204,000. This project is anticipated to be completed during the 2009 construction season.

4th Aldermanic District

W. Clybourn St. - N. 26th St. to N. 29th St. (SM495060055): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$35,000). The total estimated cost for this project including the requested amount is \$850,000. This

project is anticipated to be completed during the 2009 construction season.

N. Market St. - E. Wells St. to a point north of E. Wells St. (ST211090125): Concrete pavement reconstruction, special treatment. (Nonassessable Reconstruction Paving Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$108,000. This project is anticipated to be completed during the 2009 construction season.

5th Aldermanic District

N. 76th St. - 275 feet m/l north of W. Locust St. to W. Chambers St. (SM495080044): Storm sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$46,000. This project is anticipated to be completed during the 2009 construction season.

N. 84th St. - W. Lorraine Pl. to W. Locust St. (SM495080029): Relaying sanitary and storm sewers. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$400,000. This project is anticipated to be completed during the 2009 construction season.

6th Aldermanic District

W. Nash St. - N. 22nd St. to N. 23rd St. (SM495080040): Relaying storm sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$34,000. This project is anticipated to be completed during the 2009 construction season.

N. 20th St. - 320 feet m/l south of W. Concordia Ave. to W. Townsend St. (SM495080043): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$173,000. This project is anticipated to be completed during the 2009 construction season.

6th and 15th Aldermanic Districts

N. 8th St. - W. Hadley St. to W. Chambers St. (SM495080036): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$210,000. This project is anticipated to be completed during the 2009 construction season.

7th Aldermanic District

W. Cawker Pl. - N. 30th St. to 140 feet west of N. 30th St. (SM495080035): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$42,000. This project is anticipated to be completed during the 2009 construction season.

N. Sherman Blvd. - W. Locust St. to W. Burleigh St. (SM495080041): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$241,000. This project is anticipated to be completed during the 2009 construction season.

N. 27th St. - W. Nash St. to W. Capitol Dr. (SM495070171): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$447,000. This project is anticipated to be completed during the 2009 construction season.

N. 34th St. - W. Fond du Lac Ave. to W. Burleigh St. (SM495080033): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$54,000. This project is anticipated to be completed during the 2009 construction season.

N. 51st Blvd. - W. Auer Ave. to W. Concordia Ave. (SM495070182): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$205,000. This project is anticipated to be completed during the 2009 construction season.

8th Aldermanic District

W. Rogers St. - S. 36th St. to S. 37th St. (SM495080027): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$75,000. This project is anticipated to be completed during the 2009 construction season.

10th Aldermanic District

W. Girard Ave. - 185 feet m/l west of W. Appleton Ave. to N. 66th St. (SM495070178): Sanitary sewer relay and lining. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$181,000. This project is anticipated to be completed during the 2009 construction season.

W. Richmond Ave. - N. 62nd St. to N. 64th St. (SM495070193): Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total

estimated cost for this project including the requested amount is \$100,000. This project is anticipated to be completed during the 2009 construction season.

N. 43rd St. - W. Juneau Ave. to W. Martin Dr. (SM495080028): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2009 construction season.

N. 55th St. - W. Washington Blvd. to W. Vine St. (SM495080030): Combined sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$1,112,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations (SM498080009): Sealing sanitary sewers. (Nonassessable Flow Reduction Fund -- \$25,000). The total estimated cost for this project including the requested amount is \$405,000. This project is anticipated to be completed during the 2008 construction season.

11th Aldermanic District

W. Dodge Pl. - 65 feet east of W. Wilbur Ave. to W. Warnimont Ave. (WT410091424): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$140,000. This project is anticipated to be completed during the 2009 construction season.

W. Oklahoma Ave. - 300 feet west of W. Lakefield Dr. to 300 feet east of S. 76th St. (WT410081108): Relaying water main and water main extension. (Nonassessable Water Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$300,000. This project is anticipated to be completed during the 2008 construction season.

S. 68th St. at W. Howard Ave. (WT410091423): Water main alteration. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$45,000. This project is anticipated to be completed during the 2009 construction season.

12th Aldermanic District

S. 14th St. - W. Mitchell St. to W. Forest Home Ave. (SM495070027): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$160,000. This project is anticipated to be completed during the 2009 construction season.

S. 15th St. - W. Mitchell St. to W. Forest Home Ave. (SM495080032): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay 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 2009 construction season.

13th Aldermanic District

W. Grange Ave. - S. 13th St. to 1,270 feet m/l west of S. 13th St. (SM495080018): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$1,233,000. This project is anticipated to be completed during the 2009 construction season.

W. Kimberly Ave. - S. 18th St. to S. 20th St. (WT410090001): Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$150,000. This project is anticipated to be completed during the 2009 construction season.

14th Aldermanic District

S. Austin St. - E. Ward St. to E. Lincoln Ave. (SM495070175): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$91,000. This project is anticipated to be completed during the 2009 construction season.

S. Herman St. - E. Idaho St. to E. Manitoba St. (SM495080046): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2009 construction season.

S. Linebarger Terr. - 450 feet m/l north of S. Kinnickinnic Ave. to E. Rusk Ave. (SM495080037): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$145,000. This project is anticipated to be completed during the 2009 construction season.

S. Logan Ave. - E. Linus St. to E. Conway St. (SM495080019): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$71,000. This project is anticipated to be completed during the 2009 construction season.

W. Montana St. - S. 6th St. to S. 9th St. (SM495080021): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total

estimated cost for this project including the requested amount is \$499,000. This project is anticipated to be completed during the 2009 construction season.

S. 8th St. - W. Manitoba St. to W. Oklahoma Ave. (SM495080047): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$102,000. This project is anticipated to be completed during the 2009 construction season.

15th Aldermanic District

N. 15th St. - W. Wright St. to W. Clarke St. (SM495080045): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$139,000. This project is anticipated to be completed during the 2009 construction season.

N. 25th St. - W. Meinecke Ave. to W. Medford Ave. (SM495080003): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$151,000. This project is anticipated to be completed during the 2008 construction season.

Various Aldermanic Districts

Downtown Connector Alternative Analysis study administered by the Wisconsin Center District and funded with an FTA grant that requires a local match shared by the City of Milwaukee and Milwaukee County. As the alternatives have increased in scope, the city's total estimated portion of the local match is \$580,000 of which \$395,000 can be achieved using in-kind services with the remainder funded using Special number special number for this ST320080000 (City Share Non-Assessable Paving Fund - \$185,000).

Previously authorized for preliminary engineering: \$0.00

Current capital estimated cost of the Alternative Analysis study including this resolution: \$185,000.00

Current estimated City of Milwaukee in-kind cost of the Alternative Analysis study: \$395,000.00

;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. The 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. [080238](#) 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 \$88,300 for a total estimated cost of \$104,300.

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:

6th Aldermanic District

N. 1st St. - W. Concordia Ave. to W. Keefe Ave. (ST211089001): Install traffic calming devices. File Number 080004: (Assessable Reconstruction Paving Fund -- \$6,200; Nonassessable Reconstruction Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$18,200. This project is anticipated to be completed during the 2008 construction season.

Alley between N. Buffum St., E. Keefe Ave., N. Richards St. and E. Townsend St. (Northerly 120 feet m/l) (ST212080101) File Number 060842: Concrete alley pavement construction, place some abutting walk or driveway approaches, grading, and storm drainage facilities where necessary. (Assessable Alley Paving Fund -- \$14,800; Nonassessable Alley Paving Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$36,800. This project is anticipated to be completed during the 2008 construction season.

11th Aldermanic District

Alley between W. Euclid Ave., W. Forest Home Ave., W. Ohio Ave., S. 49th St., S. 50th St. and S. 51st St. (ST212080111) File Number 070782: Concrete alley pavement reconstruction, replace some abutting walk or driveway approaches, grading, and storm drainage facilities where necessary. (Assessable Alley Paving Fund -- \$17,300; Nonassessable Alley Paving Fund -- \$25,000). The total estimated cost for this project including the requested amount is \$49,300. This project is anticipated

to be completed during the 2008 construction season.

; and

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

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

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

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

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

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

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

Further Resolved, That 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: N. 1st St. (ST211089001), Alley N. Buffum St. (ST212080101), Alley W. Euclid Ave. (ST212080111) will be billed after January 1, 2010, but not before 12 months after the project contract has been completed; and, be it

Further Resolved, That the following projects be deleted from the 2008 Paving

Program:

8th Aldermanic District

Alley between W. Dakota St., W. Montana St., S. 49th St. and S. 50th St.
(ST212020118) File Number 071491

11th Aldermanic District

S. 94th St. - A Point 600 feet m/l north of W. Howard Ave. to W. Eden Pl.
(ST211080111) File Number 070782

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The 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. [080239](#) Substitute resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$3,830,000 for a total estimated cost of these projects being \$6,491,000.

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

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

4th Aldermanic District

Intersection at E. Erie St., N. Milwaukee St. and E. Corcoran Ave. (TD05684003) File Number 070757: Intersection modifications. (TID Fund -- \$100,000). The total estimated cost for this project including the requested amount is \$100,000. This project is anticipated to be completed during the 2008 construction season.

Intersection at N. Milwaukee St., E. Menomonee St. and N. Young St. (TD05684003) File Number 070757: Intersection modifications. (TID Fund -- \$300,000). The total estimated cost for this project including the requested amount is \$300,000. This project is anticipated to be completed during the 2008 construction season.

N. 10th St. - W. State St. to 300 feet south of W. State St. (SM495060048) File

Number 070488: Relay storm sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000 Additional Fund). The total estimated cost for this project including the requested amount is \$91,000. The project has been completed.

8th Aldermanic District

S. 38th St. - W. Dorothy Pl. to W. Mitchell St. (SM495070203) File Number 071378: Storm slip lining. (Nonassessable Sewer Maintenance Relay Fund -- \$3,380,000). The total estimated cost for this project including the requested amount is \$3,400,000. This project is anticipated to be completed during the 2008 construction season.

12th and 14th Aldermanic Districts

S. Kinnickinnic River Bicycle Trail- S. Chase Ave. Bridge (ST32001001) (2984-24-00) File Number 070186: Construct structure. (Grantor Reimbursable Paving Fund --\$32,000 additional engineering funds. City Share Non-Assessable Paving Fund--\$8,000 additional engineering fund).

Previously authorized for preliminary engineering: \$234,000.00

Current estimated cost of the total project including this resolution: \$2,600,000.00

Original estimated cost of the total project (File Number 000019): \$2,600,000.00

This project is anticipated to be completed during the 2008 construction season.

now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is authorized and directed to proceed with said work; and, be it

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. The 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. [080240](#) 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 \$66,000 for a total estimated cost of these projects being \$526,000.

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:

4th Aldermanic District

N. Plankinton Ave. - W. Wisconsin Ave. to W. Wells St. (ST211090122): 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 -- \$6,000). The total estimated cost for this project including the requested amount is \$36,000. This project is anticipated to be completed during the 2009 construction season.

W. Wells St. - N. 13th St. to N. 16th St. (ST211080137): Construct median and special treatment. (Nonassessable Reconstruction Paving Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$150,000. This project is anticipated to be completed during the 2009 construction season.

12th Aldermanic District

S. Cesar E. Chavez Dr. - W. Greenfield Ave. to W. National Ave. (ST211090123): 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 -- \$45,000). The total estimated cost for this project including the requested amount is \$340,000. This project is anticipated to be completed during the 2009 construction season.

; and, be it

Further Resolved, That the abutting and adjacent properties be assessed a portion of the cost, said assessment to be recommended by the Commissioner of Public Works in his report; and, be it

Further Resolved, That all assessments and payments be made in accordance with

Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That all City departments are authorized to do engineering, surveying, preparing of plans, and estimates of cost thereof, to be utilized in the preparation of said report of the Commissioner of Public Works; and, be it

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

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

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The 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. [080245](#) Resolution to inform the Common Council of the City of Milwaukee of the City's Compliance Maintenance Annual Report for the year 2007.
- Whereas, On February 28, 2006 the Wisconsin Department of Natural Resources (WDNR) issued to the City of Milwaukee a revised General Permit to Discharge Under the Wisconsin Pollutant Elimination System, Permit number WI-0047341-04-0; a copy of which is attached to this Common Council File Number 080245 and incorporated in this resolution by reference as though set forth in full; and
- Whereas, Section 2.7 of said permit requires the City of Milwaukee to adopt a resolution to have its Common Council review and provide responses as required on the City's Compliance Maintenance Annual Report (CMAR); and
- Whereas, All collection systems in the State of Wisconsin are required by their respective General Sanitary Permits to submit their own CMAR electronically (eCMAR) via the World Wide Web; and
- Whereas, Said resolution shall be submitted to WDNR as part of CMAR; and
- Whereas, The Department of Public Works has completed the eCMAR, a copy of which is attached to this Common Council File Number 080245 and incorporated in this resolution by reference as though set forth in full; and
- Whereas, The CMAR report contains two major sections titled: Financial and

Collection System and each section is electronically graded based upon data entered; and

Whereas, According to the methodology the WDNR is using to grade the CMAR sections, the City of Milwaukee scored an "A" in the Financial section and "A" in the Collection System section; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council of the City of Milwaukee is in receipt of said Report and shall provide any responses as required; and, be it

Further Resolved, After this Common Council File Number 080245 has been adopted by the Common Council of the City of Milwaukee, that a certified copy be attached to the 2007 Compliance Maintenance Annual Report (CMAR) and submitted to the Wisconsin Department of Natural Resources by the Department of Public Works.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The 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. [080310](#)

Resolution authorizing the Commissioner of Public Works to execute a maintenance agreement between the City and the Airport Gateway Business Improvement District for a landscaping project located in the median on West Layton Avenue under the railroad overpass, east of South 13th Street.

Whereas, The Airport Gateway has expressed interest in beautifying the median located on West Layton Avenue under the railroad overpass, east of South 13th Street in order to complement the City's Boulevard Beautification Program; and

Whereas, The beautification project would consist of removing some turf on the median and installing landscaping; and

Whereas, The Airport Gateway will be responsible for managing the landscaping improvements of the beautification project including design, overall coordination, and installation of landscaping; and

Whereas, KEI, a contractor hired by the Airport Gateway, will maintain the landscaping in the median once the improvements have been completed; and

Whereas, The City Forestry Division has approved the proposed landscaping plan; and

Whereas, The terms and conditions of this arrangement have been codified in a maintenance agreement between the Airport Gateway and the City as outlined more fully hereinafter; now, therefore, be it

Resolved, That the Commissioner of Public Works is hereby authorized to execute the agreement on behalf of the City; and, be it

Further Resolved, That the Commissioner may make minor, non-substantive changes to the agreement prior to its execution.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The 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. [080319](#) Resolution authorizing public streets for The Brewery Project through acceptance of quit claim deeds, assignment of offers to purchase and dedication of land for public right-of-way, in the 4th Aldermanic District.

Whereas, By adoption of File No. 060911 on December 12, 2006, the Common Council of the City of Milwaukee created Tax Incremental District ("TID") No. 67 and whose approved activities include financing public street improvements in The Brewery Project; and

Whereas, The Department of Public Works ("DPW") has requested dedication of small pieces of property on North 9th Street from The Brewery, LLC and on North 10th Street from Blue Ribbon Loft Apartments, LLC for current street projects and the owners have agreed to convey the sites for no monetary consideration; and

Whereas, The parcel to be acquired from The Brewery, LLC for the North 9th Street dedication is legally described below and is illustrated on Exhibit A:

Part of Lot 1 in Certified Survey Map No. 7861, being a part of the Southeast 1/4 of the Southwest 1/4 of Section 20, Town 7 North, Range 22 East, in the City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the northwest corner of said Lot 1; thence South 32°55'88" West along the west line of said Lot 1 and the east line of North 9th Street 101.78 feet to the point of beginning; thence Southwesterly 70.81 feet along an arc of a curve, whose center lies to the Southeast, whose radius is 120.00 feet and whose chord bears South 16°01'37.5" West 69.79 feet to a point on the west line of said Lot; thence North 00°S2'43" West along the west line of said Lot 1 and the east line of North 9th Street 36.47 feet to a point; thence North 32°55'58" East along the west line of said

Lot 1 and the east line of North 9th Street 36.47 feet to the point of beginning. Said land contains 127 square feet.

; and

Whereas, The parcel to be acquired from Blue Ribbon Loft Apartments, LLC for the North 10th Street dedication is legally described below and is illustrated on Exhibit B:

Part of Lot 1 in Certified Survey Map No. 7864, being a part of the Southwest 1/4 and Southeast 1/4 of the Southwest 1/4 of Section 20, Town 7 North, Range 22 East, in the City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows: Beginning at the southwest corner of said Lot 1; thence North 00°52'43" West along the west line of said Lot 1 and the east line of North 10th Street 33.93 feet to a point; thence North 32°55'58" East along the west line of said Lot 1 and the east line of North 10th Street 33.93 feet to a point; thence Southwesterly 65.88 feet along an arc of a curve, whose center lies to the Southeast, whose radius is 111.65 feet and whose chord bears South 16°01'37.5" West 64.93 feet to the point of beginning. Said land contains 110 square feet.

; and

Whereas, The Brewery, LLC also proposed construction of a roundabout at the intersection of North 10th Street, West Winnebago Street and West Juneau Avenue and has obtained or will obtain offers to purchase from Milwaukee County and Milwaukee Area Technical College to purchase property needed for the roundabout construction; and

Whereas, The Brewery, LLC has requested that two offers to purchase be assigned to the City of Milwaukee ("City") for acquisition and that the land be dedicated as public right-of-way immediately upon conveyance; and

Whereas, The property to be acquired from Milwaukee County for \$161,000 and dedicated for the roundabout is legally described below and is illustrated on Exhibit C:

Being a part of Lot 2, and a part of Lot 3, Block 1, of "Park East on the West Side of the Milwaukee River," being a part of the Southeast 1/4 of the Southwest 1/4 of Section 20, Township 7 North, Range 22 East, situated in the City of Milwaukee, Milwaukee County, Wisconsin, described as follows: Commencing at the South 1/4 corner of said Section 20; thence South 88°57'51" West, along the south line of said Southwest 1/4, 507.02 feet; thence North 01°02'09" West, at a right angle, 35.32 feet to the northerly right-of-way line of West Winnebago Street, being a point of curvature; thence Northwesterly along said northerly right-of-way line of West Winnebago Street and also along the arc of a curve to the right, 69.26 feet, said curve

having a radius of 440.00 feet and a chord bearing North 73°52'38" West, 69.19 feet to the point of beginning; thence continuing Northwesterly along said curve to the right, 88.50 feet, said curve having a radius of 440.00 feet and a chord bearing North 63°36'22" West, 88.35 feet; thence North 57°50'39" West, along said northerly right-of-way line of West Winnebago Street, 77.53 feet to a point of curvature; thence Southeasterly along the arc of a curve to the left, 44.07 feet, said curve having a radius of 89.42 feet and a chord bearing South 85°22'51" East, 43.63 feet to a point of reverse curvature; thence Southeasterly along the arc of a curve to the right, 50.10 feet, said curve having a radius of 104.58 feet and a chord bearing South 85°46'39" East, 49.62 feet; thence South 72°03'12" East, 14.00 feet to a point of curvature; thence Southeasterly along the arc of a curve to the right, 46.75 feet to the westerly line of a 20-foot wide public alley, said curve having a radius of 104.58 feet and a chord bearing South 59°14'53" East, 46.36 feet; thence South 01°43'00" West, along said westerly line, 45.37 feet to said northerly line of West Winnebago Street and the point of beginning.

Also, commencing at the South 1/4 corner of said Section 20; thence South 88°57'51" West, along the south line of said Southwest 1/4, 507.02 feet; thence North 01°02'09" West, at a right angle, 35.32 feet to the northerly right-of-way line of West Winnebago Street, being a point of curvature and the point of beginning; thence Northwesterly along said northerly right-of-way line of West Winnebago Street and also along the arc of a curve to the right, 48.28 feet, said curve having a radius of 440.00 feet and a chord bearing North 75°14'36" West, 48.25 feet to the easterly line of a 20-foot wide public alley; thence North 01°43'00" East, along said easterly line, 28.64 feet; thence South 35°54'52" East, 19.49 feet to a point of curvature; thence Southeasterly along the arc of a curve to the left, 42.38 feet, said curve having a radius of 55.42 feet and a chord bearing South 57°49'28" East, 41.36 feet; thence South 11°33'42" West, 3.17 feet to said northerly right-of-way line of West Winnebago Street and the point of beginning. Containing 5,607 square feet or 0.129 acres of land, more or less.

; and

Whereas, The property to be acquired from Milwaukee Area Technical College for \$100,000 and dedicated for the roundabout is legally described below and is illustrated on Exhibit D:

Being a part of vacated North 7th Street, a part of Lot 1, a part of Lot 2, and a part of Lot 3, Block 160, of the "Plat of the East Half," being a part of the Northeast 1/4 of the Northwest 1/4 of Section 29, Township 7 North, Range 22 East, situated in the City of Milwaukee, Milwaukee County, Wisconsin, described as follows:
Commencing at the North 1/4 corner of said Section 29; thence South 88°57'51" West, along the north line of said Northwest 1/4, 545.05 feet; thence South

01°02'09" East, at a right angle, 69.87 feet to the southerly right-of-way line of West Juneau Avenue, also being the point of beginning; thence South 57°46'50" West, 88.46 feet to a point of curvature; thence Northwesterly along the arc of a curve to the left, 15.12 feet, said curve having a radius of 51.00 feet and a chord bearing North 31°06'16" West, 15.06 feet; thence North 39°35'43" West, 0.58 feet to a point of curvature; thence Northwesterly along the arc of a curve to the left, 27.76 feet, said curve having a radius of 49.00 feet and a chord bearing North 55°49'28" West, 27.39 feet; thence North 72°03'12" West, 19.92 feet to a point of curvature; thence Northwesterly along the arc of a curve to the left, 51.22 feet, said curve having a radius of 193.00 feet and a chord bearing North 79°39'22" West, 51.07 feet to said southerly right-of-way line of West Juneau Avenue; thence North 88°58'32" East, along said southerly right-of-way line of West Juneau Avenue, 174.87 feet to the point of beginning. Containing 2,992 square feet or 0.069 acres of land, more or less.

; and

Whereas, The Brewery, LLC will acquire the property at 721 West Winnebago Street from Milwaukee County and proposes to convey a portion thereof for \$116,277 to the City for the roundabout; and

Whereas, The legal description of the property to be acquired from The Brewery, LLC for the roundabout dedication is legally described below and is illustrated on Exhibit E:

Being all of Lot 1, and part of Lot 2, Block 130, of the "Plat of the Town of Milwaukee West Side of the River," being a part of the Southeast 1/4 of the Southwest 1/4 of Section 20, Township 07 North, Range 22 East, situated in the City of Milwaukee, Milwaukee County, Wisconsin, described as follows: Commencing at the South 1/4 corner of said Section 20; thence South 88°57'51" West, along the south line of said Southwest 1/4, 661.95 feet; thence North 01°02'09" West, at a right angle, 0.15 feet to the northerly right-of-way line of West Juneau Avenue, also being the southeast corner of said Lot 1, and the point of beginning; thence South 88°58'32" West, along said northerly right-of-way line, 141.28 feet to a point of curvature; thence Northeasterly along the arc of a curve to the left, 47.91 feet, said curve having a radius of 69.42 feet and a chord bearing North 48°10'56" East, 46.97 feet to a point of a compound curve; thence Northwesterly along the arc of a curve to the left, 51.42 feet, said curve having a radius of 34.42 feet and a chord bearing North 14°23'17" West, 46.77 feet; thence North 32°55'58" East, 1.90 feet to the southerly right-of-way line of West Winnebago Street; thence South 57°04'03" East, along said southerly right-of-way line of West Winnebago Street, 139.21 feet to the point of beginning. Containing 4,116 square feet or 0.094 acres of land, more or less.

; and

Whereas, Assignment of the offers to purchase from The Brewery, LLC, execution of an offer to purchase with The Brewery, LLC and the transactions are contingent on the availability of funds from TID No. 67; and

Whereas, The Brewery, LLC has provided the City with environmental information on the land to be acquired and is satisfied with the report recommendations, including future receipt of escrow funds to pay for possible soil disposal of impacted soils that might be disturbed by street construction; and

Whereas, The City Plan Commission has approved acquisition and dedication of land for right-of-way at The Brewery Project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City is authorized to accept quit claim deeds from The Brewery, LLC and Blue Ribbon Loft Apartments, LLC for no monetary consideration and to dedicate the land as public right-of-way on North 9th Street and North 10th Street; and, be it

Further Resolved, That the City is authorized to accept assignment of offers to purchase from The Brewery, LLC for property owned by Milwaukee County and Milwaukee Area Technical College and that the City Attorney shall draft the assignment agreement, close the transactions and dedicate the land a public right-of-way for a roundabout at North 10th Street, West Winnebago Street and West Juneau Avenue contingent upon the availability of funds from TID No. 67 to pay the purchase price and associated closing costs; and, be it

Further Resolved, That the City Attorney shall draft an offer to purchase with The Brewery, LLC for a portion of 721 West Winnebago Street and to close the transaction and dedicate the land for the roundabout contingent on funding availability from TID No. 67 to pay the purchase price and associated closing costs; and, be it

Further Resolved, That the dedications for all public rights-of-way are as legally described above or as recommended by the City Engineer.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The 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

REFER TO COMMON COUNCIL WITHOUT RECOMMENDATION:

9. [080069](#) Reappointment of Eric C. Reinelt to serve as the Municipal Port Director by the

Mayor.

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

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

No: 2 - Donovan Dudzik

PLACING ON FILE THE FOLLOWING:

10. [080206](#) Resolution directing the Department of Public Works-Operations Division, Buildings and Fleet Services to fill the position of Vehicle Service Technician as provided in the 2008 approved City Budget.

A motion was made by ALD. BAUMAN that this Resolution be PLACED ON FILE. The 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 FURTHER RECOMMENDS:

---The following items may be referred from the SPECIAL Public Works Committee meeting held on Tuesday, July 1, 2008 at 8:30 A.M.

11. [080272](#) Substitute resolution amending a special privilege for change of ownership to MillerCoors LLC for encroachment into the public right-of-way of electrical conduits, heating pipes, a fence and pavement under the Wisconsin Avenue Viaduct for the premises at 4103 West State Street, in the 15th Aldermanic District.

Whereas, Miller Breweries East, Inc. requested permission to keep and maintain a chain link fence and asphalt pavement under the Wisconsin Avenue Viaduct in the public right-of-way; and

Whereas, Permission for said items was granted in 2007 under Common Council File Number 990715; and

Whereas, Miller Brewing Company requested permission to construct and maintain a 14-inch diameter steel casing for steam heat and condensate; and

Whereas, Permission for said casing was granted in 1960 under Common Council Resolution File Number 59-3519; and

Whereas, For the liability for said items to be formally transferred to the current

property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Numbers 990715 and 59-3519 are hereby rescinded; and, be it

Further Resolved, That MillerCoors LLC, 3939 West Highland Avenue, Milwaukee, WI 53208, is hereby granted the following special privileges:

1. To keep and maintain a chain link fence under the Wisconsin Avenue Viaduct. Said fence is located approximately 1-foot south of the northline of West Wisconsin Avenue and commences west of pier 9 of the Wisconsin Avenue Viaduct, located approximately 42 feet west of the westline of North 39th Street, and extends 474 feet to the west.
2. To keep and maintain asphalt pavement under the Wisconsin Avenue Viaduct in the bay located between pier 7 and pier 6. Said pavement shall be used for ingress and egress from the property.
3. To keep and maintain a 14-inch diameter pipe casing containing steam pipe for heating and power. The casing crosses the 59-foot wide right-of-way of North 39th Street at a point approximately 232 feet east of the intersection of the center line of North 39th Street and the centerline of North 41st Street extended from the north. Said piping supplies heat and power from the power plant located on the north side of North 39th Street to the buildings south of North 39th Street.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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

; and, be it

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

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

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000.00 such

bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$168.00. 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.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The 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. [080273](#) Substitute resolution amending a special privilege for change of ownership to MillerCoors LLC for encroachment into the public right-of-way of communication conduits, a steam line and an electrical raceway for the premises at 4001 West State Street, in the 15th Aldermanic District.

Whereas, Miller Brewing Company requested permission to construct and maintain an electrical service raceway under and across West State Street; and

Whereas, Permission for said electrical service raceway was granted in 1976 under Common Council Resolution File Number 75-2395; and

Whereas, Miller Brewing Company requested permission to construct and maintain a communications conduit under and across West State Street; and

Whereas, Permission for said communications conduit was granted in 1978 under Common Council Resolution File Number 78-1540; and

Whereas, Miller Brewing Company requested permission to keep and maintain a conduit for steam energy; and

Whereas, Permission for said steam conduit was granted in 1982 under Common Council Resolution File Number 81-1295; and

Whereas, Miller Brewing Company requested permission to construct and maintain an underground communications duct; and

Whereas, Permission for said underground communications duct was granted in 1992 under Common Council Resolution File Number 911798; and

Whereas, For the liability for said items to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Numbers 75-2395, 78-1540 and 911798 are hereby rescinded; and, be it

Further Resolved, That MillerCoors LLC, 3939 West Highland Avenue, Milwaukee, WI 53208, is hereby granted the following special privileges:

1. To keep and maintain a reinforced concrete electrical service raceway containing four 4-inch diameter conduits. Said raceway commences at the southline of West State Street approximately 82 feet west of the westline of vacated North 40th Street, also known as North Miller Mall, and extends north 66 feet across West State Street. Said raceway is located at a minimum depth of 18 inches.
2. To keep and maintain a ¾-inch diameter communication conduit crossing under West State Street at a point approximately 520 feet west of the westline of North 41st Street. Said conduit crosses the entire 66-foot wide right-of-way of West State Street.

3. To keep and maintain an underground conduit containing a 3-inch steam pipe, 2 1/2-inch return pipe and a 1-inch water pipe and a conduit containing electrical wires. Said conduit crosses 60-foot wide right-of-way of North 41st Street at a point approximately 10 feet south of the southline of West State Street and an approximate depth of 2 feet below grade.

4. To keep and maintain a 24-inch square duct at an approximate depth of 4 feet below grade. Said duct enters the public right-of-way at the westline of North 39th Street approximately 18 feet south of the southline of West Bluemound Road; then extends 37 feet to the northeast where it turns to the north and extends 138 feet 3 inches running parallel and 17 feet 6 inches east of the westline of North 39th Street; then continues northwest 19 feet 1 inch to a point approximately 4 feet east of the westline of North 39th Street; then continues north 355 feet 2 inches to a point approximately 25 feet south of the northline of North 39th Street (east-west alignment) and 53 feet west of the eastline of North 39th Street (north-south alignment); and then continues onto private property. Total length of said duct is 543.1 feet.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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

; and, be it

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

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer an annual fee, which has an initial amount of \$1278.20. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The 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. [080274](#) Substitute resolution amending a special privilege for change of ownership to MillerCoors LLC for encroachment into the public right-of-way of electrical conduits, a trench drain, concrete curbing and bollards for the premises at 3939 West Highland Boulevard, in the 15th Aldermanic District.

Whereas, Miller Brewing Company requested permission to keep and maintain electrical conduits in the public right-of-way; and

Whereas, Permission for said electrical conduits was granted in 1991 under Common Council Resolution File Number 910805; and

Whereas, Miller Brewing Company requested permission to construct and maintain several items in the public right-of-way adjacent to 3939 West Highland Boulevard including a trench drain concrete curbing and bollards; and

Whereas, Permission for said items was granted in 2002 under Common Council

Resolution File Number 010400; and

Whereas, For the liability for said items to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Numbers 910805 and 010400 are hereby rescinded; and, be it

Further Resolved, That MillerCoors LLC, 3939 West Highland Avenue, Milwaukee, WI 53208, is hereby granted the following special privileges:

1. To keep and maintain two 3-inch diameter underground electrical conduits crossing the 60-foot wide public right-of-way of North 38th Street at a depth of approximately 3 feet below grade. Said conduits are centered approximately 278 and 279 feet south of the southline of West Highland Avenue.
2. To keep and maintain a 51-foot long trench drain 17 inches in width located in the gutter section in North 38th Street centered approximately 89 feet north of the northline of vacated West Linden Place and centered approximately 12 feet 6 inches east of the westline of North 38th Street.
3. To keep and maintain two 4-foot long, 6-inch high, and 6-inch wide sections of concrete curbing in the south sidewalk area of West Highland Boulevard centered approximately 19 and 38 feet west of the eastline of vacated North 39th Street. Said curbing sections extend perpendicularly from the southline of West Highland Boulevard and extend north to the paved public sidewalk.
4. To keep and maintain two, 4-foot 7-inch tall bollards in the south sidewalk area of West Highland Boulevard. Said 8-inch diameter bollards are centered 2 feet 6 inches north of the southline of West Highland Boulevard and approximately 12 and 35 feet west of the eastline of vacated North 39th Street. It should be noted that these bollards are located south of the paved public sidewalk and do not interfere with any pedestrian movements on the paved public sidewalk.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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

; and, be it

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

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$250.79. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The 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. [080275](#) Substitute resolution amending a special privilege for change of ownership to MillerCoors LLC for encroachment into the public right-of-way of two signs for the premises at 4101 West Blue Mound Road, in the 10th Aldermanic District.

Whereas, Miller Breweries East Inc requested permission to keep and maintain two informational signs in the public right-of-way; and

Whereas, Permission for said signs was granted in 2007 under Common Council File Number 990715; and

Whereas, For the liability for said signs to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

Whereas, Other items that were granted permission for the subject premises will be included in Common Council Resolution File Number 070272; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 990715 is hereby rescinded; and, be it

Further Resolved, That MillerCoors LLC, 3939 West Highland Avenue, Milwaukee, WI 53208, is hereby granted the following special privilege:

To keep and maintain two informational signs located along the south side of West Blue Mound Road approximately 150 feet west of the westline of North 40th Street, immediately west of the Menomonee River. The first sign is a 20-foot 6-inch long directional sign mounted on steel poles to a minimum height of 15 feet 9 inches above grade. The second sign is a private stop sign mounted perpendicularly on the first sign such that it is parallel to the roadway. This private stop sign replaces a freestanding private stop sign that was removed except for the support bases.

Said above-mentioned signs shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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

; and, be it

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

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$35.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The 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. [080291](#) Substitute resolution amending a special privilege for change of ownership to MillerCoors LLC for encroachment into the public right-of-way of various amenities along West State Street between North 37th Street and North 45th Street, in the 15th and 10th Aldermanic Districts.

Whereas, Miller Brewing Company requested permission to keep and maintain a retaining wall in the public right-of-way; and

Whereas, Permission for said retaining wall was granted in 1991 under Common Council Resolution File Number 910805; and

Whereas, Miller Brewing Company requested permission to construct and maintain several items in the public right-of-way of West State Street including a non-code compliant fixed awning, private lighting, bollards, benches, a trash receptacle, trench drain, and step; and

Whereas, Permission for said items was granted in 2002 under Common Council Resolution File Number 010400; and

Whereas, For the liability for said items to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Numbers 910805 and 010400 are hereby rescinded; and, be it

Further Resolved, That MillerCoors LLC, 3939 West Highland Avenue, Milwaukee, WI 53208, is hereby granted the following special privileges:

1. To keep and maintain a reinforced concrete retaining wall in the north, 10-foot wide sidewalk area of West State Street. Said retaining wall projects 1-foot into the public way; commences at the westline of North 38th Street and extends west 420 feet. The wall varies in height from 2 feet to a maximum of 8 feet.

2. To keep and maintain a sign bridge spanning West State Street approximately 140 feet east of the North 45th Street. The bridge consists of piers with footings and piles located in the sidewalk areas on the north and south sides of West State Street with a steel latticework bridge spanning West State Street between the piers. The 4-foot 8 -inch (north-south) by 6-foot (east-west) column piers are centered approximately 4 feet 4 inches from the curb face and are 14 feet tall. The arch of the sign has a minimum clearance of 17 feet 4 inches above the roadway and contains lighted elements. The top of each pier has two torchiere-type lights that are approximately 31

feet 6 inches above grade. The energy for all lights related to the sign bridge is provided by the grantee from the property to the south via a conduit under the sidewalk projecting into the public right-of-way perpendicularly to the south pier.

3. To keep and maintain a non-code compliant fixed awning projecting 7 feet into the south, 10-foot wide sidewalk area of West State Street, in excess of the 6 feet allowed under Section 245-7-4 of the Milwaukee Code of Ordinances. Said awning commences at a point approximately 175 feet west of the westline of North 41st Street and extends west 450 feet. The awning is supported on steel tube columns that are located on private property. In addition to projecting in excess of the 6 feet allowed by code, this awning does not comply with several requirements of Section 245-7-6 of the Milwaukee Code of Ordinances.

4. To keep and maintain 120, 27-inch tall, cast metal decorative bollards in the 10-foot wide south sidewalk area of West State Street between a point approximately 500 feet east of North 41st Street and a point approximately 580 feet east of North 45th Street. Said bollards are 10 inches in diameter and are spaced approximately 9 feet apart. The bollards are centered approximately 8 feet 5 inches north of the southline of West State Street.

5. To keep and maintain four cast metal decorative bollards, two adjacent to each of the aforementioned sign bridge piers. The bollards are located between the piers and the curbline to preclude pedestrian movement in that space. These bollards are the same type as in item #4.

6. To keep and maintain six in-ground light fixtures and appurtenant electrical conduit to up-light a monument type sign located on private property east of North 38th Street and the piers to the aforementioned sign bridge.

7. To keep and maintain two benches and a trash receptacle in the north 10-foot wide sidewalk area of West State Street, west of Miller Mall. The total space used is approximately 1 foot 4 inches by 14 feet 6 inches.

8. To keep and maintain the bottom step of a set of concrete steps, with handrails, projecting 1-foot into the north, 10-foot wide sidewalk area of West State Street. Said concrete step is 10 feet 6 inches long and 6 inches tall. The step is centered approximately 185 feet east of the eastline of vacated North 40th Street.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public

Works and Department of Neighborhood Services.

; and, be it

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

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$2,190.86. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The 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

Various communications from City officers were read and ordered on file without objection.

RESOLUTIONS FOR IMMEDIATE ADOPTION:

[080385](#) Resolution approving a final certified survey map for Arne and Eunice Vedum.

Resolved, By the Common Council of the City of Milwaukee, that the certified survey map be and hereby is approved for Arne and Eunice Vedum, Tax Key Numbers 3880618000 and 3880619100.

A motion was made by ALD. HAMILTON 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

Various announcements were made.

There being no further business to come before the Common Council, this meeting was adjourned at 11:04 a.m.

-- Jim Owczarski, Deputy City Clerk