



**City of Milwaukee**  
**Common Council Minutes**  
**COMMON COUNCIL**

City Hall  
200 East Wells Street  
Milwaukee, WI 53202

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Tuesday, October 19, 1999

9:00:00 AM

Common Council Chambers

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PRESENTATIONS

**Present:** 16 -

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

**Excused:** 1 -

Frank

THE FINANCE & PERSONNEL COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [990626](#) Substitute ordinance to further amend the 1999 rates of pay of offices and positions in the City Service under control of the Common Council.  
The Mayor and Common Council of the City of Milwaukee do ordain as follows:  
  
Part 1. Section 2 of ordinance File Number 980576 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:  
  
Under Salary Grade 002, delete the title "Salvage and Stores Supervisor" and add the title "Vehicle Salvage Supervisor."  
  
Under Salary Grade 006, add the title "Water Communication Center Supervisor."  
  
Under Salary Grade 007, delete the title "Automotive Mechanic Supervisor III."  
  
Under Salary Grade 008, add the title "Automotive Mechanic Supervisor III."  
  
Under Salary Grade 009, delete the title "Grant Compliance Manager."  
  
Under Salary Grade 010, add the title "Information Technology Manager-MFD 6/" with footnote "6/" to read: "6/ To be studied for proper job classification and rate of pay by the Department of Employee Relations in October, 2000."  
  
Under Salary Grade 013, add the title "Housing and Neighborhood Development Manager."

Under Salary Grade 015, delete the title "Housing and Neighborhood Development Director."

Part 2. Section 3 of ordinance File Number 980576 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 240, delete the title "Tapper."

Under Pay Range 252, add the title "Tapper."

Part 3. Section 2 of ordinance File Number 980576 relative to rates of pay of offices and positions in the City Service is hereby further amended as follows (Effective Pay Period 12, 1999 - May 30, 1999):

Under Salary Grade 006, add the footnote designation "6/" following the title "Network Coordinator-Senior" to read: "6/ Initial appointment of Jeffrey Novak authorized at the tenth step of the grade."

Part 4. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 5. The provisions of Part 3 of this ordinance are deemed to be in force and effect from and after Pay Period 12, 1999 (May 30, 1999).

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

Part 6. This ordinance will take effect and be in force from and after its passage and publication.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 2) [990627](#) Substitute ordinance to further amend the 1999 offices and positions in the City Service under control of the Common Council.

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

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

Under "Department of Administration, Office of Community Block Grant Administration", delete one position of "Grant Compliance Manager (A)(X)(Y)" and one position of "Administrative Specialist-Senior (A)(X)(Y)", and add one position of "Business Finance Manager (A)(X)(Y)" and one position of "Management Accountant-Senior (A)(X)(Y)."

Under "Fire Department, Supporting Services Decision Unit, Bureau of Administration, Automation Section", delete one position of "Systems Analyst-Lead" and substitute one position of "Information Technology Manager-MFD."

Under "Department of Neighborhood Services (DNS)", delete one position of "Administrative Specialist", one position of "Systems Coordinator" and one position of "Network Services Coordinator-Senior" and add one position of "Program Assistant II", one position of "Network Manager" and one position of "Network Coordinator-Senior"; under "Grant Programs, Fiscal", delete one position of "Management Accountant" and add one position of "Management Accountant-Senior"; under "Housing and Neighborhood Development Section", delete one position of "Housing and Neighborhood Development Director (X)(Y)" and add one position of "Housing and Neighborhood Development Manager (X)(Y)"; and under "Code Enforcement Section", delete four positions of "Office Assistant II" and add four positions of "Customer Service Representative II."

Under "Parking Fund", delete one position of "Salvage and Stores Supervisor" and add one position of "Vehicle Salvage Supervisor."

Under "Department of Public Works-Water Works, Business Decision Unit, Business Management Division, Technical Systems Group", delete two positions of "Drafting Technician IV" and one position of "Systems and Project Manager" and add two positions of "Engineering Drafting Technician IV" and one position of "Network Coordinator-Senior"; under "Engineering Decision Unit, Water Mains Design", delete one position of "Drafting Technician V" and four positions of "Drafting Technician IV" and add one position of "Engineering Drafting Technician V" and four positions of "Engineering Drafting Technician IV"; under "Water Plant", delete one position of "Drafting Technician IV" and add one position of "Engineering Drafting Technician IV"; and under "Distribution Division Decision Unit, Control Center Municipal Building", delete one position of "Microcomputer Coordinator-Senior" and add one position of "Water Communication Center Supervisor."

Part 2. All ordinances of parts of ordinances contravening the provisions of this

ordinance are hereby repealed.

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

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

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 3) [990892](#) A substitute charter ordinance relating to retirement benefits for employees represented by the Milwaukee Professional Firefighters Association, Local 215, IAFF, AFL-CIO.

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

Part 1. Section 36-02-12-a of the charter is amended to read as follows:

36-02. Definitions.

12. EARNABLE COMPENSATION shall mean: a. the annual regular base salary that would be payable to a member if he or she worked the full normal working time for his or her position, provided, however, that where service is credited during periods of absences as provided in s. 36-04-1-b, the employee shall be considered to have an earnable compensation during such periods of absence equivalent to his or her earnable compensation as of his or her last month of employment prior to the beginning of such absences. In cases where compensation includes maintenance, the board shall fix the value of that part of the compensation not payable in money. Policemen, excluding sergeant of police, detective lieutenant and ranks above same, retiring on a service retirement allowance on or after January 1, 1983, shall have longevity in rank pay, if any, payable at the close of the calendar year immediately preceding their retirement included as earnable compensation, and all other policemen retiring on a service retirement allowance shall have variable shift assignment pay, if any, to a maximum of \$1,060 per calendar year for police sergeant, administrative police sergeant, police sergeant (garage) and police identification supervisor, and \$1,050 per calendar year for all others payable for the calendar year immediately preceding the calendar year in which they retire included as earnable compensation

except that such other policemen who retire during calendar year 1985 shall have variable shift assignment pay, if any, payable for calendar year 1985 included as earnable compensation. Firemen retiring on a service retirement allowance on or after January 1, 1992 shall have >>up to a maximum of \$550 in<< special emergency medical technician pay, if any, payable at the close of the calendar year immediately preceding their retirement included as earnable compensation. >>Firemen retiring on a service retirement allowance on or after January 1, 2000, shall have longevity pay, payable at the close of the calendar year immediately preceding their retirement included as earnable compensation.<< Members who are employes of the school board represented by Local 950, Operating Engineers International Union, who retire on or after March 4, 1990, shall have site differential pay if received on or after March 4, 1990 included as earnable compensation. Earnable compensation for any one year of creditable service shall not exceed \$150,000. If for any calendar year after 1994 the excess of \$150,000 increased by the cost of living adjustment prescribed by section 415(d), Internal Revenue Code, on a base period of the last quarter of calendar year 1993 exceeds \$150,000 by an amount in excess of \$10,000, the maximum for any subsequent calendar year shall be increased by the amount of the excess rounded to the next lowest multiple of \$10,000.

Part 2. This charter ordinance shall apply to firemen covered by the 1998-1999 agreement between the City and Local 215, IAFF, AFL-CIO. All other firemen shall receive the benefits in effect prior to the adoption of this charter ordinance.

Part 3. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed as provided in s. 66.01(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 4) [990956](#) An ordinance to amend the 1999 offices and positions in the city service under control of the common council.

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

Part 1. Section 1 of ordinance file number 980575, as amended, relative to offices and positions in the city service under control of the common council, is amended as

follows:

Under "Department of Employee Relations - Operations Division, Auxiliary Positions", add footnote "(c)" following "Overlap Auxiliary Positions", said footnote to read: "Positions may only be filled upon review and approval by the chair of the Committee on Finance and Personnel."

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

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

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

**Sponsors:** Ald. Pratt

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

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

**No:** 0

**Excused:** 1 - Frank

ADOPTION OF THE FOLLOWING:

- 5) [990886](#) Substitute resolution authorizing attendance at various seminars/meetings and authorizing expenditure of funds for this purpose.
- Resolved, By the Common Council of the City of Milwaukee, that the attendance of the following individuals at the following seminars or meetings is approved, and the funds specified are authorized to be allocated from the Seminar Fund, such travel and reimbursement to be in accordance with guidelines established by Section 350-181, Milwaukee Code:
- Asst. City Atty. Susan Bickert (City Atty.) "26th Ann. School Law Seminar";  
Madison, WI; 10/21-22/99; \$231.69.
- Asst. City Atty. Roxane Crawford (City Atty.) "26th Ann. School Law Seminar";  
Madison, WI; 10/21-22/99; \$182.60.
- and, be it

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

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

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 6) [990924](#) Substitute resolution that authorizes the Department of Public Works Administrative Services Division to expend an additional \$894,578.

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

Whereas, Expenditures related to the City's citation processing and cash management contract are anticipated to exceed 1999 budgeted levels by \$894,578; and

Whereas, Fine and forfeiture revenues are anticipated to exceed 1999 Budgeted levels by \$1,086,703; and

Whereas, The Comptroller has certified greater than anticipated revenue in the amount of \$1,086,703, pursuant to s. 304-91,

Pursuant to s. 304-91, I hereby certify that the money required for this is anticipated to be realized on or before 12/31/99 and to be expended only for the purpose in this resolution.

\_\_\_\_\_  
Comptroller

\_\_\_\_\_  
Date

; now, therefore, be it

Resolved, That \$894,578 is appropriated to account #0007-5010-RM50190000

from the Special Purpose Account - Reimbursable Services Advance Fund; and, be it

Further Resolved, That the Department of Public Works Administrative Services Division is authorized to expend \$894,578 in their operating expenditure account 0001-5140-R999-006300 for expenses associated with the City's citation processing and cash management contract; and, be it

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

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 7) [990925](#) Substitute resolution reserving up to \$1.25 million within the 1999 Common Council Contingent Fund for the Worker's Compensation Special Purpose Account.

Whereas, The 1999 Department of Employee Relations budget anticipated a 3.66% increase over the 1998 projected expenditures for worker's compensation claims involving medical and indemnity claims; and

Whereas, Expenditure for medical claims in 1999 have been 48% higher than in 1998; and

Whereas, This increase in medical claims results in an unanticipated increase in payments of \$941,755; and

Whereas, Milwaukee Public Schools, Milwaukee Water Works and the Department of Public Works-Parking Fund reimburse the city for worker's compensation claims, but reimbursement for December 1999 will not be billed by the city until early January 2000; and

Whereas, These 3 agencies have an anticipated worker's compensation amount expected to total \$274,000; and

Whereas, This amount must also be paid by the city from the Worker's Compensation Special Purpose Account until payment is received from these agencies; now, therefore, be it



Resolved, By the Common Council of the City of Milwaukee, that up to \$1.25 million shall be reserved within the 1999 Common Council Contingent Fund (Account No. 0001-9990-0001-C001) for the Worker's Compensation Special Purpose Account for payment of incurred and obligatory worker's compensation claims and a revenue cash flow shortfall; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer up to the reserved amount of \$1.25 million from the Contingent Fund sub-class C001 to the special sub-class S176 under control of the Department of Employee Relations-Employee Benefits Division for expenditure for this purpose on an as-needed basis.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 8) [990936](#) Resolution appropriating \$5,000 from the Common Council Contingent Fund to the Outside Counsel - Expert Witness Fund for the purpose of providing outside counsel to the Employees' Retirement System (ERS) in Walsh, et al. v. City of Milwaukee, et al., Case No. 99-CV-001419.
- Whereas, The City Attorney has advised the Annuity and Pension Board of the Employees' Retirement System that it cannot provide counsel relative to insurance coverage matters involved in the above case, the Annuity and Pension Board has authorized the hiring of Attorney William P. Croke. This resolution will make \$5,000 available from the Common Council Contingent Fund to fund the contract; and
- Whereas, The Annuity and Pension Board has requested counsel to advise it on coverage matters relating to the above case; and
- Whereas, The City Attorney has advised the Annuity and Pension Board that it cannot provide such counsel because the Annuity and Pension Board has filed a claim for indemnification in such case against the City of Milwaukee; and
- Whereas, The Annuity and Pension Board at its August 23, 1999 meeting, authorized the hiring of Attorney William P. Croke and requested the City Attorney to prepare a contract between the Employees' Retirement System and Quale, Feldbruegge, Calvelli, Thom & Croke, S.C.; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the contract between the Employees' Retirement System and Quale, Feldbruegge, Calvelli, Thom & Croke, S.C., calling for the services of Attorney William P. Croke, at the rate of \$125.00 an hour, a copy of which is annexed to the file, be and hereby is approved; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer funds in the amount of \$5,000 to be appropriated from the Common Council Contingent Fund No. 0001-9990-C001-1999-006300 to the Outside Counsel - Expert Witness Fund, Special Purpose Account No. 0001-1490-S157-1999-634001; and, be it

Further Resolved, That the Employees' Retirement System of the City of Milwaukee is hereby authorized and directed to engage outside counsel and pay legal fees incurred by outside counsel upon receipt of an itemized bill, approved to be reasonable and necessary by the Office of the City Attorney.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 9) [990950](#) Resolution appropriating the sum of \$89,230.00 from the 1999 Common Council Contingent Fund for payment of amounts due to the Firemen's & Policemen's Survivorship Fund. (ERS)
- Whereas, City Charter Chapter 36-05(8)(d) created the Firemen's and Policemen's Survivorship Fund and which provides that Firemen and Policemen contribute 0.87% of their annual salary limited to the sum of \$6,000 for the purpose of computing the member's contribution; and
- Whereas, Chapter 36-05(8)(d) also requires the City to contribute by January 31st of the ensuing year a sum equal to the total members contribution into the Firemen's and Policemen's Survivorship Fund; and
- Whereas, The amount paid by the City in January of each year is based upon an actuarial estimate which is subject to adjustment after actual member contributions are known; and

Whereas, For the years 1992 through 1997, the City did not make adjustment for the actual member contributions resulting in an under funding of the Firemen's and Policemen's Survivorship Fund for those years; and

Whereas, The 1999 City budget includes appropriation of \$196,000.00 in account 0001-2210-0001-R454-006100 for payment of the City's matching contribution to the Firemen's and Policemen's Survivorship Fund for the year 1998; and

Whereas, The amount presently due to the Firemen's and Policemen's Survivorship Fund for the current and past years is \$285,230.00 resulting in a budgetary shortfall of \$89,230.00; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City Comptroller is hereby authorized and directed to transfer funds in the amount of \$89,230.00 from the 1999 Common Council Contingent Fund (0001-9990-0001-C001-006300) to account 0001-2210-0001-R454-006100 for payment of amounts due to the Firemen's and Policemen's Survivorship Fund for 1999 and prior years adjustments.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 10) [990957](#) Resolution authorizing the examination of the City of Milwaukee's financial activity for the years 1999-2002.

Whereas, An examination of the financial activity of the City of Milwaukee by an independent auditor is an essential element of financial control and accountability; and

Whereas, In November, 1987, the Common Council by Resolution File Number 871363 adopted a City policy regarding the engagement of the services of an independent auditor which includes a requirement for competitive selection every four years with an annual renewal option, subject to satisfactory performance and contract negotiation while prohibiting the participation of any independent auditor in the bid selection process that would allow that firm to audit the city's financial activity more than 8 consecutive years; and

Whereas, The City's audit selection committee observed that when Resolution File Number 871363 was adopted it was current industry practice to rotate auditors

periodically to insure auditor independence in fact and perception; and

Whereas, The audit selection committee noted that since the adoption of File Number 871363 the Government Finance Officer's Association issued a policy which does not preclude an auditor from succeeding itself provided there is a periodic competitive process; and

Whereas, The audit selection committee further noted that since the adoption of File Number 871363, the American Institute of Certified Public Accountants has issued Statement of Auditing Standards #60, which requires the auditor to report certain conditions to the governing body's audit committee and has a lower threshold than previous standards required; and

Whereas, The audit selection committee further reviewed the current Continuing Education Policy requirements of the American Institute of Certified Public Accountants which policies were adopted after the adoption of File Number 871363, and noted that an auditor working on a government engagement must obtain 80 continuing professional education hours every two years and that auditors working on government engagements must obtain 24 of such 80 hours in continuing education and training in subjects directly related to the government environment; and

Whereas, The audit selection committee noted the effect that such requirements have on a firm's ability to propose on a government engagement; and

Whereas, The audit selection committee noted that the potential for a longer term relationship with the City could result in lower audit fees; and

Whereas, The committee reviewed the auditor rotation policy and is desirous of recommending a change in such policy; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Clerk is directed to issue a new request for proposals for the audit of the City's financial activity for the years 1999 through 2002, hold a bidders conference, evaluate responses and select an auditing firm; and, be it

Further Resolved, That City audit selection policy shall permit the engagement of the services of an independent auditor for a 4-year period without competitive selection at the City's sole option, and subject to satisfactory performance and contract negotiation; and, be it

Further Resolved, That the independent auditors selected may succeed themselves for consecutive 4- year terms without limitation provided there is a competitive process every 4 years; and, be it

Further Resolved, That the committee shall so notify all prospective vendors prior to the submission of requests for proposals.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

PLACING ON FILE THE FOLLOWING:

- 11) [990403](#) Communication from the Department of Employee Relations transmitting a communication relative to classification studies scheduled for Fire and Police Commission action.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 12) [990894](#) Communication from the Department of Employee Relations transmitting a communication relative to classification studies scheduled for City Service Commission action.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 13) [990946](#) Communication from the Central Services Division transmitting a report relative to internal service agency charges.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 14) [990952](#) Resolution appropriating funds from the 1999 Common Council Contingent Fund for payment of contract implementation costs associated with a new Pension Management Information System. (ERS)

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

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

THE UTILITIES AND LICENSES COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

- 1) [990384](#) Motion to approve recommendations of the Utilities and Licenses Committee relative to issuance, denial, renewal, nonrenewal, suspension or revocation of licenses and extension of premises.
- The Common Council of the City of Milwaukee hereby accepts the recommendations of the Utilities and Licenses Committee as contained in the listings attached to this file.

**Sponsors:** THE CHAIR

A motion was made by Ald. Gordon that this matter be **APPROVED**. The motion carried by the following vote:

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Henningsen Frank

THE UTILITIES AND LICENSES COMMITTEE FURTHER RECOMMENDS APPROVAL OF THE FOLLOWING:

- 2) [990385](#) Motion to approve recommendations of the Utilities and Licenses Committee relative to issuance, denial, renewal, nonrenewal, suspension or revocation of licenses and extension of premises.

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

**Sponsors:** THE CHAIR

*THE CLERK swore in the Court Reporter.*

*Recommendation of renewal with a 10-day suspension of the Class "B" Tavern License of Jane M. Pointer for the premises at 4221 W. Capitol Drive ("M & J Cap Tap") in the 10th Ald. Dist. Written objections have not been filed by the licensee. (Committee Vote: 4 Ayes; 0 Noes; 1 Excused; Expiration Date: 10-10-99).*

*Recommendation of renewal with a 15-day suspension of the Class "B" Tavern License and nonrenewal of the Tavern Dance License of Juan J. Sendejo for the premises at 2325 S. 13th Street ("Johnny's Yellow Rose") in the 12th Ald. Dist. Written objections have been filed by the licensee. (Committee Vote: 4 Ayes; 0 Noes; 1 Excused; Expiration Date: 11-3-99).*

*The Chair questioned whether all the members of the Common Council read the Report and Recommendations of the Utilities and Licenses Committee in these matters and any written exceptions, if filed by the licensee(s).*

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

*Noes: 0.*

*Excused: 1 - Frank.*

*Jane M. Pointer*

*The Chair questioned whether the applicant or her counsel was present.*

*Neither was present.*

*Juan Sendejo*

*Attorney for the applicant Michael Whitcomb was present and wished to address the Council.*

*ALD. Schramm moved that the Common Council do now resolve itself into a Committee of the Whole for the purpose of hearing from Attorney Michael Whitcomb relative to the foregoing matter.*

*PROCEEDINGS OF THE COMMITTEE OF THE WHOLE*

*Attorney Michael Whitcomb and Assistant City Attorney Bruce Schrimpf appeared and addressed the Committee relative to the foregoing matter.*

*ALD. WITKOWIAK moved that the Committee do now rise.*

*The motion prevailed.*

*ALD. WITKOWIAK moved to amend the renewal with a 10-day suspension of the Class "B" Tavern License and nonrenewal of the Tavern Dance License of Juan J. Sendejo for the premises at 2325 S. 13th Street ("Johnny's Yellow Rose") in the 12th Ald. Dist.*

*The motion prevailed by the following vote:*

*Ayes: 13-Ald. Pratt, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Hines and Kalwitz.*

*Noes: 3 - Ald. D'Amato, Butler and Murphy.*

*Excused: 1 - Ald. Frank.*

*ALD. GORDON moved to approve the Utilities and Licenses Report as amended.*

*The motion prevailed.*

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

*Noes:0.*

*Excused: 1 - Ald. Frank.*



**A motion was made by Ald. Gordon that this matter be APPROVED. The motion carried by the following vote:**

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

**No:** 0

**Excused:** 1 - Frank

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [990863](#) A substitute ordinance relating to revision of various provisions of the code for purposes of correcting errors, clarifying language and eliminating obsolete provisions. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 100-51-6-b of the code is amended to read:

100-51. Vehicle Inspection.

6. DOCUMENTS.

b. Applicants for transfer under s. 100-50-2-b-2 and licensees replacing a vehicle under s. 100-50-8 who cannot obtain a certificate of vehicle registration, because of a waiting period imposed by the Wisconsin department of transportation, may present an application showing proof of receipt of the application by the Wisconsin department of transportation and payment of the registration fee. Licensees providing the proof of application shall present the certificate of vehicle registration to the city clerk as soon as it is issued. [[Taxicab licensees that have had their licenses terminated per s. 100-50-5 because of a waiting period from the Wisconsin department of transportation since January 1, 1998, may apply for reinstatement of their permit within 30 days of October 10, 1998.]]

Part 2. Section 100-54-1 of the code is amended to read:

100-54. Driver's License. 1. REQUIRED. Every person driving a public passenger vehicle, excepting motor buses operated by a transportation company, within this city must be licensed as such. No permittee may allow their vehicle to be operated by anyone who has not met the qualifications of this section and paid the required license fee as provided in s. 81-44.7. [[Effective May 17, 1992, any]] >>Any<< person driving a vehicle used for the transportation of elderly or handicapped persons, regardless of whether the vehicle of such organization is licensed or otherwise regulated by the state of Wisconsin as a human service vehicle for the transportation of

elderly or handicapped persons, shall be required to possess a driver's license as set forth in this section.

Part 3. Section 100-54-2-d of the code is amended to read:

## 2. QUALIFICATIONS AND APPLICATION.

d. Drivers of a handicapped-elderly vehicle shall have successfully completed a training program in passenger assistance techniques in programs approved by the commissioner of health [[for all such licenses issued after October 15, 1988]].

Part 4. Section 101-34-7-g of the code is amended to read:

## 101-34. Stipulation Procedures; Nonmoving Traffic Violations

### 7. Penalty.

g. Violations of s. 346-505, Wis. Stats., adopted by s. 101-3: \$[[50]] >>55 << to \$300.

Part 5. Section 200-17-5-3 of the code is amended to read:

## 200-17.5. State Building Code Variances.

3. The commissioner shall exercise powers with respect to state building code variances pursuant to the process and procedures specified in ch. [[ILHR]], >>Comm<< 3, Wis. Adm. Code, as amended, and s. Comm 50.25, Wis. Adm. Code, as amended.

Part 6. Section 222-11-3-c-1, d-1, e-1 and f-1 of the code is amended to read:

## 222-11. Electrical License and Certificate of Qualifications.

### 3. ELECTRICAL LICENSE.

c. Type C License. c-1. Applicants for a Type C electrical contractor's license and renewal thereof shall comply with ch. Comm [[17]] >>5<<, subch. IV, Wis. Adm. Code, as amended, or shall submit an affidavit to the effect that a person holding a Class 1 master electrician certificate will be a bona fide full time employee and that such master electrician certificate holder will have complete and unquestionable authority and supervision over all matters regulated in this chapter

d. Type M License. d-1. Applicants for a Type M electrical maintenance license and

renewal thereof shall comply with ch. Comm [[17]] >>5<<, subch. IV, Wis. Adm. Code, as amended, or shall submit an affidavit to the effect that a person holding a Class 1 or 2 certificate will be a bona fide full time employe, and that such certificate holder will have complete and unquestionable authority and supervision over the electrical maintenance and repair work in the building or structure (plant) of the employer.

e. Type E License. e-1. Applicants for a Type E elevator electrical contractor license and renewals thereof shall comply with ch. Comm [[17]] >>5<<, subch. IV, Wis. Adm. Code, as amended, or shall submit to the board an affidavit to the effect that a person holding a Class 1 or a Class 3 certificate will be a bona fide full time member of the applicant's business concern or a full time employe and that such master or elevator electrician certificate holder will have complete and unquestionable authority and supervision over all matters regulated in this chapter.

f. Type HL License. f-1 Applicants for a Type HL handicap lift electrical contractor license and renewals thereof shall comply with ch. Comm [[17 ]] >>5<<, subch. IV, Wis. Adm. Code, as amended, or shall submit to the board an affidavit to the effect that a person holding a Class 1, 3 or 4 certificate will be a bona fide full time member of the applicant's business concern or a full time employe and that such handicap lift electrical certificate holder will have complete and unquestionable authority and supervision over all matters regulated in this chapter.

Part 7. Section 236-01 of the code is amended to read:

236-01. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts chs. [[ILHR]] >>Comm<< 10 and [[Comm]] 11, Wis. Adm. Code, as amended, as part of this code.

Part 8. Section 236-21-0 and 2 of the code is amended to read:

236-21. Flammable and Combustible Liquids. In addition to the regulations set forth in ch. [[ILHR]] >>Comm<< 10, Wis. Adm. Code, above ground flammable liquid storage facilities shall comply with the following:

2. RELINING OF UNDERGROUND STORAGE TANKS. The relining of steel, underground tanks used for the storage of flammable and combustible liquids shall be permitted, provided s. [[IHLR]] >>Comm<< 10.51 (1), (2m) and (3), Wis. Adm. Code, are complied with and flex connectors are placed at the top of the tank and between the tank and the vent pipe.

Part 9. Section 240-01 of the code is amended to read:

240-01. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee, adopts chs. [[ILHR]] >>Comm<< 20 to 25, Wis. Adm. Code, as amended, as part of this code.

Part 10. Section 240-22-2 of the code is amended to read:

240-22. Attics and Third Floor Spaces.

2. THIRD FLOOR SPACES. For all buildings regulated by this chapter and constructed prior to June 1, 1980, all 3rd floor spaces used for other storage and loft space shall meet the exiting requirements in ch. [[ILHR ]] >>Comm<< 21, Wis. Adm. Code, as amended, except that one of the 2 required exits shall be a stair leading into the interior space of the 2nd floor unit. The minimum distance between the 2 exits from the 3rd floor shall be calculated by the method described in s. Comm 51.151, Appendix A.

Part 11. Section 275-61-3-f of the code is amended to read:

275-61. Heating Facilities.

3. SPACE HEATERS.

f. The clearance of automatically controlled gas space heaters shall be set forth in s. [[ILHR]] >>Comm<< 23.17, Wis. Adm. Code, as amended.

Part 12. Section 304-49-4 and 6-c-6 of the code is amended to read:

304-49. Disposal of City Real Estate Property.

4. RAZING OF PROPERTY. A building is not a usable building if the commissioner of neighborhood services has issued a simple raze and remove order pursuant to s. [[66.05, Wis. Stats]] >>218-4<<. A building may be a usable building if the commissioner has issued a raze or rehabilitate order pursuant to s. [[66.05, Wis. Stats]] >>218-4<<.

6. SOLICITATION OF BIDS.

c-6. The department of neighborhood services has submitted a written report to the city clerk verifying whether any of the properties is subject to raze orders issued pursuant to s. [[66-05, Wis. Stats.]] >>218-4<<, indicating what if any orders to correct condition of

premises have been issued by the department, and listing total costs incurred or to be

incurred by it with respect to each property.

Part 13. Section 350-40-15-a-1-e and f of the code is repealed.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

ADOPTION OF THE FOLLOWING:

- 2) [990195](#) Substitute resolution relative to various legislative bills.

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

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

136-S, relating to Immunization of Children; Insurance Coverage.

238-A, relating to Causing Injury; Operation While Intoxicated.

337-A, relating to Fees; Election Recounts.

;and, be it

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

293-A, relating to Property Tax; Agricultural Land.

484-A, relating to Residency Requirements.

499-A, relating to Collective Bargaining; Municipal Equipment.

**Sponsors:** JUDICIARY & LEGISLATION COMMITTEE

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

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

- 3) [990612](#) Substitute resolution establishing a sister city relationship between Milwaukee and Athlone, Ireland.
- Whereas, Athlone, Ireland, is a town of 20,000 located in the central region of Ireland; and
- Whereas, The City of Milwaukee has a long history of citizens of Irish descent beginning in 1847 when there were 2,000 of them in the City; and
- Whereas, Many of these Irish citizens became involved in politics and local business, notably Cornelius Corcoran, who served for more than 40 years on the Common Council; and
- Whereas, According to the 1990 U.S. census, 8.4% of the City population is of Irish ancestry; and
- Whereas, Irish Fest is a major ethnic festival in Milwaukee with a record-setting high of 120,000 attendees in 1999; and
- Whereas, At least 45% of these attendees are from outside of Wisconsin; and
- Whereas, A sister city relationship between Athlone and Milwaukee may lead to increased tourism from Ireland and Irish-Americans in the United States who currently do not visit Milwaukee; and
- Whereas, The City of Milwaukee is committed to a sister city program that enhances global understanding, encourages mutual education, and develops cultural exchanges; and
- Whereas, The Common Council adopted Resolution File Number 881299 on November 1, 1988, which increased the number of sister city relationships that the City may enter into within a 2-year period to 2; and
- Whereas, The 2 most recent sister-city relationships were created in 1997; and
- Whereas, The City currently has 6 sister-city relationships and is permitted to have a maximum of 10 relationships as set by in Resolution File Number 881299 adopted on

November 1, 1988; and

Whereas, The Common Council adopted Resolution File Number 871178 on May 17, 1988, which established criteria for the selection of sister cities; and

Whereas, Representatives of the Irish-American community in Milwaukee have expressed their desire to develop a sister city relationship between Milwaukee and Athlone; and

Whereas, There is evidence of strong local community support for this prospective sister city relationship in order to assure a strong financial base and interest in exchanges; and

Whereas, Commercial ties exist between the citizens of Athlone, Ireland and Milwaukee; and

Whereas, There will be consultation and communication between the 2 cities during the process of establishing a sister city relationship; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the establishment of a sister city relationship between the City of Milwaukee and the Town of Athlone, Ireland is authorized; and, be it

Further Resolved, That the Mayor of the City of Milwaukee is requested to invite the Town of Athlone, Ireland to join with the City of Milwaukee in establishing a sister city relationship; and, be it

Further Resolved, The City of Milwaukee commits itself to pursuing increased understanding and cooperation between the 2 governments.

**Sponsors:** Ald. Henningsen

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

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

**No:** 0

**Excused:** 1 - Frank

4) Resolutions authorizing payment of claims:

a) [990860](#) Resolution authorizing payment of the claim of Gregory Llanas, C.I. File No. 98-L-102. (City Attorney)

Whereas, The claimant, Gregory Llanas, through his attorney, Cannon & Dunphy, S.C., has filed a claim for damages against the City of Milwaukee pursuant to sec. 66.189, Stats., for injuries and damages incurred on April 16, 1998 as a result of a vehicle accident with an uninsured motorist; and

Whereas, The claimant has agreed to settle his claim in the amount of \$7,000.00; and

Whereas, Pursuant to Common Council Resolution File No. 890916, the City Attorney's Office retained the services of the law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., to administer the City of Milwaukee's uninsured motorist self-insurance plan; and

Whereas, The law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., 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 check in the amount of \$7,000.00, payable to Gregory G. Llanas and Lorell J. Llanas and Cannon & Dunphy, S.C. Trust Account, in full and final settlement of said claim, said check to be delivered to the City Attorney upon his request, said amount to be charged to the Damages and Claims Fund, Account No. 636505, Fund No. 0001, Organization No. 1490, Program No. 2631, Sub Class No. S118; and be it

Further Resolved, That the law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., shall upon payment to claimant obtain a release of claim and deliver the original release to the City Attorney.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

- b) [990861](#) Resolution authorizing payment of the claim of Jay Grant, C.I. File No. 98-L-123. (City Attorney)

Whereas, The claimant, Jay Grant, through his insurance carrier, American Family Insurance Group, has filed a claim for damages against the City of Milwaukee pursuant to sec. 66.189, Stats., for injuries and damages incurred on June 30, 1998 as a result of a vehicle accident with an uninsured motorist; and



Whereas, The claimant has agreed to settle his claim in the amount of \$178.58; and

Whereas, Pursuant to Common Council Resolution File No. 890916, the City Attorney's Office retained the services of the law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., to administer the City of Milwaukee's uninsured motorist self-insurance plan; and

Whereas, The law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., 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 check in the amount of \$178.58, payable to American Family Insurance Group, in full and final settlement of said claim, said check to be delivered to the City Attorney upon his request, said amount to be charged to the Damages and Claims Fund, Account No. 636505, Fund No. 0001, Organization No. 1490, Program No. 2631, Sub Class No. S118; and be it

Further Resolved, That the law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., shall upon payment to claimant obtain a release of claim and deliver the original release to the City Attorney.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

- 5) [990862](#) Resolution to cancel real estate taxes levied against certain parcels bearing various key numbers on the 1998 tax roll, plus interest applicable to date of repayment, if appropriate.

Whereas, Assessments were made against certain parcels of real estate for the year 1998 as contained in Common Council Resolution File No. 990862; 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 of 9.6% 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 Tax Billing and Collection Division of the Treasurer's Office for disbursement; and, be it

Further Resolved, That the proper city officers are authorized and directed to reflect the reduction in State Tax Credits as 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 delinquent interest and penalties on any account covered by this resolution are hereby canceled.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

- 6) [990897](#) Resolution to settle claims of Attorney Laurie A. Eggert, Eggert Law Office, S.C., for defense of various Police Officers.

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the total sum of \$17,282.15 payable to Eggert Law Office, S.C., 1840 North Farwell Avenue, Suite 303, 53202, to reimburse them for legal fees for defense of the following Police Officers.

NAME AMOUNT

Trent Vileta and Phil Hanyard \$1,1001.00

Steven Beres and Katherin Skoczek 861.96

Lee Vedbraaten and Kerry Namin 2,464.00

Jeffrey Point and Lee Vedbraaten 1,232.00

Dylanger Fleeniken and John Fisher 849.87

Lennie Curtis and Julie Gonzalez 704.00

Jeffrey Corn 840.55

Richard Borkowicz 770.00

Timothy McNair and Ken Peterson 418.00

Elvis Lock 503.49

Joseph Honzelka 405.55

Steven Braunreiter 4,376.50

James Oliva and Brent Ungerer 401.02

Matthew Goldberg 550.00

Ivan Wick and Scott Charles 903.21

Tamara Crouther 429.00

Michael Chaperone and Michelle Hoffman 572.00

TOTAL: \$17,282.15 ; 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 the Damages and Claims Account No. 636505, Fund - 0001, Organization - 1490, Program - 263, Sub Class S118.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

7) [990935](#) Substitute resolution authorizing cancellation of outstanding City and County real

estate taxes due on four properties that were acquired by the Redevelopment Authority of the City of Milwaukee through condemnation actions (Redevelopment Authority).

Whereas, The Redevelopment Authority of the City of Milwaukee acquired through Awards of Damages the properties at 4244-46 North 27th Street (Tax Key No. 245-1007-000-X) from James and Joyce White, 3404-10 West North Avenue (Tax Key No. 326-1610-000-8) from Melvin J. Yates, 1820 North 24th Place (Tax Key No. 350-1298-000-9) from James P. Riehle and 2726 West State Street (Tax Key No. 388-1547-000-9) from Annie M. and Walter J. Wilson; and

Whereas, The compensation paid for the properties was insufficient to pay the full amount of current and delinquent real estate taxes; and

Whereas, Balances, exclusive of interest and penalties, remain for delinquent city and county real estate taxes as follows:

TAX KEY NUMBER	CITY BALANCE	COUNTY BALANCE
245-1007-000-X	\$ 1,694.55	\$0
326-1610-000-8	\$12,909.30	\$2,768.25
350-1298-000-9	\$ 3,327.83	\$0
388-1547-000-9	\$ 8,232.44	\$1,076.53

for total amount \$30,008.90; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officers are authorized and directed to issue a check in the above amount to Wayne F. Whittow, City Treasurer, for the cancellation of the outstanding tax balances, to deliver said check to the Delinquent Tax Collection Unit of the City Treasurer's Office for proper disbursement, and to charge these amounts to the Remission of Taxes Fund, Special Purpose Account No. 635001-Fund 0001; Organization 1911; Program 5840; Subclass S163; Budget Year 1999; and, be it

Further resolved, That no interest and penalties are to be charged; and, be it

Further resolved Upon sale of the properties by the Redevelopment Authority, the net sale proceeds will be deposited in the Remission of Taxes Fund up to the amount of outstanding taxes.

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

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

CONFIRMATION OF THE FOLLOWING:

- 8) [990847](#) Reappointment of Nancy Bush to the Charter School Review Committee by the Common Council President. (16th Aldermanic District)

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

PLACING ON FILE THE FOLLOWING:

- 9) [990724](#) Communication from the City Attorney's Office transmitting the 7/1/99 Semi-Annual In Personam Report.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

DISALLOW AND INDEFINITELY POSTPONE THE FOLLOWING:

- 10) Various claims against the City:

- a) [990645](#) Appeal of Clarion G. Bannach relative to claim for automobile damage.

**Sponsors:** THE CHAIR

**A motion was made by Ald. Richards that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:**

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

**No:** 0

**Excused:** 1 - Frank

- b) [990698](#) Appeal of Evelyn Merriett relative to claim for property damage.

**Sponsors:** THE CHAIR

**A motion was made by Ald. Richards that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:**

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

**No:** 0

**Absent:** 1 - Frank

- c) [990699](#) Appeal of Roosevelt Robinson relative to claim for automobile damage.

**Sponsors:** THE CHAIR

**A motion was made by Ald. Richards that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:**

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

**No:** 0

**Absent:** 1 - Frank

- d) [990757](#) Communication from the City Attorney's Office transmitting a communication from Evelyn Watson relative to claim for property damage.

**Sponsors:** THE CHAIR

**A motion was made by Ald. Richards that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:**

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

**No:** 0

**Excused:** 1 - Frank

- e) [990855](#) Appeal of Anthony Latimore relative to claim for property damage. (10th Aldermanic

District)

**Sponsors:** THE CHAIR

**A motion was made by Ald. Richards that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:**

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

- f) [990856](#) Communication from the City Attorney's Office transmitting a communication from Ruby Nealy relative to claim for personal injuries.

**Sponsors:** THE CHAIR

**A motion was made by Ald. Richards that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:**

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

- g) [990865](#) Appeal of Robert Hirschmann relative to claim for property damage. (12th Aldermanic District)

**Sponsors:** THE CHAIR

**A motion was made by Ald. Richards that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:**

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

- h) [990874](#) Appeal of Fannie Thomas relative to claim for property damage. (10th Aldermanic District)

**Sponsors:** THE CHAIR

**A motion was made by Ald. Richards that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:**

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

- i) [990875](#) Communication from the City Attorney's Office transmitting a communication from Derzon, Menard & Noonan, S. C. on behalf of Beverly Keller relative to claim for personal injuries.

**Sponsors:** THE CHAIR

**A motion was made by Ald. Richards that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:**

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

- j) [990904](#) Appeal of Ell Nealy, Jr. relative to claim for property damage. (10th Aldermanic District)

**Sponsors:** THE CHAIR

**A motion was made by Ald. Richards that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:**

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 3 - Henningsen, Frank Scherbert

- k) [990920](#) Appeal of Bonnie Unsworth relative to claim for property damage. (11th Aldermanic District)

**Sponsors:** THE CHAIR

**A motion was made by Ald. Richards that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:**

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0



**Excused:** 3 - Henningsen, Frank Scherbert

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [990536](#) A substitute ordinance relating to police enforcement powers in Milwaukee county parks within the city of Milwaukee.

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

Part 1. Chapter 63 of the code is created to read:

CHAPTER 63  
PARKS AND PARKWAYS

63-1 Definitions

63-3 Park Hours

63-5 Noise

63-7 Permits for Exclusive Use; Interference  
With Prohibited

63-9 Sales and Solicitation for Sale, and  
Distribution of Advertisements Prohibited  
Without Permit

63-11 Possession of Firearms

63-13 Hunting or Trapping

63-15 Throwing of Stones or Missiles

63-17 Making of Fires

63-19 Domestic Animals in Parks

63-21 Fish, Waterfowl and Game Birds

63-23 Use of Skateboards Regulated

63-25 Use of Motor Vehicles in Parks

63-27 Boating Regulations

63-29 Bathing and Swimming Regulations

63-31 Penalties

63-1. Definitions. In this chapter:

1. AT LARGE means an animal is off the premises of its owner and on any park or parkway without the permission of the department or the director. Any animal shall not be deemed to be at large if any one of the following conditions occurs:

a. It is attached to a leash not more than 6 feet in length which is of sufficient strength to restrain the animal and the leash is held by a person competent to govern the animal

and prevent it from annoying or worrying persons in the park or parkway.

b. It is properly restrained within a motor vehicle.

c. It is a dangerous animal that is in compliance with the requirements of s. 78-23-2.

2. DEPARTMENT means the Milwaukee county department of parks, recreation and culture.

3. DIRECTOR means the Milwaukee county director of parks, recreation and culture, or designee.

4. PARK OR PARKWAY means the grounds, buildings thereon, waters therein and any other property within the city which is under the control or jurisdiction of the Milwaukee county department of parks, recreation and culture.

5. PERSON means any individual, firm, partnership, corporation or association of persons, and the singular number shall include the plural.

63-3. Park Hours. Parks, other than those adjacent to Lake Michigan, and parkways shall be closed daily between midnight and 5 a.m., except as otherwise posted by the director. Parks adjacent to Lake Michigan shall open at 4:30 a.m. No person shall enter or remain within the parks or parkways, except vehicular traffic, during hours that the parks are closed.

63-5. Noise. 1. No person shall use or operate any radio, phonograph, musical instrument or other mechanical, electrical sound making, reproducing or amplification device in a park or parkway so as to be heard at a distance greater than 50 feet from such instrument or device, radio or phonograph.

2. No such radio, phonograph, musical instrument or device described in sub. 1 may be used or operated within the park within 50 feet of the legal boundaries of the park or parkway such that the device can be heard outside the park or parkway.

3. Musical shows, cultural events, public gatherings or exhibitions authorized by the director or the Milwaukee county board are exempt from this section.

63-7. Permits for Exclusive Use; Interference With Prohibited. Permits for the exclusive use of any picnic or play area for any specified date or time may be granted at the discretion of the director, and no person shall, in any manner, disturb or interfere with any person or party occupying the ground under such a permit, nor with any of their equipment or property.

63-9. Sales and Solicitation for Sale, and Distribution of Advertisements Prohibited Without Permit. No person shall sell or offer for sale any article, merchandise or thing, nor solicit for or pursue any trade, occupation, business or profession, within any park or parkway, without the written permit of the director.

63-11. Possession of Firearms. No person shall possess any gun, pistol or firearm in any park or parkway. The word "gun" shall include airgun.

63-13. Hunting or Trapping. No person shall engage in trapping or hunting within any park or parkway without a written permit from the department.

63-15. Throwing of Stones or Missiles. No person shall throw stones or missiles in or into any park or parkway.

63-17. Making of Fires. No person shall make, kindle, maintain or congregate around a fire for any purpose except in places provided therefor, and then subject to such regulations as may be prescribed by the department.

63-19. Domestic Animals in Parks.

1. DOMESTIC ANIMALS NOT ALLOWED IN PARKS. No animal, except those placed in the parks or parkways by the authority of the director shall be allowed to remain within except dogs. No person having the control or care of a dog shall permit the dog to enter or remain in a public park or parkway unless it be led by a leash of suitable strength not more than 6 feet in length, and only within such areas in parks as have been designated by the director.

2. IMPOUNDING OF DOGS. Dogs found running at large within any park or parkway may be impounded by any peace officer, employe of the department, or a police officer.

3. ANIMAL LITTER NUISANCES. a. Prohibited. No owner or caretaker of any animal may permit the animal to be at large on any park or parkway. Any animal found at large in any park or on any parkway shall be deemed to be so with the permission of its owner or caretaker.

b. Animal Litter. An owner or caretaker of any animal in any park or parkway must have a shovel, scoop, bag or other item for the removal of fecal matter on such premises; remove all fecal matter by shovel, scoop, bag or other item; and properly wrap and deposit the fecal matter in a waste container upon his or her own premises or in a container in the park or parkway designated for such purpose.

63-21. Fish, Waterfowl and Game Birds.

1. FISHING. Fishing is permitted unless prohibited by posted signs.

a. No person shall throw any object into the waters of the parks or parkways.

b. No person shall take, capture or kill any fish or fish for fish by any means other than hook or line within 200 feet of any fishway, lock or dam.

c. No person may fish or leave any fish line unattended in any waters, or take any fish by snagging or fouling, or fish with the aid or use of any firearm or pellet gun, or by any means other than angling or trolling. Dip nets 3 feet or less in diameter and a gaff may be used for the purpose of landing fish legally hooked.

2. WATERFOWL AND GAME BIRDS. No person shall kill, injure or attempt to injure, or unnecessarily disturb any waterfowl or other birds or animals, wild or domestic, within any of the park or parkways. No person shall rob or disturb the nest or eggs of any bird or other animal therein.

63-23. Use of Skateboards Regulated. No person shall ride or otherwise use a skateboard upon the sidewalks, walkways or any other park area where skateboarding has been prohibited by the Milwaukee county board and appropriate signs have been posted by the department.

63-25. Use of Motor Vehicles in Parks.

1. DRIVING CONFINED TO REGULAR DRIVES AND PARKING AREAS.

No person shall operate or drive any motor vehicle upon any part of the parks or parkways, except roads, driveways, parking areas or other areas which have been designated by the director for vehicular traffic.

2. VEHICLES FOR HIRE NOT TO STAND IN PARKS. No person shall cause any taxi, bus, limousine or other vehicle for hire to stand upon any part of the parks or parkways for the purpose of soliciting or taking in passengers or persons other than those carried to the parks or parkways by the vehicles, unless licensed by the director.

3. PARKING REGULATION. Parking within the county parks and parkways is regulated and restricted by the director. The director may prohibit parking in specified areas, may limit the times of day and the maximum duration during which parking will be permitted in specified areas and may adopt such other regulations and restrictions on parking as the director may determine to be necessary for the safe and efficient operation and maintenance of parks and parkways. No person shall park any vehicle or permit any vehicle to remain standing on any highway or roadway within the county parks or parkways in violation of any regulation or restriction adopted and posted by

the director.

4. PARKING AREA TO BE USED FOR PARKING PURPOSES ONLY. No person shall operate or drive any motor vehicle in any area designated for the parking of vehicles except for the purposes of parking therein or of maintaining such areas.

5. REGULATION OF SNOWMOBILES. No person shall operate or drive a snowmobile in any park or parkway.

63-27. Boating Regulations. No person shall, without written permission of the department, place upon the lagoons, rivers or any of the waters under the control of the department, any float, boat or other watercraft, nor land or go upon any of the islands of the lagoons or rivers, nor land or touch with a boat upon any part of the shores not designated as a landing place.

63-29. Bathing and Swimming Regulations.

1. BATHING PERMITTED ONLY AT DESIGNATED PLACES. No person shall wade, bathe or swim within a park or parkway except at such pools or beaches as are designated for that purpose by the department.

2. ALUMINUM CANS, BOTTLES, ETC. PROHIBITED. No person shall take any aluminum cans, bottles or glassware of any kind, except eyeglasses, into an area designated as a beach or pool for bathers by the department.

3. BATHING HOURS RESTRICTED. No person shall wade, bathe or swim within a park or parkway except during the hours and days designated for the purpose by the director. No person shall enter into a swimming or wading pool area or any body of water within the parks or parkways except during such hours and days as designated for that purpose by the director. The director shall cause to be prominently placed signs stating the hours during which wading, bathing or swimming therein is either permitted or prohibited.

63-31. Penalties. Any person who violates any of the provisions of this chapter shall, upon conviction, forfeit not less than \$25 nor more than \$500, together with the costs of prosecution, and in default of payment, shall be imprisoned in the house of correction for a period not to exceed 10 days.

Part 2. Section 79-11 of the code is amended to read:

79-11. Littering of Public Property. No person shall deposit or cause to be deposited, dropped, dumped, discharged, left, spilled or scattered, any litter nauseous or offensive substance or material, in or upon any >>park or parkway,<< sidewalk,

street, alley, gutter, catch basin, storm inlet, or other public facility or place. Nothing contained in this section shall prohibit the placing of temporary patch material, sand, ashes, sawdust or salt upon any sidewalk, street[, ] or alley for safety in travel, nor the placing of leaves on the street in season from October 1 to November 15 inclusive.

Part 3. Section 105-4.5 of the code is repealed.

**Sponsors:** Ald. Murphy and Ald. Richards

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

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

**No:** 0

**Excused:** 1 - Frank

2) [990628](#) A substitute ordinance relating to traffic controls in various Aldermanic Districts.

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

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

On S. 6th Street at W. Washington Street Right Lane Must Turn Right Northbound

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

On W. Burleigh Street from N. 39th Street to N. 41st Street

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

"On E. Trowbridge Street at S. Wentworth Avenue"

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

"On E. Trowbridge Street at S. Wentworth Avenue"

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

3) [990629](#) A substitute ordinance relating to parking controls in various Aldermanic Districts.

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

Part 1. Section 101-23-2 of the Code relating to No Stopping is amended by striking the following:

"On the west side of N. 2nd Street from W. Lloyd Street to W. Meinecke Avenue from 7:00 AM to 9:00 AM except Saturday and Sunday"

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

"On the east side of N. 42nd Street from W. Mt. Vernon Avenue to W. St. Paul Avenue from 7:00 AM to 9:00 AM except Saturday and Sunday"

"On the north side of W. Burnham Street from S. Layton Boulevard to S. 31st Street from 3:30 PM to 5:30 PM except Saturday and Sunday and where No Parking is in effect"

"On the south side of W. Burnham Street from S. 31st Street to S. Layton Boulevard from 7:00 AM to 9:00 AM except Saturday and Sunday and where No parking is in effect"

"On the east side of S. 2nd Street from the Milwaukee River south to W. Greenfield Avenue between 7:00 AM and 9:00 AM"

"On the north side of W. State Street from N. 11th Street to N. 12th Street from 4:00 PM to 6:00 PM except Sunday"

"On the south side of W. Wells Street from N. Plankinton Avenue to N. 10th Street from 7:00 AM to 9:00 AM and from 3:00 PM to 6:00 PM during the periods of street construction activities along W. Kilbourn Avenue"

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

"On N. 3rd Street from W. Juneau Avenue to W. McKinley Avenue from 7:00 AM to 7:00 PM except Sunday"

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

"On the south side of W. Walnut Street between N. 6th and N. 11th Streets"

"On the west side of S. 1st Street from W. National Avenue to W. Walker Street from 7:00 AM to 7:00 PM except Sunday"

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

On S. Indiana Avenue from E. Holt Avenue to E. Morgan Avenue on regular school days 8:00 AM to 4:00 PM

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

"On W. Washington Street between S. 14th and S. 15th Streets except Saturday and Sunday"

"On the south side of E. St. Paul Avenue from the east line of N. Milwaukee Street to a point 120 feet east thereof between the hours of 7:00 AM and 6:00 PM"

Part 7. Section 101-23-6 of the Code relating to Angle Parking is amended by adding the following:

On the east side of N. Franklin Place from E. Ogden Avenue to a point 130 feet north

On the west side of N. Franklin Place from E. Ogden Avenue to a point 240 feet north

Part 8. Section 101-23-8 of the Code relating to Taxi Stands is amended by striking the following:

"On the west side of S. 11th Street from a point 90 feet north of the north curb line of W. Mitchell Street to a point 36 feet further north (two cabs)"

**Sponsors:** THE CHAIR

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



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

**No:** 0

**Excused:** 1 - Frank

ADOPTION OF THE FOLLOWING:

[990824](#)

Substitute resolution relative to the acceptance of a paramedic grant from Milwaukee County.

Whereas, the City of Milwaukee and County of Milwaukee entered into a contract for paramedic services on August 25, 1977; and

Whereas, The current contract between The City of Milwaukee and the County of Milwaukee expires on June 30, 1999; and

Whereas, The County of Milwaukee agrees to the provisions of paramedic services to the citizens of the City of Milwaukee through December 31, 2000; and

Whereas, The contract between the City of Milwaukee and the County of Milwaukee now provides funding for paramedic services in the form of a grant to the City of Milwaukee; and

Whereas, It would appear that City involvement in this grant program would result in the following major benefits to the City:

Provision of advanced life support services for the citizens and visitors of the City of Milwaukee. Support of staffing of units, supervision, training, continuing education, and medical oversight of personnel, medical supplies, and vehicle maintenance; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the County of Milwaukee under the terms specified above be administered by the Milwaukee Fire Department is authorized; and, be it

Further Resolved, That the proper City officials and/or the herein named department head are hereby authorized to accept such a grant without further Common Council approval unless:

1. The purpose of such grant project is significantly changed; or
2. The amount of the Out-of-Pocket City Share increases from that specified above;

or

3. The ratio of Out-of-Pocket City Share to Grantor's Share increases from that specified above; and, be it

Further Resolved, that the City Comptroller is authorized to:

1. Commit Funds within the Project/Grant Parent of the 2000 Special Revenue Grant and Aid Projects, Fund the following amounts for the program/project titled "Paramedic Services":

Project/Grant parent	Grantor Share
Project/Grant	GR0009000000
Fund	0150
Organization	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project/Grant Total	\$4,378,322

2. Commit Funds within the 1999 Fire Department Budget that were previously provided to fund this program with recognition of the corresponding general fund revenue:

Fund	0001
Organization	3280
Program	0001
Subclass	R999
Account	000600
Amount	\$1,823,412

Create a Special Revenue Fund - Grant and Aid Projects and the necessary Project/Grant ChartField Values at the Project, Segment, Phase and/or Activity Levels; and to budget to the Project, Segment, Phase or Activity level the amount(s) required under the grant agreements; and, be it

Further Resolved, That these funds are budgeted to the Milwaukee Fire Department; and, be it

Further Resolved, That the funds received from the County of Milwaukee be deposited in accordance with procedures established by the City Comptroller; and, be it

Further Resolved, The Chief of the Milwaukee Fire Department, is authorized to expend from the amount budgeted, sums for specified purposes in accordance with the program budget, a copy of which is attached to this file and incorporated herein as though fully set forth at length; and, be it

Further Resolved, That the Chief of the Milwaukee Fire Department, shall have the authority to authorize transfers within the project budget so long as the amount expended for any purpose shall not exceed the amount authorized by the budget by 10 percent and such transfers are in accordance with grantor regulations; and, be it

Further Resolved, That the Chief of the Milwaukee Fire Department, on behalf of the City of Milwaukee, be authorized to enter into subcontracts (and leases) as detailed in the project budget and in accordance with City purchasing procedures and Grant and Aid Guidelines for awarding such contracts.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 5) [990825](#) Substitute resolution authorizing approval and execution of a paramedic contract between Milwaukee County and the City of Milwaukee.

Whereas, The City of Milwaukee and County of Milwaukee entered into a contract for paramedic services on August 25, 1977; and

Whereas, The current contract between The City of Milwaukee and the County of Milwaukee expires on June 30, 1999; and

Whereas, The parties are desirous of entering into this agreement for a term of 18 months and also amending the terms from the previous agreements; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the paramedic contract between the City of Milwaukee and Milwaukee County, a copy which is attached to the file, be and hereby is approved and the proper City officers be and hereby are authorized and directed to execute the same on behalf of the City.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 6) [990922](#) Resolution authorizing acceptance and funding of a Bulletproof Vest Partnership grant from the U.S. Department of Justice (Police Department).

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

[990922](#) Substitute resolution authorizing acceptance and funding of a Bulletproof Vest Partnership grant from the U.S. Department of Justice (Police Department).  
Whereas, Adoption of file 990461 by the Common Council of the City of Milwaukee granted the Police Department authority to apply for participation in the U.S. Department of Justice Bulletproof Vest Partnership grant; and

Whereas, The City of Milwaukee appears to meet the eligibility criteria established in for this program in Catalog of Federal Domestic Assistance # 16.607; and

Whereas, The operation of this grant from March 1, 1999 to December 31, 1999 would cost a total amount of \$75,030 of which \$45,030 would be provided by the City and \$30,000 would be the grantor share; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Milwaukee Police Department is hereby authorized to accept the U.S. Department of Justice Bulletproof Vest Partnership Grant without further approval unless the terms of the grant change as indicated in Common Council File 940843; and, be it

Further Resolved, That the Comptroller of the City of Milwaukee is authorized to:

1. Commit funds within the Project/Grant Parent Account of the 1999 Special Revenue Accounts-Grant and Aid,

0150-9990-0001-0000-R999-006000-GR0009000000, in the amount of \$30,000, to the Bulletproof Vest Grant program,

2. Create the necessary special revenue fund - Grant and Aid Project/Grant and project/grant sub-levels; budget against these values the amounts required under the grant agreement, and

3. Establish the necessary city share project values; and, be it

Further Resolved, That these funds are appropriated to the Milwaukee Police Department, which is authorized to expend from the budgeted sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

7) [990927](#)

Resolution amending Common Council File 990123 relative to application, acceptance and funding of the Sexually Transmitted Diseases Grant.

Whereas, Common Council File 990123 authorized the Health Department to apply for, accept and fund the Sexually Transmitted Diseases Grant from the State of Wisconsin Department of Health and Family Services for the purpose of reducing the incidence and complications of sexually transmitted diseases in Milwaukee through preventive health education services and focused disease intervention activities. This grant provided for a Grantor share total of \$89,929; and

Whereas, The Grantor share for this program is increased by \$ 16,000; now, therefore, be it

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

Further Resolved, That the City Comptroller is authorized to commit funds within Project/Grant Parent 1999 Special Revenue Grant and Aid Projects fund, the

following amount for the project titled Sexually Transmitted Diseases Grant:

Project/Grant	GR0009000000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$16,000

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

1. Expend from the 1999 grant budget funds for specified items of equipment; and, be it

Further Resolved, That all standard resolved clauses articulated in Common Council File 990123 remain applicable.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 8) [990954](#) Resolution relating to an Intergovernmental Cooperation Agreement with the City of Muskego to allow the Milwaukee Police Department to use the City of Muskego's firing range.

Whereas, The City of Muskego is constructing a new outdoor police firing range in conjunction with the Federal Bureau of Investigation; and

Whereas, The Milwaukee Police Department wishes to utilize the Muskego firing range in order to provide a total spectrum of firearm training to MPD officers; and

Whereas, The City of Muskego and the City of Milwaukee have entered into an Intergovernmental Cooperation Agreement for the Milwaukee Police Department to use the City of Muskego Firearms Training Facility, and that agreement has been approved by the Milwaukee City Attorney, and a copy of the agreement is attached

to this file; and

Whereas, The Common Council, in Council File No. 990813, approved September 28, 1999, has approved the expenditure of up to \$25,000 in asset forfeiture funds for the City's cost of using the Muskego range; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves the Intergovernmental Cooperation Agreement (City of Muskego Firearms Training Facility) attached to this file and authorizes and directs the appropriate City officers to execute that Agreement.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 9) [990960](#) Substitute resolution authorizing the proper City Officials to enter into an occupancy agreement between the City of Milwaukee, through the Health Department, and the Martin Luther King Heritage Health Center.

Whereas, The Martin Luther King Heritage Health Center seeks to provide the Milwaukee Health Department with space in its facility at 2555 North Martin Luther King Drive; and

Whereas, The Health Department seeks to place certain equipment and personnel at that site; and

Whereas, The Health Department and the Martin Luther King Heritage Health Center have agreed to enter into an occupancy agreement, prepared by the City Attorney, under which the Health Department will place certain equipment and personnel at the Martin Luther King Heritage Health Center; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the occupancy agreement between the Health Department and the Martin Luther King Heritage Health Center that has been prepared by the City Attorney and is attached to this file is approved; and, be it

Further Resolved, That the appropriate City officials are authorized and directed to execute the occupancy agreement attached to this file.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

PLACING ON FILE THE FOLLOWING:

- 10) [971167](#) Resolution transferring cash reserves from the Parking Fund to the General Fund.

**Sponsors:** Ald. Henningsen

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

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

**No:** 0

**Excused:** 1 - Frank

- 11) [990265](#) A substitute ordinance relating to enforcement of regulations governing the distribution of commercial advertising material.

**Sponsors:** Ald. Pawlinski

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

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

**No:** 0

**Excused:** 1 - Frank

- [990434](#) Substitute resolution directing the City Attorney to institute legal action against the paint and lead pigment industry to recover damages to the City and its residents caused by lead-based paint.

**Sponsors:** Ald. Hines Jr., Ald. D'Amato, Ald. Pratt, Ald. Henningsen, Ald. Gordon, Ald. Richards, Ald. Witkowiak, Ald. Pawlinski and Ald. Butler

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



**Aye:** 9 - D'Amato, Henningsen, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Murphy Hines Jr.

**No:** 7 - Pratt, Kalwitz, Schramm, Scherbert, Pawlinski, Breier Nardelli

**Excused:** 1 - Frank

[990434](#)

Substitute resolution directing the City Attorney to institute legal action against the paint and lead pigment industry to recover damages to the City and its residents caused by lead-based paint.

**Sponsors:** Ald. Hines Jr., Ald. D'Amato, Ald. Pratt, Ald. Henningsen, Ald. Gordon, Ald. Richards, Ald. Witkowiak, Ald. Pawlinski and Ald. Butler

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

**Aye:** 13 - Pratt, Kalwitz, D'Amato, Henningsen, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Murphy Hines Jr.

**No:** 3 - Schramm, Scherbert Nardelli

**Excused:** 1 - Frank

Whereas, The United States Department of Health and Human Resources considers lead poisoning to be one of the most common and serious environmental diseases in young children in the United States, a disease that causes serious developmental damage to the mind and body of young children and that is completely preventable; and

Whereas, This disease is especially prevalent in Milwaukee, where almost 23 percent of children aged one to 5 years suffer dangerously elevated lead blood levels, although such high blood levels are found nationwide in just 4.4 percent of young children; and

Whereas, Over 176,500 Milwaukee housing units contain lead-based paint; and

Whereas, The single most important source of lead poisoning in children is lead paint; and

Whereas, As early as 1904, lead-painted surfaces were recognized as a source of children's lead poisoning, and the Journal of the American Medical Association (JAMA) identified lead paint in 1933 as the primary source of lead poisoning in children; and

Whereas, Although the toxicity of lead paint has been scientifically documented and well-known to the paint and lead pigment industry since the beginning of this century, such paint continued to be sold and promoted as safe until its residential use was banned in 1978; and

Whereas, The majority of lead pigment used in paint was manufactured between the 1920s and 1950s by 7 companies, none of which have been held responsible for their actions; and

Whereas, The largest manufacturers of lead pigment in the twentieth century, or their successors, continue to be profitable businesses which had combined net assets of about \$30 billion in 1995; and

Whereas, Lawsuits against paint manufacturers have been brought by the state of Rhode Island and several cities, including Boston, Philadelphia and Baltimore; and

Whereas, Although the tragic legacy of lead paint on the permanently stunted bodies, minds and futures of many Milwaukee children can never truly be quantified, the presence of lead paint in Milwaukee has required the City government to spend millions of dollars to identify lead-affected children and provide them with medical and educational services, as well as to remediate lead paint hazards in the City, and such expenditures will necessarily continue for many years into the future; and

Whereas, A lawsuit by the City of Milwaukee against the lead paint industry could recover monetary damages to defray such City expenditures; and

Whereas, Such a legal action would, if successful, enable the City to spend the proceeds for the benefit of persons who have been harmed by lead poisoning and to eradicate the lead paint hazards that permit lead poisoning to continue in Milwaukee; and

Whereas, The City Attorney has recommended that, if the Common Council wishes to proceed with such a lawsuit, the City should retain outside counsel on a contingency basis to investigate and, if appropriate, commence the lawsuit; and

Whereas, The Deputy City Attorney has advised the Public Safety Committee that, within 3 months, the City Attorney's office could interview interested law firms, evaluate them according to specific criteria and provide the Common Council with a recommendation concerning instituting a suit and identifying the law firm or firms that should be retained to pursue such a suit; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Attorney is authorized and directed to enter into an agreement with a law firm or firms on a contingency basis to investigate bringing legal action on behalf of the City against the paint and lead pigment industry to recover damages to the City and its residents caused by lead-based paint and, if appropriate, to represent the City in such a lawsuit; and, be it

Further Resolved, That any agreement entered into by the City Attorney to retain a law firm or firms to represent the City in this matter shall be subject to Common Council approval; and, be it

Further Resolved, That the City Attorney shall select the law firm or firms based on the following criteria:

1. The firm's experience in suing lead-based paint manufacturers.
2. The firm's capacity to handle time consuming, complex and innovative litigation.
3. The firm's offer of a contingency-agreement proposal favorable to the City.
4. The firm's demonstrated ability to adequately address the issues raised in the City Attorney opinion of October 6, 1999.
5. The firm's adequate malpractice insurance.
6. Such other criteria as the City Attorney finds prudent and appropriate.

; and, be it

Further Resolved, That the City Attorney is directed to report the findings and recommendations of his office concerning selection of a law firm or firms and filing of a lawsuit to the Common Council by January 19, 2000; and, be it

Further Resolved, That, although the proceeds from a successful lawsuit should compensate any outside law firm on an appropriate basis for its time and effort, the Common Council expresses its intent that any proceeds from a successful lawsuit should be expended to the greatest extent possible for the benefit of persons who have been harmed by lead poisoning, to eradicate the lead paint hazards that permit lead poisoning to continue in Milwaukee and to recover past public expenditures made to reduce lead poisoning and assist its victims.

**Sponsors:** Ald. Hines Jr., Ald. D'Amato, Ald. Pratt, Ald. Henningsen, Ald. Gordon, Ald. Richards, Ald. Witkowiak, Ald. Pawlinski and Ald. Butler

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

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Henningsen, Johnson-Odom, Gordon, Richards, Butler, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 2 - Schramm Scherbert

**Excused:** 1 - Frank

THE ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

- 1) [990929](#) Substitute resolution approving Year 2000 Operating Plans for various Business Improvement Districts located in the City of Milwaukee.
- Whereas, The Common Council of the City of Milwaukee ("Common Council") has created Business Improvement Districts in the City of Milwaukee and has approved their first year Operating Plans; and

Whereas, Section 66.608(3)(b), Wisconsin Statutes, requires that Boards of Business Improvement Districts submit annual Operating Plans to the Common Council for approval; and

Whereas, The Boards of Business Improvement District Nos. 2 (Historic Third Ward), 4 (Greater Mitchell Street), 11 (Brady Street), 13 (Oakland Avenue/University Square), 16 (West North Avenue), 17 (North 76th Street and West Brown Deer Road), 19 (Villard Avenue), 20 (East North Avenue), and 22 (Edgewood/Oakland) have submitted proposed Year 2000 Operating Plans; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Year 2000 Operating Plans for Business Improvement District Nos. 2, 4, 11, 13, 16, 17, 19, 20, and 22, copies of which are attached to this Common Council File, are approved; and, be it

Further Resolved, That the City Treasurer, City Comptroller, Assessment Commissioner, and other affected departments are authorized and directed to collect and disburse BID assessments in accordance with said Year 2000 Operating Plans; and, be it

Further Resolved, That all City officials, departments, boards and commissions are authorized and directed to take all actions and provide such assistance needed to carry out the intent and purpose of this resolution and said approved Year 2000 Operating Plans.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 2 - Frank Witkowiak

- 2) [990930](#) Resolution creating Business Improvement District No. 25 (Riverworks) and approving its first year Operating Plan. (DCD)
- Whereas, The Riverworks area is a vital and integral part of the City of Milwaukee ("City"); and
- Whereas, A Business Improvement District ("BID") as authorized by Section 66.608, Wisconsin Statutes, provides a financing mechanism to allow the Riverworks business district to become self-sustaining; and
- Whereas, Several property owners in the proposed BID have submitted petitions requesting the City to establish a BID in the area; and
- Whereas, An initial Operating Plan has been prepared which describes proposed activities within the District and which complies in all respects with applicable Wisconsin Statutes; and
- Whereas, Said Operating Plan has been reviewed and adopted by the City Plan Commission following a public hearing; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that Business Improvement District No. 25 (Riverworks) and the associated District Board are created; and, be it
- Further Resolved, That the initial Operating Plan for BID No. 25, a copy of which is attached to this Common Council File, is adopted; and, be it
- Further Resolved, That the City Treasurer, City Comptroller, and other affected departments are authorized and directed to collect and disburse the BID No. 25 assessments in accordance with the Operating Plan; and, be it
- Further Resolved, That all City officials, departments, boards and commissions are authorized and directed to take all actions and provide such assistance needed to carry out the intent and purpose of this resolution and the adopted Operating Plan for BID No. 25.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 2 - Frank Witkowiak

- 3) [990931](#) Resolution creating Business Improvement District No. 26 (Menomonee Valley) and approving its first year Operating Plan. (DCD)

Whereas, The Menomonee Valley area is a vital and integral part of the City of Milwaukee ("City"); and

Whereas, A Business Improvement District ("BID") as authorized by Section 66.608, Wisconsin Statutes, provides a financing mechanism to allow the Menomonee Valley business district to become self-sustaining; and

Whereas, Several property owners in the proposed BID have submitted petitions requesting the City to establish a BID in the area; and

Whereas, An initial Operating Plan has been prepared which describes proposed activities within the District and which complies in all respects with applicable Wisconsin Statutes; and

Whereas, Said Operating Plan has been reviewed and adopted by the City Plan Commission following a public hearing; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Business Improvement District No. 26 (Menomonee Valley) and the associated District Board are created; and, be it

Further Resolved, That the initial Operating Plan for BID No. 26, a copy of which is attached to this Common Council File, is adopted; and, be it

Further Resolved, That the City Treasurer, City Comptroller, and other affected departments are authorized and directed to collect and disburse the BID No. 26 assessments in accordance with the Operating Plan; and, be it

Further Resolved, That all City officials, departments, boards and commissions are authorized and directed to take all actions and provide such assistance needed to carry out the intent and purpose of this resolution and the adopted Operating Plan for BID No. 26.

**Sponsors:** THE CHAIR

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

**Aye:** 14 - Pratt, Kalwitz, D'Amato, Henningsen, Johnson-Odom, Gordon, Richards, Butler, Scherbert, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Witkowiak

CONFIRMATION OF THE FOLLOWING:

- 4) [990773](#) Appointment of Einar H. Tangen to serve on the Architectural Review Board (BID #2) by the Mayor.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 2 - Frank Witkowiak

- 5) [990868](#) Reappointment of Richard Schmidt to the Business Improvement District #13 (Oakland Avenue) by the Mayor. (3rd Aldermanic District)

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 2 - Frank Witkowiak

- 6) [990869](#) Reappointment of Gerry Broderick to the Business Improvement District #13 (Oakland Avenue) by the Mayor. (3rd Aldermanic District)

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 2 - Frank Witkowiak

- 7) [990870](#) Reappointment of Clark Kaufmann to the Business Improvement District #13 (Oakland Avenue) by the Mayor. (3rd Aldermanic District)

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 2 - Frank Witkowiak

- 8) [990871](#) Appointment of Rebecca Panfil to the Business Improvement District #13 (Oakland Avenue) by the Mayor.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 2 - Frank Witkowiak

THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

[980857](#) Substitute ordinance relating to the change in zoning from Industrial (I/A/125) to Warehousing and Light Manufacturing (C9H), on land located North of the South Menomonee Canal and East of the North-South Freeway (I-94), in the 12th Aldermanic District.

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

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

Section 295-481.0002. The zoning map is amended to change the zoning for the area bounded by the centerline of the Menomonee River, the centerline of the South



Menomonee Canal, a line 397.11 feet East and parallel to the east line of the North-South Freeway (I-94), a line 450 feet South and parallel to the south line of West St. Paul Avenue, a line 320.5 feet East and parallel to the east line of the North-South Freeway (I-94), a line 425 feet South and parallel to the south line of West St. Paul Avenue, and a line 35 feet East and parallel to the east line of the North-South Freeway (I-94) to the point of beginning, from Industrial (I/A/125) to Warehousing and Light Manufacturing (C9H).

**Sponsors:** Ald. Henningsen

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

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

**No:** 0

**Excused:** 1 - Frank

- 2) [981621](#) Ordinance relating to the change in zoning from Manufacturing (M/C/60) to Local Business (L/C/40), on land located on the North side of East Lincoln Avenue and East of South Austin Street, in the 14th Aldermanic District. (DCD)

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

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

Section 295-320(5).0006. The zoning map is amended to change the zoning for the area bounded by the centerline of East Lincoln Avenue, the centerline of South Austin Street, a line 180 feet South and parallel to the south line of East Ward Street, and the centerline of a North-South alley, from Manufacturing (M/C/60) to Local Business (L/C/40).

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 3) [990091](#) An ordinance relating to commissioner of neighborhood services orders to correct violations of various code provisions.

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

Part 1. Section 200-12-1 of the code is amended to read:

200-12. Orders to Correct Condition.

1. ISSUANCE OF ORDERS. Whenever the commissioner of neighborhood services determines, or has reasonable grounds to believe, that >>there exists<< a condition which violates [[this code or s. 308-81-9 and]] >>any provision of the Milwaukee code over which the commissioner of neighborhood services has enforcement jurisdiction or authority, or<< the conditions of a certificate of appropriateness issued pursuant [[thereto exists]] >>to s. 308-81-9,<< in any building, structure or premises or in the use of any equipment covered by [[this code]] >> any provision of the Milwaukee code over which the commissioner of neighborhood services has enforcement jurisdiction or authority,<< or that any person builds contrary to the plans and specifications submitted to and approved by the commissioner of city development, or the historic preservation commission in the case of a certificate of appropriateness, or that any person omits, neglects or refuses to do any act required by [[this code]] >> any provision of the Milwaukee code over which the commissioner of neighborhood services has enforcement jurisdiction or authority<<, the commissioner of neighborhood services may order the owner, operator or occupant thereof to correct the condition. If a placard action which requires the posting of the order is warranted, it shall be as prescribed in s. 200-11-6.

Part 2. Section 200-12-2-d of the code is amended to read:

2. CONTENT OF ORDERS.

d. Whenever the commissioner deems it appropriate, contain an outline of remedial action which, if taken, will result in compliance with [[this code and the rules and regulations adopted by it]] >>the code provisions identified pursuant to par. b<<.

Part 3. Section 200-12.5-1 of the code is amended to read:

200-12.5. Emergency Orders.

1. ISSUANCE OF EMERGENCY ORDERS. Whenever the commissioner of neighborhood services finds that an emergency exists which requires immediate action to protect the public health, safety or welfare, or that any person builds contrary to the plans and specifications submitted to and approved by the commissioner of city development, or that any person omits, neglects or refuses to do any act required by [[this code]] >>any provision of the Milwaukee code over which the commissioner of neighborhood services has enforcement jurisdiction or authority<<, the commissioner

of neighborhood services may issue an order to the owner, operator or occupant thereof, reciting the existence of such emergency and requiring that such action be taken as necessary to meet the emergency.

Part 4. Section 200-12.5-2-d of the code is amended to read:

2. CONTENT OF EMERGENCY ORDERS.

d. Whenever the commissioner deems it appropriate, contain an outline of remedial action which, if taken, will result in compliance with [[this code and the rules and regulations adopted by it]] >>the code provisions identified pursuant to par. b<<.

Part 5. Section 200-12.7-2 and 3 of the code is amended to read:

200-12.7. Transfer of Orders to New Owner of Investor-Owned Residential Property.

2. NOTIFICATION OF OUTSTANDING ORDERS TO BE PROVIDED TO NEW OWNER. Any person selling, transferring or conveying an ownership interest in a residential property that is investor-owned at the time of such sale, transfer or conveyance shall expressly inform any person acquiring or receiving an ownership interest in the property of any outstanding orders to correct violations of [[this code]] >>any provisions of the Milwaukee code over which the commissioner of neighborhood services has enforcement jurisdiction or authority<<.

3. TRANSFER OF ORDER TO NEW OWNER. Provided notice has been effected in accordance with the provisions of s. 200-12, whenever an ownership interest in a residential property is sold, transferred or conveyed, and such property is investor-owned at the time of such sale, transfer or conveyance and has one or more outstanding orders to correct violations of [[this code]] >>any provisions of the Milwaukee code over which the commissioner of neighborhood services has enforcement jurisdiction or authority<<, any person acquiring or receiving an ownership interest in the property shall be liable for compliance with each such order within the time period prescribed by the department. No additional extensions to the period for compliance shall be granted solely on the basis of transfer of ownership.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 4) [990182](#) Substitute ordinance relating to the change in zoning from Manufacturing (M/B/85 and M/C/60) to Multi-Family Residence (R/C/60) and Manufacturing (M/B/85) and Multi-Family Residence (R/C/60) to Residential and Specialty Use (C9B(A)) on land located North of East Vine Street and East of North Palmer Street, in the 6th Aldermanic District.

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

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

Section 295-130(6).0010. The zoning map is amended to change the zoning for the area bounded by the centerline of North Palmer Street, a line 150 feet North and parallel to the north line of East Reservoir Avenue, a line 140.5 feet East and parallel to the east line of North Palmer Street and a line 200 feet North and parallel to the north line of East Reservoir Avenue. Also, the area bounded by the centerline of North Palmer Street, a line 100 feet South and parallel to the south line of East Reservoir Avenue, a line 140.5 feet East and parallel to the east line of North Palmer Street and a line 200 feet South and parallel to the south line of East Reservoir Avenue. Also, the area bounded by the centerline of North Palmer Street, a line 250 feet South and parallel to the south line of East Reservoir Avenue, the centerline of North Hubbard Street, a line 275 feet South and parallel to the south line of East Reservoir Avenue, a line 140.5 feet East and parallel to the east line of North Palmer Street, a line 300 feet South and parallel to the south line of East Reservoir Avenue, from Manufacturing (M/B/85 and M/C/60) to Multi-Family Residence (R/C/60).

Section 295-422.0007. The zoning map is amended to change the zoning for the area bounded by the centerline of East Vine Street, a line 140.5 feet East and parallel to the east line of North Hubbard Street, a line 125 feet North and parallel to the north line of East Vine Street, and the centerline of North Hubbard Street, from Manufacturing (M/B/85) and Multi-Family Residence (R/C/60) to Residential and Specialty Use (C9B(A)).

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 5) [990553](#) Substitute ordinance relating to the change in zoning from Multi-Family Residence (R/C/85) to a Detailed Planned Development (DPD) known as Highbridge, on land located on the South Side of East Kane Place and East of North Water Street, in the 3rd Aldermanic District.

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

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

Section 295-810(2)(b).0130.

(1) In accordance with the provisions of Section 295-810(1) of the Code relating to the establishment of planned development districts, the Common Council approves the Detailed Planned Development known as Highbridge, a copy of which is attached to this Common Council File as Exhibit A which is on file in the Office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for the area bounded and described by:

The Westerly 30 feet of Lot 4 and all of Lots 5, 6 and 7, Block 1, and all of Lots 1, 2, 3, 4, 5 and 8, Block 2, Hubbard and Pearson's Addition, a recorded subdivision in Fractional Lot 5 of 1/4 Section 21, Town 07 North, Range 22 East, City of Milwaukee, Milwaukee County, Wisconsin. Also, all that part of Lot 6, Block 2, said Hubbard and Pearson's Addition, bounded and described as follows: Beginning at the Southwest corner of said Lot 6; thence Northerly along the westerly line of said Lot 6, 50 feet to the Northwest corner of said lot; thence Easterly along the northerly line of said Lot 6, 50 feet; thence Southwesterly 71 feet more or less to the place of beginning.

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

Part 2. Any persons, firm, company or corporation owning, controlling, or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved by the Commissioner of the Department of City Development, or any person, firm, company or corporation who

shall omit, neglect or refuse to do any act required in this ordinance shall be subject to the penalties provided in Section 200-19 of the Code.

Part 3. In accordance with the provisions of Section 295-815 of the Code, the City Clerk shall transmit a certified copy of the action taken by the Common Council to the Department of City Development.

Part 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

**Sponsors:** Ald. D'Amato

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

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

**No:** 0

**Excused:** 1 - Frank

- 6) [990642](#) Substitute ordinance relating to the change in zoning from Industrial (I/A/125) to Local Business (L/C/85), on land located on the East Side of South 1st Street and South of East National Avenue, in the 12th Aldermanic District.

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

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

Section 295-320.0001. The zoning map is amended to change the zoning for the area bounded by the centerline of South 1st Street, a line 143 feet North and parallel to the north line of East Walker Street, a line 100 feet East and parallel to the east line of South 1st Street, and a line 50 feet North and parallel to the north line of East Walker Street, from Industrial (I/A/125) to Local Business (L/C/85).

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

7) [990688](#) An ordinance relating to the enforcement of the city's historic preservation regulations.

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

Part 1. Section 200-52-6-d of the code is amended to read:

200-52. Certificate of Code Compliance.

#### 6. INSPECTION PROCEDURE.

d. The department shall issue a certificate of code compliance only after it has inspected the dwelling and found that it conforms to the building maintenance code >>and that there are also no outstanding orders issued against it pursuant to s. 308-81.<<

Part 2. Section 200-55-5-b of the code is amended to read:

200-55. Certificate of Exterior Code Compliance.

#### 5. INSPECTION PROCEDURE

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

Part 3. Section 308-81-9-i of the code is renumbered 308-81-9-i-1.

Part 4. Section 308-81-9-i-2 of the code is created to read:

308-81. Historic Preservation Commission.

#### 9. REGULATION OF CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND DEMOLITION.

i. Enforcement and Penalties.

i-2. The historic preservation commission is authorized to hear appeals of orders issued pursuant to this section that require owners to either restore their properties to their original condition or to apply for certificates of appropriateness. Appeals shall be by a written request filed with the commission within 20 days after receipt of the orders. The commission may reverse or revise, in whole or in part, any order which a 2/3 majority of its members find an unreasonable hardship on a property owner. No hardship created by an owner shall serve as a basis for reversing or revising an order. The commission shall notify the owner of its decision within 15 days.

**Sponsors:** Ald. D'Amato

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

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

**No:** 0

**Excused:** 1 - Frank

- 8) [990933](#) An ordinance relating to permits for the installation and alteration of elevators.  
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 200-33-13-e of the code is amended to read:

200-33. Fees.

13. ELEVATORS.

e. Repair Permit Fees. The fees for >>installation or alteration<< permits required by [[this subsection]] >>s. Comm 18.09, Wis. Adm. Code,<< shall be charged at the rate of 1.5 % of the total cost of repair, with a minimum fee of \$50.

Part 2. Section 222-52-1 and 4 of the code is amended to read:

222-52. Construction Permits.

1. PERMITS REQUIRED. Except as regulated in subs. 1 to 3 no person shall install, alter, repair or replace any elevator or other device regulated in [[this chapter]] >>s. Comm 18.09 (1) and (3) Wis. Adm. Code,<< without first obtaining a permit therefor and paying the fees as prescribed in s. 200-33.

4. WORK WITHOUT PERMIT. Where any work is begun on the installation, alteration, repair or replacement of any elevator or other device regulated in [[this chapter]] >>s. Comm 18.09, Wis. Adm. Code,<< without obtaining a permit as



regulated in sub. 1, the commissioner shall have the power and authority to stop such work until a permit has been procured and [[double]] >>quadruple<< fines paid as regulated in s. 200-32-3.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

ADOPTION OF THE FOLLOWING:

- 9) [990747](#) Resolution declaring as surplus the vacant, tax deed lot located at 2243 North 13th Street and accepting an Offer to Purchase from the adjoining owner, Bachan Singh, for use as green space in the 17th Aldermanic District. (Department of City Development)
- Whereas, The adjoining owner, Bachan Singh, with his properties located at 2249 North 13th Street and 1333-35 West North Avenue, has offered to purchase the vacant, tax deed lot located at 2243 North 13th Street, Tax Roll Key No. 352-2052-3, from the City of Milwaukee containing 3,120 square feet for the amount of \$1,560 for use as green space; and
- Whereas, This vacant lot will be combined with both of Mr. Singh's adjoining properties and made one parcel of land; and
- Whereas, This vacant, tax deed lot is being sold in an "as is" condition; and
- Whereas, The City Plan Commission has approved the acceptance of said Offer, the sale of said lot to be consummated in the manner provided for in the sale of other tax deed/City-owned lots pursuant to Section 304-49 of the Milwaukee Code of Ordinances; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that said vacant lot is declared surplus, said Offer is accepted, and the proper City officials are authorized and directed to perform such acts as may be required to consummate the sale of said lot and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 10) Various resolutions permitting a minor modification to the Detailed Planned Developments in the 15th and 11th Ald. Dists.:

- a) [990850](#) Resolution permitting a minor modification to the Detailed Planned Development known as Park Place, Stage 16, located North of West Good Hope Road and West of North 107th Street, in the 15th Aldermanic District. (DCD)

Whereas, Section 295-814(5) 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 Park Place, Stage 16, was approved by the Common Council of the City of Milwaukee on July 29, 1999, under File No. 990393; and

Whereas, The developer proposes to amend the proposed landscape plan and configuration of surface parking spaces; and

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

Resolved, By the Common Council of the City of Milwaukee that the minor modification to the approved plan amending the proposed landscape plan and configuration of surface parking spaces is approved.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- b) [990851](#) Resolution permitting a minor modification to the Detailed Planned Development known as Southgate Marketplace, located West of South 27th Street and North of West Morgan Avenue, in the 11th Aldermanic District. (DCD)

Whereas, Section 295-814(5) 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 Southgate Marketplace was approved by the Common Council of the City of Milwaukee on June 1, 1999, under File No. 981538; and

Whereas, The developer proposes to erect covered structures in the outdoor garden center; and

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

Resolved, By the Common Council of the City of Milwaukee that the minor modification to the approved plan permitting the erection of covered structures in the garden center is approved.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 11) [990853](#) Resolution declaring as surplus and authorizing the conveyance of improved, tax deed properties to the Neighborhood Improvement Development Corporation for the Public Nuisance-Human Health Hazard Receivership Program. (DCD-Real Estate)

Whereas, The Common Council of the City of Milwaukee adopted File No. 981562 on March 23, 1999, which approved a Cooperation Agreement between the City of Milwaukee ("City") and the Neighborhood Improvement Development Corporation ("NIDC") for the purpose of the NIDC making itself available as receiver to abate public nuisances and human health hazards in City receivership cases; and

Whereas, It has been determined that the following improved, tax deed properties are currently under the jurisdiction of the Public Nuisance-Human Health Hazard Receivership Program and that the sale, disposition, security and maintenance of said properties are the responsibility of the court appointed receiver, the NIDC:

1538 South 15th Place, TK #460-1152-6

4025 North 18th Street, TK #244-0449-8

2907 North 27th Street, TK #309-0271-7

2619-21 North 29th Street, TK #326-0132-1

2969-71 North 29th Street, TK #309-0201-5

3932 North 30th Street, TK #269-0119-2

403 North 32nd Street, TK #401-0166-3

2433 North 34th Street, TK #326-1527-7

2646 North 34th Street, TK #326-1443-0

1722-24 North 37th Street, TK #366-0369-6

2554 North 37th Street, TK #327-0327-9

4779 North 37th Street, TK #229-1186-100-7

5045 North 39th Street, TK #208-1340-7

3360 North 40th Street, TK #287-1526-1

5117 North 41st Street, TK #208-0129-1

2321 North 47th Street, TK #328-1227-0

2520-22 West Burleigh Street, TK #285-0849-5

3206 West Fairmount Avenue, TK #207-0192-8

4821 West Hampton Avenue, TK #228-0176-100-7

2475-77 West Locust Street, TK #310-9970-1

2655-57 North Palmer Street, TK #322-0606-9

1817 South Pearl Street, TK #459-0524-9

3635 North Port Washington Avenue, TK #272-1321-4

2947 North Weil Street, TK #281-1063-1

; and

Whereas, The NIDC, a nonprofit organization, has requested title to said properties to expedite their sale, disposition, security and maintenance; and

Whereas, The NIDC has requested that the proceeds from the subsequent sale of said properties remain with the NIDC to replenish its receivership fund; and

Whereas, In the event that one of these properties is released from the Public Nuisance-Human Health Hazard Receivership Program, the NIDC can convey title back to the City without further action from the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said properties are declared surplus and that the Commissioner of the Department of City Development or designee are authorized and directed to convey said improved, tax deed properties without monetary consideration to the Neighborhood Improvement Development Corporation; and, be it

Further Resolved, That in the event the NIDC cannot sell a property, title can be conveyed back to the City without further action by the Common Council; and, be it

Further Resolved, That the NIDC is not obligated to return any future revenue derived from the sale of these properties to the City.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 12) [990854](#) Resolution declaring as surplus and authorizing the sale of improved, City-owned/tax deed properties located in various aldermanic districts. (DCD-Real Estate)
- Whereas, The Commissioner of the Department of City Development recommends the sale of the following City-owned/tax deed properties in "as is" condition via the open listing method:

PROPERTY ADDRESS, LISTING PRICE, ALDERMANIC DISTRICT

2518 North 18th Street, TK #324-1059-9 \$6,000 1st

2958 North 29th Street, TK #309-0249-7 \$14,000 10th

3046 North 29th Street, TK #309-0169-2 \$10,000 10th

4633 North 30th Street, TK #230-0423-0 \$14,000 2nd

1936 North 31st Street, TK #349-0714-X \$6,400 10th

337 North 40th Street, TK #402-0346-9 \$18,000 16th

2015-17 North 58th Street, TK #346-1137-X \$119,600 16th

8116-18 West Appleton Avenue, TK #224-0552-5 \$74,800 5th

2236-38 North Booth Street, TK #354-0005-5 \$12,000 6th

6081 North Denmark Street, TK #151-0131-8 \$118,000 15th

4719 West Fond du Lac Avenue, TK #267-0618-0 \$10,000 7th

4722-24 West Fond du Lac Avenue, TK #267-0502-X \$16,000 7th

1450 West Hadley Street, TK #311-3202-3 \$10,000 1st

2452 West Juneau Avenue, TK #364-1444-7 \$10,000 4th

1808-10 West Locust Street, TK #311-1315-1 \$10,800 1st

; and

Whereas, Any adjoining City-owned/tax deed vacant lot may be sold with an improved property to enhance its disposition and by this resolution is declared surplus; and

Whereas, The City Plan Commission and the Public Improvements Committee have determined that said properties have no possible municipal use and are surplus to the City's needs and recommends sale of them to the highest acceptable offer; and

Whereas, The Zoning, Neighborhoods and Development Committee has determined that said properties should be sold via the open listing method pursuant to Section 304-49 of the Milwaukee Code of Ordinances under the following terms and

conditions:

A. The Offer conforms in all respects with the sales procedure.

B. The net offer (offer less sale's commission) is greater than 75 percent of the listing price.

C. The buyer is not delinquent in the payment of real estate taxes on any properties that he/she may own in the City of Milwaukee.

D. The buyer has not been convicted, within twelve months preceding the date of the Offer, of failure to comply with an order from the Commissioner of the Department of Neighborhood Services of the City of Milwaukee to correct code violations; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said properties are declared surplus and that the Commissioner of the Department of City Development or designee is authorized and directed to advertise and list said properties for sale to the highest acceptable offer; and, be it

Further Resolved, That the Commissioner of the Department of City Development or designee is authorized and directed to accept Offers to Purchase on behalf of the City of Milwaukee and to perform such acts as are necessary to close the transactions under the terms and conditions as set forth above; and, be it

Further Resolved, That if no offer is received for any property after advertising it on two occasions, the asking price will be reduced by up to 25 percent; and, be it

Further Resolved, That as a condition of the sale of surplus property, purchasers are required to bring property into compliance with applicable building codes within the time specified by the Department of Neighborhood Services or said property may revert back to the ownership of the City of Milwaukee upon action by the Common Council; and, be it

Further Resolved, That the proceeds remaining from the sale of surplus property after payment of commissions and other closing related expenses be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 13) [990893](#) Resolution approving the blight designation and surplus declaration of the City-owned properties at 1805 and 1813-15 North 22nd Street and authorizing their conveyance to the Redevelopment Authority of the City of Milwaukee for disposition as part of the CityHomes program, in the 17th Aldermanic District (Redevelopment Authority). Whereas, In Common Council File No. 49-2311-8d, adopted on September 16, 1968, the Redevelopment Authority of the City of Milwaukee ("Authority") was designated the Agent of the City of Milwaukee ("City") for the purpose of administering, undertaking, and carrying out all blight elimination, slum clearance, and urban renewal programs and projects both present and future; and

Whereas, Applicable Wisconsin law, particularly Section 66.431(5)(c), Wisconsin Statutes, as amended, enables the Authority of a first class city, with the approval of the local legislative body of that city, to acquire blighted property without designating a boundary or adopting a redevelopment plan; and

Whereas, The Authority proposes to eliminate blight and acquire the City-owned properties in the area of North 22nd Street and West Vine Street, more particularly described as:

1805 North 22nd Street (Tax Key No. 350-1864-000-5)

1813-15 North 22nd Street (Tax Key No. 350-1866-000-6)

; and

Whereas, The City waived its right to receive the statutory notices and the Authority conducted a Public Hearing on September 21, 1999 pursuant to Wisconsin Statutes; and

Whereas, The Authority determined the subject properties to be blighted within the meaning of Section 66.431(4)(bm), Wisconsin Statutes, as amended, and requested approval of these Spot Acquisitions by the Common Council of the City of Milwaukee ("Council"); and

Whereas, In relation to the location and extent of public works and utilities, public buildings, and public uses proposed, the Authority has conferred with the City Plan Commission and with such other public officials, boards, authorities, and agencies of the City under whose administrative jurisdictions such uses respectively fall pursuant to Subsection 66.431(6)(c), Wisconsin Statutes; and



Whereas, The City Plan Commission, which is the duly designated and acting official planning body for the City authorized to prepare a comprehensive plan, has reviewed and determined that these Spot Acquisitions conform to the general plan for the City as a whole, and the Council has duly considered the recommendations of the planning body; and

Whereas, The City Plan Commission also has determined that these City-owned vacant lots have no possible municipal use and are surplus to the City's needs; and

Whereas, After acquisition, the Authority desires to convey these properties to owner-occupants who meet the CityHomes criteria and has submitted a Land Disposition Report pursuant to Wisconsin Statutes, a copy of which is attached to this Common Council File; and

Whereas, The Public Hearing conducted on September 21, 1999, concurrently addressed the disposition of these properties as required by Wisconsin Statutes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that these Spot Acquisitions are approved; and, be it

Further Resolved, That it is found, determined, and reaffirmed that:

1. These properties are blighted and in need of blight elimination, slum clearance, and urban renewal, and qualify as eligible projects within the meaning of Section 66.431(4) (bm), Wisconsin Statutes, as amended.
2. The objectives of the Authority cannot be achieved solely through rehabilitation.
3. These Spot Acquisitions are feasible and conform to the general plan of the City; and, be it

Further Resolved, That these properties are declared surplus to municipal needs and that the proper City officials are authorized and directed to execute a quit claim deed and any other related documents deemed necessary to effectuate the transfer of title to the Authority without monetary consideration; and, be it

Further Resolved, That to implement these Spot Acquisitions, certain official action may be taken to support the new land uses after redevelopment including, among other things, changes in zoning; vacation and removal of streets, alleys, and other public ways; changes in the location of sewer and water mains and other public facilities; and other public actions deemed necessary to effectuate the purpose of these Spot Acquisitions including the prohibition of any new construction on these

properties, and accordingly, the Council:

1. Pledges its cooperation in helping to carry out these Spot Acquisitions.
2. Directs that no new construction shall be permitted or authorized on these properties by any agencies, boards, or commissions of the City under local codes or ordinances unless as authorized by the Council under Section 66.431(6)(e), Wisconsin Statutes.
3. Directs the various public officials, departments, boards, and agencies of the City having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Authority's objectives.
4. Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate redevelopment of these properties; and, be it

Further Resolved, That the City Clerk is authorized and directed to transmit a certified copy of this resolution to the Commissioner of the Department of Public Works, the Commissioner of the Department of Neighborhood Services, the City Engineer, the Assessment Commissioner and the Redevelopment Authority of the City of Milwaukee, and to such other agencies, boards, and commissions of the City having administrative jurisdiction in the premises described above; and, be it

Further Resolved, That the Land Disposition Report dated September 21, 1999, with respect to the proposed conveyance of the following properties is approved.

#### PROPERTY ADDRESSES

1805 North 22nd Street

1813-15 North 22nd Street

#### REDEVELOPER

Owner-occupants who meet CityHomes program criteria

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 14) [990896](#) Resolution amending the method of disposition for the surplus, improved, tax deed property located at 3227 North Julia Street, in the 6th Aldermanic District. (DCD-Real Estate)

Whereas, Common Council File No. 981720, adopted on April 20, 1999, declared surplus and directed that the Department of City Development sell 3227 North Julia Street via the open listing method; and

Whereas, Jacqueline T. Hood has offered to purchase said property through a licensed real estate broker for \$5,800 as an owner-occupant; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Department of City Development is authorized and directed to accept the unsolicited Offer to Purchase the surplus, improved, tax deed property located at 3227 North Julia Street, Tax Roll Key No. 282-1707-9, received from Jacqueline T. Hood at a fixed price of \$5,800; and, be it

Further Resolved, That a commission of \$750 be paid from the proceeds to the licensed real estate broker who is acting as the agent for the buyer; and, be it

Further Resolved, That the proper City officials are authorized and directed to perform such acts as may be required to consummate the sale of said property and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106; and, be it

Further Resolved, That as a condition of the sale of surplus property, purchaser is required to bring property into compliance with applicable building codes within the time specified by the Department of Neighborhood Services or said property may revert back to the ownership of the City of Milwaukee upon action by the Common Council.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 15) Various resolutions approving the Land Disposition Reports for properties in the 6th and 17th Ald. Dists:

- a) [990898](#) Resolution approving the Land Disposition Report for the property at 2018 North 2nd Street for sale to James A. Gramling, Jr. for construction of an owner-occupied, single-family house, in the 6th Aldermanic District (Redevelopment Authority).  
Whereas, On September 21, 1999, the Redevelopment Authority of the City of Milwaukee ("Authority") held a Public Hearing on the proposed sale 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 sale; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Land Disposition Report dated September 21, 1999, with respect to the proposed sale of the following described parcel is approved.

PROJECT

Blight Elimination Effort/Brewers' Hill Historic District

PROPERTY ADDRESS

2018 North 2nd Street

REDEVELOPER

James A. Gramling, Jr.

**Sponsors:** Ald. Johnson-Odom

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

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

**No:** 0

**Excused:** 1 - Frank

- b) [990899](#) Resolution approving the Land Disposition Report for the property at 3229 North Dr. Martin Luther King Jr. Drive for sale to Heartlove Place, Inc. for development of a multi-use community service facility, in the 6th Aldermanic District (Redevelopment Authority).

Whereas, On September 21, 1999, the Redevelopment Authority of the City of Milwaukee ("Authority") held a Public Hearing on the proposed sale 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 sale; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Land Disposition Report dated September 21, 1999, with respect to the proposed sale of the following described parcel is approved.

PROJECT

North Green Bay Avenue and West Ring Street

PARCEL NUMBER

Disposition Parcel No. 313-14-1

PROPERTY ADDRESS

3229 North Dr. Martin Luther King Jr. Drive

REDEVELOPER

Heartlove Place, Inc.

**Sponsors:** Ald. Johnson-Odom

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Gordon, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 1 - Johnson-Odom

**Excused:** 1 - Frank

- c) [990900](#) Resolution approving the Land Disposition Report for the properties at 2219-23, 2225 and 2227-33 North Dr. Martin Luther King Jr. Drive for sale to Coleman and Williams, Ltd. for construction of an office building, in the 6th Aldermanic District (Redevelopment Authority).

Whereas, On September 21, 1999, the Redevelopment Authority of the City of Milwaukee ("Authority") held a Public Hearing on the proposed sale 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 sale; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Land Disposition Report dated September 21, 1999, with respect to the proposed sale of the following described parcel is approved.

PROJECT

North 3rd Street/Garfield to North Avenue

PARCEL NUMBER

Disposition Parcel No. 353-21-3

PROPERTY ADDRESSES

2219-23, 2225 and 2227-33 North Dr. Martin Luther King Jr. Drive

REDEVELOPER

Coleman and Williams, Ltd.

**Sponsors:** Ald. Johnson-Odom

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

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

**No:** 0

**Excused:** 1 - Frank

- d) [990901](#) Resolution approving the Land Disposition Report for the property at 2301 North Teutonia Avenue for sale to Crosswinds Communities, Inc. for retail development, in the 17th Aldermanic District (Redevelopment Authority).

Whereas, On September 21, 1999, the Redevelopment Authority of the City of Milwaukee ("Authority") held a Public Hearing on the proposed sale 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 sale; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Land Disposition Report dated September 21, 1999, with respect to the proposed sale of the following described parcel is approved.

PROJECT

West North Avenue-North Teutonia Avenue

PARCEL NUMBER

Disposition Parcel No. 324-05-1

PROPERTY ADDRESS

2301 North Teutonia Avenue

REDEVELOPER

Crosswinds Communities, Inc.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- e) [990902](#) Resolution approving the Land Disposition Report for a portion of the property at 2730-74 North Dr. Martin Luther King Jr. Drive for sale to the Martin Luther King Economic Development Corporation for development of a family-style restaurant, in the 6th Aldermanic District (Redevelopment Authority).

Whereas, On September 21, 1999, the Redevelopment Authority of the City of Milwaukee ("Authority") held a Public Hearing on the proposed sale 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 sale; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Land Disposition Report dated September 21, 1999, with respect to the proposed sale of the following described parcel is approved.

PROJECT

West Hadley Street - North 3rd Street

PARCEL NUMBER

Disposition Parcel No. 313-14-2

PROPERTY ADDRESS

2730-74 North Dr. Martin Luther King Jr. Drive (Part)

REDEVELOPER

Martin Luther King Economic Development Corporation, but to be assigned to a limited liability corporation

**Sponsors:** Ald. Johnson-Odom

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

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

**No:** 0

**Excused:** 1 - Frank

- 16) [990955](#) Resolution establishing an intergovernmental task force to evaluate site suitability for social service and nonprofit agencies within the City of Milwaukee and Milwaukee County.

Whereas, Services provided by social services and nonprofit agencies are needed by a number of citizens of the City of Milwaukee and Milwaukee County; and

Whereas, Social service and nonprofit agencies provide valuable and necessary assistance to the city and county and all of their citizens and need to be accessible to the clients whom they serve; and

Whereas, There is widespread concern that a concentration of these services is detrimental to a neighborhood's marketing and revitalization efforts; and



Whereas, The City of Milwaukee has no guidelines or policy regulating the siting of social service or nonprofit agencies; and

Whereas, Social service and nonprofit agencies do not pay property taxes and overconcentration of their presence may act as an obstacle to attracting new business and other private sector market rate activity into an area; and

Whereas, Social service and nonprofit agencies need to work more closely with neighborhood residents and neighborhood organizations to minimize the adverse impact their clients and services may have upon a neighborhood; and

Whereas, Certain areas of the City of Milwaukee and County of Milwaukee have become so engulfed by the NIMBY (Not In My BackYard) attitude that social service agencies never seek to locate in them or the areas never give fair consideration to the location of any social services within their boundaries; and

Whereas, In the Zoning Code of the City of Milwaukee, the definitions of "permitted uses" and "special uses" in the various zoning districts are obsolete and not well-defined relative to the current and future services provided by the full range of social services in the City and County of Milwaukee; and

Whereas, The County of Milwaukee primarily has the responsibility of contracting for mental health services and residential placement of persons with disabilities; and

Whereas, Certain agencies have the primary responsibility of advising clients who were recently incarcerated on how and where to find housing and other services; and

Whereas, The County and State have received little or no guidance from the City through its zoning regulations regarding location of social service agencies; and

Whereas, This lack of coordinated or cooperative effort has led to social service agencies being left to their own devices and often locating without consultation with organized neighborhood groups and without relation to any coordinated intergovernmental plan regarding siting of social services; and

Whereas, The location of social services is constrained by the City of Milwaukee's geography, with Lake Michigan preventing locations to the east of the central business district, and with the Menomonee Valley separating convenient north and south side locations with a vast divide; and

Whereas, Public transit service facilities are very important in siting of social service agencies and not all areas of the City and County are directly served by bus lines; and

Whereas, The Board of Zoning Appeals of the City of Milwaukee has been constrained by recent court decisions and is seeking guidance to aid in its deliberations as to how individual locational requests of social service agencies fit into a logical overall plan for such requests; and

Whereas, Other cities in this country are also experiencing problems of overconcentration of social service agencies in certain neighborhoods; and

Whereas, The City of Portland, Maine, has a committee to review siting proposals and the background of the social agencies, and the city also requires that neighbors be notified prior to beginning operations at that site; and

Whereas, The City of Hartford, Connecticut, imposed a temporary moratorium on the siting or expansion of all nonprofit social service facilities, and then created permanent zoning changes that have the effect of making it harder for additional social service providers to begin operation in certain areas; and

Whereas, A Franklin County, Ohio, task force recommended that homeless persons be dispersed throughout the county in "supportive housing" to avoid high concentrations of poverty and social services in any one neighborhood; and

Whereas, The Franklin County task force also recommended spreading out shelters and operating a centralized kitchen to prepare food for the homeless, rather than at numerous churches and synagogues; and

Whereas, The City of Milwaukee and Milwaukee County have never created a task force to examine siting of social service agencies on a city- and county-wide basis; and

Whereas, A task force would have the authority to work on a solution that would best serve the city and county as a whole, as well as plan for the continuance of needed social service assistance in an equitable manner; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that an intergovernmental task force is created, comprised of the following 13 members:

1. The President of the City of Milwaukee Common Council or designee.
2. The Chairperson of the City of Milwaukee Zoning, Neighborhoods and Development Committee.
3. The Milwaukee County Executive, or designee.

4. The Chairperson of the Milwaukee County Board of Supervisors or designee.
5. A former State Assemblywoman from the 3rd Wisconsin Assembly district.
6. Commissioner of Department of City Development or designee.
7. A representative of the Wisconsin Correctional Service.
8. A representative from a community-based, nonprofit group serving a population in the area east of N. 40th Street and West of N. 12th Street, to be appointed by the Chairperson of the Zoning, Neighborhoods and Development Committee.
9. A representative from a private sector social service provider agency, to be appointed by the Milwaukee County Executive.
10. The Chair of the Combined Community Services Board or designee.
11. A representative from United Way.
12. A representative from Human Services Triangle.
13. A representative from the Milwaukee Center for Independence.

; and be it

Further Resolved, That the position of chair shall be filled by a triumvirate composed of a task force member selected by the Milwaukee County Executive; the Chair of the Combined Community Services Board, or designee; and the former Assemblywoman from the 3rd Wisconsin Assembly district; and, be it

Further Resolved, That planning staff from the Department of City Development and staff from the City Clerk's Office shall staff this task force, along with any other offered assistance from Milwaukee County Board staff or Combined Community Services Board staff; and, be it

Further Resolved, That city departments are authorized and directed to provide assistance to this task force as needed; and, be it

Further Resolved, That the City Attorney or his or her designee shall provide counsel to the task force and shall assist the task force in the implementation of its duties; and, be it

Further Resolved, That the purpose of this intergovernmental task force shall be to:

- a. Make recommendations to the Common Council relating to alternative siting methods which would not result in overconcentration of social service agencies in certain neighborhoods of the city.
- b. Make recommendations to the Common Council on methods which could be used to reduce the detrimental effect social service or nonprofit agencies may have in a neighborhood.
- c. Act as a liaison with city and private agencies to resolve on-going problems with individual property owners or agencies whose behavior is detrimental to the neighborhood.

; and, be it

Further Resolved, That the task force shall develop its recommendations and submit a written report to the Common Council and the Milwaukee County Board of Supervisors within 180 days of the adoption of this resolution and, upon submission of the report, shall be dissolved.

**Sponsors:** Ald. Henningsen

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

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

**No:** 0

**Excused:** 1 - Frank

PLACING ON FILE THE FOLLOWING:

- 17) [981504](#) Communication from the Department of City Development transmitting their 1997 Annual Report on Tax Incremental Financing Districts.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank

- 18) [990516](#) Resolution designating St. Stephen's Roman Catholic Church, 5880 South Howell Avenue, as an Historic Structure. (Historic Preservation Commission)

**Sponsors:** THE CHAIR

**A motion was made by Ald. Henningsen that this matter be PLACED ON FILE.**

**The motion carried by the following vote:**

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

**No:** 0

**Excused:** 1 - Frank

- 19) [990723](#) Communication from the Department of City Development transmitting an audit report of the Housing Authority for the years ended December 31, 1998 and 1997.

**Sponsors:** THE CHAIR

**A motion was made by Ald. Henningsen that this matter be PLACED ON FILE.**

**The motion carried by the following vote:**

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

**No:** 0

**Excused:** 1 - Frank

- 21) [990749](#) Communication from the Department of City Development transmitting the 1998 Annual Report on Tax Incremental Districts.

**Sponsors:** THE CHAIR

**A motion was made by Ald. Henningsen that this matter be PLACED ON FILE.**

**The motion carried by the following vote:**

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

**No:** 0

**Excused:** 1 - Frank

THE PUBLIC IMPROVEMENTS COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

- 1) Resolutions to vacate:

- a) [990020](#) Substitute resolution to vacate a portion of North Hopkins Street, extending from a point located 145.81 feet North of West Douglas Avenue to the North Side of the Union Pacific right-of-way, in the 9th Aldermanic District.

Whereas, It is proposed that a portion of North Hopkins Street, extending from a point located 145.81 feet North of West Douglas Avenue to the North Side of the Union Pacific right-of-way, be vacated pursuant to the provisions of Section 66.297, Wisconsin Statutes; and

Whereas, This proposed vacation has been reviewed in accordance with Section 81-308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that a portion of public street, as indicated by Exhibit "A" and bound and described by:

All that part of North Hopkins Street in the Northeast 1/4 of Section 26, Township 08 North, Range 21 East, lying between the north line of the Union Pacific Railroad Company right-of-way, extended, and a line lying 1,336 feet North of and parallel to the south line of said 1/4 Section, is vacated; and, be it

Further Resolved, That as provided by Section 80.32(4), Wisconsin Statutes, such vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair of entrance, maintenance, construction and repair with reference thereto shall continue as if such portion of street had not been vacated.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak,  
Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- b) [990510](#) Substitute resolution to vacate North Astor Street from a point North of East Land Place to East Kane Place and to release a deed restriction at 1013 East Kane Place, in the 3rd Aldermanic District.

Whereas, In File No. 990523 adopted on July 29, 1999, the Common Council of the City of Milwaukee ("Council") authorized the sale of Redevelopment Authority of the

City of Milwaukee ("Authority") land in the vicinity of North Water Street and East Kane Place to New Land Enterprises for condominium development; and

Whereas, An unimproved section of North Astor Street bisects the site and inhibits optimal development; and

Whereas, The Authority has requested that North Astor Street from a point North of East Land Place to East Kane Place be vacated pursuant to the provisions of Section 66.297(1), Wisconsin Statutes, to enhance site development on the condition that public access and municipal infrastructure be maintained in this area; and

Whereas, New Land Enterprises has proposed to construct a sidewalk and stairway in the proposed vacated area that would be open to the public; and

Whereas, A pedestrian easement has been drafted by the City Attorney that specifies that the sidewalk and stairway be constructed and maintained at no cost to the City of Milwaukee ("City") and that the improvements would remain open to the public at all times; and

Whereas, The City Engineer also will draft the necessary easements for municipal infrastructure; and

Whereas, The sewer lateral for the property located at 1871-1875 North Astor Street must be relocated and the City will have the authority to write the easement or convey the sewer; and

Whereas, This proposed vacation has been reviewed in accordance with Section 81-308-28, Milwaukee Code of Ordinances; and

Whereas, The proposed development is further restricted by a City deed restriction that prohibits construction of a major structure and block subdivision on the property at 1013 East Kane Place that is to be acquired by New Land Enterprises; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said portion of street, as indicated by Exhibit "A" and bounded and described by:

That part of North Astor Street as platted in Hubbard and Pearson's Addition, a recorded subdivision, in the Northwest 1/4 of Section 21, Township 7 North, Range 22 East, described as follows: Commencing at the Northwest corner of Lot 6 in Block 1 of said subdivision; thence Southerly along the west line of Lot 6 to the Southwest corner of Lot 6; thence Westerly to the Southeast corner of Lot 1 in Block 2 of said subdivision; thence Northerly along the east line of Block 2 to the Northeast corner of

Block 2; thence Northeasterly to the point of commencement, is vacated; and, be it

Further Resolved, That the City Attorney is directed to finalize the pedestrian easement and is authorized to make any non-substantive changes that may be necessary; and, be it

Further Resolved, That as provided by Section 80.32(4), Wisconsin Statutes, such vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair of entrance, maintenance, construction and repair with reference thereto shall continue as if such portion of street had not been vacated; and, be it

Further Resolved, That the City Engineer is directed to prepare the appropriate easements for municipal infrastructure; and, be it

Further Resolved, That the sewer lateral for the property located at 1871-1875 North Astor Street be relocated and that the City will have the authority to write the easement or convey the sewer; and, be it

Further Resolved, That the proper City officials are authorized and directed to execute a pedestrian easement to ensure public access to the vacated area and to execute the necessary easements for municipal infrastructure that will be drafted by the City Engineer; and, be it

Further Resolved, That the proper City officials are authorized to execute a Release of Deed Restriction for the property at 1013 East Kane Place upon acquisition of the property by New Land Enterprises.

**Sponsors:** Ald. D'Amato

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- c) [990653](#) Substitute resolution to vacate a 3-foot wide portion of right-of-way on the South Side of East Park Place, located East of North Newhall Street, in the 3rd Aldermanic District.



Whereas, It is proposed that a 3-foot wide portion of right-of-way on the South Side of East Park Place, located East of North Newhall Street, be vacated pursuant to the provisions of Section 66.297, Wisconsin Statutes; and

Whereas, This proposed vacation has been reviewed in accordance with Section 81-308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said portion of public right-of-way as described by:

That part of East Park Place in the Southeast 1/4 of Section 16, Township 07 North, Range 22 East, described as follows: Commencing at the Northeast corner of Lot 20 in Block 2 of The Daisy Field, a recorded subdivision, in said 1/4 Section; thence Westerly, along the north line of Lot 20, to the Northwest corner of Lot 20; thence Northerly, along the Northerly extension of the west line of Lot 20, to a point 3.00 feet Northerly of, as measured normal to, said north line; thence Easterly, parallel to said north line, to a point in the Northerly extension of the east line of Lot 20; thence Southerly, along said Northerly extension, to the point of commencement is vacated; and, be it

Further Resolved, That as provided by Section 80.32(4), Wisconsin Statutes, such vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair of entrance, maintenance, construction and repair with reference thereto shall continue as if such portion of public right-of-way had not been vacated.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- d) [990654](#) Substitute resolution to vacate approximately 300 feet of the East Side of South 27th Public Service Street, from West Whitaker Avenue South to its terminus, in the 13th Aldermanic District.

Whereas, It is proposed that approximately 300 feet of the East Side of South 27th Public Service Street, from West Whitaker Avenue South to its terminus, be vacated

pursuant to the provisions of Section 66.297, Wisconsin Statutes; and

Whereas, This proposed vacation has been reviewed in accordance with Section 81-308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said portion of street, as indicated by Exhibit "A" and bound and described by:

That part of South 27th Street and Public Service Street in the Southwest 1/4 of Section 19, Township 06 North, Range 22 East, bounded on the North by the Westerly extension of the south line of West Whitaker Avenue, on the East by the west line of Parcel 1 of Certified Survey Map No. 4465, on the South by the north line of Parcel 3 of said Certified Survey Map and on the West by a line parallel to and 80 feet Easterly of, as measured normal to, the west line of said 1/4 Section, is vacated; and, be it

Further Resolved, That as provided by Section 80.32(4), Wisconsin Statutes, such vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair of entrance, maintenance, construction and repair with reference thereto shall continue as if such portion of street had not been vacated.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak,  
Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- e) [990741](#) Substitute resolution to vacate the North-South alley located in the block bounded by West Walker Street, South 5th Street, West Mineral Street and South 6th Street, in the 12th Aldermanic District.

Whereas, It is proposed that the North-South alley located in the block bounded by West Walker Street, South 5th Street, West Mineral Street and South 6th Street, be vacated pursuant to the provisions of Section 66.297, Wisconsin Statutes; and

Whereas, This proposed vacation has been reviewed in accordance with Section 81-308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said alley, as indicated by Exhibit "A" and bound and described by:

All of the North-South 20-foot wide alley as presently laid out in Block 88 of Plot of Lots 3 and 6, a recorded subdivision, in the Southeast 1/4 of Section 32, Township 07 North, Range 22 East, is vacated; and, be it

Further Resolved, That as provided by Section 80.32(4), Wisconsin Statutes, such vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair of entrance, maintenance, construction and repair with reference thereto shall continue as if said alley had not been vacated.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

2) Substitute resolutions to grant/amend various special privileges:

- a) [990282](#) Substitute resolution amending a special privilege granted to Juneau Square Corporation to construct and maintain a second floor building encroachment of the west wall of the building located at 811 East Wisconsin Avenue, that projects into the public right-of-way to now change the name of the grantee of the special privilege to Firststar Center Company, in the 4th Aldermanic District in the City of Milwaukee.
- Whereas Juneau Square Corporation was granted a special privilege under Common Council Resolution File Number 64-1917, on October 20, 1964, to construct and maintain a second floor building encroachment of the west wall of the building located at 811 East Wisconsin Avenue that projects into the public right-of-way; and

Whereas, The current name of the abutting present owner of the property is Firststar Center Company, and should now be named as the grantee of the special privilege; and

Whereas, The building projection may only occupy the public right-of-way through the

adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 64-1917 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Firststar Center Company, 777 East Wisconsin Avenue, Suite 3175 Milwaukee, WI 53202 is hereby granted the following special privilege:

To keep and maintain a second floor building encroachment of the west wall of the building located at 811 East Wisconsin Avenue that projects beyond the property line into the public right-of-way of North Cass Street. The projection begins at an elevation of approximately 11 feet above the sidewalk grade and extends upward approximately 11 feet. The encroachment of approximately 6 feet extends from the southline of East Wisconsin Avenue to a point approximately 48 feet south.

Said encroachment shall be maintained to the satisfaction of the Commissioners of the Departments of Public Works and Neighborhood Services.

Said item shall be removed from the public right-of-way, at such future time that it is no longer needed, to the satisfaction of the Commissioners of the Departments of Public Works and Neighborhood Services.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Firststar Center Company, 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. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$250,000 covering bodily injury to any one person and \$500,000 covering bodily injury to more than one person in any one accident and \$100,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer an annual fee which has an initial amount of \$3,227.31. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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

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

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

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- b) [990695](#) Substitute resolution granting a special privilege to Edmund Hecker, to keep and maintain two groundwater monitoring wells in South 8th Street, adjacent to 802 West Oklahoma Avenue, in the 14th Aldermanic District in the City of Milwaukee.

Whereas, The Wisconsin Department of Natural Resources has deemed it necessary to conduct an environmental assessment for a site located at 802 West Oklahoma Avenue to determine petroleum product migrational patterns; and

Whereas, It has been determined that, in addition to the proposed monitoring wells needed to be placed on private property, two locations need to be monitored within the public right-of-way for an extended period of time; and

Whereas, These two monitoring wells may only legally remain in the public right-of-way by the granting of a special privilege by the Common Council; now,

therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Edmund Hecker, 802 West Oklahoma Avenue, Milwaukee, WI 53215, is hereby granted the following special privilege:

To keep and maintain two flush-mounted monitoring wells in the vicinity of 802 West Oklahoma Avenue as follows: both wells are located in the grass tree border of the east sidewalk area of South 8th Street, centered approximately 22 feet and 56 feet north of the northline of West Oklahoma Avenue and 13 feet west of the eastline of South 8th Street, respectively.

These monitoring wells shall be maintained and used/removed to the satisfaction of the Departments of Public Works and Neighborhood Services in accordance with the City of Milwaukee Building Codes and Zoning Ordinances. All necessary permits shall be obtained from the Departments of Public Works and Neighborhood Services/City Development of the City of Milwaukee.

and, be it

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

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee which has an initial amount of \$35.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council

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

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

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

7. Hold the City of Milwaukee harmless from all claims regarding the remediation process, which includes the public right-of-way of South 8th Street.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- c) [990821](#) Substitute resolution to grant a special privilege to Jack and Zina Falluca to construct and maintain a concrete ramped entrance for barrier-free access and two excess door swing projections located in the public rights-of-way adjacent to their property located at 800 West Maple Street, in the 12th Aldermanic District in the City of Milwaukee.

Whereas, Jack and Zina Falluca are desirous to construct a concrete ramped entrance to provide for barrier-free access to the building that is being renovated and in order to do this, the ramp is proposed to encroach into the public right-of-way on the west side of South 8th Street; and

Whereas, Two exterior doors will be located at the building which, when fully opened, will encroach into the public right-of-way on the north side of West Maple Street by more than the 12-inches allowable by Section 245-4-8 of the Code of Ordinances; and

Whereas, The concrete ramped entrance and excess door swings may only occupy

the public rights-of-way through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Jack and Zina Falluca, 800 West Maple Street, Milwaukee, WI 53204, are hereby granted the following special privileges:

1. To construct and maintain an approximate 21-foot long and 4-foot 8-inch wide concrete ramp and platform with metal handrail on the west side of South 8th Street adjacent to the property known as 800 West Maple Street. Said concrete ramp shall begin at a point approximately 37 feet north of the northline of West Maple Street and encroach approximately 4 feet 8 inches into the public sidewalk area. A 3-foot wide door will swing out over the handicap landing area.
2. To install, use and maintain two doors at the building known as 800 West Maple Street that, when fully opened, will project into the public right-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The doors are located on the north side of West Maple Street, centered approximately 4 feet and 85 feet west of the westline of South 8th Street, respectively, and their maximum encroachment would be approximately 3 feet into the 15-foot wide fully concrete paved sidewalk area.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantees, Jack and Zina Falluca, 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 \$2,000.00 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee which has an initial amount of \$35.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect



at the time of annual billing.

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

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

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

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak,  
Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- 3) [990817](#) Substitute resolution re-establishing the construction budget and directing the Commissioner of Public Works to let contracts to undertake Phase III - Implementation of The Menomonee Valley Conservation Project
- Whereas, The Menomonee Valley Conservation Project (MVCP) is a wetland demonstration project located on a 3.3 acre parcel traversed by the Wisconsin Avenue Viaduct; and
- Whereas, The MVCP is funded through a \$500,000 WISDNR Recreation Aids grant and \$500,000 in City matching funds for a total project budget of \$1M; and
- Whereas, Common Council Resolution Number 980241 approved a construction budget based on preliminary construction estimate in the amount of \$625,000 to allow implementation of the MVCP and authorized the Commissioner of Public Works to let contracts for construction; and

Whereas, Based on preliminary bids received, construction costs were underestimated. The disparity between the construction estimate and bids appears to be the result of the following:

- Uncertainty of actual costs during preparation of the construction estimate of unique major project components such as planting and seeding of wetland and prairie plants as well as post planting management. - project complexity and coordination of numerous specialized subcontractors was not considered in the preparation of the construction estimate.

- environmental remediation of a contaminated parcel was added to the project after the construction estimate was prepared; and

Whereas, Of the \$1M total project budget, approximately \$194,000 was expended on the feasibility and design phases of project development leaving a balance of \$806,000; and

Whereas, The construction cost, including construction inspection, is currently estimated at \$806,000; now, therefore, be it

Resolved, That the City Engineer is authorized to expend the above referenced funds for construction of the MVCP; and, be it

Further Resolved, That the Common Council of the City of Milwaukee directs the Commissioner of Public Works to let construction contracts to allow implementation of the MVCP.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

4) [990843](#) Substitute resolution determining it necessary to make various nonassessable public improvements at various locations.

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. Marion St. - N. 43rd St. to N. 44th St. and N. 46th St. to N. 47th St.  
RE19170216: Paving the roadway with asphalt. Laying a concrete curb and gutter.  
Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

3rd Aldermanic District

E. North Ave. - N. Cambridge Ave. to N. Newhall St. SW17100184: Relaying  
combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$13,700)

E. North Ave. - N. Cramer St. to N. Farwell St. SW17100185: Relaying combined  
sewer. (Nonassessable Relief and Relay Sewer Fund -- \$7,800)

4th Aldermanic District

N. 7th St. at W. Highland Ave. RE52311017: Curb and gutter and walk.

N. 7th St. at W. Juneau Ave. RE52311018: Curb and gutter, and walk.

6th Aldermanic District

N. 1st St. - W. Concordia Ave. to W. Keefe Ave. SW17100186: Relaying  
combined sewer. (Nonassessable Relief and Relay Sewer Fund -- \$9,200)

11th Aldermanic District

W. Euclid Ave. at S. 66th St. WT41001065: Water main alteration. (Nonassessable  
Water Fund -- \$5,000)

W. Lakefield Dr. - 650' m/l east of S. 66th St. to S. 66th St. WT41001064: Relaying  
water main. (Nonassessable Water Fund -- \$5,000)

15th Aldermanic District

N. 124th St. - W. Park Pl. to 350 ft. m/l north of W. Park Pl. WT41091404:  
Relaying water main. (Nonassessable Water Fund -- \$5,000)

;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 City Comptroller is authorized and directed to transfer

such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- 5) [990844](#) Substitute resolution approving construction of nonassessable public improvement projects at various locations.

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

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

4th Aldermanic District

N. 7th St. at W. Highland Ave. RE52311017 File Number 990843: Curb and gutter and walk. (Deposit Fund -- \$16,800)

N. 7th St. at W. Juneau Ave. RE52311018 File Number 990843: Curb and gutter and walk. (Deposit Fund -- \$42,100)

16th Aldermanic District

N. 54th St. - A Point 330 ft. m/l north of W. State St. to a point 600 ft. m/l north of W. State St. ST21190246 File Number 990843: Concrete alley type construction, replace retaining wall, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$49,400)

;now, therefore, be it

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

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

Project/Grant accounts.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- 6) [990845](#) Resolution determining it necessary to make various assessable public improvements at various locations. (Infrastructure Services Division)
- Resolved, By the Common Council of the City of Milwaukee that it is necessary and in the public interest to do the following described work according to City specifications, and that such public improvements and resulting special assessments be made pursuant to Section 66.60 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances:

1st Aldermanic District

Alley between W. Eggert Pl., N. Teutonia Ave., W. Villard Ave., and N. 31st St. ST21210109: Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000)

2nd Aldermanic District

W. Marion St.- N. 60th St. to N. 61st St. ST21110109: Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000)

Alley between W. Nash St., W. Vienna Ave., N. 58th Bl., and N. 60th St. ST21210120: Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000)

5th Aldermanic District

Alley between W. Fairmount Ave., W. Villard Ave., N. 83rd St., and N. 84th St. (Southerly 650 ft. m/l) ST21210111: Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000)

Alley between W. Keefe Ave., W. Lisbon Ave., N. 91st St., and N. 92nd St. (North-South Leg) ST21210116: Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000)

Alley between W. Keefe Ave., W. Nash St., N. 79th St., N. 80th St. ST21210118: Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000)

#### 6th Aldermanic District

Alley between N. Buffum St., E. Chambers St., E. Locust St., and N. Richards St. ST21210104: Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000)

#### 7th Aldermanic District

N. 21st St. - W. Lloyd St. to W. Fond du Lac Ave. ST21110106: Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000)

Alley between W. Chambers St., W. Locust St., N. 49th St., and N. 50th St. ST21210112: Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000)

#### 7th and 16th Aldermanic Districts

W. Meinecke Ave. - N. 51st St. to N. 53rd St. ST21110110: Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000)

#### 10th Aldermanic District

W. Keefe Ave. - N. Sherman Blvd. to N. 48th St. ST21110108: Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000)

#### 16th Aldermanic District

W. St. Paul Ave. - N. 35th St. to N. 39th St. ST21110111: Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000) ;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 City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- 7) [990846](#) Substitute resolution approving levying of assessments and construction of assessable public improvement projects at various locations.

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

4th Aldermanic District

Alley between N. Broadway, E. Clybourn St., E. Michigan St., and N. Water St. (ST21200111) File Number 980790: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, and grading. (Nonassessable Alley Paving Fund -- \$20,900; Assessable Alley Paving Fund -- \$16,900)

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6th Aldermanic District

Alley between N. Buffum St., N. Holton St., E. Meinecke Ave., and E. North Ave. (ST21200146) File Number 960973: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, and grading. (Nonassessable Alley Paving Fund -- \$36,400; Assessable Alley Paving Fund -- \$34,300)

Alley between E. Center St., E. Clarke St., N. Fratney St., and N. Pierce St. (North-South Leg) (ST21200118) File Number 980790: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, and grading. (Nonassessable Alley Paving Fund -- \$32,800; Assessable Alley Paving Fund -- \$15,300)

Alley between N. Fratney St., E. Meinecke Ave., N. Pierce St., and E. Wright St. (ST21200131) File Number 980790: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, and grading. (Nonassessable Alley Paving Fund -- \$44,300; Assessable Alley Paving Fund -- \$26,300)

;and

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

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

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

Further Resolved, That said Commissioner of Public Works is authorized and directed to proceed with said work in accordance with said report pursuant to Section 66.60 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances; and, be it

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



Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital 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 projects Alley N. Buffum St. (ST21200146), Alley E. Center St. (ST21200118) and Alley N. Fratney St. (ST21200131) will be billed after January 2002, but not before 12 months after the project contract has been completed.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- 8) [990889](#) Substitute resolution granting permission to Milwaukee County to construct an addition to the Milwaukee Public Museum to contain the new Butterfly Vivarium, located at 800 West Wells Street, which will result in a new roof eave to the addition and light shelf projecting into the public right-of-way on West Wells Street that by their material and/or projection do not comply with the provisions of Section 245-4 of the Milwaukee Building Code, in the 4th Aldermanic District of the City of Milwaukee.

Whereas, An addition to the Milwaukee Public Museum, located at 800 West Wells Street, to contain the new Butterfly Vivarium has been proposed; and

Whereas, The plans indicate both a roof eave projection and a light shelf to encroach into the public right-of-way of West Wells Street but not complying with the provisions of Section 245-4 of the Milwaukee Code of Ordinances; and

Whereas, Although the project's designers have indicated that both the roof eave projection and the light shelf are not required, they are highly advantageous for sun control and in turn energy conservation, they both block direct sunlight from entering the butterfly exhibit, thereby reducing glare and the cooling load; and in addition, the light shelf reflects daylight upon the Vivarium's plaster ceiling, creating a more evenly lit exhibit and in turn reducing the need for artificial light; and

Whereas, These items may only be permitted to occupy the public right-of-way, as proposed, by permission of the Common Council of the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioners of the Departments of Public Works and City Development/Neighborhood Services are hereby authorized and directed to issue the respective permits to Milwaukee County for construction, installation and maintenance of the following described facilities.

1. To construct and maintain a main roof eave that projects from approximately 4 feet 8 inches to 5 feet 2 inches into the 12-foot wide fully concrete paved north sidewalk area of West Wells Street being in excess of the allowable amount of 3 feet, and providing approximately 24 to 27 feet of vertical clearance above sidewalk grade (14 feet necessary by Code). The roof is to be approximately 120 feet in length with its east limit being approximately 266 feet west of the westline of North James Lovell Street.

2. To construct/install and maintain a light shelf that projects from approximately 3 feet 10 inches to 4 feet 8 inches into the 12-foot wide fully concrete paved north sidewalk area of West Wells Street providing from approximately 13.5 to 16.5 feet of vertical clearance above sidewalk grade. The shelf is to be approximately 114 feet in length with its east limit being approximately 269 feet west of the westline of North James Lovell Street,

and, be it

Further Resolved, That this permission is granted only on conditions that Milwaukee County shall:

1. Hold the City of Milwaukee or its agents harmless and accept full responsibility for any and all liability that may arise through implementation of the permission granted herein.
2. Obtain the necessary City permits for this construction prior to construction.
3. Maintain the permitted items in a condition satisfactory to the Commissioners of Public Works and Neighborhood Services.
4. Whenever the above-mentioned items are no longer needed or when so ordered for public necessity, not only remove the items but shall also restore to its former condition and to the approval of the Commissioner of Public Works any curb, pavement, or other public improvement which was removed, changed, or disturbed by

reason of the granting of this permissive resolution. Such grantee shall not be entitled to any damages for such removal.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- 9) Resolutions authorizing the Commissioner of Public Works to issue permits on pavement less than three years old:

- a) [990890](#) Substitute resolution authorizes the Commissioner of Public Works to issue excavation permits on pavement less than three years old and issue permits to occupancy portions of certain streets in the area of North 35th Street and West Hampton Avenue for the purpose of making sewer improvements to alleviate sewer backwater.

Whereas, The Milwaukee Metropolitan Sewerage District and the City of Milwaukee have proposed to make sewer improvements in the area of North 35th Street and West Hampton Avenue; and

Whereas, Excavations will be required in North 35th Street, West Hope Avenue and West Hampton Avenue; and

Whereas, These excavations will affect pavement less than three years old and subject to a pavement guarantee; and

Whereas, These excavations will require the total or partial closure of the following streets:

Closure of the westbound lanes of West Hampton Avenue from North 30th Street to North 33rd Street.

Complete closure of West Hope Avenue at North 30th Street (extended).

Closure of the southbound lanes of North 35th Street at West Congress Street.

Complete closure of West Congress Street (North and South) at North 35th Street; and

Whereas, The Milwaukee Metropolitan Sewerage District will reroute traffic and provide signage as required by the City of Milwaukee to maintain safety and allow for local access; and

Whereas, The Milwaukee Metropolitan Sewerage District and the City of Milwaukee are making these sewer improvements to reduce the possibility of sewer backwater in this area; and

Whereas, It would be in the best interests of the City of Milwaukee to complete the improvements as soon as possible; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is hereby authorized and directed to issue excavation permits which will affect pavements that are less than three years old to allow the construction of sewer improvements in the area of North 35th Street and Hampton Avenue; and, be it

Further Resolved, That the pavement restoration of the affected streets shall be accomplished in accordance with the specifications and restrictions established by the Department of Public Works of the City of Milwaukee; and, be it

Further Resolved, That the Commissioner of Public Works is hereby authorized and directed to issue permits for the temporary occupancy of certain streets in the area of North 35th Street and West Hampton Avenue which will allow for the partial or total closure of said streets.

**Sponsors:** Ald. Pratt

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- b) [990891](#) Resolution authorizing the Commissioner of Public Works to issue a permit allowing excavation in East Bolivar Avenue at its intersection with South Burrell Street where the pavement is less than three years old. (DPW)

Whereas, The Milwaukee Water Works is replacing a water main in South Burrell Street between East Norwich Street and East Van Norman Avenue; and

Whereas, This project has been previously approved by the Milwaukee Common Council (file no. 981613 adopted March 2, 1999); and

Whereas, One of the intersecting streets in the project area is East Bolivar Avenue which has pavement less than three years old and subject to a pavement guarantee; and

Whereas, The only practical way to undertake the project is by an open cut in the street's pavement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is hereby authorized and directed to issue an excavation permit to allow installation of new water main in East Bolivar Avenue at its intersection with South Burrell Street; and, be it

Further Resolved, That the pavement restoration of the affected street shall be accomplished in accordance with the specifications and restrictions established by the Department of Public Works of the City of Milwaukee.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- c) [990903](#) Resolution authorizing the Commissioner of Public Works to issue an excavation permit on pavement less than three years old in West Washington Street at a point approximately 140 feet east of South 4th Street for the purpose of installing a water lateral.

Whereas, The water lateral that serves 321 West Washington Street is leaking and must be replaced with a new lateral, and

Whereas, An open cut method of installation is required; and

Whereas, This open cut will affect pavement less than three years old and subject to a pavement guarantee; and

Whereas, The owner of the property desires to install the water lateral prior to the expiration of the pavement guarantee to avoid excessively high water bills; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is hereby authorized and directed to issue an excavation permit to

allow the installation of a water lateral in guaranteed pavement on West Washington Street; and, be it

Further Resolved, That the pavement restoration of the affected street shall be accomplished in accordance with the specifications and restrictions established by the Department of Public Works of the City of Milwaukee.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- 10) [990895](#) Resolution declaring as surplus and authorizing the disposition of the improved, tax deed properties located at 3207 North 2nd Street and 3267 North 5th Street, in the 6th Aldermanic District. (DCD-Real Estate)
- Whereas, WAICO/YMCA Central City Housing Initiative II, a nonprofit organization, has offered to purchase said properties for \$500 each for affordable housing purposes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that 3207 North 2nd Street and 3267 North 5th Street, Tax Roll Key Nos. 282-1526-100-1 and 282-1672-X, are declared surplus and that the Department of City Development is authorized and directed to sell said properties to WAICO/YMCA Central City Housing Initiative II at a fixed price of \$500 each; and, be it

Further Resolved, That the proper City officials are authorized and directed to perform such acts as may be required to consummate the sale of said properties and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106; and, be it

Further Resolved, That as a condition of the sale of surplus properties, purchaser is required to bring said properties into compliance with applicable building codes within the time specified by the Department of Neighborhood Services or said properties may revert back to the ownership of the City of Milwaukee upon action by the Common Council.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- 11) [990919](#) Resolution rescinding Department of Public Works Invoice No. 68595 and directing the City Engineer to issue a new invoice in the amount of \$40,400 to Urbanek Investments for sewer construction work in the Heritage Heights and Heritage Woods subdivisions. (DPW)
- Whereas, Over the last few years Urbanek Investments has developed several single family residential subdivisions in the vicinity of North 107th Street and West Green Tree Road; and
- Whereas, The City of Milwaukee has entered into a series of Out-of-Program agreements with Urbanek Investments regarding the funding and construction of public improvements to support these residential subdivisions; and
- Whereas, The various Out-of-Program agreements obligated the developer to pay 100% of the public improvement costs; and
- Whereas, Urbanek Investments provided the City with several letters-of-credit which ensured the availability of funds for the public improvements; and
- Whereas, On April 3, 1997 the Department of Public Works notified Urbanek that all but one of the outstanding letters-of-credit could be closed out because all project costs were then known; and
- Whereas, Subsequent to the issuance of the April 3rd letter, the department discovered an additional sewer contract change order that had not been billed; and
- Whereas, In October of 1997 an invoice in the amount of \$80,799.53 was sent to Urbanek Investments (Invoice No. 68595) to cover the cost of the sewer contract change order; and
- Whereas; Urbanek Investments had been selling lots in its subdivisions based upon what it assumed were the final public improvement costs and thus had no way to recover the unanticipated additional sewer construction charge; and
- Whereas, Urbanek Investments has now proposed that the additional, unanticipated sewer construction cost be split between the developer and the City; and

Whereas, A reasonable resolution of this matter is in the best interests of the City;  
now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Department of  
Public Works Invoice No. 68595 is hereby rescinded; and be it

Further Resolved, That the City Engineer is hereby directed to issue a new invoice to  
Urbanek Investments in the amount of \$40,400 for sewer construction work in the  
Heritage Heights and Heritage Woods subdivisions; and be it

Further Resolved, That the remaining \$40,399.53 in sewer construction costs for  
these subdivisions be charged to the Department of Public Works' New Sewer  
Construction Capital Account (Account No. SW17090000).

**Sponsors:** Ald. Nardelli

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak,  
Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

12) [990923](#)

Substitute resolution relative to the application, acceptance and funding of the  
Wisconsin Coastal Management Program for the Hank Aaron State Trail.

Whereas, In 1998 and 1999, the City of Milwaukee Department of Public Works  
(DPW) took action to construct gravel bicycle trails on City-owned properties along  
the south side of the Menomonee River in the Menomonee Valley; and

Whereas, Funding for the trail construction was provided by a grant from the  
Milwaukee Foundation, a City segregated fund, and the DPW's operating budget; and

Whereas, The City of Milwaukee appears to be eligible for grant funds from the  
Department of Commerce (Catalog of Federal Domestic Assistance Number 11.419)  
through the Wisconsin Department of Administration for the paving and other minor  
improvements of said bike trails on City owned parcels and implementation of a trail  
on a parcel owned by Marquette University in the Menomonee Valley; and

Whereas, The operation of Wisconsin Coastal Management Grant Program from  
October 1, 1999 through September 30, 2000 would cost \$114,200 of which the  
required local share is \$69,400 (60%) and the grantor share of \$44,800 (40%) would  
be provided by the Department of Commerce through the Wisconsin Department of  
Administration; and



Whereas, The local share is comprised of \$62,900 to be provided by Marquette University and \$6,500 to be provided by the City of Milwaukee DPW through in-kind services; and

Whereas, Said trails may be incorporated into the Henry Aaron State Trail at some point in the future; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Wisconsin Department of Administration is authorized and the Department of Public Works shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File Number 940843 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit Funds within the Project/Grant Parent of the 1999 Special Revenue and Aid Projects, and fund the following amount for the project titled "1999-2000 Hank Aaron State Trail Project".

Project/Grant Parent      Grantor Share  
Project/Grant      SP03290100  
Fund 0306  
Organization 9990  
Program 0001  
Budget Year      0000  
Subclass      R999  
Account 000600  
Project/Grant Total \$44,800

2. Create a Special Revenue Fund - Grant and Aid Projects and the necessary Project/Grant ChartField Values at the Project, Segment, Phase and/or Activity Levels; and to budget to the Project, Segment, Phase or Activity level amount required under the grant agreement; and

3. Record the required in-kind costs for the grant program in our reporting ledger (memorandum) for services provided by Marquette University; and, be it

Further Resolved, That these funds are budgeted for the Department of Public Works, which is authorized to:

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

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

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- 13) [990926](#) Resolution authorizing the Commissioner of Public Works to accept deposit monies from the Heritage Land Company, Inc., the developer, to cover the cost of preliminary engineering and design services for the construction of public sanitary sewer, water main, and roadway improvements to serve the development known as Heritage Woods Addition No. 1, generally located north of West Green Tree Road at North 113th Court. (DPW)
- Whereas, Heritage Land Company, Inc., a developer, desires to enter into an out-of-program agreement with the City of Milwaukee to provide for the installation of sanitary sewer and water main facilities and the construction of a new roadway to serve the development known as "Heritage Woods Addition No. 1"; and
- Whereas, The out-of-program agreement for this development has not yet been prepared; and
- Whereas, The developer wishes to expedite the preliminary engineering for the preparation of plans and cost estimates for the proposed sanitary sewer, water main, and roadway improvements; and
- Whereas, The developer is willing to deposit the necessary amount of money to cover the preliminary engineering costs; and
- Whereas, The proposed preliminary engineering work will be at no expense to the City of Milwaukee; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is hereby authorized to accept, from the developer, deposit monies sufficient to cover the costs of, and to proceed with, the preliminary engineering for the preparation of plans and cost estimates for public sanitary sewer, water main, and roadway improvements to serve the "Heritage Woods Addition No. 1" development.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- 14)      [990928](#)      Substitute resolution authorizing and directing the Commissioner of Public Works to execute a document titled "State/Municipal Agreement for a Highway Improvement Project" with the Wisconsin Department of Transportation for programming and construction of West Burnham Street from South 43rd Street to South 31st Street with Federal/State Aid.

Whereas, Preliminary approval has been requested and received for the Wisconsin Department of Transportation (WISDOT) along with a Project Agreement to be executed by the City of Milwaukee for the programming and construction of West Burnham Street from South 43rd Street to South 31st Street with Federal/State Aid;

and,

Whereas, Portions of West Burnham Street lie within the Village of West Milwaukee and an agreement with regard to the sharing of costs for the improvement will be required with the Village of West Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works (CPW) is hereby authorized and directed to execute an agreement for the programming and construction of West Burnham Street from South 43rd Street to South 31st Street with Federal/State Aid, copies of which are attached to Common Council Resolution File Number 990928, and are incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That the CPW is hereby authorized and directed to undertake or engage a consultant to undertake preliminary engineering for the improvement of the aforementioned project and to reimburse the WISDOT for preliminary engineering costs they incur for the improvement; and, be it

Further Resolved, That the CPW is hereby authorized and directed to enter into an agreement with the WISDOT pertaining to the cost participation for the installation and/or modification of traffic control facilities in conjunction with the improvements of the aforementioned project, if necessary; and, be it

Further Resolved, That the CPW is hereby authorized and directed to install the traffic

control facilities necessary in conjunction with the aforementioned project following the execution of the traffic control agreement the cost of which will be included in future resolutions, if necessary; and, be it

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

Infrastructure Services Division West Burnham Street South 43rd Street to South 31st Street

City Share ST32090000 Fund 0333 \$43,900

Grantor Share SP03290100 Fund 0306 \$175,000

Village of West Milwaukee Share SP03290100 Fund 0306 \$6,100.00

Grantor Share (Non-Reimbursable) SP03290100 Fund 0306 \$25,000

Estimated Total \$250,000

and, be it

Further Resolved, That the CPW is hereby authorized and directed to negotiate and execute an agreement for the sharing of costs of the improvement of West Burnham Street with the Village of West Milwaukee, said agreement covering their share of preliminary engineering, plan preparation and construction costs for the portions of the improvement which are under their jurisdiction; and, be it

Further Resolved, That the City Engineer is hereby authorized and directed to approve and make periodic payments to the WISDOT upon receipt of invoices for the City's share of costs of the above projects.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- 15)      [990932](#)      Resolution authorizing the Commissioner of Public Works to execute a project agreement with the City of Glendale and the Wisconsin Department of Transportation (WISDOT) for the improvement of North Range Line Road (North 27th Street) from West Good Hope Road to North Green Bay Road in the 9th Aldermanic District utilizing Federal/State Aid. (Infrastructure Services Div.)
- Whereas, The improvement of North Range Line Road (North 27th Street) between West Good Hope Road and North Green Bay Road is included on the City of Milwaukee Long-Range Major Street Improvement Program; and
- Whereas, The west one-half of North Range Line Road (North 27th Street) is located within the City of Milwaukee and the east one-half is located in the City of Glendale; and
- Whereas, The improvement of North Range Line Road (North 27th Street) is eligible for Federal/State funds under the Surface Transportation Program (STP); and
- Whereas, Both Milwaukee and Glendale intend to utilize their STP funding entitlement for the construction phase of the project, and
- Whereas, Common Council Resolution File No. 980796, adopted October 9, 1998, authorizes the execution of a cost-sharing agreement with the City of Glendale for the improvement; and
- Whereas, The City of Glendale will be lead agency on this project and WISDOT has submitted a project agreement for the construction; and
- Whereas, The City's share of construction funds will be subject to further Common Council action; now, therefore, be it
- Resolved, By the Common Council of the city of Milwaukee that the Commissioner of Public Works is hereby authorized and directed to execute a project agreement with the City of Glendale and the WISDOT for the improvement of North Range Line Road (North 27th Street) between West Good Hope Road and North Green Bay Road, a copy of which is attached to Common Council Resolution File Number 990932, and is incorporated in this resolution by reference as though set forth in full; and, be it
- Further Resolved, That minor changes to the agreement which do not change its intent are hereby approved.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak,  
Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

16) Resolutions removing reversionary clauses from Warranty Deeds for various properties:

a) [990941](#) Resolution removing the reversionary clause from a Warranty Deed for the property located at 437 North 31st Street, in the 4th Aldermanic District. (DCD-Real Estate)

Whereas, The City of Milwaukee conveyed to Daryl Alberti and Lisa Alberti, an improved, tax deed property located at 437 North 31st Street via a Warranty Deed dated April 22, 1993, pursuant to Common Council File No. 921805 adopted on March 23, 1993; and

Whereas, Said deed of conveyance contained a reversionary clause that the property conveyed therein "shall be brought into full compliance with all applicable building codes, and ordinances, within one (1) year after the date of closing," or said deed is forfeit and the property returns to the City of Milwaukee without any further action; and

Whereas, Removal of the reversionary clause will allow the current owners, Daryl Alberti and Lisa Alberti, to provide a deed of conveyance for said property without an encumbrance relating to the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officials are authorized and directed to execute the necessary legal documents to remove the reversionary clause from the Warranty Deed dated April 22, 1993, for said property to provide an unencumbered deed of conveyance.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak,  
Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- b) [990942](#) Resolution removing the reversionary clause from a Warranty Deed for the property located at 2167-69 North 56th Street, in the 16th Aldermanic District. (DCD-Real Estate)

Whereas, The City of Milwaukee conveyed to Todd M. Posnanski, an improved, tax deed property located at 2167-69 North 56th Street via a Warranty Deed dated April 19, 1988, pursuant to Common Council File No. 872359 adopted on March 29, 1988; and

Whereas, Said deed of conveyance contained a reversionary clause that the property conveyed therein "shall be brought into full compliance with all applicable building codes, and ordinances, within one (1) year after the date of closing, "or said deed is forfeit and the property returns to the City of Milwaukee without any further action; and

Whereas, The current owners, Thomas Bieringer and Ralph Van Atta, purchased said property via a Warranty Deed dated November, 1996; and

Whereas, Removal of the reversionary clause will allow the current owners, Thomas Bieringer and Ralph Van Atta, to provide a deed of conveyance for said property without an encumbrance relating to the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officials are authorized and directed to execute the necessary legal documents to remove the reversionary clause from the Warranty Deed dated April 19, 1988, for said property to provide an unencumbered deed of conveyance.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- 17) [990943](#) Resolution authorizing the installation of a new traffic signal at the intersection of North Commerce Street and North Humboldt Avenue in the 6th Aldermanic District at the expense of American Stores Properties, Inc. and the preparation and execution of an agreement between the City and American Stores Properties, Inc. (Infrastructure Services Div.)

Whereas, This intersection has been identified as needing traffic signals due to the continued development of Humboldt Yards Jewel Osco; and

Whereas, The total estimated cost of this installation is \$50,000 which is being provided by an irrevocable letter of credit from the project developer, American Stores Properties, Inc.; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works be and hereby is authorized and directed to install traffic control signals at the intersection of North Commerce Street and North Humboldt Avenue and prepare and execute an agreement between the City of Milwaukee and American Stores Properties, Inc. for the design, construction, operation and maintenance of this new traffic signal; and, be it

Further Resolved, That the City Comptroller is hereby authorized to create the appropriate Project/Grant Number for this installation as indicated:

Location: North Commerce Street and North Humboldt Avenue

Project/Grant Number: 9901RE5239117301

Funds Transferred: \$50,000

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

- 18)      [990945](#)      Resolution authorizing and directing the proper City of Milwaukee officials to execute an agreement with Irgens Development Partners, LLC, allowing them to design, construct and maintain the newly dedicated east/west public alley right-of-way bounded by South 20th Street, West Holt Avenue, the Union Pacific Railroad Company right-of-way, and West Ohio Avenue (extended). (Infrastructure Services Div.)

Whereas, The alley bounded by South 20th Street, West Holt Avenue, the Union Pacific Railroad Company right-of-way, and West Ohio Avenue (extended), is presently unimproved public right-of-way; and

Whereas, Irgens Development Partners, LLC own the property located at 3305 South 20th Street; and

Whereas, Permission for private entities to improve public right-of-way for access can be granted in a Special Permission Agreement; and



Whereas, A Special Permission Agreement has been prepared, which specifies Irgens Development Partners, LLC shall bear all design, construction and maintenance costs associated with such access; and

Whereas, The Special Permission Agreement also specifies that the alley shall remain open for the general public's use at all times; and

Whereas, Permission to allow Irgens Development Partners, LLC, to design, construct and maintain the newly dedicated east/west public alley right-of-way can only be approved by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City of Milwaukee officials are authorized and directed to execute a Special Permission Agreement allowing Irgens Development Partners, LLC, to design, construct and maintain the newly dedicated east/west public alley right-of-way bounded by South 20th Street, West Holt Avenue, the Union Pacific Railroad Company right of way, and West Ohio Avenue (extended) for access to their property at 3305 South 20th Street under the terms and conditions specified in the Special Permission Agreement attached to Common Council File Number 990045 and incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That the City Comptroller is directed to submit the Special Permission Agreement to the Milwaukee County Register of Deeds for recording against the property described in the Agreement; and, be it

Further Resolved, That the Commissioner of Public Works is authorized to make minor, non-substantive changes to the Special Permission Agreement prior to its execution.

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

PLACING ON FILE THE FOLLOWING:

- 19) [990744](#) Resolution declaring as surplus the vacant, tax deed lot located at 2195 North Hi-Mount Boulevard and accepting an Offer to Purchase from the adjoining owners, Michael T. Standal and Caryn L. Standal, for use as green space, in the 17th

Aldermanic District. (Department of City Development)

**Sponsors:** THE CHAIR

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

**Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,  
Johnson-Odom, Gordon, Richards, Scherbert, Witkowiak,  
Pawlinski, Breier, Nardelli, Murphy Hines Jr.

**No:** 0

**Excused:** 2 - Frank Butler

THE STEERING & RULES COMMITTEE RECOMMENDS:

[990643](#) Motion approving a Schedule of Common Council and Committee meetings for the year 2000.

**Sponsors:** THE CHAIR

**A motion was made by Ald. Pratt that this matter be TAKEN FROM COMMITTEE. The motion carried by the following vote:**

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

**No:** 0

**Excused:** 1 - Frank

It is moved, By the Common Council of the City of Milwaukee, that the calendar of Common Council and Council Committee meetings for the year 2000 (January 1 thru December 31, 2000) is hereby approved by the report as listed and attached to this file.

**Sponsors:** THE CHAIR

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

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

**No:** 0

**Excused:** 1 - Frank