**File #:** 080437, **Version:** 2

080437
SUBSTITUTE 2

Alderman Robert J. Bauman
Resolution authorizing the execution of a Cooperation Agreement between the State of Wisconsin Department of Natural Resources, the Board of Business Improvement District No. 35 and the City of Milwaukee and authorizing the execution of a Project Cooperation Agreement between the Department of the Army and City of Milwaukee Acting by and through its Board of Harbor Commissioners in order to provide for implementation of the Kinnickinnic River Environmental Restoration Project.

This resolution authorizes execution of a Cooperation Agreement providing for implementation of the Kinnickinnic River Environmental Restoration Project.

Whereas, The Kinnickinnic River in the City of Milwaukee is within the Milwaukee Estuary Area of Concern, and is contaminated with polychlorinated biphenyls and other contaminants; and

Whereas, The Wisconsin Department of Natural Resources ("WDNR") entered into a Project Agreement with the United States Environmental Protection Agency, represented by its Great Lakes Program Office, on June 22, 2007, as amended, to implement an environmental remediation project to remove contaminated sediments from the Kinnickinnic River between Kinnickinnic Avenue and Becher Street; and

Whereas, The WDNR is the Non-Federal Sponsor for the Project and will provide a cost share to federal funds from state funds and in kind contributions from cooperating third-parties as required by the Great Lakes Legacy Act; and

Whereas, City has indicated its willingness to cooperate with the DNR in implementation of the Project, including entry into a Partnership Agreement between the City, acting by and through its Board of Harbor Commissioners and the United States Army Corps of Engineers ("COE") to secure disposal capacity for sediments dredged as part of the Project within the Jones Island Confined Disposal Facility; and

Whereas, The City created Business Improvement District No. 35 ("BID-35") to facilitate street projects and improvements including the construction of adequate shoreline stabilization along the Kinnickinnic River, which is a necessary component of the Project; and

Whereas, In order to implement the Project a Cooperation Agreement (Kinnickinnic River Sediment Remediation Project) by and among the City, the WDNR, and BID-35 is required in order to coordinate Project implementation and financing; and

Whereas, A Term Sheet for the Cooperation Agreement (Kinnickinnic River Sediment Remediation Project) is attached to Common Council File No. 080437; and

Whereas, The Common Council has previously allocated up to $500,000 in City funding for the Project pursuant to Common Council Resolution File No. 070714; and

Whereas, The Common Council desires to authorize the execution of the Cooperation Agreement in order to provide for implementation of the Project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officials are hereby authorized and directed to finalize and execute said Cooperation Agreement, which shall be consistent with the terms and conditions set forth in the Term Sheet and in a form mutually acceptable to the Office of City Attorney, the Commissioner of the Department of City Development and the Municipal Port Director; and be, it

Further Resolved, That the City Comptroller, in cooperation with the Municipal Port Director, is authorized and directed to establish any and all necessary sub accounts in accordance with accepted accounting practices and City guidelines necessary to maintain the fiscal control and carrying out the intent and purpose of this Resolution and to endorse any necessary instruments in accordance with the Term Sheet; and, be it

Further Resolved, That all City officials, Departments, Board and Commissions are directed to assist and cooperate in the implementation of said Project.
City Attorney
TOG:mll
July 11, 2008
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