HOW TO USE
COMMON COUNCIL MINUTES ARCHIVE

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The Common Council Meeting Scheduled for January 7, 2008 was canceled.

The next regular meeting was January 23, 2008. Items listed on the January 7th agenda were on the January 23rd agenda.

KENOSHA MUNICIPAL BUILDING COUNCIL CHAMBERS ROOM 200

January 23, 2008

At a meeting of the Common Council held this evening, Acting Mayor Donald Holland presided, and voted as an alderman this evening.

The meeting was called to order at 7:03 p.m.

On roll call, the following members of the Common Council were present: Aldermen Moldenhauer, Holland, Sinclair, Spair, Marks, Ruef, Butler, Frederick, Misner, Pitts, Downing and Polzin, Jr. Excused: Alderman Haugaard, Ruffolo, Robinson and Casey.

The invocation was given by Alderman Marks.

Mayor Antaramian then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderman Ruef, seconded by Alderman Spair, to approve the minutes of the meetings held December 3, 4, 5 and 17, 2007.

Motion carried unanimously.

There were no citizens wishing to speak during Citizen's Comments.

REFERRAL BY THE ACTING MAYOR TO COMMITTEE ON PUBLIC WORKS

a. Revision to Parking Facility Requirements Code of General ordinance Revision: Section 5.08A(1).

TO THE COMMITTEE ON FINANCE

1. Contract of Purchase and Sale by and between Sunstarr Real Estate Group, LLC and the City of Kenosha for property located at 1800 60th Street, District #8. (Also refer to City Plan Commission)

TO THE PUBLIC WORKS COMMITTEE

2. Resolution to approve a three-lot Certified Survey Map to be located south of 58th Place and east of 104th Avenue, District #16. (Panattoni) (Also refer to City Plan Commission)
3. Resolution to amend Resolution #88-07 for a three-lot Certified Survey Map for property located at 5419 65th Street, District #16. (Altreuther) (Also refer to City Plan Commission)

TO THE CITY PLAN COMMISSION

4. Zoning Ordinance to Create and Amend various Sections of the Zoning Ordinance for the City of Kenosha, Wisconsin relating to buildings in the IP Institutional Park Districts.
5. Zoning Ordinance To Repeal and Recreate Section 4.03 A. of the Zoning Ordinance regarding Conditional Use Applications; To Repeal and Recreate Section 8.04 D.3.b. of the Zoning Ordinance regarding issuing temporary Certificates of Occupancy; To Repeal and Recreate the Second Paragraph of Section 14.01; To Repeal and Recreate Section 14.02 A.; To Create Section 14.06 C.6.; and, To Repeal and Recreate Section 14.07 E.8. of the Zoning Ordinance regarding Site Plan Review.

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

6. It was moved by Alderman Sinclair, seconded by Alderman Pitts, to approve:

a. 33 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. 10 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. 1 application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

On a voice vote, motion carried.

7. It was moved by Alderman Sinclair, seconded by Alderman Spair to receive and file communication from Michael Higgins, City Clerk, Regarding Appointments to the Absentee Board of Canvassers. On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

8. It was moved by Alderman Frederick, seconded by Alderman Downing, to approve the following applications for new Operator's (Bartender) licenses, subject to:
-25 demerit points:
a. Suzana E. Ayala
-50 demerit points:
b. Kristina R. Bullis
c. Jessica A. Cheney
d. Lacey K. Kahlhamer
e. Roger Krueger
f. Jayme L. Ianni
-75 demerit points:
g. Craig A. Phillips
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
9. It was moved by Alderman Ruef, seconded by Alderman Downing, to DENY the following applications for new Operator's (Bartender) licenses, based on:
-material police record:
a. Katherine J. Adams
b. Richard A. Tobias
c. Robert T. Hayward
-material police record & false application:
d. Michele M. Fisher
e. Anna R. Szymczak
f. Torri A. Audorff
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
10. It was moved by Alderman Sinclair, seconded by Alderman Pitts, to approve the following applications for Taxi Driver's licenses, subject to:
-40 demerit points:
a. James B. Barton
b. Brian F. Haight
11. It was moved by Alderman Casey, seconded by Alderman Moldenhauer, to approve application of Jesse J. Glithero for a new Operator's (Bartender) license, subject to 90 demerit points, pursuant to Findings of Fact, Conclusions of Law and Recommendations. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
12. It was moved by Alderman Pitts, seconded by Alderman Spair, to approve application of Comfortably Worn, LLC for Renewal of the Secondhand Article Dealer license located at 5115-7th Avenue (Comfortably Worn) with no adverse recommendations. On a voice vote, motion carried.
13. It was moved by Alderman Ruef, seconded by Alderman Downing, to approve application of Keno Cab Company for one additional Taxi Cab Permit with no adverse recommendations. On a voice vote, motion carried.
14. It was moved by Alderman Spair, seconded by Alderman Sinclair, to approve application of Savannah's Restaurant, LLC, Shannon Ferguson, Agent, for a Class "B" Beer & "Class C" Wine license located at 7623 Sheridan Rd, (Savannah's Cabin Cafe). A hearing was held. The applicant did not appear. On a voice vote, motion carried.
15. It was moved by Alderman Butler, seconded by Alderman Downing, to approve applications of Lazybird, LLC:
a. For an Outdoor Extension of the
Class "B" Beer/"Class B" Liquor license located at 5623-6th Ave, (Lazybird) with:
b. Request to change the closing hours to 12:00 midnight;

c. Request to waive the fence requirement (because the boundary of the area sought to be within the description of the license has a commercial building directly abutting and contiguous to the boundary).
A hearing was held. The applicant was present. No one spoke. On a voice vote, motion carried.
16. It was moved by Alderman Polzin, seconded by Alderman Ruef, to DENY application of Rokralique of Wisconsin, Inc., Nadine Stangas, Agent, to transfer the location of the Class "B" Beer/"Class B" Liquor license from 504-57th St to 5710-4th Ave, based on economic impact. A hearing was held. Nadine Stangas was present and spoke. On a voice vote, motion carried.
17. It was moved by Alderman Sinclair, seconded by Alderman Butler, to approve application of Happy Tails Doggy Day Care, LLC, for a new Commercial Kennel license located at 7600-75th St, Ste 202, (Central Bark Doggy Day Care) with no adverse recommendations. On a voice vote, motion carried.
18. It was moved by Alderman Sinclair, seconded by Alderman Butler, to approve application of River Bluffs, Inc., for a renewal Commercial Kennel license located at 5522-104th Ave, (River Bluffs) with no adverse recommendations. On a voice vote, motion carried.
19. It was moved by Alderman Marks, seconded by Alderman Frederick, to approve Findings of Fact, Conclusions of Law and Recommendations (to revoke) in the Matter of the Class "A" Retail Beer License of 1625-57th Street, Inc., Reema Ahmad, Agent, Located at 1625-57th Street (Mike's Food Market). On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Sinclair, seconded by Alderman Spair to send the following ordinances on their way:
20. By Committee on Public Safety and Welfare - To Amend Section 7.12 C., by Adding an Eastbound Stop Sign on 57th Street Before Entering the Intersection with 3rd Avenue.
21. By Committee on Public Safety and Welfare - To Amend Section 7.12 C. by Rescinding Therefrom the East/West Stop Sign on 54th Street at its Intersection with 14th Avenue; and, to Amend Section 7.12 B. by Adding Thereto a Four-Way Stop at the Intersection of 54th Street and 14th Avenue.
22. By Committee on Public Safety & Welfare – To Amend Various Sections to Provide for Various School Signage, No Parking and Stop Control for Nash School (Amend Section 7.12 C., To Rescind the North/South Stop Sign on 96th Avenue at its Intersection with 70th Street; To Amend Section 7.12 B., by Adding Thereto a Four Way Stop at the Intersection of 70th Street and 96th Avenue; to Amend Section 7.125 to Rescind the Yield Signs on 67th Street at its Intersection with 96th Avenue; to Amend Section 7.12 B., by Adding Thereto a Four Way Stop at the Intersection of 67th Street and 96th Avenue; to Amend Section 7.12 C., by Adding a Westbound Stop Sign on 67th Street Before Entering its Intersection with 99th Avenue; and, to Amend Section 7.12 C., by Adding a Southbound Stop Sign on 99th Avenue Before Entering the Intersection with 68th Street.)
23. By Committee on Public Safety & Welfare – To Amend Section 7.12 C. by Adding:
a. A Northbound Stop Sign on 16th Avenue Before Entering the Intersection with 54th Street.
c. A North/South Stop Sign on 29th Avenue Before Entering the Intersection with 48th Street.
d. A Southbound Stop Sign on 35th Avenue Before Entering the Intersection with 14th Place.
e. A Southbound Stop sign on 40th Court Before Entering the Intersection with 15th Street.
24. By Committee on Public Safety and Welfare - To Amend Section 7.12 C. by Rescinding Therefrom the North/South Stop Signs on 111th Avenue at its Intersection with 64th Street; and, to Amend Section 7.12 b., to Include a Four Way Stop at the Intersection of 64th Street and 111th Avenue.
On a voice vote, motion carried.

ZONING ORDINANCES 1ST READING

25. It was moved by Alderman Sinclair, seconded by Alderman Spair, to send the proposed ordinance by the Mayor - Zoning Ordinance to repeal and recreate various sections of the Zoning Ordinance for the City of Kenosha, Wisconsin, regarding floodplains and associated districts. On a voice vote, motion carried.

ZONING ORDINANCES 2ND READING

26. It was moved by Alderman Ruef, seconded by Alderman Butler, to adopt Ordinance 1-08.
A public hearing was held. No one spoke for or against said ordinance.
26.1 It was then moved by Alderman Ruef, seconded by Alderman Marks to allow Alderman Pitts to abstain.

On roll call vote, motion carried (11-0) and said ordinance was thereupon adopted as follows:

REZONING ORDINANCE NO. 1-08
BY: THE MAYOR

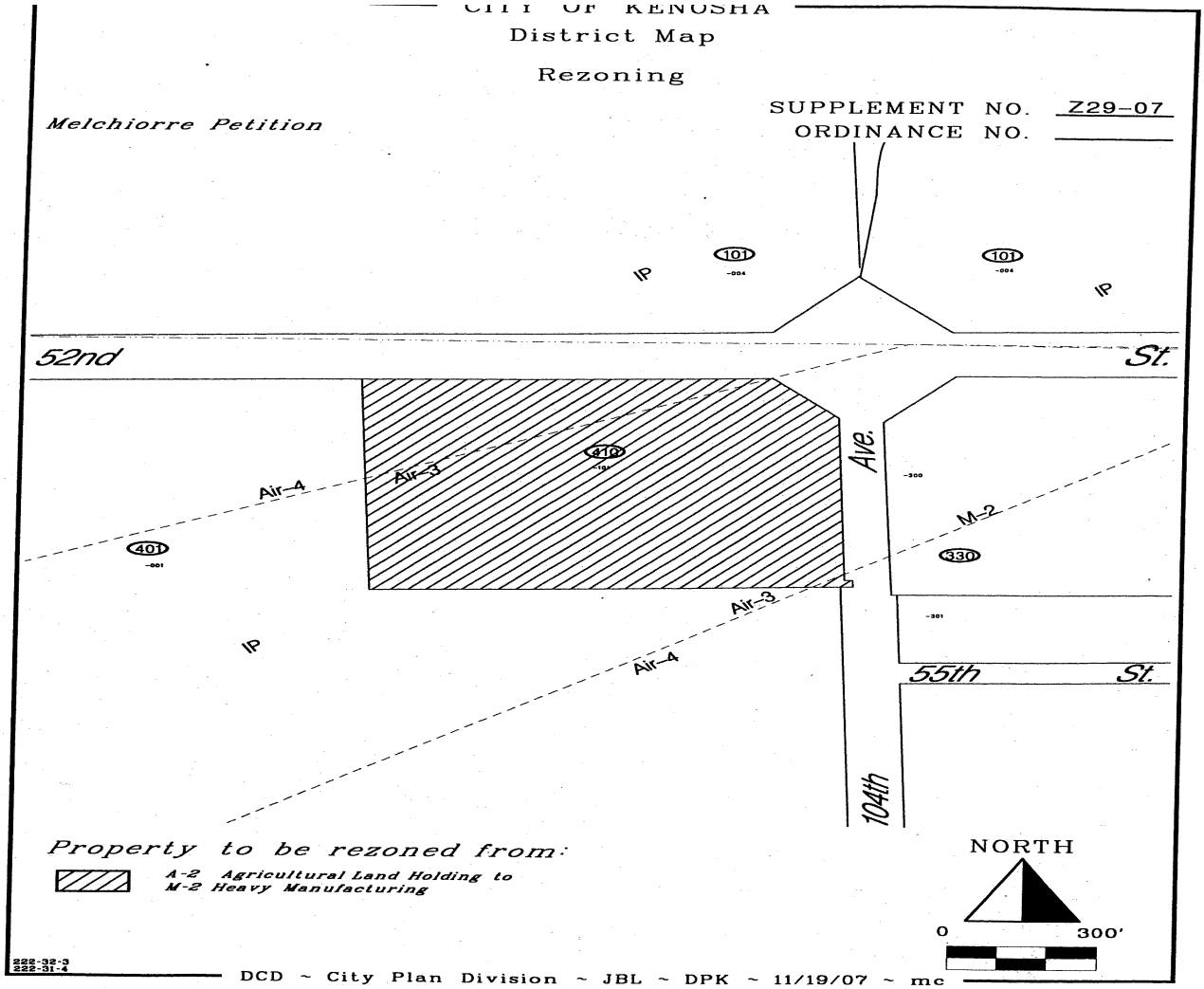
Zoning: TO REZONE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 52ND STREET AND 104TH AVENUE FROM A-2 AGRICULTURAL LAND HOLDING TO M-2 HEAVY MANUFACTURING DISTRICT
[Melchiorre]

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: That the land shown on the attached Supplement Map No. Z29-07 be, and the same hereby is, zoned and districted as indicated on said map.

Section Two: The development of the property shall be consistent with the conceptual development plan for the property being rezoned, submitted by the property owner/developer on the 6th day of December, 2007, as required in Section 10.02 A. of the Zoning Ordinance.

Section Three: This Ordinance shall be in full force and effect upon passage and the day after its publication.



APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

Passed: 1-23-08
Published: 2-1-08

27. The Request for the following ordinance was withdrawn by the applicant:
By the Mayor – To Rezone Property Located at 5920 - 37th Avenue from
RG-1 General Residential District to B-2 Community Business District [McMiller] (NOTE: Please see letter of withdrawal)
On a voice vote, motion carried.

28. It was moved by Alderman Sinclair, seconded by Alderman Polzin to approve the proposed ordinance by the Mayor – To Rezone Property Located at 12304 – 75th Street from A-2 Agricultural Land Holding to B-2 Community Business District [Rasmussen].

28.1 It was then moved by Alderman Pitts, seconded by Alderman Polzin to defer until February 20, 2008. On a voice vote, motion carried.

RESOLUTIONS

29. It was moved by Alderman Pitts, seconded by Alderman Spair to adopt Resolution 1-08. A hearing was held. No one spoke. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 1-08
BY: FINANCE COMMITTEE
To Rescind Two (2) Special Assessments Levied by Resolution No. 120-07 Against Parcel No. 12-223-32-355-005 (318 59th Place) and Parcel No. 05-123-06-130-013 (6209 13th Avenue), Kenosha, Wisconsin

WHEREAS, on September 17, 2007, the Common Council of the City of Kenosha, Wisconsin, adapted Resolution No. 120-07 levying special assessments for boarding and securing various buildings within the City of Kenosha, Wisconsin, at the request of the Department of Neighborhood Services and Inspections; and,

WHEREAS, the Department of Neighborhood Services and Inspections has determined that a special assessment should not have been levied on two (2) of those parcels; to wit: Parcel No. 12-223-32-355-005 (318 59th Place) and Parcel No. 05-123-06-130-013 (6209 13th Avenue), Kenosha, Wisconsin.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the special assessment of $180.00 levied by Resolution No. 120-07 against Parcel No. Parcel No. 12-223-32-355-005 (318 59th Place) and the special assessment of $192.12 levied by Resolution No. 120-07 against Parcel No. 05-123-06-130-013 (6209 13th Avenue), Kenosha, Wisconsin be and hereby is rescinded.

Passed this 23rd day of January, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

30. It was moved by Alderman Butler, seconded by Alderman Downing to adopt Resolutions 2-08 through 7-08. A hearing was held. No one spoke. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 2-08
BY: COMMITTEE ON FINANCE
TO LEVY A SPECIAL ASSESSMENT UNDER AUTHORITY OF CHARTER ORDINANCE NO. 26, AS AMENDED, UPON CERTAIN PARCELS OF LAND WITHIN THE CITY OF KENOSHA, WISCONSIN

WHEREAS, trash and debris located on certain parcels of land in the City of Kenosha, Wisconsin, has been ordered removed by the Health Department of the County of Kenosha, pursuant to Charter Ordinance No. 26, as amended, of the City of Kenosha, Wisconsin; and,

WHEREAS, pursuant to Subsection G., Charter Ordinance No. 26, as amended, the cost of abatement, including the cost of service, mailing and publication, and a Seventy-five ($75.00) Dollar Administrative Fee, is to be specially assessed against the real estate upon which such debris and trash were located; and,

WHEREAS, trash and debris has been removed by the City, through private contract, from various parcels of real estate at the costs of abatement and administration noted by a report from the Health Department dated December 28, 2007, for the City of Kenosha, a report on file in the Office of the City Clerk/Treasurer/Assessor and incorporated herein by

reference.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to Charter Ordinance No. 26, as amended, special assessments in the total amount of Four Thousand Sixty-one Dollars and Eighty-three Cents ($4,061.83) are levied against the respective parcels of property listed in the report of the Health Department on file in the Office of the City Clerk/Treasurer/Assessor for the City of Kenosha, Wisconsin, with interest thereon to be charged at seven and one-half (7.5%) percent per annum from the date of passage of this Resolution.

Adopted this 23rd day ofJanuary, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

30b. **RESOLUTION NO. 3-08**
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Boarding and Securing

BE IT RESOLVED, that special assessments for boarding and securing during October, November, and December, 2007, in the total amount of $5,514.84, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.

Passed this 23rd day of January, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

30c. **RESOLUTION NO. 4-08**
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Grass and Weed Cutting

BE IT RESOLVED, that special assessments for weed/grass cutting during October, November, and December of 2007, in the total amount of $9,272.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.

Passed this 23rd day of January, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

30d. **RESOLUTION NO. 5-08**
BY: FINANCE COMMITTEE
To Specially Assess Parcel No. 09-222-36-151-010 (5032 27th Court) for Razing/Pre-Razing of Structures

BE IT RESOLVED, that a special assessment for for Razing/Pre-Razing of Structures during 2007, in the total amount of $6,912.14, be levied against Parcel No. 09-222-36-151-010 (5032 27th Court) in the City of Kenosha.

Passed this 23rd day of January, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

30e. **RESOLUTION NO. 6-08**
BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during October, November, and December, 2007; and, in January 2008, in the total amount of $33,580.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.

Passed this 23rd day of January, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

30f. **RESOLUTION NO. 7-08**
BY: FINANCE COMMITTEE
To Specially Certain Parcels of Property for Locksmith Services
(Miscellaneous Assessment)

BE IT RESOLVED, that special assessments for locksmith services during 2007, in the total amount of $294.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.

Passed this 23rd day of January, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

It was moved by Alderman Ruef, seconded by Alderman Pitts to adopt Resolutions 8-08 through 11-08 (items 31 through 34). On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

31. RESOLUTION NO. 8-08
BY: COMMITTEE ON PUBLIC
SAFETY AND WELFARE
TO DESIGNATE AS "NO PARKING, 7 A.M. TO 4:30 P.M. ON SCHOOL DAYS" THE EAST SIDE OF 99TH AVENUE FROM 68TH STREET TO APPROXIMATELY TWO HUNDRED (200') FEET NORTH TO THE NASH SCHOOL DRIVEWAY; THE EAST SIDE OF 98TH AVENUE FROM 68TH STREET TO APPROXIMATELY FIFTY (50') FEET SOUTH OF 69TH STREET; AND, THE SOUTH SIDE OF 67TH STREET FROM 99TH AVENUE TO OPPOSITE 9630 – 67TH STREET

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the below listed areas be and hereby are designated as "NO PARKING, 7 A.M. TO 4:30 P.M. ON SCHOOL DAYS":
The East side of 99th Avenue from 68th Street approximately two (200') feet North to the Nash School driveway;
The East side of 98th Avenue from 68th Street to approximately fifty (50') feet of 69th Street; and,
The South side of 67th Street from 99th Avenue to opposite 9630 – 67th Street.

Adopted this 23rd day of January, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

32. RESOLUTION NO. 9-08
BY: COMMITTEE ON PUBLIC
SAFETY AND WELFARE
TO DESIGNATE AS "NO PARKING, 7 A.M. - 4:30 P.M. ON SCHOOL DAYS", THE NORTH SIDE OF 49TH STREET FROM 7TH AVENUE TO 8TH AVENUE; AND, TO DESIGNATE AS "NO PARKING, STANDING OR STOPPING, 7 A.M. - 4:30 P.M. ON SCHOOL DAYS" THE EAST SIDE OF 8TH AVENUE FROM 49TH STREET NORTH APPROXIMATELY ONE HUNDRED SIXTY (160') FEET

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the North side of 49th Street from 7th Avenue to 8th Avenue, be and hereby is designated as "NO PARKING, 7 A.M. TO 4:30 P.M. ON SCHOOL DAYS".

BE IT FURTHER RESOLVED that the East side of 8th Avenue from 49th Street extending North approximately one hundred sixty (160') feet to the first driveway, be and hereby is designed as "NO PARKING, STANDING OR STOPPING, 7 A.M. - 4:30 P.M. ON SCHOOL DAYS".

Adopted this 23rd day of January, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

33. RESOLUTION NO. 10-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO DESIGNATE AS "NO PARKING, POLICE VEHICLES ONLY", THE SOUTH SIDE OF 54TH STREET BETWEEN 10TH AVENUE AND 11TH AVENUE

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that South side of 54th Street between 10th Avenue and 11th Avenue, be, and hereby is designated as "NO PARKING, POLICE VEHICLES ONLY".

Adopted this 23rd day of January, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

34. RESOLUTION NO. 11-08
BY: THE MAYOR
Acceptance of Certification of the Redevelopment Plan for the Wilson Neighborhood Redevelopment Project from the Redevelopment Authority and Directive That No New Construction Shall be Permitted in the Wilson Neighborhood Redevelopment Project Area

WHEREAS, the Common Council of the City of Kenosha on December 3, 2007, adopted the Redevelopment Plan for the Wilson Neighborhood Redevelopment Project Area; and

WHEREAS, the Redevelopment Authority of the City of Kenosha on December 18, 2007, certified the Redevelopment Plan to the Common Council, which certification, Resolution No. 03-07, is attached hereto as Exhibit "B" (on file in the Office of the City Clerk).

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KENOSHA, that it accepts the above tendered certification, and in accordance with Section 66.1333(6)(e) of the Wisconsin Statutes, directs that no new construction shall be permitted, and no new construction shall be authorized by any agencies, boards or commissions of the City within the Wilson Neighborhood Redevelopment Area as depicted on the map which is attached as Exhibit "A" (on file in the Office of the City Clerk), unless authorized by the Common Council of the City of Kenosha, including substantial remodeling or conversion or rebuilding, enlargement, or extension or major structural improvements on existing buildings, but not including ordinary maintenance, remodeling or changes necessary to continue the occupancy.

Adopted this 23rd day of January 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

35. It was moved by Alderman Polzin, seconded by Alderman Sinclair to approve the proposed resolution by the Mayor - To Create the Temporary Position of Parks Superintendent, and Modify the 2008 Compensation Plan for Limited Term, Seasonal, Temporary and Part-time Employees.

It was then moved by Alderman Pitts to refer the resolution to the Park Commission. Motion failed for

lack of a second.

It was moved by Alderman Frederick, seconded by Alderman Downing to hold a public hearing. Nasser Museitif was present and spoke against.

On roll call vote, motion to deny carried (10-2) with Aldermen Holland and Pitts voting nay.

36. It was moved by Alderman Marks, seconded by Alderman Ruef to adopt Resolution 12-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 12-08
BY: THE MAYOR
TO AUTHORIZE THE CITY ATTORNEY OF THE CITY OF KENOSHA TO RESOLVE PENDING LITIGATION BETWEEN THE TOWN OF PARIS AND THE CITY OF KENOSHA

WHEREAS, on October 15, 2007, the Common Council of the City of Kenosha enacted Ordinance Number 61-07 (effective October 26, 2007), annexing certain territory in the Town of Paris, as set forth and described in the Ordinance; and,

WHEREAS, on December 26, 2007, the Town of Paris filed an action in the Kenosha County Circuit Court (07-CV-2416) challenging the validity of this annexation; and,

WHEREAS, among the allegations set forth by the Town of Paris in its Complaint was an assertion that the annexation by the City of Kenosha was procedurally defective, in that the Petitioner failed to serve its Notice of Intent to Circulate Petition for Direct Annexation upon the Clerk of the Paris Consolidated School District, as required by Section 66.0217(4)(b) of the Wisconsin Statutes; and,

WHEREAS, it appears that there was, in fact, an error, in that the party served on behalf of the Paris Consolidated School District did not hold the Office of Clerk, and was otherwise unaffiliated with the Paris Consolidated School District, at the time of service; and,

WHEREAS, the most efficient and expeditious way to resolve the pending litigation would be to enter into a Stipulation with the Town of Paris, acknowledging the procedural error and asking the Court to enter an Order returning the territory in question to the Town of Paris.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that, in view of the foregoing, the City Attorney is directed to attempt to resolve the pending litigation with the Town of Paris (07-CV-2416) by Stipulation and Order, substantially in the form of the proposed draft Stipulation and Order attached hereto.

Adopted this 23rd day of January, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

OTHER CONTRACTS AND AGREEMENTS

The following items are deferred until February 4, 2008 due to lack of required recommendation of the Finance Committee:

37. Easement for right-of-way from WE Energies at 34th Avenue, north of 45th Street, District #10. (KAT Site)

38. Approval of the Purchase Agreement for 35th Avenue Right-of-Way Project (part of 3500 40th Street), District #10. (Local 72 UAW)

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Pitts, seconded by Spair, to approve:

39. Approve Disbursement Records:

a. #23 – $3,731,782.05.

b. #24 – $5,821,111.30.

On roll call vote, motion carried unanimously.

The following items are deferred until February 4, 2008 due to lack of required recommendation of the Finance Committee:

40. Ajri Murati vs. City of Kenosha.

41. Demske v. City of Kenosha

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Marks, seconded by Alderman Sinclair, to adjourn at 8:10 p.m.
On a voice vote, motion carried.

Approved:

JOHN M. ANTARAMIAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
February 4, 2008

John M. Antaramian, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
February 4, 2008

At a meeting of the Common Council held this evening, Mayor John M. Antaramian presided.
The meeting was called to order at 7:03 p.m.
On roll call, the following members of the Common Council were present: Aldermen Moldenhauer, Holland, Ruffolo, Sinclair, Robinson, Marks, Ruef, Butler, Frederick, Casey, Misner, Pacetti, Downing and Polzin, Jr.
Excused: Aldermen Haugaard, Spair and Pitts. Alderman Downing left the meeting before action on item 22.
The invocation was given by Alderman Marks.
Mayor Antaramian then led the Council in the Pledge of Allegiance to the American Flag.
One (1) Citizen spoke during Citizen's Comments: Louis Rugani.

COMMUNICATIONS,
PETITIONS, REPORTS
OF DEPARTMENTS

1. It was moved by Alderman Pacetti, seconded by Alderman Polzin, to approve:
a. 3 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.
b. 1 application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.
c. There were no application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.
d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.
On a voice vote, motion carried.
2. It was moved by Alderman Sinclair, seconded by Alderman Ruffolo to receive and file communication regarding the voluntary surrender of the Class "B" Beer/"Class B" Liquor license located at 5500-6th Avenue, Bob Chinn's Crabhouse.
On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

3. It was moved by Alderman Sinclair, seconded by Alderman Butler to approve the following applications for new Operator's (Bartender) licenses, subject to:
-25 demerit points:
a. Michelle R. Presterl
b. Nicholas B. Schroeder
-40 demerit points:
c. Dawn R. Cutler
-50 demerit points:
e. Lamont A. Dauen
f. Jenny Miller
-75 demerit points:
g. Theresa A. Greathouse
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
4. It was moved by Alderman Robinson, seconded by Alderman Downing to DENY the following applications for new Operator's (Bartender) licenses, based on:
-material police record:
a. Grant C. Simmons
-material police record & false application:
b. Daniel P. Brockman
c. Walid Hamed
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
5. It was moved by Alderman Ruef, seconded by Alderman Polzin to DENY the following applications for Taxi Driver's licenses, based on material police record:
a. Connie M. Arispe
b. Dallas M. Kavina
hearing was held. The applicants did not appear. On a voice vote, motion carried.
6. It was moved by Alderman Casey, seconded by Alderman Frederick to approve application of Famee, LLC, Akil Ajmeri, Agent, for a Class "A" Retail Beer License, located at 2528-75th St, (Ayra's Gas), subject to 50 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
7. It was moved by Alderman Sinclair, seconded by Alderman Robinson to approve application of Sheridan Lanes, Inc., William Marescalco, Agent (Sheridan Lanes-1120-80th Street) for a one-day cabaret license on February 10, 2008 with no adverse recommendations. On a voice vote, motion carried.

ORDINANCES 1ST READING

8. It was moved by Alderman Sinclair, seconded by Alderman Robinson to send the proposed ordinance by Alderpersons Polzin, Pacetti, Robinson and Misner – To Create Section 11.033 Entitled "Sexual Offender Residency Restrictions" on its way after being read. Alderman Misner noted that his name should have been removed as sponsor. Additionally, it was stated that this ordinance was amended by the Public Safety & Welfare Committee. On a voice vote, motion carried.

ORDINANCES 2ND READING

9. It was moved by Alderman Sinclair, seconded by Alderman Downing, to adopt Ordinance 2-08.
A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE 2-08
BY: COMMITTEE ON PUBLIC
SAFETY AND WELFARE
TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, BY ADDING AN EASTBOUND STOP SIGN ON 57TH STREET BEFORE ENTERING THE INTERSECTION WITH 3RD AVENUE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto:
All vehicles traveling Eastbound on 57th Street shall stop before entering the intersection with 3rd Avenue.
Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: FEBRUARY 4, 2008
PUBLISHED: FEBRUARY 15, 2008

10. It was moved by Alderman Ruef, seconded by Alderman Robinson, to adopt Ordinance 3-08.
A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 3-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES BY RESCINDING THEREFROM THE EAST/WEST STOP SIGN ON 54TH STREET AT ITS INTERSECTION WITH 14TH AVENUE; AND, TO AMEND SECTION 7.12 B. OF THE CODE OF GENERAL ORDINANCES BY ADDING THERETO A FOUR-WAY STOP AT THE INTERSECTION OF 54TH STREET AND 14TH AVENUE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by deleting the following therefrom: All vehicles traveling East and West on 54th Street shall stop before entering the intersection with 14th Avenue. Section Two: Section 7.12 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto "54th Street and 14th Avenue".Section Three: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: FEBRUARY 4, 2008
PUBLISHED: FEBRUARY 15, 2008

11. It was moved by Alderman Casey, seconded by Alderman Polzin, to adopt Ordinance 4-08.
A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 4-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES TO RESCIND THE NORTH/SOUTH STOP SIGN ON 96TH AVENUE AT ITS INTERSECTION WITH 70TH STREET; TO AMEND SECTION 7.12 B. BY ADDING THERETO A FOUR WAY STOP AT THE INTERSECTION OF 70TH STREET AND 96TH AVENUE; TO AMEND SECTION 7.125 TO RESCIND THE YIELD SIGNS ON 67TH STREET AT ITS INTERSECTION WITH 96TH AVENUE; TO AMEND SECTION 7.12 B. BY ADDING THERETO A FOUR WAY STOP AT THE INTERSECTION OF 67TH STREET AND 96TH AVENUE; TO AMEND SECTION 7.12 C. BY ADDING A WESTBOUND STOP SIGN ON 67TH STREET BEFORE ENTERING ITS INTERSECTION WITH 99TH AVENUE; AND, TO AMEND SECTION 7.12 C. BY ADDING A SOUTHBOUND STOP SIGN ON 99TH AVENUE BEFORE ENTERING THE INTERSECTION WITH 68TH STREET

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is amended by deleting therefrom: All vehicles traveling North/South on 96th Avenue shall stop before entering the intersection with 70th Street. Section Two: Section 7.12 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is amended by adding the following thereto: "70th Street and 96th Avenue".
Section Three: Section 7.125 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is amended by deleting therefrom "67th Street" in Column A and "96th Avenue" in Column B. Section Four: Section 7.12 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto: "67th Street and 96th Avenue". Section Five: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto: All vehicles traveling Westbound on 67th Street shall stop before entering the intersection with 99th Avenue. All vehicles traveling Southbound on 99th Avenue shall stop before entering the intersection with 68th Street. Section Six: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: FEBRUARY 4, 2008
PUBLISHED: FEBRUARY 15, 2008

12. It was moved by Alderman Ruef, seconded by Alderman Sinclair, to adopt Ordinances 5-08 through 8-08.
A public hearing was held. No one spoke for or against said ordinances. On roll call vote, motion carried unanimously and said ordinances were thereupon adopted as follows:

a. ORDINANCE NO. 5-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, BY ADDING A NORTHBOUND STOP SIGN ON 16TH AVENUE BEFORE ENTERING THE INTERSECTION WITH 54TH STREET

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto: All vehicles traveling Northbound on 16th Avenue shall stop before entering the intersection with 54th Street. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARAMIAN

ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: FEBRUARY 4, 2008
PUBLISHED: FEBRUARY 15, 2008

b. ORDINANCE NO. 6-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, BY ADDING A NORTH/SOUTH STOP SIGN ON 29TH AVENUE BEFORE ENTERING THE INTERSECTION WITH 48TH STREET

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto: All vehicles traveling North/South on 29th Avenue shall stop before entering the intersection with 48th Street. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: FEBRUARY 4, 2008
PUBLISHED: FEBRUARY 15, 2008

c. ORDINANCE NO. 7-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, BY ADDING A SOUTHBOUND STOP SIGN ON 35TH AVENUE BEFORE ENTERING THE INTERSECTION WITH 14TH PLACE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto: All vehicles traveling Southbound on 35th Avenue shall stop before entering the intersection with 14th Place. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: FEBRUARY 4, 2008
PUBLISHED: FEBRUARY 15, 2008

d. ORDINANCE NO. 8-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, BY ADDING A SOUTHBOUND STOP SIGN ON 40TH COURT BEFORE ENTERING THE INTERSECTION WITH 15TH STREET

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto: All vehicles traveling Southbound on 40th Court shall stop before entering the intersection with 15th Street. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: FEBRUARY 4, 2008
PUBLISHED: FEBRUARY 15, 2008

13. It was moved by Alderman Sinclair, seconded by Alderman Butler, to adopt Ordinance 9-08.
A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 9-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES, BY RESCINDING THEREFROM THE NORTH/SOUTH STOP SIGNS ON 111TH AVENUE AT ITS INTERSECTION WITH 64TH STREET; AND, TO AMEND SECTION 7.12 B. OF THE CODE OF GENERAL ORDINANCES, TO INCLUDE A FOUR WAY STOP AT THE INTERSECTION OF 64TH STREET AND 111TH AVENUE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by deleting the following therefrom: All vehicles traveling North/South on 111th Avenue shall stop before entering the intersection with 64th Street.
Section Two: Section 7.12 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto: 64th Street and 111th Avenue. Section Three: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: FEBRUARY 4, 2008
PUBLISHED: FEBRUARY 15, 2008

ZONING ORDINANCES 2ND READING

14. It was moved by Alderman Casey, seconded by Alderman Butler, to adopt Ordinance 10-08.
A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ZONING ORDINANCE NO. 10-08
BY: THE MAYOR

TO REPEAL AND RECREATE VARIOUS SECTIONS OF THE ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN, REGARDING FLOODPLAINS AND ASSOCIATED DISTRICTS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 1.04 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 1.04 INTENT It is the general intent of this Ordinance to: A. Lessen the hazard from fire, flooding, pollution, contamination, and other dangers; B. Stabilize and protect property values; C. Preserve and protect the natural and manmade aesthetic characteristics of the City of Kenosha; D. Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters; E. Further the maintenance of safe and healthful water conditions; F. Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects; G. Provide for and protect a variety of suitable business and manufacturing sites;
H. Protect the traffic-carrying capacity of existing and proposed major streets and highways. I. Protect life, health and property; J. Minimize expenditures of public funds for flood control projects; K. Minimize rescue and relief efforts undertaken at the expense of the taxpayers; L. Minimize business interruptions and other economic disruptions;
M. Minimize damage to public facilities in the floodplain; N. Minimize the occurrence of future flood blight areas in the floodplain; O. Discourage the victimization of unwary land and home buyers; P. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; R. Regulate lot coverage and the size, height and location of all buildings and structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage; S. Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities; T. Regulate parking, loading, and traffic visibility so as to lessen congestion in and promote the safety and efficiency of streets and highways; U. Implement those municipal, County, watershed, and regional Comprehensive Plans or components of such plans adopted by the City of Kenosha; and, V. Provide for the administration and enforcement of this Ordinance; and to provide penalties for the violation of this Ordinance. Section Two: Section 1.07 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 1.07 INTERPRETATION In their interpretation and application, the provisions of this Ordinance are the minimum requirements liberally construed in favor of the City of Kenosha and are not a limitation on or repeal of any other powers granted to the City of Kenosha by the Wisconsin Statutes. If a provision of this Ordinance, required by Chapter NR 116, Wisconsin Administrative Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance. Section Three: Section 1.11 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:
1.11 MUNICIPALITIES AND STATE AGENCIES REGULATED Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply if §13.48(13), Wisconsin Statutes, applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt when §30.2022, Wisconsin Statutes, applies. Section Four: Section 2.07 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows: 2.07 GENERAL DEVELOPMENT STANDARDS The City of Kenosha shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this Ordinance. Section Five: Section 2.08 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows: 2.08 GENERAL STANDARDS APPLICABLE TO ALL FLOODLANDS A. Hydraulic And Hydrologic Analyses. 1. Except as allowed in Section 2.08 A.3., no floodland development shall: a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or, b. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot. 2. The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of subsection 3 are met. 3. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this Ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 10.06. B. Watercourse Alterations. No Land Use Permit to alter or relocate a watercourse in a mapped floodland shall be issued until the local official has notified, in writing, all adjacent municipalities, the Department of Natural Resources (DNR) and FEMA regional offices and required the applicant to secure all necessary State and Federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations, as required. C. Chapters 30 and 31, Wisconsin Statutes - Development. Development which requires a permit from the DNR under Chapters 30 and 31, Wisconsin Statutes, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other Zoning Maps or this Ordinance are made according to Section 10.06. D. Public or Private Campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions: 1. The campground is approved by the Wisconsin Department of Health and Family Services. 2. A Land Use Permit for the campground is issued by the Zoning Administrator. 3. The character of the river system and the elevation of the campground are such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants. 4. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this Section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the Kenosha County Emergency Government Coordinator and the Chief of Police for the City of Kenosha, which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation. 5. This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated (by the officials identified in subsection 4) to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health and Family Services and all other applicable regulations. 6. Only camping units are allowed. 7. The camping units may not occupy any site in the campground for more than one hundred eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours. 8. All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such

authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty (180) days and shall ensure compliance with all the provisions of this Section. 9. The City shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this Section. 10. All camping units that remain in place for more than one hundred eighty (180) days must meet the applicable requirements in Section 3.20, 3.21 or 17.02 for the floodland district in which the structure is located. 11. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued. 12. All service facilities, including, but not limited to, refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation. E. Areas To Be Regulated. This Ordinance regulates all areas that would be covered by the regional flood or base. Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map. Section Six: Sections 3.01 and 3.02 of the Zoning Ordinance for the City of Kenosha, Wisconsin, are repealed and recreated as follows: 3.01 ESTABLISHMENT For the purpose of this Ordinance, the City of Kenosha is hereby divided into basic use districts and overlay districts designated as follows:

RR-1 Rural Single Family Residential District
RR-2 Suburban Single Family Residential District
RR-3 Urban Single Family Residential District
Rs-1 Single Family Residential District
Rs-2 Single Family Residential District
Rs-3 ingle Family Residential District
Rd Two Family Residential District
Rg-1 General Residential District
Rg-2 General Residential District
Rm-1 Multiple Family Residential District
Rm-2 Multiple Family Residential District
Rm-3Elderly and Handicapped Housing District
B-1 Neighborhood Business District
B-2 Community Business District
B-3 Central Business District
B-4 Mixed-Use District
M-1 Light Manufacturing District
M-2 Heavy Manufacturing District
IP Institutional Park District
FW Floodway District
FFO Floodplain Fringe Overlay District
GFP General Floodplain District
PDO Planned Development Overlay District
SWO Shoreland Wetland Overlay District
A-1 General Agricultural District
A-2 Agricultural Land Holding District
C-1 Upland Resource Conservancy District
C-2 Lowland Resource Conservancy District
HPO Historic Preservation Overlay District
HRPO Harborpark Overlay District
PCNO Pike Creek Neighborhood Overlay District
TRD-1 Traditional Single and Two Family Residential District
TRD-2 Traditional Multiple Family Residential District
AIR Airport Overlay District

A. District Boundaries. Boundaries of these districts are hereby established as shown on the maps entitled "Zoning Map-City of Kenosha, Wisconsin", dated December 1, 1984, "Supplementary Floodland Zoning Map-City of Kenosha, Wisconsin", dated September 2, 1982, and "Final Wisconsin Wetland Inventory Map-Kenosha, Wisconsin", dated August 12, 1986, all maps which shall be considered to accompany and are herewith made a part of this Ordinance. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; of streets, highways, alleys, easements, and railroad right-of-ways or such lines extended, unless otherwise noted on the Zoning Map. The boundaries of the FW Floodway District and the GFP General Floodplain District are designated as floodplains or A-Zones on the maps referenced in Section 3.02. The boundaries of the FFO Floodplain Fringe Overlay District shall be determined by the floodland limits shown on the supplementary Floodland Zoning Map. B. Street and Alley Vacations. Vacation of public streets and alleys shall cause the land vacated to be placed as a matter of law in the same district as the abutting land to which the vacated street or alley reverts. C. Annexations. Annexations to or consolidations with the City subsequent to the effective date of this Ordinance shall be placed in the A-2 Agricultural Land Holding District. Annexations or consolidations containing floodlands shall be placed in the following districts: 1. All floodways and FEMA unnumbered A Zones shall be placed in the FW Floodway District. 2. All other floodlands shall be placed in the FFO Floodplain Fringe Overlay District. 3. All lands located within the Shoreland District which are zoned County Upland or Lowland Conservancy District shall be placed within a City Upland or Lowland Conservancy District upon annexation. The Kenosha County Shoreland and Floodplain Zoning Provisions in effect on the date of annexation remain in effect administered by the City for all areas annexed by the municipality after May 7, 1982. These annexed lands are described on the municipality's official zoning map. The Kenosha County Shoreland and Floodplain Zoning Provisions are incorporated by reference for the purpose of administering this Section and are on file in the office of the Zoning Administrator. All plats or maps of annexations shall show the Regional Flood Elevation and location of the floodway. 3.02 MAPS A. Incorporation. The Official Zoning Map, the Supplementary Floodland Zoning Map, and the Kenosha Regional Airport Zoning and Height Limitation Map are incorporated herein by reference and are deemed a part of this Ordinance as if fully set forth herein. Said maps shall be available to the public in the Department of Housing and Neighborhood Services and Inspections and Department of City Development. The Flood Insurance Rate Map (FIRM), Panel Numbers 550209 (0001 to 0010) and 550523 (0001 to 0060), dated December 5, 1996, with corresponding profiles that are based on the Flood Insurance Study (FIS), dated December 5, 1996, are incorporated by reference and are deemed as part of this Ordinance as if fully set forth herein; said maps shall be on file in the office of the Department of City Development for the City of Kenosha, Wisconsin. B. Changes. Changes to Zoning District boundaries shall be designated on the Official Zoning Map. Changes to Floodland District boundaries shall be designated on the supplementary Floodland Zoning Map. Changes to Airport Overlay District boundaries shall be designated on the Kenosha Regional Airport Zoning and Height Limitation Map. Changes in the Floodland

District boundaries shall not become effective until approved by the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA). Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective unitl approved by the DNR. C. Conflicts. If more than one map or revision is referenced, the most restrictive information shall apply. D. Discrepancies. Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in paragraphs a. and b. below. If a significant difference exists, the Map shall be amended according to Section 10.06. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a Land Use Permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined, and for initiating any map amendments required under this Section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to Section 9 and the criteria in a. and b. below.

a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

b. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

c. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Section 10.06 A.6.

Section Six: Section 3.20 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

3.20 FW FLOODWAY DISTRICT

A. Applicability. This Section applies to all floodway areas on the Floodplain Zoning Maps and those areas identified by the WDNR pursuant to a submission made in compliance with Section 3.21 D.2.

B. Permitted Uses. The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if they are not prohibited by any other Ordinance; they meet the standards in Sections 3.20 C. and 3.20 D.; all permits or certificates have been issued according to Section 8.05, and the use conforms with applicable standards of Section 3.20 C.

1. Agricultural Uses, such as farming, outdoor plan nurseries, horticulture, viticulture and wild crop harvesting.
2. Nonstructural Industrial and Commercial Uses, such as loading areas, parking areas and airport landing strips.
3. Nonstructural Recreational Uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of Subsection 3.20 C.4.
4. Uses or Structures Accessory to open space uses, or classified as historic structures that comply with Subsections 3.20 C. and D.
5. Extraction of sand, gravel or other materials that comply with Section 3.20 C.4.

6. Functional, Water-Dependent Uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chapters 30 and 31, Wisconsin Statutes.
7. Public Utilities, Streets and Bridges that comply with Section 3.20 C.3.

C. Standards For Developments in Floodway Areas.

1. General.

a. Any development in floodway areas shall comply with Section 2.08 and have a low flood damage potential.

b. Applicants shall provide the following data to determine the effects of the proposal according to Section 2.08 A.:

(1) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or,

(2) An analysis calculating the effects of this proposal on regional flood height.

c. The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for paragraph b. above.

2. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

a. The structure is not designed for human habitation and does not have a high flood damage potential;

b. It must be anchored to resist flotation, collapse, and lateral movement;

c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and,

d. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of a regional flood.

3. Public Utilities, Streets and Bridges. Public utilities, streets and bridges may be allowed by permit, if:

a. Adequate floodproofing measures are provided to the flood protection elevation; and,

b. Construction meets the development standards of Section 2.08 A.

4. Fills or Deposition of Materials. Fills or deposition of materials may be allowed by permit, if:

a. The requirements of Section 2.08 A. are met;

b. No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Chapter 30, Wisconsin Statues, and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344, has been issued, if applicable, and the other requirements of this Section are met;

c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and,

d. The fill is not classified as a solid or hazardous material.

D. Prohibited Uses. All uses not listed as permitted uses in Section 3.20 B. are prohibited, including the following uses:

1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses;
2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
4. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Chapter COMM 83, Wisconsin Administrative Code;
5. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chapters NR 811 and NR 812, Wisconsin Administrative Code;
6. Any solid or hazardous waste disposal sites;
7. Any wastewater treatment ponds or facilities, except those permitted under Section NR 110.15(3)(b), Wisconsin Administrative Code;
8. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the

floodway which comply with the regulations for the floodplain area occupied.

Section Seven: Section 3.21 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

3.21 GFP GENERAL FLOODPLAIN DISTRICT

A. Applicability. The provisions for this district shall apply to all floodplains for which flood profiles are not available, or where flood profiles are available, but floodways have not been delineated. Floodway and Floodplain Fringe Overlay Districts shall be delineated when adequate data is available.

B. Permitted Uses. Pursuant to Section 3.21 D., it shall be determined whether the proposed use is located within a floodway or Floodplain Fringe area.

Those uses permitted in Floodway (Section 3.20 B.) and Floodplain Fringe areas (Section 17.02 B.) are allowed within the General Floodplain District according to the standards of Section 3.21 C., provided that all permits or certificates required under Section 8.05 have been issued.

C. Standards For Development In The General Floodplain District. Section 3.20 applies to floodway areas; Section 17.02 applies to Floodplain Fringe areas. The rest of this Ordinance applies to either district.

D. Determining Floodway and Floodplain Fringe Limits. Upon receiving an application for development within the General Floodplain District, the Zoning Administrator shall:

1. Require the applicant to submit two (2) copies of an aerial photograph or a plan that shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures.

2. Require the applicant to furnish any of the following information deemed necessary by the Wisconsin Department of Natural Resources to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

a. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;

b. Plan (surface view) showing elevations or contours of the ground; pertinent; structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply and sanitary facilities; soil types and other pertinent information;

c. Profile showing the slope of the bottom of the channel or flow line of the stream; and/or,

d. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

3. Transmit one (1) copy of the information described in Subsections 3.21 D.1.and D.2. to the Department Regional Office of the Wisconsin Department of Natural Resources, along with a written request for technical assistance to establish regional flood elevations; and, where applicable, floodway data. Where the provisions of Subsection 4.03 B.3. apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

Section Eight: Section 4.03 B.3. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

3. The Drainage Plan shall show existing topography at a contour interval of not less than two (2') feet; spot elevations of existing buildings, structures, high points, depressions, and wet areas, with any previous flood elevations; floodplain boundaries, if applicable; location of any existing or proposed on-site sewage systems or private water supply systems; the elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD); Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Sections 3.20 and 17.02 are met; data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Section 2.08 A. (this may include any of the information noted in Section 3.20 C.; and soil characteristics, where applicable. The Drainage Plan shall show proposed topography of the site denoting elevations and natural drainage after construction, and the location of any proposed storm water detention/retention areas.

In addition to the above, for all subdivision proposals, as subdivision″ is defined in Section 236, Wisconsin Statutes, and other proposed developments exceeding five (5) acres in area, or where the estimated cost exceeds One Hundred Twenty-five Thousand ($125,000) Dollars, the applicant shall provide:

a. All survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage;

b. An analysis of the effect of the development on the regional flood profile, volocity of flow and floodplain storage capacity;

c. A map showing location and details of vehicular access to lands outside the floodplain; and,

d. A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

Section Nine: Section 4.03 B.6. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

6. The Floodproofing Plan shall, for all sites subject to floodlands - zoning - district requirements be certified by a registered professional engineer or architect that floodproofing measures will protect the structure or development to the flood protection elevation.

Floodproofing measures shall be designed to:

a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

b. Protect structures to the flood protection elevation;

c. Anchor structures to foundations to resist flotation and lateral movement; and,

d. Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

Floodproofing measures could include:

a. Reinforcing walls and floors to resist rupture or collapse caused by water pressure;

b. Adding mass or weight to prevent flotation;

c. Placing essential utilities above the flood protection elevation;

d. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressure;

e. Constructing water supply wells and waste treatment systems to prevent the entry of flood waters; or,

f. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

Section Ten: Section 7.07 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

7.07 NONCONFORMING USES AND STRUCTURES WITHIN THE FLOODWAY AND/OR FLOODPLAIN

A. General.

1. Applicability. If these standards conform with Section 62.23(7)(h), Wisconsin Statutes, for cities and villages, they shall

apply to all modifications or additions to any nonconforming use or structure, and to the use of any structure or premises which was lawful before passage of this Ordinance or any amendment thereto.

2. Conditions For Existing Use of Structure To Continue When Not In Conformity With Ordinance. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this Ordinance may continue subject to the following conditions:

a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this Ordinance. The words modification″ and addition″ include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition. These include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components, and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

b. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this Ordinance.

c. The City shall keep a record which lists all nonconforming uses and nonconforming structures, there present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.

d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed fifty (50%) percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 17.02 C.1. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty (50%) percent provisions of this Section.

e. (1) Except as provided in subsection e.(2), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current Ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition exceeds fifty (50%) percent of the structure's present equalized assessed value.

(2) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore if after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

B. Floodway Areas. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

1. Has been granted a permit or variance which meets all Ordinance requirements.
2. Meets the requirements of Section 7.0.
3. Will not increase the obstruction to flood flows or regional flood height.
4. Any addition to the existing structure shall be floodproofed pursuant to Section 4.03 B.6. and Section 7.05 B., by means other than the use of fill, to the flood protection elevation.
5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exist of flood waters without human intervention. A minimum of two (2) openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than twelve (12″) inches above the adjacent grade.

b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.

c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation.

d. The use must be limited to parking or limited storage.

6. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all City Ordinances and Chapter 83, Wisconsin Administrative Code.
7. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all City Ordinances and Chapters NR 811 and NR 812, Wisconsin Administrative Code.

C. Floodfringe Areas.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the City, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in Section 17.0, except where Section 7.0 is applicable.
2. Where compliance with the provisions of Section C.1. above would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Zoning Appeals, using the procedures established in Section 9.0, may grant a variance from those provisions of Section C.1. for modifications or additions using the criteria listed below.

Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

a. No floor is allowed below the regional flood elevation for residential or commercial structures;
b. Human lives are not endangered;
c. Public facilities, such as water or sewer, will not be installed;
d. Flood depths will not exceed two (2') feet;
e. Flood velocities will not exceed two (2') feet per second; and,
f. The structure will not be used for storage of materials as described in Section 17.0.

3. If neither the provisions of Sections C.1. and 2. Above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe if the addition:

a. Meets all other regulations and will be granted by permit or variance;
b. Does not exceed sixty (60) square feet in area; and,

c. In combination with other previous modifications or additions to the building, does not exceed fifty (50%) percent of the present equalized assessed value of the building.
4. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of all City Ordinances and Chapter COMM 83, Wisconsin Administrative Code.
5. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Ordinance and Chapters NR 811 and NR 812, Wisconsin Administrative Code.
Section Ten: Section 8.02 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:
8.02 ZONING ADMINISTRATOR DESIGNATED
The Director of the Department of Neighborhood Services and Inspections is hereby designated as the administrative and enforcement officer for the provisions of this Ordinance and hereafter shall be referred to as the Zoning Administrator or Administrator. The duty of the Zoning Administrator shall be to interpret and administer this Ordinance and to issue, following on-site inspection, all permits required by this Ordinance. The Zoning Administrator shall, to the best of his/her ability:
A. Establish that all necessary permits that are required for floodland uses by State and Federal Law have been secured.
B. Inspect all structures, lands, and waters as often as necessary to assure compliance with this Ordinance.
C. Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Ordinance to the owner, resident, agent or occupant of the premises and report uncorrected violations to the City Attorney in a manner specified by him.
D. Assist the City Attorney in the prosecution of Ordinance violations.
E. Seek access to premises and structures during reasonable hours to make those inspections as deemed necessary by him or her to ensure compliance with this Ordinance. If, however, the Administrator is refused entry after presentation of his/her identification, the Administrator may procure a Special Inspection Warrant in accordance with §66.0119 of the Wisconsin Statutes.
F. Prohibit the use or erection of any structure, land or water until he/she has inspected and approved such use or erection.
G. Request assistance and cooperation from any governmental office or agency as deemed necessary.
H. Advise applicants of the Ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
I.Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
J. Keep records of all official actions, such as:
1. All permits issued, inspections made, and work approved;
2. Documentation of certified lowest floor and regional flood elevations for floodplain development;
3. Records of water surface profiles, floodplain zoning maps and Ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.
4. All substantial damage assessment reports for floodplain structures.
K. Submit copies of the following items to the Regional Office of the Wisconsin Department of Natural Resources:
1. Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
2. Copies of any case-by-case analyses, and any other information required by the Department of Natural Resources, including an annual summary of the number and types of floodplain zoning actions taken.
3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
4. Copies or reports of violations of this Ordinance involving floodlands.
L. Submit copies of text and map amendments and biennial reports to the FEMA Regional Office.
Section Eleven: Section 8.05 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:
8.05 SHORELAND, WETLANDS, AND FLOODLANDS: ADMINISTRATION
A. Zoning Permits. Unless another section of this Ordinance specifically exempts certain types of development from this requirement, a Zoning Permit shall be obtained from the Zoning Administrator before any new development, as defined in §12.0 B. of this Ordinance, or any change in the use of an existing building or structure is initiated.
1. An application for a Zoning Permit shall be made to the Zoning Administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of these regulations, the following information:
a. Name, address, and telephone number of applicant, property owner and contractor, where applicable.
b. Legal description of the property and a general description of the proposed use or development.
c. Whether or not a private water supply or sewage system is to be installed.
2. The Site Development Plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:
a. Dimensions and area of the lot;
b. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;
c. Description of any existing or proposed on-site sewage systems or private water supply systems;
d. Location of the ordinary high-water mark of any abutting navigable waterways;
e. Boundaries of all wetlands;
f. Existing and proposed topographic and drainage features and vegetative cover;
g. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;
h. Location of existing or future access roads; and,
i. Specifications and dimensions for areas of proposed wetland alteration.
3. All permits issued under the authority of this Ordinance shall expire six (6) months from the date of issuance.
4. When a Zoning Permit is approved, an appropriate record shall be made by the Zoning Administrator of the use and structures permitted.
5. When the conditions of a Zoning Permit are violated, the permit shall be revoked by the Board of Appeals.
B. Certificate of Compliance.
1. Except where no Zoning Permit is required, no land shall be occupied or used, and no building which is thereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a Certificate of Compliance is issued by the Zoning Administrator subject to the following conditions:
a. The Certificate of Compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this Ordinance.
b. Application for such certificate shall be concurrent with the application for a Zoning or Conditional Use Permit.
c. The Certificate of Compliance shall be issued within ten (10) days after notification of the completion of the work specified in the Zoning or Conditional Use Permit, providing the building or premises and proposed use thereof conform with all the

provisions of this Ordinance.
2. The Zoning Administrator may issue a temporary Certificate of Compliance for a building, premises or part thereof pursuant to rules and regulations established by the municipal governing body.
3. Upon written request from the owner, the Zoning Administrator shall issue a Certificate of Compliance for any building or premises existing at the time of Ordinance adoption, certifying after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Ordinance.
C. Certificate of Compliance in FW, FFO, and GFD Districts. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced, shall be occupied if such land or building is subject to FW Floodway District, FFO Floodplain Fringe Overlay, or GFD General Floodplain District, until a Certificate of Compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:
1. The Certificate of Compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Ordinance.
2. Application for such certificate shall be concurrent with the application for a permit.
3. If all Ordinance provisions are met, the Certificate of Compliance shall be issued within ten (10) days after written notification that the permitted work is completed.
4. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of Section 4.03 B.6.
Section Twelve: Section 9.05 B.5. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:
5. Additional Requirements in the Floodland Districts.
a. No variance shall be granted where:
(1) Filling and development contrary to the purpose and intent of the FW Floodway District would result.
(2) A change in the boundaries of the FW Floodway District or FFO Floodplain Fringe Overlay District would result.
(3) A lower degree of flood protection at a point two (2') feet above the regional flood height for the particular area would result.
(4) Any action contrary to the provisions of Chapter NR 116 of the Wisconsin Administrative Code would result.
(5) The variance is contrary to the public interest.
(6) The variance is inconsistent with the purpose of this Ordinance as stated in Section 1.04.
(7) The variance may cause any increase in the Regional Flood Elevation.
(8) The lot is either more than one-half acre or is not contiguous to existing structures constructed below the Regional Flood Elevation.
(9) There has not been a showing of good and sufficient cause; is more than the minimum relief necessary; or, use pursuant to the variances may cause increased risks to public safety or nuisances, or may increase costs for rescue and relief efforts.
(10) The variance would grant, extend or increase any use prohibited in the zoning district.
(11) The hardship is based solely on an economic gain or loss.
(12) The hardship is self-created.
(13) The variance would damage the rights or property values of other persons in the area.
(14) The variance would allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
b. When a floodplain variance is granted, the Board shall notify the applicant in writing that actions taken by the applicant pursuant to the variance may increase risks to life and property, and may increase flood insurance premiums. A copy of the notification shall be maintained with the variance record.
Section Thirteen: Section 9.06 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:
9.06 FLOODLAND BOUNDARY DISPUTES
The following procedure shall be used by the Board in hearing disputes concerning floodland district boundaries:
A. If a floodland district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
B. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
C. If the boundary is incorrectly mapped, the Board should inform the Zoning Administrator or the person contesting the boundary location to petition the governing body for a map amendment according to Section 10.06.
Section Fourteen: Section 9.07 B. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:
B. Hearings. The Board shall fix a reasonable time for the hearing of the appeal or application, and shall publish a notice in the official City newspaper, listing the time, place and proposed appeal or application. The Board shall also notify the appellant or applicant of the hearing by mail. At the hearing, the appellant or applicant shall appear in person, or by agent or attorney.
A copy of such notice shall also be mailed to the appropriate district office of the Department of Natural Resources at least ten (10) days prior to all public hearings on issues involving shoreland-wetland zoning or floodland zoning.
Section Fifteen: Section 9.08 C. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:
C. Notice to Department of Natural Resources. The Board shall transmit a copy of each application for a variance to floodland regulations to the Wisconsin Department of Natural Resources (DNR) for review and comment. Final action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances or appeals to floodland regulations shall be transmitted to the DNR within ten (10) days of the effective date of such decision.
A copy of a decision on issues involving shoreland-wetland or floodland zoning shall be mailed to the appropriate district office of DNR within ten (10) days after the decision is issued.
Section Sixteen: Section 10.06 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:
A. Authority. The Common Council may change or supplement the Floodland Zoning District boundaries and this Ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:
1. Any change to the Official Floodplain Zoning Map, including the floodway line or boundary of any floodplain area.
2. Correction of discrepancies between the water surface profiles and floodplain zoning maps.

3. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
4. Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
5. Any upgrade to a Floodland Zoning District ordinance text required by Section 116.05, Wisconsin Administrative Code, or otherwise required by law, or for changes by the City.
6. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodland fringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
B. Changes in the FW Floodway District Boundaries shall not be permitted where the change will increase the flood stage elevation to equal or more than one hundredth (0.01) foot, unless the petitioner for such a change has made appropriate legal arrangements with all property owners affected by the flood stage increase. Petitions for FW Floodway District changes shall show the affects of the change within the associated flood fringe utilizing the single degree of hydraulic encroachment principle, and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.
C. Removal of Land from the Floodland Districts. Compliance with the provisions of this Ordinance shall not be grounds for removing land from the floodland unless it is filled at least two (2') feet above the regional or base flood elevation, the fill is contiguous to land outside the floodland, and the map is amended pursuant to Section 10.06. Removal of land from the floodland districts shall not be permitted where the development of the land will increase flood stage to equal or more than one hundredth (0.01) foot, unless the petitioner or developer has made appropriate legal arrangements with all property owners affected by the flood stage increase. Under no circumstances shall the flood stage increase to equal or more than one hundredth (0.01) foot. Petitions to remove lands from the floodland district shall show the affects upon flood storage utilizing the single degree of hydrologic encroachment principle, and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations. Petitions to remove lands from the floodland districts shall include certification from the petitioner that the petitioner has requested a Letter of Map Change from FEMA consistent with petitioner's petition. Unless the property owner has received a letter of map changes from FEMA, removal of land from floodland will not relieve the property owner of the Federal provisions for mandatory purchase of flood insurance.
D. Amendment of Unnumbered A Zones shall not be permitted unless the petitioner provides the City with engineering data showing the flood profile, necessary river cross-sections, flood elevations, and any affect the establishment of a floodway/flood fringe will have on flood stages. The effects shall be limited as set forth earlier in this Section to less than one-hundredth (0.01) foot increase in flood stage unless appropriate legal arrangements have been made. If an unnumbered A Zone is less than five (5) acres in area and where the cost of the proposed development is less than Seventy-five Thousand ($75,000) Dollars, the Wisconsin Department of Natural Resources (DNR) may assist the petitioner in determining the required flood elevations.
E. No river or stream shall be altered or relocated until a floodland zoning change has been applied for and granted in accordance with the requirements of this Section, and until all adjacent communities have been requested to review and comment on the proposed alteration or relocation. The flood-carrying capacity within an altered or relocated watercourse shall not be reduced to less than the flood-carrying capacity of the river or stream prior to the alteration or relocation.
F. Special Additional Procedures For Amendment of Floodland Districts. In addition to all other procedures for amending the Ordinance, in the event an amendment is proposed that will either amend the text of provisions of this Ordinance specifically limited to floodland zoning districts or amend floodland zoning district boundaries, the following must also be satisfied before the amendment is effective:
1. The proposed amendment shall be referred to the City Plan Commission for a public hearing and recommendation to the Common Council. The amendment and notice of public hearing shall be submitted to the Regional Office of the Wisconsin Department of Natural Resources for review prior to the hearing.
2. No amendments shall become effective until reviewed and approved by the Wisconsin Department of Natural Resources.
3. All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the City.
4. For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Wisconsin Department of Natural Resources, the Zoning Administrator's visual on-site inspections and other available information.
Section Seventeen: Section 12.0 B. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is amended by adding the following definitions thereto:
Base Flood. Means the flood having a one (1%) percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM. Base flood elevations are derived from the flood profiles in the FIS.
Bulkhead Line. A geographic line along a reach of navigable water that has been adopted by a City Ordinance and approved by the Wisconsin Department of Natural Resources pursuant to Section 30.11, Wisconsin Statutes, and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this Ordinance.
Crawlways or Crawl Space. An enclosed area below the first usable floor of a building, generally less than five (5') feet in height, used for access to plumbing and electrical utilities.
Dryland Access. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
Encroachment. Any fill, structure, equipment, building, use or development in the floodway.
FEMA. See Federal Emergency Management Agency".
Federal Emergency Management Agency. The Federal agency that administers the National Flood Insurance Program.
FIRM. See Flood Insurance Rate Map".
FIS. See Flood Insurance Study".
Flood Frequency. The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
Flood Insurance Rate Map. A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency (FEMA).
Flood Hazard Boundary Map. A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the national Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
Floodplain. See Floodlands".

Floodplain Island. A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
Floodplain Management. Policies and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
Flood Protection Elevation. An elevation of two (2') feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: Freeboard″.)
Flood Storage. Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
Freeboard. A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jambs, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development, and aggregation of the river or stream bed.
Habitable Structure. Any structure or portion thereof used or designed for human habitation.
Hearing Notice. Publication or posting meeting the requirements of Chapter 985, Wisconsin Statutes. For appeals, a Class 1 Notice, published once at least one week (7 days) before the hearing, is required. For all Zoning Ordinances and amendments, a Class 2 Notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local Ordinances or bylaws may required additional notice, exceeding these minimums.
High Flood Damage Potential. Damage that could result from flooding that includes any danger to life or health, or any significant economic loss to a structure or building and its contents.
Increase In Regional Flood Height. A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain, but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
Land Use. Any nonstructural use made of unimproved or improved real estate. (Also see Development″.)
Mobile Recreational Vehicle. A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light duty vehicle, is licensed for highway use if registration is required, and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of Mobile Recreation Vehicles″.
National Geodetic Vertical Datum. Elevations referenced to mean sea level datum, 1929 adjustment.
NAVD. See North American Vertical Datum″.
NGVD. See National Geodetic Vertical Datum″.
North American Vertical Datum. Elevations referenced to mean sea level datum, 1988 adjustment.
New Construction. For Floodplain Management purposed, New Construction″ means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the City, and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the Start of Construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
Obstruction To Flow. Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
Official Floodplain Zoning Map. That map, adopted and made part of this Ordinance, as described in Section 3.02, which has been approved by the Wisconsin Department of Natural Resources and FEMA.
Person. An individual or group of individuals, corporation, limited liability corporation, partnership, association, municipality or State agency.
Private Sewage System. A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
Public Utilities. Those utilities using underground or overhead transmission lines, such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
Reasonably Safe From Flooding. Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
Start of Construction. The date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a Manufactured/Mobile Home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual Start of Construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
Subdivision. Has the meaning given in Section 236.02(12), Wisconsin Statutes.
Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50%) percent of the equalized assessed value of the structure before the damage occurred.
Unnecessary Hardship. Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the Ordinance.
Watershed. The entire region contributing runoff or surface water to a watercourse or body of water.
Water Surface Profile. A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating Floodplain areas.
Well. Means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater, regardless of its intended use.

Section Eighteen: Section 12.0 B. of the Zoning Ordinance for the City of Kenosha, is hereby amended by repealing and recreating the following definitions:

A Zones. Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Basement. A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half (1/2) of its height is above the average level of the surrounding grounds. Any enclosed area of a building having its floor subgrade; i.e., below ground level, on all sides.

Certificate Of Compliance. A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Ordinance.

Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.

Development. (Relative To Floodlands) Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or,
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Floodplain Fringe. Those floodlands, excepting the floodway, subject to inundation by the regional flood. For the purpose of this Ordinance, the floodplain fringe includes the Floodplain Fringe Overlay (FFO) District.

Flood Insurance Study. A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the national Flood Insurance Program.

Floodlands. Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodplain fringe, and may include other designated floodplain areas for regulatory purposes.

Flood Profile. A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Floodproofing. Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Nonconforming Building or Structure. Any building or structure that lawfully existed on the effective date of this Ordinance, or for the area of the floodplain which it occupies, and which does not conform to the area, height, yard, open space or visual clearance provisions of this Ordinance.

Nonconforming Use. Any building, structure or land that was lawfully occupied or used on the effective date of this Ordinance, or for the area of the floodplain which it occupies, which does not conform to the use provisions of this Ordinance.

Ordinary High-Water Mark. Means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Regional Flood. A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one (1%) percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Structure. Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, streambed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Section Nineteen: Section 17.0 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

SECTION 17.0

OVERLAY DISTRICTS

17.01 OVERLAY DISTRICTS

In addition to the restrictions and requirements of the basic district applicable to a particular site, the restrictions of the applicable Overlay District or Districts shall also apply. To the extent there is a conflict between the restrictions or requirements associated with the applicable districts, the restrictions or requirements that most restrictively limit the use of the site shall apply.

17.02 FLOODPLAIN FRINGE OVERLAY DISTRICT (FFO)

A. Applicability. This Section applies to all Floodplain Fringe areas shown on the Floodplain Zoning Maps and those identified pursuant to Section 3.21 D.

B. Permitted Uses. Any structure, land use or development is allowed in the Floodplain Fringe Overlay District if the standards in Section 17.02 C. are met, the use is not prohibited by this or any other Ordinance or regulation and all permits or certificates specified in Section 8.05 have been issued.

C. Conditional Uses/Standards For Development In Floodplain Fringe Overlay Areas. Section 3.20 A. shall apply in addition to the following requirements according to the use requested.

1. Residential Uses. Any habitable structure, including a manufactured/mobile home, which is to be erected, constructed, reconstructed, altered or moved into the Floodplain Fringe Overlay Area shall meet or exceed the following standards:

a. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15') feet beyond the limits of the structure. The Wisconsin Department of Natural Resources may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical.

b. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.
c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subsection d. below.
d. In developments where existing street or sewer line elevations make compliance with subsection c. impractical, the City may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
(1) The City has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or,
(2) The City has a natural disaster plan approved by the Wisconsin Emergency Management and the Wisconsin Department of Natural Resources.
2. Accessory Structures or Uses.
a. Accessory Structure Not Connected To A Principal Structure. Except as provided in subsection 2.b. below, an accessory structure that is not connected to a principal structure, may be constructed with its lowest floor at or above the regional flood elevation.
b. Accessory Structure Not Connected To A Principal Structure Less Than Six Hundred Square Feet. An accessory structure that is not connected to the principal structure, and which is less than six hundred (600) square feet in size and valued at less than Ten Thousand ($10,000.00) Dollars, may be constructed with its lowest floor no more than two (2') feet below the regional flood elevation if it is subject to flood velocities of not more than two (2') feet per second and it meets all the provisions of Sections 3.20 C.2. and 17.02 C.5.
3. Commercial Uses. Any commercial structure which is erected, altered or moved into the floodplain fringe area shall meet the requirements of Section 17.02 C.1. Subject to the requirements of Section 17.02 C.5., storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
4. Manufacturing and Industrial Uses. Any manufacturing or industrial structure which is erected, altered or moved into the floodplain fringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other floodproofing measures in Section 4.03 B.6. Subject to the requirements of Section 17.02 C.5., storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
5. Storage of Materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Section 4.03 B.6. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
6. Public Utilities, Streets and Bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans.
a. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with Section 4.03 B.6. to the flood protection elevation.
b. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
7. Sewage Systems. All on-site sewage disposal systems shall be floodproofed pursuant to Section 4.03 B.6. to the flood protection elevation and shall meet the provisions of all local Ordinances and Chapter COMM 83, Wisconsin Administrative Code.
8. Wells. All wells shall be floodproofed pursuant to Section 4.03 B.6., to the flood protection elevation and shall meet the provisions of Chapters NR 811 and NR 812, Wisconsin Administrative Code.
9. Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in Floodplain Fringe Overlay Districts.
10. Deposition of Materials. Any deposited material must meet all the provisions of this Ordinance.
11. Manufactured and Mobile Homes.
a. Owners or operators of all Manufactured and Mobile Home Community shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
b. In existing Manufactured or Mobile Home Communities, all new manufactured or mobile homes, replacement manufactured or mobile homes on existing pads, and substantially improved manufactured or mobile homes, shall:
(1) Have the lowest floor elevated to the flood protection elevation; and,
(2) Be anchored so they do not float, collapse or move laterally during a flood.
c. Outside of existing Manufactured or Mobile Home Communities, including new Manufactured or Mobile Home Communities and all single units outside of existing parks, all new, replacement and substantially improved manufactured/mobile homes shall meet the residential development standards for the floodplain fringe in Section 17.02 C.1.
12. Mobile Recreational Vehicles. Mobile Recreational Vehicles are prohibited within this district.
Section Twenty: This Ordinance shall become effective upon passage, publication and approval by the State of Wisconsin Department of Natural Resources.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: FEBRUARY 4, 2008
PUBLISHED: FEBRUARY 15, 2008

RESOLUTIONS

It was moved by Alderman Pacetti, seconded by Alderman Sinclair to approve Resolutions 13-08 through16-08. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

15. RESOLUTION NO. 13-08
BY: THE COMMITTEE ON FINANCE
TO AUTHORIZE THE INSURING OF ALL CITY OF KENOSHA, WISCONSIN, BUILDINGS AND OTHER PROPERTY IN THE LOCAL GOVERNMENT PROPERTY INSURANCE FUND PURSUANT TO CHAPTER 605, WISCONSIN STATUTES, AND ANY AMENDMENTS THERETO

WHEREAS, pursuant to Chapter 605, Wisconsin Statutes, local governmental units may insure all buildings and other property in their possession in the Local Government Property Insurance Fund; and,

WHEREAS, Resolution No. 31-87, adopted February 2, 1987, withdrew certain City property from the Local Government Property Insurance; and,

WHEREAS, the City of Kenosha, Wisconsin, desires to participate in said Local Government Property Insurance Fund to

protect its buildings and other property from unexpected and accidental damages and losses, and to include City property previously removed from said Fund by Resolution No. 31-87.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that authorization is hereby granted for the City of Kenosha to participate in the Local Government Property Insurance Fund, pursuant to Chapter 605, Wisconsin Statutes, and to include City property previously removed therefrom by Resolution No. 31-87.

BE IT FURTHER RESOLVED that upon adoption of this Resolution, the City Clerk/Treasurer is hereby directed to provide a certified copy of this Resolution to the Commissioner of Insurance for the State of Wisconsin,

Adopted this 4th day of February, 2008.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

16. RESOLUTION NO: 14-08
BY: THE MAYOR
TO APPROVE A THREE-LOT CERTIFIED SURVEY MAP
Property located south of 58th Place and east of 104th Avenue (Panattoni)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to three parcels located south of 58th Place and east of 104th Avenue is herein and hereby approved subject to the following conditions:

1. Compliance with all applicable State and City codes and ordinances.
2. Payment of all applicable fees, including recording fees.
3. Payment of all taxes and special assessments prior to recording. The Owner shall provide the City Clerk-Treasurer, a certificate from the County Treasurer, stating that there are no past-due real estate taxes or special assessments on the parcel of real estate which is being divided.
4. Compliance with all the preceding conditions as a prerequisite for authorizing Mayor and City Clerk-Treasurer to sign the Certified Survey Map.
5. The Certified Survey Map shall be null and void if not recorded within six (6) months of approval by the Common Council.
6. A note shall be added to the Certified Survey Map that says: Parcel 1 shall have no vehicular access to 104th Avenue or 60th Street. Parcel 3 shall have no vehicular access to 60th Street.
7. A note shall be placed on the Certified Survey Map that maintenance of the stormwater pond and payment of taxes on Parcel 2 shall be as required by the Developers Agreement recorded as Document #1394420.

Adopted this 4th day of February, 2008.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

17. RESOLUTION NO: 15-08
BY: THE PUBLIC WORKS COMMITTEE
TO AMEND RESOLUTION #88-07 FOR A THREE-LOT CERTIFIED SURVEY MAP
Property located at 5419 65th Street (Altreuther)

WHEREAS, The Common Council of the City of Kenosha, Wisconsin approve Resolution #88-07 relating to a three-lot Certified Survey Map located at 5419 65th Street; and

WHEREAS, the owner of the property is unable to record the Certified Survey Map within the required six (6) month period permitted and has requested a six (6) month extension.

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that Condition #6 of Resolution #88-07 be amended to read that the Certified Survey Map shall be null and void if not recorded within six (6) months of approval of this amendment by the Common Council.

Adopted this 4th day of February, 2008.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

18. RESOLUTION NO. 16-08
BY: ALDERPERSON RONALD R. FREDERICK
ALDERPERSON ERIC J. HAUGAARD
ALDERPERSON JULIA ROBINSON
ALDERPERSON JESSE L. DOWNING
TO SUPPORT STATE SENATE BILL 322 AND STATE ASSEMBLY BILL 584 WHICH PROVIDE FOR AN EXEMPTION TO THE TAVERN LICENSE QUOTA FOR FULL SERVICE RESTAURANTS

WHEREAS, Chapter 125, Wisconsin Statutes, current imposes a quota on "Class B" Tavern Licenses; and,

WHEREAS, the City of Kenosha, Wisconsin, is presently at its limit; and,

WHEREAS, there already exist exemptions to the quota; e.g., opera houses; and,

WHEREAS, economic development is enhanced by the establishment of full service restaurants; and,

WHEREAS, Senate Bill 322 and Assembly Bill 584 would exempt full service restaurants if enacted; and,

WHEREAS, full service restaurants are defined as establishments "where meals are prepared, served to transients or the general public for consumption on the premises and in which the sale of alcoholic beverages account for 50% or less of the establishment's gross receipts for the most recent alcohol beverage licensing year."

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, to support the passage of Senate Bill 322 and Assembly Bill 584, and that it urge the State Legislature to support said Legislation.

BE IT FURTHER RESOLVED that the City Clerk/Treasurer be requested to send a copy of this Resolution to Governor James Doyle, our local and State Legislative Representatives, the League of Wisconsin Municipalities and the Wisconsin Alliance of Cities.

Adopted this 4th day of February, 2008.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

19. It was moved by Alderman Pacetti, seconded by Alderman Sinclair, to approve Award of Contract for Project #07-2004 Southport Lighthouse Keeper's Dwelling Interior Rehabilitation (5117 4th Avenue) to Bane Nelson in the amount of $126,302.00.
On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Pacetti, seconded by Alderman Sinclair, to approve:
20. Easement for right-of-way from WE Energies at 34th Avenue, north of 45th Street. (District #10) (KAT Site)
21. Approval of the Purchase Agreement for 35th Avenue Right-of-Way Project (part of 3500 40th Street).
On roll call vote, motion carried unanimously.
22. It was moved by Alderman Marks, seconded by Alderman Robinson to approve Contract of Purchase and Sale by and Between Sunstarr Real Estate Group, LLC and the City of Kenosha for Property Located at 1800-60th Street. On roll call vote, motion carried (13-1) with Alderman Casey voting nay.
It was moved by Alderman Casey, seconded by Alderman Ruffolo to approve:
23. Lease with Pitney Bowes for a new postage machine. On roll call vote, motion carried unanimously.
24. Lease Agreement between City of Kenosha, Wisconsin and Draupnir Services, LLC, #10310.
25. Lease Termination between City of Kenosha, Wisconsin and RCF Investments, Inc., #10310.
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderman Casey, seconded by Alderman Ruffolo, to approve:
26. KABA 4th Quarter Reports.
27. Ajri Murati vs. City of Kenosha.
28. Demske v. City of Kenosha
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

29. It was moved by Alderman Casey seconded by Alderman Ruffolo to approve Final Acceptance of:
a. #06-1424 Piazza Cosenza (Ring Road between 54th and 56th Streets) by Rasch Construction - $515,362.07. (District 2)
b. #06-1411 KAT Concession Building (39th Avenue & 41st Street) by Absolute Construction Enterprises, - $360,651.07. (District 10)
c. #07-1210 Municipal Office Building Lintel and Brick Repairs (625 52nd Street) by Custom Restoration - $53,389.00. (District 2)
On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Ruef, seconded by Alderman Butler, to adjourn at 7:45 p.m.
On a voice vote, motion carried.

Approved:

JOHN M. ANTARAMIAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Wednesday, February 20, 2008
John M. Antaramian, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Wednesday, February 20, 2008

At a meeting of the Common Council held this evening, Acting Mayor, Donald K Holland presided.

The meeting was called to order at 7:04 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Sinclair, Marks, Ruef, Butler, Frederick, Misner, Pitts, Pacetti, and Polzin, Jr. Excused were Aldermen Ruffalo, Spair, Robinson, Casey and Downing.

The invocation was given by Alderman Moldenhauer.

Acting Mayor Holland then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderman Sinclair, seconded by Alderman Polzin Jr., to approve the minutes of the meeting held January 23, 2008.

Motion carried unanimously.

2 Citizens spoke during Citizen's Comments: Ruth Donaldo and Bryon Wright.

TO THE COMMITTEE ON FINANCE

1. Offer of Sale Agreement for approximately 7.48 acres of land for the expansion of Sunrise Park west of 47th Avenue and north of 31st Street, District #5. (Deaton and Frayer) (Also refer to Park & City Plan Commissions)
2. Quit Claim Deed to transfer property at 6111 18th Avenue from the City of Kenosha to the City of Kenosha Housing Authority, District #8. (City of Kenosha) (Also refer to Public Works Committee and City Plan Commission)
3. Quit Claim Deed to dedicate 80th Street right-of-way, District #14. (City of Kenosha) (Also refer to Public Works Committee and City Plan Commission)
4. Quit Claim Deed to transfer property at 4920 80th Street from the City of Kenosha to the Kenosha Water Utility, District #14. (Water Tank Site) (Also refer to Public Works Committee and City Plan Commission)
5. Quit Claim Deed to transfer property at 4504 64th Avenue from the City of Kenosha to the Kenosha Water Utility, District #16. (Water Tank Site) (Also refer to Public Works committee and City Plan Commisison)
6. Amendment to the TID Rehabilitation Loan Program Lender Services Agreement.
7. Proposed Resolution To Amend the City of Kenosha Capital Improvement Program for 2008 by Creating Line PO-08-001 "Police Radio System" for an Increase in The 2008 program of $100,000 (Also reffered to the Public Safety and Welfare Committee)

TO THE PUBLIC WORKS COMMITTEE

8. Resolution to approve a two-lot Certified Survey Map at 7915 Sheridan Road, District #3. (Kenosha Achievement Center) (Also refer to City Plan Commission)
9. Petition to annex 59.018 acres of land located north of 60th Street and west of 120th Avenue from the Town of Paris to the City of Kenosha. (Southport Commons LLC) (Also refer to City Plan Commission)
10. Resolution to approve a two-lot Certified Survey Map for property located south of 56th Street at First Avenue, District #2. (Direct Development) (Also refer to City Plan Commission)

TO THE CITY PLANN COMMISSION

11. Petition to rezone property at 2519 60th Street from B-2 Community Business to IP Institutional Park, District #7. (Rodriguez)
12. Petition to rezone a portion of property at 7915 Sheridan Road from M-1 Light Manufacturing to IP Institutional Park, District #3. (Kenosha Achievement Center)
13. To Amend the Official Map for the City of Kenosha, Wisconsin, to include the Annexation of Parcels

#45-4-221-364-0107 and #45-4-221-364-0400, from the Town of Paris to the City of Kenosha. (Southport Commons LLC)

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

14. It was moved by Alderman Sinclair, seconded by Alderman Butler, to approve:
a. 10 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.
b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.
c. 6 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.
d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.
On a voice vote, motion carried.
15. It was moved by Alderman Sinclair, seconded by Alderman Pitts, to receive and file Communication regarding voluntary surrenders of the following licenses:
a. Class "B" Beer/"Class B" Liquor – Boulderz, 504/506 - 57th Street (Rokralique of WI, Inc., Nadine Stangas, Agent)
b. Class "A" Retail Beer - Harborside Deli & Market, 512 - 57th Street (Harborside Deli & Market, Inc., Donna Crucianelli, Agent)
On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

16. It was moved by Alderman Pitts, seconded by Alderman Sinclair, to approve the following applications for new Operator's (Bartender) licenses, subject to:
-25 demerit points:
a. William J. Smith
b. Lori A. Stern
-50 demerit points:
c. Akil Ajmeri
d. Kristal A. Matson
-75 demerit points:
e. Jermaine D. Richmond
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
17. It was moved by Alderman Sinclair, seconded by Alderman Pitts, to approve application of Robert D. Ryan for a new Commercial Kennel License located at 5522-104th Ave, (Sunrunner Kennel) with no adverse recommendations.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
18. It was moved by Alderman Sinclair, seconded by Alderman Pitts, to refer the following applications for the one (1) available Class "B" Beer/"Class B" Liquor License back to the Licensing/Permit Committee:
a. 504 Place, LLC, Ron R. Slaght, Agent, located at 504-57th St, (504 Place). (2nd District) (Date filed: November 27, 2007)
c. Rancho Nuevo Restaurant, LLC, Santiago Arguello, Agent, located at 5619-22nd Ave, (Rancho Nuevo Restaurant) (7th District) (Date filed: January 31, 2008)
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
19. It was moved by Alderman Sinclair, seconded by Alderman Pitts, to approve application of STT Lighthouse, LLC, Lisa J. Meyers, Agent, for a Class "B" Beer/"Class B" Liquor License located at 5130-4th Ave, (Lighthouse Bistro), with acceptance of a conditional surrender of a similar license at the same location from Kenosha Yacht Club.

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

20. It was moved by Alderman Ruef, seconded by Alderman Polzin Jr., to approve the findings of Fact, Conclusions of Law and Recommendations (to suspend for 7 days) in the Matter of the Secondhand Article Dealer License of Jerome Binsfeld, located at 6040-39th Ave, Suite 7, (JB Coins).

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

ZONING ORDINANCES 1ST READING

It was moved by Alderman Sinclair, seconded by Alderman Pitts, to send the following ordinances on their way*:*

21. By the Mayor – To Create and Amend Various Sections of the Zoning Ordinance for the City of Kenosha, Wisconsin Relating to Building in the IP Institutional Park District.

22. By the Mayor - To Repeal and Recreate Section 4.03 A. of the Zoning ordinance Regarding Conditional Use Applications; to Repeal and Recreate Section 8.04 D.3.b. of the Zoning Ordinance Regarding Issuing Temporary Certificates of Occupancy; to Repeal and Recreate the Second Paragraph of Section 14.01; to Repeal and Recreate Section 14.02 A.; to Create Section 14.06 C.6.; and, to Repeal and Recreate Section 14.07 E.8. of the Zoning Ordinance Regarding Site Plan Review.

On a voice vote, motion carried.

ORDINANCES 2ND READING

23. It was moved by Alderman Pacetti, seconded by Alderman Marks, to approve the proposed ordinance by Alderpersons Polzin, Pacetti, and Robinson – To Create Section 11.033 Entitled "Sexual Offender Residency Restrictions".

A hearing was held. No one appeared.

23.1 It was moved by Alderman Pacetti, seconded by Alderman Marks, to defer until March 3, 2008. On a voice vote, motion carried.

It was moved by Alderman Pitts, seconded by Alderman Sinclair, to approve the following proposed ordinances:

24. By the Mayor - To Create Section 5.047, Entitled Permits for Artificial Structures in the Right-of-Way″.

25. By the Mayor - To Create Section 9.201, Entitled Aboveground Utility Structure″.

It was then moved by Alderman Pacetti, seconded by Alderman Pitts, to defer both until March 17, 2008. On a voice vote, motion carried.

ZONING ORDINANCES 2ND READING

26. It was moved by Alderman Pitts, seconded by Alderman Ruef, to approve the proposed ordinance:

By the Mayor – To Rezone Property Located at 12304 – 75th Street from A-2 Agricultural Land Holding to B-2 Community Business District [Rasmussen] (16th District)

A hearing was held. No one appeared.

26.1 It was moved by Alderman Ruef, seconded by Alderman Sinclai, to defer until March 3, 2008. On a voice vote, motion carried.

27. It was moved by Alderman Pitts, seconded by Alderman Sinclair, to defer the proposed ordinance by the Mayor – To Create, Repeal and Recreate, and Amend Various Sections of the Zoning Ordinance Regarding "Aboveground Utility Structures". until March 17, 2008. On a voice vote, motion carried.

RESOLUTIONS

It was moved by Alderman Marks, seconded by Alderman Misner, to adopt Resolution 17-08 through 18-08 (items 28 and 29). A hearing was held. No one appeared. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

28. RESOLUTION NO. 17-08
BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Boarding and Securing

BE IT RESOLVED, that special assessments for boarding and securing during 2007 and 2008, in the total amount of $5,372.98, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 20th day of February, 2008

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

29. RESOLUTION NO. 18-08
BY: Mayor
To Amend the City of Kenosha Capital Improvement Program for 2008 by Decreasing Various Park CIP Project Lines for a Total of $449,000 and Creating Line PK-08-003 "Simmons Island Marina Seawall" for $449,000 for a Net Change of $0

WHEREAS, it has been determined that the Simmons Island Marina seawall is in need of repairs ; and WHEREAS, it has been determined that certain Parks CIP projects have funding remaining as the projects were not undertaken or have been completed; and WHEREAS, the above amendment to the Capital Improvement Program has been approved by the City Plan Commission on February 20, 2008, the Parks Commission on February 20, 2008, and the Finance Committee on February 20, 2008; NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that the Capital Improvement Program be, and hereby is amended as follows:

PK 01-002
Simmons Island Park
80,000-(80,000)=0
PK01-004
Kennedy Park
231,100-(231,100)=0
PK 93-007
Nash Park
66,900-(66,900)=0
PK00-002
Southport Park
13,400-(13,400)=0
PK01-003
Eichelman & Wofenbuttel Park
57,600-(57,600)=0
PK 08-003
Simmons Marina Seawall
0+449,000=449,000

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

30. It was moved by Alderman Pitts, seconded by Alderman Sinclair, to adopt Resolution 19-08. On roll call vote, motion carried (11-1) with Alderman Polzin Jr. voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 19-08
BY: THE MAYOR
TO EXTEND THE MORATORIUM ESTABLISHED BY RESOLUTION NO. 93-06, ADOPTED ON AUGUST 21, 2006, ON CONSIDERATION AND/OR ISSUANCE OF PERMITS NECESSARY

TO PLACE ARTIFICIAL STRUCTURES IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the Common Council of the City of Kenosha, Wisconsin, on August 21, 2006, under Resolution No. 93-06, adopted a moratorium on the granting and/or issuance by any department of the City of any permit required for placement aboveground of artificial structures in or about the right-of-way to allow the City to review the standards for placement of such structures; and, WHEREAS, Resolution No. 109-07, adopted on August 21, 2007, extended the time of the moratorium through January 1, 2008; and, WHEREAS, Resolution No. 187-07, adopted on December 17, 2007, extended the time of the moratorium through March 1, 2008; and, WHEREAS, the review of the utilization of the public right-of-way has been completed and that said review included an analysis of potential public safety and welfare concerns associated with the utilization of the right-of-way by utilities; and, WHEREAS, Ordinances have been proposed by the Mayor to address public safety and welfare concerns associated with the utilization of the right-of-way; and, WHEREAS, one such utility, AT&T, has reviewed the proposed Ordinances and specifically requested additional time to review and address alternative legislative suggestions to the considerations; and, WHEREAS, pursuant to the request of AT&T representatives, the Common Council extended the moratorium until March 1, 2008; and, WHEREAS, on December 25, 2007, in Wauwatosa, Wisconsin, a Video Access Relay Device (VRAD), an artificial structure of the type that AT&T has placed and intends to continue to place in the public rights-of-way of the City of Kenosha, exploded; and, WHEREAS, a forensic report resulting from an investigation of the Wauwatosa VRAD explosion is expected to be promulgated on or about February 18, 2008; and, WHEREAS, Administration of the City of Kenosha needs additional time to obtain and review the forensic report in order to determine the safety of this type of artificial structure in the public right-of-way. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the moratorium established under Resolution 93-06, adopted August 21, 2006, is extended until April 1, 2008, or, if determined to be necessary, until the adoption of an Ordinance or Ordinances regulating the placement aboveground of artificial structures in or about the right-of-way, whichever is earlier. Adopted this 20th day of February, 2008.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

It was moved by Alderman Pitts, seconded by Alderman Ruef, to adopt Resolution 20-08 through 21-08 (items 31 and 32). A hearing was held. No one appeared. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

31.RESOLUTION NO. 20-08
BY: THE MAYOR
TO CREATE WARD 72, FOR VOTING PURPOSES, AND COMBINE THE POLLING PLACES FOR WARDS 32, 36, 37, 38, 39, 40, 42, 51, 58, 59, 63, 68, 70 and 72, Guttormsen Recreation Center, 5411 Green Bay Road

WHEREAS,Attachment Ordinance No. 73-07 attached Parcel Nos. 80-4-222-352-0520; 80-4-222-352-0530; 80-4-222-352-0540; and, 80-4-222-352-0550,[City of Kenosha. - Property Owners] into the corporate limits of the City of Kenosha, Wisconsin; AND WHEREAS, it was determined that the attached parcels of land lie within the 66th State Assembly District; NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the parcel of land attached under Attachment Ordinance No. 73-07 be placed in City of Kenosha Voting Ward 72, District 16, and that the polling place for wards 32, 36, 37, 38, 39, 40, 42, 51, 58, 59, 63, 68, 70 and 72 be combined to the Guttormsen Recreation Center, 5411 Green Bay Road, for voting purposes as allowed by Section 5.15 (6)(b), Wisconsin Statutes. Adopted this 20th day of February, 2008.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

32. RESOLUTION NO. 21-08
BY: THE MAYOR
TO REMOVE WARD 69, FOR VOTING PURPOSES, AND ADJUST THE POLLING PLACE ACCORDINGLY (WARDS 34, 35, 44, 49, 50, AND 57) FIRST ASSEMBLY OF GOD 10700 75TH ST

WHEREAS, Resolution 12-08 authorized the City Attorney to resolve pending litigation between the Town of Paris and the City of Kenosha regarding the annexation of certain territory in the Town of Paris, set forth and described in Ordinance 61-07; AND WHEREAS, due to the annexation, Resolution 153-07 created ward 69 for voting purposes, and combined it with wards assigned to the First Assembly of God, 10700-75th Street polling place; AND WHEREAS, it was determined by stipulation and order that the annexed parcel of land is to be returned to the Town of Paris; NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that ward 69, created by Resolution 153-07, be removed that the polling place for wards 34, 35, 44, 49, 50, and 57 be combined to the First of Assembly of God, 10700 75th Street, for voting purposes as allowed by Section 5.15 (6)(b), Wisconsin Statutes.

Adopted this 20th day of February, 2008.

APPROVED:
JOHN M. ANTARAMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

It was moved by Alderman Pitts, seconded by Alderman Ruef, to approve:

33. Award of Contract for Project #07-1408 Simmons Island Seawall Repair (4720 Harbor Drive) to Great Lakes Marine, Black Creek, Wisconsin in the amount of $383,900.00. (District 2)

On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Pitts, seconded by Ruef, to approve:

34.Kenosha Yacht Club Management Agreement/STT Lighthouse, LLC.

35.Lease By And Between The City of Kenosha, Wisconsin And Great Lakes Yacht Sales, Inc. (District 2)

36.Marina Development Agreement By And Between The City of Kenosha, Wisconsin And Great Lakes Yacht Sales, Inc. (District 2)

37.Bill Of Sale (Docks/Dock Materials at Simmons Island Marina) to Great Lakes Yacht Sales, Inc. (District 2)

38.Contract of Purchase and Sale and Development Plan by and between Brookstone Homes and the City of Kenosha for the KAT Subdivision Project, District #10.

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

39. It was moved by Alderman Pitts, seconded by Alderman Ruef to approve Disbursement Record #1 – $7,720,908.16 and #2 - $27,475,092.30.

On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Pitts, seconded by Alderman Sinclair, to adjourn at 7:45 p.m.

On a voice vote, motion carried.

Approved:

JOHN M. ANTARAMIAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
March 3, 2008

John M. Antaramian, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
March 3, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor John M. Antaramian presided. The meeting was called to order at 7:04 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Sinclair, Spair, Robinson, Marks, Ruef, Butler, Frederick, Misner, Pitts, Pacetti, Downing and Polzin, Jr. Alderman Casey arrived during the presentation of the Medal of Merit to Kenosha Fire personnel (see below).

The invocation was given by Alderman Frederick.

Mayor Antaramian then led the Council in the Pledge of Allegiance to the American Flag.

At this time, the Mayor and Fire Chief Thompson presented the Medal of Merit to Lieutenant Greg Peterson, Apparatus Operator Steve Osmanski, and Fire Fighters Mark Stachura and Brad Pfeiffer.

Six (6) Citizens spoke during Citizen's Comments: Nick Arnold-City Administrator, Joy McClain, Bob Danbeck, Mark Molinaro, Kathy Yoo and Louis Rugani.

It was moved by Alderman Sinclair, seconded by Alderman Spair, to approve the minutes of the meeting held February 4, 2008.

Motion carried unanimously.

TO THE COMMITTEE ON FINANCE

1. Proposed Resolution by the Mayor to create a technology committee for the City of Kenosha, Wisconsin. (Also refer to Public Safety & Welfare Committee)
2. Resolution to adopt a Project Plan Amendment for Tax Incremental District #11, City of Kenosha, Wisconsin, Under Section 66.1105(4)(h)1., Wisconsin Statutes. (Also refer to City Plan Commission)
3. Proposed ordinance revision to Chapter 28 of the Code of General Ordinances. (Also refer to Public Safety & Welfare Committee)

TO THE PUBLIC SAFETY AND WELFARE COMMITTEE

4. Proposed resolution by the Mayor - For the Common Council of the City of Kenosha, Wisconsin, to request that the Kenosha County Board of Supervisors join the Common Council in adopting substantially identical resolutions reconstituting the joint services board to include as members the Chief of Police for the City of Kenosha and the Kenosha County Sheriff.

TO THE CITY PLAN COMMISSION

5. Conditional Use Permit for a 692,000 s.f. bulk intermodal distribution center to be located south of 52nd Street and east of 88th Avenue, District #16. (Affiliated Foods Midwest)
6. Conditional Use Permit for an asphalt shingle resource recovery plant to be located at 5817 46th Street, District #16. (Excel Disposal)
7. Petition to rezone property located at 1525 24th Avenue from RS-1 Single-Family Residential to IP Institutional Park in conformance with Section 10.02 of the Zoning Ordinance, District #4. (Prayer House)
8. Zoning Ordinance to Repeal, Create, Amend and Repeal and Recreate various sections of the Zoning Ordinance for the City of Kenosha, regarding off-premise signs.

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

9. It was moved by Alderman Sinclair, seconded by Alderman Spair, to approve:

a. 15 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file

in the office of the City Clerk.
c. 16 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.
d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.
On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

10. It was moved by Alderman Spair, seconded by Alderman Downing, to approve applications for new Operator's (Bartender) licenses, subject to:
-25 demerit points:
a. Glen R. Bingham
-50 demerit points:
b. Caleb Hopkins
c. Virginia M. Martinez
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
11. It was moved by Alderman Frederick, seconded by Alderman Haugaard, to approve application of Harp & Eagle, Ltd., Cary J. O'Dwanny, Agent, for a Class "B" Beer/"Class B" Liquor License located at 5710-4th Ave, (Harp & Eagle) (with a request for an opinion from the City Development Department regarding the building and parking issues). A hearing was held. The applicant did not appear. On a voice vote, motion carried.
12. It was moved by Alderman Haugaard, seconded by Alderman Ruffolo, to approve Findings of Fact, Conclusions of Law and Recommendations (to suspend for 30 days) in the Matter of the following licenses located at 624-56th Street (Dale, Ltd.):
a. Secondhand Article and Secondhand Jewelry Dealer Licenses of Kang and Kathleen Yoo
b. Pawnbroker License of Kang Yoo
A hearing was held. The applicants did not appear. On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Pitts, seconded by Alderman Sinclair to send the following ordinances on their way after being read:
13. By Committee on Public Safety and Welfare - To Amend Section 7.12 C., by Adding an East/West Stop Sign on 50th Street before Entering the Intersection with 25th Avenue.
14. By Committee on Public Safety and Welfare - To Amend Section 7.12 C., by Adding a North/South Stop Sign on 50th Avenue before Entering the Intersection with 33rd Street.
15. By the Mayor - To Annex 59.018 Acres of Land Located north of 60th Street and west of 120th Avenue from the Town of Paris. (Southport Commons LLC)
On a voice vote, motion carried.

ZONING ORDINANCES 1ST READING

It was moved by Alderman Pitts, seconded by Alderman Sinclair, to send the following ordinances on their way:
16. By the Mayor - To Rezone Property Located at 2519 – 60th Street from B-2 Community Business to IP Institutional Park [Rodriguez] .
17. By the Mayor - To Rezone a Portion of Property Located at 7915 Sheridan Road from M-1 Light Manufacturing to IP Institutional Park [Kenosha Achievement Center]
On a voice vote, motion carried.

ORDINANCES 2ND READING

18. It was moved by Alderman Polzin, seconded by Alderman Downing, to adopt the proposed ordinance by Alderpersons Polzin, Pacetti, and Robinson – To Create Section 11.033 Entitled "Sexual Offender

Residency Restrictions".

A public hearing was held. Seven (7) people spoke regarding said ordinance.

19.1 It was then moved by Alderman Frederick, seconded by Alderman Moldenhauer to table the proposed ordinance.

On roll call vote, motion carried (11-6) with Aldermen Misner, Pitts, Pacetti, Downing, Polzin and Robinson voting nay.

ZONING ORDINANCES 2ND READING

19. It was moved by Alderman Butler, seconded by Alderman Haugaard to adopt Ordinance 11-08. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ZONING ORDINANCE NO. 11-08
BY: THE MAYOR
TO CREATE AND AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN, RELATING TO BUILDINGS IN THE INSTITUTIONAL PARK (IP) DISTRICTS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Sections 3.19 C.10. and 3.19 C.11. of the Zoning Ordinance for the City of Kenosha, Wisconsin, are hereby created as follows:

10. Development consisting of two (2) or more buildings for permitted or conditional uses located on a single parcel of land or contiguous parcels, which are part of the same development. 11. A building with twenty thousand (20,000 sq. ft.) square feet or greater of gross floor area which contains permitted or conditional use(s). Section Two: Section 4.02 B., Table 4.01, Group 4, of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto: Development consist of 2 or more Buildings on a single parcel or contiguous parcels in the IP District CPC. A building with 20,000 gross sq.ft. or greater of floor area located in the IP District CPC. Section Three: Section 4.06 D.15. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows: 15. Development in the Institutional Park (IP) District Consisting of Two (2) or More Buildings on a Single Parcel or Group of Contiguous Parcels or a Single Building With a Floor Area of 20,000 Square Feet or Greater. a. Building Plan as required in Sections 4.05 and 14.07 of the Zoning Ordinance. b. Site Plan as required in Sections 4.05 and 14.07 of the Zoning Ordinance. c. Drainage Plan as required in Sections 4.05 and 14.07 of the Zoning Ordinance. d. Landscape Plan as required in Sections 4.05 and 14.07 of the Zoning Ordinance. e. Utility Plan as required in Sections 4.05 and 14.07 of the Zoning Ordinance. f. Operational Plan. (1) A copy of any restrictive covenants shall be provided. (2) Hours of operation shall be indicated. g. Other issues which may have an adverse impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

Section Four: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: March 3, 2008
PUBLISHED: March 7, 2008

20. It was moved by Alderman Ruef, seconded by Alderman Misner to adopt Ordinance 12-08. On roll call vote, motion carried (16-1) with Alderman Downing voting nay and said ordinance was thereupon adopted as follows:

ZONING ORDINANCE NO. 12-08
BY: THE MAYOR
TO REPEAL AND RECREATE SECTION 4.03 A. OF THE ZONING ORDINANCE REGARDING CONDITIONAL USE APPLICATIONS; TO REPEAL AND RECREATE SECTION 8.04 D.3.b. OF THE ZONING ORDINANCE REGARDING ISSUING TEMPORARY

CERTIFICATES OF OCCUPANCY; TO REPEAL AND RECREATE THE SECOND PARAGRAPH OF SECTION 14.01; TO REPEAL AND RECREATE SECTION 14.02 A.; TO CREATE SECTION 14.06 C.6.; AND, TO REPEAL AND RECREATE SECTION 14.07 E.8. OF THE ZONING ORDINANCE REGARDING SITE PLAN REVIEW

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 4.03 A. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: A. Application. Applications for Conditional Use Permits shall be made in duplicate to the City Plan Division on forms furnished by the City Plan Division and shall include the following: 1. Names and addresses of the applicant, owner of site, architect, professional engineer, and contractor; and, 2. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site (if available); zoning district(s) within which the subject site lies; and, type of structure(s). 3. An Operational Plan detailing the hours of operation, anticipated number of occupants and/or employees, and plans for removal and control of waste and trash. The Operational Plan shall also include any other specific items that may be required under this Section. Section Two: Section 8.04 D.3.b. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: b. With respect to Multi-Unit Residential Developments, prior to occupying an individual unit, the exterior of the building shall be one hundred (100%) percent complete. With respect to Commercial, Industrial and/or Institutional Developments, prior to occupying the building or any individual unit or tenant space, the exterior of the building shall be one hundred (100%) percent complete. Section Three: The Second Paragraph of Section 14.01 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: This Section does not apply to one (1) and two (2) family residential units. This Section does apply to the new construction or erection of any building or structure, to any addition to a building or structure, to any exterior building alteration, or to any site changes or modifications, including, but not limited to, site paving. Section Four: Section 14.02 A. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: A. Site Plan Review. A review of a Site Plan which is subject to this Section is a condition precedent to the issuance of a Building, Conditional Use and/or Occupancy Permit being reviewed or issued. Section Five: Section 14.06 C.6. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows: 6. Operational Plan in conformance with Section 4.03 A.3. Section Six: Section 14.07 E.8. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 8. All development shall comply with the City's Land Division and Zoning Ordinance requirements for storm water retention and detention. Storm water retention and detention basins, including underground retention and detention basins, shall be constructed and operational prior to the issuance of a footings and foundation permit. Underground storm water retention and detention basins shall only be allowed upon approval and recording of a Storm Water Maintenance Agreement. Section Seven: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: March 3, 2008
PUBLISHED: March 7, 2008

RESOLUTIONS

21. The proposed resolution to specially assess certain parcels of property for permit fees related to reinspection fees in the total amount of $4,450.00 per list on file in the office of the City Clerk was deferred by the Finance Committee at their meeting held prior to this meeting.

It was moved by Alderman Casey, seconded by Alderman Butler to adopt Resolutions 22-08 through 25-08 (items 22 through 25). On roll call vote, motion carried uannimously and said resolutions were thereupon adopted as follows:

22. RESOLUTION NO. 22-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO REMOVE THE EXISTING "NO PARKING, 7:30 A.M. - 4:30 P.M. ON SCHOOL DAYS" RESTRICTION ON THE SOUTH SIDE OF 54TH STREET IN THE 1900 BLOCK

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the existing "NO PARKING, 7:30 A.M. - 4:30 P.M. ON SCHOOL DAYS" restriction on the South side of 54th Street in the 1900 Block, be and hereby is removed and rescinded.

Adopted this 3rd day of March, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

23. RESOLUTION NO. 23-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO REMOVE THE EXISTING "15 MINUTE PARKING" RESTRICTION ON THE NORTH SIDE OF 50TH STREET IN THE 700 BLOCK

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the existing "15 MINUTE PARKING" restriction on the North side of 50th Street in the 700 Block, be and hereby is removed and rescinded.

Adopted this 3rd day of March, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

24. RESOLUTION NO. 24-08
BY: Mayor
To Amend the City of Kenosha Capital Improvement Program for 2008 by Creating Line PO-08-001 "Police Radio System" for an Increase in the 2008 program of $100,000

WHEREAS, a study of the Police Radio System has determined that the system is in need of hardware enhancements which were not determined prior to the adoption of the 2008 Capital improvement Budget ; and

WHEREAS, the 2008 Capital Improvement Budget does not contain the funding necessary to complete this enhancement, it is recommended that the 2008 Capital improvement Program be increased in the amount of $100,000 for this project; and

WHEREAS, the above amendment to the Capital Improvement Program has been approved by the City Plan Commission on February 21, 2008, the Public Safety & Welfare Committee on February 25, 2008 and the Finance Committee on March 3, 2008;

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that the Capital Improvement Program be, and hereby is amended as follows:

Line Item PO 08-001
Description Police Radio System
Original Authorization 0
Authorization Adjustment 100,000
Amended Authorization 100,000

Adopted this 3rd day of March, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

25. RESOLUTION NO: 25 - 08
BY: THE MAYOR
TO APPROVE A TWO-LOT CERTIFIED SURVEY MAP
Property located south of 56th Street at First Avenue (Direct Development)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to two parcels located south of 56th Street at First Avenue is herein and hereby approved subject to the following conditions:

1. Compliance with all applicable State and City codes and ordinances.
2. Payment of all applicable fees, including recording fees.
3. Payment of all taxes and special assessments prior to recording. The Owner shall provide the City Clerk-Treasurer, a certificate from the County Treasurer, stating that there are no past-due real estate taxes or special assessments on the parcel of real estate which is being divided.
4. Compliance with all the preceding conditions as a prerequisite for authorizing Mayor and City Clerk-Treasurer to sign the Certified Survey Map.
5. The Certified Survey Map shall be null and void if not recorded within six (6) months of approval by the Common Council.
6. The bearing statement must reference the Wisconsin State Plane Coordinate System - South Zone. The Map shall be tied to a section corner.
7. The north lot line of Lot #1 shall be 141.50' and the south lot line of Lot #1 shall be 138.15' to meet the zoning boundary. The bearings of the east lot line of Lot #1 and on the north and south lot lines of Lot #2 shall be adjusted accordingly.
8. Sanitary sewer and water cannot cross one parcel to service another parcel. A map shall be provided to indicate the existing sanitary sewer and water in relation to the proposed lot lines.
9. The area in Lot #2 that is reserved for the Kenosha Water Utility for water and storm sewer is no longer needed for the Kenosha Water Utility because the water main was reconnected outside of Lot #2. The reservation shall be removed from the Certified Survey Map.
10. Indicate the first floor elevation of all existing structures.

Adopted this 3rd day of March, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

26. It was moved by Alderman Ruef, seconded by Alderman Butler, to approve award of Contract for Parkway Tree Pruning, #04-08 to Aerial Work Services in the Amount of $67,500.

On roll call vote, motion carried (16-1) with Alderman Misner voting nay.

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Casey, seconded by Alderman Butler, to approve:

27. Agreement for Professional Services by and between the City and Platinum Design and Development Group, LLC.
28. Offer of Sale Agreement for approximately 7.48 acres of land for the expansion of Sunrise Park west of 47th Avenue and north of 31st Street (District #5). (Deaton and Frayer)
29. Quit Claim Deed to transfer property at 6111 18th Avenue from the City to the Kenosha Housing Authority (District #8). (City of Kenosha)
30. Quit Claim Deed to dedicate 80th Street right-of-way, District #14. (City of Kenosha)
31. Approve Quit Claim Deed to transfer property at 4920 80th Street from the City of Kenosha to the Kenosha Water Utility, District #14. (Water Tank Site)

32. Approve Quit Claim Deed to transfer property at 4504 64th Avenue from the City of Kenosha to the Kenosha Water Utility, District #16. (Water Tank Site)
33. Amendment to the TID Rehabilitation Loan Program Lender Services Agreement
34. Amendment to Janitorial Services Agreement January 1, 2007, through December 31, 2009 By and Between the City of Kenosha, A Municipal Corporation, And Pioneer Commercial Cleanings, A Sole Proprietorship.

On roll call vote, motion carried unanimously. NOTE: Alderman Pitts abstained from the vote in item #28.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderman Casey, seconded by Alderman Butler, to deny:
35. Claims against City of Kenosha:
a. Murati
b. Badura
c. Freeborn

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

36. It was moved by Alderman Casey, seconded by Alderman Butler to approve Final Acceptance of Project #06-1425 KAT Baseball Complex – Flat Work (39th Avenue & 42nd Street) which has been completed by Platt Construction, in the amount of $127,137.08.

On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Ruffolo, seconded by Alderman Robinson, to adjourn at 8:58 p.m.

On a voice vote, motion carried.

Approved:

JOHN M. ANTARAMIAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, March 17, 2008
John M. Antaramian, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, March 17, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor John M. Antaramian presided. The meeting was called to order at 7:03 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Sinclair, Robinson, Marks, Ruef, Butler, Frederick, Casey, Misner, and Downing. Excused: Aldermen Spair, Pitts, Pacetti & Polzin.

The invocation was given by Alderman Casey.

Mayor Antaramian then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderman Spair, seconded by Alderman Downing, to approve the minutes of the meeting held February 20 and March 3, 2008.

Motion carried unanimously.

At this time, the Mayor and members of the Mayor's Youth Commission presented awards. After the presentation, the Common Council took a brief recess.

Three (3) Citizens spoke during Citizen's Comments: Bob Danbeck, John O'Connor and Louis Rugani.

TO THE COMMITTEE ON FINANCE

1. Resolution to Create Tax Incremental District #12, City of Kenosha, Wisconsin, Under Section 66.1105(4)(gm), Wisconsin Statutes. (Also refer to City Plan Commission)
2. Resolution to Adopt a Project Plan for Tax Incremental District #12, City of Kenosha, Wisconsin, Under Section 66.1105(4)(g), Wisconsin Statutes. (Also refer to City Plan Commission)

TO THE PUBLIC WORKS COMMITTEE

3. Resolution approving the Final Plat for KAT Subdivision located north of 45th Street and east of 35th Avenue, District #10. (Also refer to City Plan Commission)
4. Developers Agreement between the City of Kenosha, Kenosha Water Utility and Brookstone Homes Inc., for the KAT Subdivision located north of 45th Street and east of 35th Avenue, District #10. (Also refer to City Plan Commission and Board of Water Commissioners)
5. Petition to vacate the portion of the 15th Avenue right-of-way extending 124 feet north of 63rd Street, District #8. (City of Kenosha/Marks) (Also refer to City Plan Commission)

TO THE CITY PLAN COMMISSION

6. Petition to rezone property located on 51st Place between 7th and 8th Avenues from B-3 Central Business District to B-4 Mixed-Use District in conformance with Section 10.02 of the Zoning Ordinance, District #2. (Guttormsen)

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

7. It was moved by Alderman Sinclair, seconded by Alderman Downing, to approve:

a. 16 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. 1 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

On a voice vote, motion carried.

8. It was moved by Alderman Butler, seconded by Alderman Robinson, to approve conditional use

permit for an asphalt shingle resource recovery plant to be located at 5817 46th Street (Excel Disposal, 16th Districts). A public hearing was held. No one spoke.

8.1 It was moved by Alderman Downing, seconded by Alderman Moldenhauer to defer for two weeks. On a voice vote, motion carried.

9. It was moved by Alderman Downing, seconded by Alderman Ruef, to approve conditional use permit for a bulk intermodal distribution center to be located south of 52nd Street and east of 88th Avenue, District #16. (Affiliated Foods Midwest) A public hearing was held. No one spoke.

10. It was moved by Alderman Casey, seconded by Alderman Sinclair to approve the report from the Board of Canvassers Regarding the Results of the Presidential Preference and Spring Primary Election held February 19, 2008. On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

11. It was moved by Alderman Haugaard, seconded by Alderman Downing, to approve the following applications for new Operator's (Bartender) licenses, subject to:

-25 demerit points:
a. Jesse D Gilbert
-50 demerit points:
b. Richard S Audorff
-55 demerit points:
c. Jennifer N Mengo-Cutts
-75 demerit points:
d. Michael J Ramirez
-85 demerit points:
e. Cory Caveglia

A hearing was held. The applicants did not appear. On a voice vote, motion carried.

12. It was moved by Alderman Butler, seconded by Alderman Frederick, to DENY the following applications for new Operator's (Bartender) licenses, based on:

-material police record:
a. John A Levonowich
-material police record & false application:
b. Ryan Barry
c. Jonathan J Frank

A hearing was held. The applicants did not appear. On a voice vote, motion carried.

13. It was moved by Alderman Sinclair, seconded by Alderman Butler, to approve application of Jessica M Norris for a Taxi Driver's license, subject to 40 demerit points.

(At this time the Mayor left the meeting and Alderman Holland chaired until his return during the vote on item #24.)

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

Items 14 and 15 were deferred at the Licensing/Permit Committee meeting held this evening, prior to this meeting. Therefore, no action taken by the Common Council at this time.

14. Application of 504 Place, LLC, Ronald R. Slaght, Agent, for a Class "B" Beer/"Class B" Liquor License located at 504-57th St, (504 Place). (2nd District) (Date filed: November 27, 2007)

15. Application of Overtime Sports Pub & Grill, LLC, Michael R. Zacker, Agent, for a Class "B" Beer/"Class B" Liquor License located at 7519-22nd Ave, (Overtime Sports Pub & Grill). (3rd District) (Date filed: December 11, 2007)

16. It was moved by Alderman Haugaard, seconded by Alderman Downing, to approve application of Los Corrales Enterprise, LLC, Luis G. Rodriguez, Agent, for a Class "A" Retail Beer License located at 3933-52th St, (Super Mercado Cortes), with acceptance of a conditional surrender of a similar license location from Super Mercado Cortes, Inc. (10th District) A hearing was held. The applicant did not appear. On a voice vote, motion carried.

17. It was moved by Alderman Butler, seconded by Alderman Haugaard, to approve application of Rancho Nuevo Restaurant, LLC, Santiago Arguello, Agent, for a Class "B" Beer & "Class C" Wine License located at 5619-22nd Ave, (Rancho Nuevo Restaurant). (7th District) A hearing was held. The applicant did not appear. On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Sinclair, seconded by Alderman Robinson, to send the following ordinances on their way after being read:

18. By Alderperson Julia Robinson – To Repeal and Recreate Section 13.04, Entitled "Convenient Cash Businesses".

19. By the Mayor - To Create Section 28.09 G. Regarding Unpaid Fees for Vacant Building Permits. On a voice vote, motion carried.

ZONING ORDINANCES 1ST READING

It was moved by Alderman Sinclair, seconded by Alderman Robinson, to send the following ordinances on their way*:*

20. By the City Plan Commission - To Repeal, Create, Amend, and Repeal and Recreate Various Sections of the Zoning Ordinances for the City of Kenosha, Regarding Off-Premise Signs.

21.By the Mayor – To Rezone Property Located at 1525 – 24th Avenue From RS-1 Single Family Residential to IP Institutional Park [Prayer House] (C.P.-Ayes 9: Noes 0) On a voice vote, motion carried.

ORDINANCES 2ND READING

22. It was moved by Alderman Casey, seconded by Alderman Sinclair to adopt Ordinance 13-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 13-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, BY ADDING AN EAST/WEST STOP SIGN ON 50TH STREET BEFORE ENTERING THE INTERSECTION WITH 25TH AVENUE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto:

All vehicles traveling East/West on 50th Street shall stop before entering the intersection with 25th Avenue.

Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: March 17, 2008
PUBLISHED: March 21, 2008

23. It was moved by Alderman Sinclair, seconded by Alderman Casey to adopt Ordinance 14-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 14-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES FOR THE CITY

OF KENOSHA, WISCONSIN, BY ADDING A NORTH/SOUTH STOP SIGN ON 50TH AVENUE BEFORE ENTERING THE INTERSECTION WITH 33RD STREET

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto:

All vehicles traveling North/South on 50th Avenue shall stop before entering the intersection with 33rd Street.

Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: March 17, 2008
PUBLISHED: March 21, 2008

24. It was moved by Alderman Ruef, seconded by Alderman Frederick to adopt Ordinance 15-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ANNEXATION ORDINANCE
Ordinance No. 15-08
BY: THE MAYOR
TO ANNEX 59.018 ACRES OF LAND, MORE OR LESS, LOCATED NORTH OF 60TH STREET AND WEST OF 120TH AVENUE FROM THE TOWN OF PARIS TO THE CITY OF KENOSHA
[Southport Commons, L.L.C.]

Annexing to the City of Kenosha, Wisconsin, territory in the Town of Paris, Kenosha County, Wisconsin:
The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:
Section One: Territory Annexed. In accordance with:
a. Section 66.0217 of the Wisconsin Statutes; and,
b. The petition for direct annexation filed with the City Clerk on the 13th day of February, 2008, signed by all of the owners of property within such territory;
c. There are no electors residing on the land within such territory;
and it having been determined that such proposed annexation is in the public interest by:
a. The City Plan Commission of Kenosha;
b. The Common Council of the City of Kenosha;
and it having been determined by the State of Wisconsin, Department of Administration, Municipal Boundary Review Section, that such proposed annexation is not against public policy, as shown by their determination of public interest; the following described territory in the Town of Paris, Kenosha County, Wisconsin, is hereby annexed to the City of Kenosha, Wisconsin:
Part of the Southeast Quarter of Section 36, in Town 2 North, Range 21 East of the Fourth Principal Meridian, lying and being in Town of Paris, Kenosha County, Wisconsin and being more particularly described as follows:
Commencing at the southeast corner of the Southeast Quarter of said Section 36; thence South 89º15'57" West along the south line of said Quarter Section, and along the present corporate limits of the City of Kenosha, 520.00 feet to the point of beginning; thence continuing South 89º15'57" West along the south line of said Quarter Section, and along the present corporate limits of the City of Kenosha, 386.56 feet to the southerly extension of a west line of Kenosha County Tax Parcel 45-4-221-364-0400, as shown on a May 15, 2007 Eric R. Strum/National Survey & Engineering plat of survey; thence northerly 810.02 feet along said west line, and its southerly extension, of Kenosha County Tax Parcel 45-4-221-364-0400 (said west line being recorded as "North 1º50'13" West 810.02 feet" on the May 15, 2007 Eric R. Strum plat of survey); thence South 89º15'57" West 577.50 feet to the northwest corner of the parcel of land described in Document 1216325 and recorded on April 25, 2001 with the Kenosha County Register of Deeds Office;

thence North 1º48'54" West 1,180.26 feet along the west line of Kenosha County Tax Parcel 45-4-221-364-0400 (recorded as "North 1º49'24" West 1,180.26 feet" on said May 15, 2007 Eric R. Strum survey), to the northwest corner of said Parcel 45-4-221-364-0400; thence South 89º27'05" West along the south line of Kenosha County Tax Parcel 45-4-221-364-0107, a distance of 15.65 feet to the southwest corner of said Parcel 45-4-221-364-0107; thence North 1º34'34" West 655.42 feet along the west line of said Parcel 45-4-221-364-0107 (recorded as "North 1º35'04" West 655.71 feet" on said May 15, 2007 Eric R. Strum survey), to the north line of the Southeast Quarter of said Section 36; thence North 89º27'05" East along said north line, 795.57 feet to a point which is 700.00 feet west of the northeast corner of said Quarter Section, and being as shown on Wisconsin State Highway Commission Right-of-Way Project I-I(52) 101-1(2); thence South 1º48'54" East parallel to the east line of said Quarter Section, and along the westerly highway right-of-way line of Interstate Highway "94" (formerly known as U.S.H."41"), 100.02 feet; thence North 89º27'05" East along said westerly highway right-of-way line, 40.00 feet to the west line of Kenosha County Tax Parcel 45-4-221-364-0105, (said parcel being recorded in Document 935642, Volume 1611, Page 320); thence South 1º48'54" East along the west line of said Parcel 45-4-221-364-0105, a distance of 246.48 feet; thence North 89º27'05" East along the south line of said Parcel 45-4-221-364-0105, a distance of 406.04 feet to the present westerly right-of-way line of said Interstate Highway "94, said west right-of-way line being here 215.00 feet west of, as measured normal to, the highway reference line shown on said Wisconsin State Right-of-Way Project I-I(52) 101-1(2); thence southerly along said westerly highway right-of-way line, being here the arc of a circular curve that is concave easterly and is 215.00 feet west of, as measured normal to, the said highway reference line, said curve having a central angle of 1º57'21", a radius of 17,403.76 feet and an arc distance of 594.12 feet to the southerly terminus of said curve, said highway reference line being as shown on said Wisconsin State Right-of-Way Project I-I(52) 101-1(2); thence southerly along said westerly highway right-of-way line, being here parallel to, and 215.00 feet west of, said highway reference line, a distance of 1,531.15 feet to the northwesterly line of the triangular parcel acquired as highway right-of-way, and described and recorded in Volume 466 Page 101, Document 387765 on August 26, 1957 and also being as shown on said Wisconsin State Right-of-Way Project I-I(52) 101-1(2); thence southwesterly along the northwesterly line of said triangular parcel, being here the westerly highway right-of-way line, 42.03 feet to a point on the original west right-of-way line which was 245.00 feet west of, as measured at right angle to, said highway reference line; thence continuing southwesterly along the northwesterly line of said triangular parcel, being the westerly highway right-of-way line, 16.69 feet; thence North 1º48'54" West parallel to the east line of the Southeast Quarter of said Section 36, a distance of 90.85 feet to the north line of Kenosha County Tax Parcel 45-4-221-364-0420; thence South 89º15'57" West parallel to the south line of said Quarter Section, 213.97 feet; thence South 1º48'54" East parallel to the east line of said Quarter Section, 218.90 feet to the south line of said Quarter Section and the point of beginning; containing 59.018 acres of land, more or less.

Section Two: Effect of Annexation. From and after the date of this Ordinance, the territory described in Section One shall be a part of the City of Kenosha for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all Ordinances, rules and regulations governing the City of Kenosha.

Section Three: District and Ward Designation. The territory described in Section One of this Ordinance is hereby made a part of the 69th Ward of the 17th District of the City of Kenosha, subject to the Ordinances, rules and regulations of the City governing Wards and Districts. The County Board of Supervisors for Kenosha County are requested to have the annexed area included in the same District and Ward for the County Supervisory seat as for the City Aldermanic seat.

Section Four: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is

PETITION OF ELECTORS AND PROPERTY OWNERS FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL TO THE CITY OF KENOSHA FROM THE TOWN OF PARIS PURSUANT TO SECTION 66.0217(2) WISCONSIN STATUTES

We, the undersigned, constituting all of the electors and all of the owners of real property in the territory of the Town of Paris, Kenosha County, Wisconsin, lying contiguous to the City of Kenosha, petition the honorable Mayor and Common Council of said City to annex the territory described below and shown on the attached scale map to the City of Kenosha, Kenosha County, Wisconsin.

The current population of the territory to be annexed as defined by Section 66.0217(5)(a) of the Wisconsin Statutes is __0__.

The undersigned elect that this annexation shall take effect to the full extent consistent with outstanding priorities of another annexation, incorporation, or consolidation proceeding, if any.

Special assessments are governed by City ordinances. See Section 1.155, 2.10 and 32.05 of the Code of General Ordinances.

Date	Signature of Petitioner	Mark with an "X" Owner	Mark with an "X" Elector	Address or Description of Property
2-8-08	H. Gary Stetson, Manager Southport Commons, LLC	X		Parcel #45-4-221-364-0107
				Parcel #45-4-221-364-0400

Legal Description

Part of the Southeast Quarter of Section 36, in Town 2 North, Range 21 East of the Fourth Principal Meridian, lying and being in Town of Paris, Kenosha County, Wisconsin and being more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 36; thence South 89°15'57" West along the south line of said Quarter Section, and along the present corporate limits of the City of Kenosha, 520.00 feet to the point of beginning; thence continuing South 89°15'57" West along the south line of said Quarter Section, and along the present corporate limits of the City of Kenosha, 386.56 feet to the southerly extension of a west line of Kenosha County Tax Parcel 45-4-221-364-0400, as shown on a May 15, 2007 Eric R. Strum / National Survey & Engineering plat of survey; thence northerly 810.02 feet along said west line, and its southerly extension, of Kenosha County Tax Parcel 45-4-221-364-0400 (said west line being recorded as "North 1°50'13" West 810.02 feet" on the May 15, 2007 Eric R. Strum plat of survey); thence South 89°15'57" West 577.50 feet to the northwest corner of the parcel of land described in Document 1216325 and recorded on April 25, 2001 with the Kenosha County Register of Deeds Office; thence North 1°48'54" West 1,180.26 feet along the west line of Kenosha County Tax Parcel 45-4-221-364-0400 (recorded as "North 1°49'24" West 1,180.26 feet" on said May 15, 2007 Eric R. Strum survey), to the northwest corner of said Parcel 45-4-221-364-0400; thence South 89°27'05" West along the south line of Kenosha County Tax Parcel 45-4-221-364-0107, a distance of 15.65 feet to the southwest corner of said Parcel 45-4-221-364-0107; thence North 1°34'34" West 655.42 feet along the west line of said Parcel 45-4-221-364-0107 (recorded as "North 1°35'04" West 655.71 feet" on said May 15, 2007 Eric R. Strum survey), to the north line of the Southeast Quarter of said Section 36; thence North 89°27'05" East along said north line, 795.57 feet to a point which is 700.00 feet west of the northeast corner of said Quarter Section, and being as shown on Wisconsin State Highway Commission Right-of-Way Project I-I(52) 101-1(2); thence South 1°48'54" East parallel to the east line of said Quarter Section, and along the westerly highway right-of-way line of Interstate Highway "94" (formerly known as U.S.H. "41"), 100.02 feet; thence North 89°27'05" East along said westerly highway right-of-way line, 40.00 feet to the west line of Kenosha County Tax Parcel 45-4-221-364-0105, (said parcel being recorded in Document 935642, Volume 1611, Page 320); thence South 1°48'54" East along the west line of said Parcel 45-4-221-364-0105, a distance of 246.48 feet; thence North 89°27'05" East along the south line of said Parcel 45-4-221-364-0105, a distance of 406.04 feet to the present westerly right-of-way line of said Interstate Highway "94", said west right-of-way line being here 215.00 feet west of, as measured normal to, the highway reference line shown on said Wisconsin State Right-of-Way Project I-I(52) 101-1(2); thence southerly along said westerly highway right-of-way line, being here the arc of a circular curve that is concave easterly and is 215.00 feet west of, as measured normal to, the said highway reference line, said curve having a central angle of 1°57'21", a radius of 17,403.76 feet and an arc distance of 594.12 feet to the southerly terminus of said curve, said highway reference line being as shown on said Wisconsin State Right-of-Way Project I-I(52) 101-1(2); thence southerly along said westerly highway right-of-way, and described and recorded in Volume 466 Page 101, Document 387765 on August 26, 1957 and also being as shown on said Wisconsin State Right-of-Way Project I-I(52) 101-1(2); thence southwesterly along the northwesterly line of said triangular parcel, being here the westerly highway right-of-way line, 42.03 feet to a point on the original west right-of-way line which was 245.00 feet west of, as measured at right angle to, said highway reference line; thence continuing southwesterly along the northwesterly line of said triangular parcel, being the westerly highway right-of-way line, 16.69 feet; thence North 1°48'54" West parallel to the east line of the Southeast Quarter of said Section 36, a distance of 90.85 feet to the north line of Kenosha County Tax Parcel 45-4-221-364-0420; thence South 89°15'57" West parallel to the south line of said Quarter Section, 213.97 feet; thence South 1°48'54" East parallel to the east line of said Quarter Section, 218.90 feet to the south line of said Quarter Section and the point of beginning; containing 59.018 acres of land, more or less.

ckays/2MAKI/ANNEX/2007/SOUTHPORT/Petition-Stetson

CITY OF KENOSHA
DISTRICT MAP
ANNEXATION ORDINANCE

SUPPLEMENT NO. A1-08 ACCOMPANYING ORD NO.

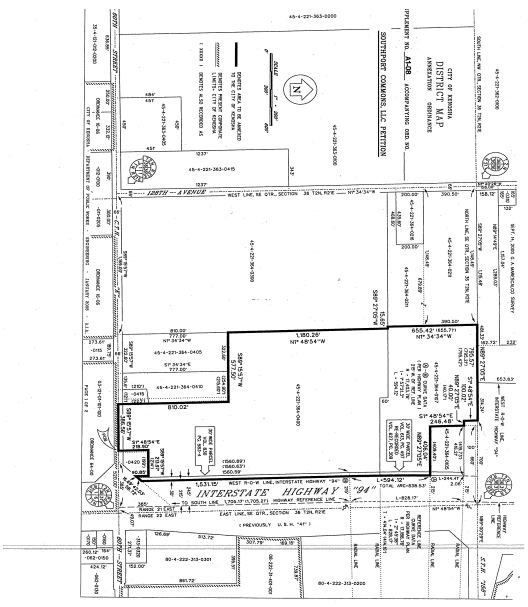
SOUTHPORT COMMONS, LLC PETITION

ANNEXATION DESCRIPTION

Part of the Southeast Quarter of Section 36, in Town 2 North, Range 21 East of the Fourth Principal Meridian, lying and being in Town of Paris, Kenosha County, Wisconsin and being more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 36; thence South 89°15'57" West along the south line of said Quarter Section, and along the present corporate limits of the City of Kenosha, 520.00 feet to the point of beginning; thence continuing South 89°15'57" West along the south line of said Quarter Section, and along the present corporate limits of the City of Kenosha, 386.56 feet to the southerly extension of a west line of Kenosha County Tax Parcel 45-4-221-364-0400, as shown on a May 15, 2007 Eric R. Strum / National Survey & Engineering plat of survey; thence northerly 810.02 feet along said west line, and its southerly extension, of Kenosha County Tax Parcel 45-4-221-364-0400 (said west line being recorded as "North 1°50'13" West 810.02 feet" on the May 15, 2007 Eric R. Strum plat of survey); thence South 89°15'57" West 577.50 feet to the northwest corner of the parcel of land described in Document 1216325 and recorded on April 25, 2001 with the Kenosha County Register of Deeds Office; thence North 1°48'54" West 1,180.26 feet along the west line of Kenosha County Tax Parcel 45-4-221-364-0400 (recorded as "North 1°49'24" West 1,180.26 feet" on said May 15, 2007 Eric R. Strum survey), to the northwest corner of said Parcel 45-4-221-364-0400; thence South 89°27'05" West along the south line of Kenosha County Tax Parcel 45-4-221-364-0107, a distance of 15.65 feet to the southwest corner of said Parcel 45-4-221-364-0107; thence North 1°34'34" West 655.42 feet along the west line of said Parcel 45-4-221-364-0107 (recorded as "North 1°35'04" West 655.71 feet" on said May 15, 2007 Eric R. Strum survey), to the north line of the Southeast Quarter of said Section 36; thence North 89°27'05" East along said north line, 795.57 feet to a point which is 700.00 feet west of the northeast corner of said Quarter Section, and being as shown on Wisconsin State Highway Commission Right-of-Way Project I-I(52) 101-1(2); thence South 1°48'54" East parallel to the east line of said Quarter Section, and along the westerly highway right-of-way line of Interstate Highway "94" (formerly known as U.S.H. "41"), 100.02 feet; thence North 89°27'05" East along said westerly highway right-of-way line, 40.00 feet to the west line of Kenosha County Tax Parcel 45-4-221-364-0105, (said parcel being recorded in Document 935642, Volume 1611, Page 320); thence South 1°48'54" East along the west line of said Parcel 45-4-221-364-0105, a distance of 246.48 feet; thence North 89°27'05" East along the south line of said Parcel 45-4-221-364-0105, a distance of 406.04 feet to the present westerly right-of-way line of said Interstate Highway "94", said west right-of-way line being here 215.00 feet west of, as measured normal to, the highway reference line shown on said Wisconsin State Right-of-Way Project I-I(52) 101-1(2); thence southerly along said westerly highway right-of-way line, being here the arc of a circular curve that is concave easterly and is 215.00 feet west of, as measured normal to, the said highway reference line, said curve having a central angle of 1°57'21", a radius of 17,403.76 feet and an arc distance of 594.12 feet to the southerly terminus of said curve, said highway reference line being as shown on said Wisconsin State Right-of-Way Project I-I(52) 101-1(2); thence southerly along said westerly highway right-of-way, and described and recorded in Volume 466 Page 101, Document 387765 on August 26, 1957 and also being as shown on said Wisconsin State Right-of-Way Project I-I(52) 101-1(2); thence southwesterly along the northwesterly line of said triangular parcel, being here the westerly highway right-of-way line, 42.03 feet to a point on the original west right-of-way line which was 245.00 feet west of, as measured at right angle to, said highway reference line; thence continuing southwesterly along the northwesterly line of said triangular parcel, being the westerly highway right-of-way line, 16.69 feet; thence North 1°48'54" West parallel to the east line of the Southeast Quarter of said Section 36, a distance of 90.85 feet to the north line of Kenosha County Tax Parcel 45-4-221-364-0420; thence South 89°15'57" West parallel to the south line of said Quarter Section, 213.97 feet; thence South 1°48'54" East parallel to the east line of said Quarter Section, 218.90 feet to the south line of said Quarter Section and the point of beginning; containing 59.018 acres of land, more or less.

CITY OF KENOSHA – DEPARTMENT OF PUBLIC WORKS – ENGINEERING – JANUARY 2008 – E.L.S. – PAGE 2 OF 2


CITY OF KENOSHA
DISTRICT MAP
ANNEXATION ORDINANCE
SUPPLEMENT NO. A1-08
ACCOMPANYING ORD. NO.
SOUTHPORT COMMONS, LLC PETITION
45-4-221-364-0400
45-4-221-364-0105
45-4-221-364-0107
45-4-221-364-0420
45-4-221-363-0400
45-4-222-313-0301
45-4-222-313-0200
80-4-222-313-0200
80-4-222-313-0300
SOUTH LINE, NW QTR, SECTION 36, T2N, R21E
WEST LINE, SE QTR, SECTION 36, T2N, R21E
NORTH LINE, SE QTR, SECTION 36, T2N, R21E
SOUTH LINE, NW QTR, SECTION 36, T2N, R21E
SOUTH LINE, SW QTR, SECTION 36, T2N, R21E
EAST LINE, SE QTR, SECTION 36, T2N, R21E
(PREVIOUSLY U.S.H. "41")
INTERSTATE HIGHWAY "94"
WEST R-O-W LINE, INTERSTATE HIGHWAY "94"
SOUTH LINE, SW QTR, SECTION 36, T2N, R21E
RANGE 21 EAST
RANGE 22 EAST
SEC. 36
SEC. 1
SEC. 31
SEC. 6
SOUTHPORT DRIVE
SOUTHPORT COMMONS
SOUTHPORT PLAZA
SOUTHPORT CROSSING
SOUTHPORT CENTRE
SOUTHPORT MARKETPLACE
SOUTHPORT VILLAGE
SOUTHPORT SQUARE

ZONING ORDINANCES 2ND READING

27. It was moved by Alderman Ruef, seconded by Alderman Downing to adopt Ordinance 16-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

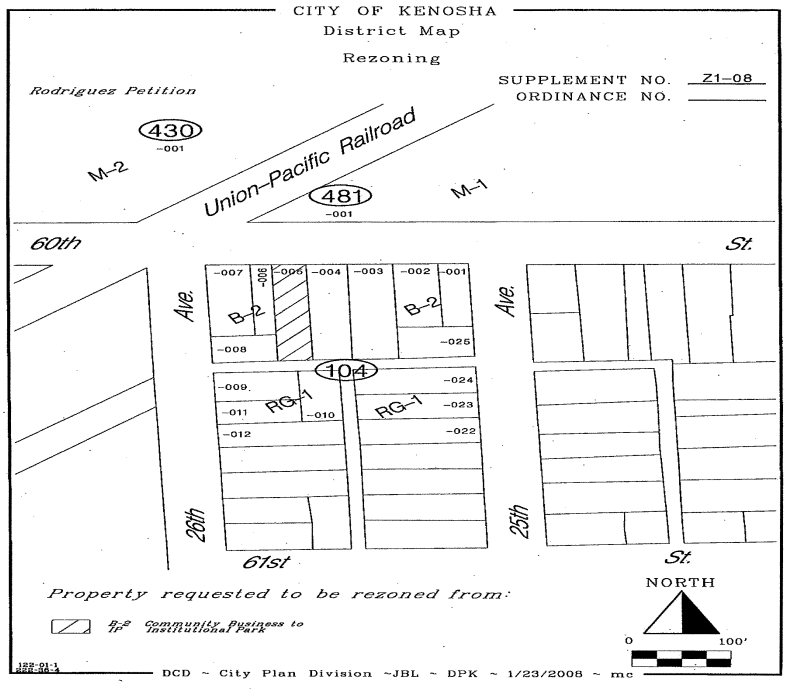
REZONING ORDINANCE NO. 16-08
BY: THE MAYOR
Zoning: TO REZONE PROPERTY LOCATED AT 2519 – 60TH STREET FROM B-2 COMMUNITY BUSINESS TO IP INSTITUTIONAL PARK
[Rodriguez]

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: That the land shown on the attached Supplement Map No. Z1-08 be, and the same hereby is, zoned and districted as indicated on said map.

Section Two: This Ordinance shall be in full force and effect upon passage and the day after its publication.

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: March 17, 2008



PUBLISHED: March 21, 2008

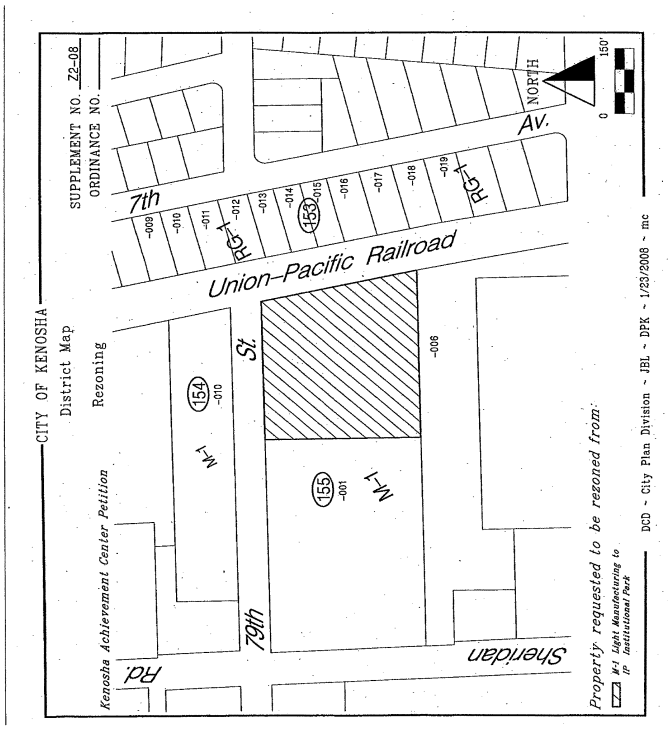
NOTE: MAPS ARE AVAILABLE FOR VIEWING IN THE CITY CLERK'S OFFICE

28. It was moved by Alderman Ruef, seconded by Alderman Downing to adopt Ordinance 16-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried (12-1) with Alderman Casey voting nay and said ordinance was thereupon adopted as follows:

REZONING ORDINANCE NO. 17-08
BY: THE MAYOR
Zoning: TO REZONE A PORTION OF PROPERTY LOCATED AT 7915 SHERIDAN ROAD FROM M-1 LIGHT MANUFACTURING TO IPINSTITUTIONAL PARK [Kenosha Achievement Center]

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:
Section One: That the land shown on the attached Supplement Map No. Z2-08 be, and the same hereby is, zoned and districted as indicated on said map.
Section Two: The development of the property shall be consistent with the conceptual development plan for the property being rezoned, submitted by the property owner/developer on the 21st day of February, 2008, as required in Section 10.02 A. of the Zoning Ordinance.
Section Three: This Ordinance shall be in full force and effect upon passage and the day after its publication.

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: March 17, 2008
PUBLISHED: March 21, 2008



NOTE: MAPS ARE AVAILABLE FOR VIEWING IN THE CITY CLERK'S OFFICE.

29. The proposed ordinance by the Mayor - To Rezone Property Located at 12304 – 75th Street From A-2 Agricultural Land Holding to B-2 Community Business District [Rasmussen] was withdrawn.

30. It was moved by Alderman Sinclair, seconded by Alderman Haugaard to approve the proposed ordinance by the Mayor - To Create, Repeal and Recreate, and Amend Various Sections of the Zoning Ordinance Regarding "Aboveground Utility Structures"

30.1 It was then moved by Alderman Holland, seconded by Alderman Casey to table the ordinance. On roll call vote, motion carried unanimously. (NOTE: Alderman Misner was not present for the vote on items 30 and 31)

RESOLUTIONS

31. It was moved by Alderman Casey, seconded by Alderman Marks to approve Resolution 26-08.
On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 26-08
BY: COMMITTEE ON FINANCE
TO RESCIND ONE (1) SPECIAL ASSESSMENT LEVIED BY RESOLUTION NO. 2-08, ADOPTED JANUARY 23, 2008, UNDER AUTHORITY OF CHARTER ORDINANCE NO. 26, AS AMENDED, UPON CERTAIN PARCELS OF LAND WITHIN THE CITY OF KENOSHA, WISCONSIN

WHEREAS, on January 23, 2008, the Common Council of the City of Kenosha, Wisconsin, adopted Resolution No. 2-08 levying special assessments on sixteen (16) parcels of land within the City of Kenosha, Wisconsin, under authority of Charter Ordinance No. 26, as amended, at the request of the Kenosha County Health Department; and,

WHEREAS, the Kenosha County Health Department has determined that a special assessment should not have been levied on one (1) of those parcels; to wit: Parcel No. 08-4-0222-34-427-013, located at 6312/6314 – 53rd Street, Kenosha, Wisconsin, for the reason that the cleanup fee for this one parcel had been paid and was erroneously listed on the previous attachment to Resolution No. 2-08.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the special assessment levied by Resolution No. 2-08 against Parcel No. 08-4-0222-34-427-013, located at 6312/6314 – 53rd Street, Kenosha, Wisconsin, be and hereby is rescinded.

Adopted this 17th day of March, 2008.

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

32. It was moved by Alderman Ruef, seconded by Alderman Ruffolo to approve Resolution 27-08. A hearing was held. No one spoke for or against said resolution.
On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

a. RESOLUTION NO. 27-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Boarding and Securing

BE IT RESOLVED, that special assessments for boarding and securing during 2008, in the total amount of $5,469.60, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.
Passed this 17th day of March, 2008

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

b. RESOLUTION NO. 28-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2008, in the total amount of $6,590.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.
Passed this 17th day of March, 2008

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

c. RESOLUTION NO. 29-08

BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Permit Fees Related to Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2007, in the total amount of $3,010.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 17th day of March, 2008

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

It was moved by Alderman Casey, seconded by Alderman Marks to approve Resolution 30-08 through 37-08 (items 33 through 40). A hearing was held. No one spoke for or against said resolution.

On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

33. RESOLUTION NO. 30-08
BY: COMMITTEE ON PUBLIC WORKS
PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS FOR HAZARDOUS SIDEWALKAND/OR DRIVEWAY APPROACHES
PROJECT #08-1012
39th AVENUE RECONSTRUCTION

WHEREAS, it is expedient, necessary and in the best interest of the City of Kenosha, and for benefit of the property affected thereby that improvements in street right-of-ways: sidewalk and/or driveway approaches. 39th Avenue - 59th Street to 68th Street NOW, THEREFORE, BE IT RESOLVED, By the Common Council of Kenosha, Wisconsin: 1. The Common Council hereby declares its intention to exercise its police power under Section 66.60, Wisconsin Statutes, to levy special assessments on all property fronting upon both sides of the street within the above limits for benefits conferred upon property by improvement of the streets enumerated above. 2. Said public improvement shall include the improvements in street right-of-ways: permanent pavement, and/or curb and gutter, and/or grading and graveling and/or sidewalk, and/or driveway approaches. 3. The Common Council determines that the improvements constitute an exercise of the police power and the amount assessed against each parcel shall be based on a per front foot or per square foot rate. 4. The assessments against any parcel may be paid in a lump sum or in three (3) annual installments, at the election of the property owner. 5. The Board of Public Works is directed to prepare a report consisting of: a. Preliminary plans and specifications for said improvements. b. An estimate of entire cost of the proposed improvements and in street right-of-way. c. Schedule of proposed assessments. 6. Upon receiving the report of the Board of Public Works (Public Works Committee), the Clerk is directed to give notice of public hearings on such report, as specified in Section 66.60(7) of the Wisconsin Statutes. The hearings shall be held at the Municipal Office Building at a time set by the Clerk, in accordance with Section 66.60(7), Wisconsin Statutes. Adopted this 17th day of March, 2008, A.D.

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

34. **RESOLUTION # 31-08**

BY: THE MAYOR
TO ADOPT A PROJECT PLAN AMENDMENT FOR
TAX INCREMENTAL DISTRICT #11, CITY OF KENOSHA, WISCONSIN,
UNDER SECTION 66.1105(4)(h)1., WISCONSIN STATUTES

WHEREAS, Section 66.1105 of the Wisconsin Statutes, provides the authority and procedures for amending a project plan for a Tax Incremental District; and WHEREAS, the City Plan Commission on March 6, 2008, at a duly authorized, noticed and convened meeting under Section 66.1105(4)(h)1.,

Wisconsin Statues, held a public hearing which afforded interested parties a reasonable opportunity to express their views on the Project Plan Amendment for Tax Incremental District #11, City of Kenosha, Wisconsin; and WHEREAS, the Project Plan Amendment involves adding $4,000,000 for a development grant and additional public improvements, as described in and attached hereto as Exhibit "A" (on file in the office of the City Clerk) and does not involve an amendment to the boundaries of Tax Incremental District #11 as shown in Exhibit "B" (on file in the office of the City Clerk); and WHEREAS, at said meeting, the City Plan Commission, under Section 66.1105(4)(h)1., Wisconsin Statutes, found the Project Plan Amendment for Tax Incremental District #11, City of Kenosha, Wisconsin, to be feasible and in conformity with the Master Plan of the City of Kenosha, Wisconsin, adopted the Project Plan Amendment, and favorably recommended that the Common Council of the City of Kenosha adopt the Project Plan Amendment.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that it: 1.Finds the Project Plan Amendment for Tax Incremental District #11, City of Kenosha, Wisconsin, to be feasible and in conformity with the Master Plan of the City; and 2.Deems the Project Plan Amendment for Tax Incremental District #11, City of Kenosha, Wisconsin, to be in the public interest and for a proper public purpose; and 3.Finds that the improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District; and 4.Finds that the project costs directly serve to promote industrial development within the District consistent with the purpose for which the Tax Incremental District was created; and 5.Finds that the equalized value of taxable property of the District, plus the value increment of all existing Districts does not exceed twelve (12%) percent of the total equalized value of taxable property within the City of Kenosha, Wisconsin; and 6.Confirms that the real property within the District that has been found suitable for industrial sites, has been zoned for industrial use and will remain zoned for industrial use for the life of the Tax Incremental District. BE IT FURTHER RESOLVED that the Common Council of the City of Kenosha, Wisconsin, adopts the Project Plan Amendment for Tax Incremental District #11, City of Kenosha, Wisconsin, as recommended by the City Plan Commission and as described in and attached hereto as Exhibit "A" (on file in the office of the City Clerk).

Adopted this 17th day of March, 2008.

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

35. **Resolution No. 32-08**
By: the Mayor

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF $7,600,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2008A

WHEREAS the City of Kenosha, Kenosha County, Wisconsin (sometimes hereinafter called the "City") is presently in need of the sum of Seven Million Six Hundred Thousand Dollars ($7,600,000) for the public purpose of paying the cost of projects included in the City's 2008 Capital Improvement Plan, including street improvement projects, storm sewer improvements, acquisition of land for park purposes, airport improvements and municipal equipment acquisition; and

WHEREAS the Common Council deems it necessary and in the best interest of the City that the monies needed for such purpose be borrowed by issuing general obligation promissory notes pursuant to the provisions of Section 67.12(12), Wis. Stats., upon the terms and conditions hereinafter provided;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Kenosha County, Wisconsin, that:

Section 1. Sale of Notes. The City shall sell and deliver its $7,600,000 General Obligation Promissory Notes, Series 2008A (the "Notes"), issued for the purpose above stated, to Piper Jaffray & Co. (the "Purchaser") for the purchase price set forth in the Note Purchase Agreement attached hereto as Exhibit A (on file in the Office of the City Clerk) and incorporated herein by this reference (the "Proposal"). The

Proposal is hereby approved, and the appropriate City officials are hereby authorized and directed to execute the same.

Section 2. The Notes. The Mayor and City Clerk shall make, execute and deliver the Notes to the Purchaser, for and on behalf of the City. The Notes shall be negotiable, general obligation promissory notes of the City, registered as to both principal and interest, in the denomination of Five Thousand Dollars ($5,000) each or whole multiples thereof, numbered from R-1 upward and dated April 1, 2008. The Notes shall bear interest at the rates per annum set forth in the Proposal and shall mature on April 1 of each year, in the years and principal amounts set forth in the Proposal and the debt service schedule attached hereto as Exhibit B (on file in the office of the City Clerk) and incorporated herein by this reference (the "Schedule").

Interest on the Notes shall be payable on April 1 and October 1 of each year, commencing October 1, 2008.

The Notes maturing on April 1, 2018 shall be subject to redemption prior to maturity, at the option of the City, on April 1, 2017 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 3. Form of Notes. The Notes shall be in substantially the form attached hereto as Exhibit C (on file in the office of the City Clerk) and incorporated herein by this reference.

Section 4. Tax Provisions.

(A) Direct, Annual Irrepealable Tax. For the purpose of paying the principal of and interest on the Notes as the same become due, the full faith, credit and resources of the City are hereby irrevocably pledged and there be and there hereby is levied on all the taxable property in the City a direct, annual, irrepealable tax in the years 2008 through 2017 for payment of principal of and interest on the Notes in the years 2008 through 2018 in the amounts set forth in the Schedule. The amount of tax levied for the year 2008 shall be the total amount of debt service due on the Notes in the years 2008 and 2009; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of principal of or interest on the Notes in the year 2008.

(B) Tax Collection. The City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried into the tax rolls of the City and collected as other taxes are collected, provided that the amount of tax carried into said tax rolls may be reduced in any year by the amount of any surplus money in the Debt Service Account created in Section 5(A) hereof.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

(D) Appropriation. There be and there hereby is appropriated from taxes levied in anticipation of the issuance of the Notes, proceeds of the Notes or other funds of the City on hand a sum sufficient to be deposited in the Debt Service Account to meet payments with respect to debt service due on October 1, 2008.

Section 5. Debt Service Fund and Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there be and there hereby is established a separate and distinct account designated as the "Debt Service Account for $7,600,000 'General Obligation Promissory Notes, Series 2008A,' dated April 1, 2008" (the "Debt Service Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The City Treasurer shall deposit in such Debt Service Account (i) all accrued interest received by the City at the time of delivery of

and payment for the Notes; (ii) the taxes herein levied for the specific purpose of meeting principal of and interest on the Notes when due; (iii) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (iv) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (v) surplus monies in the Borrowed Money Fund as specified in Section 6 hereof; and (vi) such further deposits as may be required by Sec. 67.11, Wis. Stats.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wis. Stats., in interest-bearing obligations of the United States of America, in other obligations of the City or in other investments permitted by law, which investments shall continue to be a part of the Debt Service Account.

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all permitted investments disposed of, any money remaining in the Debt Service Account shall be deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 6. Proceeds of the Notes. All monies received by the City upon the delivery of the Notes to the Purchaser thereof, except for accrued interest and premium, if any, shall be deposited by the City Treasurer into a special fund (the "Borrowed Money Fund") which shall be maintained separate and distinct from all other funds of the City and shall be used for no purpose other than the purpose for which the Notes are issued. Monies in the Borrowed Money Fund may be temporarily invested as provided in Section 66.0603(1m), Wis. Stats. Any monies, including any income from permitted investments, remaining in the Borrowed Money Fund after the purpose for which the Notes have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Account.

Section 7. No Arbitrage. All investments permitted by this resolution shall be legal investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or the Regulations of the Commissioner of Internal Revenue thereunder (the "Regulations"); and an officer of the City, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of closing which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 8. Persons Treated as Owners; Transfer of Notes. The City Clerk shall keep books for the registration and for the transfer of the Notes. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid. Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the City Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity, and the City Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The City Clerk shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record

dates for the Notes. Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the corresponding record date.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Notes and their ownership, management and use will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York, the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 11. Undertaking to Provide Continuing Disclosure. The City covenants and agrees, for the benefit of the holders of the Notes, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Notes or by the original purchaser(s) of the Notes on behalf of such holders (provided that the rights of the holders and the purchaser(s) to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 12. Records. The City Clerk shall provide and keep a separate record book and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing these Notes.

Section 13. Bond Insurance. If the Purchaser of the Notes determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 14. Closing. The Mayor and City Clerk of the City are hereby authorized and directed to execute and deliver the Notes to the Purchaser thereof upon receipt of the borrowed funds, accrued interest to date of delivery and premium, if any. The Mayor and City Clerk may execute the Notes by manual or facsimile signature, but at least one of said officers shall sign the Notes manually.

The officers of the City are hereby directed and authorized to take all steps necessary or convenient to close this issue as soon as practicable hereafter, in accordance with the terms of sale thereof; and said officers are hereby authorized and directed to execute and deliver such documents, certificates and acknowledgments as may be necessary or convenient in accordance therewith.

Adopted this 17th day of March, 2008.

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

Resolution No. 33-08
By: the Mayor

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF $3,400,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2008B

WHEREAS the City of Kenosha, Kenosha County, Wisconsin (sometimes hereinafter called the "City") is presently in need of the sum of Three Million Four Hundred Thousand Dollars ($3,400,000) for public purposes, including paying costs of museum improvements, land acquisition for a parking lot and a Development Grant Program included in the amended project plan for Tax Incremental District No. 4 and street improvements included in the project plan for Tax Incremental District No. 10; and

WHEREAS the Common Council deems it necessary and in the best interest of the City that the monies needed for such purpose be borrowed by issuing general obligation promissory notes pursuant to the provisions of Section 67.12(12), Wis. Stats., upon the terms and conditions hereinafter provided;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Kenosha County, Wisconsin, that:

Section 1. Sale of Notes. The City shall sell and deliver its $3,400,000 General Obligation Promissory Notes, Series 2008B (the "Notes"), issued for the purposes above stated, to Piper Jaffray & Co. (the "Purchaser") for the purchase price set forth in the Note Purchase Agreement attached hereto as Exhibit A (on file in the office of the City Clerk) and incorporated herein by this reference (the "Proposal"). The Proposal is hereby approved, and the appropriate City officials are hereby authorized and directed to execute the same.

Section 2. The Notes. The Mayor and City Clerk shall make, execute and deliver the Notes to the Purchaser, for and on behalf of the City. The Notes shall be negotiable, general obligation promissory notes of the City, registered as to both principal and interest, in the denomination of Five Thousand Dollars ($5,000) each or whole multiples thereof, numbered from R-1 upward and dated April 1, 2008. The Notes shall bear interest at the rates per annum set forth in the Proposal and shall mature on April 1 of each year, in the years and principal amounts set forth in the Proposal and the debt service schedule attached hereto as Exhibit B (on file in the office of the City Clerk) and incorporated herein by this reference (the "Schedule").

Interest on the Notes shall be payable on April 1 and October 1 of each year, commencing October 1, 2008.

The Notes maturing on April 1, 2018 shall be subject to redemption prior to maturity, at the option of the City, on April 1, 2017 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 3. Form of Notes. The Notes shall be in substantially the form attached hereto as Exhibit C (on file in the office of the City Clerk) and incorporated herein by this reference.

Section 4. Tax Provisions.

(A) Direct, Annual Irrepealable Tax. For the purpose of paying the principal of and interest on the Notes

as the same become due, the full faith, credit and resources of the City are hereby irrevocably pledged and there be and there hereby is levied on all the taxable property in the City a direct, annual, irrepealable tax in the years 2008 through 2017 for payment of principal of and interest on the Notes in the years 2008 through 2018 in the amounts set forth in the Schedule. The amount of tax levied for the year 2008 shall be the total amount of debt service due on the Notes in the years 2008 and 2009; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of principal of or interest on the Notes in the year 2008.

(B) Tax Collection. The City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried into the tax rolls of the City and collected as other taxes are collected, provided that the amount of tax carried into said tax rolls may be reduced in any year by the amount of any surplus money in the Debt Service Account created in Section 5(A) hereof.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

(D) Appropriation. There be and there hereby is appropriated from taxes levied in anticipation of the issuance of the Notes, proceeds of the Notes or other funds of the City on hand a sum sufficient to be deposited in the Debt Service Account to meet payments with respect to debt service due on October 1, 2008.

Section 5. Debt Service Fund and Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there be and there hereby is established a separate and distinct account designated as the "Debt Service Account for $3,400,000 'General Obligation Promissory Notes, Series 2008B,' dated April 1, 2008" (the "Debt Service Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The City Treasurer shall deposit in such Debt Service Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) the taxes herein levied for the specific purpose of meeting principal of and interest on the Notes when due; (iii) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (iv) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (v) surplus monies in the Borrowed Money Fund as specified in Section 6 hereof; and (vi) such further deposits as may be required by Sec. 67.11, Wis. Stats.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wis. Stats., in interest-bearing obligations of the United States of America, in other obligations of the City or in other investments permitted by law, which investments shall continue to be a part of the Debt Service Account.

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all permitted investments disposed of, any money remaining in the Debt Service Account shall be deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 6. Proceeds of the Notes. All monies received by the City upon the delivery of the Notes to the Purchaser thereof, except for accrued interest and premium, if any, shall be deposited by the City Treasurer into a special fund (the "Borrowed Money Fund") which shall be maintained separate and distinct from all other funds of the City and shall be used for no purpose other than the purposes for which the Notes are issued. Monies in the Borrowed Money Fund may be temporarily invested as provided in Section 66.0603(1m), Wis. Stats. Any monies, including any income from permitted investments, remaining in the Borrowed Money Fund after the purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Account.

Section 7. No Arbitrage. All investments permitted by this resolution shall be legal investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or the Regulations of the Commissioner of Internal Revenue thereunder (the "Regulations"); and an officer of the City, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of closing which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 8. Persons Treated as Owners; Transfer of Notes. The City Clerk shall keep books for the registration and for the transfer of the Notes. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid. Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the City Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity, and the City Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The City Clerk shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record dates for the Notes. Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the corresponding record date.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Notes and their ownership, management and use will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b)The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Notes

and the laws of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York, the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 11. Undertaking to Provide Continuing Disclosure. The City covenants and agrees, for the benefit of the holders of the Notes, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Notes or by the original purchaser(s) of the Notes on behalf of such holders (provided that the rights of the holders and the purchaser(s) to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 12. Records. The City Clerk shall provide and keep a separate record book and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing these Notes.

Section 13. Bond Insurance. If the Purchaser of the Notes determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 14. Closing. The Mayor and City Clerk of the City are hereby authorized and directed to execute and deliver the Notes to the Purchaser thereof upon receipt of the borrowed funds, accrued interest to date of delivery and premium, if any. The Mayor and City Clerk may execute the Notes by manual or facsimile signature, but at least one of said officers shall sign the Notes manually.

The officers of the City are hereby directed and authorized to take all steps necessary or convenient to close this issue as soon as practicable hereafter, in accordance with the terms of sale thereof; and said officers are hereby authorized and directed to execute and deliver such documents, certificates and acknowledgments as may be necessary or convenient in accordance therewith.

Adopted this 17th day of March, 2008.

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

36. **RESOLUTION NO: 34 - 08**

BY: THE MAYOR
TO APPROVE A TWO-LOT CERTIFIED SURVEY MAP
Property at 7915 Sheridan Road (Kenosha Achievement Center)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to two parcels located at 7915 Sheridan Road is herein and hereby approved subject to the following conditions:

1. Compliance with all applicable State and City codes and ordinances.
2. Payment of all applicable fees, including recording fees.
3. Payment of all taxes and special assessments prior to recording. The Owner shall provide the City Clerk-Treasurer, a certificate from the County Treasurer, stating that there are no past-due real estate taxes or special assessments on the parcel of real estate which is being divided.
4. Compliance with all the preceding conditions as a prerequisite for authorizing Mayor and City Clerk-Treasurer to sign the Certified Survey Map.
5. The Certified Survey Map shall be null and void if not recorded within six (6) months of approval by the Common Council.
6. A note shall be added to the Certified Survey Map that says: No development shall occur on Lot #2 until a Drainage Plan and Site Plan/Conditional Use Permit have been approved by the City of Kenosha.

Adopted this 17th day of March, 2008.

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

37. **RESOLUTION NO. 35-08**

BY: THE MAYOR

FOR THE COMMON COUNCIL OF THE CITY OF KENOSHA, WISCONSIN, TO REQUEST THAT THE KENOSHA COUNTY BOARD OF SUPERVISORS JOIN THE COMMON COUNCIL IN ADOPTING SUBSTANTIALLY IDENTICAL RESOLUTIONS RECONSTITUTING THE JOINT SERVICES BOARD TO INCLUDE AS MEMBERS THE CHIEF OF POLICE FOR THE CITY OF KENOSHA AND THE KENOSHA COUNTY SHERIFF

WHEREAS, on July 24, 1979, the Kenosha County Board of Supervisors approved the execution of an architectural contract calling for the construction of the Public Safety Building; and,

WHEREAS, the Kenosha County Board intended that said Public Safety Building would house the Kenosha County Jail, the Kenosha County Sheriff's Department and the City of Kenosha Police Department, certain joint operations to be conducted on behalf of the Kenosha County Sheriff's Department and the City of Kenosha Police Department, as well as other County offices, such as the Office of Emergency Government; and, WHEREAS, said joint operations were to include providing communication services, including receiving telephone calls for service and dispatching officers; providing and maintaining a central records repository; providing and maintaining a property room in which evidence may be stored safely; and providing a centralized vehicle maintenance facility; and, WHEREAS, to oversee the operation of the joint services to be provided, a Joint Services Board was created jointly by the City of Kenosha and the County of Kenosha through Resolution No. 56-81 adopted by the Common Council for the City of Kenosha on February 16, 1981, and through a Resolution adopted by the Kenosha County Board on March 3, 1981; and, WHEREAS, the resolutions of the Common Council and County Board that created the Joint Services Board established that there would be seven (7) members of the Joint Services Board who are appointed by the Mayor and the Chair of the County Board; and, WHEREAS, the City of Kenosha Police Department and the Kenosha County Sheriff's Department have the greatest utilization of the services overseen by the Joint Services Board; and, WHEREAS, the City of Kenosha Chief of Police and the Kenosha County Sheriff are not ex officio members of the Joint Services Board under its current incarnation. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that it requests the Kenosha County Board of Supervisors to join with the Common Council to adopt substantially identical Resolutions reconstituting the Joint Services Board to include the Chief of Police for the City of Kenosha and the Kenosha County Sheriff as members. BE IT FURTHER RESOLVED that the City Clerk/Treasurer is hereby requested to send a copy of this Resolution to the County Clerk of the County of Kenosha, Wisconsin.

Adopted this 17th day of March, 2008.

APPROVED:

JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

38. RESOLUTION NO: 36 - 08

BY: THE MAYOR

TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE ANNEXATION OF PARCEL NOS. 45-4-221-364-0107 and 45-4-221-364-0400, IN THE TOWN OF PARIS, KENOSHA COUNTY, WISCONSIN, IN ACCORDANCE WITH SECTION 66.0217(2) OF THE WISCONSIN STATUTES [Southport Commons, L.L.C.]

WHEREAS, the City of Kenosha, Wisconsin, has established an Official Map pursuant to Section 62.23(6), of the Wisconsin Statutes; and, WHEREAS, it was in the best interest for the public health, safety, and welfare of the City of Kenosha/Town of Paris to annex territory known as Parcel Nos. 45-4-221-364-0107 and 45-4-221-364-0400, in the Town of Paris, Kenosha County, Wisconsin, to the City of Kenosha, Wisconsin; and, WHEREAS, on March 17, 2008, the Common Council for the City of Kenosha, Wisconsin, approved an Annexation Ordinance under Section 66.0217(2), Wisconsin Statutes, for Parcel Nos. 45-4-221-364-0107 and 45-4-221-364-0400, in the Town of Paris, Kenosha, Wisconsin, to be annexed to the City of Kenosha, Wisconsin. NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to the authority of Section 66.23(6)(c), Wisconsin Statutes, the Official Map of the City of Kenosha, Wisconsin, be and hereby is amended to include the designation of the annexation of territory formerly of the Town of Paris, County of Kenosha, Wisconsin, known as Parcel Nos. 45-4-221-364-0107 and 45-4-221-364-0400, Kenosha, Wisconsin, as depicted on the Annexation Ordinance, which is incorporated herein by reference. Adopted this 17th day of March, 2008.

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

39. RESOLUTION NO. 37-08

BY: THE MAYOR

TO PETITION THE SECRETARY OF TRANSPORTATION FOR AIRPORT IMPROVEMENT AID, AND DESIGNATING THE WISCONSIN SECRETARY OF TRANSPORTATION AS PETITIONER'S/SPONSOR'S AGENT, AND MAKING CERTAIN ASSURANCES

WHEREAS, the City of Kenosha, Kenosha County, Wisconsin, hereinafter referred to as the "Petitioner/Sponsor", being a municipal body corporate of the State of Wisconsin, is authorized by Section 114.11, Wisconsin Statutes, to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate an Airport; and, WHEREAS, the Petitioner/Sponsor desires to improve the Kenosha Regional Airport, Kenosha County, Wisconsin, which it owns and operates, and herein petitions the Federal and State Government for Federal and/or State aid; and, WHEREAS, this Petition (Resolution) for Airport improvements has been referred to the Airport Commission for its consideration and report prior to Common Council action; and, WHEREAS, following a duly noticed public hearing, the Airport Commission on the 27th day of February, 2008, in accordance with Chapter 114.33(2), Wisconsin Statutes, as amended, recommend adoption of this Petition (Resolution) to the Common Council. The minutes/transcript of the hearing are transmitted with the Petition (Resolution) to the Secretary of Transportation (hereinafter "Secretary"); and, WHEREAS, the Petitioner/Sponsor is required by law (Section 114.32(5), Wisconsin Statutes) to designate the Secretary as its agent to accept, receive, receipt for and disburse any funds granted by the United States under the Federal Airport and Airway Improvement Act, and is authorized by law to designate the Secretary as its agent for other purposes, and such is the purpose of this Resolution. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a petition for Federal and/or State aid, is made as follows: The Petitioner/Sponsor, desiring to improve Kenosha Regional Airport with Federal and/or State aid, in

accordance with the applicable State and Federal laws, respectfully represents and states: 1. That the Airport, which it desires to improve, generally conforms to the requirements for a General Aviation-type airport as defined by the Federal Aviation Administration. 2. That the character, extent, and kind of improvements desired under the project are as follows: New airfield lighting, vault and navaids; crack and slurry seal Airport pavements; purchase snow removal equipment; construct perimeter road; security improvements; complete West side development area which includes expanding the apron; complete East side development area; voluntary approach protection land acquisition; clear and maintain runway approaches as stated in Chapter Trans. 55, Wisconsin Administrative Code; and any necessary related work. 3. That this Airport Project is necessary to meet the existing and future needs of the Airport. It is recognized that the improvements petitioned for, as listed, will be funded individually or collectively as funds are available, with specific project costs to be approved as work is authorized, the proportionate cost of the Airport improvement Projects described above, which are to be paid by the Petitioner/Sponsor to the Secretary of the Wisconsin Department of Transportation to be held in trust for the purposes of the Project; any unneeded and unspent balance after the Project is completed is to be returned to the Petitioner/Sponsor by the Secretary; the Petitioner/Sponsor will make available any additional monies that may be found necessary, upon request of the Secretary, to complete the Project as described above; the Secretary shall have the right to suspend or discontinue the Project at any time additional monies are found to be necessary by the Secretary, and the Petitioner/Sponsor does not provide the same. BE IT FURTHER RESOLVED that the Secretary is hereby designated as Petitioner's/Sponsor's agent and is requested to agree to act as such in matters relating to the Airport Improvement Project described above, and is hereby authorized as its agent to make all arrangements for the improvement and final acceptance of the completed Project, whether by contract, agreement, force account, or otherwise; and particularly, to accept, receive, receipt for and disburse Federal monies, or other monies, either public or private, for the improvement of the Airport; and to supervise the work of any engineer, appraiser, negotiator, contractor, or other person employed by the Secretary; and, to execute any assurances or other documents required or requested by any agency of the Federal Government, and to comply with all Federal and State laws, rules and regulations relating to Airport Development Projects. BE IT FURTHER RESOLVED that the Petitioner/Sponsor agrees to maintain and operate the Kenosha Regional Airport in accordance with certain conditions established in Chapter Trans. 55, Wisconsin Administrative Code, and in accordance with Petitioner/Sponsor's assurances enumerated in a Federal Grant Agreement. BE IT FURTHER RESOLVED that the Mayor and City Clerk/Treasurer be authorized to sign and execute the Agency Agreement and Federal Block Grant Owner Assurances and any other required or necessary documents related to Airport Project. Adopted this 17th day of March, 2008.

APPROVED:
JOHN M. ANTARMIAN
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderman Ruef, seconded by Alderman Sinclair, to approve:

40. Reappointments to the Keep Kenosha Beautiful Commission for terms to expire May 1, 2011:
a. Betty Kriederman
b. Jane Bekos
41. Reappointment of Bruce McCurdy, to the City Plan Commission for a term that will expire May 1, 2011.
42. Reappointment of Donna Cook, to the Board of Housing Appeals for a term that will expire May 1, 2013.
43. Reappointment of Dennis Filippelli, to the Museum Board for a term which will expire May 1, 2011.
44. Reappointments to the Zoning Board of Appeals for terms to expire May 1, 2011:

a. Cecelia Lucas
b. Anita Faraone
On roll call vote, motion carried unanimously.

PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

45. It was moved by Alderman Ruef, seconded by Alderman Sinclair, to approve award of Contract for Project #08-1613 Razing of Former Auto Body Shop and Auto Parts Store (2003 63rd Street & 2011 63rd Street) to Macemon, Inc., Racine, Wisconsin in the amount of $90,000.00. (District 8)
On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Ruef, seconded by Alderman Sinclair, to approve:
46. Subgrantee Agreement between the City of Kenosha and Wisconsin
47.Women's Business Initiative Corporation for the use of CDBG funds.
48. Subgrantee Agreement between the City of Kenosha and Community Economic Development Corporation for the use of CDBG funds.
49. Award the 2008 Parkway Tree Removal Contract to Lakeside Tree Care in the amount of $25,381.00.
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

50. It was moved by Alderman Ruef, seconded by Alderman Sinclair, to approve Disbursement Record #3 – $9,746,635.96.
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

51. It was moved by Alderman Ruef, seconded by Alderman Sinclair to approve Acceptance of Project #07-1212 Street Division Fence (6415 35th Avenue) which has been satisfactorily completed by Northway Fence, Inc., Menomonee Falls, Wisconsin in the amount of $24,879.80.
On roll call vote, motion carried unanimously. (NOTE: Alderman Casey left prior to the vote on these items)

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Ruffolo, seconded by Alderman Ruef, to adjourn at 8:10 p.m.
On a voice vote, motion carried.

Approved:

JOHN M. ANTARAMIAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
April 7, 2008
John M. Antaramian, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
MONDAY, APRIL 7, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor John M. Antaramian presided. The meeting was called to order at 7:03 p.m.

On roll call, the following members of the Common Council were present: Aldermen Moldenhauer, Ruffolo, Spair, Robinson, Marks, Ruef, Butler, Frederick, Casey, Misner, Pitts, Pacetti, Downing and Polzin, Jr. Excused: Alderman Haugaard, Holland, and Sinclair. Alderman Casey left before Citizens Comments.

The invocation was given by Alderman Marks.

Mayor Antaramian then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderman Pitts, seconded by Alderman Misner, to approve the minutes of the meeting held March 17, 2008.

Motion carried unanimously.

At this time, the Mayor called upon Alderman Ruffolo and members of the Mayor's Youth Commission to present Mayor's Youth Commission awards. The Mayor spoke and a brief recess was taken.

Three (3) Citizens spoke during Citizen's Comments: Pat Finnemore, Don Moehrke, and Bob Danbeck.

TO THE PUBLIC WORKS COMMITTEE

1. Permanent easement for roadway improvements of the Kenosha Regional Airport on 88th Avenue north of 52nd Street, Aldermanic District #16. (Also refer to City Plan and Airport Commissions)
2. Warranty Deed to dedicate 88th Avenue right-of-way, District #16 (City of Kenosha) (Also refer to City Plan Commission)
3. Resolution to amend Resolution #128-07 for a two-lot Certified Survey Map located at 4717 Fifth Avenue, District #2 (Dikmen) (Also refer to City Plan Commission)

TO THE CITY PLAN COMMISSION

4. To repeal and recreate Sections 14.07 B.10 and 14.07 B.11 of the Zoning Ordinance for the City of Kenosha, Wisconsin regarding conformance of commercially and institutionally used buildings with design guidelines, and conformance of multi-family buildings with exterior building variation guidelines.

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

5. It was moved by Alderman Pitts, seconded by Alderman Polzin, to approve:

a. 12 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. 1 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. 1 application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

On a voice vote, motion carried.

6. It was moved by Aderman Downing, seconded by Alderman Robinson, to approve conditional use permit for an asphalt shingle resource recovery plant to be located at 5817 46th Street (Excel Disposal, 16th Districts). On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

7. It was moved by Alderman Pitts, seconded by Alderman Robinson, to approve the following applications for new Operator's (Bartender) licenses, subject to:

-50 demerit points:
a. Cassandra G. Hepfner
b. Anais Minnite
-75 demerit points:
c. Torri Audorff
d. Kelly Reed
-90 demerit points:
e. Michelle M. Bonner
f. Michael J. Kelly
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
8. It was moved by Alderman Pitts, seconded by Alderman Downing, to approve the following applications for renewal Taxi Driver's licenses, subject to:
-20 demerit points:
a. Donald A. Perry
-40 demerit points:
b. David W. Threlkeld
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
9. It was moved by Alderman Downing, seconded by Alderman Pitts, to approve application of PJ's Entertainment, LLC, Patrick D. Metzger, Agent, for a Class "B" Beer/"Class B" Liquor License located at 8249 Sheridan Rd, (PJ's Bar & Grill), with acceptance of a conditional surrender of a similar license at the same location from Barbara J. Holden to be effective April 8, 2008. (3rd District).
A hearing was held. Patrick Metzger was present and spoke.
9.1 It was then moved by Alderman Ruffolo, seconded by Alderman Robinson to defer until the next Common Council meeting. On a voice vote, motion carried.
10. It was moved by Alderman Polzin, seconded by Alderman Frederick, to approve the following applications for Cabaret Licenses (expiration June 30, 2008) with no adverse recommendations:
a. El Charrito, LLC, 3200-60th St, (El Charrito)
b. GNC Hook, LLC, 5301-22nd Ave, (Bella Lounge)
c. Patricia Rodriguez, 3300 Sheridan Rd, (Puerto Vallarta)
A hearing was held. No one appeared. On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Pitts seconded by Alderman Ruffolo, to send the following ordinance on its way:
11. By Committee on Public Safety and Welfare - To Amend Section 7.12 C., by Rescinding Therefrom the Stop Signs on 53rd Street at its Intersection with 10th Avenue; and, to Amend Section 7.12 B., to include a Four Way Stop at the Intersection of 53rd Street and 10th Avenue.
On a voice vote, motion carried.

ZONING ORDINANCES 1ST READING

It was moved by Alderman Pitts, seconded by Alderman Ruffolo, to send the following ordinance on its way:
12. By the Mayor - To Rezone Property Located on 51st Place between 7th Avenue and 8th Avenue from B-3 Central Business District to B-4 Mixed-Use District [Guttormsen].
On a voice vote, motion carried.

ORDINANCES 2ND READING

13. It was moved by Alderman Polzin, seconded by Alderman Downing, to remove the proposed ordinance BY: ALDERPERSON KENNETH O. POLZIN, JR., ALDERPERSON FRANK J. PACETTI, and ALDERPERSON JULIA ROBINSON -TO CREATE SECTION 11.033 OF THE CODE OF

GENERAL ORDINANCES, ENTITLED SEXUAL OFFENDER RESIDENCY RESTRICTIONS″from the table. On roll call vote, motion carried (10-3) with Aldermen Frederick, Misner and Ruffolo voting nay.

A public hearing was held. No one spoke for or against said ordinance.

13.1 It was then moved by Alderman Pacetti, seconded by Alderman Polzin to approve.

13.2 It was then moved by Alderman Polzin, seconded by Alderman Downing to amend by making the ordinance effective 90 days after passage. On a voice vote, motion carried.

13.3 It was then moved by Alderman Ruffolo, seconded by Alderman Misner to amend by changing "school " to "school property". On a voice vote, motion carried.

On roll call vote, motion carried (11-2) with Aldermen Butler and Frederick voting nay, and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 18-08
BY: ALDERPERSON KENNETH O. POLZIN, JR.
ALDERPERSON FRANK J. PACETTI
ALDERPERSON JULIA ROBINSON
TO CREATE SECTION 11.033 OF THE CODE OF GENERAL ORDINANCES, ENTITLED SEXUAL OFFENDER RESIDENCY RESTRICTIONS″

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 11.033 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

11.033 SEXUAL OFFENDER RESIDENCY RESTRICTIONS

A. Findings and Intent.

1. Findings. Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and, most sexual offenders commit many offenses, have many more victims that are never reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

2. Intent. It is the intent of this Ordinance not to impose a criminal penalty, but rather to service the City of Kenosha's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City of Kenosha by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residency.

B. Definitions. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except when the context clearly indicates a different meaning.

1. Child″ means a person under the age of sixteen (16) years for purposes of this Ordinance.

2. Designated Offender″ means any person who is required to register under Section 301.45, Wisconsin Statutes, for any sexual offense against a child, or any person who is required to register under Section 301.45, Wisconsin Statutes, and who has been designated a Special Bulletin (SBN) sex offender pursuant to Sections 301.46(2) and (2m), Wisconsin Statutes.

3. Minor″ means a person under the age of seventeen (17) years.

4. Permanent Residence″ means a place where the Designated Offender lodges or resides for fourteen (14) or more consecutive days.

5. Temporary Residence″ means either: (a) a place where the person abides, lodges or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address; or, (b) a place where the person routinely abides, lodges or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's Permanent Residence.

6. Prohibited Location″ means any school property, licensed daycare center, park, trail, playground, place of worship, or any other place designated by the City as a place where children are known to congregate.

C. Sexual Offender And Sexual Predator Residence; Prohibitions and Exceptions.

1. Prohibited Location of Residence.

a. It is unlawful for any Designated Offender not placed pursuant to Department of Corrections (DOC) guidelines (whereby Designated Offenders are returned to their home community) to establish a Permanent Residence or Temporary Residence within two thousand five hundred (2,500') feet of a Prohibited Location.

b. It is unlawful for any Designated Offender placed in compliance with Department of Corrections (DOC) guidelines (whereby Designated Offenders are returned to their home community) to establish a Permanent Residence or Temporary Residence within five hundred (500') feet of a Prohibited Location.

c. No Designated Offenders may establish a Permanent Residence or Temporary Residence within a six (6) block radius of an existing Permanent Residence or Temporary Residence of another Designated Offender.

2. Notification. A Designated Offender must notify the Alderman of the District a minimum of three (3) days prior to establishing either a Permanent Residence or Temporary Residence within the City of Kenosha.

3. Prohibited Activity. It is unlawful for any Designated Offender to participate in a holiday event involving children under eighteen (18) years of age. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this Section. Participation″ is defined as actively taking part in the event and shall include, but is not limited to, distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on or preceding Easter.

4. Determination of Minimum Distance Separation. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the Permanent Residence or Temporary Residence of a Designated Offender to the nearest outer property line of a Prohibited Location.

5. Exceptions. A Designated Offender residing within a Prohibited Location as described in Section 11.033 B.1 shall not be in violation of this Ordinance if any of the following apply:

a. The Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to Section 301.45, Wisconsin Statutes, before the effective date of this Ordinance.

b. The Designated Offender is a minor and is not required to register under Sections 301.45 and 301.46, Wisconsin Statutes.

c. The Prohibited Location situated within two thousand five hundred/five hundred (2,500'/500') feet of the person's Permanent Residence was opened or established after the Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to Section 301.45, Wisconsin Statutes.

d. The residence is also the primary residence of the Designated Offender's parents, grandparents, siblings, spouse or children, provided that such parent, grandparent, sibling, spouse or child established the residence at least two (2) years before the Designated Offender established residence at the location.

D. Property Owners Prohibited From Renting Real Property To Certain Sexual Offenders and Sexual Predators. It shall be unlawful for any property owner to lease or rent any place, structure, mobile home, trailer or any part thereof, with the knowledge that it will be used as a Permanent Residence or Temporary Residence by any person prohibited from establishing a Permanent Residence or Temporary Residence therein pursuant to this Ordinance, if such place, structure, or mobile home, trailer or any part thereof, is located within a Prohibited Location zone as defined in Section 11.033 B. Notwithstanding the exception set forth in Section 11.033 C.4.a., it shall be unlawful for a property owner to renew a leasehold interest established prior to the effective date of this Ordinance, whether the leasehold interest is on a month-to-month basis or for a definite term, for a period beyond six (6) months from the effective date of this Ordinance.

E. Severability. Should any section, paragraph, sentence, clause or phrase of this Section be declared

unconstitutional or invalid, or be repealed, it shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or repealed.

F. Penalties. Any person who violates any provision of this Section shall, upon conviction thereof, be subject to a forfeiture not to exceed Five Hundred ($500.00) Dollars, together with the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Each day such violation continues shall be considered a separate offense.

Section Two: This Ordinance shall become effective ninety (90) days after passage and publication.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: April 7, 2008
PUBLISHED: April 18, 2008

14. It was moved by Alderman Pitts, seconded by Alderman Robinson, to adopt Ordinance 19-08. A public hearing was held. One (1) person spoke regarding said ordinance. On roll call vote, motion carried (8-5) with Aldermen Butler, Frederick, Pacetti, Moldenhauer and Marks voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 19-08
BY: ALDERPERSON JULIA ROBINSON
TO REPEAL AND RECREATE SECTION 13.04 OF THE CODE OF GENERAL ORDINANCES, ENTITLED CONVENIENT CASH BUSINESSES″

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 13.04 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 13.04 CONVENIENT CASH BUSINESSES A. Intent and Purpose. It is the purpose of this Ordinance to regulate the hours of operation of all Convenient Cash Businesses. The majority of existing Convenient Cash Businesses, as defined in Subsection B. below, are located near residential areas where business hours may impact the residents of the area. Convenient Cash Businesses, like other financial businesses, do not provide services that must be available twenty-four (24) hours per day. The Ordinance is deemed for the benefit of the health, safety and welfare of the public. B. Definition. Convenient Cash Business(es)″, also referred to as payday loan business″, title for cash business″, check cashing business″, or any similar enterprise, shall mean any business licensed pursuant to Sections 138.09 or 218.05, Wisconsin Statutes, which provides nontraditional, short-term consumer loans by accepting a check or title, holding the check or title for a period of time before negotiating or presenting the check or title for payment, and paying to the issuer an agreed upon amount of cash, or refinancing or consolidating such a transaction. C. Hours of Operation. 1. No physical premises [as defined by its Occupancy Permit] in which a Convenient Cash Business holding a license issued pursuant to Section 138.09, Wisconsin Statutes, is operated may be open between the hours of 7:00 P.M. and 8:00 A.M. 2. No physical premises [as defined by its Occupancy Permit] in which a Convenient Cash Business holding a license issued pursuant to Section 218.05, Wisconsin Statutes, is operated may be open between the hours of Midnight (12:00 A.M.) And 5:00 A.M. 3. Any Convenient Cash Business holding a license issued pursuant to Section 138.09, Wisconsin Statutes, and a license issued pursuant to Section 218.05, Wisconsin Statutes, that operates under both licenses at the same physical premises [as defined by its Occupancy Permit] shall be subject to the hours of operation set forth in Subsection C.1. Above. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: April 7, 2008
PUBLISHED: April 18, 2008

15. It was moved by Alderman Butler, seconded by Alderman Downing, to adopt Ordinance 20-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 20-08
BY: THE MAYOR
TO CREATE SECTION 28.09 G. OF THE CODE OF GENERAL ORDINANCES REGARDING UNPAID FEES FOR VACANT BUILDING PERMITS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 28.09 G. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: G. Unpaid Permit. If an application for a Vacant Building Permit is filed, and following mailing of a second notice of Permit fees due to the applicant, Permit fees, as provided for by this Chapter, remain unpaid, said fees shall be charged to the property owner of record as a special assessment against the real estate upon which the Permit is issued and shall be a lien upon the Premises until paid in full, with interest accruing on the unpaid balance at a rate of interest established in Section 2.10 of the Code of General Ordinances. There shall also be a One Hundred ($100.00) Dollar Administrative Fee added to the charge and special assessment to cover the administrative costs of charging and assessing the Premises. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: April 7, 2008
PUBLISHED: April 18, 2008

ZONING ORDINANCES 2ND READING

16. It was moved by Alderman Pitts, seconded by Alderman Butler, to adopt Ordinance 21-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ZONING ORDINANCE NO. 21-08
BY: CITY PLAN COMMISSION
TO REPEAL, CREATE, AMEND, AND REPEAL AND RECREATE VARIOUS SECTIONS OF THE ZONING ORDINANCES FOR THE CITY OF KENOSHA, REGARDING OFF-PREMISE SIGNS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 3.14 A.7. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed. Section Two: Section 3.14 C.23. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows: 23. Off-Premise Signs, in conformance with Chapter 15 of the Code of General Ordinances. Section Three: Section 3.17 A. 20. of the Zoning Ordinances for the City of Kenosha, Wisconsin, is hereby repealed. Section Four: Sections 3.17 A.21., 3.17 A.22., 3.17 A.23., 3.17 A.24., 3.17 A.25., 3.17 A.26, 3.17 A.27. and 3.17 A.28. are hereby renumbered as Sections 3.17 A.20., 3.17 A.21., 3.17 A.22., 3.17 A.23., 3.17 A.24., 3.17 A.25., 3.17 A.26., and 3.17 A.27. Section Five: Section 3.17 C.9. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows: 9. Off-Premise Signs, in conformance with Chapter 15 of the Code of General Ordinances.
Section Six: Section 3.17 C.21. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows: 21. Off-Premise Signs, in conformance with Chapter 15 of the Code of General Ordinances. Section Seven: Section 4.02, Table 4.01, Group 4 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto: Off-Premise Signs in the B-2, M-1 or M-2 Districts CPD Section Eight: Section 4.06 D.15. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows: 15. Off-Premise Signs in the B-2, M-1 or M-2 Districts: a. Site Plan as required in Sections 4.05 C. and 14.07 C. of the Zoning Ordinance. b. Drainage Plan as

required in Sections 4.05 D. and 14.07 E. of the Zoning Ordinance. c. Landscape Plan as required in Sections 4.05 E. and 14.07 F. of the Zoning Ordinance. d. Utility Plan as required in Sections 4.05 F. and 14.07 D. of the Zoning Ordinance. e. The Off-Premise Sign shall meet all dimensional and locational requirements of Chapter 15 of the Code of General Ordinances. f. The Review Authority shall require the paving of any areas defined as a Parking Facility in Chapter 5 of the Code of General Ordinances that are not paved on the site proposed for the Off-Premise Sign. Parking facility(ies) shall be landscaped in conformance with Section 14 of the Zoning Ordinance. Site lighting for the parking facility(ies) shall be installed in conformance with Section 14.07 D.11. of the Zoning Ordinance. g. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

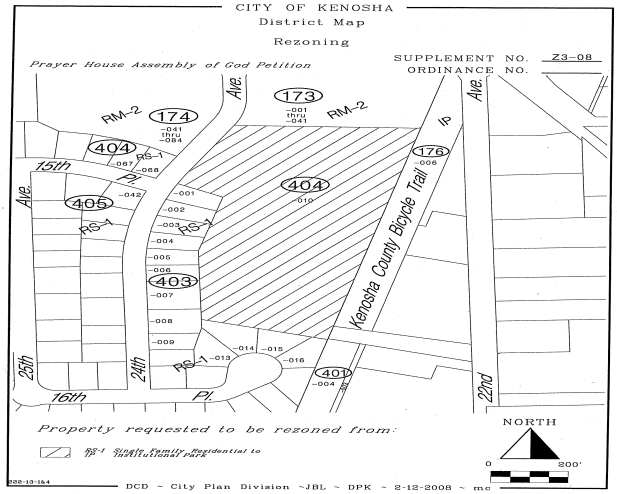
Section Nine: This Ordinance shall become effective upon passage and publication.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: April 7, 2008
PUBLISHED: April 18, 2008

17. It was moved by Alderman Ruffolo, seconded by Alderman Pitts, to adopt Ordinance 22-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

REZONING ORDINANCE NO. 22-08
BY: THE MAYOR
Zoning: TO REZONE PROPERTY LOCATED AT 1525 – 24TH AVENUE FROM RS-1 SINGLE FAMILY RESIDENTIAL TO IP INSTITUTIONAL PARK
[Prayer House]

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: That the land shown on the attached Supplement Map No. Z3-08 be, and the same hereby is, zoned and districted as indicated on said map. Section Two: The development of the property shall be consistent with the conceptual development plan for the property being rezoned, submitted by the property owner/developer on the 6th day of March, 2008, as required in Section 10.02 A. of the Zoning Ordinance. Section Three: This Ordinance shall be in full force and effect upon passage and the day after its publication.



NOTE: Maps are available for viewing in the Office of the City Clerk.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK
PASSED: April 7, 2008
PUBLISHED: April 18, 2008

RESOLUTIONS

It was moved by Alderman Pacetti, seconded by Alderman Frederick, to adopt Resolutions 38-08 and 39-08.

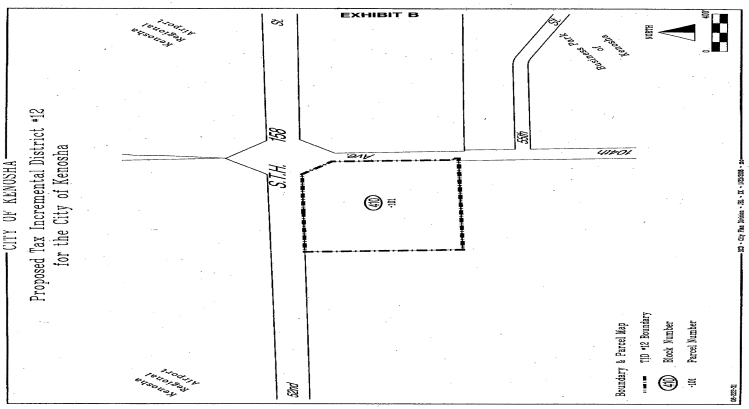
It was then moved by Alderman Pacetti, seconded by Alderman Butler to allow Alderman Pitts to abstain. On a voice vote, motion carried.

On roll call vote, motion carried unanimously (12-0, 1 abstain) and said resolutions were thereupon adopted as follows:

18. RESOLUTION # 38-08
BY: THE MAYOR
TO CREATE TAX INCREMENTAL DISTRICT #12,
CITY OF KENOSHA, WISCONSIN,
UNDER SECTION 66.1105(4)(gm), WISCONSIN STATUTES

WHEREAS, Section 66.1105 of the Wisconsin Statutes, provides the authority and procedures for creating a Tax Incremental District; and WHEREAS, a public hearing was properly noticed and held by the City Plan Commission on March 20, 2008, wherein interested parties were afforded a reasonable opportunity to express their views on the proposed creation of a Tax Incremental District and the proposed boundaries thereof; and

WHEREAS, pursuant to such procedure and after due reflection and consideration, the City Plan Commission has favorably recommended to the Common Council of the City of Kenosha the creation of Tax Incremental District #12, City of Kenosha, Wisconsin , the boundaries of which are described on Exhibits “A” and "B". NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that it: 1.Deems the creation of the recommended Tax Incremental District to be in the public interest and for a property public purpose; and 2. Accepts and adopts as the district boundaries those recommended by the City Plan Commission, which boundaries generally lie within the City of Kenosha between 52nd Street and 55th Street and between 104th Avenue and Dairyland Greyhound Park, and are more specifically defined in Exhibit "A", which are attached hereto and incorporated herein by reference. The district boundaries include only those whole units of property as are assessed for general property tax purposes. Property standing vacant for an entire seven (7) year period immediately preceding adoption of this Resolution, as "vacant property" as defined in Section 66.1105(4)(gm)1., Wisconsin Statutes, does not comprise more than twenty-five (25%) percent of the area in the Tax Incremental District; and 3. Finds that not less than fifty (50%) percent by area of the real property within the District is suitable for "industrial sites" within the meaning of Section 66.1101, Wisconsin Statutes and has been zoned for industrial uses; and 4. Finds that the improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District; and 5. Finds that the project costs directly relate to serve to promote industrial development within the District consistent with the purpose for which the Tax Incremental District was created; and 6. Finds that the equalized value of taxable property of the District plus the value increment of all existing Districts does not exceed twelve (12%) percent of the total equalized value of taxable property within the City of Kenosha, Wisconsin; and 7. Confirms that the real property within the District that has been found suitable for industrial sites, has been zoned for industrial use, and will remain zoned for industrial use for the life of the Tax Incremental District. BE IT FURTHER RESOLVED that Tax Incremental District #12 is created effective January 1, 2008, upon passage and publication of this Resolution and review and approval of this Resolution by a Joint Review Board under Section 66.1105(4m), Wisconsin Statutes. Adopted this 7th day of April, 2008.



NOTE: Maps are available for viewing in the Office of the City Clerk.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

19. RESOLUTION NO. 39-08
BY: THE MAYOR
TO ADOPT A PROJECT PLAN
FOR TAX INCREMENTAL DISTRICT
#12,
CITY OF KENOSHA, WISCONSIN,
UNDER SECTION 66.1105(4)(g), WISCONSIN STATUTES

WHEREAS, Section 66.1105 of the Wisconsin Statutes, provides the authority and procedures for creating a Tax Incremental District; and WHEREAS, the Project Plan for Tax Incremental District #12, City of Kenosha, Wisconsin, has been developed in accordance with Section 66.1105(4)(f), Wisconsin Statutes; and WHEREAS, a public hearing was properly noticed and held by the City Plan Commission on March 20, 2008, under Section 66.1105(4)(e), Wisconsin Statutes, wherein interested parties were afforded a reasonable opportunity to express their views on the proposed Project Plan for Tax Incremental District #12, City of Kenosha, Wisconsin; and WHEREAS, the City Plan Commission, on March 20, 2008, at a duly authorized, noticed and convened meeting, adopted the Project Plan for Tax Incremental District #12, City of Kenosha, Wisconsin, under 66.1105(4)(f); and WHEREAS, said Project Plan for Tax Incremental District #12, City of Kenosha, Wisconsin, is found to be feasible and in conformity with the Master Plan of the City of Kenosha, Wisconsin. NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin, that the Project Plan for Tax Incremental Finance District #12, City of Kenosha, Wisconsin, which is incorporated herein by reference and on file in the Office of the City Clerk/Treasurer, is adopted under Section 66.1105(4)(g), Wisconsin Statutes. Adopted this 7th day of April, 2008.

APPROVED:
JOHN M. ANTARAMIAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderman Ruef, seconded by Alderman Misner, to approve:

20. Reappointment of the following commissioners to the Kenosha Area Tourism Board for terms that will expire May 1, 2011:
a. Jack Rice
b. Neil Guttormsen

21. Appointment of Paula Touhey to the Kenosha Area Tourism Board of Directors for a term to expire May 1, 2009.

22. Appointment of Marty Huff to the Kenosha Area Tourism Board of Directors for a term to expire May 1, 2011.

23. Appointment of Richard G. Fox to the Board of Harbor Commissioners for a term to expire March 5, 2010.

On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

24. It was moved by Alderman Marks, seconded by Alderman Robinson, to approve lease by and Between the City of Kenosha (A Wisconsin Municipal Corporation) and Kenosha Unified School District No. 1., (A Wisconsin Common School District, 3600-52nd Street, Kenosha, Wisconsin) Regarding Lincoln Elementary School (6811 - 18th Avenue). On roll call vote, motion carried (11-2) with Aldermen Downing and Polzin voting nay.

It was moved by Alderman Pitts, seconded by Alderman Robinson to:

25. Approve amendment to Kenosha History Center Lease for Lighthouse Property at 5117 4th Avenue.

26. Approve Offer of Sale Agreement for property at 4621 and 4627 38th Avenue. (Abdelhamid)

27. Approve Offer of Sale Agreement for property at 1102/1200 52nd Street. (Iaquinta)

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderman Marks, seconded by Alderman Robinson, to:

28. Deny claims:

a. Jackson v. City of Kenosha

b. ATC claim against City of Kenosha

29.Approve Disbursement Records:

a. #4 - $33,339,179.56

b. #5 - $5,055,454.42

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

30. It was moved by Alderman Pitts, seconded by Alderman Robinson to approve Final Acceptance of the Following Projects:

a. #05-1208 2005 Sidewalk & Curb/Gutter Project completed by Marvin Gleason Contractors, $366,012.01. (All Districts)

b. #07-1111 Miscellaneous Storm Sewers completed by Willkomm Excavating, $143,025.32. (Districts 1, 8, 16)

c. #05-1753 Metro Overflow Parking Lot completed by Payne & Dolan, $77,588.81. (District 7)

On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Ruffolo, seconded by Alderman Butler, to adjourn at 9:05 p.m.

On a voice vote, motion carried.

Approved:

JOHN M. ANTARAMIAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
April 15, 2008
Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
April 15, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.

The meeting was called to order at 7:30 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Casey, Misner, Prozanski, Orth, Downing and Bogdala.

The invocation was given by Alderman Casey.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

1. Oath of Office – Mayor. City Clerk, Michael K. Higgins administered the oath to Mayor Keith G. Bosman.
2. Oath of Office – Aldermen. City Clerk, Michael K. Higgins, administered the oath to the Aldermen.
3. Appointments to the Committee on Finance. Mayor Bosman read his appointments as follows:
Alderman Eric Haugaard
Alderman Tod Ohnstad
Alderman Katherine Marks
Alderman Anthony Kennedy
Alderman Daniel Prozanski, Jr.
Alderman David Bogdala
4. Appointments to the Committee on Public Works/Board of Water Commissioners. Mayor Bosman read his appointments as follows:
Alderman Don Moldenhauer
Alderman Donald Holland
Alderman G. John Ruffolo
Alderman Patrick Juliana
Alderman Anthony Nudo
Alderman Ray Misner
5. Appointments to the Public Safety & Welfare/Park Commission. Mayor Bosman read his appointments as follows:
Alderman Kathy Carpenter
Alderman Donald Ruef
Alderman Stephen Casey
Alderman Michael Orth
Alderman Jesse Downing
6. Appointments to the Licensing/Permit Committee. Mayor Bosman read his appointments as follows:
Alderman Patrick Juliana
Alderman Anthony Kennedy
Alderman Anthony Nudo
Alderman Ray Misner
Alderman Jesse Downing
7. Selection of Committee/Commission Chairmen. At this time, the committees/commissions convened to elect a Chairman. The Public Works Committee and Park Commission also elected a member of City Plan Commission. 7.1 Due to a tie vote for Chairman of the Finance Committee between Alderman Haugaard and Alderman Marks, members of the Common Council cast a secret, paper ballot to elect a Chairman.

It was moved, seconded and on a voice vote, carried, to allow the candidates for Finance Committee Chairman make brief speeches. Alderman Haugaard and Alderman Marks spoke briefly.

The ballots were read by Debra Salas, Deputy City Clerk and tabulated by Mike Higgins, City Clerk.

Following tabulation, it was determined that Alderman Eric Haugaard received the greater number of votes (12), with Alderman Katherine Marks receiving the lesser number (5). Therefore, Alderman Haugaard was declared Chairman of the Finance Committee.

Chairmen of the remaining Committees/Commissions were elected as follows:

Public Works Committee – Alderman G. John Ruffolo
Board of Water Commissioners – Alderman Donald K. Holland
Public Safety & Welfare Committee –
Alderman Jesse Downing
Board of Park Commissioners – Alderman Donald Ruef
Licensing/Permit Committee – Alderman Ray Misner

Alderman Moldenhauer was elected as the Public Works Committee member, and Alderman Ruef as the Park Commission member of City Plan Commission.

It was moved by Alderman Casey, seconded by Alderman Misner to accept the appointments. On a voice vote, motion carried.

8. Election of Council President. It was moved by Alderman Moldenhauer, seconded by Alderman Ruef to elect Alderman Donald K. Holland. It was then moved by Alderman Ruffolo, seconded by Alderman Ruef to close the nominations. On a voice vote, motion carried.

On a voice vote, motion to elect Donald K. Holland as Council President for 2008-2009 carried.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Misner, seconded by Alderman Ruffolo, to adjourn at 8:08 p.m.

On a voice vote, motion carried.

Approved:

KEITHG. BOSMAN
MAYOR

Attest:

DEBRAL. SALAS
DEPUTYCITYCLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, April 21, 2008

Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
MONDAY, APRIL 21, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.

The meeting was called to order at 7:03 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Misner, Prozanski, Orth, Downing and Bogdala. Alderman Ruffolo was previously excused. Alderman Casey arrived during Citizens Comments.

The invocation was given by Alderman Bogdala.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

Citizen's Comments: Eight (8) people spoke: Don Moerke, Christy George, Jeffery Cassity, Danielle Gennaccaro, Kim Fisher, Janis Barnhill, Edward Holden and Louis Rugani.

TO THE COMMITTEE ON FINANCE

1. Resolution to Create Tax Incremental District #13, City of Kenosha, Wisconsin, Under Section 66.1105(4)(gm), Wisconsin Statutes. (Also refer to City Plan Commission)
2. Resolution to Adopt a Project Plan for Tax Incremental District #13, City of Kenosha, Wisconsin, Under Section 66.1105(4)(g), Wisconsin Statutes. (Also refer to City Plan Commission)

TO THE PUBLIC WORKS COMMITTEE

3. Resolution to approve a two-lot Certified Survey Map for property on 50th Avenue north of 31st Street, District #5. (City of Kenosha/Deaton) (Also refer to City Plan Commission)

TO THE PUBLIC SAFETY & WELFARE COMMITTEE

4. To Repeal and Recreate Section 15.15 of the Code of General Ordinances, Entitle “Off-Premise Signs”.

TO THE CITY PLAN COMMISSION

5. Petition to rezone property at 2508 52nd Street from M-2 Heavy Manufacturing to B-2 Community Business in conformance with Section 10.02 of the Zoning Ordinance, District #7. (Evans)
6. Petition to rezone properties located west of 30th Avenue and north of 85th Street from RM-1 and RM-2 Multiple-Family Residential, RM-3 Elderly and Handicapped Housing and B-2 Community Business to TRD-2 Traditional Multiple Family Residential and IP Institutional Park in conformance with Section 10.02 of the Zoning Ordinance, District #14. (Tirabassi Investments)
7. Petition to rezone properties located south of 38th Street and east of I-94 from A-2 Agricultural Land Holding to M-2 Heavy Manufacturing in conformance with Section 10.02 of the Zoning Ordinance, District #16. (Gitzlaff/Mass)

COMMUNICATIONS,
PETITIONS, REPORTS
OF DEPARTMENTS

8. It was moved by Alderman Downing, seconded by Alderman Misner, to approve:

a. 27 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. There were no application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

On a voice vote, motion carried.

9. It was moved by Alderman Ruef, seconded by Alderman Haugaard, to approve Amendment to the Comprehensive Outdoor Recreation Plan Relating to Hobbs Park and Certification to the Common Council (City Plan Commission Resolution #02-08). On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

10. It was moved by Alderman Haugaard, seconded by Alderman Misner, to approve applications for new Operator's (Bartender) licenses, subject to:
-50 demerit points:
a. Rebecca Smith
-85 demerit points:
b. Kimberly Fisher
c. Lauren A Rinaldi
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
11. It was moved by Alderman Misner, seconded by Alderman Moldenhauer, to separate action on the following applications for new Operator's (Bartender) licenses. On a voice vote, motion carried.
11.1 It was then moved by Alderman Misner, seconded by Alderman Downing to send application a. Danielle L Gennaccaro back to the Licensing/Permit Committee. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
11.2 It was moved by Alderman Misner, seconded by Alderman Orth to DENY application b. Kimberly A Swanson, based on material police record and false application. A hearing was held. The applicant did not appear.
On a voice vote, motion carried.
12. It was moved by Alderman Haugaard, seconded by Alderman Downing, to approve application of Jennifer M Perri for a Taxi Driver's license, subject to 90 demerit points.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
13. It was moved by Alderman Downing, seconded by Alderman Ruef, to approve application of PJ's Entertainment, LLC, Patrick D. Metzger, Agent, for a Class "B" Beer/"Class B" Liquor License located at 8249 Sheridan Rd, (PJ's Bar & Grill), with acceptance of a conditional surrender of a similar license at the same location from Barbara J. Holden.
A hearing was held. Attorney Gene Brookhouse spoke on behalf of the applicant. On a voice vote, motion carried.
14. It was moved by Alderman Casey, seconded by Alderman Downing, to approve application of The Coffee Pot, LLC, Janis A. Barnhill, Agent, for a Class "B" Beer & "Class C" Wine License located at 4914-7th Ave, (The Coffee Pot)
A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.
15. It was moved by Alderman Ruef, seconded by Alderman Misner, to DENY application of The Coffee Pot, LLC, for an Outdoor Extension of the Class "B" Beer & "Class C" Wine License located at 4914-7th Ave, (The Coffee Pot), with a request to waive the fence requirement (over fifty percent (50%) of gross revenue on the licensed premises is from the sale of food and non-alcoholic beverages) based on the boundaries of the area are within 100 feet of any family dwelling which is not occupied by the applicant and his or her immediate family.
A hearing was held. The applicant was present and spoke.
15.1 It was then moved by Alderman Downing, seconded by Alderman Misner to refer back to the Licensing/Permit Committee. On a voice vote, motion carried.
16. It was moved by Alderman Haugaard, seconded by Alderman Butler, to approve 3 Applications for Renewal of Scrap Salvage Dealers Licenses and 1 Scrap Salvage Collectors License per list on file in the office of the City Clerk.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.

ZONING ORDINANCES 1ST READING

It was moved by Alderman Casey, seconded by Alderman Prozanski, to send the following ordinance on its way:

17. By City Plan Commission -To Repeal and Recreate Sections 14.07 B.10 and 14.07 B.11 of the Zoning Ordinance for the City of Kenosha, Wisconsin, Regarding Conformance of Commercially and Institutionally Used Buildings With Design Guidelines; and, Conformance of Multifamily Buildings With Exterior Building Variation Guidelines.

On a voice vote, motion carried.

ORDINANCES 2ND READING

18. The proposed ordinance by Committee on Public Safety and Welfare – To Amend Section 7.12 C., by Adding a East/West Stop Sign on 15th Place Before Entering the Intersection with 27th Avenue was pulled due to an error on the agenda. The correct ordinance will be on the May 5, 2008 agenda.

ZONING ORDINANCES 2ND READING

19. The proposed ordinance by the Mayor - To Rezone Property Located on 51st Place between 7th Avenue and 8th Avenue from B-3 Central Business District to B-4 Mixed-Use District [Guttormsen] was withdrawn by the applicant.

RESOLUTIONS

It was moved by Alderman Casey, seconded by Alderman Ruef to adopt Resolutions 40-08 and 41-08 (items 20 and 21). On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

20. RESOLUTION NO. 40-08
By: Committee on Finance
To Encumber Certain 2007 General Fund Budgeted Monies as of December 31, 2007 to be Carried Over and Added to the 2008 General Fund Budget

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin that the following 2007 General Fund budgeted monies shall be encumbered as of December 31, 2007 and shall be carried forward to the 2008 budget in order that funds be available to make payment for these items which total $835,352 as follows:

Legal-Professional Services	110-01-50301-219	$ 7,900
Finance-equipment purchase	110-01-51101-362	10,000
MIS-equipment	110-01-51102-539	100,000
Admin.- Professional Services	110-01-51801-246	50,000
MOB-building repairs	110-01-51801-246	10,000
Fire-building maint.	110-02-52203-246	90,200
Police-equipment repairs	110-02-52103-344	33,000
Reserve-contract settlement	110-09-56702-159	534,252

BE IT FURTHER RESOLVED that all 2007 budgeted monies encumbered in 2007 whether or not a purchase order was issued shall be carried over and added to the 2008 budgeted funds. Adopted this 21st day of April,2008

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

21. RESOLUTION NO. 41-08
BY: COMMITTEE ON FINANCE
TO LEVY A SPECIAL ASSESSMENT UNDER AUTHORITY OF CHARTER ORDINANCE NO. 26, AS AMENDED, UPON CERTAIN PARCELS OF LAND WITHIN THE CITY OF KENOSHA,

WHEREAS, trash and debris located on certain parcels of land in the City of Kenosha, Wisconsin, has been ordered removed by the Health Department of the County of Kenosha, pursuant to Charter Ordinance No. 26, as amended, of the City of Kenosha, Wisconsin; and, WHEREAS, pursuant to Subsection G., Charter Ordinance No. 26, as amended, the cost of abatement, including the cost of service, mailing and publication, and a Seventy-five ($75.00) Dollar Administrative Fee, is to be specially assessed against the real estate upon which such debris and trash were located; and, WHEREAS, trash and debris has been removed by the City, through private contract, from various parcels of real estate at the costs of abatement and administration noted by a report from the Health Department dated April 10, 2008, for the City of Kenosha, a report on file in the Office of the City Clerk/Treasurer/Assessor and incorporated herein by reference. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to Charter Ordinance No. 26, as amended, special assessments in the total amount of Five Thousand Four Hundred Twenty-five Dollars and Eighty-eight Cents ($5,425.88) are levied against the respective parcels of property listed in the report of the Health Department on file in the Office of the City Clerk/Treasurer/Assessor for the City of Kenosha, Wisconsin, with interest thereon to be charged at seven and one-half (7.5%) percent per annum from the date of passage of this Resolution. Adopted this 21st day of April, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

22. It was moved by Alderman Ruef, seconded by Alderman Orth to adopt Resolutions 42-08 and 43-08 (items 22a and 22b). A hearing was held. No one spoke for or against said resolution. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

a. RESOLUTION NO. 42-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Boarding and Securing

BE IT RESOLVED, that special assessments for boarding and securing during 2008, in the total amount of $4,363.10, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 21st day of April, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

b. RESOLUTION NO. 43-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2008, in the total amount of $5,330.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 21st day of April, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

It was moved by Alderman Casey, seconded by Alderman Nudo to adopt Resolutions 44-08 and 45-08 (items 23 and 24). On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

23. RESOLUTION NO: 44 - 08

BY: THE PUBLIC WORKS COMMITTEE

TO AMEND RESOLUTION #128-07 FOR A TWO-LOT CERTIFIED SURVEY MAP

Property located at 4717 5th Avenue (Dikmen)

WHEREAS, The Common Council of the City of Kenosha, Wisconsin approved Resolution #128-07 relating to a two-lot Certified Survey Map located at 4717 5th Avenue; and WHEREAS, the owner of the property is unable to record the Certified Survey Map within the required six (6) month period permitted and has requested a six (6) month extension; and WHEREAS, the owner of the property has requested relief to Condition #5 of Resolution #128-07. BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that Condition #4 of Resolution #128-07 be amended to read that the Certified Survey Map shall be null and void if not recorded within six (6) months of approval of this amendment by the Common Council; and BE IT FURTHER RESOLVED, by the Common Council of the City of Kenosha, Wisconsin, that Condition #5 of Resolution #128-07 be amended to read that the owner will enter into an Agreement with the City prior to recording the Certified Survey Map, to remove the existing garage, which encroaches into the south alley, before a building permit is issued on Parcel #2 or within two (2) years from the date of this Resolution, whichever occurs first. Adopted this 21st day of April, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

24. RESOLUTION NO. 45-08

A RESOLUTION AUTHORIZING AN AMENDED AND RESTATED DEVELOPMENT FINANCING AGREEMENT WITH FIRST INDUSTRIAL INVESTMENT, INC. AND PROVIDING FOR THE ISSUANCE OF TAX INCREMENT PROJECT REVENUE BONDS OF THE CITY OF KENOSHA, WISCONSIN

WHEREAS Tax Incremental District No. 11, as amended ("TID No. 11") has been established by the City of Kenosha, Wisconsin (the "City") for the purpose of promoting industrial development in the City; and WHEREAS the industrial development projects in TID No. 11 constitute a revenue producing enterprise of the City which is operated for a public purpose, and constitute a "public utility" within the meaning of Section 66.0621 of the Wisconsin Statutes; and WHEREAS in order to further its industrial development efforts in TID No. 11, the City proposes to enter into an Amended and Restated Development Financing Agreement in substantially the form attached hereto as Attachment I (the "Development Agreement") with First Industrial Investment, Inc. (the "Developer"); and WHEREAS pursuant to the terms of the Development Agreement, the City is to issue to the Developer Tax Increment Project Revenue Bonds payable solely from tax increments generated from the Developer's Property as defined in the Development Agreement ("Tax Increments"); NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, as follows: Section 1. Authorization of Development Agreement. The Development Agreement is approved, and the Mayor and City Clerk are authorized to execute the Development Agreement, by and on behalf of the City. Section 2. Authorization of Revenue Bonds. (a) For the purpose of financing industrial development projects in TID No. 11, including a Development Grant to the Developer, as provided for under the Development Agreement, the City shall issue its "Tax Increment Project Revenue Bond, Series A (First Industrial Investment, Inc. Project)" (the "Series A Bond") and "Tax Increment Project Revenue Bond, Series B (First Industrial Investment, Inc. Project)" (the "Series B Bond") (collectively, the "Bonds") to the Developer in consideration for the obligations undertaken by the Developer under the Development Agreement. (b) The Series A Bond shall be in a principal amount equal to the actual cost of the Developer's Improvements (as defined in the Development Agreement) but not to exceed $11,781,754. For the first Bond Year (defined below), the principal amount of the Series A Bond shall be deemed to be $4,906,000. The principal amount shall be redetermined as of October 1 of each year, and a final determination of the principal amount of the Bond shall be made as of October 1, 2010, subject to any force majeure extensions as set forth in Section 1.5 of

the Development Agreement. The Series A Bond shall be dated as of October 1, 2007 and shall bear interest at the rate of 9.5% per annum. For each Bond Year (defined below), interest shall accrue only on the principal amount of the Bond determined as of the first day of that Bond Year. Assuming that the principal amount of the Series A Bond is equal to the maximum principal amount ($11,781,754), the Series A Bond shall be payable in installments of principal due on October 1 in each of the years and in the amounts as follows:

Year	Principal
2011	$ 5,000
2012	5,000
2013	5,000
2014	5,000
2015	5,000
2016	5,000
2017	5,000
2018	375,000
2019	$ 770,000
2020	960,000
2021	1,135,000
2022	1,310,000
2023	1,510,000
2024	1,755,000
2025	2,020,000
2026	1,911,754

In the event that the total cost of the Developer's Improvements (as finally determined as of October 1, 2010, in accordance with Section 1.5 of the Development Agreement) and therefore the principal amount of the Series A Bond is less than $11,781,754, there shall be a reduction in the principal installments of the Series A Bond beginning with the final maturity and then proceeding to the next preceding maturity until the total of the principal installments on the Series A Bond is equal to the total cost of the Developer's Improvements (as finally determined as of October 1, 2010, in accordance with Section 1.5 of the Development Agreement). Interest on the Series A Bond shall be payable on October 1 of each year, commencing October 1, 2008 (the "Bond Payment Dates"). (c) The Series B Bond shall be in the principal amount of $3,381,532, shall be dated its date of issuance and shall bear interest at the rate of 9.5% per annum. The Series B Bond shall be issued to the Developer as of the date on which an occupancy permit is issued by the City with respect to the building to be constructed by the Developer on the Developed Property. The Series B Bond shall be payable in installments of principal due on October 1 of each year commencing with the October 1 following its date of issuance and continuing through and including October 1, 2026, with principal amortized so that the aggregate amount of principal and interest payable on the Series B Bond is approximately equal in each Bond Year. Interest on the Series B Bond shall be payable on each Bond Payment Date following its date of issuance. (d) The Bonds shall be subject to prepayment in whole or from time to time in part at any time, at the option of the City. The Bond to be prepaid, and the amounts and maturities of the installments of principal of the Bond which are to be prepaid, shall be selected by the City. The schedule of payments on the Bonds is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices. The Bonds shall be signed by the manual or facsimile signatures of the Mayor and City Clerk of the City (provided that, unless the City has contracted with a fiscal agent to authenticate the Bond, at least one of such signatures shall be manual), and sealed with the corporate seal of the City, or a facsimile thereof. The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund hereinafter provided, and shall be a valid claim of the owner thereof only against the Special Redemption Fund and the revenues pledged to such Fund pursuant to this Resolution. (e) After the Series B Bond is issued, Revenues appropriated by the Common Council to payment of the Bonds in any

Bond Year shall be applied first to payment of the principal and interest due on the Series B Bond in that Bond Year and then to payment of the principal and interest due on the Series A Bond in that Bond Year. (f) For purposes of this Resolution and the Bonds, "Bond Year" shall mean the one year period commencing on each October 1 and ending on the following September 30, except that the first Bond Year for the Series A Bond shall commence on October 1, 2007 and end on September 30, 2008. (g) Notwithstanding the foregoing, as provided in Section 6 below, if on any Bond Payment Date there shall be insufficient Revenues appropriated to pay the principal or interest due on the Bond, the amount due but not paid shall accumulate and be payable on the next Bond Payment Date until the final Bond Payment Date, and interest at the rate of 9.5% shall be payable on such unpaid amounts of principal and interest. Section 3. Form of Bonds. The Bonds shall be in substantially the forms set forth on Attachment II-1 and II-2 hereto. Section 4. Payable Solely From Revenues. The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund as hereinafter provided, and shall be a valid claim of the owner thereof only against the Special Redemption Fund and from the revenues pledged to such fund, and shall be payable solely from Tax Increments derived from the Developer's Property which have been received and retained by the City in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes and appropriated by the Common Council to the payment of the Bonds ("Tax Increments" or "Revenues"). As stated above, the application of Tax Increments to payment of the Bonds is subject to annual appropriation by the Common Council. However, the City fully expects and anticipates that to the extent Tax Increments are generated by the Property, and provided that the Developer is not delinquent in the payment of property taxes with respect to the Owned Property, it will appropriate all such Tax Increments to the payment of the principal of and interest on the Bonds, as provided in the Development Agreement. Section 5. Special Redemption Fund. For the purpose of the application and proper allocation of the Revenues, and to secure the payment of the principal of and interest on the Bonds, the Special Redemption Fund is hereby created and shall be used solely for the purpose of paying principal of and interest on the Bonds in accordance with the provisions of the Bonds and this Resolution. Uninvested money in the Special Redemption Fund shall be kept on demand deposit with such bank or banks as may be designated from time to time by the City as public depositories under the laws of Wisconsin. Such deposits of Special Redemption Fund money shall be secured to the fullest extent required by the laws of Wisconsin and the general investment policy of the City. Money in the Special Redemption Fund, if invested, shall be invested in direct obligations of, or obligations guaranteed as to principal and interest by, the United States of America, or in certificates of deposit secured by such obligations and issued by a state or national bank which is a member of the Federal Deposit Insurance Corporation and is authorized to transact business in the State of Wisconsin, maturing not later than the date such money must be transferred to make payments on the Bonds. All income from such investments shall be deposited in the Special Redemption Fund. Such investments shall be liquidated at any time when it shall be necessary to do so to provide money for any of the purposes for the Special Redemption Fund. All Revenues shall be deposited in the Special Redemption Fund, and no other fund is created by this Resolution. Section 6. Application of Revenues to Payment of the Bonds. On each Bond Payment Date, the City shall apply to the payment of the principal and interest due on the Bonds Tax Increments received by the City with respect to the Property during that calendar year and appropriated by the Common Council to the payment of the Bonds. Revenues shall be applied first to the payment of any interest due on the Bond Payment Date and then to the payment of any principal due on that Bond Payment Date. In the event any Bond is transferred and exchanged for two or more Bonds (in accordance with the provisions of Section 7 of this Resolution), the transferees may agree that the Bond that each holds shall be payable only from the Tax Increments allocable to a specified portion of the Property. In such a case, the amount of Tax Increment allocable to any portion of the Property shall be determined by multiplying the total amount of Tax Increments appropriated by the Common Council in each year by a fraction, the numerator of which is the amount of Tax Increment generated by the specified portion of the Property that year and the denominator of which is the total amount of Tax Increment generated by the Property that year. Tax Increments may be allocated in this way only if the owners of all outstanding Bonds agree to such allocation, and the City is

provided with evidence satisfactory to it showing the existence and terms of such agreement. If on any Bond Payment Date there shall be insufficient Revenues appropriated to pay the principal or interest due on the Bonds, the amount due but not paid shall accumulate and be payable on the next Bond Payment Date until the final Bond Payment Date. Interest at the rate of 9.5% per annum shall be paid on such unpaid amounts of principal and interest. The City shall have no obligation to pay any amount of principal or interest on the Bonds which remains unpaid after the final Bond Payment Date and the owners of the Bonds shall have no right to receive payment of such amounts, unless there are available Revenues which are appropriated by the Common Council to payment of the Bonds. Section 7. Persons Treated as Owners; Transfer of Bonds. The City Clerk shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on the Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid. The Bonds may be transferred or assigned by the registered owner thereof (in whole or in part) only with the consent of the City (which such consent shall not be unreasonably withheld, conditioned or delayed), by surrender of the Bond at the office of the City Clerk accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer or assignment, the City Clerk shall record the name of the transferee or assignee in the registration book and note such transfer or assignment on the Bond and re-issue the Bond (or a new Bond or Bonds of like aggregate principal amount and maturity). Bonds may be exchanged for a new Bond of like principal amount and maturity or two or more Bonds of like aggregate principal amount and maturity. Section 8. General Authorizations. The Mayor and City Clerk and the appropriate deputies and officials of the City in accordance with their assigned responsibilities are hereby each authorized to execute, deliver, publish, file and record such other documents, instruments, notices and records and to take such other actions as shall be necessary or desirable to accomplish the purposes of this Resolution and to comply with and perform the obligations of the City under the Development Agreement and the Bonds. In the event that said officers shall be unable by reason of death, disability, absence or vacancy of office to perform in timely fashion any of the duties specified herein (such as the execution of the Development Agreement or the Bonds), such duties shall be performed by the officer or official succeeding to such duties in accordance with law and the rules of the City. Section 9. Severability of Invalid Provisions. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining sections, paragraphs and provisions of this Resolution. Section 10. Effective Date. This Resolution shall be effective immediately upon its passage and approval. Adopted this 21st day of April, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Casey, seconded by Alderman Nudo, to approve:

25. Approve Warranty Deed to dedicate 88th Avenue right-of-way, District #16. (First Industrial)
26. Amended and Restated Development Financing Agreement (Tax Incremental District No. 11)

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Casey, seconded by Nudo, to approve:

27. Approve Disbursement Record #6 – $4,936,728.86.

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

28. It was moved by Alderman Casey, seconded by Alderman Nudo to approve Final Acceptance of Project #05-1420 Southport Beach House Restoration completed by Rasch Construction, in the amount of $135,049.00.

On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Ruef, seconded by Alderman Alderman Misner, to adjourn at 7:50 p.m.

On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
MONDAY, MAY 5, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.

The meeting was called to order at 7:00 pm.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Casey, Misner, Prozanski, Orth, Downing and Bogdala.

A moment of silence was observed in lieu of the invocation.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderman Ruef, seconded by Alderman Juliana, to approve the minutes of the meetings held April 7 and April 15, 2008.

Motion carried unanimously.

At this time, Mayor Bosman presented and read a proclamation for Lions Week observance, May 11 to May 17.

Three (3) Citizens spoke during Citizen's Comments: Don Moehrke, Eugene O. Misurelli and Teresa McDonough.

TO THE COMMITTEE ON FINANCE

1. Resolution to adopt a Project Plan Amendment for Tax Incremental District #4, City of Kenosha, Wisconsin, Under Section 66.1105(4)(h)1., of the Wisconsin Statutes, District #2, #7 and #8.
2. 2008 Community Development Block Grant Subgrantee Agreements.

TO THE PUBLIC WORKS COMMITTEE

3. PermiTrackESC Web Portal Services Agreement Between the City of Kenosha, WI and SEH Inc.

TO THE CITY PLAN COMMISSION

4.Resolution to Amend the Official Map for the City of Kenosha, Wisconsin, to include the Attachment of Parcel #80-4-222-304-0302, also known as 10801 38th Street, in the Town of Somers, Kenosha County, Wisconsin, in accordance with the approved City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes. (Mass)

TO THE LICENSING/PERMIT COMMITTEE

5. Proposed Ordinance to Repeal and Recreate Section 9.21, Entitled “HVAC”.

COMMUNICATIONS,
PETITIONS, REPORTS
OF DEPARTMENTS

6. It was moved by Alderman Moldenhauer, seconded by Alderman Downing, to approve:

a. 20 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. 3 Transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. 12 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. 4 application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

On a voice vote, motion carried.

7. It was moved by Alderman Ruffolo, seconded by Alderman Misner, to receive and file the report from the Board of Canvassers Regarding the Results of the Spring Election held April 1, 2008.

On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

8. It was moved by Alderman Ruffolo, seconded by Alderman Downing, to approve the following applications for new Operator's (Bartender) licenses, subject to:

-25 demerit points:

a. Jean M Cross
-50 demerit points:
b. Brenda M Albert
c. Kaila Garcia
d. Manpreet S Kehal
e. Graham C Lund
f. Steve P Pierangeli
-75 demerit points:
g. Beth M Parkinson
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
9. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to concur with the recommendation to DENY the following applications for new Operator's (Bartender) licenses, based on:
-material police record & false application:
a. Teresa E McDonough
b. Danielle L Gennaccaro
A hearing was held. Applicant 8a was present and spoke.
9.1 It was then moved by Alderman Misner, seconded by Alderman Ruffolo to separate action on item 9a and 9b. On a voice vote, motion carried unanimously.
9.2 It was then moved by Alderman Misner, seconded by Alderman Downing to refer item 9a back to the Licensing/Permit Committee. On a voice vote, motion carried.
9.3 It was then moved by Alderman Moldenhauer, seconded by Alderman Misner to concur with the recommendation to deny application 9b based on material police record and false application. On a voice vote, motion carried.
10. It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to DENY application of Shannon T Schulte for a Taxi Driver's license, based on material police record and false application. A hearing was held. No one spoke. On a voice vote, motion carried.
11. It was moved by Alderman Ruef, seconded by Alderman Juliana, to approve applications for renewal of Taxi Driver's licenses, subject to:
-20 demerit points:
a. Jerald E Olson
-60 demerit points:
b. Robin G Davies
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
12. It was moved by Alderman Orth, seconded by Alderman Juliana, to approve application of KET, LLC, Craig R. Colmer, Agent, for a Class "B" Beer/"Class B" Liquor License located at 4706-75th St, (Tailgaters), with acceptance of a conditional surrender of a similar license at the same location from GDP of Kenosha, Inc.
A hearing was held. Kelly Colmer was present and spoke. On a voice vote, motion carried.
13. It was moved by Alderman Ruef, seconded by Alderman Downing, to approve application of Red Robin International, Inc., Dale E. Beardsley, Agent, for a Class "B" Beer/"Class B" Liquor License located at 6610 Green Bay Rd, Ste #100, (Red Robin America's Gourmet Burgers & Spirits), with acceptance of a conditional surrender of a similar license at the same location from Dane County Robins, Inc., to be effective May 6, 2008, and a renewal application effective July 1, 2008.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
14. It was moved by Alderman Casey, seconded by Alderman Misner, to approve application of Sheridan 3322, Inc., for an Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 3322 Sheridan Rd, (Murphy's Pub & Grill), with a request to waive the fence requirement (because a portion of the boundary of the area sought to be within the description of the license has a commercial building directly abutting and contiguous to the boundary) and a request to change the closing hours to 12:00 Midnight.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Casey, seconded by Alderman Kennedy, to send the first reading ordinances on their way after being read.

Alderman Ruef requested a separation of item 16. City Attorney Patrick Sheehan advised this request was not in order.

The following ordinances were read:

15. By Committee on Public Safety & Welfare – To repeal and recreate Section 15.15, Entitled "Off-Premise Signs".

16.By Alderperson Jesse Downing – To repeal and recreate Section 10.075 D.2., Regarding Exceptions to Outdoor Extensions of "Class B", Class "B", and/or "Class C" Licensed Premises.

17.By the Mayor - Attachment and Temporary Zoning District Classification (Ordinance Under Section 66.0307, Wisconsin Statues, City of Kenosha/Town of Somers State Approved Cooperative Plan), Parcel #80-4-222-304-0302; 10801 38th Street, Town of Somers [Mass - Property Owners] (District 16)

On a voice vote, motion carried.

ZONING ORDINANCES 1ST READING

It was moved by Alderman Casey, seconded by Alderman Kennedy, to send the following ordinances on their way*:*

18. By the Mayor - To Rezone Property at 2508 52nd Street from M-2 Heavy Manufacturing to B-2 Community Business (in conformance with Section 10.02 of the Zoning Ordinance) (Evans)
(District 7)

19. By the Mayor - To Rezone Properties Located West of 30th Avenue and North of 85th Street from RM-1 and RM-2 Multiple-Family Residential, RM-3 Elderly and Handicapped Housing and B-2 Community Business to TRD-2 Traditional Multiple Family Residential and IP Institutional Park (in conformance with section 10.02 of the Zoning Ordinance) (Tirabassi Investments) (District 14)

20. By the Mayor To Rezone Properties Located South of 38th Street and East of I-94 from A-2 Agricultural Land Holding to M-2 Heavy Manufacturing (in conformance with Section 10.02 of the Zoning Ordinance) (Gitzlaff/Mass) (District 16)

On a voice vote, motion carried.

NOTE: After the vote, Alderman Ruffolo requested a point of information as to why Alderman Ruef's request was not in order. City Attorney Patrick Sheehan advised the first reading ordinances were not debatable. After discussion, it was agreed to record Alderman Ruef's voice vote to send item 16 as "no".

ORDINANCES 2ND READING

21. It was moved by Alderman Haugaard, seconded by Alderman Ruffolo, to adopt Ordinance 23-08. A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 23-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES, BY RESCINDING THEREFROM THE STOP SIGNS ON 53RD STREET AT ITS INTERSECTION WITH 10TH AVENUE; AND, TO AMEND SECTION 7.12 B. OF THE CODE OF GENERAL ORDINANCES, TO INCLUDE A FOUR WAY STOP AT THE INTERSECTION OF 53RD STREET AND 10TH AVENUE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by deleting the following therefrom: All vehicles traveling on 53rd Street shall stop before entering the intersection with 10th Avenue. Section Two: Section 7.12 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto:53rd Street and 10th Avenue. Section Three: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

ZONING ORDINANCES 2ND READING

22. It was moved by Alderman Casey, seconded by Alderman Ruffolo, to adopt Ordinance 24-08. A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows.

ZONING ORDINANCE NO. 24-08
BY: CITY PLAN COMMISSION
TO REPEAL AND RECREATE SECTIONS 14.07 B.10 AND 14.07 B.11 OF THE ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN, REGARDING CONFORMANCE OF COMMERCIALLY AND INSTITUTIONALLY USED BUILDINGS WITH DESIGN GUIDELINES; AND, CONFORMANCE OF MULTIFAMILY BUILDINGS WITH EXTERIOR BUILDING VARIATION GUIDELINES

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Sections 14.07 B.10 and 14.07 B.11 of the Zoning Ordinance for the City of Kenosha, Wisconsin, are hereby repealed and recreated as follows: 10. Commercially and institutionally used buildings authorized to be constructed within the City shall conform with the design guidelines hereinafter set forth: a. Building faces of all commercially and institutionally used buildings shall be constructed entirely of architectural masonry, architectural composite aluminum panels, wood, glass or a combination of these materials. Pre-finished metal siding, steel siding, ribbed or corrugated metal siding shall not be permitted on any building facade. Smooth face concrete blocks shall not be permitted on any building facade, except when used for accent banding, which shall not be wider than three (3) adjacent courses and no more than six (6) courses on any building face. Exterior Insulated Finish Systems (EIFS) shall only be allowed on the first floor of any building as an accent material above a window, entrance or other similar architectural feature. Exterior Insulated Finish Systems shall be allowed as a primary material above the first floor. b. Split-faced or decorative concrete block shall not be painted or stained after installation without the approval of the Review Authority. c. Articulation on the rooflines shall be provided by using a pitched roof, a partial roof or parapet walls with a minimum height difference of two (2') feet. d. Rooftop mechanical shall be concealed in order to prevent their visibility from grade level as measured from the lot lines and abutting street right-of-ways. Rooftop mechanical screening shall be compatible with the design, color and materials of the building. e. Materials and colors of outbuildings within a Unified Business District or Large Scale Commercial Development shall be consistent with the main building(s). f. Articulation of building facades shall comply with the following design standards: (1) Recesses and/or projections shall comprise at least twenty (20%) percent of each facade length, with articulation as deemed acceptable by the Review Authority such as false windows or articulation of materials. In no event shall an uninterrupted facade extend more than one hundred (100') feet. (2) Windows, awnings, arcades or similar architectural elements deemed acceptable by the Review Authority shall total at least sixty (60%) percent of each facade length which faces a public or private street. (3) The principal entrance to a commercial, office or institutional building in the B-4 District shall be required to have: (a) Ornamentation around the door; and, (b) At least one of the following: recessed entrance (recessed at least three (3') feet); protruding entrance (protruding at least three (3') feet); canopy (extending at least five (5') feet); portico (extending at least five (5') feet); or an overhang (extending at least five (5') feet). g. Metal roofs and/or awnings shall only be permitted when the roofing material meets the minimum standards of the International Building Code. 11. Multifamily buildings authorized to be constructed within the City shall conform with the exterior building variation guidelines hereinafter set forth: a. Exterior building variation is required on multifamily buildings that contain eight (8) or more units. One-quarter (1/4) of units within the building shall differ from the other units by symmetrically changing the location, pattern or form of at least two (2) of the following architectural elements: (1) Balconies, porches or verandas;

(2) Window type and fenestration;

(3) Roof pitch or design;

(4) Exterior materials;

(5) Height;

(6) Change in material and/or color in a vertical bay.

(7) Other exterior building modifications approved by the Review Authority. b. Each building in a multifamily development that consists of two (2) or more buildings shall differ from each adjacent and facing building by using at least two (2) of the following criteria: (1) Shifted building orientations of at least forty-five (45°) degrees between buildings; (2) Facade width, height, and symmetry; (3) Roof pitch or design; (4) Total number,

type, or symmetrical location of doors, windows, or architectural properties and the exterior building materials; (5) Architectural relief of buildings; i.e., dormers, porches; (6) Change in material and/or color in a vertical bay; (7) Other exterior building modifications approved by the Review Authority. c. Front facing attached garage entrance doors on multifamily buildings shall be no closer to the lot line than the facade of the principal building. This requirement applies to elevations that are abutting a public street or private street. d. Detached garages of multifamily buildings shall be constructed entirely of architectural masonry. The materials on the detached garages shall be compatible with the materials used on the primary buildings. e. Building faces of all multifamily buildings shall be constructed entirely of architectural masonry and/or glass. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

RESOLUTIONS

23. It was moved by Alderman Casey, seconded by Alderman Haugaard, to adopt Resolutions 46-08 and 47-08. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 46-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Boarding and Securing

BE IT RESOLVED, that special assessments for boarding and securing during 2008, in the total amount of $1,596.24, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 5th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

b. RESOLUTION NO. 47-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Building Permit Fees and Reinspection Fees Related to Building Permits

BE IT RESOLVED, that special assessments for building permit fees and reinspection fees related to building permits during 2008, in the total amount of $12,265.14, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 5th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

24. It was moved by Alderman Casey, seconded by Alderman Misner, to adopt Resolution 48-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 48-08
BY: COMMITTEE ON PUBLIC WORKS
TO ORDER THE COST OF PUBLIC SIDEWALK AND/OR DRIVEWAY APPROACH CONSTRUCTION AND/OR REPLACEMENT TO BE SPECIALLY ASSESSED TO ABUTTING PROPERTY

WHEREAS, on the 5th day of May, 2008, the Common Council of the City of Kenosha, Wisconsin, held a properly noticed Public Hearing and heard all persons wishing to be heard regarding public sidewalk and/or driveway approach construction, and/or replacement, at the cost of owners of parcels of property listed in a report on file in the Office of the Department of Public Works for the City of Kenosha, Wisconsin, which abut the following Streets: 39th Avenue - 67th Street to 60th Street. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to the authority of Section 5.05 of the Code of

General Ordinances, and Section 66.60(16), Wisconsin Statutes: 1. The owner of each parcel described on file may have the sidewalk and driveway approach abutting said parcel constructed, repaired or replaced (Work″) on or before the 6th day of June, 2008, upon obtaining a proper permit under Chapter 5 of the Code of General Ordinances. 2. If the owner fails to complete such Work within the time specified, the Common Council shall cause the Work to be done at the expense of the property owner by contract let to the lowest responsible bidder, and the Work will be paid for by assessing the cost of the Work to the benefited property. Invoices for said Work will be sent out on or about the 1st of November. If the cost of Work is under One Hundred ($100.00) Dollars, it shall be paid in its entirety within thirty (30) days of receipt of invoice. If the cost of Work is over One Hundred ($100.00) Dollars, it may be paid in its entirety within thirty (30) days of receipt of invoice, and if not so paid, placed on the tax roll for a period of three (3) years at an interest rate of seven and one-half (7.5%) per annum. If not paid within the period fixed, such a delinquent special charge shall become a lien as provided in Section 66.60(15), Wisconsin Statutes, as of the date of such delinquency, and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge. 3. The Director of Public Works shall serve a copy of this Resolution on each property owner by publishing the same in the official newspaper, together with a mailing by first class mail to the owner, if their post office address is known or can be ascertained with reasonable diligence. Adopted this 5th day of May, 2008.

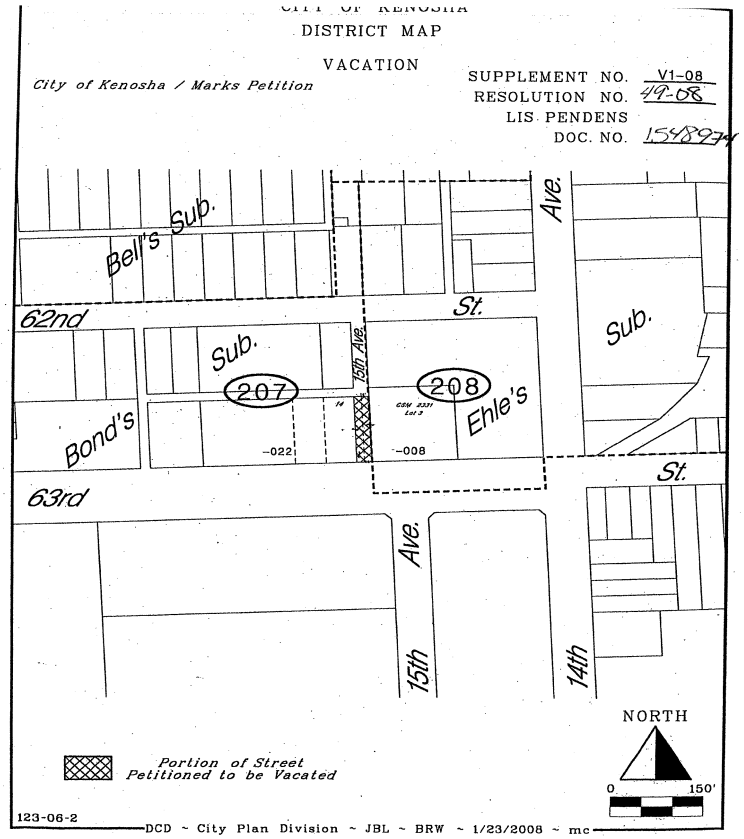
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

25. It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to adopt Resolution 49-08. A public hearing was held. No one spoke for or against said resolution. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 49-08
BY: COMMITTEE ON PUBLIC WORKS
[UTILITY EASEMENT]
TO VACATE A PORTION OF THE 15TH AVENUE RIGHT-OF-WAY EXTENDING ONE HUNDRED TWENTY-FOUR (124') FEET NORTH OF 63RD STREET, PURSUANT TO SECTION 66.1003(4), WISCONSIN STATUTES [City of Kenosha/Marks]

WHEREAS, the public interest requires the vacation of a portion of a street, specifically that portion of the 15th Avenue right-of-way extending one hundred twenty-four (124') feet North of 63rd Street. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to Section 66.1003(4), Wisconsin Statutes, and by direct action of said Council, a portion of a street, described in Exhibit "A" and legally described as follows: All of that part of 15th Avenue between 62nd and 63rd Streets, being in Bond's Subdivision, a subdivision of record in the Northwest Quarter of Section 6, Town 1 North, Range 23 East of the Fourth Principal Meridian, said part of 15th Avenue to be vacated being further described as follows: Beginning at the northwest corner of the intersection of 63rd Street and 15th Avenue, being here also the southeast corner of Lot 14 in Block 17 of said Bond's Subdivision; thence north along the east line of said Lot 14, a distance of 124.00 feet to the northeast corner of said Lot 14; thence east parallel to the north line of 63rd Street, 25.00 feet to the west line of Lot 3 of Certified Survey Map 2331; thence south along said west line, 124.00 feet to the north line of said 63rd Street; thence west along said north line, 25.00 feet to the point of beginning. be, and hereby is, vacated, subject to the following easements which are herein and hereby granted, or created by a reservation of rights. Any and all Utilities, including the City, furnishing gas, sewer, water, electric, telephone and related services, and any City Cable T.V. Franchise Holder, shall have reserved to them or are hereby and herein given and granted, the right, permission, and authority to inspect, repair and maintain their respective existing installation and Utilities in, above and under the above described parcel of property for as long as said installations and facilities are being operated and utilized by them. Said Utilities and Franchise Holder are also given and granted the right, permission and authority to improve and expand the scope of the above easements in, above and under the above described parcel of property, and thereafter to inspect, repair and maintain said new additional installations and facilities. Among the specific beneficiaries of this easement shall be the City of Kenosha, City of Kenosha Water Utility, S.B.C. (formerly Ameritech), Wisconsin Electric Power Company, and any holder of a City Cable T.V. Franchise. Easement holders shall, at all times, have reasonable

access to their respective installations and facilities, and owners of said parcel of land vacated by this Resolution, shall not interfere with easement rights herein specified or entitled to compensation for anything placed by owners upon said vacated property which may have to be destroyed or removed by easement holders to effectively use their easements, although easement holders shall have the obligation to restore the turf to its original condition should it be destroyed or damaged through the exercise of easement rights. However, any easement holder may waive their rights hereunder and consent to the construction of a building or structure upon vacated property. IT IS FURTHER UNDERSTOOD that the area vacated will accrue to the abutting property owners according to law. BE IT FURTHER RESOLVED that the City Clerk shall record a certified copy of this Resolution in the Office of the Kenosha County Register of Deeds and forward a copy of same to all listed Utilities and the City Assessor's Office. BE IT FURTHER RESOLVED that upon recordation of this Resolution, the City of Kenosha Official Map, as initially established by Resolution No. 122-06, adopted on November 6, 2006, and as subsequently amended to the time of recordation of this Resolution, will hereby be amended to include the closing of existing streets, highways, and right-of-ways, which changes are established in this Resolution.
Adopted this 5th day of May, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK



NOTE: MAPS ARE AVAILABLE FOR VIEWING IN THE CITY CLERK'S OFFICE.
It was moved by Alderman Ruffolo, seconded by Alderman Misner, to adopt Resolutions 50-08 and 51-08 (items 26 and 27). On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

26. RESOLUTION NO. 50-08
BY: COMMITTEE ON PUBLIC WORKS
PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS FOR SIDEWALK & CURB/GUTTER PROGRAM
PROJECT #08-1208

WHEREAS, it is expedient, necessary and in the best interest of the City of Kenosha, and for benefit of the property affected thereby that improvements in street right-of-ways: curb and gutter, sidewalk, and/or driveway

approaches. 67th Street to Harrison Rd - 44th Court to 47th Avenue 43rd Avenue - 75th Street North & Parts of 74th, 73rd, and 71st Street Miscellaneous Locations NOW, THEREFORE, BE IT RESOLVED, By the Common Council of Kenosha, Wisconsin:1. The Common Council hereby declares its intention to exercise its police power under Section 66.60, Wisconsin Statutes, to levy special assessments on all property fronting upon both sides of the street within the above limits for benefits conferred upon property by improvement of the streets enumerated above. 2.Said public improvement shall include the improvements in street right-of-ways: permanent pavement, and/or curb and gutter, and/or grading and graveling and/or sidewalk, and/or driveway approaches. 3.The Common Council determines that the improvements constitute an exercise of the police power and the amount assessed against each parcel shall be based on a per front foot or per square foot rate. 4. The assessments against any parcel may be paid in a lump sum or in three (3) annual installments, at the election of the property owner. 5.The Board of Public Works is directed to prepare a report consisting of: a.Preliminary plans and specifications for said improvements. b. An estimate of entire cost of the proposed improvements and in street right-of-way. c.Schedule of proposed assessments. 6. Upon receiving the report of the Board of Public Works (Public Works Committee), the Clerk is directed to give notice of public hearings on such report, as specified in Section 66.60(7) of the Wisconsin Statutes. The hearings shall be held at the Municipal Office Building at a time set by the Clerk, in accordance with Section 66.60(7), Wisconsin Statutes. Adopted this 5th day of May, 2008, A.D.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

27. RESOLUTION NO. 51-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO DESIGNATE AS "NO PARKING", THE EAST SIDE OF 39TH AVENUE FROM 60TH PLACE NORTH APPROXIMATELY EIGHTY (80') FEET

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the East side of 39th Avenue from 60th Place North approximately eighty (80') feet, be and hereby is designated as "NO PARKING". Adopted this 5th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

28. It was moved by Alderman Ruffolo, seconded by Alderman Kennedy, to adopt Resolution 51-08. On roll call vote, motion carried (16-1) with Alderman Casey voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 52-08
BY: ALDERPERSON KATHERINE MARKS
TO ASSIGN A NEW WARD POLLING PLACE

WHEREAS, it is the desire of the City of Kenosha to assign polling place locations that best serve the citizens of the City of Kenosha, AND WHEREAS, it has been deemed that a change in the polling place for Ward 16, District 8 would better serve the citizens of those wards, NOW THEREFORE, BE IT RESOLVED that the polling place location for Ward 16, District 8 be changed to the following location: Brass Community School, 6400 - 15th Avenue. Adopted this 5th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to adopt Resolutions 53-08 through 55-08 (items 29 through 31). On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

29. RESOLUTION NO. 53-08
BY: THE MAYOR

TO CREATE WARD 69, FOR VOTING PURPOSES, AND COMBINE THE POLLING PLACES FOR WARDS 34, 35, 44, 49, 50, 57, and 69 - FIRST ASSEMBLY OF GOD 10700 75TH ST

WHEREAS, Annexation Ordinance No. 15-08 annexed parcels 45-4-221-364-0107 and 45-4-221-364-0400 North of 60th Street and West of 120th Ave, located in the Town of Paris into the corporate limits of the City of Kenosha, Wisconsin; AND WHEREAS, it was determined that the annexed parcels of land lie within the 66th State Assembly District; NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the parcel of land annexed under Annexation Ordinance No. 15-08 be placed in City of Kenosha Voting Ward 69, District 17, and that the polling place for wards 34, 35, 44, 49, 50, 57, and 69 be combined to the First of Assembly of God, 10700 75th Street, for voting purposes as allowed by Section 5.15 (6)(b), Wisconsin Statutes. Adopted this 5th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

30. **RESOLUTION NO: 54 - 08**
BY: THE MAYOR
TO APPROVE A TWO-LOT CERTIFIED SURVEY MAP
Property located on 50th Avenue, north of 31st Street (City of Kenosha/Deaton)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to two parcels located on 50th Avenue, north of 31st Street is herein and hereby approved subject to the following conditions: 1. Compliance with all applicable State and City codes and ordinances. 2. Payment of all applicable fees, including recording fees. 3. Payment of all taxes and special assessments prior to recording. The Owner shall provide the City Clerk-Treasurer, a certificate from the County Treasurer, stating that there are no past-due real estate taxes or special assessments on the parcel of real estate which is being divided. 4. Compliance with all the preceding conditions as a prerequisite for authorizing Mayor and City Clerk-Treasurer to sign the Certified Survey Map. 5. The Certified Survey Map shall be null and void if not recorded within six (6) months of approval by the Common Council. Adopted this 5th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

31. RESOLUTION NO: 55 - 08
BY: THE MAYOR
FINAL PLAT - KAT SUBDIVISION
Located North of 45th Street and East of 35th Avenue

WHEREAS, a map and Final Plat for the KAT Subdivision, located North of 45th Street and east of 35th Avenue, has been submitted to the Common Council, City of Kenosha, Wisconsin; and WHEREAS, said map and Final Plat have been properly certified, acknowledged and executed in the form according to law upon due consideration thereof. NOW THEREFORE, BE IT RESOLVED that the Final Plat of subdivision be and the same hereby in all things approved and the City Clerk be and hereby ordered to attach to the map of said subdivision the seal of the City of Kenosha and sign his name as City Clerk to the certificate of approval of said Final Plat subject to the following Conditions of Approval: 1. Approval of the Plat by the State Department of Administration. 2. Payment of unpaid real estate taxes and special assessments on the parcel of real estate which is being divided prior to the recording of the Final Plat. 3. Applicant entering into a Subdivider's Agreement with the City of Kenosha and Kenosha Water Utility. The agreement shall be in a form drafted and approved by the City Attorney. Agreement shall determine responsibility and timeframes for the construction of all improvements required by the City and Utility and all other improvements proposed by applicant which will serve the subdivision. The Final Plat shall not be recorded and no building or structure shall be constructed or installed within the subdivision until a Subdivider's Agreement has been approved and executed. 4. Compliance with City and State codes and ordinances. 5. Payment of all applicable fees, including recording fees prior to recording of the plat. All required park fees shall be paid at the time of issuance of building permits per Chapter 35 of the Code of General Ordinances.

6. Final Drainage, Utility, Street Light and Street Tree Plans shall be submitted for review and approval. 7.

Compliance with all the preceding conditions as prerequisite for authorizing the City Clerk and Mayor to sign the plat. 8. The Final Plat shall be submitted to the City Clerk for signature within the time required under Section 236.25(2)(b) of the State Statutes and 17.04 I.4 of the Code of General Ordinances or the plat shall be null and void. Adopted this 5th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to approve:

32. Approve 4th of July Fireworks Display Contract between the City and Spectrum Pyrotechnics, Inc in the amount of $33,000.00.
33. Approve Offer of Sale Agreement for property at 5016 Sheridan Road. (Mattioli)
34. Approve Developers Agreement between the City of Kenosha, Kenosha Water Utility and Brookstone Homes Inc., for the KAT Subdivision located north of 45th Street and east of 35th Avenue. (District 10)
35. Approve Permanent Easement for Roadway Improvements at the Kenosha Regional Airport on 88th Avenue, north of 52nd Street. (City of Kenosha) (District 16)

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to approve:

36. Approve Disbursement Record #7 – $27,196,883.42.
37. Receive and file KABA 1st Quarter Loan Reports (City RLF Loan Fund, UDAG Loan Fund).

On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved and seconded to adjourn at 7:41 p.m.

On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, May 19, 2008

Keith G. Bosman, Mayor **Michael K. Higgins, City Clerk**

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
MONDAY, MAY 19, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.

The meeting was called to order at 7:08 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Ohnstad, Juliana, Ruef, Kennedy, Misner, Prozanski, Orth, and Bogdala.

Excused: Aldermen Carpenter, Marks, Nudo, Casey and Downing.

A moment of silence was held in lieu of the invocation.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderman Ruef, seconded by Alderman Ohnstad, to approve the minutes of the meetings held April 21 and May 5, 2008.

Motion carried unanimously.

Four (4) Citizens spoke during Citizen's Comments: Don Moehrke, Mike Brey, Dayvin Hallmon and Louis Rugani.

TO THE COMMITTEE ON FINANCE

1. Offer of Sale Agreement for approximately 42.59 acres of land for future park located at 13525 60th Street. (Locante)

TO THE PUBLIC WORKS COMMITTEE

2. Resolution to approve a one-lot Certified Survey Map for property located north of 60th Street and east of 88th Avenue, District #16. (First Industrial)
3. Developers Agreement between the City of Kenosha, Kenosha Water Utility and First Industrial Investments, Inc., for property located north of 60th Street and east of 88th Avenue, District #16.
4. Petition to vacate the remaining southern portion of an alley located north of 50th Street between 23rd and 24th Avenues, District #7. (Ogren/Juliana)

TO THE PUBLIC SAFETY AND WELFARE COMMITTEE

5. Proposed Code of General Ordinance Revision Section 15.15 – Off-Premise (Billboard) Sign Code Revisions.

TO THE CITY PLAN COMMISSION

6. Permanent Easement from the City of Kenosha to AT & T for installation of an aboveground utility structure to be located in Sunrise Park, at 27th Street and 47th Avenue, District #5.
7. Permanent Easement from the City of Kenosha to AT & T for installation of an aboveground utility structure to be located in Anderson Park, at 88th Street and 22nd Avenue, District #9. (Also refer to Board of Park Commissioners)

COMMUNICATIONS,
PETITIONS, REPORTS
OF DEPARTMENTS

8. It was moved by Alderman Ruffolo, seconded by Alderman Kennedy, to approve:

a. 134 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. 5 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. 1 application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

e. 4 applications for Amusement & Recreation Enterprise Supervisor Licenses.

On a voice vote, motion carried.

9. It was moved by Alderman Ruffolo, seconded by Alderman Haugaard, to receive and file Communication Regarding Amendment to the Corridor Land Use Plan for property located south of 38th Street and east of I-94 (City Plan Commission Resolution #03-08) (District 16).

On a voice vote, motion carried.

10. It was moved by Alderman Ruef, seconded by Alderman Juliana, to receive and file Communication regarding Award of Bid for Official City Newspaper (June 1, 2008 through May 31, 2009).

On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

11. It was moved by Alderman Ruffolo, seconded by Alderman Misner, to approve applications for new Operator's (Bartender) licenses, subject to:

-25 demerit points:

a. Mark R. Cutler, Jr.

-50 demerit points:

b. Michael A. Marshall

-75 demerit points:
c. Korrin N. Martin
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
12. It was moved by Alderman Ruef, seconded by Alderman Juliana, to DENY application of April M. Carver for a new Operator's (Bartender) license, based on material police record & false application.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
13. It was moved by Alderman Haugaard, seconded by Alderman Kennedy, to approve applications for renewal of Taxi Driver's licenses, subject to:
-20 demerit points:
a. Patrick C. Dosemagen
b. David R. Kreuser
-40 demerit points:
c. Glen A. Ritacca
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
14. It was moved by Alderman Ohnstad, seconded by Alderman Juliana, to DENY application of Margaret S. Morra for a new Operator's (Bartender) license based on material police record.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
15. It was moved by Alderman Ruffolo, seconded by Alderman Moldenhauer, to approve renewal application of Griff R. Parry for an Amusement & Recreation Enterprise Supervisor License, subject to 25 demerit points.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
16. It was moved by Alderman Prozanski, seconded by Alderman Ruef, to approve renewal application of Lakeside Players, Inc., for a Theatre License and approve request to waive the license fee (Ordinance 12.04.B.1.c).
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
17. It was moved by Alderman Ruef, seconded by Alderman Kennedy, to approve renewal applications for the following licenses with no adverse recommendations per list on file in the Office of the City Clerk:
a.1 Theatre
b.7 Amusement & Recreation Enterprise
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
18. It was moved by Alderman Ohnstad, seconded by Alderman Juliana, to approve application of The Coffee Pot, LLC, Janis A. Barnhill, Agent, for an Outdoor Extension of the Class "B" Beer & "Class C" Wine License located at 4914-7th Ave, (The Coffee Pot), with a request to waive the fence requirement (over fifty percent (50%) of gross revenue on the licensed premises is from the sale of food and non-alcoholic beverages) (2nd District).
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
19. It was moved by Alderman Haugaard, seconded by Alderman Kennedy, to approve application of Ladiesroom3, LLC, for an Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 508-58th St, (Frank's Diner), with a request to waive the fence requirement (because the applicant states that over fifty percent (50%) of their gross revenue on the licensed premises is from the sale of food and non-alcoholic beverages).
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
20. It was moved by Alderman Ohnstad, seconded by Alderman Haugaard, to approve application of Club Benes, LLC, Sally A. Kavalauskas, Agent, for a Class "B" Beer/"Class B" Liquor License located at 2827-63rd St, (Club Benes), with acceptance of a conditional surrender of a similar license at the same location from Sally Kavalauskas, to be effective July 1, 2008.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
21. It was moved by Alderman Haugaard, seconded by Alderman Moldenhauer, to approve application of Club Benes, LLC, for a 1-Year Cabaret License with no adverse recommendations.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
22. It was moved by Alderman Ohnstad, seconded by Alderman Juliana, to approve application of Sixtieth Street Citgo, LLC, Syed Sawar, Agent, for a Class "A" Retail Beer License located at 4924-60th St, (60th Street Citgo), with acceptance of a conditional surrender of a similar license at the same location from Syed Sawar, to be effective July 1, 2008, subject to 0 demerit points.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
23. It was moved by Alderman Haugaard, seconded by Alderman Ohnstad, to approve application of L & M Meats, Inc., Kathleen M. Meyer, Agent, for a new Class "B" Beer/"Class B" Liquor License located at 4924-60th St, (L & M Meats), to be effective May 20, 2008, and a renewal application effective July 1, 2008.
A hearing was held. The applicant was present and spoke. Stacy West-Rivera was present and spoke. On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to send the following ordinances on their way:
24. By Committee on Licensing/Permits - To Repeal and Recreate Section 9.21 of the Code of General Ordinances Entitled, "HVAC".

25. By Alderperson Jesse Downing – To Repeal and Recreate Section 10.04 C.2., to Increase the Number of "Class A" Licenses.

On a voice vote, motion carried.

ORDINANCES 2ND READING

26. It was moved by Alderman Ruef, seconded by Alderman Moldenhauer, to adopt Ordinance 25-08.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 25-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO REPEAL AND RECREATE SECTION 15.15 OF THE CODE OF GENERAL ORDINANCES, ENTITLED OFF-PREMISE SIGNS"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 15.15 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 15.15 OFF-PREMISE SIGNS A. Purpose. This Section is intended to protect the public health, safety and welfare by regulating the construction, materials, placement/location, size, height, spacing and maintenance of Off-Premise Signs. This Section is designed to ensure that Off-Premise Signs are compatible with other Signs and land uses, and are not detrimental to the aesthetic quality of the community. All Off-Premise Signs permitted in the City shall be erected and maintained in accordance with the following conditions and restrictions: B. Permitted Zoning Districts. Off-Premise Signs shall only be located within B-2, M-1, M-2 Zoning Districts and are subject to the regulations of those districts. All new Off-Premise Signs shall obtain a Conditional Use Permit as required in the City of Kenosha Zoning Ordinance. For purposes of this Ordinance, easements and other appurtenances, and noncontiguous parcels under the same ownership shall be considered off the premises of the parcel of land on which the business or activity is located or conducted. C. Size Requirements. Off-Premise Signs shall not exceed the Sign Face area of the Sign that is being replaced in conjunction with each Sign Replacement Credit, including any trim, supporting frame work, uprights or decorative fencing/apron, with no more than two (2) sides per Sign structure and only one (1) Sign Face per side. The Sign Face area per Sign Face shall be calculated on the basis of adding together the area of the Off-Premise Sign Face(s) that can be read from one (1) direction at one (1) time. Where two identical Off-Premise Signs are placed back-to-back on the same Sign supports, the Signs shall not be separated by more than four (4') feet so that both Sign Faces cannot be read from one direction simultaneously. D. Setback Requirements. Off-Premise Signs shall be set back thirty (30') feet from the Right-Of-Way or Major Street Setback, whichever is greater, and shall be located so as to avoid any contact with communication and/or electrical lines. The distance will be measured from the area of the Sign structure closest to the Street Right-Of-Way. No Off-Premise Sign Face area shall be located closer than thirty (30') feet from any building. Off-Premise Signs shall also comply with setback and other requirements of State law and the City of Kenosha Zoning. E. Spacing Between Off-Premise Signs. Off-Premise Signs shall comply with the spacing requirements of State laws, rules, and regulations, and in no case shall Off-Premise Signs be permitted to be constructed, erected or installed within a seven hundred fifty (750) foot radius of another Off-Premise Sign, measured from the nearest edge of the Sign or sign structure. F. Height. The maximum height to the top of any Off-Premise Sign shall be no greater than the height of the Sign which is being replaced or no greater than twenty-five (25') feet, whichever is less. The height of a such Sign shall be computed as the distance from the base of the Sign at normal grade to the top of the highest attached component of the Sign. Normal grade shall be construed to be the higher of: the existing grade prior to construction; or the newly established grade after construction exclusive of any filling, berming or excavating solely for the purpose of locating the Sign. In cases in which the normal grade cannot reasonably be determined, height shall be computed on the assumption that the elevation of the normal grade at the base of the Sign is equal to the elevation of the nearest point of the crown of the nearest public street. G. Illumination. The light rays from any Off-Premise Sign which is externally illuminated shall be cast directly upon the Sign Face surface and shall not be visible to motor vehicle operators, except as may be reflected from the Sign Face. The illumination of Off-Premise Signs will not be permitted between 12:00 A.M. and 5:00 A.M. No Off-Premise Sign shall contain flashing elements or video displays. H. Wind Load Requirement. Off-Premise Signs shall be erected and maintained so as to withstand a wind load/pressure of not less than thirty (30) pounds to the square foot. I. Off-Premise Signs and Restrictions. 1. Off-Premise Signs are prohibited in any Historic District, on any bridge crossing, and shall not be located on or over the roof of a building. 2. Off-Premise Signs shall not be constructed, erected or installed within seventy-five (75') feet of the B-3 Central Business District, or one hundred fifty (150') feet of any Residential or IP Institutional Park District, or within five hundred (500') feet of any Historic Site or Historic District, any school, church, public park, Recreation Area, public playground, or secondary environmental corridor, as defined on any Zoning Map or adopted land use plan. This distance shall be measured from the outermost portion of the Off-Premise Sign structure to the nearest edge of the district(s), as referenced above. 3. No Off-Premise Sign shall be erected in a location prohibited by this Ordinance. 4. No Off-Premise Sign shall be located in such a manner as to obscure, or otherwise interfere with the effectiveness of a traffic Sign, signal or device, obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic. J. Nonconforming Off-Premise Signs. Any Off-Premise Sign constructed, erected and installed in accordance with applicable State and local laws, rules and regulations established on the effective date of this Ordinance and which Sign becomes Nonconforming by the provisions herein, shall be a Nonconforming use and any Sign which, as a result of subsequent amendments hereto becomes Nonconforming, shall also be a Nonconforming use and is to be subject to Section 7.0 of the Zoning Ordinance. No Nonconforming Off-Premise Sign structure shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of Section 7.0 of the Zoning Ordinance. For the purpose of this Section only, the term "altered or reconstructed" shall not include painting, rustproofing or changing of advertising message. Nonconforming Off-Premise Signs may continue in use only when in compliance with the following: 1. The Sign must have been actually in existence on the 23rd day of May, 2008. 2. The Sign may be sold, leased, or otherwise transferred without affecting its Nonconforming status, but its location may not be changed. A Nonconforming Sign removed as a result of a Street Right-Of-Way taking or for any other reason may be relocated only if the Sign is made to conform to this Ordinance. 3. The Sign must have been constructed, erected, and installed in accordance with applicable State and local laws, rules and regulations effective May 23, 2008, and must continue to be maintained in accordance with this Ordinance. Failure to adhere to rules and regulations associated with construction, erection, and installation of Off-Premise Signs, including failure to obtain permit approvals, shall render the Sign illegal. 4. In accordance with Section 62.23(7)(h), Wisconsin Statutes, the Sign must remain substantially the same as it was on the effective date of this Ordinance and may not be enlarged or expanded. Any extension, enlargement, rebuilding, changing the materials of the Sign structure, changing the size of the Sign structure materials, adding catwalks, adding guys or struts for stabilization of the Sign or structure, adding lights to a non-illuminated Sign, changing the height of the Sign above ground or re-erection of the Sign is prohibited. The Sign may not be structurally altered so as to prolong the life of the Sign. 5. The Sign may continue in use as long as it is not destroyed, extended, expanded, abandoned, or discontinued. A Sign is deemed destroyed when it is rendered any or all of the following descriptions: dismantled, blown down, removed or modified from its original state. A Sign shall be deemed expanded if any or all of the following standards are met: increase in size, mass, volume or scope in any direction; provide greater detail; to spread out; to increase or grow in extent; or, to increase in width or circumference. A Sign is deemed abandoned or discontinued if for a period of twelve (12) months or longer, it is composed of obsolete advertising matter, or is without advertising matter, or is in need of substantial repair provided that any period of involuntary discontinuance which occurs during the period a street is closed shall not be considered. A Sign is deemed abandoned or discontinued if the name of the owner does not appear thereon and if the name and address of the current owner is not readily ascertainable from records on file with the Department of Neighborhood Services and Inspections. An unsafe or abandoned Sign is declared a public nuisance, which shall be abated by the owner within sixty (60) days of receiving notice from the Department. After sixty (60) days, the Sign may be removed by the Department, and the cost thereof shall be placed on the tax roll as a special assessment and become a lien against the benefited property,

unless paid sooner. K. Off-Premise Sign Cap. The number of Off-Premise Signs in the City is limited to the number of such Signs and Sign credits in existence effective May 23, 2008. The installation of an Off-Premise Sign is permitted only with Replacement Sign Credits. Upon expiration of each Replacement Sign Credit, the total number of allowable Off-Premise Sign Faces within the City of Kenosha shall be reduced by one. L. Replacement Sign Credit. The owner of a nonconforming Off-Premise Sign may receive a Replacement Sign Credit upon removal of a Nonconforming Off-Premise Sign. The Replacement Sign Credit shall be subject to the following conditions: 1. The Replacement Sign Credit shall be valid for a period of one (1) year. 2. Replacement Sign Credits are nontransferable. 3. The holder of the Replacement Sign Credit shall locate and construct, install and erect an Off-Premise Sign, no greater in Sign area than the Sign previously removed. 4. The holder of the Replacement Sign Credit shall not construct an Off-Premise Sign at a greater height than the Sign previously removed. 5. No variances or special exceptions shall be permitted from the provisions of this Subsection. 6. The holder of the Replacement Sign Credit must obtain Conditional Use Permit approval and an approved Sign Permit prior to the expiration of the Replacement Sign Credit. 7. Signs erected as a result of Replacement Sign Credits are conforming Signs and are not entitled to Replacement Sign Credits. M. Identification of Sign Erector. On every Off-Premise Sign erected, the erector shall, in a permanent manner, state the name and address of the Sign erector that erected the Sign, the permit number, and the date of its erection. Such information must be readable from a distance of at least one (1) foot. N. Off-Premise Sign License. 1. License Required. An annual Off-Premise Sign License for each Off-Premise Sign Face or active Sign Replacement Credit. 2. Fees. The fee for such License shall be calculated for each Sign Face. License fees are not proratable. License fees shall be deposited in a special revenue fund, which shall be used to offset the City's cost associated with the annual inspection and licensing of each Sign Face. The Common Council shall, from time to time, establish the License Fees. 3. Term. Every License issued hereunder shall expire on the first (1st) day of July of the year following the date of issuance. O. Off-Premises Sign Permit Application. An Off-Premise Sign License shall not be granted or issued until after a fully completed application form has been filed with the Administrator showing the plans and specifications, dimensions, material, setback, elevation, projections, and details of the proposed Sign, nor until all provisions of this Ordinance relating to such Sign shall be complied with, nor until after the payment of the prescribed permit fee. The Administrator may prescribe the form of application for the Permit. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

27. It was moved by Alderman Ohnstad, seconded by Alderman Ruffolo, to adopt Ordinance 26-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried (11-1) with Alderman Ruef voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 26-08
BY: ALDERPERSON JESSE DOWNING
TO REPEAL AND RECREATE SECTION 10.075 D.2. OF THE CODE OF GENERAL ORDINANCES REGARDING EXCEPTIONS TO OUTDOOR EXTENSIONS OF CLASS B″, CLASS B″, AND/OR CLASS C″ LICENSED PREMISES

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 10.075 D.2. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 2. Any or all of the prohibitions set forth in §10.075 D.1. and D.3. of the Code of General Ordinances may be waived by the Common Council if the area sought to be included within the description of the Class "B", "Class B" and/or Class C″ licensed premises is located wholly within an area in the City zoned institutional, if the applicant is operating as a restaurant as defined by Section 5.046 A.9. of the Code of General Ordinances, or if it is an Outdoor Dining Area authorized and subject to a permit under Section 5.046 of the Code of General Ordinances. Any applicant for a waiver pursuant to this paragraph must file with his or her application a list of names and addresses of all property owners residing within one hundred (100') feet of the boundaries of the outdoor area sought to be included within the description of the Class "B", "Class B" or "Class C" licensed premises. The application, along with the list of names, shall be filed with the Office of the City Clerk/Treasurer no later than fourteen (14) days before final action of the Common Council. Upon receipt of the Outdoor Extension Application and list of property owners within prescribed one hundred (100) foot radius of subject licensed premises, the City Clerk/Treasurer shall forward said information to the Building Inspector for verification. Upon verification, the Building Inspector shall return said information to the City Clerk/Treasurer who will notify all property owners named on subject list. Said notice shall inform the addressee of dates, times and locations of the License/Permit Committee meeting and Common Council meeting where the matter of the application shall be discussed. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

28. It was moved by Alderman Ruef, seconded by Alderman Juliana, to adopt Ordinance 27-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ATTACHMENT AND TEMPORARY ZONING DISTRICT CLASSIFICATION ORDINANCE
Under Section 66.0307, Wisconsin Statutes,
City of Kenosha/Town of Somers
State Approved Cooperative Plan
Parcel No. 80-4-222-304-0302
10801 – 38th Street,
Town of Somers
[Mass - Property Owner]
ORDINANCE NO. 27-08
BY: THE MAYOR

Attaching to the City of Kenosha, Wisconsin, territory in the Town of Somers, Kenosha County, Wisconsin, and providing temporary zoning district classifications under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan: The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Territory Attached. In accordance with City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the

Wisconsin Statutes, approved by the Wisconsin Department of Administration, Intergovernmental Relations, Municipal Boundary Review, on August 8, 2005, the territory in the Town of Somers, Kenosha County, Wisconsin, with an associated population of zero (0), described on the attached legal description, Attachment "A", and map, Attachment "B", is hereby attached to the City of Kenosha, Wisconsin, as hereinafter provided.

Section Two: Effect of Attachment. From and after May 24, 2008, the date of attachment, the territory described in Section One shall be a part of the City of Kenosha for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all Ordinances, rules and regulations governing the City of Kenosha. Section Three: Temporary Zoning District Classifications. The territory described in Section One, upon attachment, shall have the temporary zoning district classifications shown on Attachment "C", which zones the territory under the most restrictive classification of the City Zoning Ordinance. This temporary zoning district classification shall be and remain in effect for each parcel of land described therein until this Temporary Zoning District Classification Ordinance is amended as prescribed in Section 62.23(7)(d), Wisconsin Statutes. Section Four: District and Ward Designation. The territory described in Section One is hereby made a part of the 70th Ward of the 16th District of the City of Kenosha, subject to the Ordinances, rules and regulations of the City governing Wards and Districts. The County Board of Supervisors for Kenosha County is requested to have the attached area included in the same District and Ward for the County Supervisory seat as for the City Aldermanic seat. Section Five: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application. Section

Attachment "A"

PETITION OF PROPERTY OWNERS FOR ATTACHMENT TO THE CITY OF KENOSHA FROM THE TOWN OF SOMERS PURSUANT TO SECTION 66.0307; WISCONSIN STATUTES, STATE APPROVED COOPERATIVE PLAN

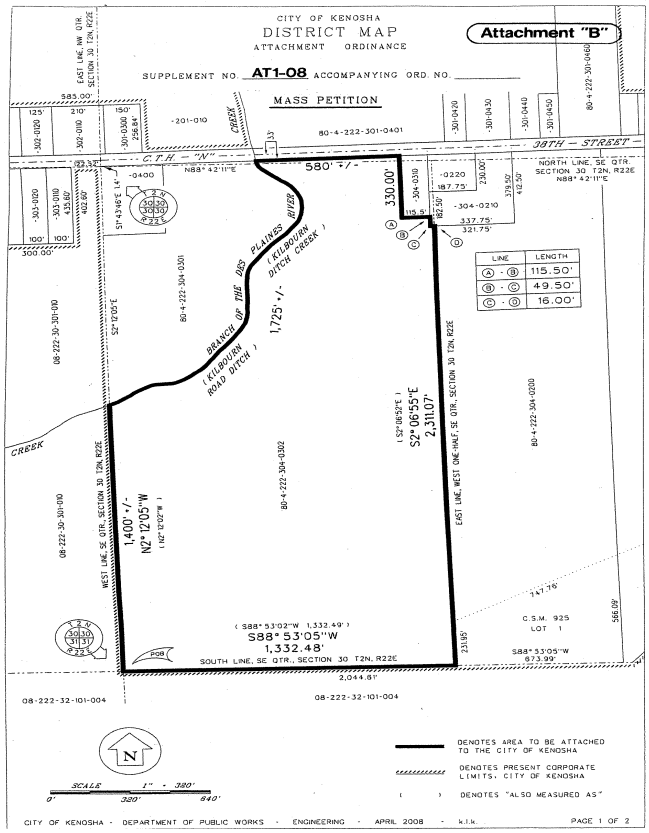
The undersigned, constituting all of the owners of certain real property within the Town of Somers, Kenosha County, Wisconsin, petition the Mayor and Common Council of the City of Kenosha, Wisconsin, to attach the territory described below and shown on the attached scale map to the City of Kenosha, Kenosha County, Wisconsin, pursuant to the Section 66.0307 Wisconsin Statutes, State Approved Cooperative Plan.

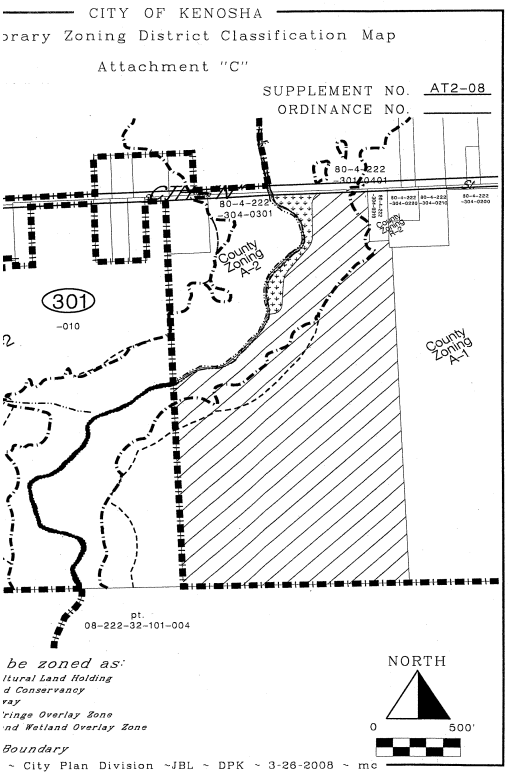
The current population of the territory to be attached as defined by Section 66.0217(5)(a) of the Wisconsin Statutes is 0.

Legal Description:

Part of the Northeast Quarter and part of the Southeast Quarter of Section 30, Town 2 North, Range 22 East of the Fourth Principal Meridian lying and being in Somers Township, Kenosha County, Wisconsin and more particularly described as follows:

Beginning at the southwest corner of the Southeast Quarter of said Section 30; thence northerly along the west line of said Quarter Section, 1,400 feet, more or less, to the centerline of a branch of the Des Plaines River, said branch being also called the Kilbourn Road Ditch, or the Kilbourn Ditch Creek; thence easterly, northeasterly, northerly and northwesterly along said centerline, 1,725 feet, more or less, to a point which is the intersection of said centerline with the south line of County Trunk Highway "N", also known as 38th Street; thence easterly along said south line, being here 33.00 feet south of, and parallel to, the centerline of said County Trunk Highway "N", a distance of 580 feet, more or less, to the west line of a parcel of land described in Volume 351, Page 421-22, Document 329241, and recorded with the Kenosha County Register of Deeds Office on March 29, 1951; thence south along said west line, 330.00 feet to the southwest corner of the parcel of land described in said Document 329241; thence east along the south line of said parcel of land, 115.50 feet to the southeast corner of the parcel of land described in said Document 329241, said corner being here also a point on the west line of a parcel of land described in a warranty deed, and recorded as Document 1417550 with the Kenosha County Register of Deeds Office on December 30, 2004; thence south along the west line of the parcel of land described in said Document 1417550, a distance of 49.50 feet to the southwest corner of the parcel of land described in said Document 1417550; thence east along the south line of the parcel of land described in said Document 1417550, a distance of 16.00 feet to the east line of the West One-half of the Southeast Quarter of said Section 30; thence south along said east line, and in part along the west line of Lot 1 of Certified Survey Map 925, a distance of 2,311.07 feet to the south line of the Southeast Quarter of said Section 30; thence west along said south line, 1,332.48 feet to the southwest corner of the Southeast Quarter of said Section 30 and the point of beginning; containing 64.6 acres of land, more or less.

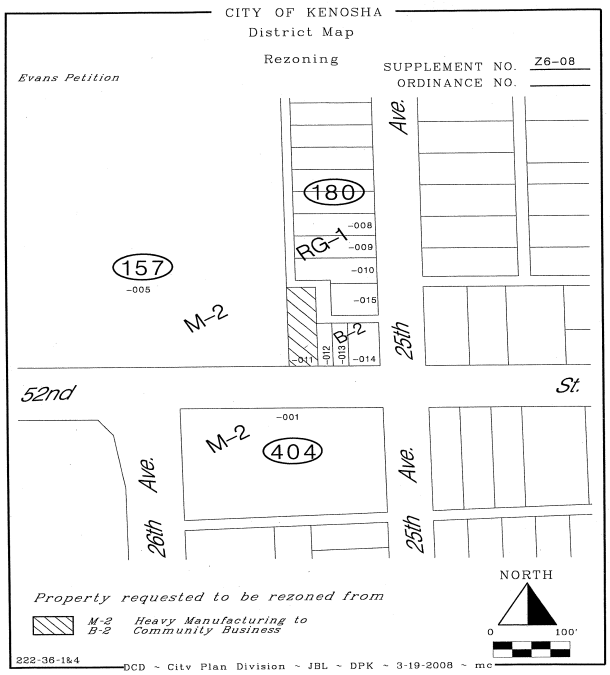




Maps are available for viewing in the City Clerk's Office.

Six: Effective Date. This Ordinance, the Attachment, and the Temporary Zoning District Classifications shall take effect upon passage, publication and May 24, 2008, as provided by law.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK



ZONING ORDINANCES 2ND READING

29.It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to adopt Ordinance 28-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows.

REZONING ORDINANCE NO. 28-08
BY: THE MAYOR
Zoning:TO REZONE PROPERTY LOCATED AT 2508 – 52ND STREET FROM M-2 HEAVY MANUFACTURING TO B-2 COMMUNITY BUSINESS [Evans]

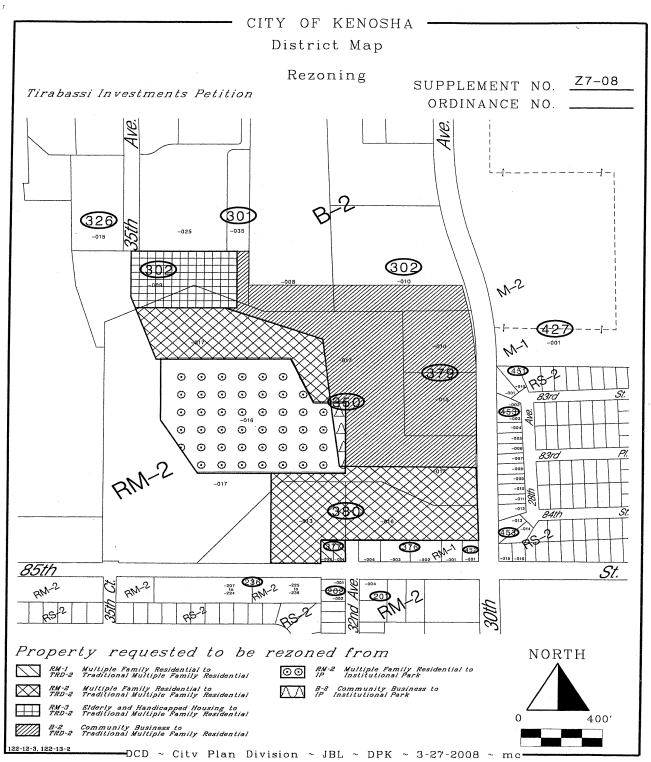
The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: That the land shown on the attached Supplement Map No. Z6-08 be, and the same hereby is, zoned and districted as indicated on said map. Section Two: This Ordinance shall be in full force and effect upon passage and the day after its publication.

Maps are available for viewing in the City Clerk's Office.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

30. It was moved by Alderman Ruef, seconded by Alderman Juliana, to adopt Ordinance 29-08. A public hearing was held. No

one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows.



REZONING ORDINANCE NO. 29-08
BY: THE MAYOR
Zoning: TO REZONE PROPERTIES LOCATED WEST OF 30TH AVENUE AND NORTH OF 85TH STREET FROM RM-1 AND RM-2 MULTIPLE-FAMILY RESIDENTIAL, RM-3 ELDERLY AND HANDICAPPED HOUSING AND B-2 COMMUNITY BUSINESS TO TRD-2 TRADITIONAL MULTIPLE FAMILY RESIDENTIAL AND IP INSTITUTIONAL PARK [Tirabassi Investments]

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: That the land shown on the attached Supplement Map No. Z7-08 be, and the same hereby is, zoned and districted as indicated on said map.

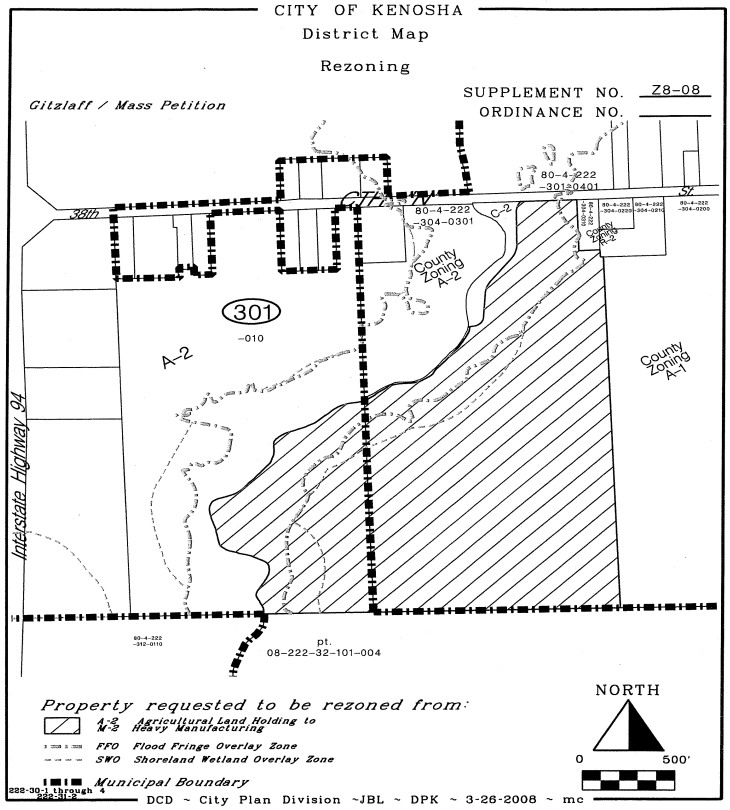
Section Two: The development of the property shall be consistent with the conceptual development plan for the property being rezoned, submitted by the property owner/developer on the 24th day of April, 2008, as required in Section 10.02 A. of the Zoning Ordinance.

Section Three: This Ordinance shall be in full force and effect upon passage and the day after its publication.

Maps are available for viewing in the City Clerk's Office.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

31. It was moved by Alderman Ruef, seconded by Alderman Juliana, to adopt Ordinance 30-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:



REZONING ORDINANCE NO. 30-08
BY: THE MAYOR
Zoning: TO REZONE PROPERTY LOCATED SOUTH OF 38TH STREET AND EAST OF I-94 FROM A-2 AGRICULTURAL LAND HOLDING TO M-2 HEAVY MANUFACTURING [Gitzlaff/Mass]

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: That the land shown on the attached Supplement Map No. Z8-08 be, and the same hereby is, zoned and districted as indicated on said map.

Section Two: The development of the property shall be consistent with the conceptual development plan for the property being rezoned, submitted by the property owner/developer on the 24th day of April, 2008, as required in Section 10.02 A. of the Zoning Ordinance.

Section Three: This Ordinance shall be in full force and effect upon passage and the day after its publication.

Maps are available for viewing in the City Clerk's Office.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

RESOLUTIONS

32. It was moved by Alderman Ruef, seconded by Alderman Ohnstad, to adopt Resolution 56-08. A

hearing was held. No one spoke for or against said resolution. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 56-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2008, in the total amount of $3,960.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.

Passed this 19th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

33. It was moved by Alderman Moldenhauer, seconded by Alderman Ohnstad, to adopt Resolution 57-08. A hearing was held. No one spoke for or against said resolution. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 57-08
BY: FINANCE COMMITTEE
To Rescind One (1) Special Assessments Levied by Resolution No. 006-08 Against Parcel No. 09-222-36-411-011 (2208 54th Street, Kenosha, Wisconsin)

WHEREAS, on January 23, 2008, the Common Council of the City of Kenosha, Wisconsin, adapted Resolution No. 006-08 levying special assessments for reinspection fees for various buildings within the City of Kenosha, Wisconsin, at the request of the Department of Neighborhood Services and Inspections; and, WHEREAS, the Department of Neighborhood Services and Inspections has determined that special assessments should not have been levied on one (1) of those parcels; to wit: Parcel No. 09-222-36-411-011 (2208 54th Street,Kenosha, Wisconsin). NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that one (1) special assessments in the total amount of $160.00 levied by Resolution No. 006-08 against Parcel No. 09-222-36-411-011 Kenosha, Wisconsin be and hereby is rescinded.

Passed this 19th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

34. It was moved by Alderman Juliana, seconded by Alderman Moldenhauer, to adopt Resolution 58-08. A hearing was held. No one spoke for or against said resolution. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 58-08
BY: FINANCE COMMITTEE
To Rescind One (1) Special Assessments Levied by Resolution No. 043-08 Against Parcel No. 12-223-31-103-014 (512 46th Street, Kenosha, Wisconsin)

WHEREAS, on April 21, 2008, the Common Council of the City of Kenosha, Wisconsin, adapted Resolution No. 043-08 levying special assessments for reinspection fees for various buildings within the City of Kenosha, Wisconsin, at the request of the Department of Neighborhood Services and Inspections; and, WHEREAS, the Department of Neighborhood Services and Inspections has determined that special assessments should not have been levied on one (1) of those parcels; to wit: Parcel No. 12-223-31-103-014 (512 46th Street, Kenosha, Wisconsin). NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that one (1) special assessments in the total amount of $280.00 levied by Resolution No. 043-08 against Parcel No. 12-223-31-103-014 Kenosha, Wisconsin be and hereby is rescinded. Passed this 19th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

35. It was moved by Alderman Haugaard, seconded by Alderman Kennedy, to adopt Resolution 59-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 59-08
BY: COMMITTEE ON FINANCE

BE IT RESOLVED, by the Common Council of the City of Kenosha, that there be transferred various funds for 2007 per list on file in the office of the City Clerk (attached). Adopted this 19th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

36. It was moved by Alderman Ruffolo, seconded by Alderman Moldenhauer, to adopt Resolution 60-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 60-08
BY: COMMITTEE ON PUBLIC WORKS
TO ORDER THE COST OF PUBLIC SIDEWALK AND/OR DRIVEWAY APPROACH CONSTRUCTION AND/OR REPLACEMENT TO BE SPECIALLY ASSESSED TO ABUTTING PROPERTY

WHEREAS, on the 19th day of May, 2008, the Common Council of the City of Kenosha, Wisconsin, held a properly noticed

Public Hearing and heard all persons wishing to be heard regarding public sidewalk and/or driveway approach construction, and/or replacement, at the cost of owners of parcels of property listed in a report on file in the Office of the Department of Public Works for the City of Kenosha, Wisconsin, which abut the following Streets:
Citywide Locations NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to the authority of Section 5.05 of the Code of General Ordinances, and Section 66.60(16), Wisconsin Statutes: 1. The owner of each parcel described on file may have the sidewalk and driveway approach abutting said parcel constructed, repaired or replaced (Work″) on or before the 6th day of June, 2008, upon obtaining a proper permit under Chapter 5 of the Code of General Ordinances. 2. If the owner fails to complete such Work within the time specified, the Common Council shall cause the Work to be done at the expense of the property owner by contract let to the lowest responsible bidder, and the Work will be paid for by assessing the cost of the Work to the benefited property. Invoices for said Work will be sent out on or about the 1st of November. If the cost of Work is under One Hundred ($100.00) Dollars, it shall be paid in its entirety within thirty (30) days of receipt of invoice. If the cost of Work is over One Hundred ($100.00) Dollars, it may be paid in its entirety within thirty (30) days of receipt of invoice, and if not so paid, placed on the tax roll for a period of three (3) years at an interest rate of seven and one-half (7.5%) per annum. If not paid within the period fixed, such a delinquent special charge shall become a lien as provided in Section 66.60(15), Wisconsin Statutes, as of the date of such delinquency, and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge. 3. The Director of Public Works shall serve a copy of this Resolution on each property owner by publishing the same in the official newspaper, together with a mailing by first class mail to the owner, if their post office address is known or can be ascertained with reasonable diligence. Adopted this 19th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

37. It was moved by Alderman Ruffolo, seconded by Alderman Ohnstad, to adopt Resolution 61-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION # 61-08
BY: THE MAYOR
TO CREATE TAX INCREMENTAL DISTRICT #13,
CITY OF KENOSHA, WISCONSIN,
UNDER SECTION 66.1105(4)(gm), WISCONSIN STATUTES

WHEREAS, Section 66.1105 of the Wisconsin Statutes, provides the authority and procedures for creating a Tax Incremental District; and WHEREAS, a public hearing was properly noticed and held by the City Plan Commission on April 24, 2008, wherein interested parties were afforded a reasonable opportunity to express their views on the proposed creation of a Tax Incremental District and the proposed boundaries thereof; and

WHEREAS, pursuant to such procedure and after due reflection and consideration, the City Plan Commission has favorably recommended to the Common Council of the City of Kenosha the creation of Tax Incremental District #13, City of Kenosha, Wisconsin , the boundaries of which are described on Exhibit “A” and "B".

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that it: 1.Deems the creation of the recommended Tax Incremental District to be in the public interest and for a property public purpose; and 2.Accepts and adopts as the district boundaries those recommended by the City Plan Commission, which boundaries generally lie within the City of Kenosha between 38th Street, Interstate 94 and the Kenosha Municipal Airport, and are more specifically defined in Exhibit "A", which are attached hereto and incorporated herein by reference. The district boundaries include only those whole units of property as are assessed for general property tax purposes. Property standing vacant for an entire seven (7) year period immediately preceding adoption of this Resolution, as "vacant property" as defined in Section 66.1105(4)(gm)1., Wisconsin Statutes, does not comprise more than twenty-five (25%) percent of the area in the Tax Incremental District; and 3. Finds that not less than fifty (50%) percent by area of the real property within the District is suitable for "industrial

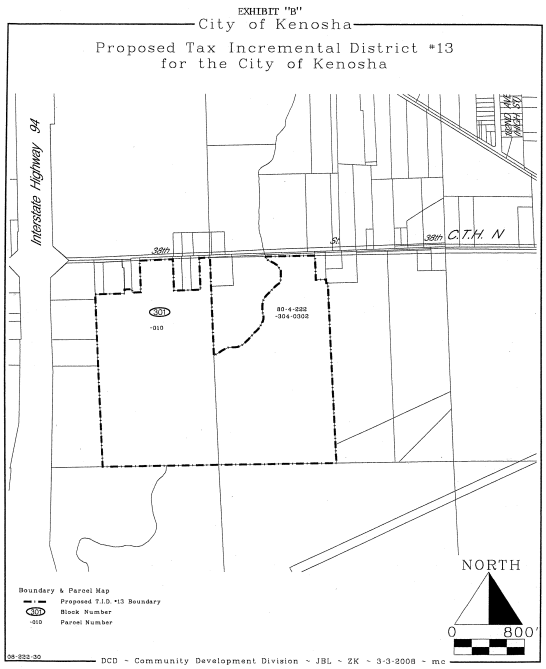
EXHIBIT "A"

BOUNDARY DESCRIPTION

TAX INCREMENTAL DISTRICT #13

A part of the Southeast and Southwest quarters of Section 30, Township 2 North, Range 22 East, of the 4th Principal Meridian lying and being in the City of Kenosha, County of Kenosha, Wisconsin and being more particularly described as follows:

Commencing at the Southeast corner of said southwest quarter, which point is also the Point of the beginning; thence S88 °53'14"W along and upon the South line of said Section for a distance of 1,320.00 feet; thence N2°15' 7.4"W for a distance of 2,147.56 feet; thence N0°19'50.2"E for a distance of 68.41 feet to the South line of Certified Survey Map #620, a Certified Survey Map of record and on file in the Kenosha County Land Registry; thence N88°41' 26.5"E along and upon the South line of said CSM for a distance of 341.00 feet; thence N2°41'53"W along and upon the East line of said CSM for a distance of 65.73 feet; thence N86°59'35"E for a distance of 80.80 feet; thence S2°12'5"E for a distance of 55.60 feet; thence N86°59'35"E for a distance of 100.00 feet; thence N2°12'5"W for a distance of 402.60 feet to the South line of 38th Street, also known as County Trunk Highway "N"; thence N86°59'35"E along and upon the South line of said 38th Street for a distance of 375.00 feet; thence S2°12'5"E for a distance of 402.6 feet; thence N86°59'35"E parallel to the south line of 38th Street for a distance of 300.00 feet; thence S2°12'5"W for a distance of 402.6 feet to the south line of 38th Street; thence N86°59'35"E along and upon the south line of 38th Street for a distance of 122.52 feet to the east line of said southwest quarter; thence S1°43'46"E for a distance of 1.40 feet to the center of said Section 30; thence S2°12'5" along and upon the east line of the southwest quarter of said Section 30 approximately 1,253.59 feet to the centerline of Kilbourn Road Ditch; thence Northeasterly along and upon the centerline of said Kilbourn Road Ditch approximately 1,747 feet to a point which is on the south line of 38th Street, said point being approximately 623.25 feet East of the center line of said Section 30; thence Easterly along and upon the South line of 38th Street approximately 565.06 feet; thence Southerly perpendicular to the South line of 38th Street approximately 344.00 feet; thence Easterly parallel to the South line of 38th Street approximately 115.5 feet; thence southerly perpendicular to the South line of 38th Street approximately 47.48 feet; thence Easterly parallel to the South line of 38th Street approximately 16.6 feet; thence Southerly parallel to the west line of the Southeast quarter of said Section 30 approximately 2,079.95 feet to the south line of said Section 30; thence S88°53'5"W along and upon said South Line approximately 1.329.99 feet to the Point of the Beginning; said Tax Incremental Financing District containing 136.48 Acres of land, more or less.



sites" within the meaning of Section 66.1101, Wisconsin Statutes and has been zoned for industrial uses; and 4. Finds that the improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District; and 5. Finds that the project costs relate directly serve to promote industrial development within the District consistent with the purpose for which the Tax Incremental District was created; and 6. Finds that the equalized value of taxable property of the District plus the value increment of all existing Districts does not exceed twelve (12%) percent of the total equalized value of taxable property within the City of Kenosha, Wisconsin; and 7. Confirms that the real property within the District that has been found suitable for industrial sites, has been zoned for industrial use, and will remain zoned for industrial use for the life of the Tax Incremental District. BE IT FURTHER RESOLVED that Tax Incremental District #13 is created effective January 1, 2008, upon passage and publication of this Resolution and review and approval of this Resolution by a Joint Review Board under Section 66.1105(4m), Wisconsin Statutes.

Adopted this 19th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

It was moved by Alderman Prozanski, seconded by Alderman Ruffolo, to adopt Resolutions 62-08 and 63-08 (items 38 and 39). On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

38. RESOLUTION NO. 62-08
BY: THE MAYOR
TO ADOPT A PROJECT PLAN
FOR TAX INCREMENTAL DISTRICT #13, CITY OF KENOSHA, WISCONSIN, UNDER SECTION 66.1105(4)(g), WISCONSIN STATUTES

WHEREAS, Section 66.1105 of the Wisconsin Statutes, provides the authority and procedures for creating a Tax Incremental District; and WHEREAS, the Project Plan for Tax Incremental District #13, City of Kenosha, Wisconsin, has been developed in accordance with Section 66.1105(4)(f), Wisconsin Statutes; and WHEREAS, a public hearing was properly noticed and held by the City Plan Commission on April 24, 2008, under Section 66.1105(4)(e), Wisconsin Statutes, wherein interested parties were afforded a reasonable opportunity to express their views on the proposed Project Plan for Tax Incremental District #13, City of Kenosha, Wisconsin; and WHEREAS, the City Plan Commission, on April 24, 2008, at a duly authorized, noticed and convened meeting, adopted the Project Plan for Tax Incremental District #13, City of Kenosha, Wisconsin, under 66.1105(4)(f); and WHEREAS, said Project Plan for Tax Incremental District #13, City of Kenosha, Wisconsin, is found to be feasible and in conformity with the Master Plan of the City of Kenosha, Wisconsin. NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin, that the Project Plan for Tax Incremental Finance District #13, City of Kenosha, Wisconsin, which is incorporated herein by reference and on file in the Office of the City Clerk/Treasurer, is adopted under Section 66.1105(4)(g), Wisconsin Statutes.

Adopted this 19th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

39. RESOLUTION # 63-08
BY: THE MAYOR
TO ADOPT A PROJECT PLAN AMENDMENT FOR TAX INCREMENTAL DISTRICT #4, CITY OF KENOSHA, WISCONSIN, UNDER SECTION 66.1105(4)(h)1., WISCONSIN STATUTES

WHEREAS, Section 66.1105 of the Wisconsin Statutes, provides the authority and procedures for amending a project plan for a Tax Incremental District; and WHEREAS, the City Plan Commission on May 8, 2008, at a duly authorized, noticed and convened meeting under Section 66.1105(4)(h)1., Wisconsin Statues, held a public hearing which afforded interested parties a reasonable opportunity to express their views on the Project Plan Amendment for Tax Incremental District #4, City of Kenosha, Wisconsin; and WHEREAS, the Project Plan Amendment involves transferring $2,000,000 from Public Utility Improvements to a Development Grant for public utility improvements, as described in and attached hereto as Exhibit "A" and noted on the map attached hereto as Exhibit "B"; and WHEREAS, at said meeting, the City Plan Commission, under Section 66.1105(4)(h)1., Wisconsin Statutes, found the Project Plan Amendment for Tax Incremental District #4, City of Kenosha, Wisconsin, to be feasible and in conformity with the Master Plan of the City of Kenosha, Wisconsin, adopted the Project Plan Amendment, and favorably recommended that the Common Council of the City of Kenosha adopt the Project Plan Amendment.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that it: 1.Finds the Project Plan Amendment for Tax Incremental District #4, City of Kenosha, Wisconsin, to be feasible and in conformity with the

Master Plan of the City; and 2.Deems the Project Plan Amendment for Tax Incremental District #4, City of Kenosha, Wisconsin, to be in the public interest and for a proper public purpose; and 3.Finds that the improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District; and 4.Finds that the project costs relate directly to eliminating "blight" within the District consistent with the purpose for which the Tax Incremental District was created; and 5.Finds that the equalized value of taxable property of the District, plus the value increment of all existing Districts does not exceed twelve (12%) percent of the total equalized value of taxable property within the City of Kenosha, Wisconsin. BE IT FURTHER RESOLVED that the Common Council of the City of Kenosha, Wisconsin, adopts the Project Plan Amendment for Tax Incremental District #4, City of Kenosha, Wisconsin, as recommended by the City Plan Commission and as described in and attached hereto as Exhibit "A" and Exhibit "B". Adopted this 19th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

EXHIBIT "A"

PROJECT PLAN AMENDMENT

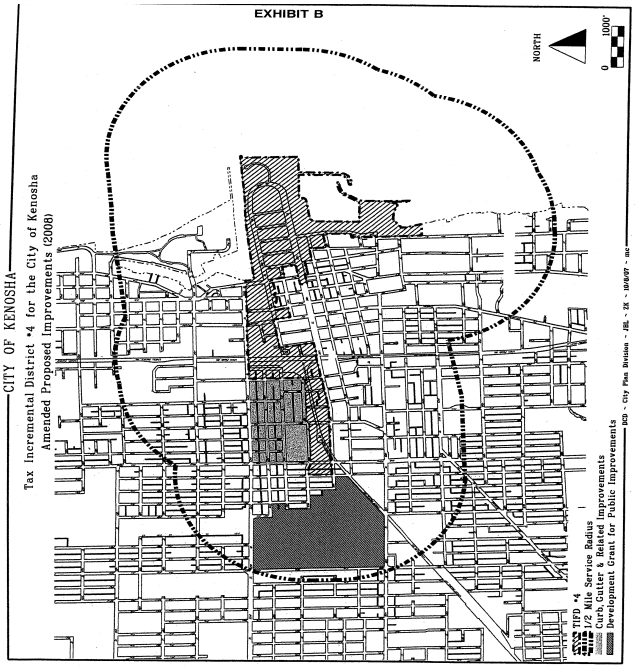
TAX INCREMENTAL DISTRICT #4

The proposed Project Plan Amendment involves adding $2,000,000 from Public Utility Improvements to a Development Grant for public utility improvements.

The Development Grant for public utility improvements will still take place on or adjacent to the Chrysler Engine Plant at 52nd Street and 30th Avenue. A development agreement between the City and the Kenosha Area Business Alliance (KABA), who will administer the grant, will be entered into before the grant is made.

The Amendment will not result in an increase in the TID budget because the $2,000,000 for the Development grant is a transfer of existing funds.

The amendment will not change the TID's termination date of January 1, 2031.



40. It was moved by Alderman Haugaard, seconded by Alderman Kennedy, to adopt the proposed resolution by the Mayor - To Modify the Table of Organization for the Kenosha Fire Department.

40.1 It was then moved by Alderman Ruffolo, seconded by Alderman Juliana to defer for two weeks.

40.2 After discussion, it was moved to refer back to the Finance Committee.

On roll call vote, motion carried (11-1) with Alderman Kennedy voting nay.

It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to adopt Resolution 64-08 to 67-08 (items 41 through 44). On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

41. RESOLUTION NO. 64-08
BY: THE MAYOR
TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE ATTACHMENT OF PARCEL NO. 80-4-222-304-0302, ALSO KNOWN AS 10801 – 38th STREET, IN THE TOWN OF SOMERS, KENOSHA COUNTY, WISCONSIN, IN ACCORDANCE WITH THE APPROVED CITY OF KENOSHA/TOWN OF SOMERS COOPERATIVE PLAN UNDER SECTION 66.0307 OF THE WISCONSIN STATUTES [Mass – Property Owner]

WHEREAS, the City of Kenosha, Wisconsin, has established an Official Map pursuant to Section 62.23(6), Wisconsin Statutes; and,

WHEREAS, the City of Kenosha, Wisconsin, and the Town of Somers, Wisconsin, entered into the City of Kenosha/Town of Somers Cooperative Plan Under Section 66.0307, Wisconsin Statutes, which was approved by the Wisconsin Department of Administration, Intergovernmental Relations, Municipal Boundary Review, on August 8, 2005; and,

WHEREAS, it was in the best interest for the public health, safety, and welfare of the City of Kenosha/Town of Somers to attach territory known as Parcel No. 80-4-222-304-0302, also known as 10801 – 38th Street, in the Town of Somers, Kenosha County, Wisconsin, to the City of Kenosha, Wisconsin; and, WHEREAS, on May 19, 2008, the Common Council for the City of

Kenosha, Wisconsin, approved an Attachment And Temporary Zoning District Classification Ordinance Under Section 66.0307, Wisconsin Statutes, for Parcel No. 08-4-222-304-0302, also known as 10801 – 38th Street, in the Town of Somers, Kenosha, Wisconsin, to be attached to the City of Kenosha, Wisconsin, with the Temporary Zoning District Classifications designated therein. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to the authority of Section 66.23(6)(c), Wisconsin Statutes, the Official Map of the City of Kenosha, Wisconsin, be and hereby is amended to include the designation of the attachment of territory formerly of the Town of Somers, County of Kenosha, Wisconsin, known as Parcel No. 80-4-222-304-0302, also known as 10801 – 38th Street, Kenosha, Wisconsin, as depicted on the Attachment and Temporary Zoning District Classification Ordinance, which is incorporated herein by reference. Adopted this 19th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

42. RESOLUTION # 65-08
BY: The Mayor
Resolution to Approve a 2008 Wage Settlement to the Current 2006 - 2008 Labor Agreement Between the City of Kenosha and Teamsters, Local #43

WHEREAS, the City of Kenosha and Teamsters, Local #43 are parties to the 2006 – 2008 collective bargaining agreement and; WHEREAS, said Agreement contains a 2008 wage reopener requiring the parties to negotiate a wage settlement for 2008 and; WHEREAS, the parties have reached a tentative agreement and the Union has notified the City that their membership has ratified this tentative settlement agreement. NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that the existing Agreement between the City of Kenosha and Teamsters, Local #43 be amended in accordance with the tentative agreements as attached effective January 1, 2008 (on file in the Office of the City Clerk).
Dated this 19th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

43. RESOLUTION # 66-08
BY: The Mayor
Resolution to Approve a New Labor Agreement for 2008 - 2009 Between the City of Kenosha and ATU, Local #998

WHEREAS, a voluntary tentative settlement agreement has been reached between the City of Kenosha and the Amalgamated Transit Union, Local #998 for 2008-2009 and; WHEREAS, the Union has notified the City that their membership has ratified this tentative settlement agreement; NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that the existing Agreement with the Amalgamated Transit Union, Local #998 be amended in accordance with the tentative agreements as attached Appendix A effective January 1, 2008 (on file in the Office of the City Clerk). Dated this 19th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

44. RESOLUTION NO. 67-08
BY: THE MAYOR
TO APPROVE EXTENDING THE TERM OF EDWARD GRAY, A MEMBER OF THE KENOSHA JOINT SERVICES BOARD, FOR AN ADDITIONAL ONE (1) YEAR TERM NOT TO EXCEED ONE (1) CALENDAR YEAR, OR UNTIL SUCH TIME AS A REPLACEMENT SEVENTH MEMBER IS CONFIRMED BY BOTH THE CITY AND COUNTY OF KENOSHA

WHEREAS, the Joint Services Board governs mutual operations at the Kenosha City/County Joint Services Building, and is composed of seven (7) members, all as more particularly set forth in Resolution No. 56 passed by the County Board of Supervisors on March 3, 1981, and passed by the City of Kenosha Common Council in 1981 as Resolution No. 56-81; and, WHEREAS, the Board has three (3) members appointed by the City, three (3) members appointed by the County, and a seventh (7th) member mutually appointed by the Mayor and the County Executive who is approved by the Common Council and the Kenosha County Board of Supervisors; the term of said seventh member being limited by the above Resolutions to not more than two (2) three year terms; and, WHEREAS, Mr. Edward Gray has served as the seventh member of the Joint Services Board since his appointment in 1999; and, WHEREAS, Mr. Edward Gray has served with distinction and honor, becoming familiar with all operations and policies of Joint Services since his appointment; and, WHEREAS, unless the above referenced Resolutions are amended, Mr. Gray will have to end his tenure on the Joint Services Board because his current term expired May, 2008. WHEREAS, the Mayor and the County Board Chairman have agreed to extend the current term of Mr. Edward Gray to maintain continuity on the Joint Services Board. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that Mr. Edward Gray's current term be extended for a period not to exceed one (1) calendar year or until such time as a replacement seventh member is mutually appointed by the Mayor and County Executive, and approved by the Common Council of the City of Kenosha, Wisconsin, and the Kenosha County Board of Supervisors. Adopted this 19th day of May, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

APPOINTMENTS/
REAPPOINTMENTS BY THE MAYOR

It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to approve:
45. Reappointment of Ronald Bailey, to the Police and Fire Commission for term to expire no later than November 1, 2008.
46. Appointment of Robert Carlson, to the Airport Commission for a term to expire May 1, 2014.
47. Appointment of Ron Stevens, to the City Plan Commission for a term to expire May 1, 2011.
48. Appointment of Barbara Mouzes, to the Board of Housing Appeals for a term to expire May 1, 2012.
49. Appointment of Fred Haerter, to the Museum Board for a term to expire May 1, 2011.
50. Reappointment of Edward Gray, to the Kenosha City/County Joint Services Board for a term to expire on May 1, 2009.
On roll call vote, motion carried unanimously.

PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

51. It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to approve award of contracts:
a. Project #08-1012 39th Avenue Reconstruction (39th Avenue - 67th Street to 60th Street) to Cornerstone Pavers, (Racine, Wisconsin) in the amount of $1,273,000.00. (District 15)
b. Project #08-1208 Sidewalk & Curb/Gutter Program (Citywide Locations) to AZAR, LLC dba Sam's Cement Construction Co., (Racine, Wisconsin) in the amount of $549,000.00. (All Districts)
On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to approve:
52. 2008 Community Development Block Grant (CDBG) Subgrantee Agreements:
a) Boys and Girls Club
b) Women and Children's Horizons
c) Urban League of Racine/Kenosha
d) Kenosha County Interfaith Network (Shalom Center)
e) Spanish Center
f) Birds of a Feather
g) Kenosha Literacy Council
h) ELCA Urban Outreach
i) Walkin' in My Shoes
j) Kenosha Area Family & Aging
k) Bridges Community Center
l) Hope Council (Alcohol & Other Drugs)
m) Kenosha Fire Department
n) Kenosha Community Health Center
o) Carpenter's Home Improvement
p) Kemper Center Program
q) Kenosha Unified School District
r) Kenosha Human Development Services
s) Kenosha Achievement Center
53. Professional Services Agreement between the City of Kenosha and Graef, Anhalt, Schloemer & Associates Inc. for Place de Douai. (District 2)
54. PermiTrackESC Web Portal Services Agreement Between the City of Kenosha, Wisconsin and SEH, Inc.
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to approve:
55. Disbursement Record #8 – $7,076,035.38.
56. 2008 Sidewalk Rates.
57. Change Order for Project #06-1540 Civil War Museum. (District 2)
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

58. It was moved by Alderman Ruef, seconded by Alderman Ruffolo to approve Final Acceptance of Project #07-2005 Southport Lighthouse Keeper's Dwelling Exterior Restoration (5117 4th Avenue) completed by Camosy Inc., (Kenosha, Wisconsin) in the amount of $32,650.00. (District 2)
On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Misner, seconded by Alderman Ruef, to adjourn at 8:29 p.m.

On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
June 2, 2008

Keith G. Bosman, Mayor **Michael K. Higgins, City Clerk**

KENOSHA MUNICIPAL BUILDING COUNCIL CHAMBERS ROOM 200 June 2, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.

The meeting was called to order at 7:12 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Nudo, Misner, Prozanski, Orth, Downing and Bogdala. Alderman Casey joined the meeting during the Pledge of Allegiance, Alderman Kennedy arrived during Citizens' Comments.

A moment of silence was held in lieu of the invocation.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderman Carpenter, seconded by Alderman Nudo, to approve the minutes of the meeting held May 19, 2008.

Motion carried unanimously.

One (1) citizen spoke during Citizen's Comments: Bob Danbeck.

TO THE PUBLIC WORKS COMMITTEE

1. Resolution to approve a two-lot Certified Survey Map to be located south of 38th Street and east of I-94, District #16. (Gordon Food Service) (Also refer to City Plan Commission)

TO THE CITY PLAN COMMISSION

2. Permanent Limited Easement between the City of Kenosha and Kenosha Water Utility for property located at Kenosha Regional Airport, District #16. (Also refer to Airport Commission and Board of Water Commission)
3. Conditional Use Permit for a 587,710 s.f. distribution facility to be located south of 38th Street and east of I-94, District #16. (Gordon Food Service)
4. Petition to rezone property east of 8th Avenue between 51st Street and 51st Place from B-3 Central Business District to B-4 Mixed-Use District in conformance with Section 10.02 of the Zoning Ordinance, District #2. (Guttormsen/JB 5017, LLC)
5. Petition to rezone property at 4721 7th Avenue from RG-2 General Residential District to B-1 Neighborhood Business District in conformance with Section 10.02 of the Zoning Ordinance, District #2. (Grno)
6. To Repeal and Recreate Various Sections of Section 3.155 F. of the Zoning Ordinance for the City of Kenosha, Wisconsin, Respecting the B-4 Mixed Use District.

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

7. It was moved by Alderman Downing, seconded by Alderman Kennedy, to approve:

a. 76 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. 1 transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. 1 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. There were no application(s) for a Taxi Driver's licenses.

On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

8. Applications for new Operator's (Bartender) licenses, subject to:

-25 demerit points:

a. Cole J. Krause
b. Ann M. Mickem
c. Susan L. Stanford
-50 demerit points:
d. Kristine J. Montague
e. Cecili Franco
-75 demerit points:
f. Carrie A. Szulczewski
g. Andrew J. Leiting
h. Omar R. Regalado
i. Daniel J. Briese

A hearing was held. The applicants did not appear.

It was moved by Alderman Downing, seconded by Alderman Ohnstad, to approve. On a voice vote, motion carried.

9. DENY applications for new Operator's (Bartender) licenses, based on:
-material police record:
a. Teresa E. McDonough
-material police record & false application:
b. Lorraine J. Duncan (withdrawn)

A hearing was held. Applicant a., Teresa E. McDonough was present and spoke.

It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to DENY the application of Teresa McDonough based on material police record & false application. On voice vote, the decision was unclear. Mayor Bosman asked for a roll call vote.

On roll call vote, motion failed (8-9) with Alderman Haugaard, Kennedy, Bogdala, Moldenhauer, Ruffolo, Juliana, Marks and Ruef voting aye.

9.1 It was then moved by Alderman Casey, seconded by Alderman Juliana to approve, subject to 75 demerit points. On a voice vote, motion carried.

10. Applications for renewal of Operator's (Bartender) licenses, subject to:
-5 demerit points:
a. Edward A. Kexel
-25 demerit points:
b. Kelly L. Restarski
c. Laura J. Stiles
d. Phillip J. Zuzinec
-40 demerit points:
e. Tiffany L. Klemp
f. Julie A. DeFranci
-50 demerit points:
g. Rachael A. Nudi
-75 demerit points:
h. Sallie R. McMillan
i. William C. Aarnos
j. Guadalupe Ramirez
k. Mary H. Fugate
l. Sarah A. Wheeler
-non-renewal/revocation hearing:
m. Carrie L. Hagopian

A hearing was held. The applicants did not appear.

It was moved by Alderman Downing, seconded by Alderman Haugaard, to approve as recommended. On a voice vote, motion carried.

11. Approve the following renewal applications for Class "B" Beer/"Class B" Liquor Combination Licenses, subject to:
-0 demerit points:
a. Kathleen Bezotte, (4619-8th Ave, Cheers)
b. Bombay Louie's Int'l, Inc., (Stanley Ginkowski, Agent, 2227-60th St, Bombay Louie's Int'l Fine Food)
c. Jana Bonner, (9048 Sheridan Rd, The Final Inning)
d. Shirley Willie, LLC, (Shirley Willie, Agent, 3810 Roosevelt Rd, Clay's Tap)
e. Texas Roadhouse Holdings, LLC, (Jonathan Strader, Agent, 7121-118th Ave, Texas Roadhouse)
-25 demerit points:
f. Club Cagney's, Inc. (Stanley Ginkowski, Agent, 6208 Green Bay Rd, Baker Street Restaurant)
g. G-Knows, Inc., (Crystal D. Monday, Agent, 1912-52nd St, Rumors)
h. Schmidties Sports Bar, Inc., Keith Schmidt, Agent, 4602-7th Avenue
-50 demerit points:
i. Kenneth Rosmann, (3021-60th St, Joan & Ken's Country Inn)
-55 demerit points:
j. GMR Entertainment, LLC, (Jesus Paredes, Agent, 6218-22nd Ave, La Frontera)
-non-renewal/revocation hearing:
k. Rick's Legends Bar & Restaurant, Inc., (Rickey L. Mutchler, Agent, 3013-60th St, Legends Bar & Restaurant)
A hearing was held. Rickey Mutchler of Rick's Legends Bar & Restaurant, Inc. was present and spoke.
It was moved by Alderman Nudo, seconded by Alderman Ruef, to approve as recommended. On a voice vote, motion carried.
12. Approve the following renewal applications for Class "B" Beer/"Class B: Liquor Combination Licenses, subject to:
-0 demerit points:
a. CLS, Inc., Steve Robe, Agent, (Shenanigan's Pub, 8303-22nd Ave)
-15 demerit points:
b. Donald Kilman, Jr. (Our Time, 3805-22nd Avenue)
-25 demerit points:
c. Carl and Doug's Bar, LLC, Shirley Weber, Agent (Carl and Doug's Bar, 2405-63rd Street)
A hearing was held. The applicants did not appear.
It was moved by Alderman Juliana, seconded by Alderman Downing, to approve as recommended. On a voice vote, motion carried.
13. Approve renewal application of Copa de Oro, Inc., (Rafael Gutierrez, President, 3029-52nd St, Copa de Oro) for a Class "B" Beer/"Class B" Liquor License subject to 30 demerit points and a hold from the Fire Department.
A hearing was held. The applicant did not appear.
It was moved by Alderman Nudo, seconded by Alderman Ohnstad, to approve as recommended. On a voice vote, motion carried.
14. Approve renewal application of the Barn, LLC, Todd Rose, Agent (The Barn, 2114 - 52nd Street) for a Class "B" Beer/"Class B" Liquor Combination License subject to 25 demerit points and a hold from the Fire Department. A hearing was held. Todd Rose was present and spoke.
It was moved by Alderman Kennedy, seconded by Alderman Downing, to approve subject to 25 demerit points.
After discussion the maker and seconder withdrew the motion.
14.1 It was then moved by Alderman Downing, seconded by Alderman Kennedy to approve, subject to 50 demerit points. On roll call vote, motion carried (14-3) with Aldermen Moldenhauer, Juliana, and Marks voting nay.
15. Approve renewal application of Victoria's Nautical Inn., Inc., Vicki Rothwell, Agent, 6209-22nd

Avenue, for a Class "B" Beer/"Class B" Liquor license with a hold from the Fire Department.

A hearing was held. The applicant did not appear. It was moved by Alderman Marks, seconded by Alderman Nudo, to approve as recommended.

On a voice vote, motion carried.

16. Approve renewal application of the Polish Legion of American Veterans, Roxana Butts, Agent, 4902-7th Avenue, for a Class "B" Beer/"Class B" Liquor license with a hold from the Fire Department.

A hearing was held. The applicant did not appear. It was moved by Alderman Carpenter, seconded by Alderman Ohnstad, to approve as recommended. On a voice vote, motion carried.

17. Approve renewal application of Roaring Fork, LLC, Ron Stokes, Agent, for a Class "B" Beer License located at 6430 Green Bay Rd, (Qdoba Mexican Grill), subject to 50 demerit points and review of economic impact statement projections for period of July 1, 2007 through June 30, 2008.

A hearing was held. The applicant did not appear. It was moved by Alderman Downing, seconded by Alderman Ohnstad, to approve as recommended. On a voice vote, motion carried.

18. Approve renewal application of Danah 39th Avenue Shell, Stanley Ginkowski, Agent, for a Class "A" Retail Beer License located at 6623-39th Ave, (39th Avenue Shell), subject to 0 demerit points and review of economic impact statement projections for period of July 1, 2007 through June 30, 2008.

A hearing was held. The applicant did not appear. It was moved by Alderman Haugaard, seconded by Alderman Carpenter, to approve as recommended. On a voice vote, motion carried.

19. Approve renewal applications of Class "A" Retail Beer Licenses, subject to:

-25 demerit points:

a. RS Enterprises of Illinois, Inc., (Yolo H. Yolov, Agent, 11748-75th St, Shell Food Plaza)

-50 demerit points:

b. Graf Convenience Store, Inc., (Thomas A. Graf, Agent, 7318-75th St, Southport Mobil Blimpie)

-non-renewal/revocation hearing:

c. Fonte Food Market, LLC, (Mustafa Mustafa, Agent, 1400-50th St, Fonte Food Market)

A hearing was held. The applicants did not appear. It was moved by Alderman Nudo, seconded by Alderman Haugaard, to approve as recommended. On a voice vote, motion carried.

20. Approve renewal application of BP Express Kenosha, LLC, Ketan Patel, Agent, for a Class "A" Retail Beer License located at 2616-22nd Ave, (BP Express), subject to a Fire Department hold.

A hearing was held. The applicant did not appear. It was moved by Alderman Downing, seconded by Alderman Nudo, to approve as recommended. On a voice vote, motion carried.

21. Approve Renewal application of Perrine's Clark Service, Inc., Louis A. Perrine, Agent, for a Class "A" Retail Beer & "Class A" Retail Liquor License located at 5145 Sheridan Road, (Lou Perrine's Gas & Groceries), subject to 0 demerit points.

A hearing was held. The applicant did not appear. It was moved by Alderman Casey, seconded by Alderman Nudo, to approve as recommended. On a voice vote, motion carried.

22. Approve renewal applications for the following licenses with no adverse recommendations per list on file in the Office of the City Clerk:

a. 108 Class "B" Beer/"Class B" Liquor Combination
b. 2 Class "B" Beer Only
c. 4 Class "B" Beer/"Class C" Wine
d. 18 Class "A" Retail Beer0
e. 12 Class "A" Retail Beer/"Class A" Retail Liquor

It was moved by Alderman Casey, seconded by Alderman Juliana, to approve. On a voice vote, motion carried.

23. Renewal applications for the following licenses with no adverse recommendations per list on file in the Office of the City Clerk:

a. 11 Class "B" Beer/"Class B" Liquor Combination
b. 1 Class "B" Beer Only
c. 5 Class "A" Retail Beer

It was moved by Alderman Casey, seconded by Alderman Juliana, to approve. On a voice vote, motion carried.

24. It was moved by Alderman Misner, seconded by Alderman Kennedy, to separate action on the approval of 7 renewals for beer/liquor licenses, subject to review of economic impact statement projections for periods of July 1, 2007 through June 30, 2008 (first full license term) per list on file in the Office of the City Clerk. On a voice vote, motion carried.

24.1 It was moved by Alderman Misner, seconded by Alderman Kennedy to send the application of Little Lunchboxes, LLC, Marlene Nudo, Agent, (My Sisters Cafe) located at 5917-39th Avenue back to the Licensing/Permit Committee. On a voice vote, motion carried.

24.2 It was moved by Alderman Orth, seconded by Alderman Nudo to approve the remaining 6 renewal applications subject to review of economic impact projections. On a voice vote, motion carried.

25. It was moved by Alderman Nudo, seconded by Alderman Kennedy, to approve the application of Heng Hui, Inc., Meng Hui Wang, Agent, for a Class "B" Beer License located at 7405-60th Avenue (Super China Buffet), with acceptance of a conditional surrender of a similar license at the same location from Hai Chao, Inc., to be effective July 1, 2008.

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

26. The application of Harborside Wines, LLC, Cornelius (Neil) Charles, Agent, for a Class "A" Retail Beer and "Class A" Retail Liquor License to be Located at 504-57th Street (Harborside Wines), with acceptance of a conditional surrender of a similar license located at 7014 Green Bay Road from Albrecht Foods, Inc., and a renewal application to be effective July 1, 2008 was deferred at the Licensing/Permit Committee meeting held prior to this meeting. Therefore, no action taken.

27. It was moved by Alderman Downing, seconded by Alderman Ohnstad, to approve application of KET, LLC, for an outdoor extension of the Class "B" Beer/"Class B" Liquor license located at 4706-75th Street (Tailgaters), with a request to waive the fence requirement (because the applicant states that over fifty percent of their gross revenue on the licensed premises from the sale of food and non-alcoholic beverages).

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

28. It was moved by Alderman Nudo, seconded by Alderman Haugaard, to applications for new 1-day cabaret licenses with no adverse recommendations:

a. David Zeyen, 4701-8th Avenue (Stoneface), for June 14, 2008 (2nd District)
b. KET, LLC, 4706-75th Street (Tailgaters), for June 7, 2008 (15th District)

A hearing was held. The applicants did not appear. On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Casey, seconded by Alderman Ohnstad to send the following ordinances on their way after being read:

29. By Committee on Public Safety & Welfare – To Repeal and Recreate Section 15.15, Entitled "Off-Premise Signs".

30. By Board of Water Commissioners – To Repeal, Create, and Repeal and Recreate Various Sections of Chapter XXXV, Entitled "Impact Fees".

On a voice vote, motion carried.

31. Alderman Misner explained the Licensing/Permit Committee's recommendation on the proposed ordinance by Alderperson Raymond Misner and Alderperson Tod Ohnstad – To Repeal and Recreate Sections 10.075 E.1., and E.2., Regarding Cabaret Licenses and Amplified Music or Sound in an Outdoor Area of a Premises Holding a "Class B", Class "B" and/or "Class C" License.

31.1 It was moved by Alderman Casey, seconded by Alderman Ohnstad to send the ordinances on their way. On a voice vote, motion carried.

ORDINANCES 2ND READING

32. It was moved by Alderman Ohnstad, seconded by Alderman Downing, to adopt Ordinance 31-08.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 31-08
BY: COMMITTEE ON LICENSES/PERMITS
TO REPEAL AND RECREATE SECTION 9.21 OF THE CODE OF GENERAL ORDINANCES ENTITLED, HVAC″

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 9.21 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

9.21 HVAC

A. Qualification. No Person shall install or modify permanent heating, ventilating or air conditioning equipment without first obtaining a Wisconsin HVAC Qualifier credential, and/or being in possession of a City of Kenosha HVAC Contractor License. This licensing requirement shall not apply to employees of State regulated utilities.

Any Person installing or Altering gas lines shall possess a valid State of Wisconsin Master Plumber License.

B. City HVAC License. A current City HVAC Contractor License shall be required of any City HVAC Contractor License holder licensed by the City prior to May 1, 2007, who does not possess a Wisconsin HVAC Qualifier credential. Contractors who possess a valid Wisconsin HVAC Qualifier credential are not required to maintain, hold or obtain a City HVAC Contractor License.

C. Renewal of License. The Common Council shall, from time to time, establish by Resolution the fee for a City HVAC Contractor License renewal. The License renewal fee shall be submitted to the City Clerk/Treasurer. License fees shall be nonrefundable and shall not be prorated for the license term. Licenses not renewed in a timely manner shall become null and void.

D. License Term. The License term shall be from May 1 through April 30.

E. License Conditions. License maintenance shall be conditioned upon:

Performing licensed activities in conformance with applicable State and City laws, rules and regulations.

Performing licensed activities only after taking out the required Permit(s).

F. License Suspension and Revocation. The Code Official may suspend or revoke any license issued hereunder, for cause, upon ten (10) days advance, written notice to the license holder specifying the basis for the suspension/revocation, and notice of an opportunity to be heard. The decision of the Code Official may be appealed to the Committee on Licenses/Permits within ten (10) days of the date of issuance.

Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

33. It was moved by Alderman Misner, seconded by Alderman Ruffolo to adopt the proposed ordinance By Alderperson Jesse Downing - To Repeal and Recreate Section 10.04 C.2. of the Code of General Ordinances, to Increase the Number of ”Class A″ Licenses.

After much discussion, it was moved by Alderman Misner, seconded by Alderman Ruffolo to take a two minute recess. The council reconvened at approximately 9:00 p.m.

33.1 It was moved by Alderman Downing, seconded by Alderman Juliana to send back to the Licensing/Permit Committee. On a voice vote, motion carried.

At this time, approximately 9:02 pm, Alderman Casey left the meeting.

RESOLUTIONS

It was moved by Alderman Ruef, seconded by Alderman Juliana to adopt Resolutions 68-08 through 73-08 (items 34 through 39). On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

34. RESOLUTION NO. 68-08

BY: ALDERMAN G. JOHN RUFFOLO
ALDERMAN DONALD MOLDENHAUER ALDERMAN DONALD K. HOLLAND
TO REQUEST THAT THE KENOSHA CITY/COUNTY JOINT SERVICES DEPARTMENTS REMAIN IN THE CITY OF KENOSHA'S CENTRAL CITY

WHEREAS, all of the Kenosha City/County Joint Services departments and essential County facilities are currently located in or about the Kenosha Public Safety Building located within the City of Kenosha's central city; and,

WHEREAS, some of the current Kenosha City/County Joint Services departments and facilities are outdated in both design and technology such that there is a need for the offices to be increased in size and technology capabilities; and,

WHEREAS, the Kenosha County Board of Supervisors is considering the relocation of Kenosha City/County Joint Services departments and facilities to a location to be determined within Kenosha County; and,

WHEREAS, relocation of any of the Kenosha City/County Joint Services departments and facilities outside of the City of Kenosha would create additional obstacles which would inhibit effective communication that would result in greater chances for communication failure; and,

WHEREAS, relocation of any of the Kenosha City/County Joint Services departments and facilities outside of the City of Kenosha would diminish the effectiveness of the Joint Services Director as it would require management of multiple sites which would likely increase the difficulty of supervision.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that it requests that the Kenosha County Board of Supervisors consider locations for the relocation of all of the City/County Joint Services departments and facilities within the City of Kenosha's central city.

BE IT FURTHER RESOLVED that the City Clerk/Treasurer is hereby requested to send a copy of this Resolution to the County Clerk for the County of Kenosha, Wisconsin.

Adopted this 2nd day of June, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

NOTE: It was moved by Alderman Ruffolo, seconded by Alderman Carpenter to strike the words "all of the" from third paragraph: *WHEREAS, the Kenosha County Board of Supervisors is considering the relocation of ~~all of the~~ Kenosha City/County Joint Services departments and facilities to a location to be determined within Kenosha County; and,...*

On a voice vote, motion carried.

35. RESOLUTION NO. 69-08
BY THE MAYOR
TO MODIFY THE TABLE OF ORGANIZATION FOR THE KENOSHA FIRE DEPARTMENT

WHEREAS, the Kenosha Fire Department is no longer designated as the harzardous materials responder for the County of Kenosha; and

WHEREAS, these duties were previously assigned to one (1) Captain and two (2) Lieutenants, which are now vacant positions due to attrition; and

WHEREAS, the Fire Department deems it necessary for proper and efficient operation to change the Table of Organization by reassigning the three vacant positions to three (3) Firefighter positions as indicated in Appendix A (on file in the Office of the City Clerk); and

WHEREAS, this staffing adjustment does not require additional funding from the 2008 operating budget.

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the aforementioned changes to the Table of Organization for the Fire Department be approved, as attached.

Adopted this 2nd day of June, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR

ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

36. RESOLUTION # 70-08
BY: MAYOR
RESOLUTION TO AMEND THE TABLE OF ORGANIZATION FOR THE KENOSHA POLICE DEPARTMENT

WHEREAS, the primary mission of the Kenosha Police Department is to provide the highest level of community safety to the citizens of the City of Kenosha at the lowest possible cost and the most efficient staffing levels; and

WHEREAS, the Police Department has determined that the increased work load on the Detective Bureau necessitates the addition of one detective; and

WHEREAS, the Police Chief desires to reassign one (1) Traffic Officer to the position of Detective increasing the Investigations Division from 32 to 33 detectives; and

WHEREAS, this reallocation of positions results in a change to the Table of Organization for the Police Department.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that the aforementioned change to the Table of Organization for the Police Department be approved.

Dated this 2nd day of June, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

37. RESOLUTION NO: 71 - 08
BY: THE MAYOR
TO APPROVE A ONE-LOT CERTIFIED SURVEY MAP
Property located North of 60th Street and East of 88th Avenue (First Industrial)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to one parcel located north of 60th Street and East of 88th Avenue is herein and hereby approved subject to the following conditions:

1. Compliance with all applicable State and City codes and ordinances.
2. Payment of all applicable fees, including recording fees.
3. Payment of all taxes and special assessments prior to recording. The Owner shall provide the City Clerk-Treasurer, a certificate from the County Treasurer, stating that there are no past-due real estate taxes or special assessments on the parcel of real estate which is being divided.
4. Compliance with all the preceding conditions as a prerequisite for authorizing Mayor and City Clerk-Treasurer to sign the Certified Survey Map.
5. The Certified Survey Map shall be null and void if not recorded within six (6) months of approval by the Common Council.
6. A note shall be added to the Certified Survey Map that says: Cross access shall be allowed across Outlot C for the purposes of a vehicular connection to 58thPlace for the parcels to the south.
7. A note shall be placed on the Certified Survey Map that maintenance of the stormwater pond and payment of taxes on Outlot A shall be the responsibility of the owners of Lot 1.
8. Relabel 58th Court as 58th Place on all pages.
9. Note #2, on Page 2, shall be revised to refer to Lot 1, not Parcel 1.
10. The signature block on Page 4 shall be revised to match the signature blocks included in the Land Division Application.
11. The note at the top of Page 2 shall be revised to indicate the Bicycle and Pedestrian Easement, not the Open Space Trail Easement.
12. The survey must be tied to one or more section corners.

Adopted this 2nd day of June, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

38. RESOLUTION NO. 72-08
BY: THE MAYOR
PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS FOR SANITARY SEWER MAINS AND STUBS, AND WATER MAINS AND SERVICES

WHEREAS, it is expedient, necessary and in the best interest of the City of Kenosha, and for the benefit of the property affected thereby that sanitary sewer mains and stubs, and water mains and services be constructed in the following highway:
County Highway "N" from County Highway "S" to Interstate Highway 94 (I-94)
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin that:
1. The Common Council hereby declares it intention to exercise its police powers under Section 66.0703, Wisconsin Statutes, to levy special assessments on all property fronting upon both sides of the street within the above limits for benefits conferred upon property by improvement of the street enumerated above.
2. Said public improvement shall consist of the construction of sanitary sewer mains and stubs, and also water mains and services.
3. The Common Council determines that the improvements constitute an exercise of police powers and the amount assessed against each parcel shall be based on a per front foot rate for sanitary sewer main and water main, and also a per each cost for sanitary sewer stub and for water service.
4. The sanitary sewer main and eater main assessments against any parcel may be paid in cash or in ten (10) annual installments; sewer stubs and eater services are to be paid in one (1) installment.
5. The Board of Water Commissioners is directed to prepare a report consisting of:
a. Preliminary plans and specifications for said improvements.
b. An estimate of the entire cost of the proposed sanitary sewer main and stubs, and also the water main and services.
c. A schedule of the proposed assessments.
Upon completion of such report, the Board of Water Commissioners is directed to file a copy thereof in the office of the Kenosha Water Utility, 4401 Green Bay Road, Kenosha, Wisconsin, which may be inspected there on any business day between the hours of 8:00 A.M. and 4:30 P.M., such inspection to be continued for the period of ten (10) days after this notice.
6. Upon receiving the report of the Board of Water Commissioners, the City Clerk is directed to given notice of public hearings on such report as specified in Section 66.0703, Wisconsin Statutes. The hearing shall be held at the Municipal Building at a time set by the City Clerk in accordance with Section 66.0703, Wisconsin Statutes.
Adopted this 2nd day of June, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

39. RESOLUTION NO. 73-08
BY: THE MAYOR
TO AUTHORIZE THE DIRECTOR OF PARKS FOR THE CITY OF KENOSHA, WISCONSIN, TO FILE AN APPLICATION WITH THE STATE OF WISCONSIN, DEPARTMENT OF NATURAL RESOURCES FOR A FEDERAL LAND AND WATER CONSERVATION FUND AND RECREATIONAL TRAILS ACT GRANT FOR THE ACQUISITION AND DEVELOPMENT OF CERTAIN LANDS LOCATED AT 13525 – 60th STREET, KENOSHA,

WISCONSIN FOR PUBLIC OUTDOOR RECREATION PURPOSES

WHEREAS, the City of Kenosha, Wisconsin, is interested in acquiring and developing the Locante Property located at 13525 – 60th Street, Kenosha, Wisconsin, for public outdoor recreation purposes (the "Project"); and,

WHEREAS, financial aid is required to carry out the Project; and,

WHEREAS, the City of Kenosha, Wisconsin, has budgeted a sum sufficient to complete the Project.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that it hereby authorizes the Director of Parks for the City of Kenosha Park Department, to act on behalf of the City of Kenosha, Wisconsin, and submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available through the Stewardship Land Assistance Program, a Federal Land and Water Conservation Fund and Recreation Trails Act Grant, to sign documents and to take any necessary action required to undertake, direct and complete the Project.

BE IT FURTHER RESOLVED that the City of Kenosha, Wisconsin, will comply with State and Federal rules to make the Project site available to the general public during reasonable hours consistent with the type of facility; and, will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval, in writing, before any change is made in the use of the Project site.

Adopted this 2nd day of June, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderman Ruef, seconded by Alderman Juliana, to approve:

40. Reappointment of Tom Schleif, to the Historic Preservation Commission for a term to expire on June 1, 2011.

41. Appointment of Dee Johnson, to the Keep Kenosha Beautiful Commission for a term to expire May 1, 2010.

42. Appointment of Jim Major, to the Transit Commission for a term to expire June 7, 2011.

On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Ruef, seconded by Alderman Juliana, to approve:

43. Architectural Service Contract – Southport Beachhouse.

On roll call vote, motion carried unanimously.

44. It was moved by Alderman Ohnstad, seconded by Alderman Juliana to refer the Offer of Sale Agreement for approximately 42.59 acres of land for future park located at 13525 60th Street. (Locante) back to the Finance Committee. There was much discussion. On roll call vote, motion failed (2-14) with Aldermen Ohnstad and Juliana voting aye.

44.1 It was then moved by Alderman Ruef, seconded by Alderman Holland to approve. Motion carried (14-2) with Aldermen Ohnstad and Juliana voting nay.

It was moved by Alderman Ruffolo, seconded by Alderman Huagaard to approve:

45. Developers Agreement between the City of Kenosha, Kenosha Water Utility and First Industrial Investments, Inc., for property located north of 60th Street and east of 88th Avenue.

46. WisDOT State/Municipal Agreement for Highway Improvement Projects:

a. 39th Avenue - 27th Street to 18th Street (Project ID: 3831-06-00/70) (District 5)

b. I-94 at STH 50 Interchange (Project ID: 1032-10-00/70)

47. Airport Lease Agreements:

a. 9522 Associates, LLP (#9522)

b. Michael Smernoff (#9604/9608)
c. Hangar Ninety (#10090/10110)
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

48. It was moved by Alderman Ruffolo, seconded by Alderman Haugaard to approve Final Acceptance of Project #06-1542 Civil War Museum HVAC Adjusting, Testing and Balancing completed by Professional System Analysis, (Germantown, Wisconsin) in the amount of $11,200.00.
On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved, seconded and unanimously carried to adjourn at 9:45 p.m.
On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, June 16, 2008

Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
MONDAY, JUNE 16, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.

The meeting was called to order at 7:02 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Casey, Misner, Prozanski, Downing and Bogdala. Alderman Orth was previously excused.

A moment of silence was observed in lieu of the invocation.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

At this time, the Mayor and members of the Mayor's Youth Commission presented Mayor's Youth Commission awards. At approximately 7:08 pm a brief recess was taken. The Council reconvened at 7:11 pm.

Thirteen (13) Citizens spoke during Citizen's Comments: Mike Montemurro, Shavonda Marks, Don Moehrke, CJ Nash, Robert Mitchell, Alex Nunez, Michelle Valeri, Rick Dodge, Pete Pfaff, Virgie York, Gene Palmer, Keith Rosenberg, and Louis Rugani.

TO THE PUBLIC WORKS COMMITTEE

1. Petition to vacate an alley located east of 19th Avenue and south of 60th Street, District #8. (Hervat/Marks)
2. Resolution amending Resolution #165-07 to extend the recording time for a four-lot Certified Survey Map for property at the northwest corner of 71st Street and 122nd Avenue, District #17, (Gateway Center LLC)
3. Acceptance of a Quit Claim Deed from Regency Hills Riverwoods, LLC to the City of Kenosha for future 43rd Avenue right-of-way south of 18th Street, District #5.

TO THE PUBLIC SAFETY & WELFARE COMMITTEE

4. Proposed Ordinance to Repeal and Recreate Section 11.02 A. of the Code of General Ordinances, to include the Prohibition of Discharging Paintball Guns within the City Limits.

TO THE LICENSING/PERMIT COMMITTEE

5. Proposed Ordinance to Repeal and Recreate Section 13.03 E. of the Code of General Ordinances, Entitled “Application” Regarding Investigation of Applicants for a Peddlers' License.

TO THE CITY PLAN COMMITTEE

6. Request for a Distance and Density Exception for a six bed Adult Family Home/Community Living Arrangement to be located at 6600 60th Avenue, District #17. (Rasmussen)

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

7. It was moved by Alderman Casey, seconded by Alderman Kennedy, to approve:

a. 172 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. 2 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

On a voice vote, motion carried.

8. It was moved by Alderman Ruef, seconded by Alderman Downing, to Approve Conditional Use Permit for a 587,710 s.f. distribution facility to be located south of 38th Street and east of I-94, District #16. (Gordon Food Service) A public hearing was held. No one spoke for or against.
On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

9. It was moved by Alderman Ohnstad seconded by Alderman Kennedy, to approve the following applications for new Operator's (Bartender) licenses, subject to:
-25 demerit points:
a. Misty J Anthony
-50 demerit points:
b. Megan E Johnson
-60 demerit points:
c. Sandra L Bilger
-85 demerit points:
d. Jennifer A Greco
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
10. It was moved by Alderman Nudo, seconded by Alderman Juliana, to DENY applications for new Operator's (Bartender) licenses, based on:
-material police record:
a. Amber N Coy
-material police record & false application:
b. Eduardo Zavaleta
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
11. It was moved by Alderman Nudo, seconded by Alderman Juliana, to approve applications for renewal of Operator's (Bartender) licenses, subject to:
-0 demerit points:
a. Nicholas O Baker
-25 demerit points:
b. Angela S Bishop
c. Martin R Turner
-70 demerit points:
d. Amber M Mutchler
-75 demerit points:
e. Rhianna L Karls
-non-renewal/revocation hearing:
f. Aaron D Cole (withdrawn)
g. Kimberly A May
h. Anne M Richter (withdrawn)
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
12. It was moved by Alderman Juliana, seconded by Alderman Nudo, to approve application of Kick's Rhythm & Blues, LLC, Kimberly Jenkins, Agent, for Renewal of the Class “B” Beer/”Class B” Liquor Combination License located at 2901-60th Street, (Kick's Rhythm & Blues), subject to a non-renewal revocation hearing. (11th District).
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
13. It was moved by Alderman Casey, seconded by Alderman Downing, to approve application of DSD Group, LLC, Lakhbir Singh, Agent, for Renewal of the Class “A” Retail Beer License Located at 2710 Roosevelt Road (Roosevelt Oil) Subject to Review of Economic Projections for the Period of July 1, 2007 through June 30, 2008 (first full license term) (12th District).
A hearing was held. The applicant did not appear. On a voice vote, motion carried.

14. It was moved by Alderman Downing, seconded by Alderman Juliana, to approve applications for Renewal of Beer/Liquor Licenses with a Recommendation from the City Attorney to grant, subject to:
-50 demerit points:
a. Faelyn Holmes, 2425-60th Street (Hatrrix Nightclub), Class "B" Beer/"Class B" Liquor (7th District)
-75 demerit points:
b. The Model Market, LLC, Hussein Asad, Agent, 2327-54th Street (Model Market), Class "A" Retail Beer (7th District)
-non-renewal/revocation hearing:
c. Little Lunchboxes, LLC, Marlene Frederick, Agent, 5917-39th Avenue (My Sisters Cafe), Class "B" Beer/"Class B" Liquor (11th District)
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
15. It was moved by Alderman Casey, seconded by Alderman Kennedy, to approve applications for Renewal of Beer/Liquor Licenses with No Adverse Recommendations:
-Class "B" Beer Only:
a. Sparti's Grecian Grill, Giannakopoulos Costa, Agent, 7410-118th Avenue, Ste B (Sparti's Gyros) (17th District)
-Class "B" Beer/"Class C" Wine:
b. The Coffee Pot, LLC, Janis Barnhill, Agent, 4914-7th Avenue (The Coffee Pot) (2nd District)
-Class "B" Beer/"Class B" Liquor:
c. Fefco Investment, LLC, Jeffrey Pfeffer, Agent, 4814 Sheridan Road (Gordo's Lounge and Pizza Grille) (2nd District)
d. Freddies, Inc., Frederick Kauzrich, Agent, 2712 – 52nd Street (Freddie's East) (10th District)
e. Tasty Brands, Inc., Daniel Tenuta, Agent, 7321-60th Avenue (Tenuta's Italian Best) (17th District)
f. Thai Gourmet, LLC, Lathdavone Virasith, Agent, 6804 Green Bay Road (Thai Gourmet) (17th District)
g. Lazybird, LLC, Abraham X. Lenfestey, Agent, 5623-6th Avenue (Lazybird) (2nd District)
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
16. It was moved by Alderman Ruef, seconded by Alderman Carpenter, to DENY application of Harborside Wines, LLC, Cornelius (Neil) Charles, Agent, for a Class "A" Retail Beer and "Class A" Retail Liquor License to be Located at 504-57th Street (Harborside Wines), with acceptance of a conditional surrender of a similar license located at 7014 Green Bay Road from Albrecht Foods, Inc., and a renewal application to be effective July 1, 2008, based on density and negative economic impact (2nd District) A hearing was held. Attorney Zievers appeared and spoke on behalf of the applicant.
16.1 It was then moved by Alderman Nudo, seconded by Alderman Juliana to refer back to the Licensing/Permit Committee. On a voice vote, motion carried.
17. It was moved by Alderman Ruef, seconded by Alderman Kennedy, to approve application of Villa D'Carlo III, Inc., Robert Greskoviak, Agent, for a Class "B" Beer/"Class B" Liquor License located at 5140-6th Ave, (Villa D'Carlo), with acceptance of a conditional surrender of a similar license at the same location from Beverly A. Ruffalo to be effective July 1, 2008. (2nd District)
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
18. It was moved by Alderman Downing, seconded by Alderman Kennedy, to approve application of R & R Petroleum, Dwarika Singh, Agent, for Class "A" Beer and "Class A" Retail Liquor licenses to be located at 11809 Burlington Road. (16th District)
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
19. It was moved by Alderman Casey, seconded by Alderman Carpenter, to approve application of Captain Mike's Kenosha Tavern, LLC, for a Temporary Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 5118-6th Ave, (Captain Mike's), on July 11, 2008, with a request to extend the closing hours to 12:00 Midnight. (2nd District)
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
20. It was moved by Alderman Ohnstad, seconded by Alderman Juliana, to approve 61 Applications for Cabaret Licenses (1-year term) per list on file in the office of the City Clerk, with no adverse

recommendations.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
21. It was moved by Alderman Ruef, seconded by Alderman Casey, to approve applications for the renewal of the following licenses, with no adverse recommendations:
a. 3 Mobile Home Parks
b. 8 Towing Companies
A hearing was held. The applicant did not appear. On a voice vote, motion carried. (NOTE: It was moved by Alderman Casey, seconded by Alderman Nudo to allow Alderman Ruffolo to abstain from this vote. On a voice vote, motion carried.)
It was moved by Alderman Casey, seconded by Alderman Juliana, to:
22. Approve application of Northern Development Group, LLC for renewal of a Mobile Home Park License located at 8743 Sheridan Road, (Shorecrest Pointe) with no adverse recommendations.
23. Approve application of Prairie Lake Estates, Inc., for a new Mobile Home Park License located at 8200-75th St, (Prairie Lake Estates).
On a voice vote, motion carried.
24. It was moved by Alderman Casey, seconded by Alderman Nudo, to approve application of Keno Cab Co., Inc., for renewal of the Taxi Cab Company License located at 5107-28th Ave, (Keno Cab).
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
25. It was moved by Alderman Casey, seconded by Alderman Juliana, to approve Findings of Fact, Conclusions of Law and Recommendations (to revoke) in the Matter of the Class "B" Beer/"Class B" Liquor License of Matthew Eddy, Located at 2618 Washington Rd, (The Frolic Bar and Grill).
On a voice vote, motion carried.
26. It was moved by Alderman Nudo, seconded by Alderman Kennedy, to approve Findings of Fact, Conclusions of Law and Recommendations (to revoke) in the Matter of the Class "A" Retail Beer License of S & S Food, Inc., Sharif Yasin, Agent, Located at 6830-14th Ave, (Lincoln Supermarket). On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Casey, seconded by Alderman Kennedy, to send the following ordinance its their way:
27. By Committee on Licenses/Permits – To Renumber Sections 10.07 G. and 10.07 H. as Sections 10.07 H. and 10.07 I.; and, to Create Section 10.07 G., Entitled "Administrative Suspension".
On a voice vote, motion carried.
28. The following proposed ordinance was withdrawn by the sponsor: By Alderperson Jesse Downing – To Renumber Sections 10.03 C.4.b., c., d. and e., as Sections 10.03 C.4.c., d., e. and f.; To Create Section 10.03 C.4.b. Regarding Retail Class "A", Class "B" and "Class B" Licenses; To Renumber Sections 10.03 D.4.b., c., d. and e. Sections 10.03 D.4.c., d., e. and f.; and, To Create Section 10.03 D.4.b. Regarding Retail "Class A" Liquor Licenses.

ZONING ORDINANCES 1ST READING

It was moved by Alderman Carpenter, seconded by Alderman Ohnstad to allow Alderman Nudo to abstain from item 30. On a voice vote, motion carried. It was then moved by Alderman Casey, seconded by Alderman Nudo, to send the following ordinances on their way:
29. By the Mayor – To rezone property at 4721 7th Avenue from RG-2 General Residential District to B-1 Neighborhood Business District (in conformance with Section 10.02 of the Zoning Ordinance, District #2). (Grno)
30. By the Mayor - To rezone property east of 8th Avenue between 51st Street and 51st Place from B-3 Central Business District to B-4 Mixed-Use District (in conformance with Section 10.02 of the Zoning Ordinance, District #2). (Guttormsen/JB 5017, LLC)
31.By the Mayor - To Repeal and Recreate Various Sections of Section 3.155 F. of the Zoning Ordinance

for the City of Kenosha, Wisconsin, Respecting the B-4 Mixed Use District.
On a voice vote, motion carried.

ORDINANCES 2ND READING

32. It was moved by Alderman Ruef, seconded by Alderman Juliana, to adopt Ordinance 32-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 32-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO REPEAL AND RECREATE SECTION 15.15 OF THE CODE OF GENERAL ORDINANCES, ENTITLED OFF-PREMISE SIGNS″

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 15.15 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 15.15 OFF-PREMISE SIGNS A. Purpose. This Section is intended to protect the public health, safety and welfare by regulating the construction, materials, placement/ location, size, height, spacing and maintenance of Off-Premise Signs. This Section is designed to ensure that Off-Premise Signs are compatible with other Signs and land uses, and are not detrimental to the aesthetic quality of the community. All Off-Premise Signs permitted in the City shall be maintained in accordance with the following conditions and restrictions: B. Illumination. The light rays from any Off-Premise Sign which is externally illuminated shall be cast directly upon the Sign Face surface and shall not be visible to motor vehicle operators, except as may be reflected from the Sign Face. The illumination of Off-Premise Signs will not be permitted between 12:00 A.M. and 5:00 A.M. No Off-Premise Sign shall contain flashing elements or video displays. C. Wind Load Requirement. Off-Premise Signs shall be maintained so as to withstand a wind load/pressure of not less than thirty (30) pounds to the square foot. D. Nonconforming Off-Premise Signs. Any Off-Premise Sign constructed, erected and installed in accordance with applicable State and local laws, rules and regulations established on the effective date of this Ordinance and which Sign becomes Nonconforming by the provisions herein, shall be a Nonconforming use and any Sign which, as a result of subsequent amendments hereto becomes Nonconforming, shall also be a Nonconforming use and is to be subject to Section 7.0 of the Zoning Ordinance. No Nonconforming Off-Premise Sign structure shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of Section 7.0 of the Zoning Ordinance. For the purpose of this Section only, the term "altered or reconstructed" shall not include painting, rustproofing or changing of advertising message. Nonconforming Off-Premise Signs may continue in use only when in compliance with the following: 1. The Sign must have been actually in existence as of the effective date of this Ordinance. 2. The Sign may be sold, leased, or otherwise transferred without affecting its Nonconforming status, but its location may not be changed. A Nonconforming Sign removed as a result of a Street Right-Of-Way taking or for any other reason may be relocated only if the Sign is made to conform to this Ordinance. 3. The Sign must have been constructed, erected, and installed in accordance with applicable State and local laws, rules and regulations that were in effect at the time this Ordinance was enacted, and must continue to be maintained in accordance with this Ordinance. Failure to adhere to rules and regulations associated with construction, erection, and installation of Off-Premise Signs, including failure to obtain permit approvals, shall render the Sign illegal. 4. In accordance with Section 62.23(7)(h), Wisconsin Statutes, the Sign must remain substantially the same as it was on the effective date of this Ordinance and may not be enlarged or expanded. Any extension, enlargement, rebuilding, changing the materials of the Sign structure, changing the size of the Sign structure materials, adding catwalks, adding guys or struts for stabilization of the Sign or structure, adding lights to a non-illuminated Sign, changing the height of the Sign above ground or re-erection of the Sign is prohibited. The Sign may not be structurally altered so as to prolong the life of the Sign. 5. The Sign may continue in use as long as it is not destroyed, extended, expanded, abandoned, or discontinued. A Sign is deemed destroyed when it is rendered any or all of the following descriptions: dismantled, blown down, removed or modified from its original state. A Sign shall be deemed expanded if

any or all of the following standards are met: increase in size, mass, volume or scope in any direction; provide greater detail; to spread out; to increase or grow in extent; or, to increase in width or circumference. A Sign is deemed abandoned or discontinued if for a period of twelve (12) months or longer, it is composed of obsolete advertising matter, or is without advertising matter, or is in need of substantial repair provided that any period of involuntary discontinuance which occurs during the period a street is closed shall not be considered. A Sign is deemed abandoned or discontinued if the name of the owner does not appear thereon and if the name and address of the current owner is not readily ascertainable from records on file with the Department of Neighborhood Services and Inspections. An unsafe or abandoned Sign is declared a public nuisance, which shall be abated by the owner within sixty (60) days of receiving notice from the Department. After sixty (60) days, the Sign may be removed by the Department, and the cost thereof shall be placed on the tax roll as a special assessment and become a lien against the benefited property, unless paid sooner. E. Identification of Sign Erector. On every Off-Premise Sign erected, the erector shall, in a permanent manner, state the name and address of the Sign erector that erected the Sign, the permit number, and the date of its erection. Such information must be readable from a distance of at least one (1) foot. F. Off-Premise Sign License. 1. License Required. An annual Off-Premise Sign License for each Off-Premise Sign Face. 2. Fees. The fee for such License shall be calculated for each Sign Face. License fees are not proratable. License fees shall be deposited in a special revenue fund, which shall be used to offset the City's cost associated with the annual inspection and licensing of each Sign Face. The Common Council shall, from time to time, establish the License Fees. 3. Term. Every License issued hereunder shall expire on the first (1st) day of July of the year following the date of issuance. G. Replacement Sign Credits. Off-Premise Signs constructed as a result of Replacement Sign Credits granted prior to June 16, 2008, shall be subject to the Ordinance standards enacted March 6, 1995. An Off-Premise Sign Permit shall be obtained prior to the expiration of subject credits. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED: KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

33. It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to adopt Ordinance 33-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 33-08
BY: BOARD OF WATER COMMISSIONERS
REPEAL, CREATE, AND REPEAL AND RECREATE VARIOUS SECTIONS OF CHAPTER XXXV OF THE CODE OF GENERAL ORDINANCES, ENTITLED IMPACT FEES″

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 35.02 A. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: A. "Capital Costs" means the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than ten (10%) percent of capital costs may consist of legal, engineering and design costs unless the City demonstrates that its legal, engineering and design costs which relate directly to the public improvement for which the Impact Fees were imposed exceed ten (10%) percent of capital costs. "Capital costs" does not include other noncapital costs to construct, expand or improve public facilities, vehicles or the costs of equipment to construct, expand or improve public facilities. Section Two: Section 35.02 G. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: G. "Public Facilities" means highways, as defined in Section 340.01(22), Wisconsin Statutes, and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds and land for athletic fields, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. "Public Facilities" does not include facilities owned by a school district. Section Three: Section

35.05 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: B. The Board of Park Commissioners may, in its discretion, provide for an exemption from, or a reduction in the amount of Park/Open Space Impact Fees imposed on a Developer that provides low-cost housing in accordance with guidelines established by the Department of City Development, except that no amount of an Impact Fee for which an exemption or reduction is provided under this Section may be shifted to any other development in the Land Development in which the low-cost housing is located or to any other Land Development in the City. Section Four: Section 35.06 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed. Section Five: Section 35.07 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 35.07 PAYMENT OF IMPACT FEES A Developer shall pay an Impact Fee for any Land Development, in full, to the City Clerk/Treasurer, upon the issuance of a Building Permit. Section Six: Section 35.08 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 35.08 IMPACT FEE REVENUES Revenues from Impact Fees shall be placed in a segregated, interest bearing account, and shall be accounted for separately from the other funds of City. Impact Fee revenues and interest earned on Impact Fee revenues may be expended only for Capital Costs for which the Impact Fees were imposed. The revenue and expenditure totals for each Impact Fee must be included in the City's annual budget, and a summary of the revenue and expenditure totals for each Impact Fee must also be made available in the City's annual budget summary as required under Section 65.90(3)(a), Wisconsin Statutes. Section Seven: Section 35.09 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 35.09 TIME FOR USE OF IMPACT FEES. Impact Fees imposed and collected by City under this Chapter shall be used within the time limits defined by Section 66.0617(9), Wisconsin Statutes, by City to pay the Capital Costs of the Public Facilities for which they were imposed, or in the alternative, refunded to the current owner of the real property with respect to which the Impact Fees were imposed, along with any interest that has accumulated. Specifically, the time limits shall be as follows: A. With regard to Park/Open Space Impact Fees collected before January 1, 2003, not later than December 31, 2012. B. With regard to Park/Open Space Impact Fees collected after December 31, 2002, and before April 11, 2006, not later than the first day of the 120th month beginning after the date on which the fee was collected. C. With regard to Park/Open Space Impact Fees collected after April 10, 2006, but within seven (7) years of the effective date of the Ordinance enacting the Park/Open Space Impact Fees, ten (10) years after the effective date of the Ordinance enacting Park/Open Space Impact Fees. D. With regard to Park/Open Space Impact Fees collected after April 10, 2006, but more than seven (7) years after the effective date of the Ordinance enacting Park/Open Space Impact Fees, fifteen (15) years after the date on which the fee was collected. Said fifteen (15) year period of time is found to be reasonable by the Common Council of the City in view of the appropriate planning and financing periods for the particular types of facilities for which said Impact Fees are imposed. E. With regard to Sewer Impact Fees collected within seven (7) years after the effective date of the Ordinance enacting Sewer Impact Fees, ten (10) years after the effective date of the Ordinance enacting Sewer Impact Fees. F.With regard to Sewer Impact Fees collected more than seven (7) years after the effective date of the Ordinance enacting Sewer Impact Fees, twenty (20) years after the date on which the fee was collected. Said twenty (20) year period of time is found to be reasonable by the Common Council of the City in view of the appropriate planning and financing periods for the particular types of facilities for which said Impact Fees are imposed. Section Eight: Section 35.10 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 35.10 IMPACT FEES. In addition to a Storm and Surface Water Impact Fee, Impact Fees are imposed upon Developers of land, as follows: A Park/Open Space Impact Fee to acquire real property for parks or open space and for the development and improvement of such real property. The real property acquired, developed or improved may be in the nature of a neighborhood park/open space directly serving the development, or in the nature of a park/open space which benefit Development and entire City, such as, but not limited to, golf courses, swimming pools, fishing facilities, athletic fields and environmental corridors. The costs of equipment not physically attached to real property, and the costs of operation are ineligible costs. The fee shall be as follows: For one (1) and two (2) family development, five

(5%) percent of the value of the land, subject to development, excluding land dedicated as a public street, or for any other public purpose, but not less than One Thousand Four Hundred Fifteen ($1,415.00) Dollars per lot. Land value shall, at the option of the Department of City Development, be the assessed value or the value determined by an appraiser retained by the Department. For multifamily development (residential development of more than two (2) units per building), five (5%) percent of the value of the land, subject to development, excluding land dedicated as a public street, or for any other public purpose, but not less than One Thousand Two Hundred Five ($1,205.00) Dollars per dwelling unit. Land value shall, at the option of the Department of City Development, be the assessed value or the value determined by an appraiser retained by the Department. B. Sewer Impact Fee. To promote the public health, safety and general welfare of the community, and to facilitate the adequate provision of sanitary sewerage facilities, Impact Fees are imposed upon developers to pay for the capital costs that are necessary to accommodate land development. The fee shall be as follows:

Water Meter Size	Equivalency Factor	Recommended Fee
5/8"	1.0	$3,281
3/4"	1.0	$3,281
1"	2.5	$8,204
1-1/2"	5.0	$16,407
2"	8.0	$26,252
3"	15.0	$49,222
4"	25.0	$82,037
6"	50.0	$164,074
8"	80.0	$262,518
10"	120.0	$393,777

C. The Impact Fees imposed under this Section shall be increased annually at a rate equal to the percentage change in the Engineering News Record Construction Cost Index for the Chicago Region for the previous twelve (12) months, with the adjustment effective January 1 of each year. The City Clerk/Treasurer, or designee, shall calculate the adjusted fees and maintain a copy of the calculation and the adjusted Impact Fees in the office of the City Clerk/Treasurer. Section Nine: Section 35.11 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 35.11 APPEAL A. A Developer upon whom a Park/Open Space Impact Fee is imposed shall have the right to contest the amount, collection or use of said Impact Fee by filing a written Notice of Appeal with the City Clerk/Treasurer within thirty (30) days following the imposition of the Park/Open Space Impact Fee. Upon the filing of a timely appeal, the appeal shall be reviewed by the City Finance Committee, who shall provide the Developer with notice and an opportunity to be heard and then make a recommendation to the Common Council of City. The Common Council of City shall make a determination on timely appeals within ninety (90) days of the date of the filing of the Notice of Appeal. The Common Council of City may affirm, negate, or modify the Park/Open Space Impact Fee. B. A Developer upon whom a Sewer Impact Fee is imposed shall have the right to contest the amount, collection or use of said Impact Fee by filing a written Notice of Appeal with the General Manager of the Kenosha Water Utility within thirty (30) days of the imposition of the Sewer Impact Fee. Upon the filing of a timely appeal, the Board of Water Commissioners shall provide the Developer with notice of an opportunity to be heard. The Board of Water Commissioners shall make a determination on timely appeals within ninety (90(days of the date of the filing of the Notice of Appeal. The Board of Water Commissioners may affirm, negate, or modify the Sewer Impact Fee.

Section Ten: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

34. It was moved by Alderman Haugaard, seconded by Alderman Moldenhauer, to adopt Ordinance 34-08. A public hearing was held. No one spoke for or against said ordinance.

34.1 It was then moved by Alderman Ruffolo, seconded by Alderman Moldenhauer to review by October 31, 2008. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 34-08
BY: ALDERPERSON RAYMOND MISNER
ALDERPERSON TOD OHNSTAD
TO REPEAL AND RECREATE SECTIONS 10.075 E.1. AND E.2. OF THE CODE OF GENERAL ORDINANCES, REGARDING CABARET LICENSES AND AMPLIFIED MUSIC OR SOUND IN AN OUTDOOR AREA OF A PREMISES HOLDING A CLASS B″, CLASS B″ AND/OR CLASS C″ LICENSE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Sections 10.075 E.1. and E.2. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are repealed and recreated as follows: 1. Cabaret Licenses shall not be extended thereto, and no activities specified in Section 10.07 A. shall be permitted therein. The Common Council, upon written request and payment of a nonrefundable processing fee of Fifty ($50.00) Dollars per application, may waive this prohibition. Applications shall be made on forms furnished by the City Clerk/Treasurer. Licensees shall be limited to no more than two (2) days of waiver per licensing term. 2. There shall be no amplified music or sound. The Common Council, upon written request and payment of a nonrefundable processing fee of Fifty ($50.00) Dollars per application, may waive this prohibition. Applications shall be made on forms furnished by the City Clerk/Treasurer. Licensees shall be limited to no more than two (2) days of waiver per licensing term. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

35. The proposed ordinance by Alderperson Jesse Downing - To Repeal and Recreate Section 10.04 C.2. of the Code of General Ordinances, to increase the number of ”Class A″ licenses was withdrawn by the sponsor.

RESOLUTIONS

36. It was moved by Alderman Casey, seconded by Alderman Haugaard, to adopt Resolution 74-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

a. RESOLUTION NO. 74-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Boarding and Securing

BE IT RESOLVED, that special assessments for boarding and securing during 2008, in the total amount of $2,261.56, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 16th day of June, 2008

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

b. RESOLUTION NO. 75-08

BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Razing/Pre-Razing of Structures

BE IT RESOLVED, that special assessments for razing/pre-razing of structures during 2007 and 2008, in the total amount of $30,448.99, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 16th day of June, 2008

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

c. RESOLUTION NO. 76-08
BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Grass and Weed Cutting

BE IT RESOLVED, that special assessments for weed/grass cutting during 2008, in the total amount of $7,240.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 16th day of June, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

d. RESOLUTION NO. 77-08
BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Trash and Debris Removal

BE IT RESOLVED, that special assessments for trash and debris removal during 2007 and 2008, in the total amount of $1,745.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 16th day of June, 2008,

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

e. RESOLUTION NO. 78-08
BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Unpaid Permit Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2008, in the total amount of $1,850.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 16th day of June, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

f. RESOLUTION NO. 79-08
BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2008, in the total amount of $3,080.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 16th day of June, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

It was moved by Alderman Casey, seconded by Alderman Juliana, to adopt Resolutions 80-08 through 81-08 (items 37 through 39). On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

37. RESOLUTION NO: 80- 08
BY: THE MAYOR
TO APPROVE A TWO-LOT CERTIFIED SURVEY MAP
Property located south of 38th Street and east of I-94 (Gordon Food Service)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to two parcels located south of 38th Street and east of I-94 is herein and hereby approved subject to the following conditions:

1. Compliance with all applicable State and City codes and ordinances.
2. Payment of all applicable fees, including recording fees. 3. Payment of all taxes and special assessments prior to recording. The Owner shall provide the City Clerk-Treasurer, a certificate from the County Treasurer, stating that there are no past-due real estate taxes or special assessments on the parcel of real estate which is being divided.
4. The Certified Survey Map shall be null and void if not recorded within six (6) months of approval by the Common Council.
5. Section and Quarter line bearings do not conform to Southeast Wisconsin Regional Planning Commission's Horizontal and Vertical Survey Control in Southeastern Wisconsin. Correct the bearings and adjust other lines accordingly.
6. The Certified Survey Map shall show any water courses, drainage ditches and other pertinent features. The Certified Survey Map shall shown any special restrictions as required by the City Plan Commission relating to environmentally significant lands. 7. The limits of the 100-year floodplain shall be shown on the Certified Survey Map.
8. Streams or lakeshores shall have an access platted in accordance with Section 236.16(3) of the Wisconsin State Statutes.
9. Any right-of-way needed on County Trunk Highway N as a result of the review of the Traffic Impact Analysis shall be shown on the Certified Survey Map before recording, or if required after recording the right-of-way shall be dedicated by the property owner by Warranty Deed.
10. The signature page shall indicate Keith Bosman, Mayor and Michael Higgins, City Clerk.
11. Compliance with all the preceding conditions as a prerequisite for authorizing Mayor and City Clerk-Treasurer to sign the Certified Survey Map. Adopted this 16th day of June , 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

38. RESOLUTION NO. 81-08
BY: Mayor
To Amend the City of Kenosha Capital Improvement Program for 2008 through 2011 by Creating Line CO-08-002 "County Trunk Highway "N" Construction" for a Total of $3,885,000 with Outside Funding of $3,885,000 for a Net Change of $0

WHEREAS, the City and County will be entering into an agreement regarding County Trunk Highway "N" reconstruction work and cost sharing in conjunction with Gordon Food development; and WHEREAS, the County of Kenosha will provide funding for construction of the upgrades; and WHEREAS, the above amendment to the Capital Improvement Program has been approved by the City Plan Commission on June 16, 2008, the Public Works Committee on June 16, 2008, and the Finance Committee on June 16, 2008;

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that the Capital Improvement Program be, and hereby is amended as follows:

CO 08-002
2008 County Trunk Highway -140,000 140,000
"N" Construction
OutsideFunding- (140,000) (140,000)
CO 08-002
2009 County Trunk Highway-1,315,000 1,315,000
"N" Construction
Outside Funding -(1,315,000) (1,315,000)
CO 08-002
2010 County Trunk Highway-2,060,000 2,060,000
"N" Construction
Outside Funding -(2,060,000) (2,060,000)
CO 08-002
2011 County Trunk Highway -370,000 370,000
"N" Construction
Outside Funding -(370,000) (370,000)
Total CIP 2008-2011 3,885,000
Total Outside Funding (3,885,000)
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

39. RESOLUTION NO. 82-08
BY: THE MAYOR
TO COMMIT TO PROVIDE SUFFICIENT FUNDS TO ENABLE THE STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION TO ISSUE A TRANSPORTATION ECONOMIC ASSISTANCE PROGRAM GRANT

WHEREAS, the future prosperity of the City of Kenosha and the County of Kenosha depends upon employment opportunities for their citizens and attracting new business to locate within the County's borders as studies have shown that every dollar of wages paid has a multiplier effect on the local economy as those dollars are then spent on goods and services, which results in further community employment and wellbeing; and current times find that manufacturing and other industry sectors have become global enterprises with competition for work in our community coming not just from other States, but also from other nations where labor cost is extremely low and regulatory laws are nonexistent; and, WHEREAS, Gordon Food Service, Inc., the largest privately held independent food service distributing company in North America, has indicated to the City of Kenosha that it intends to provide an estimated $70,000,000 in capital expenditures to build a 587,000 square foot distribution and warehouse center facility within the City on County Trunk Highway "N"; and, WHEREAS, Gordon Food Service, Inc. has represented to the State of Wisconsin Department of Commerce that 375 full-time jobs will be created at the distribution and warehouse center facility, of which approximately 265 will be local residents with an average wage of approximately $22.00 per hour, for a total annual payroll of approximately $26,000,000; and that Gordon Food Services, Inc. will be creating a substantial amount of taxable property that will generate local tax revenue; and, WHEREAS, Gordon Food Service, Inc.'s intention to build the distribution and warehouse center facility within the City of Kenosha on County Trunk Highway "N" is dependent on certain governmental actions, including rezoning of the parcel by the City, the creation of a Tax Incremental Financing District (TID) by the City through which certain infrastructure may be installed, the grant of a Conditional Use Permit by the City, the extension of water and sanitary sewer services by the Kenosha Water Utility to the proposed distribution and warehouse center, and the improvement of certain portions

of Highway "N" by the County; and, WHEREAS, the City of Kenosha has already rezoned the property consistent with Gordon Food Service, Inc.'s proposed use of the property as a distribution and warehouse center facility, and has pending Common Council consideration and action, the requests for the creation of the TID through which certain infrastructure may be installed and for the grant of a Conditional Use Permit; and, WHEREAS, Kenosha Water Utility will be providing the extension of water and sanitary sewer services to the proposed distribution and warehouse center facility, and if the TID is approved, between the City of Kenosha and the Kenosha Water Utility there will be approximately $14,000,000 in infrastructure improvements provided to the proposed distribution and warehouse center facility; and, WHEREAS, County Trunk Highway "N" is a corridor into the City of Kenosha from Interstate Highway 94, maintained and patrolled by the County of Kenosha, the improvement of which will benefit the area by expanding municipal water and sewer lines and other utilities so as to attract future businesses to locate in this area; and, WHEREAS, in order provide the roadway necessary for Gordon Food Service, Inc. and to facilitate economic development for the benefit of residents throughout the County, certain transportation improvements are required for CTH "N" in an amount estimated to be about $3,700,000; and,

WHEREAS, as a county trunk highway, the County of Kenosha is currently responsible for necessary transportation improvements for CTH "N" and continuing maintenance, therefor; and, the County of Kenosha is willing to finance the transportation improvements required for CTH "N" to facilitate economic development and to prepare for a transfer of jurisdiction of CTH "N" to the City of Kenosha; and, WHEREAS, it is traditional to reconstruct a highway before a jurisdictional transfer takes place; and, WHEREAS, it is desirable for the economic development that such transportation improvements be made subject to urban-profile specifications rather than rural-profile specifications; and to allow for such road improvements to be made in the most expeditious manner, it is desirable for the City of Kenosha to make such transportation improvements; and, WHEREAS, in order to allow the City to make the transportation improvements, it is necessary to transfer jurisdiction of that portion of County Trunk Highway "N" from the County to the City through an Intergovernmental Agreement and other forms required by the Wisconsin Department of Transportation; and, WHEREAS, a jurisdictional transfer would be accomplished through an Intergovernmental Agreement that would state with particularity the responsibilities of the City and the County, to include that the County will transfer jurisdiction of a certain portion of County Trunk Highway "N" to the City, and moreover, will agree to pay for the Transportation Improvements in an amount equal to the actual costs of reconstruction of that portion of County Trunk Highway "N", in an amount not greater than $3,700,000 and which amount will be reduced by Transportation Economic Assistance (TEA) Program Grant money that is available, and wherein the City will agree to provide for suitable design and construction of, and will develop the necessary specifications, mapping and engineering for, the improvement and reconstruction of County Trunk Highway "N", let the public bids, supervise the construction and do all other steps required for such reconstruction, and the City will agree to provide future maintenance therefor ; and, WHEREAS, it appears that the transportation improvements will have available for it a TEA Grant to the City of Kenosha from the Wisconsin Department of Transportation in an amount of matching reimbursement Funds, up to One Million ($1,000,000.00) Dollars; and, WHEREAS, it is intended by the City and the County that any reimbursement made to the City by the State through a TEA Grant award for these Transportation Improvements would be transferred to the County to reduce the County's net contribution; and, WHEREAS, a TEA Grant will not be awarded until a commitment is made by the applicant municipality to spend at least an amount equal to the TEA Grant as matching funds. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that subject to, and conditioned upon, the City of Kenosha and County of Kenosha entering into an Intergovernmental Agreement as contemplated herein which is acceptable to the City, wherein the County transfers jurisdiction of that portion of County Trunk Highway "N" to the City, and the County further agrees to pay to the City an amount for Transportation Improvements for County Trunk Highway "N" in an amount greater than One Million ($1,000,000.00) Dollars, the City of Kenosha will commit to the Wisconsin Department of Transportation that it will use at least One Million ($1,000,000.00) Dollars of the funds obtained from the

County of Kenosha toward satisfaction of the TEA Grant funding requirement. BE IT FURTHER RESOLVED THAT, the City of Kenosha hereby authorizes the submission of an application to the Department of Transportation TEA Program and authority is granted to the City of Kenosha Mayor or City Administrator to take the necessary steps to prepare and file the appropriate application for funds under this program in accordance with this resolution and that they are hereby authorized to sign all necessary documents on behalf of the City of Kenosha. BE IT FURTHER RESOLVED, that subject to, and conditioned upon, the City and County entering into an Intergovernmental Agreement as contemplated herein which is acceptable to the City, the City of Kenosha will have jurisdictional responsibility for the Transportation Improvements. BE IT FURTHER RESOLVED that subject to, and conditioned upon, the City and County entering into an Intergovernmental Agreement as contemplated herein which is acceptable to the City, the City of Kenosha will sign a Jobs Guarantee with the Wisconsin Department of Transportation. BE IT FURTHER RESOLVED that subject to, and conditioned upon, the City and County entering into an Intergovernmental Agreement as contemplated herein which is acceptable to the City, the City of Kenosha will administer and oversee the development of the Transportation Improvements. BE IT FURTHER RESOLVED THAT, the City of Kenosha will comply with all applicable Federal, State, and local regulations. Adopted this 16th day of June, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

APPOINTMENTS/
REAPPOINTMENTS BY THE MAYOR

It was moved by Alderman Casey, seconded by Alderman Haugaard, to approve:

40. Appointment of Steven Herr to the Transit Commission for a term to expire June 7, 2011.
41. Appointment of Pamela Thomey to the Keep Kenosha Beautiful Commission for a term to expire May 1, 2009.
42. Appointment of Alderman Katherine Marks to the Redevelopment Authority for a term to expire November 15, 2008.
43. Reappointment of Patrick McGuire to the Library Board for a term to expire July 1, 2011.
44. Appointment of Father James R. Braun to the Library Board for a term to expire July 1, 2011.

On roll call vote, motion carried unanimously.

At this time, approximately 8:35 pm a brief recess was taken. The Council reconvened at 8:40 pm.

45. It was moved by Alderman Casey, seconded by Alderman Carpenter to approve the appointment of Frank J. Pacetti to the position of City Administrator effective July 1, 2008. The Aldermen discussed.

45.1 It was moved by Alderman Kennedy, seconded by Alderman Casey to call for the question. On roll call vote, motion tied (8-8) with Aldermen Haugaard, Nudo, Misner, Prozanski, Holland, Ruffolo, Marks and Ruef voting nay. The Mayor voted aye to break the tie and motion to call for the question, thereby ending debate, carried.

45.2 On roll call vote, motion to approve carried (9-7) with Aldermen Nudo, Misner, Prozanski, Holland, Ruffolo, Juliana and Ruef voting nay.

During Aldermen's Comments it was realized that the passage of the vote to call for the question did not pass because 2/3 of the Common Council members present were not in favor. Therefore, the City Attorney recommended to re-open the debate on item 45 and subsequently vote to reconsider the action taken previously.

45.3 It was moved by Alderman Casey, seconded by Alderman Ohnstad to reconsider vote 45.2, on the appointment of Frank Pacetti to the position of City Administrator.

The Aldermen discussed. Alderman Misner requested the Mayor to allow Attorney McTernan to speak. The Mayor allowed Mr. McTernan to comment. The Aldermen continued to discuss.

45.4 It was then moved by Alderman Casey, seconded by Alderman Ohnstad to approve the appointment

with an amendment to withhold the 1/1/09 salary increase until satisfactory completion of probationary period. On roll call vote, motion carried (9-7) with Aldermen Nudo, Misner, Prozanski, Holland, Ruffolo, Juliana and Ruef voting nay.

OTHER CONTRACTS AND AGREEMENTS

46. It was moved by Alderman Kennedy, seconded by Alderman Nudo, to approve amendment to Street Encroachment Agreement between Trolley Square, LLC (Wine Knot - 5611 6th Avenue) and City of Kenosha. (District 2) On roll call vote, motion carried unanimously.
47. It was moved by Alderman Ruef, seconded by Alderman Carpenter, to approve Permanent Limited Easement between the City of Kenosha and Kenosha Water Utility for sewer and water located on Kenosha Regional Airport Property, District #16.
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderman Casey, seconded by Alderman Kennedy to:
48. Approve Disbursement Record #9 – $5,461,961.44 and #10 - $15,065,337.93.
49. DENY request from property owner to rescind trash and debris special assessment levied on property located at 1019-45th Street in the amount of $225.00.
50. Approve Settlement - Neki Murati vs. City of Kenosha.
On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved and seconded to adjourn at 11:15 pm.
On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, July 7, 2008

Keith G. Bosman, Mayor **Michael K. Higgins, City Clerk**

KENOSHA MUNICIPAL BUILDING COUNCIL CHAMBERS ROOM 200 MONDAY, JULY 7, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.

The meeting was called to order at 7:03 p.m.

On roll call, the following members of the Common Council were present: Aldermen Holland, Ruffolo, Carpenter, Ohnstad, Marks, Ruef, Kennedy, Nudo, Misner, Prozanski, Orth, Downing and Bogdala. Excused: Alderman Haugaard, Moldenhauer, Juliana and Casey.

A moment of silence was observed in lieu of the invocation.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderman Ruffolo, seconded by Alderman Ruef, to approve the minutes of the meetings held June 2 and June 16, 2008.

Motion carried unanimously.

At this time, the Mayor presented a commendation to the Kenosha Bradford High School Red Devil Baseball team, 2008 State Champions.

Four (4) Citizens spoke during Citizen's Comments: Jim Matzur, Michael Bell, Wanda Lynn Bellow and Louis Rugani.

TO THE PUBLIC WORKS COMMITTEE

1. Petition to vacate a portion of an alley located east of 18th Avenue between 61st and 62nd Street, District #8. (Steenhagen/Marks) (Also refer to City Plan Commission)
2. Resolution to approve a one-lot Certified Survey Map to be located at the southeast corner of 75th Street and Sheridan Road, District #3. (Walgreen's) (Also refer to City Plan Commission)
3. Distribution Easement Agreement between the City of Kenosha and WE Energies, AT & T Wisconsin and Time Warner Entertainment Company granting a permanent underground joint easement located north and south of 40th Street, and west of 32nd Avenue, District #10. (Also refer to City Plan Commission)

TO THE PUBLIC SAFETY & WELFARE COMMITTEE

4. Proposed Ordinance to Repeal and Recreate Section 7.14 4.e., Regarding the Rules of Operation for Child Towing Trailers on Bicycles.

TO THE CITY PLAN COMMISSION

5. Petition to rezone a portion of the property at 7510 12th Avenue from RS-3 Single Family Residential to B-2 Community Business in conformance with Section 10.02 of the Zoning Ordinance, District #3. (Nightingale)
6. Petition to rezone a portion of the property at 7534 12th Avenue from RS-3 Single Family Residential to B-2 Community Business in conformance with Section 10.02 of the Zoning Ordinance, District #3. (Mullins)

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

7. It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to approve:

a. 112 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. 2 transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. 4 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

On a voice vote, motion carried.

8. It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to receive and file Communication regarding various Beer/Liquor licenses declared null and void due to failure to renew by June 30, 2008. On a voice vote, motion carried.

9. It was moved by Alderman Ruffolo, seconded by Alderman Ruef, to Approve Request for a Distance and Density Exception for a Six Bed Adult Family Home/Community Living Arrangement to be Located at 6600-60th Avenue. (17th District) (Rasmussen) A public hearing was held. No one spoke for or against.

On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

10. It was moved by Alderman Ruffolo, seconded by Alderman Downing, to approve applications for new Operator's (Bartender) licenses, subject to:

-0 demerit points:
a. Jamie L. Tegel
-25 demerit points:
b. Kara B. Nauer
c. Stephanie Mizak
d. Tracy L. Davis
-50 demerit points:
e. Lorraine J. Duncan
f. Martin A. Stella
g. Elise K. Brothen
-75 demerit points:
h. Tracy M. Lawson
i. Carrie J. Dvorak
j. Rachael A. Kaleck
-90 demerit points:
k. Sheena L. Angeloff

A hearing was held. The applicants did not appear. On a voice vote, motion carried.

11. It was moved by Alderman Ruffolo, seconded by Alderman Downing, to DENY applications for new Operator's (Bartender) licenses, based on:

-material police record:
a. Gabriel Mora
-material police record & false application:
b. Kimberly R. Jenkins

A hearing was held. The applicants did not appear. On a voice vote, motion carried.

12. It was moved by Alderman Ruffolo, seconded by Alderman Downing, to approve applications for renewal of Operator's (Bartender) licenses, subject to:

-25 demerit points:
a. Michelle S. Shatkins
b. Agruea Herrera Jaimes
c. Kris A. Faulkenhainer
d. Gary L. Johnson
e. Angela S. Bishop
f. James R. Schultz
-50 demerit points:
g. Joseph M. Leon
h. Christine M. Tabili
i. Robert E. Breckenridge
j. Bobbie J. Johnson

k. Rajeshwar R. Muthyam
-60 demerit points:
l. Benjamin P. Michaelis
-75 demerit points:
m. Krystal A. Pasco
n. Aaron D. Cole
-non-renewal/revocation hearing:
o. Kevin J. George
p. Anne M. Richter
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
13. It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to approve applications for Cabaret Licenses (1-year term) with no adverse recommendations:
a. GNC Hook, LLC, located at 5301-22nd Ave, (Bella Lounge) (7th District)
b. Faelyn Holmes, located at 2425-60th St, (Hattrix Nightclub) (7th District)
c. Sunset Grille, LLC, Located at 2500-52nd St, (Sunset Grille) (7th District)
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
14. It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to approve application of Nickie's Tropic Club, Inc., for a Temporary Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 2122-56th St, (Warehouse 56), on August 3, 2008. (7th District)
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
15. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to Approve application of WHG Real Estate South, LLC, for a transfer of agent status of the Class "B" Beer/"Class B" Liquor License located at 6950-75th St, (Applebee's Neighborhood Grill & Bar), from Ralph North to Bill Nesvacil, subject to 50 demerit points. (17th District)
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
16. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to approve application of The Noodle Shop Co., for renewal of the Class "B" Beer & "Class C" Wine License located at 7201-120th Ave, Ste A, (Noodles & Company), with a transfer of agent from Richard Hacker to Lee Yunker, subject to 75 demerit points. (17th District)
A hearing was held. Lee Yunker was present and spoke. On a voice vote, motion carried.
17. It was moved by Alderman Ruffolo seconded by Alderman Nudo, to approve applications for Renewal of Beer/Liquor Licenses with No Adverse Recommendations:
-Class "B" Beer/"Class C" Wine
a. Savannah's Restaurant, LLC, Shannon Adamczyk, Agent, (7623 Sheridan Rd, Savannah's Cabin Cafe) (3rd District)
-Class "A" Retail Beer
b. Los Corrales Enterprise, LLC, Luis Rodriguez, Agent, (3933-52nd St, Super Mercado Cortes) (10th District)
c. VS Enterprise, LLC, Venkatesh Gaddameedi, Agent, (2828-75th St, Citgo Gas & Food Mart) (12th District)
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
18. It was moved by Alderman Carpenter, seconded by Alderman Ohnstad, to approve applications for Outdoor Area Amplified Music and/or Cabaret:
a. Kathleen Bezotte, 4619-8th Ave, (2nd District) (Cheers), for July 12, 2008
b. Kathleen Bezotte, 4619-8th Ave, (2nd District) (Cheers), for August 9, 2008
c. Sir Arthur's Tavern-Camelot Catering, 3501-14th Ave (6th District), (Sir Arthur's Beer Gardens), for July 12, 2008
d. Sir Arthur's Tavern-Camelot Catering, 3501-14th Ave (6th District), (Sir Arthur's Beer Gardens), for August 9, 2008
e. Ameen V, Inc., 8040 Sheridan Rd (3rd District), (Eddie's Steakhouse & Bistro), for July 19, 2008

A hearing was held. The applicants did not appear. On a voice vote, motion carried.

19. It was moved by Alderman Ruffolo, seconded by Alderman Ohnstad, to approve application of Harp & Eagle, Ltd., Cary O'Dwanny, Agent, (Lisdoon Varna), to transfer the location of the Class "B" Beer/"Class B" Liquor License located at 5710-4th Ave to 125-56th St, and a renewal application. (2nd District)

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Ruffolo, seconded by Alderman Ohnstad, to send the following ordinances on their way:

20. By Alderperson Kathy Carpenter – To Repeal and Recreate Section 11.02 A., To Include the Prohibition of Discharging Paintball Guns Within the City Limits.

21. By The Mayor – To Repeal and Recreate Section 13.03 E., Entitled "Application" Regarding Investigation of Applicants for a Peddlers' License.

On a voice vote, motion carried.

ORDINANCES 2ND READING

22. It was moved by Alderman Carpenter, seconded by Alderman Nudo, to adopt the proposed ordinance **BY: ALDERMAN STEPHEN P. CASEY and COMMITTEE ON LICENSES/PERMITS TO RENUMBER SECTIONS 10.07 G. AND 10.07 H. OF THE CODE OF GENERAL ORDINANCES AS SECTIONS 10.07 H. AND 10.07 I.; AND, TO CREATE SECTION 10.07 G. OF THE CODE OF GENERAL ORDINANCES, ENTITLED "ADMINISTRATIVE SUSPENSION".**

22.1 It was then moved by Alderman Ruffolo, seconded by Alderman Nudo to defer for two weeks. On a voice vote, motion carried.

ZONING ORDINANCES 2ND READING

23. It was moved by Alderman Ruef, seconded by Alderman Downing, to adopt Ordinance 35-08.

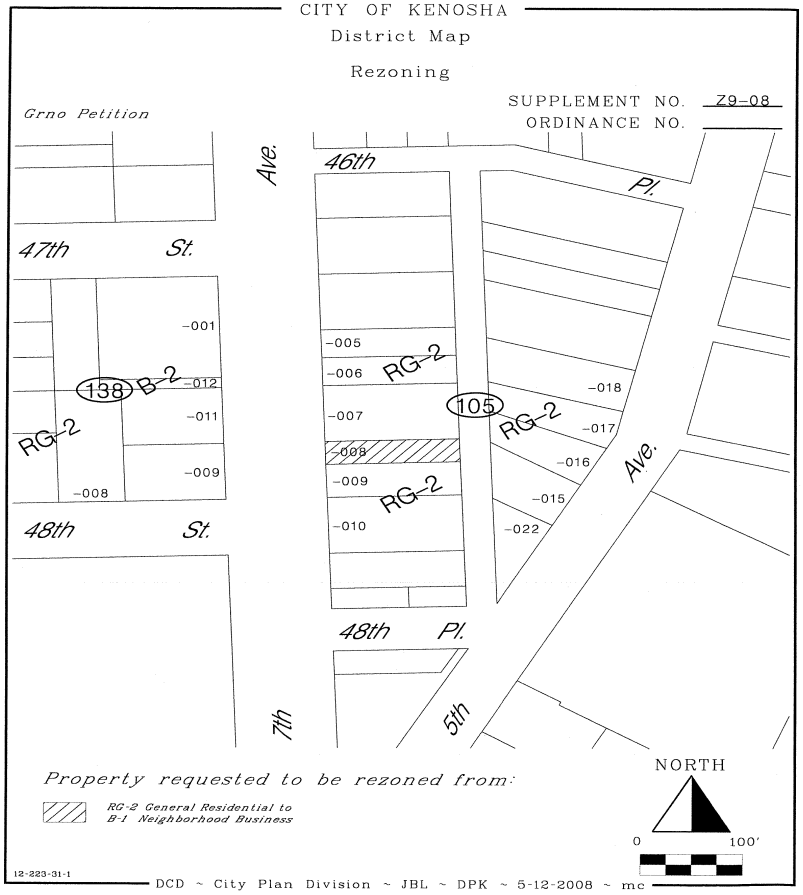
A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

REZONING ORDINANCE NO. 35-08
BY: THE MAYOR
Zoning: TO REZONE PROPERTY LOCATED AT 4721 – 7TH AVENUE FROM RG-2 GENERAL RESIDENTIAL DISTRICT TO B-1 NEIGHBORHOOD BUSINESS DISTRICT [Grno]

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: That the land shown on the attached Supplement Map No. Z9-08 be, and the same hereby is, zoned and districted as indicated on said map. Section Two: This Ordinance shall be in full force and effect upon passage and the day after its publication.

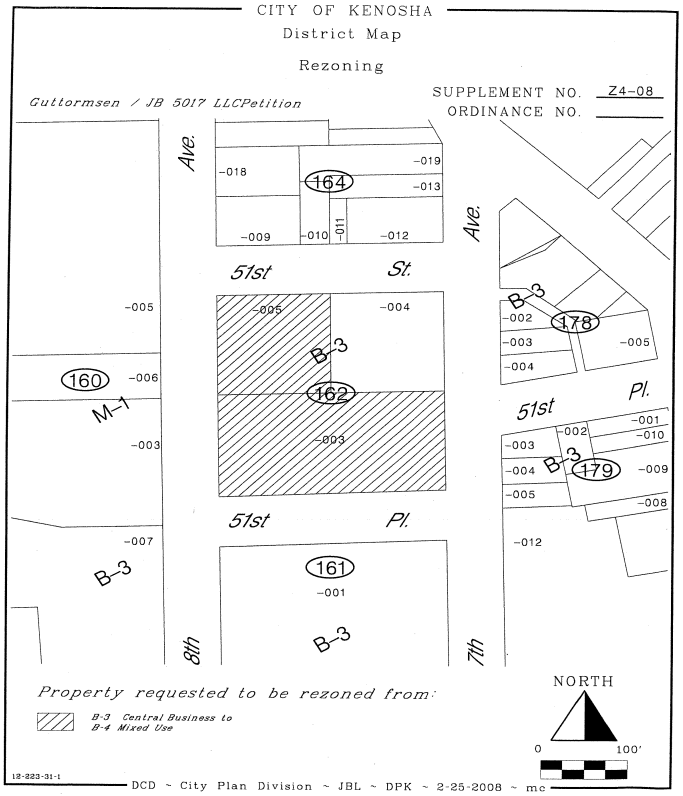
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
NOTE: MAPS ARE AVAILABLE FOR VIEWING IN THE CITY CLERK'S OFFICE



24. It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to adopt Ordinance 36-08.
A public hearing was held. No one spoke for or against said ordinance.
24.1 It was moved by Alderman Holland, seconded by Alderman Ruffolo to allow Alderman Nudo to abstain. On a voice vote, motion carried.
On roll call vote, motion to adopt carried (12-0, 1 abstain) and said ordinance was thereupon adopted as follows:

REZONING ORDINANCE NO. 36-08
BY: THE MAYOR
Zoning: TO REZONE PROPERTY LOCATED EAST OF 8TH AVENUE BETWEEN 51ST STREET AND 51ST PLACE FROM B-3 CENTRAL BUSINESS DISTRICT TO B-4 MIXED-USE DISTRICT [Guttormsen/ JB 5017, LLC]

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: That the land shown on the attached Supplement Map No. Z4-08 be, and the same hereby is, zoned and districted as indicated on said map.
Section Two: The development of the property shall be consistent with the conceptual development plan for the property being rezoned, submitted by the property owner/developer on the 5th day of June, 2008, as required in Section 10.02 A. of the Zoning Ordinance. Section Three: This Ordinance shall be in full force and effect upon passage and the day after its publication.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
NOTE: MAPS ARE AVAILABLE FOR VIEWING IN THE CITY CLERK'S OFFICE



25. It was moved by Alderman Ruffolo, seconded by Alderman Ohnstad, to adopt Ordinance 37-08.
A public hearing was held. No one spoke for or against said ordinance.
On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 37-08
BY: THE MAYOR
TO REPEAL AND RECREATE VARIOUS SECTIONS OF SECTION 3.155 F. OF THE ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN, RESPECTING THE B-4 MIXED USE DISTRICT

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 3.155 F.2.a. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: a. Front Yard. There shall be a build-within range of zero (0') feet to fifteen (15') feet, measured from the front lot line, or from the setback line of any major street. A minimum of sixty (60%) percent of the principal building width measured at the ground level shall be located within the build-within range. The percentage required within the build-within range may be reduced when so authorized by the Review Authority. The percentage within the build-within range may also be satisfied through a garden wall having a minimum height of three (3') feet when so authorized by the Review Authority. Section Two: Section 3.155 F.2.b.(2) of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: (2) Street Side Yard. There shall be a build-within range of zero (0') feet to fifteen (15') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have at least one (1) street side yard and may have a second street side yard, or one (1) interior side yard. A minimum of sixty (60%) percent of the width of the principal building, accessory building and/or garden wall having a minimum height of three (3') feet, measured at the ground level, shall be located within the build-within range on at least one street side yard. The percentage required within the building-within range may be reduced when so authorized by the Review Authority. Section Three: Section 3.155 F.2.c. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: c. Rear Yard. A rear yard of not less than ten (10') feet is required unless the rear yard is located along a public street, in which case a build-within range of zero (0') feet to fifteen (15') feet, measured from the

rear lot line, or from the setback line of any major street, shall be required. A minimum of sixty (60%) percent of the width of the principal building, accessory building and/or garden wall having a minimum height of three (3') feet, measured at the ground level, shall be located within the building-within range. The percentage required within the build-within range may be reduced when so authorized by the Review Authority. Section Four: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

RESOLUTIONS

26. It was moved by Alderman Marks, seconded by Alderman Ruef, to adopt Resolution 83-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 83-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Grass and Weed Cutting

BE IT RESOLVED, that special assessments for weed/grass cutting during 2008, in the total amount of $19,454.75, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 7th day of July, 2008.

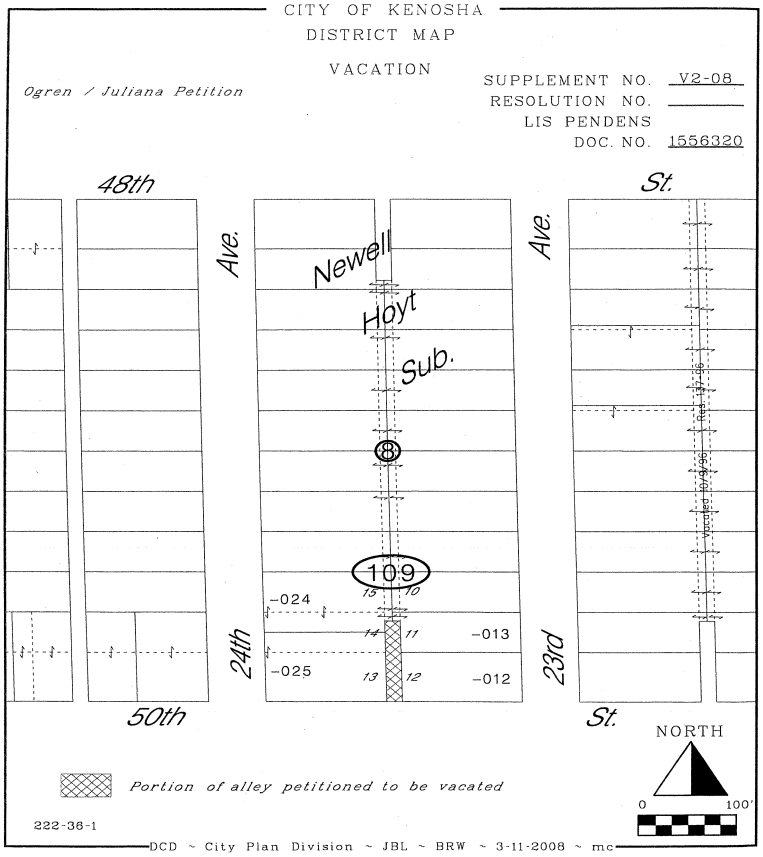
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

27. It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to adopt Resolution 84-08. A public hearing was held. Todd Ogren spoke in favor. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 84-08
BY: COMMITTEE ON PUBLIC WORKS
[UTILITY EASEMENT]
TO VACATE THE REMAINING SOUTHERN PORTION OF AN ALLEY LOCATED NORTH OF 50TH STREET, BETWEEN 23rd AVENUE AND 24th AVENUE PURSUANT TO SECTION 66.1003(4), WISCONSIN STATUTES [Ogren/Juliana]

WHEREAS, the public interest requires the vacation of the remaining Southern portion of an alley located North of 50th Street, between 23rd Avenue and 24th Avenue. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to Section 66.1003(4), Wisconsin Statutes, and by direct action of said Council, an alley, described in Exhibit "A" and legally described as follows: Part of that sixteen (16) feet in width public alley which lies between 48th Street and 50th Street, and between 23rd Avenue and 24th Avenue, in Block 8 of Newell-Hoyt Subdivision, a subdivision of record in the Northeast Quarter of Section 36, Town 2 North, Range 22 East of the Fourth Principal Meridian, said part of alley to be vacated being described as follows: Bounded on th North by a line parallel to, and 100.00 feet north of, the north line of 50th Street; bounded on the East by the west line of Lots 11 and 12 of said block; bounded on the South by the north line of 50th Street and bounded on the West by the east line of Lots 13 and 14 of said block. be, and hereby is, vacated, subject to the following easements which are herein and hereby granted, or created by a reservation of rights. Any and all Utilities, including the City, furnishing gas, sewer, water, electric, telephone and related services, and any City Cable T.V. Franchise Holder, shall have reserved to them or are hereby and herein given and granted, the right, permission, and authority to inspect, repair and maintain their respective existing installation and Utilities in, above and under the above described parcel of property for as long as said installations and

facilities are being operated and utilized by them. Said Utilities and Franchise Holder are also given and granted the right, permission and authority to improve and expand the scope of the above easements in, above and under the above described parcel of property, and thereafter to inspect, repair and maintain said new additional installations and facilities. Among the specific beneficiaries of this easement shall be the City of Kenosha, City of Kenosha Water Utility, S.B.C. (formerly Ameritech), Wisconsin Electric Power Company, and any holder of a City Cable T.V. Franchise. Easement holders shall, at all times, have reasonable access to their respective installations and facilities, and owners of said parcel of land vacated by this Resolution, shall not interfere with easement rights herein specified or entitled to compensation for anything placed by owners upon said vacated property which may have to be destroyed or removed by easement holders to effectively use their easements, although easement holders shall have the obligation to restore the turf to its original condition should it be destroyed or damaged through the exercise of easement rights. However, any easement holder may waive their rights hereunder and consent to the construction of a building or structure upon vacated property. IT IS FURTHER UNDERSTOOD that the area vacated will accrue to the abutting property owners



NOTE: MAPS ARE AVAILABLE FOR VIEWING IN THE CITY CLERK'S OFFICE

according to law. BE IT FURTHER RESOLVED that the City Clerk shall record a certified copy of this Resolution in the Office of the Kenosha County Register of Deeds and forward a copy of same to all listed Utilities and the City Assessor's Office. BE IT FURTHER RESOLVED that upon recordation of this Resolution, the City of Kenosha Official Map, as initially established by Resolution No. 122-06, adopted on November 6, 2006, and as subsequently amended to the time of recordation of this Resolution, will hereby be amended to include the closing of existing streets, highways, and right-of-ways, which changes are established in this Resolution. Adopted this 7th day of July, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

28. It was moved by Alderman Ruffolo, seconded by Alderman Downing, to adopt Resolution 85-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO: 85 - 08
BY: THE PUBLIC WORKS COMMITTEE
TO AMEND RESOLUTION #165-07 FOR A FOUR-LOT CERTIFIED SURVEY MAP Located at the northwest corner of 71st Street and 122nd Avenue (Gateway Center LLC)

WHEREAS, The Common Council of the City of Kenosha, Wisconsin approved Resolution #165-07 relating to a four-lot Certified Survey Map located at the northwest corner of 71st Street and 122nd Avenue; and WHEREAS, the owner of the property is unable to record the Certified Survey Map within the required six (6) month period permitted and has requested a six (6) month extension; and BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that Condition #4 of Resolution #165-07 be amended to read that the Certified Survey Map shall be null and void if not recorded within six (6) months of approval of this amendment by the Common Council; and BE IT FURTHER RESOLVED that all public street right-of-way be labeled as "right-of-way dedicated to the public". Adopted this 7th day of July, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderman Ruffolo, seconded by Alderman Downing, to approve:

29. Appointment of Thomas Noer to the Library Board for term to expire July 1, 2011.

30. Appointment of the Community Development Block Grant Committee: Finance Committee Representatives, Terms to Expire April 2010:

a. Anthony Kennedy
b. Katherine Marks
c. Tod Ohnstad

City Plan Commission Representatives:

d. Anita Faraone, term to expire May 1, 2009
e. Timothy Mahone, term to expire May 1, 2010

Citizen Member:

f. Ronald Frederick, term to expire July 1, 2010

31. Reappointment of Aldus Gladney to the Kenosha Housing Authority for a five-year term to expire July 1, 2013.

On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

32. It was moved by Alderman Ruffolo, seconded by Alderman Downing, to approve permanent easement from the City of Kenosha to AT & T for installation of an aboveground utility structure to be located in Sunrise Park, at 27th Street and 47th Avenue. (5th District) On roll call vote, motion carried unanimously.

33. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to approve permanent Easement from the City of Kenosha to AT & T for installation of an aboveground utility structure to be located in Anderson Park, at 88th Street and 22nd Avenue. (9th District) On roll call vote, motion carried (12-1) with Alderman Ruef voting nay.

34. It was moved by Alderman Ruffolo, seconded by Alderman Kennedy, to approve acceptance of a Quit Claim Deed from Regency Hills Riverwoods, LLC to the City of Kenosha for future 43rd Avenue right-of-way south of 18th Street. (5th District) On roll call vote, motion carried unanimously.

35. It was moved by Alderman Prozanski, seconded by Alderman Nudo, to approve Contract Between Champion Environmental and the City of Kenosha for Asbestos Removal at 2908-2910 Roosevelt Road (Roosevelt Theater) Prior to Raze of Building; Cost of Asbestos Removal - $37,000.00.

35.1 It was moved by Alderman Ruffolo, seconded by Alderman Ruef to hold a public hearing. On a voice vote, motion carried.

A public hearing was held. Kathy Hanneman, Louis Rugani and Steve Bostrom spoke against approving the contract.

35.2 It was moved by Alderman Ruffolo, seconded by Alderman Carpenter to defer for two weeks. On roll call vote, motion carried (9-4) with Aldermen Nudo, Prozanski, Bogdala and Marks voting nay.

36. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to defer contract Between AZAR, LLC and the City of Kenosha for Raze of Building at 2908-2910 Roosevelt Road (Roosevelt Theater); Cost of Raze - $147,477.00 (12th District) for two weeks. On a voice vote, motion carried.

37. It was moved by Alderman Ruffolo, seconded by Alderman Nudo to approve 2008 Justice Assistance Grant.

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to approve:

38. Claim-Gigliotti v. City of Kenosha

39. Disbursement Record #11 – $5,158,909.86.

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

It was moved by Alderman Ruffolo, seconded by Alderman Nudo to approve:

40. Award of Contract for Project #08-1018 Surface Paving (Small Boat Harbor Parking Lot, Neuvillage Subdivision, 31st Avenue -66th Street to 64th Street & 58th Street -14th Avenue to 150 Ft West) to Black Diamond Group, in the amount of $291,000. (2nd, 7th, 12th, 17th Districts)

41. Final Acceptance of paving and drainage improvements on 19th Street from 30th Avenue to west end. (4th District)

On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Ruef, seconded by Alderman Ruffolo, to adjourn at 8:30 p.m.

On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
July 21, 2008

Keith G. Bosman, Mayor **Michael K. Higgins, City Clerk**

KENOSHA MUNICIPAL BUILDING COUNCIL CHAMBERS ROOM 200 July 21, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.

The meeting was called to order at 7:08 pm.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Casey, Misner, Prozanski, Orth, Downing and Bogdala.

A moment of silence was observed in lieu of the invocation.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderman Misner, seconded by Alderman Kennedy, to approve the minutes of the meeting held July 7, 2008.

Motion carried unanimously.

Nine (9) citizens spoke during Citizen's Comments: Louis Rugani, Dayvin Hollman, Dino Marchesini, Steve Bostrom, Dale Wamboldt, Dolores Burdick, Ron Larson, Christopher Urban and Doug O'Reilly .

TO THE COMMITTEE ON FINANCE

1. Resolution to Levy a Special Assessment Under Authority of Charter Ordinance No. 26, as Amended, Upon Certain Parcels of Land Within the City of Kenosha, Wisconsin.

TO THE PUBLIC WORKS COMMITTEE

2. Resolution to approve the Final Plat for Hillside Heights Subdivision located at 46th Avenue and 46th Street, District #16. (Hillside Heights Subdivision) (Also refer to City Plan Commission)
3. Developers Agreement between A & M Enterprises, LLC, City of Kenosha and the Kenosha Water Utility for Hillside Heights Subdivision located at 46th Avenue and 46th Street, District #16. (Hillside Heights Subdivision) (Also refer to City Plan Commission and Board of Water Commissioners)
4. Developers Agreement between Bravo Realty, LLC, the City of Kenosha and Kenosha Water Utility for an office complex located east of STH 31 and south of 64th Street, District #17. (Bravo Realty, LLC) (Also refer to City Plan Commission and Board of Water Commissioners)

TO THE LICENSING/PERMIT COMMITTEE

5. Complaint by Tina White regarding illegal taxi cab transportation services operation in the City of Kenosha contrary to Section 13.07 of the Code of General Ordinances for the City of Kenosha.

TO THE CITY PLAN COMMISSION

6. Petition to rezone property at 6108 14th Avenue from B-2 Community Business to RG-2 General Residential in conformance with Section 10.02 of the Zoning Ordinance, District #8. (Hervat)
7. Petition to rezone properties located at 46th Avenue and 46th Street from A-2 Agricultural Land Holding to RS-1 and RS-2 Single Family Residential and from RS-1 Single Family Residential to RS-2 Single Family Residential in conformance with Section 10.02 of the Zoning Ordinance, District #16. (A & M Enterprises/Klaski)

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

8. It was moved by Alderman Casey, seconded by Alderman Downing, to approve:

a. 31 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. 2 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.
d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.
On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

9. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to approve the following applications for new Operator's (Bartender) licenses, subject to:
-50 demerit points:
a. Sean F Hall
b. Christopher D Mack
c. Kelly L Thies
-75 demerit points:
d. David A Green
e. Danielle J Schmickel
f. Casey J Vass
g. Kodirico Washington
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
10. It was moved by Alderman Ruffolo, seconded by Alderman Downing, to DENY the following applications for new Operator's (Bartender) licenses, based on material police record & false application:
a. Stefanie M Zeihen
b. Brianna L Frederick (withdrawn)
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
11. It was moved by Alderman Juliana, seconded by Alderman Downing, to grant application of Mary Roberts for a new Operator's (Bartender) license subject to review after disposition of charges.
A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.
12. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to approve the following applications for renewal of Operator's (Bartender) licenses, subject to:
-35 demerit points:
a. Joan Marie H Eckert
-50 demerit points:
b. James A Ryan
-60 demerit points:
c. Kari A Steckbauer
-85 demerit points:
d. Edward E Fisher
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
13. It was moved by Alderman Nudo, seconded by Alderman Juliana, to approve application of San Luis of Kenosha, Inc., Luis G. Vazquez, Agent, for a Class “A” Retail Beer License located at 1824-52nd St, (San Luis of Kenosha), with acceptance of a conditional surrender of a similar license at the same location from Luis Vazquez.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
14. It was moved by Alderman Casey, seconded by Alderman Ohnstad, to approve application of Highway Mike's Real Estate, LLC, David Schulte, Agent, for a Class “B” Beer/”Class B” Liquor License located at 6611-120th Ave, (Uncle Mike's), with acceptance of a conditional surrender of a similar license at the same location from Euro-Meats, LLC, subject to 40 demerit points.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
15. It was moved by Alderman Casey, seconded by Alderman Ohnstad, to approve application of Highway Mike's Real Estate, LLC, for an Outdoor Extension of the Class “B” Beer/”Class B” Liquor License located at 6611-120th Ave, (Uncle Mike's), with a request to waive the fence requirement

(because the licensed premises, including the outdoor area, equals or exceeds one (1) acre in size), and a request to change the closing hours to 12:00 Midnight.

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

16. It was moved by Alderman Moldenhauer, seconded by Alderman Ohnstad, to approve application of STT Lighthouse, Inc., for an Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 5130-4th Ave, (Lighthouse Bistro), with a request to waive the fence requirement (because the applicant states that over fifty percent (50%) of their gross revenue on the licensed premises is from the sale of food and non-alcoholic beverages).

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

17. It was moved by Alderman Nudo, seconded by Alderman Juliana, to approve application of Villa D'Carlo III, Inc., for an Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 5140-6th Ave, (Villa D'Carlo), with a request to waive the fence requirement (because the applicant states that over fifty percent (50%) of their gross revenue on the licensed premises is from the sale of food and non-alcoholic beverages).

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

18. It was moved by Alderman Casey, seconded by Alderman Haugaard, to approve applications for Cabaret Licenses (1-year term) with no adverse recommendations:

a. Rosaura Finley (El Rodeo, 1361-52nd St)
b. Highway Mike's Real Estate, LLC (Uncle Mike's, 6611-120th Ave)
c. Villa D'Carlo III, Inc. (Villa D'Carlo, 5140-6th Ave)

A hearing was held. The applicants did not appear. On a voice vote, motion carried.

19. It was moved by Alderman Nudo, seconded by Alderman Carpenter, to approve application of Flint's Inn, Inc., located at 4708-22nd Ave, (Flint's Inn), for Outdoor Area Amplified Music and/or Cabaret for July 27, 2008.

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

20. It was moved by Alderman Casey, seconded by Alderman Juliana, to approve application of Jordan D. Reichel for a Secondhand Article Dealer's License located at 624-57th St, (Jordan Music).

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

ORDINANCES 2ND READING

21. It was moved by Alderman Ruef, seconded by Alderman Downing, to adopt Ordinance 38-08.

A public hearing was held. No one spoke for or against said ordinance. At this time, Alderman Marks left the meeting.

21.1 It was moved by Alderman Ruffolo, seconded by Alderman Misner to amend by giving the Council President <u>or</u> the Mayor the authority, to suspend a cabaret license. On roll call vote, motion failed (6-10) with Aldermen Haugaard, Misner, Prozanski, Moldenhauer, Ruffolo and Ruef voting yes.

On roll call vote, motion to adopt carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 38-08
BY: COMMITTEE ON LICENSES/PERMITS ALDERMAN DAVID F. BOGDALA
ALDERMAN STEPHEN P. CASEY
ALDERMAN JESSE DOWNING
ALDERMAN PATRICK JULIANA
ALDERMAN ANTHONY KENNEDY
ALDERMAN RAY MISNER
ALDERMAN ANTHONY NUDO
ALDERMAN TOD OHNSTAD
ALDERMAN MICHAEL J. ORTH
ALDERMAN G. JOHN RUFFOLO
TO RENUMBER SECTIONS 10.07 G. AND 10.07 H. OF THE CODE OF GENERAL

ORDINANCES AS SECTIONS 10.07 H. AND 10.07 I.; AND, TO CREATE SECTION 10.07 G. OF THE CODE OF GENERAL ORDINANCES, ENTITLED ADMINISTRATIVE SUSPENSION"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Sections 10.07 G. and 10.07 H. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby renumbered as Sections 10.07 H. and 10.07 I.

Section Two: Section 10.07 G. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

G. Administrative Suspension. Upon written request made and filed with the City Clerk/Treasurer of the City of Kenosha by the Chief of Police, the Mayor may immediately suspend any license issued under this Section. A written order of administrative suspension shall be served upon the Licensee. All licensed activities shall remain suspended until completion of an administrative review hearing. Upon administrative suspension, an administrative review hearing shall be scheduled for license review within ten (10) days pursuant to the terms of Subsection 10.07 H of this Ordinance.

Section Three: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

22. It was moved by Alderman Carpenter, seconded by Alderman Ohnstad, to adopt Ordinance 39-08.

A public hearing was held. No one spoke for or against said ordinance.

22.1 It was moved by Alderman Haugaard, seconded by Alderman Ruffolo to amend by striking the word "pressure" in paragraph A. after the words "...has a pull of 30 pounds". On a voice vote, motion carried. On roll call vote, motion to adopt carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 39-08
BY: ALDERPERSON KATHY CARPENTER
TO REPEAL AND RECREATE SECTION 11.02 A. OF THE CODE OF GENERAL ORDINANCES, TO INCLUDE THE PROHIBITION OF DISCHARGING PAINTBALL GUNS WITHIN THE CITY LIMITS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 11.02 A. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

A. Firearms. Discharge or cause the discharge of any missile from any firearm, B.B. gun, pellet gun, paintball gun, slingshot, bow and arrow, when said bow has a pull of 30 pounds or more, or, other dangerous weapon within the limits of the City, except at gun clubs, rifle ranges, archery ranges or shooting galleries. This Section shall not apply to firearms used by law enforcement officers.

Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

23. It was moved by Alderman Ruef, seconded by Alderman Juliana, to adopt Ordinance 40-08.

A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 40-08
BY: THE MAYOR
TO REPEAL AND RECREATE SECTION 13.03 E. OF THE CODE OF GENERAL ORDINANCES, ENTITLED APPLICATION" REGARDING INVESTIGATION OF APPLICANTS FOR A PEDDLERS' LICENSE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 13.03 E. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

E. Application. Application for said license shall be made to the City Clerk on forms supplied by the City Clerk. The application shall contain a statement of the periodicals, goods, food, beverage, merchandise or service which will be sold, or for which orders will be taken, a statement of the manner in which said activity or business will be conducted, and a list of the last three (3) municipalities in which a similar business or activity, as herein regulated, was conducted by the applicant. There shall be a waiting period of seventy-two (72) hours, not including weekends and holidays commencing at 8:00 A.M. of the day following the date at which a properly completed application was filed with the City Clerk during which period of time the application, at the request of the City Clerk, shall be investigated by the Police Department and by the Health Department where food, drinks, or produce is involved; and, in appropriate circumstances, the State of Wisconsin Department of Agriculture, Trade and Consumer Protection. Should the investigation indicate that the applicant appears to be of good moral character, the City Clerk shall issue a license. Should the investigation indicate that the individual is not of good moral character, the license shall be denied in writing, with a special statement or the reasons for a denial. The applicant shall be given an opportunity to appeal the City Clerk's denial of said license to the Committee on Finance by filing a written request for such a hearing with the City Clerk. Should the individual fail to appear at said hearing, the License shall be denied. Should the individual appear, the Committee on Finance will determine the propriety of granting or denying of a license by a specific finding of fact and conclusion.

Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

RESOLUTIONS

24. It was moved by Alderman Ruef, seconded by Alderman Haugaard, to approve resolutions 86-08 through 89-08.

A hearing was held. No one spoke for or against said resolutions. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 86-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Boarding and Securing

BE IT RESOLVED, that special assessments for boarding and securing during 2008, in the total amount of $624.24, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.

Passed this 21st day of July, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

b. RESOLUTION NO. 87-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Grass and Weed Cutting

BE IT RESOLVED, that special assessments for weed/grass cutting during 2008, in the total amount of $5,170.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.

Passed this 21st day of July, 2008.

APPROVED:

KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

c. RESOLUTION NO. 88-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Trash and Debris Removal

BE IT RESOLVED, that special assessments for trash and debris removal during 2008, in the total amount of $1,485.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.

Passed this 21st day of July, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

d. RESOLUTION NO. 89-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2008, in the total amount of $2,990.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.

Passed this 21st day of July, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

25. It was moved by Alderman Ruef, seconded by Alderman Juliana, to approve Resolution 90-08.

On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 90-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO DESIGNATE AS "TWO HOUR PARKING, MONDAY – SUNDAY", THE WEST SIDE OF 31ST AVENUE, BEGINNING AT ITS INTERSECTION WITH 60TH STREET AND EXTENDING SOUTH TO 61ST STREET

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the West side of 31st Avenue, beginning at its intersection with 60th Street and extending South to 61st Street, be and hereby is designated as "TWO HOUR PARKING, MONDAY - SUNDAY".

Adopted this 21st day of July, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

26. It was moved by Alderman Ruef, seconded by Alderman Juliana, to approve Award of Contracts for Projects:

a. #08-1019 Joint, Crack Cleaning and Sealing (Citywide Locations) to American Pavement Solutions, in the amount of $119,000.00.

b. #08-1406 Simmons Island Restroom Renovations (5001 4th Avenue) to Bane Nelson, in the amount of $85,000.00.

c. #08-1211 Street Division Facilities Painting and Miscellaneous Building Repairs (6415 35th Avenue) to Bane Nelson, in the amount of $90,000.00.
On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Prozanski, seconded by Alderman Kennedy, to approve:
27. Contract Between Champion Environmental and the City of Kenosha for Asbestos Removal at 2908-2910 Roosevelt Road (Roosevelt Theater) Prior to Raze of Building; Cost of Asbestos Removal - $37,000.00.
28. Contract Between AZAR, LLC and the City of Kenosha for Raze of Building at 2908-2910 Roosevelt Road (Roosevelt Theater); Cost of Raze - $147,477.00.
It was moved by Alderman Juliana, seconded by Alderman Downing to hold a public hearing. On a voice vote, motion carried. A public hearing was held. Kathryn Hanneman spoke against. It was then moved to defer for two weeks. After much discussion, on roll call vote, motion to defer carried (9-7) with Aldermen Nudo, Casey, Misner, Prozanski, Orth, Bogdala and Moldenhauer voting nay.
At this time Alderman Casey left the meeting.
29. It was moved by Alderman Ruef, seconded by Alderman Carpenter to approve Distribution Easement Agreement between the City of Kenosha and WE Energies, AT & T Wisconsin and Time Warner Entertainment Company granting a permanent underground joint easement located north and south of 40th Street, and west of 32nd Avenue, District #10.
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

30. It was moved by Alderman Ruef, seconded by Alderman Carpenter, to approve Disbursement Record #12 – $5,059,069.65.
On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Ruef, seconded by Alderman Downing, to adjourn at 9:10 pm.
On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, August 4, 2008

Keith G. Bosman, Mayor **Michael K. Higgins, City Clerk**

KENOSHA MUNICIPAL BUILDING COUNCIL CHAMBERS ROOM 200 Monday, August 4, 2008

At a meeting of the Common Council held this evening, Acting Mayor Donald K. Holland presided.

The meeting was called to order at 7:08 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Misner, Prozanski, Orth, Downing and Bogdala. Excused: Alderman Casey. Alderman Kennedy left the meeting during discussion of item #4.

The invocation was given by Alderman Juliana.

Acting Mayor Holland then led the Council in the Pledge of Allegiance to the American Flag.

Five (5) Citizens spoke during Citizen's Comments: Louis Rugani, Steve Bostrom, Pat Bell, Tim Weiher and Linda Naekrsz.

TO THE COMMITTEE ON FINANCE

1. Memorandum of Understanding between the City of Kenosha and the Wisconsin Department of Transportation for properties located between CTH K and STH 50, west of 120th Avenue, District #17. (Also refer to City Plan Commission and Public Works Committee)

2. 2009 Community Development Block Grant (CDBG) Fund Allocation Plan. (Also refer to City Plan Commission)

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

3. It was moved by Alderman Downing, seconded by Alderman Ohnstad, to approve:

a. 25 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. There were no application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. 1 application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

On a voice vote, motion carried.

4. It was moved by Alderman Ruef, seconded by Alderman Kennedy, to deny the appeal of City Plan Commission Denial of Request for a Temporary Sales Trailer at 6300-67th Street. (67th Street Assisted Living Facility) (17th District) A hearing was held. Michael Samuels, Dan Anbar and the Project Manager were present and spoke.

Acting Mayor Holland ruled the initial motion out of order.

4.1 It was moved by Alderman Ruef, seconded by Alderman Marks to concur with the City Plan Commission denial. On roll call vote, motion failed (2-13) with Aldermen Marks and Ruef voting aye.

4.2 It was then moved by Alderman Ruffolo, seconded by Alderman Prozanski to approve with the requirement of landscaping and to allow the temporary trailer for a term of 90 days. Alderman Marks requested an amendment to prohibit any extension beyond 90 days. The maker and seconder agreed. On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

5. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to approve the following applications for new Operator's (Bartender) licenses, subject to:

-25 demerit points:

a. Nicole L Michel

-50 demerit points:
b. Andrew J Gallo
c. Maria Guadalupe Gutierrez Martinez
d. Gail L Sugent
-75 demerit points:
e. Laura M Beveridge
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
6. It was moved by Alderman Ruffolo, seconded by Alderman Downing, to DENY the following applications for new Operator's (Bartender) licenses, based on material police record & false application:
a. Benjamin J Modder
b. Gregory S Shackle
A hearing was held. Applicant b. Gregory Shackle was present and spoke.
6.1 It was moved by Alderman Ohnstad, seconded by Alderman Ruffolo to separate action on items 6a and 6b. On a voice vote, motion carried.
6.2 It was moved by Alderman Orth, seconded by Alderman Downing to concur with the recommendation to DENY application 6a. On a voice vote, motion carried.
6.3 It was moved by Alderman Ruffolo, seconded by Alderman Nudo to concur with the recommendation to DENY application 6b. On a voice vote, motion carried.
7. The application of Brian D'Angelo, for a Class "B" Beer/"Class C" Wine license located at 8005 Sheridan Rd, (Bacchus Billiards), was withdrawn.
8. It was moved by Alderman Nudo, seconded by Alderman Downing, to approve application of Dan Zizzo Scrap Steel, Inc., for renewal of a Scrap Salvage Dealer's License located at 1320-52nd St, (Zizzo's Scrap Steel) subject to a non/renewal revocation hearing.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
9. It was moved by Alderman Ruffolo, seconded by Alderman Downing, to approve the Findings of Fact, Conclusions of Law and Recommendations (To Suspend for 30 days and Reinstate with 90 Demerit Points) Regarding the Operator's (Bartender) license of Carrie L. Hagopian.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.

ZONING ORDINANCES 1ST READING

It was moved by Alderman Ruef, seconded by Alderman Juliana, to send the following ordinances on their way:
10. By the Mayor - To Rezone Properties Located at 46th Avenue and 46th Street From A-2 Agricultural Land Holding to RS-1 and RS-2 Single Family Residential and from RS-1 Single Family Residential to RS-2 Single Family Residential [A & M Enterprises/Klaski] (16th District)
11. By the Mayor - To Rezone Property Located at 6108 – 14th Avenue From B-2 Community Business to RG-2 General Residential [Hervat] (8th District)
On a voice vote, motion carried.
At this time, Alderman Misner left the meeting and returned prior to action on item 17.

RESOLUTIONS

12. It was moved by Alderman Ruef, seconded by Alderman Juliana, to adopt Resolutions 91-08 through 95-08. A hearing was held. No one spoke for or against. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 91-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Boarding and Securing

BE IT RESOLVED, that special assessments for boarding and securing during 2008, in the total amount of $2,168.70, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.

Passed this 4th day of August, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

b. RESOLUTION NO. 92-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Grass and Weed Cutting

BE IT RESOLVED, that special assessments for weed/grass cutting during 2008, in the total amount of $10,329.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 4th day of August, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

c. RESOLUTION NO. 93-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Unpaid Permit Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2008, in the total amount of $2,320.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 4th day of August, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

d. RESOLUTION NO. 94-08
BY: COMMITTEE ON FINANCE
TO LEVY A SPECIAL ASSESSMENT UNDER AUTHORITY OF CHARTER ORDINANCE NO. 26, AS AMENDED, UPON CERTAIN PARCELS OF LAND WITHIN THE CITY OF KENOSHA, WISCONSIN

WHEREAS, trash and debris located on certain parcels of land in the City of Kenosha, Wisconsin, has been ordered removed by the Health Department of the County of Kenosha, pursuant to Charter Ordinance No. 26, as amended, of the City of Kenosha, Wisconsin; and, WHEREAS, pursuant to Subsection G., Charter Ordinance No. 26, as amended, the cost of abatement, including the cost of service, mailing and publication, and a Seventy-five ($75.00) Dollar Administrative Fee, is to be specially assessed against the real estate upon which such debris and trash were located; and, WHEREAS, trash and debris has been removed by the City, through private contract, from various parcels of real estate at the costs of abatement and administration noted by a report from the Health Department dated July 10, 2008, for the City of Kenosha, a report on file in the Office of the City Clerk/Treasurer/Assessor and incorporated herein by reference. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to Charter Ordinance No. 26, as amended, special assessments in the total amount of Eight Thousand Eight Hundred Fifteen Dollars and Seventy-one Cents ($8,815.71) are levied against the respective parcels of property listed in the report of the Health Department on file in the Office of the City Clerk/Treasurer/Assessor for the City of Kenosha, Wisconsin, with interest thereon to be charged at seven and one-half (7.5%) percent per annum from the date of passage of this Resolution. Adopted this 4th day of August, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR

ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

e. RESOLUTION NO. 95-08
BY: FINANCE COMMITTEE
To Levy A Special Tax Upon Certain Parcels of Land Within the City Of Kenosha Pursuant to §5.11F. of the Code of General Ordinances, Entitled "Sidewalks and Alleys to be Kept Clean by Responsible Party - Emergency Enforcement" (Snow Removal from Sidewalks) - If Invoices Therefor Are Not Paid Within Thirty (30) Days of Issuance

WHEREAS, following notice to and failure of certain property owners to remove sidewalk accumulation pursuant to §5.11 of the Code of General Ordinances, it was ordered removed, through private contract, by the Director of Public Works, pursuant to §5.11 of the Code of General Ordinances.
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that, pursuant to §5.11F. of the Code of General Ordinances, a special tax in the amount of $21,305.55 be, and is hereby, levied against the respective parcels of property as shown by a report of the Department of Public Works and filed in the office of the City Clerk of the City of Kenosha, if invoices therefor are not paid within thirty (30) days of issuance. Adopted this 4th day of August, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

13. It was moved by Alderman Nudo, seconded by Alderman Bogdala, to adopt Resolutions 96-08 through 98-08. A hearing was held. No one spoke for or against. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 96-08
BY: FINANCE COMMITTEE
TO LEVY SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY BASED UPON FINAL CONSTRUCTION COSTS RESPECTING IMPROVEMENTS IN STREET RIGHT-OF-WAY
(sidewalks and/or driveway approaches)

BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that special assessments are levied against benefited property based upon final construction costs respecting improvements in street-of-way consisting of construction of sidewalks and/or driveway approaches for Project #07-1018 (48th Avenue - 58th Street to 60th Street & 85th Street - 30th Avenue to 32nd Avenue) in the total amount of $8,564.89, as shown by a report of the City Engineer filed in the office of the City Clerk of the City of Kenosha in accordance with the Final Resolution No. 115-07 authorizing such improvements in the street right-of-way. Adopted this 4th day of August, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

b. RESOLUTION NO. 97-08
BY: FINANCE COMMITTEE
TO LEVY SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY BASED UPON FINAL CONSTRUCTION COSTS RESPECTING IMPROVEMENTS IN STREET RIGHT-OF-WAY
(sidewalks and/or driveway approaches)

BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that special assessments are levied against benefited property based upon final construction costs respecting improvements in street-of-way consisting of construction of sidewalks and/or driveway approaches for Project #07-1208

(Citywide Locations) in the total amount of $34,739.80, as shown by a report of the City Engineer filed in the office of the City Clerk of the City of Kenosha in accordance with the Final Resolution No. 70-07 authorizing such improvements in the street right-of-way. Adopted this 4th day of August, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

c. RESOLUTION NO. 98-08
BY: FINANCE COMMITTEE
TO LEVY SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY BASED UPON FINAL CONSTRUCTION COSTS RESPECTING IMPROVEMENTS IN STREET RIGHT-OF-WAY
(sidewalks and/or driveway approaches)

BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that special assessments are levied against benefited property based upon final construction costs respecting improvements in street-of-way consisting of construction of sidewalks and/or driveway approaches for Project #07-1013 (7th Avenue - 49th Street to Sheridan Road) in the total amount of $31,009.85, as shown by a report of the City Engineer filed in the office of the City Clerk of the City of Kenosha in accordance with the Final Resolution No. 49-07 authorizing such improvements in the street right-of-way.
Adopted this 4th day of August, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

14. It was moved by Alderman Nudo, seconded by Alderman Juliana, to adopt Resolution 99-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 99-08
BY: COMMITTEE ON PUBLIC WORKS
PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS FOR SUMP PUMP DRAIN CONNECTIONS INTO STORM SEWERS
PROJECT #77-1104

WHEREAS, it is expedient, necessary and in the best interest of the City of Kenosha, and for benefit of the property affected thereby that improvements in street right-of-ways: sump pump drain connections into storm sewers. 37th Avenue - 85th Place to 86th Street

NOW, THEREFORE, BE IT RESOLVED, By the Common Council of Kenosha, Wisconsin: 1. The Common Council hereby declares its intention to exercise its police power under Section 66.60, Wisconsin Statutes, to levy special assessments on all property fronting upon both sides of the street within the above limits for benefits conferred upon property by improvement of the streets enumerated above. 2. Said public improvement shall include the improvements in street right-of-ways: sump pump drain connections into storm sewers. 3. The Common Council determines that the improvements constitute an exercise of the police power and the amount assessed against each parcel shall be based on a per front foot or per square foot rate. 4. The assessments against any parcel may be paid in a lump sum per Section 2.10.A.4 of the Code of General Ordinances. 5. The Board of Public Works is directed to prepare a report consisting of: a. Preliminary plans and specifications for said improvements. b. An estimate of entire cost of the proposed improvements and in street right-of-way. c. Schedule of proposed assessments. 6. Upon receiving the report of the Board of Public Works (Public Works Committee), the Clerk is directed to give notice of public hearings on such report, as specified in Section 66.60(7) of the Wisconsin Statutes. The hearings shall be held at the Municipal Office Building at a time set by the Clerk, in accordance with Section 66.60(7), Wisconsin Statutes. Adopted this 4th day of August, 2008.

APPROVED:

KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

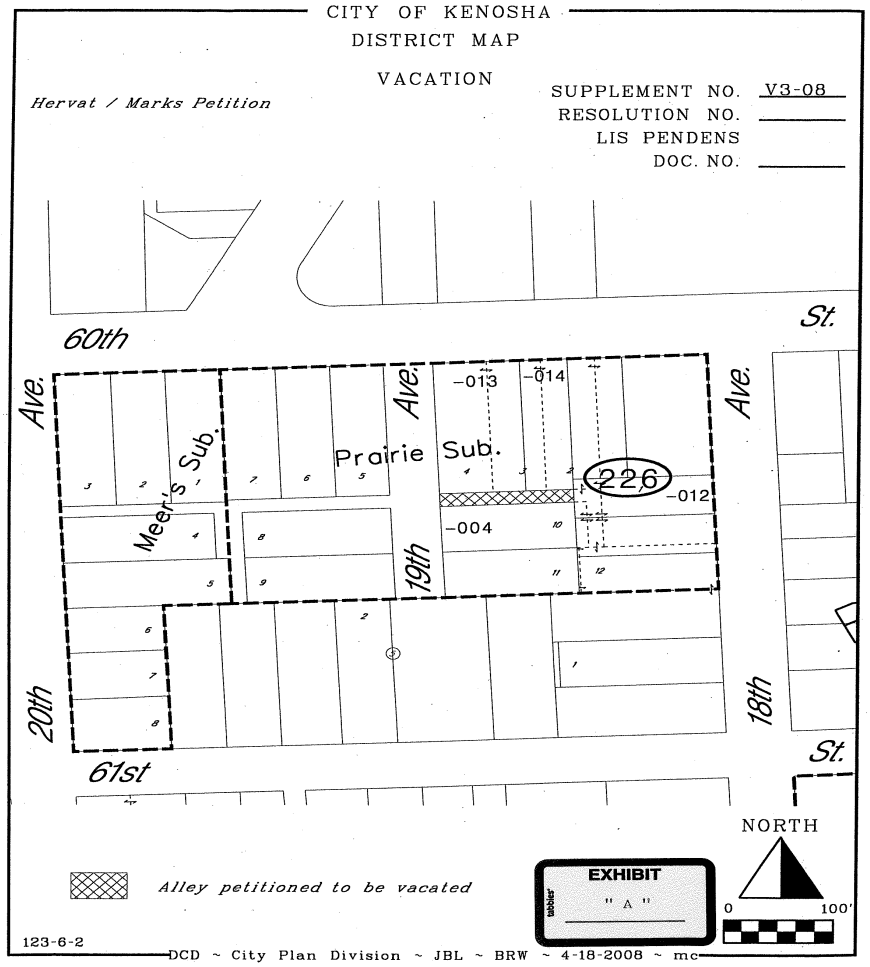
15. It was moved by Alderman Marks, seconded by Alderman Nudo, to adopt Resolution 99-08. A public hearing was held. No one spoke for or against said resolution. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 100-08 BY: COMMITTEE ON PUBLIC WORKS
TO VACATE AN ALLEY LOCATED EAST OF 19TH AVENUE AND SOUTH OF 60TH STREET PURSUANT TO SECTION 66.1003(4), WISCONSIN STATUTES
[Hervat/Marks]

WHEREAS, the public interest requires the vacation of an alley located east of 19th Avenue and south of 60th Street. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to Section 66.1003(4), Wisconsin Statutes, and by direct action of said Council, an alley, described in Exhibit "A" and legally described as follows: Part of that fourteen (14) feet in width public alley which lies between 60th Street and 61st Street, and between 18th Avenue and 19th Avenue, in Prairie Subdivision, also known as "Prairie Subdivision of Lot 1, block 4 of Bond's Subdivision", and recorded plat being titled "Prairie Sub-division of Part of N.W. 1/4, 6-1-23", being a subdivision of record in the Northwest Quarter of Section 6, Town 1 North, Range 23 East of the Fourth Principal Meridian, said part of alley to be vacated being described as follows: Commencing at the southeast corner of the intersection of 60th Street and 19th Avenue; thence south along the east line of 19th Avenue, 143 feet to the southwest corner of Lot 4 of said subdivision and the point of beginning; thence east along the south line of Lots 4, 3 and 2 of said subdivision, 123.5 feet to the west line of the parcel of land described in Document 1153966, being a Warranty Deed recorded with the Kenosha County Register of Deeds Office on August 2, 1999; thence south along the west line of the parcel of land described in said document, 14 feet to the north line of Lot 10 of said subdivision; thence west along said north line, 123.5 feet to the east line of 19th Avenue; thence north along said east line, 14 feet to the southwest corner of said Lot 4 and the point of beginning. be, and hereby is, vacated, subject to the following easements which are herein and hereby granted, or created by a reservation of rights. Any and all Utilities, including the City, furnishing gas, sewer, water, electric, telephone and related services, and any City Cable T.V. Franchise Holder, shall have reserved to them or are hereby and herein given and granted, the right, permission, and authority to inspect, repair and maintain their respective existing installation and Utilities in, above and under the above described parcel of property for as long as said installations and facilities are being operated and utilized by them. Said Utilities and Franchise Holder are also given and granted the right, permission and authority to improve and expand the scope of the above easements in, above and under the above described parcel of property, and thereafter to inspect, repair and maintain said new additional installations and facilities. Among the specific beneficiaries of this easement shall be the City of Kenosha, City of Kenosha Water Utility, S.B.C. (formerly Ameritech), Wisconsin Electric Power Company, and any holder of a City Cable T.V. Franchise. Easement holders shall, at all times, have reasonable access to their respective installations and facilities, and owners of said parcel of land vacated by this Resolution, shall not interfere with easement rights herein specified or entitled to compensation for anything placed by owners upon said vacated property which may have to be destroyed or removed by easement holders to effectively use their easements, although easement holders shall have the obligation to restore the turf to its original condition should it be destroyed or damaged through the exercise of easement rights. However, any easement holder may waive their rights hereunder and consent to the construction of a building or structure upon vacated property. IT IS FURTHER UNDERSTOOD that the area vacated will accrue to the abutting property owners according to law. BE IT FURTHER RESOLVED that the City Clerk shall record a certified copy of this Resolution in the Office of the Kenosha County Register of Deeds and forward a copy of same to all listed Utilities and the City Assessor's Office. BE IT FURTHER RESOLVED that upon recordation of this Resolution, the City of Kenosha Official Map, as initially established by Resolution No. 122-06, adopted on November 6, 2006, and as subsequently amended to the

time of recordation of this Resolution, will hereby be amended to include the closing of existing streets, highways, and right-of-ways, which changes are established in this Resolution. Adopted this 4th day of August, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK



NOTE: MAPS ARE AVAILABLE FOR VIEWING IN THE CITY CLERK'S OFFICE

16. It was moved by Alderman Ruef, seconded by Alderman Juliana, to adopt Resolution 101-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 101-08
By: Board of Water Commissioners
A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF $22,590,000 WATER SYSTEM REVENUE REFUNDING BONDS, SERIES 2008, OF THE CITY OF KENOSHA, WISCONSIN, PROVIDING FOR THE PAYMENT OF SAID BONDS AND OTHER DETAILS AND PROVIDING COVENANTS WITH RESPECT THERETO AND TO THE OPERATION OF THE KENOSHA WATER SYSTEM

WHEREAS, the City of Kenosha (the "Municipality") now owns a municipal water system including a pumping and distribution system and water treatment facilities (the "System"); and

WHEREAS, pursuant to Section 66.0805, Wis. Stats., any city may provide for the management of a utility system through a board of commissioners and the Municipality has done so; and

WHEREAS, under the provisions of Section 66.0621, Wis. Stats., any city may by action of its governing

body provide for constructing and improving a public utility or refunding obligations issued for such purposes from the proceeds of bonds payable from the income and revenues derived from the operation of said utility and, if desired, secured by a mortgage lien upon such utility; and

WHEREAS, the Municipality has outstanding its Water System Revenue Refunding Bonds, Series 1998, dated May 15, 1998 (the "1998 Bonds"), which were issued on behalf of the Kenosha Water Utility to refund obligations originally issued to finance additions, improvements and extensions to the System; and

WHEREAS, the Board of Water Commissioners (the "Board") has determined and recommended to this Common Council that it is now necessary to provide the funds necessary to refund the 1998 Bonds maturing in the years 2009 through 2018 (the "Refunded Obligations") through the issuance of revenue bonds; to provide appropriate means to secure such bonds; to provide reserves for the payment thereof; to pay the costs of issuance thereof; and to provide for future issuance of revenue bonds on both a parity and a subordinated basis; and

WHEREAS, the Municipality has sufficient funds on hand, and has deposited those funds in trust, to be used to pay principal of and interest on the 1998 Bonds maturing on December 1, 2008, and there are no bonds or obligations outstanding which are payable from the income and revenue of the System other than the 1998 Bonds; and

WHEREAS, upon delivery of the bonds herein authorized, the proceeds thereof, after deduction of issuance expenses, will be devoted to refund the Refunded Obligations;

NOW, THEREFORE, the Common Council of the City of Kenosha, Kenosha County, Wisconsin, do resolve as follows:

Section 1. Definitions. In addition to those terms defined in the preamble hereto and in the body of this Resolution, the following terms shall have the following meanings in this Resolution unless the text expressly or by necessary implication requires otherwise:

(a) "Bond" or "Bonds" shall mean one or more of the Water System Revenue Refunding Bonds of the Municipality authorized to be issued by this Resolution.

(b) "Bond Register" shall mean the books of the Municipality kept by the Bond Registrar to evidence the registration and transfer of the Bonds.

(c) "Bond Registrar" shall mean the City Clerk or Treasurer of the Municipality, or a successor designated as Bond Registrar hereunder, the same being the fiscal agent and paying agent of the Municipality with respect to the Bonds.

(d) "Credit Instrument Issuer" shall mean the issuer of any Reserve Account Credit Instrument.

(e) "Depository" shall mean The Depository Trust Company, New York, New York.

(f) "Fiscal Year" shall mean the twelve month period beginning on January 1 of each year and ending on December 31 of the same year.

(g) "Gross Revenue" shall mean all rates, fees, impact fees, charges and other income, including interest income received by the System from all sources (other than from investment of any Construction Fund established with respect to the System) and expressly excluding income from the sale of property of the System, collections of insurance awards or condemnation proceeds, connection fees, buy-back arrangements, special assessments and other contributions in aid of construction.

(h) "Maximum Annual Debt Service" shall mean, at any time, the maximum amount required to be deposited in the then current or any succeeding Fiscal Year into the Interest and Principal Account for the payment of the principal of and interest on the Bonds and Parity Bonds as provided in this Resolution.

(i) "Moody's" shall mean Moody's Investors Service, Inc. or its successors.

(j) "Municipality" shall mean the City of Kenosha, Kenosha County, Wisconsin;

(k) "Net Revenue" shall mean Gross Revenue after deduction of the cost of Operation and Maintenance Expenses.

(l) "Operation and Maintenance Expenses" shall mean salaries, wages, cost of material and supplies and insurance and such other reasonable current expenses as shall be determined in accordance with generally accepted accounting principles, and excluding the costs of depreciable capital equipment, capital improvements, depreciation, debt service, debt service reserves (including repayments with respect to, or

fees or premiums with respect to any Reserve Account Credit Instrument), special assessments or payments of or in lieu of property taxes.

(m) "Original Purchaser" shall mean the purchaser or purchasers of the Bonds from the Municipality pursuant to Section 17 of this Resolution.

(n) "Parity Bonds" shall mean bonds payable from the revenues of the System other than the Bonds, issued on a parity with the Bonds pursuant to the restrictive provisions of Section 14 of this Resolution.

(o) "Rating Service" shall mean Moody's or Standard & Poor's.

(p) "Registered Owner" shall mean the person, firm, corporation, trust or partnership in the name of which a Bond is registered in the Bond Register of the Municipality.

(q) "Reserve Account Credit Instrument" or "Credit Instrument" means an insurance policy, guaranty, surety bond or irrevocable letter of credit of a specific amount (the "Stated Amount") which may be deposited in the Reserve Account in lieu of or in partial substitution for cash otherwise required to be on deposit therein. The company providing any such insurance policy, guaranty or surety bond shall be an insurer which, at the time of issuance of the policy, guaranty or surety bond has been assigned the highest rating accorded insurers by Moody's or Standard & Poor's or any successor Rating Service, and the policy, guaranty or surety bond shall be subject to the irrevocable right of the Municipality to draw thereon in a timely fashion upon satisfaction of any conditions set forth in this Resolution. Any irrevocable letter of credit shall be payable to and deposited with the Municipality and shall be issued by a banking institution which has, or the parent company of which has, or the holding corporation of which it is the principal bank has, at the time of issuance, a credit rating on its long-term unsecured debt within the two highest rating categories from Moody's or Standard & Poor's or any successor Rating Service.

® "Reserve Requirement" means an amount equal to the least of (a) 10% of the proceeds of the Bonds, (b) Maximum Annual Debt Service on the Bonds in any Bond Year and (c) 125% of average annual debt service on the Bonds. If Parity Bonds which are to be secured by the Reserve Account are issued, the Reserve Requirement shall mean the least of (a) the amount required to be on deposit in the Reserve Account prior to the issuance of such Parity Bonds plus the amount permitted to be deposited therein from proceeds of the Parity Bonds pursuant to Section 148(d)(1) of the Code, (b) the maximum annual debt service requirement for outstanding obligations secured by the Reserve Account and the Parity Bonds to be issued and (c) 125% of average annual debt service on the outstanding obligations secured by the Reserve Account and the Parity Bonds to be issued.

(s) "Resolution" shall mean this resolution authorizing the issuance of the Bonds and providing for the issuance of Parity Bonds.

(t) "Standard & Poor's" shall mean Standard & Poor's Corporation or its successors.

(u) "System" shall mean the entire water system of the Municipality including the water pumping and distribution system and the water treatment facilities, except as otherwise herein provided, including all real and personal property of every nature now or hereafter owned by the Municipality for the treatment and transmission of water for domestic and industrial purposes, including all improvements and extensions thereto, located within or outside of the Municipality and designated by the Municipality as being a part of the System, while any of the Bonds and Parity Bonds remain outstanding, including all appurtenances, contracts, leases, franchises and other intangibles.

Section 2. Purpose and Terms; Covenants. It is hereby determined that for the purpose of paying the cost of refunding the Refunded Obligations plus legal, fiscal, accounting, trustee's fees, printing and other expenses, it is necessary and desirable that the fully registered bonds of the Municipality in the aggregate principal amount of $22,590,000 be issued. The Bonds shall be designated "Water System Revenue Refunding Bonds, Series 2008"; shall be in the denomination of $5,000 or any integral multiple thereof; shall be numbered from R-1 and upward; and shall be dated September 4, 2008. The Bonds shall bear interest at the rates per annum set forth in the Bond Purchase Agreement attached hereto as Exhibit A (on file in the Office of the City Clerk) and incorporated herein by this reference (the "Proposal") and shall mature on December 1 of each year, in the years and principal amounts set forth in the Proposal and the debt service schedule attached hereto as Exhibit B (on file in the Office of the City Clerk) and

incorporated herein by this reference (the "Schedule").

Interest on the Bonds shall be payable on June 1 and December 1 of each year, commencing June 1, 2009.

Section 3. Determinations. It is hereby found and determined that:

(a) the schedule of maturities of the Bonds is such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices; and

(b) the refunding of the Refunded Obligations is advantageous and necessary to the Municipality.

Section 4. Book-Entry Provisions. The Bonds may be initially issued in the form of a separate single fully-registered Bond for each of the maturities of the Bonds ("Book Entry Form"). Upon issuance in Book Entry Form, the ownership of each such Bond shall be registered in the Bond Register in the name of the nominee or nominees of the Depository, or any successor thereto, as nominee of the Depository. The Treasurer of the Municipality is authorized to execute and deliver on behalf of the Municipality such letters to or agreements with the Depository as shall be necessary to effectuate such book-entry system (any such letter or agreement being referred to herein as the "Representation Letter"). Without limiting the generality of the authority given with respect to entering into such Representation Letter, it may contain provisions relating to (a) payment procedures, (b) transfers of the Bonds or of beneficial interests therein, (c) redemption notices and procedures unique to the Depository, (d) additional notices or communications, and (e) amendment from time to time to conform with changing customs and practices with respect to securities industry transfer and payment practices. With respect to Bonds registered in the Bond Register in the name of the nominee of the Depository, the Municipality shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds from time to time as securities depository (each such broker-dealer, bank or other financial institution being referred to herein as a "Depository Participant") or to any person on behalf of whom such a Depository Participant holds an interest in the Bonds. Without limiting the meaning of the immediately preceding sentence, the Municipality shall have no responsibility or obligation with respect to (a) the accuracy of the records of the Depository, or any Depository Participant with respect to any ownership interest in the Bonds, (b) the delivery to any Depository Participant or any other person, other than a registered owner of a Bond as shown in the Bond Register, of any notice with respect to the Bonds, including any notice of redemption, or (c) the payment to any Depository Participant or any other person, other than a registered owner of a Bond as shown in the Bond Register, of any amount with respect to principal of or interest on the Bonds. No person other than a registered owner of a Bond as shown in the Bond Register shall receive a Bond certificate with respect to any Bond. Upon delivery by the Depository to the Municipality, as Bond Registrar, of written notice to the effect that the Depository has determined to substitute a new nominee in place of that originally named, and subject to the provisions hereof with respect to the payment of interest to the registered owners of Bonds at the close of business on the applicable record date, the new nominee shall be substituted by the Bond Registrar as the nominee of the Depository.

In the event that (a) the Municipality determines that the Depository is incapable of discharging its responsibilities described herein and in the Representation Letter, (b) the agreement among the Municipality and the Depository evidenced by the Representation Letter shall be terminated for any reason or (c) the Municipality determines that it is in the best interests of the Municipality or of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the Municipality shall notify the Depository and the Depository Participants of the availability of Bond certificates, and the Bonds shall no longer be restricted to being registered in the Bond Register in the name of the nominee of the Depository. The Municipality may determine that the Bonds shall be registered in the name of and deposited with a successor depository operating a book-entry system, as may be acceptable to the Municipality or such depository's agent or designee, and if the Municipality does not select such alternate book-entry system, then the Bonds may be registered in whatever name or names registered owners of Bonds transferring or exchanging Bonds shall designate, in accordance with the provisions hereof. Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of a nominee of the Depository, all payments with respect to principal of and interest on such Bond and all notices with

respect to such Bond shall be made and given, respectively, in the manner provided in the Representation Letter.

Section 5. Interest; Payment Provisions. The Bonds shall bear interest at rates per annum set forth in Exhibit A (on file in the office of the City Clerk) of this Resolution, calculated on the basis of a 360-day year of twelve 30-day months, payable semiannually. Interest on each Bond shall be paid on the due date by wire transfer or check of the Municipality to the Registered Owner in whose name such Bond is registered at the close of business on the fifteenth (15th) day of the calendar month next preceding the interest payment date (the "Record Date"). The principal of the Bonds shall be payable in lawful money of the United States of America by wire transfer or check of the Municipality, upon presentation of the Bond at the office of the City Treasurer.

Section 6. Optional Redemption. The Bonds shall not be subject to optional redemption.

Section 7. Execution. The Bonds shall be executed on behalf of the Municipality by the manual or facsimile signatures of its Mayor and City Clerk (provided that, unless the Municipality has contracted with a fiscal agent to authenticate the Bonds, at least one of such signatures shall be manual) and shall have impressed or imprinted thereon the corporate seal of the Municipality. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

Section 8. Registration of Bonds; Persons Treated as Owners. The City Clerk shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof.

Subject to the provisions herein with respect to Book Entry Bonds, upon surrender for transfer of any Bond at the office of the City Clerk, duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the City Clerk and duly executed by, the Registered Owner or his attorney duly authorized in writing, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new fully registered Bond or Bonds of the same maturity of authorized denominations, for a like aggregate principal amount. Any fully registered Bond or Bonds may be exchanged at said office of the City Clerk for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations. The execution by the Municipality of any fully registered Bond shall constitute full and due authorization of such Bond.

The City Clerk may transfer or exchange but shall not be required to transfer or exchange any Bond during the period of fifteen (15) days next preceding any interest payment date on such Bond.

The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of, or interest on any Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

No service charge shall be made for any transfer or exchange of Bonds, but the Municipality may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds except in the case of the issuance of a bond or bonds for the unredeemed portion of a Parity Bond surrendered for redemption.

Section 9. Payable Solely from Revenues. The Bonds and Parity Bonds, together with interest thereon, shall be payable only out of Net Revenue of the System deposited into the Special Redemption Fund and shall be a valid claim of the holder thereof only against said Special Redemption Fund and from the revenues pledged to such account, and sufficient revenues are hereby pledged to said redemption account and shall be used for no purpose other than to pay the principal of and interest on the Bonds and Parity Bonds as the same fall due.

Section 10. Form of Bonds. The Bonds shall be issued as registered obligations in substantially the form set forth on Exhibit C (on file in the office of the City Clerk) hereto.

Section 11. Funds and Accounts; Investments.

I. For the purpose of the allocation and proper application of the revenues of the System and to secure the payment of the principal of and interest on the Bonds and Parity Bonds, certain funds and accounts of the System were created by a Resolution adopted May 6, 1991 authorizing the Municipality's Water System Revenue Bonds, Series 1991, and are hereby continued and shall be used solely for the following respective purposes:

(a) Water System Revenue Fund (the "Revenue Fund"), into which the Gross Revenue of the System shall be deposited, as received;

(b) Water System Operation and Maintenance Account (the "Operation and Maintenance Account"), which shall be used for the payment of Operation and Maintenance Expenses. Balances in the Operation and Maintenance Account shall also be used whenever necessary for the payment of principal and interest on the Bonds and Parity Bonds at any time when there shall be insufficient money in the Special Redemption Fund;

(c) Water System Special Redemption Fund (the "Special Redemption Fund") which shall be divided into two accounts to be known as the "Interest and Principal Account" and the "Reserve Account":

(i) The Interest and Principal Account, which shall be considered a sinking fund, shall be used solely for the purpose of paying principal of and interest on the Bonds and Parity Bonds at maturity or upon mandatory sinking fund payment, if any, in accordance with the provisions of this Resolution.

(ii) The Reserve Account, which shall be used for the purpose of paying principal of or interest on the Bonds or Parity Bonds, at maturity or upon mandatory sinking fund payment, if any, at any time when there shall be insufficient money in the Interest and Principal Account.

(d) Local Tax Account (the "Tax Account"), into which shall be deposited amounts to be used to pay to the Municipality those amounts determined to be payments in lieu of taxes which would otherwise be levied if real property located within the boundaries of the Municipality and owned by the System were privately owned;

(e) Water System Renewal and Replacement Account (the "Renewal and Replacement Account"), which shall be used in the following manner and order of priority to pay:

(i) during the Fiscal Year in which amounts on deposit are accumulated, routine renewals, replacements, improvements and expansions of the water system plant and equipment, including water mains, pumping stations and laterals;

(ii) the principal of and interest on the Bonds and Parity Bonds in the event other legally available moneys of the System including proceeds of any Reserve Account Credit Instrument, if any, are insufficient therefor;

(iii) maintenance of the required balance in the Reserve Account and monthly installments for the repayment of any drawing with respect to the Reserve Account Credit Instrument, to the extent other legally available moneys are insufficient therefor; and

(iv) current Operation and Maintenance Expenses of the System or as an additional deposit to the Depreciation Account, to the extent that the General Manager of the City of Kenosha Water Utility (the "General Manager") certifies that any moneys so applied will not be needed to pay the cost of the routine renewals, replacements, improvements and expansions aforesaid during the current Fiscal Year.

(f) Water System Depreciation Account (the "Depreciation Account"), which shall be used in the following manner and order of priority to pay:

(i) the costs of extraordinary maintenance, necessary repairs and replacements for which no other moneys of the System are legally available in order that the System at all times is able to render effective and efficient service;

(ii) extraordinary casualty claims against the System;

(iii) maintenance of required balances in the Reserve Account and monthly installments for the payment of any drawing with respect to any Reserve Account Credit Instrument, to the extent other legally available moneys are insufficient therefor; and

(iv) the principal of and interest on the Bonds and Parity Bonds in the event other legally available moneys

of the System, including monies in the Reserve Account and proceeds of any Reserve Account Credit Instrument, if any, are insufficient therefor.

(g) Water System Surplus Account ("Surplus Account"), to which all moneys remaining in the Revenue Fund after the aforesaid monthly requirements have been satisfied may be deposited. Moneys in this account shall be applied in the following order of priority:

(i) the elimination at any time of any deficiency in the accounts listed above, including the repayment of amounts drawn under the Reserve Account Credit Instrument and interest thereon;

(ii) the payment of subordinated debt (in which case appropriate sub-accounts shall be created in this account for the payment of interest, principal and debt service reserves);

(iii) the transfer of additional amounts to any of the accounts listed above; and

(iv) solely at the option of the Board, the purchase of the Bonds and Parity Bonds in the open market at a price not exceeding the then applicable redemption price.

II. Uninvested money in the Revenue Fund and the various accounts hereinabove created may be kept as demand deposits with such bank or banks which are members of the Federal Deposit Insurance Corporation and as may be designated from time to time by the Municipality as public depositories ("Depositories") under the laws of the State of Wisconsin. The Special Redemption Fund shall be deposited in a separate bank account, but the other accounts herein created may be combined in a single bank account with the Revenue Fund. All of said deposits shall be secured to the fullest extent required by any appropriate resolution adopted by the Common Council of the Municipality or permitted by the laws of the State of Wisconsin. Deposits in excess of the amount insured by the Federal Deposit Insurance Corporation shall be secured by a surety bond written by a solvent surety or by pledge of direct obligations of the United States.

Money in the Revenue Fund and the Special Redemption Fund, the Renewal and Replacement Account, the Depreciation Account and the Surplus Account may be invested in any investment in which municipal funds may be invested under the laws of the State of Wisconsin. All of such investments shall mature at such time or times as it is determined that funds will be needed to make the payments and deposits required by this Resolution or to provide for the current expenses of operating and maintaining the System. All income from investments of money in the Reserve Account and the Depreciation Account shall be retained in such accounts until the balance on deposit therein is equal to the maximum amount budgeted from time to time, as hereinafter provided. All income from investments of money in all other accounts (other than the Escrow Account), and from investments of the Reserve Account and the Depreciation Account after the balance therein is equal to the maximum budgeted amount, shall be deposited in the Revenue Fund. Investment income earned on the funds and accounts created herein (other than the Escrow Account) shall be included in Gross Revenues of the System. Investments in all funds and accounts shall be liquidated at any time when it shall be necessary to do so to provide money for any of the purposes for which such funds and accounts were created.

Section 12. Application of Revenues. From and after the delivery of the Bonds and while any of the Bonds or Parity Bonds shall be outstanding or until there shall be on deposit in the Special Redemption Account, or there has been deposited in an irrevocable trust, an amount sufficient to provide for the payment of the principal of all such outstanding Bonds and Parity Bonds, premium, if any, and interest thereon to maturity or redemption date (defeasance), the Gross Revenue of the System shall be deposited as collected in the Revenue Fund.

Transfers from the Revenue Fund to the various accounts provided for herein shall be made in the order of the accounts listed in Section 11 hereof on or before the twentieth (20th) day of each month or, if the twentieth (20th) day of the month shall not be a business day, then on or before the next succeeding business day, and such transfers shall be determined with respect to money on deposit in the Revenue Fund as of the last day of the preceding month.

It is the express intent and determination of this Common Council that the amount of money to be deposited in the Special Redemption Fund shall in all events be sufficient to pay the interest on the Bonds and Parity Bonds as the same accrues and to retire such Bonds at maturity or upon mandatory redemption

dates, and to provide the monthly amounts payable into the various accounts created herein.
Money deposited in the various accounts herein created shall be applied only as follows:
(a) Operation and Maintenance Account
(i) There shall be transferred each month to the Operation and Maintenance Account an amount budgeted or estimated to be the current expenses of operating and maintaining the System for the next succeeding month. Upon delivery of the Bonds, from funds of the System then on hand, the Operation and Maintenance Account shall receive an initial deposit sufficient to meet the current requirements of the Account for the month in which such delivery is made. Any balance of the amount transferred monthly to the Operation and Maintenance Account remaining unspent on the nineteenth (19th) day of the month may be credited against the amount required to be deposited on the twentieth (20th) day of such month.
(ii) Money in the Operation and Maintenance Account not immediately required for current expenses shall be used to remedy any deficiency in the Special Redemption Fund.
(b) Special Redemption Fund
(i) There shall be transferred to the Special Redemption Fund the amounts necessary to provide for the payment of interest on and principal of the Bonds and Parity Bonds as the same becomes due and to create or maintain a Reserve Account as required by this or any subsequent Resolution. After delivery of the Bonds, an amount sufficient to pay interest on the Bonds on the next succeeding interest payment date divided by the remaining number of months to but not including such interest payment date shall be used to deposit into the Interest and Principal Account and thereafter there shall be deposited to said account monthly, an amount equal to one-sixth (1/6) of the next installment of interest on the Bonds and Parity Bonds then outstanding. There shall be deposited monthly into the Interest and Principal Account an amount equal to one-twelfth (1/12) of the installment of principal of the Bonds and Parity Bonds coming due by reason of maturity on the December 1 next succeeding, until the full amount of such installments shall be on deposit in the Interest and Principal Account. To the extent that the Bonds are to be called pursuant to mandatory sinking fund payments on December 1 of any year, such payments shall be considered installments of principal for which moneys in the Special Redemption Fund shall be applied monthly and annually as herein provided.
(ii) The next available money in the Special Redemption Fund shall be used to the extent necessary to make monthly transfers to the Reserve Account equal to one-twelfth (1/12) of the difference between the amount deposited upon delivery of the Bonds and the Reserve Requirement (or such greater amount as the Municipality may determine from time to time) until the balance in the Reserve Account shall equal the Reserve Requirement; provided, however, that if upon delivery of the Bonds or Parity Bonds there shall be on deposit in the Reserve Account an amount equal to the Reserve Requirement or a Credit Instrument in a Stated Amount equal to the Reserve Requirement, the requirement of providing for a Reserve Account shall be considered satisfied and there need be no cash deposits into the Reserve Account as long as the amount on deposit therein (including the Stated Amount of the Credit Instrument) shall equal the Reserve Requirement, and provided further that if the Stated Amount of such Credit Instrument is less than the Reserve Requirement, cash deposits in the amount of one-twelfth (1/12) of the difference between the Reserve Requirement and such Stated Amount shall be required.
To the extent that a Credit Instrument shall be deposited into the Reserve Account, such Credit Instrument shall provide for drawing by the Municipality (upon the giving of notice as required thereunder) on any interest or principal payment date on which a deficiency exists.
If a drawing is made on any Credit Instrument, the Stated Amount of such Credit Instrument must be reinstated through the payment of not more than twelve (12) consecutive equal monthly installments, the first of which payments must be made not later than sixty (60) days following the date on which the drawing occurred. In the event that any cash shall be withdrawn from the Reserve Account for payment into the Interest and Principal Account, the Municipality shall be obligated to restore to such account the amounts withdrawn within twelve months following such withdrawal and, if required by the Credit Instrument, after first reinstating to its Stated Amount any Credit Instrument remaining unreinstated, such restoration to be made solely from the Net Revenue available monthly after all required payments have

been made into the Interest and Principal Account so that, together with the available Stated Amount payable under any Credit Instrument on deposit therein, there shall be on deposit in the Debt Service Reserve Account an amount equal to the Reserve Requirement.

Investments on deposit in the Reserve Account shall be valued at the amortized cost thereof, exclusive of accrued interest thereon. No moneys shall be withdrawn from the Reserve Account except for the purposes of Section 12(b) hereof, unless the amount on deposit therein is in excess of the Reserve Requirement for the Bonds then outstanding.

Whenever there is on deposit in the Reserve Account an amount in excess of the Reserve Requirement, the amount of such excess may be reduced, at the option of the Board, in either of the following manners: (a) if there is a Credit Instrument on deposit in the Reserve Account, the Stated Amount thereof may be reduced by the amount of such excess in accordance with the terms of such Credit Instrument or (b) if such excess is evidenced by moneys and investments, an amount equal to such excess may be withdrawn from the Reserve Account and deposited in the Renewal and Replacement Account or the Depreciation Account or (c) any combination of (a) and (b) above. Notwithstanding the foregoing, all of the income and earnings received from the investment and reinvestment of moneys and securities on deposit in the Reserve Account shall be deposited in the Revenue Fund and used for the purposes thereof.

(c) Tax Account

There shall be deposited monthly into the Tax Account amounts which, together with other monies on deposit therein, are considered sufficient to pay by December 31 of each Fiscal Year the amount estimated by the Board to be payments in lieu of taxes, based upon the millage rate determined by the City Treasurer for the last completed Fiscal Year.

(d) Renewal and Replacement Account

(i) At or before the beginning of each Fiscal Year the General Manager of the System shall recommend to the Board of Water Commissioners an amount to be budgeted for the ensuing Fiscal Year as an amount necessary to be used for the purposes for which the Renewal and Replacement Account was established. Such budgeted amount may change from year to year.

(ii) From the Net Revenue of the System there shall be deposited in the Renewal and Replacement Account each month an amount which, together with amounts on deposit therein will aggregate over the course of such Fiscal Year the amount budgeted annually, as aforesaid.

(e) Depreciation Account

(i) For the purpose of maintaining the Depreciation Account, Net Revenue of the System shall be deposited therein each month until such amount as the Board may from time to time determine to constitute an adequate and reasonable depreciation account for the System is accumulated therein.

(ii) Amounts withdrawn from the Depreciation Account shall be restored therein as soon as may be possible after such withdrawals, from available Net Revenue of the System, and the monthly amounts representing such restorations shall be in addition to the monthly deposits otherwise required.

Section 13. Covenants Regarding Operation of the System. The Municipality hereby covenants and agrees with each and every holder of the Bonds and Parity Bonds as follows:

(a) The reasonable cost and value of any service rendered to the Municipality by the System by furnishing water service for public purposes shall be charged against the Municipality and shall be by it paid as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System, and out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The amount of such reasonable cost and value shall be such amount as may be necessary from year to year to pay the balance of an amount which, together with other revenues of the System, will produce earnings equivalent to not less than 1.30 times the annual principal and interest requirements on the Bonds and any bonds issued on a parity with the Bonds, after deduction of all operating and maintenance expenses of the System, but before deduction of depreciation charges and local tax equivalents. Such compensation for such service rendered to the Municipality shall be considered a portion of Gross Revenue and shall be paid into the Revenue Fund. However, such payment out of the tax levy shall be subject to: (a) approval of the Wisconsin Public Service Commission,

or successors to its functions, if necessary, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; but neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

(b) The Municipality will faithfully and punctually perform all duties with reference to the System required by the constitution and statutes of the State of Wisconsin, including authorizing the Board to make and collect reasonable rates lawfully established for services rendered by the System, sufficient to provide for the segregation of the revenues of the System and the application thereof to the respective funds hereinabove created.

(c) The Board will not sell, lease or in any manner dispose of the System including any part thereof or any additions or extensions that may be made thereto, until all of the Bonds and Parity Bonds shall have been paid in full, both principal and interest, or until provision shall have been made for the payment of said bonds and the interest thereon in full in accordance with the provisions of Sections 2 and 21 hereof and all obligations of the Board to the Credit Instrument Issuers, if any, shall have been paid in full; provided, however, that the System may be transferred as a whole to another municipal agency or public body, if permitted by Wisconsin law, provided that the transferee shall covenant to continue paying all Bonds and Parity Bonds from the revenues of the System as it exists on the date of such transfer and further provided that an independent engineer or independent certified public accountant or both working together shall demonstrate to the General Manager not less than sixty (60) days prior to such transfer that the Net Revenue available in the ensuing two Fiscal Years are estimated to cover Maximum Annual Debt Service not less than 1.30 times in each of such Fiscal Years.

Notwithstanding the foregoing provision, the Board shall have the right to sell, lease or otherwise dispose of any property of the System found by the Board not to be necessary or not to be useful in the operation thereof. The proceeds received from the sale, lease or disposal of said property may be used to purchase Bonds or Parity Bonds on the open market or by request for tenders at a price not to exceed the then applicable call price, if any, or to redeem Parity Bonds which are redeemable in advance of maturity and, to the extent not so used, shall be paid into the Depreciation Account but such deposits shall not reduce the amount otherwise required to be deposited therein.

(d) The Board will operate and maintain the System in good condition; will charge and collect such lawfully established rates and charges for the service rendered by the System so that the Gross Revenue of the System will be sufficient to make the payments into the funds and accounts provided for by this Resolution and to provide for the retirement of the Bonds and Parity Bonds and the payment of the interest thereon as the same become due and which shall be sufficient to produce annual Net Revenue in each Fiscal Year which, in the aggregate, will amount to not less than 1.30 times the aggregate amount of debt service of the System with respect to the Bonds and Parity Bonds payable in such Fiscal Year; and will promptly take all requisite actions to adopt increased water rates and to have such rates approved by the Wisconsin Public Service Commission and will enforce increased water rates whenever such increase shall be necessary to fulfill any covenant of this Resolution.

(e) The Board will prepare annual budgets for the System taking into account the rates then in effect and estimates of income based thereon and estimating expenses of the System for each Fiscal Year. Such budgets will be modified as needed to reflect rate charges as well as anticipated changes in expenses.

(f) The Board will keep proper books and accounts separate from all other records of the Municipality relative to the System and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants and will make available to the holders of any of the Bonds and Parity Bonds the latest balance sheet and the profit and loss statement of the System as certified by such accountants. The holders of any Bonds or Parity Bonds shall have at all reasonable times the right to inspect the System and the records, accounts and data relating thereto. Each such audit, in addition to whatever matters may be thought proper by the accountants or said department to be included therein, shall include the following:

(i) a statement in detail of the revenues and expenditures of the System for the fiscal year;
(ii) a statement of the Net Revenue as herein defined for such fiscal year;
(iii) a balance sheet as of the end of such fiscal year;
(iv) the accountants' comment regarding the manner in which the Board has carried out the requirements of this resolution and the accountants' recommendation for any changes or improvements in the operation of the System;
(v) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy;
(vi) the maximum limit of any Reserve Account Credit Instrument available to be drawn upon; and
(vii) a table indicating the annual principal maturities, semiannual interest payments and total annual debt service requirements of all Bonds and Parity Bonds outstanding on the last day of each fiscal year.
(g) The Municipality will carry, for the benefit of the holders of the Bonds and Parity Bonds and the Credit Instrument Issuer, if any, insurance of a kind and in such amounts as would usually be carried by private companies or other public bodies engaged in operating a similar utility system. Such insurance policies may have deductible amounts or self-insurance clauses in commercially reasonable amounts. All money received for losses under any of such insurance policies, except public liability, shall be used in repairing the damage or in replacing the property destroyed, but in the event that the Board shall find it inadvisable to repair such damage or replace such property, and that the operation of the System shall not have been impaired thereby, such money may be used to purchase Bonds and Parity Bonds on the open market or by request for tenders at a price not to exceed the next applicable call price, if any, or to redeem Parity Bonds which by their terms are redeemable in advance of maturity and, to the extent not so used, shall be deposited in the Depreciation Account, in which event such payments shall not reduce the amounts otherwise required to be deposited therein.
(h) The Municipality will grant no franchise for the operation of another water system within the Municipality but specifically reserves the right to create within any area outside the present boundaries of the Municipality and to provide the financing of capital costs of one or more special separate districts or separate systems to be served by the System, which districts or systems are to be accounted for individually and are to be considered customers of the System.
(i) To the extent that Wisconsin law permits the consolidation of the System with any other system, including the Kenosha Sewer System, the System may be consolidated provided that such consolidation will result in Net Revenue, on a pro-forma basis to equal 1.30 times Maximum Annual Debt Service for a period of two years from the date of consolidation.
(j) The Municipality will, by resolution of its governing body, require all buildings within the present boundaries of the Municipality used for human habitation or otherwise requiring water service and located adjacent to a water supply line, or located in a block through which a water supply line shall extend, to be connected with such water line.
Section 14. Prior Lien Bonds; Parity Bonds. The Municipality will issue no bonds or obligations of any kind or nature payable from or enjoying a lien on the revenues or the properties of the System having a priority over the Bonds. Bonds may hereafter be issued on a parity with the Bonds if all of the following conditions shall be met but not otherwise:
(a) The Net Revenue of the System for the last completed Fiscal Year must have been at least equal to no less than 1.30 times Maximum Annual Debt Service on all Bonds and Parity Bonds outstanding and Parity Bonds to be issued; provided, however, that if prior to the authorization of such additional bonds the Board shall have adopted and put into effect a revised schedule of water rates approved by the Wisconsin Public Service Commission, then the Net Revenue of the System for the last completed Fiscal Year which, in the written opinion of an independent consulting engineer or certified public accountant employed for that purpose, would have resulted from such water rates had they been in effect for such period, may be used in lieu of the actual Net Revenue for the last completed Fiscal Year;
(b) The payments required to be made into the various funds and accounts provided in Sections 11 and 12 of this Resolution must be certified as current by the General Manager of the System;

(c) The additional bonds must be payable as to principal on December 1 of each year in which principal falls due and as to interest on June 1 and December 1 of each year;
(d) The proceeds of the additional bonds must be used solely for acquiring or constructing additions, improvements, extensions, renewals or replacements to the System (in which case the Municipality shall establish, in the resolution authorizing such Parity Bonds, a Construction Fund as a repository for bond proceeds) or to refund obligations of the Municipality issued for such purposes;
(e) The Credit Instrument Issuer (if any) has been notified of the proposed issuance of Parity Bonds and there has been received from the Credit Instrument Issuer evidence that the Stated Amount of the Reserve Account Credit Instrument with respect to the Bonds, and with respect to Parity Bonds previously issued, if any, is in force; and
(f) If the additional bonds are to be secured by the Reserve Account, there shall be on deposit in the Reserve Account (i) an amount of money equal to the Reserve Requirement with respect to the Parity Bonds being issued, or (ii) a Reserve Account Credit Instrument having a Stated Amount equal to such Reserve Requirement or, (iii) at the time of issuance of any Parity Bonds, the Municipality has covenanted under the terms of the bond resolution authorizing such Parity Bonds, to deposit into the Reserve Account equal monthly amounts which will cause an amount equal to the Reserve Requirement to be deposited in the Reserve Account within a period of three (3) years from the date of issuance of such Parity Bonds.
Section 15. Equality of Lien. All of the Bonds, regardless of the installment of which they are a part and regardless of the dates of their issuance or delivery, together with Parity Bonds shall be secured equally by a pledge of the Special Redemption Fund and the revenues allocated to such fund.
Section 16. Modification of Resolution. The holders of two-thirds in principal amount of the Bonds and Parity Bonds at any time outstanding (not including in any case any bonds which may then be held or owned by or for the account of the Municipality, but including such refunding bonds as may have been issued for the purpose of refunding any of such bonds if such refunding bonds shall not then be owned by the Municipality) after having obtained the written consent of the issuer of the Reserve Account Credit Instrument, if any, then in force, shall have the right from time to time to consent to and approve the adoption by the governing body of the Municipality of a resolution or resolutions modifying or amending any of the terms or provisions contained in this Resolution; provided, however, that this Resolution may not be so modified or amended in such manner as to:
(a) make any change in the maturity of such bonds;
(b) make any change in the rate of interest borne by any of such bonds;
(c) reduce the amount of the principal or redemption premium payable on any of such bonds;
(d) modify the terms of payment of principal of, or interest or redemption premium on, any of such bonds, or impose any conditions with respect to such payment;
(e) materially affect the rights of the holders of less than all of such bonds then outstanding;
(f) reduce the percentage of the principal amount of bonds, the consent of the holders of which is required to effect a further modification.
Whenever the Municipality shall propose to amend or modify this Resolution under the provisions of this Section, it shall cause notice of the proposed amendment to be filed with the Original Purchaser, the holders of all of the Bonds and Parity Bonds then outstanding and the issuer of the Reserve Account Credit Instrument then in force, if any. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy of the proposed amendatory resolution is on file in the office of the City Clerk for public inspection.
Whenever at any time within one year from the date of the filing of said notice there shall be filed with the City Clerk of the Municipality an instrument or instruments executed by the holders of at least two-thirds in aggregate principal amount of the bonds then outstanding as in this Section defined, which instrument or instruments shall refer to the proposed amendatory resolution described in said notice and shall specifically consent to and approve the adoption thereof, thereupon, but not otherwise, the governing body may adopt such amendatory resolution and such resolution shall become effective.
If the holders of at least two-thirds in aggregate principal amount of the bonds outstanding as in this

section defined, at the time of the adoption of such amendatory resolution, or the predecessors in title of such holders, shall have consented to and approved the adoption thereof as herein provided, no holder of any bond, whether or not such holder shall have consented to or shall have revoked any consent as in this Section provided, shall have any right or interest to object to the adoption of such amendatory resolution or to object to any of the terms or provisions therein contained or to the operation thereof or to enjoin or restrain the Municipality from taking any action pursuant to the provisions thereof.

Any consent given by the holder of a bond pursuant to the provisions of this section shall be irrevocable for a period of one year from its date and shall be conclusive and binding upon all future holders of the same bond during such period. Such consent may be revoked at any time after one year from its date by the holder who gave such consent or by a successor in title by filing notice of such revocation with the City Clerk, but such revocation shall not be effective if the holders of two-thirds in aggregate principal amount of the bonds outstanding as in this section defined shall have, prior to the attempted revocation, consented to and approved the amendatory resolution referred to in such revocation.

The fact and date of the execution of any instrument under the provisions of this Section may be proved by the certificate of any officer in any jurisdiction, who by the laws thereof is authorized to take acknowledgments of deeds within such jurisdiction, that the person signing such instrument acknowledged before him the execution thereof, or may be proved by an affidavit of a witness to such execution sworn to before such officer. The amount and number of the bonds held by any person executing such instrument and the date of his holding the same may be proved by an affidavit by such person or by a certificate executed by any responsible bank or trust company showing that on the date therein mentioned such person had on deposit with such bank or trust company the bonds described in such certificate.

Notwithstanding any other provision of this Resolution, this Resolution may be amended without the consent of the bondholders in order to provide for the addition of real or personal property to the System.

Section 17. Sale of Bonds. The sale of the Bonds to Piper Jaffray & Co. in accordance with the terms of the Proposal is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts necessary to conclude delivery of the Bonds to said purchaser, upon receipt of the purchase price, as soon after adoption of this Resolution as is convenient.

Section 18. Disposition of Bond Proceeds; Arbitrage; Registered Form.

(a) The proceeds from the sale of the Bonds shall be disbursed as follows and not otherwise:

(i) Accrued interest on the Bonds shall be deposited in the Interest and Principal Account of the Special Redemption Fund.

(ii) An amount sufficient to make the amount on deposit in the Reserve Account equal to the Reserve Requirement shall be deposited in the Reserve Account.

(iii) The remaining principal proceeds from the sale of the Bonds, less issuance expenses, shall be deposited in the Interest and Principal Account of the Special Redemption Fund and used to pay the Refunded Obligations on December 1, 2008.

(iv) The principal proceeds from the sale of the Bonds shall be used only for the purposes aforesaid, as set out in the preamble hereto, and this Common Council covenants and agrees that the portion of said principal proceeds shall be devoted to and used with due diligence as aforesaid and for the payment of all expenses incurred in issuing the Bonds, including legal, fiscal, accounting, underwriting, advertising and printing costs.

(b) The Municipality recognizes that the purchasers and holders of the Bonds will have accepted them on, and paid therefor a price which reflects, the understanding that interest thereon is exempt from Federal income taxation under laws in force at the time the Bonds shall have been delivered. In that connection the Municipality agrees that it shall take no action which may render the interest on any of the Bonds subject to Federal income taxation. The Mayor, the General Manager, the City Clerk-Treasurer of the Municipality, or any of them, are hereby authorized to execute on behalf of the Municipality an Arbitrage Certificate to assure the purchasers and holders of the Bonds that the proceeds of the Bonds are not expected to be used in a manner which would or might result in the Bonds being "arbitrage bonds" under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or the regulations of the

United States Treasury Department currently in effect or proposed. Such Arbitrage Certificate shall constitute a representation and certification of the Municipality and no investment of Bond proceeds or of moneys accumulated to pay the Bonds herein authorized shall be made in violation of the expectations prescribed by said Arbitrage Certificate.

(c) The Municipality further recognizes that the Code currently requires the Bonds to be issued and to remain in fully registered form in order that interest thereon is exempt from Federal income taxation under laws in force at the time the Bonds are delivered. In this connection, the Municipality agrees that it will not take any action to permit the Bonds to be issued in, or converted into, bearer or coupon form unless the Code is modified to permit such action.

Section 19. Resolution a Contract; Remedies of Bondholders. The provisions of this Resolution shall constitute a contract between the Municipality and the holder or holders of the Bonds and Parity Bonds, and after the issuance of any of said bonds no change or alteration of any kind in the provisions of the resolution may be made until all of said bonds shall have been paid in full as to both principal and interest, except as provided in Section 16 relating to modification.

The holders of any of the Bonds and Parity Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce his or their rights against the Municipality, the governing body thereof, and any and all officers and agents thereof, including, but without limitation, the right to require the Municipality, its governing body and any other authorized body to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution, and for the appointment of a receiver for the System in the event of a default of payment of principal or interest.

Section 20. List of Bondholders. The Municipality shall maintain a list of the names and addresses of the holders of all Bonds and upon any transfer shall add the name and address of the new Bondholder and eliminate the name and address of the transferor Bondholder.

Section 21. Defeasance. All Bonds and Parity Bonds and the interest accrued thereon shall be deemed to be paid within the meaning of this Section when payment of the principal of and premium, if any, on such Bonds, plus interest thereon to the due date thereof (whether such due date be by reason of maturity or upon redemption as provided in this Resolution, or otherwise), either (i) shall have been made or caused to be made in accordance with the terms of the Bonds and this Resolution, or (ii) shall have been provided by irrevocably depositing with a trustee or escrow agent, in trust and irrevocably setting aside exclusively for such payment, (1) moneys sufficient to make such payment, or (2) direct obligations of the United States, which are not callable prior to their maturity and which mature and bear interest, without reinvestment, in such amounts and at such times as will provide sufficient moneys to make such payment (provided that such deposit does not, and is not then reasonably expected to, affect the tax-exempt status of the interest on any of the Bonds or cause any of the Bonds to be classified as arbitrage bonds within the meaning of Section 103 of the Code), and all necessary and proper fees, compensation and expenses of the trustee or escrow agent pertaining to the Bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for. At such time as the Bonds shall be deemed to be paid hereunder, as aforesaid, they shall no longer be secured by or entitled to the benefits of this Resolution, except for the purposes of any such payment from such moneys or direct obligations.

In addition, in the event of an advance refunding, the Municipality shall cause to be delivered a verification report of an independent nationally recognized certified public accountant. If a forward supply contract is employed in connection with the refunding, (i) such verification report shall expressly state that the adequacy of the escrow to accomplish the refunding relies solely on the initial escrowed investments and the maturing principal thereof and interest income thereon and does not assume performance under or compliance with the forward supply contract, and (ii) the applicable escrow agreement shall provide that in the event of any discrepancy or difference between the terms of the forward supply contract and the escrow agreement (or the authorizing document, if no separate escrow agreement is utilized), the terms of the escrow agreement or authorizing document, if applicable, shall be controlling.

Section 22. Redemption of Refunded Obligations. The Refunded Obligations are called for redemption on December 1, 2008 at the price of 102% of par plus accrued interest to the date of redemption.

The City Clerk shall cause timely notice of the call of the Refunded Obligations to be redeemed to be given by mailing a notice thereof, in substantially the form attached hereto as Exhibit D (on file in the office of the City Clerk) and incorporated herein by this reference, by registered or certified mail no later than October 31, 2008, to the registered owner of each Refunded Obligation to be redeemed at the address shown on the registration books.

In addition to the official notice of redemption provided for the paragraph above, the City Clerk shall cause further notice of the redemption of the Refunded Obligations to be given on behalf of the City no later than October 26, 2008 to all nationally recognized municipal securities information repositories, to all registered securities depositories in the business of holding substantial amounts of obligations of types such as a Refunded Obligations (such depositories being The Depository Trust Company of New York, New York), to one or more national information services that disseminate notices of redemption of obligations such as the Refunded Obligations and to Financial Guaranty Insurance Company, New York, New York, the insurer of the Refunded Obligations. Each further notice of redemption shall be sent by registered or certified mail, overnight express delivery, facsimile transmission or email transmission and shall contain the information set forth in the official notice of redemption provided on Exhibit D (on file in the office of the City Clerk).

Section 23 . Bond Insurance. If the Original Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the Municipality are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor, the General Manager and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor, the General Manager and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 24. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York, the Municipality agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the Municipality and on file in the City Clerk's office.

Section 25. Undertaking to Provide Continuing Disclosure. The Municipality hereby covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Bonds or by the original purchaser(s) of the Bonds on behalf of such holders (provided that the rights of the holders and the purchaser(s) to enforce the Undertaking shall be limited to a right to obtain specific enforcement of the obligations thereunder and any failure by the Municipality to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The City Clerk and General Manager, or other officer of the Municipality charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the Municipality's Undertaking.

Section 26. Severability of Invalid Provisions. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 27. Other Documents. The Mayor, City Clerk-Treasurer, Director of Finance, General Manager of the System and all other officers of the Municipality are hereby authorized to execute all documents and certificates necessary in connection with the authorization and delivery of the Bonds, and an Official

Statement describing the Bonds and the Municipality.

Section 28. Conflicting Resolutions Superseded. This Resolution supersedes Resolution No. 67-98, which was adopted by the Common Council on May 4, 1998. In addition, all other ordinances, resolutions or orders, or parts thereof, heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution shall be and the same are hereby superseded to the extent of such conflict. This Resolution shall be in effect from and after its passage.

Adopted this 4th day of August, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

17. It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to approve appointment of Jennifer Heim to the Kenosha Lakeshore Business Improvement District Board of Directors for a term to expire November 18, 2009. On a voice vote, motion carried.

18. It was moved by Alderman Nudo, seconded by Alderman Carpenter, to approve appointments to Kenosha City/County Joint Services Board of Directors:

a. Alderman Tod Ohnstad
b. City Administrator Frank J. Pacetti
c. Finance Director Carol Stancato

On a voice vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Prozanski, seconded by Alderman Nudo, to approve:

19. Contract Between Champion Environmental and the City of Kenosha for Asbestos Removal at 2908-2910 Roosevelt Road (Roosevelt Theater) Prior to Raze of Building; Cost of Asbestos Removal - $37,000.00. (12th District)

20. Contract Between AZAR, LLC and the City of Kenosha for Raze of Building at 2908-2910 Roosevelt Road (Roosevelt Theater); Cost of Raze - $147,477.00. (12th District)

The Common Council viewed a DVD of the interior of the building provided by the Neighborhood Services & Inspections Department.

19.1 It was moved by Alderman Haugaard, seconded by Alderman Ruffolo to hold a public hearing. Kathryn Hanneman, owner, Robert Adams, contractor, Steve Bostrom, Louis Rugani and Ruth Chamness spoke against approving the contract.

On roll call vote, motion carried to approve both contracts carried (14-1) with Alderman Ruef voting nay.

21. It was moved by Alderman Nudo, seconded by Alderman Ruffolo, to approve Developer's Agreement between Bravo Realty, LLC, City of Kenosha and Kenosha Water Utility for an office complex located east of STH 31 and South of 64th Street (Bravo Realty, LLC) (17th District)

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

22. It was moved by Alderman Ruffolo, seconded by Alderman Ohnstad, to approve Disbursement Record #13 – $4,964,532.12.

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

23. It was moved by Alderman Ruffolo, seconded by Alderman Ohnstad to approve application of Villa D'Carlo III, Inc. to Maintain the Existing No Parking, Loading Zone Area, (80 Feet) at 5140-6th Avenue

On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Carpenter, seconded by Alderman Ruef, to adjourn at 10:15 p.m.

On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, August 18, 2008

Keith G. Bosman, Mayor **Michael K. Higgins, City Clerk**

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, August 18, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.

The meeting was called to order at 7:03 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Misner, Prozanski, Orth, Downing and Bogdala. Alderman Casey was previously excused.

The invocation was given by Alderman Carpenter.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderman Ruef, seconded by Alderman Carpenter, to approve the minutes of the meetings held July 21, 2008 and August 4, 2008.

Motion carried unanimously.

At this time Mayor Bosman presented a proclamation regarding the declaration of September as Ovarian Cancer Awareness month to Gail Foreman, ovarian cancer survivor.

Eight (8) Citizens spoke during Citizen's Comments: Chaz Bartucz, Joyce Erickson, Bill Erickson, Nasser Museitif, Bob Danbeck, Steve Bostrom, Pamela Mundling and Louis Rugani.

TO THE PUBLIC SAFETY AND WELFARE COMMITTEE

1."To Create Section 15.06 I of the Code of General Ordinances Regarding Off-Premise Noncommercial Directions Signs"

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

2. It was moved by Alderman Ruffolo, seconded by Alderman Downing, to approve:

a. 25 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. 1 application for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. 2 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

3. It was moved by Alderman Ruffolo, seconded by Alderman Kennedy, to approve the following applications for new Operator's (Bartender) licenses subject to:

-25 demerit points:

a. Cathy L Arbanella

b. Sharon D Jeschke

-50 demerit points:

c. James J Cole

-75 demerit points:

d. Karyn E Smith

e. Stefanie M Zeihen

A hearing was held. The applicants did not appear. On a voice vote, motion carried. At this time Alderman Nudo left the meeting and returned for action on item #6. Alderman Misner left the meeting and returned for the vote on item #14

4. It was moved by Alderman Ruffolo, seconded by Alderman Downing, to DENY applications for new

Operator's (Bartender) licenses based on:
-material police record & false application:
a. Brittani M Covelli
b. Amy K Glade
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
5. It was moved by Alderman Ruef, seconded by Alderman Juliana, to DENY application of Joe R Aiello for a Taxi Driver's license based on material police record.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
6. It was moved by Alderman Downing, seconded by Alderman Juliana, to approve the application of JC Stores, Inc., Shari L Erskine, Agent, for a Class "A" Retail Beer License located at 7318-75th St, (Southport Mobil), with acceptance of a conditional surrender of a similar license at the same location from Graf Convenience Store, Inc. (17th District)
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
7. It was moved by Alderman Ohnstad, seconded by Alderman Nudo, to approve the following applications for Cabaret Licenses (1-year term) with no adverse recommendations:
a. Hernandez Lomeli, Inc. (3935-52nd St, Los Compadres Restaurant)
b. Carolyn Miller (5523-6th Ave, Fec's Place)
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
8. It was moved by Alderman Ruffolo, seconded by Alderman Haugaard, to DENY application of Copa De Oro, Inc. (3029-52nd St, Copa De Oro) for a Cabaret License (1-year term) based on public safety and welfare.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
9. It was moved by Alderman Downing, seconded by Alderman Juliana, to approve the following applications for 1-Day Cabaret Licenses for August 23, 2008, with no adverse recommendations:
a. G-Knows, Inc. (1912-52nd St, Rumors)
b. Stellar Management (1819-52nd St, Norms So Seldom Inn)
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
10. It was moved by Alderman Downing, seconded by Alderman Carpenter, to approve the application of Highway Mike's Real Estate, LLC, located at 6611-120th Ave, (Uncle Mike's), for Outdoor Area Amplified Music and/or Cabaret for August 29, 2008 through August 30, 2008. (17th District)
A hearing was held. The applicant did not appear. On a voice vote, motion carried.

ZONING ORDINANCES 2ND READING

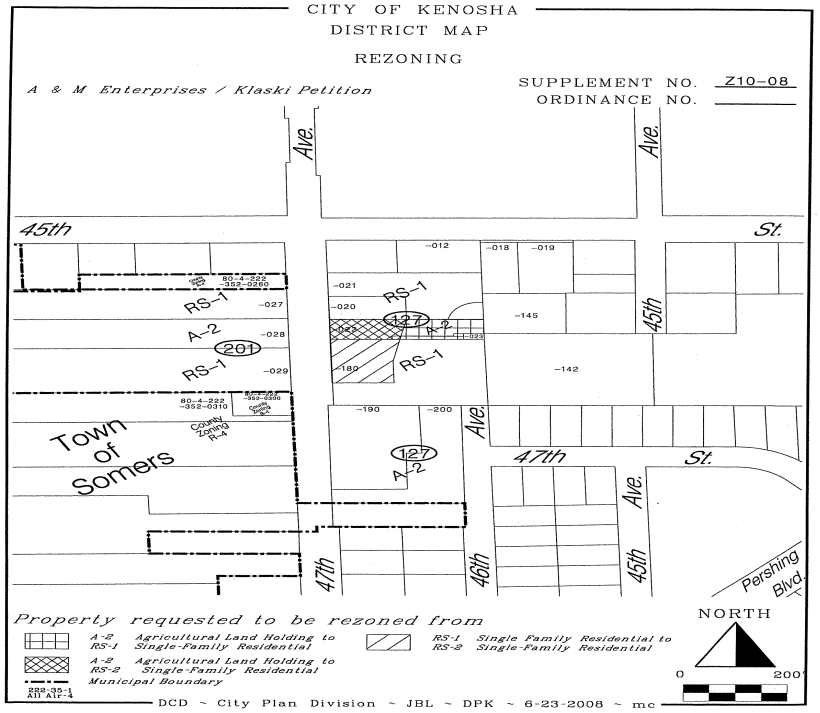
11. It was moved by Alderman Nudo, seconded by Alderman Juliana, to adopt Ordinance 41-08.
A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

REZONING ORDINANCE NO. 41-08
BY: THE MAYOR
Zoning: TO REZONE PROPERTIES LOCATED AT 46TH AVENUE AND 46TH STREET FROM A-2 AGRICULTURAL LAND HOLDING TO RS-1 AND RS-2 SINGLE FAMILY RESIDENTIAL AND FROM RS-1 SINGLE FAMILY RESIDENTIAL TO RS-2 SINGLE FAMILY RESIDENTIAL [A & M Enterprises/Klaski]

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: That the land shown on the attached Supplement Map No. Z10-08 be, and the same hereby is, zoned and districted as indicated on said map. Section Two: The development of the property shall be consistent with the conceptual development plan for the property being rezoned, submitted by the property owner/developer on the 24th day of July, 2008, as required in Section 10.02 A. of the Zoning Ordinance. Section Three: This Ordinance shall be in full force and effect upon passage and the day after its publication.

APPROVED:
KEITH G. BOSMAN, MAYOR

ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK



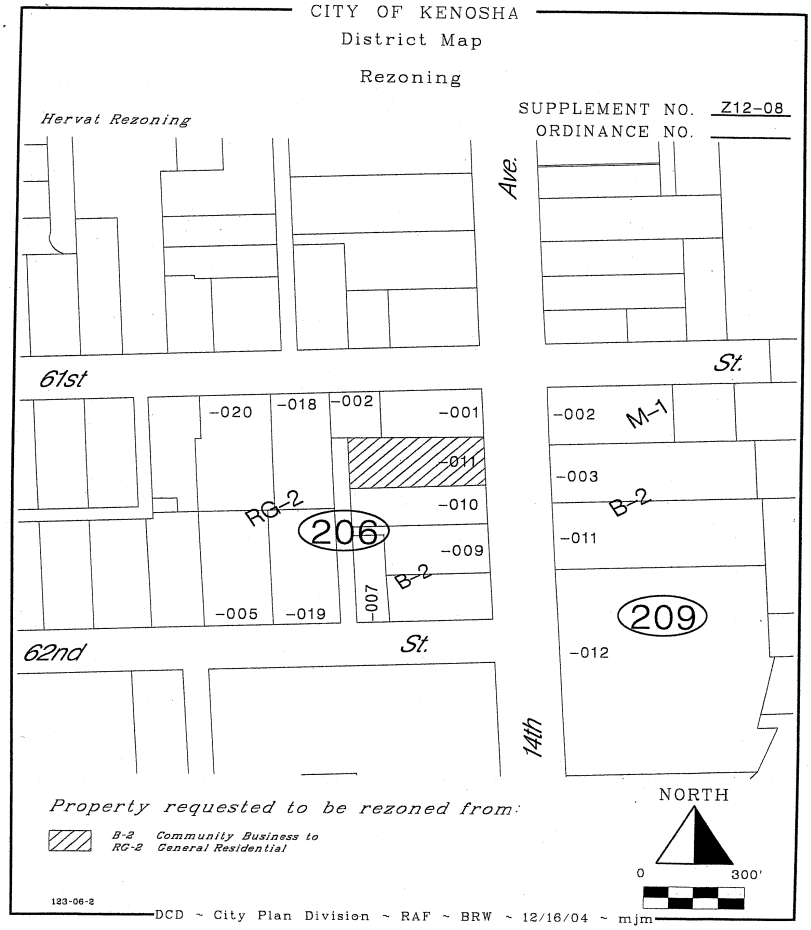
NOTE: MAPS ARE AVAILABLE FOR VIEWING IN THE CITYCLERK'S OFFICE.

12. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to adopt Ordinance 42-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

REZONING ORDINANCE NO. 42-08
BY: THE MAYOR
Zoning: TO REZONE PROPERTY LOCATED AT 6108 – 14TH AVENUE FROM B-2 COMMUNITY BUSINESS TO RG-2 GENERAL RESIIDENTIAL
[Hervat]

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: That the land shown on the attached Supplement Map No. Z12-08 be, and the same hereby is, zoned and districted as indicated on said map. Section Two: The development of the property shall be consistent with the conceptual development plan for the property being rezoned, submitted by the property owner/developer on the 24th day of July, 2008, as required in Section 10.02 A. of the Zoning Ordinance. Section Three: This Ordinance shall be in full force and effect upon passage and the day after its publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
NOTE: MAPS ARE AVAILABLE FOR VIEWING IN THE CITYCLERK'S OFFICE.



RESOLUTIONS

13. It was moved by Alderman Ruef, seconded by Alderman Nudo, to adopt Resolution 102-08 and 103-08. A hearing was held. No one spoke. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

a. RESOLUTION NO. 102-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Grass and Weed Cutting

BE IT RESOLVED, that special assessments for weed/grass cutting during 2008, in the total amount of $5,982.50, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 18th day of August, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

b. RESOLUTION NO. 103-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2008, in the total amount of $2,620.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 18th day of August, 2008.

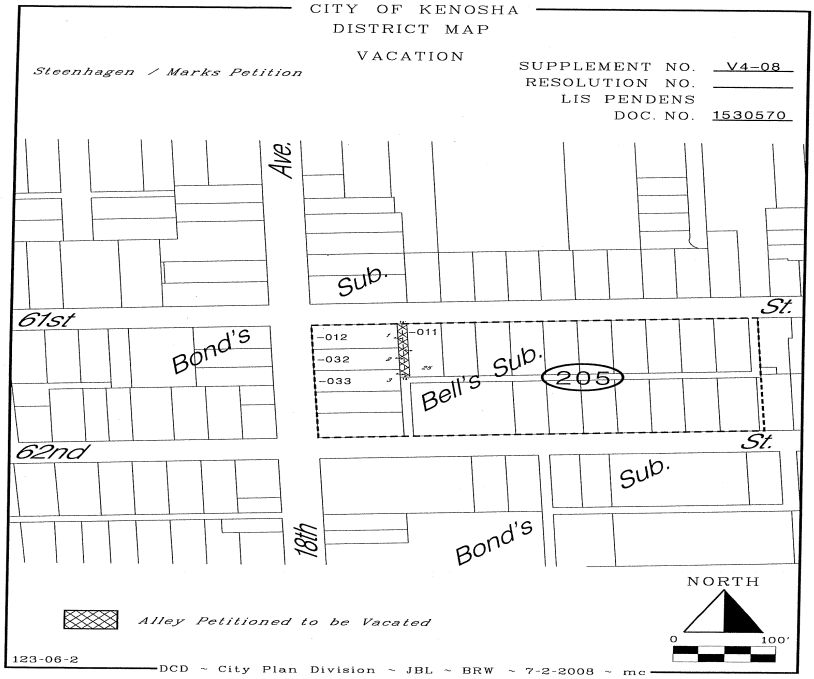
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

14. It was moved by Alderman Ruef, seconded by Alderman Carpenter, to adopt Resolutions 104-08. A public hearing was held. No one spoke for or against. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 104-08
BY: COMMITTEE ON PUBLIC WORKS
TO VACATE A PORTION OF AN ALLEY
LOCATED EAST OF 18TH AVENUE
BETWEEN 61ST STREET AND 62ND STREET, PURSUANT TO SECTION 66.1003(4), WISCONSIN STATUTES [Steenhagen/Marks]

WHEREAS, the public interest requires the vacation of a portion of an alley located East of 18th Avenue between 61st Street and 62nd Street. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to Section 66.1003(4), Wisconsin Statutes, and by direct action of said Council, an alley, described in Exhibit "A" and legally described as follows: Part of that certain fourteen (14) feet in width public alley which lies between 61st and 62nd Streets, east of 18th Avenue, in Bell's Subdivision, being a subdivision of record in the Northwest Quarter of Section 6, Town 1 North, Range 23 East of the Fourth Principal Meridian, and being further described and bounded as follows: Bounded on the North by the present south line of 61st Street; bounded on the East by the west line of Lot 25 in said subdivision; bounded on the South by the westerly extension of the south line of said Lot 25, and bounded on the West by the east line of Lots 1, 2 and 3 of said subdivision. be, and hereby is, vacated, subject to the following easements which are herein and hereby granted, or created by a reservation of rights. Any and all Utilities, including the City, furnishing gas, sewer, water, electric, telephone and related services, and any City Cable T.V. Franchise Holder, shall have reserved to them or are hereby and herein given and granted, the right, permission, and authority to inspect, repair and maintain their respective existing installation and Utilities in, above and under the above described parcel of property for as long as said installations and facilities are being operated and utilized by them. Said Utilities and Franchise Holder are also given and granted the right, permission and authority to improve and expand the scope of the above easements in, above and under the above described parcel of property, and thereafter to inspect, repair and maintain said new additional installations and facilities. Among the specific beneficiaries of this easement shall be the City of Kenosha, City of Kenosha Water Utility, S.B.C. (formerly Ameritech), Wisconsin Electric Power Company, and any holder of a City Cable T.V. Franchise. Easement holders shall, at all times, have reasonable access to their respective installations and facilities, and owners of said parcel of land vacated by this Resolution, shall not interfere with easement rights herein specified or entitled to compensation for anything placed by owners upon said vacated property which may have to be destroyed or removed by easement holders to effectively use their easements, although easement holders shall have the obligation to restore the turf to its original condition should it be destroyed or damaged through the exercise of easement rights. However, any easement holder may waive their rights hereunder and consent to the construction of a building or structure upon vacated property. IT IS FURTHER UNDERSTOOD that the area vacated will accrue to the abutting property owners according to law. BE IT FURTHER RESOLVED that the City Clerk shall record a certified copy of this Resolution in the Office of the Kenosha County Register of Deeds and forward a copy of same to all listed Utilities and the City Assessor's Office. BE IT FURTHER RESOLVED that upon recordation of this Resolution, the City of Kenosha Official Map, as initially established by Resolution No. 122-06, adopted on November 6, 2006, and as subsequently amended to the time of recordation of this Resolution, will hereby be amended to include the closing of existing streets, highways, and right-of-ways, which changes are established in this Resolution. Adopted this 18th day of August, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK



NOTE: MAPS ARE AVAILABLE FOR VIEWING IN THE CITYCLERK'S OFFICE.

15. It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to adopt Resolution 105-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO: 105- 08

BY: THE MAYOR

FINAL PLAT - HILLSIDE HEIGHTS SUBDIVISION - Located at 46th Avenue and 46th Street

WHEREAS, a map and Final Plat for the Hillside Heights Subdivision, located at 46th Avenue and 46th Street, has been submitted to the Common Council, City of Kenosha, Wisconsin; and WHEREAS, said map and Final Plat have been properly certified, acknowledged and executed in the form according to law upon due consideration thereof. NOW THEREFORE, BE IT RESOLVED that the Final Plat of subdivision be and the same hereby in all things approved and the City Clerk be and hereby ordered to attach to the map of said subdivision the seal of the City of Kenosha and sign his name as City Clerk to the certificate of approval of said Final Plat subject to the following Conditions of Approval: 1.Approval of the Plat by the State Department of Administration. 2.Payment of unpaid real estate taxes, special assessments, sanitary sewer impact fees and storm water utility fees on the parcel of real estate which is being divided prior to the recording of the Final Plat. 3.Applicant entering into a Subdivider's Agreement with the City of Kenosha and Kenosha Water Utility. The agreement shall be in a form drafted and approved by the City Attorney. Agreement shall determine responsibility and timeframes for the construction of all improvements required by the City and Utility and all other improvements proposed by applicant which will serve the subdivision. The Final Plat shall not be recorded and no building or structure shall be constructed or installed within the subdivision until a Subdivider's Agreement has been approved and executed.

4.The final Grading/Drainage Plan shall be submitted for review and approval which complies with all City, State and Federal rules and regulations. 5.The final Utility Plan shall be submitted for review and approval addressing the items listed in the June 26, 2008 Kenosha Water Utility memo. 6.Compliance with City and State codes and ordinances. 7.Payment of all applicable fees, including recording fees prior

to recording of the Final Plat. All required park fees shall be paid at the time of issuance of building permits per Chapter 35 of the Code of General Ordinances. 8.The Final Plat shall be submitted to the City Clerk for signature within the time required under Section 236.25(2)(b) of the State Statutes and 17.04 I.4 of the Code of General Ordinances or the plat shall be null and void. 9.Applicant shall provide the City with a digital copy of the Final Plat prior to recording of the plat. 10.City Forester to approve final street tree locations. Street trees are not to be installed until curb, sidewalk, lawn park topsoil and residence have been installed. Twenty-six (26) street trees are required in the lawn park area. 11.Detail on all street lights shall be provided. The use of wood poles is prohibited. 12.The signature page shall be revised to indicate Michael Higgins as the City Clerk/Treasurer and Keith G. Bosman as Mayor. The owners of all properties involved in the Subdivision Plat shall sign the Final Plat. 13.Compliance with all the preceding conditions as prerequisite for authorizing the City Clerk and Mayor to sign the plat. Adopted this 18th day of August, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

16. It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to approve Award of Contract for Project #08-1023 Miscellaneous Resurfacing (10th Avenue - 54th to 56th Streets) and Asphalt Joint Repairs (52nd Street - 30th Avenue to Green Bay Road) to Payne & Dolan, Kenosha, Wisconsin in the amount of $260,000.00. (Districts 2, 10, & 16)

On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to approve:

17. 2009 Community Development Block Grant (CDBG) Fund Allocation Plan.
18. Memorandum of Understanding between the City of Kenosha and the Wisconsin Department of Transportation for Properties Located Between CTH K and STH 50, west of 120th Avenue. (District 17)
19. Developer's Agreement between A&M Enterprises, LLC, City of Kenosha and the Kenosha Water Utility for Hillside Heights Subdivision located at 46th Avenue and 46th Street. (Hillside Heights Subdivision) (District 16)

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Ruef, seconded by Ruffolo, to:

20. Receive and file KABA 2008 2nd Quarter Loan Reports.
21. Approve Change Order for Project #07-1018 Resurfacing Phase III (District 8)
22. Approve Disbursement Record #14 – $5,622,531.05.

On roll call vote, motion carried unanimously. NOTE: Alderman Nudo was not present for the vote on items 15 through 22. He returned to his seat after the roll call vote on these items.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to adjourn at 8:10 p.m.

On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Wednesday, September 3, 2008
Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Wednesday, September 3, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.
The meeting was called to order at 7:03 p.m.
On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Ruef, Kennedy, Nudo, Casey, Misner, Prozanski, Orth, Downing and Bogdala. Alderman Marks was previously excused.
A moment of silence was observed in lieu of the invocation.
Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.
Ten (10) citizens spoke during Citizen's Comments: Mary Magdalen Moser, Kerry Raymond, Pamela Mundling, David Lauer, Bob Danbeck, Ken Zigner, Chaz Bartucz, Nasser Museitif, Janine Rohde and Ben Bakke.

TO THE COMMITTEE ON FINANCE

1. Intergovernmental Agreement – Jurisdictional Transfer of Roadway Between County of Kenosha, Wisconsin and City of Kenosha, Wisconsin For Part of County Trunk Highway "N".
2. Resolution: "To Accept The Transfer of Jurisdictional Responsibility For County Trunk Highway "N" Between The East Frontage Road of I-94 And County Trunk Highway "S" From The County of Kenosha, Subject To The Intergovernmental Agreement".
3. Vacant Land Acquisition Cost Reimbursement Agreement between the City of Kenosha and Kenosha Unified School District (KUSD) #1 for right-of-way on 56th Street west of 64th Avenue, District #16.

TO THE PUBLIC WORKS COMMITTEE

4.Distribution Easement Agreement between the City of Kenosha and WE Energies granting a permanent easement at the northeast corner of 41st Street and 32nd Avenue, District #10.
5.To Repeal And Recreate Section 1.03 C.1.b. Of The Code Of General Ordinances; To Create Section 1.06 K. of the Code of General Ordinances, Entitled "Stormwater Utility Committee"; And, To Amend, Renumber, Create, and Repeal and Recreate Various Sections of Chapter VIII Of The Code Of The General Ordinances, Entitled "Stormwater Utility".
6.To Repeal And Recreate Section XXXIII Of The Code of General Ordinances For the City of Kenosha, Wisconsin, Entitled "Land-Disturbing Erosion And Sediment Control Ordinance".
7.To Create Chapter XXXVI Of The Code Of General Ordinances For The City Of Kenosha, Wisconsin, Entitled "Post-Construction Stormwater Management Ordinance"

COMMUNICATIONS,
PETITIONS, REPORTS
OF DEPARTMENTS

8. It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to approve:
a. 20 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.
b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.
c. 1 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.
d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.
On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

9. It was moved by Alderman Nudo, seconded by Alderman Ohnstad, to approve the following applications for new Operator's (Bartender) licenses subject to:
-25 demerit points:
a. Jeffrey S Dolan
b. Jamice L Glass

c. Sara J Gonnering
d. Lisa D Kuhn
e. Michael G Lampos
f. Kevin Powell
g. Heather Stepler
-60 demerit points:
h. Melissa E Kreuser
-75 demerit points:
i. Kimberly J Hollis
j. Maria A Trester
k. Theresa R Ziccarelli
l. Samantha G Marks

A hearing was held. The applicants did not appear. On a voice vote, motion carried.

10. It was moved by Alderman Ruef, seconded by Alderman Nudo, to DENY Applications for new Operator's (Bartender) licenses based on:
-material police record:
a. Tyler N Slaght (withdrawn)
-material police record & false application:
b. Megan L King

A hearing was held. The applicants did not appear. On a voice vote, motion carried.

11. It was moved by Alderman Nudo, seconded by Alderman Downing, to approve application of Traci Peterson for a Class "B" Beer/"Class B" Liquor License located at 2425-60th St, (Hattrix), with acceptance of a conditional surrender of a similar license at the same location from Faelyn Holmes (7th District).

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

12. It was moved by Alderman Ruef, seconded by Alderman Ohnstad, to approve application of Claudio Parrone, Sr. for an Amusement and Recreation Enterprise License located at 7447-57th Ave, (Claw's Billiards).

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Casey, seconded by Alderman Ruffolo, to send the following ordinance on its way:

13. By the Mayor - To Repeal and Recreate Section 7.14 4.e of the Code of General Ordinances for the City of Kenosha, Wisconsin, Regarding the Rules of Operation for Child Towing Trailers on Bicycles. On a voice vote, motion carried.

CHARTER ORDINANCES 1ST READING

It was moved by Alderman Casey, seconded by Alderman Ruffolo, to send the following ordinance on its way:

14. By Alderperson Donald K. Holland, Alderperson David F. Bogdala, Alderperson Kathy Carpenter, Alderperson Eric J. Haugaard, Alderperson Patrick Juliana, Alderperson Ray Misner, Alderperson Donald Moldenhauer, Alderperson Anthony Nudo, Alderperson Michael J. Orth, Alderperson Daniel L. Prozanski, Jr., Alderperson G. John Ruffolo, Alderperson Donald Ruef – Charter Ordinance No. 35 - To Repeal and Recreate Article III, Section One and Section Two; To Amend Article IV by Rescinding Therefrom the Phrase "Supervisor of Personnel" and Replacing Same With the Phrase "Director of Personnel"; To Repeal and Recreate article IV, Section One, Subsection B.; To Repeal and Recreate the Title and First Paragraph of Article IV, Section Three; and To Repeal and Recreate Article IV, Section Three, Subsection P. and Subsection Q. of Charter Ordinance No. 29, the Civil Service Ordinance for the City of Kenosha, Wisconsin. On a voice vote, motion carried.

RESOLUTIONS

15. It was moved by Alderman Ruef, seconded by Alderman Juliana, to adopt Resolution 106-08. A hearing was held. No one spoke for or against. On roll call vote, motion carried unanimously and said resolutions was thereupon adopted as follows:

RESOLUTION NO. 106-08
BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Grass and Weed Cutting

BE IT RESOLVED, that special assessments for weed/grass cutting during 2008, in the total amount of $7,153.75, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha. Passed this 3rd day of September, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

16. It was moved by Alderman Ruef, seconded by Alderman Juliana, to adopt Resolutions 107-08 and 108-08. A hearing was held. No one spoke for or against. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 107-08
BY: FINANCE COMMITTEE
To Rescind One (1) Special Assessment Levied by Resolution No. 92-08 Against Parcel No. 01-122-01-330-005 (6719 39th Avenue), Kenosha, Wisconsin

WHEREAS, on August 4, 2008, the Common Council of the City of Kenosha, Wisconsin, adapted Resolution No. 92-08 levying special assessments for grass cutting for various parcels within the City of Kenosha, Wisconsin, at the request of the Department of Neighborhood Services and Inspections; and, WHEREAS, the Department of Neighborhood Services and Inspections has determined that a special assessment should not have been levied on one (1) of those parcels; to wit: Parcel No. 01-122-01-330-005 (6719 39th Avenue) Kenosha, Wisconsin. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the special assessment of $ 375.00 levied by Resolution No. 92-08 against Parcel No. 01-122-01-330-005 (6719 39th Avenue) Kenosha, Wisconsin be and hereby is rescinded. Passed this 3rd day of September, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

b. RESOLUTION NO. 108-08
BY: FINANCE COMMITTEE
To Rescind One (1) Special Assessment Levied by Resolution No. 088-08 Against Parcel No. 05-123-06-178-001 (815 65th Street), Kenosha, Wisconsin

WHEREAS, on July 21, 2008, the Common Council of the City of Kenosha, Wisconsin, adapted Resolution No. 088-08 levying special assessments for trash and debris removal for various properties within the City of Kenosha, Wisconsin, at the request of the Department of Neighborhood Services and Inspections; and, WHEREAS, the Department of Neighborhood Services and Inspections has determined that a special assessment should not have been levied on one (1) of those parcels; to wit: Parcel No. 05-123-06-178-001 (815 65th Street) Kenosha, Wisconsin. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the special assessment of $445.00 levied by Resolution No. 088-08 against Parcel No. Parcel No. 05-123-06-178-001 (815 65th Street) Kenosha, Wisconsin be and hereby is rescinded. Passed this 3rd day of September, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

17. It was moved by Alderman Ruffolo, seconded by Alderman Juliana, to adopt Resolution 109-08. A public hearing was held. No one spoke for or against. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 109-08
BY: COMMITTEE ON PUBLIC WORKS
FINAL RESOLUTION AUTHORIZING IMPROVEMENTS IN STREET RIGHT-OF-WAY AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY SUMP PUMP DRAIN CONNECTIONS INTO STORM SEWERS

WHEREAS, the Common Council of the City of Kenosha, Wisconsin held a public hearing at the Council Chambers in the Municipal Building, 625 52nd Street on the 3rd day of September, 2008 concerning the preliminary resolution and report of the Board of Public Works (Public Works Committee) on the proposed improvement in the street right-of-way, with construction of sump pump drain connections into storm sewers, 37th Avenue - 85th Place to 86th Street, and has heard all persons desiring audience at such hearing: A hearing was also held before the Board of Public Works (Public Works Committee) on the 25th day of August, 2008 and all persons desiring audience at such hearing were heard. NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kenosha as follows: 1. That the report of the Board of Public Works (Public Works Committee) pertaining to the construction of the above described public improvements in street right-of-way, including plans and specifications therefore, as modified, is hereby adopted and approved. 2. That the Director of Public Works is directed to advertise for bids and to carry out the work of such improvements in accordance with the report of the Board of Public Works (Public Works Committee). 3. That payment for said improvements be made by assessing the cost to the property benefited, as indicated in said report. 4. That assessments shown on the report, representing an exercise of the police power, have been determined on a reasonable basis and are hereby confirmed. 5. That the assessments for all projects included in said report are hereby combined as a single assessment but any interested property owner may object to each assessment separately or all assessments jointly for any purpose. 6. That the assessment for sump pump drain connections into storm sewers may be paid in a lump sum or in one (1) annual installment, at the election of the property owner which will be placed on the tax roll to bear interest at the rate of 7.5% per annum on the unpaid balance; and, 7. That the City Clerk shall publish this resolution as a Class I notice in the official newspaper of the City. 8. The Clerk is further directed to mail a copy of this resolution to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained. Adopted this 3rd day of September, 2008

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

18. It was moved by Alderman Ruffolo, seconded by Alderman Holland, to adopt Resolution 110-08.

18.1 It was then moved by Alderman Juliana, seconded by Alderman Kennedy to amend the resolution by changes the question to "SHOULD THE COMMON COUNCIL FOR THE CITY OF KENOSHA, WISCONSIN, BE ADVISED TO PROHIBIT SMOKING AT ALL WORK PLACES?" on a voice vote, motion carried.

On roll call vote, motion carried (11-5) with Aldermen Kennedy, Casey, Downing, Carpenter and Juliana voting nay, to adopt the resolution as amended carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 110-08
BY: ALDERPERSON DONALD K. HOLLAND, COUNCIL PRESIDENT
TO SUPPORT PLACING AN ADVISORY REFERENDUM ON THE NOVEMBER 4, 2008, ELECTION BALLOT, TO DETERMINE IF THE CITIZENRY OF THE CITY OF KENOSHA, WISCONSIN, FAVOR EXTENDING THE SMOKING PROHIBITIONS OF SECTION 4.05 OF THE CODE OF GENERAL ORDINANCES TO BE INCLUSIVE OF ALL PLACES OF BUSINESS

WHEREAS, the City of Kenosha, Wisconsin, has previously enacted Section 4.05 of the Code of General Ordinances, which remains in full force and effect; and, WHEREAS, Section 4.05 of the Code of General Ordinances for the City of Kenosha, Wisconsin, prohibits "smoking" as that term is defined therein, in restaurants and grocery stores; and, WHEREAS, the Common Council is considering extension of the application of the prohibition to other businesses within the City of Kenosha; and, WHEREAS, such extension has the potential for a beneficial affect on the public health, safety and welfare of the citizens of the City of Kenosha, but has the potential for a detrimental effect on the economy of the citizens of the City of Kenosha; and, WHEREAS, a public hearing has been held during which many citizens spoke on either side of the issue; and, WHEREAS, this issue appears to be one of great import and great controversy such that it is desirable for the Common Council to understand the wishes of the citizens of the City of Kenosha in a formal and unequivocal way. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that an Advisory Referendum be held coincident with the general election on November 4, 2008, asking the citizens of Kenosha to answer the following question: "SHOULD THE COMMON COUNCIL FOR THE CITY OF KENOSHA, WISCONSIN, BE ADVISED TO PROHIBIT SMOKING AT ALL WORK PLACES?" Adopted this 3rd day of September, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

19. It was moved by Alderman Ruffolo, seconded by Alderman Casey, to approve appointment of Mark Karow, to the Kenosha City/County Joint Services Board of Directors for a term which will expire May 1, 2011.
On roll call vote, motion carried unanimously.

PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

20. It was moved by Alderman Ruffolo, seconded by Alderman Casey, to approve award of contract for project #05-1416 Anderson Park Skateboard Park (8730 22nd Ave) to Bane Nelson, in the amount of $157,750.00. (District 9).
On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Ruffolo, seconded by Alderman Casey, to approve:
21. Contract between the City of Kenosha, Wisconsin and JPMorgan Chase for Pay Connection Service Terms.
22. CMAQ Project Agreement between WisDOT and City of Kenosha for Bike and Pedestrian Connections (ID 1693-45-00/70).
23. The Landlord's Agreement Termination between City of Kenosha, Wisconsin and Universal Airmotive, Ltd. #9820 was deferred by the Finance Committee.
24. The Lease Agreement between City of Kenosha, Wisconsin and Acme Air Venture, L.L.C. #9820 was deferred by the Finance Committee.
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

25. It was moved by Ruffolo, seconded by Casey, to DENY the request to rescind Administrative Fee for Grass Cutting Special Assessment for 1536 25th Ave.
26. It was moved by Alderman Ruffolo, seconded by Casey, to approve Disbursement Record #15 - $32,620,090.63.
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

27. It was moved by Alderman Ruffolo, seconded by Alderman Casey to approve Final Acceptance of Projects:
a. #07-1014 Concrete Street Repairs (80th Street – Sheridan Rd to 30th Avenue) completed by Cornerstone Pavers, LLC, in the amount of $253,931.36 (Districts 3, 9, &13)
b. #07-1018 Resurfacing Phase III (48th Avenue - 58th Street to 60th Street & 85th Street - 30th Avenue to 32nd Avenue) completed by Cicchini Asphalt Paving, in the amount of $181,046.49. (Districts 9, 11, & 14)
On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Ruef, seconded by Alderman Ruffolo, to adjourn at 8:41 p.m.
On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, September 15, 2008
Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, September 15, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.

The meeting was called to order at 7:03 pm.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Nudo, Orth, Downing and Bogdala. Excused: Aldermen Moldenhauer, Kennedy, Casey, Misner, and Prozanski.

A moment of silence was observed in lieu of the invocation.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

At this time, the Mayor called upon members of Alpha Delta Kappa to present a commendation. A brief 3 minute recess was taken.

It was moved by Alderman Orth, seconded by Alderman Nudo, to approve the minutes of the meeting held August 18, 2008.

Motion carried unanimously.

Six (6) Citizens spoke during Citizen's Comments: Michelle Pistora, Kerry Raymond, Nasser Museitif, Taja Chandler, Louis Rugani and Leah Blough.

TO THE COMMITTEE ON FINANCE

1. Offer of Sale Agreement between the City of Kenosha and Wisconsin Department of Transportation for real estate at the northeast corner of I-94 and STH 158 interchange, District #16. (Kenosha Municipal Airport/Wis DOT)

TO THE PUBLIC WORKS COMMITTEE

2. First Amendment to the Developers Agreement By and Between First Industrial Investments, Inc. and the City of Kenosha, Wisconsin and the Kenosha Water Utility for property located east of 88th Avenue and south of 52nd Street, District #16. (First Park Kenosha South)
3. Easement from the City of Kenosha to AT & T for installation of an aboveground utility structure to be located at the northeast corner of 25th Street and 14th Avenue, District #1.
4. Easement from the City of Kenosha to AT & T for installation of an aboveground utility structure to be located south of 89th Street and west of 39th Avenue, District #14.
5. Resolution to Amend the Official Map for the City of Kenosha, Wisconsin to include the designation of 56th Street from 64th Avenue to 68th Avenue as a future street and to remove 68th Avenue from 56th Street to 60th Street as a future street, District #16.
6. Resolution to Declare the Necessity for the Public Use to Widen that Portion of 75th Street from 38th Avenue to 7th Avenue and to Authorize the Condemnation of Lands Adjacent Thereto or Such Actions as May be Necessary to Acquire Sufficient Interests in such Lands.

TO THE CITY PLAN COMMISSION

7. Resolution to Amend the Official Map for the City of Kenosha, Wisconsin, to include the Attachment of Parcel #80-4-222-333-0100, #80-4-222-333-0130, #80-4-222-333-0150, #80-4-222-333-0160 and #80-4-222-333-0170 in the Town of Somers, Kenosha County, Wisconsin, in accordance with the approved City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes. (Melamines)
8. Resolution to Amend the Official Map for the City of Kenosha, Wisconsin, to include the Attachment of Parcel #80-4-222-231-0142 and #80-4-222-231-0145, in the Town of Somers, Kenosha County Wisconsin, in Accordance with the Approved City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes. (Colicky/Regency Hills)
9. Petition to rezone properties generally located south of 52nd Street and east of 68th Avenue from A-2

Agricultural Land Holding to IP Institutional Park, in conformance with Section 10.02 of the Zoning Ordinance, District 16. (KUSD-Indian Trail)

10. Petition to rezone properties generally located east of 88th Avenue and south of 52nd Street from A-2 Agricultural Land Holding to M-2 Heavy Manufacturing in conformance with Section 10.02 of the Zoning Ordinance, District 16. (Affiliated Foods Midwest)

11. Amendment to the Conditional Use Permit for a new drive entrance for Affiliated Foods Midwest located at 8100 60th Street, District #16. (Affiliated Foods Midwest)

12. Amendment to the Corridor Land Use Plan for the property generally located south of 52nd Street and east of 68th Avenue, City Plan Commission Resolution #05-08, District 16. (KUSD-Indian Trail)

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

13. It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to approve:

a. 24 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. 4 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

14. It was moved by Alderman Nudo, seconded by Alderman Carpenter, to approve applications for new Operator's (Bartender) licenses, subject to:

-25 demerit points:

a. Sarah M Dodge

b. Lisa D Hessefort

-50 demerit points:

c. Katherine H Costanza

d. John P Ziemba

-75 demerit points:

e. Chantel Perez

-85 demerit points:

f. Karina Vazquez del Mercado

-95 demerit points:

g. Ryan D Knudson

A hearing was held. The applicants did not appear. On a voice vote, motion carried.

15. It was moved by Alderman Ruffolo, seconded by Alderman Downing, to DENY application of Sheila L Luna for a Taxi Driver's license based on material police record.

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

16. It was moved by Alderman Ruef, seconded by Alderman Juliana, to DENY application of Amarjit, Inc., Amarjit Singh, Agent, for a Class “A” Retail Beer License located at 704-75th St, (Marathon Gas Station) based on density and economic impact.

A hearing was held. The applicant was present and spoke. Tom Morelli spoke against approval. On a voice vote, motion carried.

17. It was moved by Alderman Juliana, seconded by Alderman Nudo, to Approve application of Bacchus Billiards, LLC, Brian R D'Angelo, Agent, for a Class “B” Beer/”Class C” Wine License located at 5010-7th Ave, (Bacchus Billiards).

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

18. It was moved by Alderman Nudo, seconded by Alderman Downing, to approve application of Groby, LLC, for a 1-Day Cabaret License located at 2627-63rd St, (Gerb's Tap), for September 27, 2008, with no adverse recommendations.

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Ruffolo, seconded by Alderman Ruef, to send the following ordinances on their way*:*

19. By the Mayor - Attachment and Temporary Zoning District Classification – (Parcels 80-4-222-333-0100; 80-4-222-333-0130; 80-4-222-333-0150; 80-4-222-333-0160; and 80-4-222-333-0170); Town of Somers. (Niemela - Property Owners)

20. By the Mayor - Attachment and Temporary Zoning District Classification- (Parcels 80-4-222-231-0142 and 80-4-222-231-0145); Town of Somers. (Colicki/Regency Hills)

21. By the Mayor - To Repeal And Recreate Section 1.03 C.1.b.; To Create Section 1.06 K., Entitled "Stormwater Utility Committee"; And, To Amend, Renumber, Create, and Repeal and Recreate Various Sections of Chapter VIII, Entitled "Stormwater Utility".

22. By the Mayor - To Repeal And Recreate Section XXXIII of the Code of General Ordinances for the City of Kenosha,Wisconsin, Entitled "Land-Disturbing Erosion And Sediment Control Ordinance".

23. By the Mayor - To Create Chapter XXXVI, Entitled "Post-Construction Stormwater Management Ordinance"

On a voice vote, motion carried.

ORDINANCES 2ND READING

24. It was moved by Alderman Ruef, seconded by Alderman Juliana, to adopt Ordinance 43-08. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 43-08
BY: THE MAYOR
TO REPEAL AND RECREATE SECTION 7.14 4.e. OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, REGARDING THE RULES OF OPERATION FOR CHILD TOWING TRAILERS ON BICYCLES

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 7.14 4.e. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: e. With any person in tow in any manner, subject to an affirmative defense that all of the following exist: (1) The person or persons being towed are secured within a commercially available trailer subject to Section 7.14 4.d.; (2)m The trailer is designed for use as a carrier of persons; (3) The trailer is being used in accordance with the manufacturer's specifications; and, (4) The trailer is equipped with a red reflector that has a diameter of at least two (2") inches of surface area or is a strip of reflective tape that has at least two (2) square inches of surface area, on the rear of the trailer so mounted and maintained as to be visible from all distances from fifty (50') feet to five hundred (500') feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

CHARTER ORDINANCES 2ND READING

25. It was moved by Alderman Ruef, seconded by Alderman Juliana, to adopt Charter Ordinance 35. A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried (11-

1) with Alderman Downing voting nay and said ordinance was thereupon adopted as follows:

CHARTER ORDINANCE NO. 35
BY: ALDERPERSON DONALD K. HOLLAND
ALDERPERSON DAVID F. BOGDALA
ALDERPERSON KATHY CARPENTER
ALDERPERSON ERIC J. HAUGAARD
ALDERPERSON PATRICK JULIANA
ALDERPERSON RAY MISNER
ALDERPERSON DONALD MOLDENHAUER
ALDERPERSON ANTHONY NUDO
ALDERPERSON MICHAEL J. ORTH
ALDERPERSON DANIEL L. PROZANSKI, JR.
ALDERPERSON G. JOHN RUFFOLO
ALDERPERSON DONALD RUEF

TO REPEAL AND RECREATE ARTICLE III, SECTION ONE AND SECTION TWO; TO AMEND ARTICLE IV BY RESCINDING THEREFROM THE PHRASE "SUPERVISOR OF PERSONNEL" AND REPLACING SAME WITH THE PHRASE "DIRECTOR OF PERSONNEL"; TO REPEAL AND RECREATE ARTICLE IV, SECTION ONE, SUBSECTION B.; TO REPEAL AND RECREATE THE TITLE AND FIRST PARAGRAPH OF ARTICLE IV, SECTION THREE; AND TO REPEAL AND RECREATE ARTICLE IV, SECTION THREE, SUBSECTION P. AND SUBSECTION Q. OF CHARTER ORDINANCE NO. 29, THE CIVIL SERVICE ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

The Common Council of the City of Kenosha, Wisconsin, by Charter Ordinance, pursuant to Section 66.0101, Wisconsin Statutes, do ordain as follows: Section One: CHARTER ORDINANCE 29, ARTICLE III, SECTIONS ONE AND TWO, for the City of Kenosha, Wisconsin, are hereby repealed and recreated as follows: Section One: There is hereby created a Civil Service Commission to consist of five (5) qualified electors of Kenosha County who will represent the interests of the City's residents and who have a recognized appreciation for a knowledge of personnel management and/or a dedication to the concept of Equal Employment Opportunity. Section Two: The members of the Civil Service Commission shall be appointed by the Mayor, with the approval of the Common Council. One (1) of said members shall be associated with management. One (1) of said members shall be a member in good standing of a bona fide labor organization. No member may be an employee of the City or hold an elective position or office in the City of Kenosha Government. The current members shall continue in office until their terms expire and their successors are appointed and qualified, or until removed in accordance with Section Four of this Article. Upon the expiration of the term of each member, the Mayor shall appoint a member for a term of six (6) years, in accordance with the provisions of this Article. Section Two: CHARTER ORDINANCE NO. 29, ARTICLE IV, for the City of Kenosha, Wisconsin, is hereby amended by rescinding therefrom the phrase "SUPERVISOR OF PERSONNEL" wherever such phrase shall exist therein, and replacing same with the phrase "DIRECTOR OF PERSONNEL". Section Three: CHARTER ORDINANCE NO. 29, ARTICLE IV, SECTION ONE, SUBSECTION B., for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: B. Develop and implement rules and regulations for the approval of all recruitment plans, examination procedures, names of oral board members or performance examination raters and certifications of persons eligible to be considered for appointment to the Civil Service by an appointing authority to ensure that the policy declared in Article I, Section Two A is achieved. Section Four: The TITLE and FIRST PARAGRAPH of CHARTER ORDINANCE NO. 29, ARTICLE IV, SECTION THREE, for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: Section Three: Personnel Director. The Personnel Director, under general direction of the City Administrator and the Mayor, shall carry out the following functions and shall develop and recommend such rules and regulations as are necessary to carry out these functions, submitting them to the Common Council for its consideration and adoption in accordance with Section One B. of this Article: Section Five:

CHARTER ORDINANCE NO. 29, ARTICLE IV, SECTION THREE, SUBSECTION P. AND SUBSECTION Q., for the City of Kenosha, Wisconsin, are hereby repealed and recreated as follows: P. Develop and implement procedures for the recruitment of applicants for City positions subject to the review and approval of the Civil Service Commission. Q. Subject to the approval of the Civil Service Commission, develop and implement procedures for selecting persons for appointment and promotion. Whenever practicable, these procedures shall require examinations, which shall be competitive when practicable. No person shall be appointed to or promoted within the City service without the certification of the Personnel Director, pursuant to procedures approved by the Civil Service Commission. This certification shall be made on the basis of results of examinations, when given, with the number certified being determined by rule of the Personnel Director, never less than three (3) if three (3) eligibles are available. Section Six: This Charter Ordinance shall be effective sixty (60) days after its passage by at least a two-thirds (2/3rds) vote of the members of the Common Council, and its publication, unless, within sixty (60) days, it be made subject to a referendum in the manner prescribed by Section 66.0101 of the Wisconsin Statutes. The City Clerk/Treasurer shall file a certified copy of this Charter Ordinance with the Secretary of State for the State of Wisconsin.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

RESOLUTIONS

26. It was moved by Alderman Ruef, seconded by Alderman Ohnstad, to adopt Resolution 111-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION # 111-08
BY: THE MAYOR
Resolution to Approve Modifications to the Labor Agreement for 2007 - 2009 Between the City of Kenosha and Local #414, Kenosha Fire Fighters

WHEREAS, a voluntary tentative settlement agreement has been reached between the City of Kenosha and Local #414, Kenosha Fire Fighters; and WHEREAS, the Union has notified the City that the membership has ratified this tentative settlement agreement. NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that the existing agreement with Local #414, Kenosha Fire Fighters be amended in accordance with the tentative agreements as attached (on file in the office of the City Clerk) and be effective January 1, 2007. Adopted this 15th day of September, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

27. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to adopt Resolution 112-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 112-08
BY: THE MAYOR
TO ACCEPT JURISDICTIONAL TRANSFER OF COUNTY TRUNK HIGHWAY "N" BETWEEN THE EAST FRONTAGE ROAD OF I-94 AND COUNTY TRUNK HIGHWAY "S"

WHEREAS, Kenosha County and the City of Kenosha in the State of Wisconsin have, by mutual agreement, determined it to be in each respective best interest to jurisdictionally transfer a segment of County Trunk Highway "N" (38th Street) between the East Frontage Road of I-94 and County Trunk Highway "S"; and, WHEREAS, Kenosha County and the City of Kenosha will have each approved an Intergovernmental Agreement regarding, among other items, improvements required on County Trunk Highway "N"; and, WHEREAS, the Southeastern Wisconsin Regional Planning Commission has recommended that the jurisdictional responsibility of County Trunk Highway "N" from I-94 to County

Trunk Highway "S" be changed to the City of Kenosha; and, WHEREAS, Section 83.025 of the Wisconsin Statutes enables jurisdictional transfers between units of government upon mutual agreement and upon approval by the Wisconsin Department of Transportation. NOW, THEREFORE, BE IT RESOLVED that the Common Council for the City of Kenosha, Wisconsin, hereby accepts the transfer of jurisdictional responsibility for County Trunk Highway "N" between the East Frontage Road of I-94 and County Trunk Highway "S" to the City of Kenosha, Wisconsin, subject to the Intergovernmental Agreement and subject to the approval of the Wisconsin Department of Transportation. BE IT FURTHER RESOLVED that the City Clerk/Treasurer is directed to forward a copy of this Resolution to to any State or County official necessary to enable processing of this jurisdictional transfer through the Wisconsin Department of Transportation as indicated in Section 83.025 of the Wisconsin Statutes. Adopted this 15th day of September, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

28. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to approve Award of Contract for Project #08-1024 Strawberry Creek Surface Paving to Payne & Dolan, in the amount of $458,800.00.
On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to approve:
29. Landlord's Agreement Termination between City of Kenosha, Wisconsin and Universal Airmotive, Ltd. #9820.
30. Lease Agreement between City of Kenosha, Wisconsin and Acme Air Venture, L.L.C. #9820.
31. Offer to Purchase Agreement to Acquire 4901 37th Ave.
32. Intergovernmental Agreement – Jurisdictional Transfer of Roadway Between County of Kenosha, Wisconsin and City of Kenosha, Wisconsin for Part of County Trunk Highway “N”.
33. Vacant Land Acquisition Cost Reimbursement Agreement between the City of Kenosha and Kenosha Unified School District (KUSD) #1 for Right-of-Way on 56th Street west of 64th Avenue.
34. Distribution Easement Agreement between the City of Kenosha and WE Energies granting a permanent easement at the northeast corner of 41st Street and 32nd Avenue.
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to approve:
35. Deferred by Finance Committee: Change Order #2 for Project #07-1013 7th Avenue Reconstruction.
36. Disbursement Record #16 – $5,227,738.40.
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

37. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter to approve Final Acceptance of Project #07-1409 Washington Park Shelter and Project #07-1410 Miscellaneous Park Shelters (Poerio, Roosevelt and Gangler) completed by Camosy, Inc. in the amount of $112,283.00.
On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Carpenter, seconded by Alderman Ruffolo, to adjourn at 7:53 p.m.

On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, October 6, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.

The meeting was called to order at 7:03 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Misner, Prozanski, Orth, Downing and Bogdala. Alderman Casey was excused.

A moment of silence was observed in lieu of the invocation.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to approve the minutes of the meetings held September 3 and September 15, 2008.

Motion carried unanimously.

Twenty (20) citizens spoke during Citizen's Comments: Mary Magdalen Moser, Argelia Hernandez, Robert Guerrero, Patti Nies, Nello Cristiano, Taja Chandler-Wright, Stacey West-Rivera, Leigh Travanty, Jody McCarron, Ron Frederick, Mark Gerber, Jerry Scott, Steve Zalewski, Tammy Martin, Ken Zigner, Don Moehrke, Dayvin Hallmon, Helen Breitenbach, and Kris Roemer.

TO THE PUBLIC WORKS COMMITTEE

1. Resolution to approve a one-lot Certified Survey Map for property located south of 52nd Street and east of 104th Avenue, District #16. (Panattoni) (Also referred to City Plan Commission)
2. Resolution to approve a two-lot Certified Survey Map for property located at 4105 18th Street, District #5. (Colicki) (Also referred to City Plan Commission)
3. Petition to vacate a portion of an alley located east of 17th Avenue between 53rd and 54th Street, District #7. (Steele/Juliana) (Also referred to City Plan Commission)
4. To Renumber, Create, and Repeal and Recreate various Sections of Chapter XVII of the Code of General Ordinances; and to Repeal the Title "Land Division Ordinance: of Chapter XVII, and Recreate the Title of Chapter XVII as "Divisions and Combinations of Land".

TO THE CITY PLAN COMMISSION

5. Request for a Distance Exception for a two-bed Adult Family Home/Community Living Arrangement to be located at 5520 53rd Avenue, District #16. (Baumgarten)

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

6. It was moved by Alderman Ruffolo, seconded by Alderman Ohnstad, to approve:

a. 20 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

7. It was moved by Alderman Ruffolo, seconded by Alderman Kennedy, to approve applications for new Operator's (Bartender) licenses, subject to:

-25 demerit points:

a. Shawn A Clark

b. Stephanie N Goins

c. Sukhjit Kaur

d. Danielle M Martin

-35 demerit points:

e. Cole C Garcia
-50 demerit points:
f. Christine M Arizola
g. Bryan R Bergman
h. Kathleen A Martin
i. David B Mueller
j.Cody W Taylor
-75 demerit points:
k. Calvin J Ludwig
l. Michelle J Steadman
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
8. It was moved by Alderman Kennedy, seconded by Alderman Downing to separate action on items a, c and d. from item b. On a voice vote, motion carried. It was then moved by Alderman Ruffolo, seconded by Alderman Nudo to concur with the recommendation, to DENY applications a., c. and d. for new Operator's (Bartender) licenses, based on:
-material police record:
a. Katherine J Adams
c. Christopher J Parker
-material police record & false application:
d. Gurjit Singh
A hearing was held. Applicant b., Tina Burns was present and spoke. On a voice vote, motion to concur with recommendations on items a., c. and d. carried.
8.1 It was then moved by Alderman Kennedy, seconded by Alderman Nudo to approve applicant b., Tina Burns subject to 95 demerit points. On a voice vote, motion carried.
9. It was moved by Alderman Misner, seconded by Alderman Downing, to refer the application of Hernandez, Hernandez, LLC, Jose Hernandez, Agent, for a Class "B" Beer/"Class B" Liquor License located at 504-57th St, (Nortap Tequila Bar & Lounge), back to the Licensing/Permit Committee. A hearing was held. The applicants were present and spoke.
On a voice vote, motion carried.
10. Applications for Cabaret Licenses (1-year term) with no adverse recommendations:
a. Hernandez, Hernandez, LLC (504-57th St, Nortap Tequila Bar & Lounge)
b. Traci Peterson (2425-60th St, Hattrix)
A hearing was held. The applicants did not appear.
10.1 It was moved by Alderman Kennedy, seconded by Alderman Marks, to separate action on applications a. and b. On a voice vote, motion carried.
10.2 It was then moved to send application a., Hernandez, Hernandez, LLC back to the Licensing/Permit Committee. On a voice vote, motion carried.
10.3 It was then moved by Alderman Downing, seconded by Alderman Misner to approve application b., Traci Peterson. On a voice vote, motion carried.
11. It was moved by Alderman Nudo, seconded by Alderman Ruef, to approve the Findings of Fact, Conclusions of Law and Recommendations (To Suspend for 30 days and Reinstate with 95 Demerit Points) Regarding the Class "B" Beer/"Class B" Liquor License of Kick's Rhythm & Blues, LLC, Kimberly Jenkins, Agent, Located at 2901-60th Street, (Kick's Rhythm & Blues).
A hearing was held. Attorney Zievers appeared on behalf of the licensee. On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to send the following ordinances on their way:
12. By Committee on Public Safety and Welfare – To Create Section 15.06 I. Regarding Off-Premise Noncommercial Directional Signs.
13. By Committee on Public Safety and Welfare – To Amend Section 15.02 , Entitled "Definitions and Interpretation", by Including Therein the Definition of the Term "Block".
14. By Committee on Public Safety and Welfare - To Amend Section 7.12 B. to Include a Four Way Stop at the Intersection of 36th Avenue and 76th Street; and, to Include a Four Way Stop at 36th Avenue and 77th Street.
15. By Committee on Public Safety and Welfare - To Amend Section 7.12 C. by Removing the Language Therefrom Which Places Stop Signs on 56th Street, 57th Street and 58th at Their Intersection With 5th avenue; to Amend Section

7.12 B., to Include a Four Way stop at the Intersection of 5th Avenue and 57th Street; and, to Amend Section 7.12 C. by Adding East/West Stop Signs on 58th Street at the Intersection with 5th Avenue.
On a voice vote, motion carried.

ZONING ORDINANCES 1ST READING

It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to send the following ordinances on their way:
16. By the Mayor – To Rezone Property Generally Located East of 88th Avenue and South of 52nd Street from A-2 Agricultural Land Holding to M-2 Heavy Manufacturing (Affiliated Foods Midwest) (District 16)
17. By the Mayor - To Rezone Property Generally Located South of 52nd Street and East of 68th Avenue from A-2 Agricultural Land Holding to IP Institutional Park (KUSD/Indian Trail) (District 16)
On a voice vote, motion carried.

ORDINANCES 2ND READING

18. It was moved by Alderman Downing, seconded by Alderman Carpenter to defer the proposed ordinance BY THE MAYOR - ATTACHMENT AND TEMPORARY ZONING DISTRICT CLASSIFICATION ORDINANCE (Under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan Parcel Nos. 80-4-222-333-0100; 80-4-222-333-0130; 80-4-222-333-0150; 80-4-222-333-160; and, 80-4-222-333-0170; Town of Somers [Niemela - Property Owners]). On a voice vote, motion carried.
19. It was moved by Alderman Ruef, seconded by Alderman Juliana, to adopt Ordinance 44-08.
A public hearing was held. No one spoke for or against said ordinance.
On roll call vote, motion caried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 44-08
BY: THE MAYOR
ATTACHMENT AND TEMPORARY ZONING DISTRICT CLASSIFICATION ORDINANCE
Under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan
Parcel Nos. 80-4-222-231-0142 and
80-4-222-231-0145, 4105 – 18th Street,
Town of Somers [Colicki/Regency Hills - Property Owners]

Attaching to the City of Kenosha, Wisconsin, territory in the Town of Somers, Kenosha County, Wisconsin, and providing temporary zoning district classifications under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan: The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Territory Attached. In accordance with City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes, approved by the Wisconsin Department of Administration, Intergovernmental Relations, Municipal Boundary Review, on August 8, 2005, the territory in the Town of Somers, Kenosha County, Wisconsin, with an associated population of two (2), described on the attached legal description, Attachment "A", and map, Attachment "B", is hereby attached to the City of Kenosha, Wisconsin, as hereinafter provided. Section Two: Effect of Attachment. From and after October 11, 2008, the date of attachment, the territory described in Section One shall be a part of the City of Kenosha for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all Ordinances, rules and regulations governing the City of Kenosha. Section Three: Temporary Zoning District Classifications. The territory described in Section One, upon attachment, shall have the temporary zoning district classifications shown on Attachment "C", which zones the territory under the most restrictive classification of the City Zoning Ordinance. This temporary zoning district classification shall be and remain in effect for each parcel of land described therein until this Temporary Zoning District Classification Ordinance is amended as prescribed in Section 62.23(7)(d), Wisconsin Statutes. Section Four: District and Ward Designation. The territory described in Section One is hereby made a part of the 48th Ward of the 5th District of the City of Kenosha, subject to the Ordinances, rules and regulations of the City governing Wards and Districts. The County Board of Supervisors for Kenosha County is requested to have the attached area included in the same District and Ward for the County Supervisory seat as for the City Aldermanic seat. Section Five: Connection To City Utilities. The territory described in Section One shall, by submission of the Attachment Petition, require connection of existing and any future habitable buildings to municipal water and sewer, within the time limits established by Chapter 32 of the Code of General Ordinances for the City of Kenosha, Wisconsin. Section Six: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application. Section Seven: Effective Date. This Ordinance, the

Attachment, and the Temporary Zoning District Classifications shall take effect upon passage, publication and October 11, 2008, as provided by law.

Attachment "A"

PETITION OF PROPERTY OWNERS FOR ATTACHMENT TO THE CITY OF KENOSHA FROM THE TOWN OF SOMERS PURSUANT TO SECTION 66.0307; WISCONSIN STATUTES, STATE APPROVED COOPERATIVE PLAN

The undersigned, constituting all of the owners of certain real property within the Town of Somers, Kenosha County, Wisconsin, petition the Mayor and Common Council of the City of Kenosha, Wisconsin, to attach the territory described below and shown on the attached scale map to the City of Kenosha, Kenosha County, Wisconsin, pursuant to the Section 66.0307 Wisconsin Statutes, State Approved Cooperative Plan.

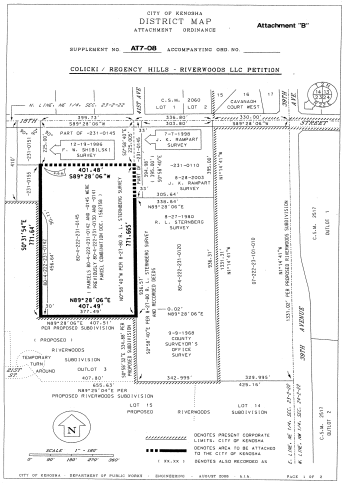
The current population of the territory to be attached as defined by Section 66.0217(5)(a) of the Wisconsin Statutes is 2.

Legal Description:

Part of the Northeast Quarter of Section 23, Town 2 North, Range 22 East of the Fourth Principal Meridian lying and being in Somers Township, Kenosha County, Wisconsin and more particularly described as follows:

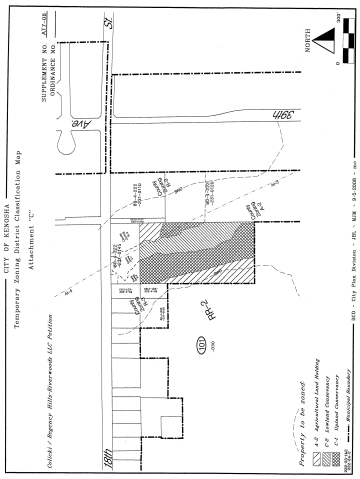
Commencing at the northeast corner of said Quarter Section; thence South 89°28'06" West along the north line of said Quarter Section, 1,266.53 feet to the northerly extension of the east line of the parcel of land shown on a December 19, 1986 plat of survey by Fred Shibilski and filed with the Kenosha County Land Information Office; thence South 0°31'54" East at right angle to the north line of said Quarter Section, 225.00 feet to the point of beginning; thence continuing South 0°31'54" East in part, along the present corporate limits of the City of Kenosha, 771.64 feet; thence North 89°28'06" East parallel to the north line of said Quarter Section, and along said present corporate limits, 407.49 feet to the west line of the parcel of land shown on an August 27, 1980 plat of survey by Robert L. Sternberg and filed with said Land Information Office; thence North 0°58'40" West along said west line, and its extension northerly, 771.665 feet to a point which is 225.00 feet south of, measured at right angle, the north line of said Quarter Section; thence South 89°28'06" West parallel to the north line of said Quarter Section, 401.48 feet to the point of beginning; containing 7.165 acres of land, more or less.

Date	Signature of Petition/Owner	Mailing Address/Phone Number
8/8/08		6008 Greenbay Rd Kenosha, WI 53141 262-652-3669
		9/3/08
		9/5/08



APPROVED:

KEITH G. BOSMAN, MAYOR



ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

20. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to adopt Ordinance 45-08.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 45-08

BY: THE MAYOR

TO REPEAL AND RECREATE SECTION 1.03 C.1.b. OF THE CODE OF GENERAL ORDINANCES; TO CREATE SECTION 1.06 K. OF THE CODE OF GENERAL ORDINANCES, ENTITLED STORMWATER UTILITY COMMITTEE";AND, TO AMEND, RENUMBER, CREATE, AND REPEAL AND RECREATE VARIOUS SECTIONS OF CHAPTER VIII OF THE CODE OF GENERAL ORDINANCES, ENTITLED STORMWATER UTILITY"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 1.03 C.1.b. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: b. Committee on Public Works which shall be the Board of Public Works and the Board of Water Commissions. The Board of Public Works shall also serve as the Stormwater Utility Committee.

Section Two: Section 1.06 K. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: K. Stormwater Utility Committee. There is hereby created a Stormwater Utility Committee, which shall be the Committee on Public Works of the Common Council. 1. Purpose. The purpose of the Stormwater Utility Committee is to govern, manage, control, improve and care for stormwater management services, systems and facilities. 2. Said Committee shall have all the powers and duties conferred upon it by the Code of General Ordinances of the City of Kenosha, and the Wisconsin State Statutes. Section Three: Sections 8.01 B.5. and 8.01 B.6. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are repealed and recreated as follows: 5. May establish such rates and charges as are necessary to finance planning, design, construction, maintenance and operation of the facilities in accordance with the procedures set forth in this Section. 6. May prepare an annual budget, which may include all operation and maintenance costs, debt service and other costs related to the operation of the Stormwater Utility. The costs shall be spread over the rate classifications as determined by the Common Council. Section Four: Section 8.01 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: C. Stormwater Utility Committee. The Stormwater Utility Committee is empowered to govern, manage, control, improve and care for stormwater management services, systems and facilities. Section Five: Section 8.03 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by repealing and recreating the definitions for the terms DRIVEWAY″, EHU″ and PRIVATE ROADWAY″ as follows: DRIVEWAY. Private vehicular access to a parking lot or garage, whether or not it has a curb and gutter. Also, any roadway area required for vehicular circulation within a designated parking area. EHU. An EHU is an Equivalent Hydrologic Unit, which represents a rate of water runoff, (approximately 0.35 cubic feet per second or 150 gallons per minute), from a typical residential property.

PRIVATE ROADWAY. Any roadway on private property with curb, gutter and storm sewer that is not designated as a public roadway, and is not a driveway. Section Six: Section 8.03 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by rescinding therefrom the definition of the term SINGLE FAMILY″ and DETENTION BASIN″. Section Seven: Section 8.03 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following definitions thereto: Completed Application. A Stormwater Utility application for credit or adjustment that has been filed with the Director and that has all necessary information, including, but is not limited to, an executed Maintenance Agreement. Condominiums. The Director shall be responsible to determine the total impervious surface area of each condominium parcel based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, property owner, tenant or developer. The total EHU computed for the condominium parcel shall be divided equally among all condominium units. Impervious Surface. An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots, streets, including those comprised of compacted stone or gravel, are examples of areas that typically are impervious surfaces. Infiltration. Entry of precipitation or runoff into and through the substance. Maintenance Agreement. An agreement in which the City is a party, that provides for long-term maintenance of Stormwater Management Facilities. On-Site. Located within the boundaries of the legal description property. Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic. Pervious. An area that releases as runoff a small portin of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious surfaces. Property Owner Classification. A classification based on the land use of a parcel. The Property Owner Classification will be either residential or other development. Residential. All properties having an occupancy designated as single family, duplex or three-family dwelling units. Stormwater Control Systems. Facilities designed to control both quantity and/or quality of stormwater runoff. It may include, but is not limited to, wet detention basins, dry detention basins, and pretreatment systems. Stormwater Detention Basin. An area designed to detain stormwater until it is released under the requirements of the City of Kenosha Stormwater Management Criteria. A Stormwater Detention Basin can be classified as wet″ or dry″. Stormwater Dry Detention Basin. A Stormwater Detention Basin in which water drains out completely between storm events as the lowest outlet is at or below the elevation of the basin bottom. Stormwater Management Facilities. Facilities designed to properly manage stormwater runoff in accordance with the City's Stormwater Management Criteria, which may be updated or amended from time to time. Stormwater Management Services. Tasks required to control stormwater runoff to protect safety and welfare of the public and to comply with State and Federal regulations. Stomwater Management Systems. All public storm sewers, drainage culverts, drainage conveyances, curb

and gutter, bridges or other methods used to collect, convey and/or control water quantity and water quality. Stormwater Pollution Prevention Plan (SWPPP). A plan that desribes a facility and the operations of the facility. The plan identifies potential stormwater pollution sources and recommends actions taken to reduce the discharge of pollutants in stormwater runoff. Stormwater Wet Detention Basin. An area in which water remains in the pond as the lowest outlet is at an elevation above basin bottom. A Wet Detention Basin has two stages: a storage stage and a water quality stage. The storage stage is the area from the permanent water surface to the emergency overflow. The water quality stage is the area between the lowest outlet elevations to the basin bottom. The water quality storage can be depleted only by infiltration and/or by evaporation from the surface. Total Suspended Solids (TSS). Solids that are trapped in water. TSS can include a variety of materials, including, but not limited to, silt, leaves, degrading animal and plant wastes. WPDES Permit. Wisconsin Pollutant Discharge Elimination System Permit that is issued by the Wisconsin Department of Natural Resources for the discharge of pollutants. Section Eight: Section 8.04 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

8.04 STORM WATER UTILITY SERVICE CHARGES A. Cost of Stormwater Management Services, Systems and Facilities. The cost of stormwater management services, systems and facilities may include operating expenses, capital investments and reserve account. B. Funding of Stormwater Management Services, Systems and Facilities. Credits against stormwater service charges shall be allowed, provided certain conditions are met. These include: 1. On-site stormwater control systems, activities or facilities shall be constructed, operated, maintained and performed to the City of Kenosha's standards by private property owners. 2. On-site stormwater control systems, activities, or facilities shall eliminate, mitigate or compensate for the impact that the property may have upon stormwater runoff discharged to public stormwater management systems and facilities. 3. On-site stormwater control systems, activities or facilities shall improve the proper function of public stormwater management systems and facilities. C. Calculation of Stormwater Utility Service Charge Rates. 1. Stormwater Utility Service Charge. Stormwater Utility service charge rates shall be established by Resolution of the Common Council, and mayl be amended and reaffirmed annually by Resolution of the Common Council. In setting or modifying such rates, the Common Council shall establish rates that are fair and equitable, and reflect the value of the stormwater management services, systems and facilities to those property owners who benefit therefrom. The rates shall be sufficient to support the cost of stormwater management services, systems and facilities, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, nonoperating expenses, provisions for prudent reserves and other costs as deemed appropriate by the Common Council. 2. Computation of Stormwater Utility Service Charges. The basis for computation of the charge for stormwater services to all properties within the City of Kenosha is established under this Section. The amount of charge to be imposed, the establishment of methodologies for the calculation of charges, the creation of property owner classifications for the imposition of charges, and changes in such charges, methodologies and property owner classifications may be made by further Resolution of the Common Council for the City of Kenosha. All charges established pursuant to this Section shall be fair and equitable. 3. Stormwater Utility Service Charge Policy. Stormwater Utility service charge rates shall bear a substantial relationship to the cost of providing stormwater management services, systems and facilities. Stormwater Utility service charge rates shall be coordinated with the use of other rates, charges or fees employed for stormwater management, whether within or outside the defined service areas, including plan review and inspection fees, special fees for services, fees in lieu of regulatory requirements and special assessments.

4. Property Owner Classifications. The Director shall assign a property owner classification to all properties within the City of Kenosha. The property owner classifications that will be used by the Stormwater Utility will be: a. Residential; b. Other Development. 5. Determination of Stormwater Utility Service Charge. The Director shall be responsible for determining the impervious surface area, land area, land use or other factors as may be needed for the fair, reasonable and equitable allocation of the Stormwater Utility service charge based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The billing amount shall be updated by the Director based upon any changes to the impervious surface area, any land divisions as approved through the Building Permit process, or any other additional information. Charges shall be reviewed on an annual basis. 6. Stormwater Utility Service Charges. Charges shall be imposed to recover all or a portion of the costs of the Stormwater Utility. Such charges, established herein, may include the following components: a. Base Charge. A Base Charge may be imposed on all property in the City of Kenosha, regardless of size or land use. The Base Charge could include some or all of the administrative costs of the Stormwater Utility, some or all of the regulatory compliance costs, and operating and maintenance costs of the Stormwater Utility that are not recovered by other means. The Base Charge is the same for each property owner. b. EHU Charge. An EHU (Equivalent Hydrologic Unit) Charge may be imposed on all properties in the City of Kenosha. The EHU Charge may be based upon the estimated peak runoff using the City's standard design methodologies and design storm and/or other factors affecting the volume and rate of

stormwater runoff as reasonably determined by the City. The EHU Charge is based on the number of EHUs and is calculated using the methodologies identified in Appendix A. 7. Stormwater Utility Service Charge Billing Period. Stormwater Utility service charges shall be billed pursuant to a schedule recommended by the General Manager of the Kenosha Water Utility and approved by the Board of Water Commissioners. 8. Payment of Stormwater Utility Service Charges. Stormwater Utiliity service charges shall be payable twenty (20) days after the billing date, at the Kenosha Water Utility Business Office or authorized payment station. Stormwater Utility service charges shall be collected by the Kenosha Water Utility for the Stormwater Utility. 9. Penalties. A late payment charge of 1-1/2% per month, or such rate as may be established by the Kenosha Water Utility pursuant to the direction of the Wisconsin Public Service Commission, will be added to bills not paid within twenty (20) days of issuance. This late payment charge will be applied to the total balance for stormwater, including late payment charges. Section Nine: Section 8.06 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 8.06 EXEMPTIONS Except as provided in this Section, no public or private property located in a service area shall receive a credit or offset against such Stormwater Utility service charges. No credit, offset or other reduction in stormwater service charges shall be granted based on the tax status, economic status, race, religion, age or sex of the owner of the property being served, or based on any other condition unrelated to the provision of stormwater management services, systems and facilities. There shall be four (4) categories of exemptions as follows: A. Type I Exemption. The following parcels and other areas shall be automatically exempt from all Stormwater Utility service charges. Property owners do not need to apply for an exemption. 1. Railroad Tracks and Rights-of-Way. Railroad tracks and rights-of-way shall be exempt from Stormwater Utility service charges. However, railroad stations, maintenance buildings or other developed land used for railroad purposes shall not be exempt from Stormwater Utility service charges. 2 Public and Private Roadways. Public and private roadways, not including driveways, shall be exempt from stormwater service charges. B. Type II Exemption. Parcels located in the Riparian Stormwater Service Area shall be automatically exempt from the EHU Charge. Property owners do not need apply for an exemption. C. Type III Exemption. The following parcel areas shall be automatically exempt from the EHU Charge. 1. Waters of the State. An area designated by the Ordinary High Water Mark of any water body wholly or partially within a parcel that can be classified as waters of the State of Wisconsin. 2. Wetlands. Areas designated as wetlands on the Wisconsin Department of Natural Resources Wisconsin Wetland Inventory Map (June, 2005), herein incorporated by reference. 3. Stormwater Detention Basins. Any area set aside for the specific purpose of detaining stormwater runoff in compliance with the City of Kenosha's Stormwater Management Design Criteria. 4. Zoning and Zoning Overlay Districts. Whole or partial parcels, with a zoning designation or zoning overlay designation listed below shall be excluded from the calculation of the pervious surface area to the extent that the area is part of the zoning overlay. [See City of Kenosha's Official Zoning Map on file in the City Department of City Development.] a. C-2 Lowland Conservancy. b. FW – Floodway. D. Type IV Exemption. The following parcels may be exempt from a portion of the EHU Charge. Parcel owners must first apply for a credit or adjustment pursuant to the procedures identified in Sections 8.07 and 8.08 of this Chapter.

1. Parcels with on-site stormwater management facilities that are designed to properly manage the stormwater runoff from impervious surface areas in accordance with Section D.4. below, and as described by the City of Kenosha Stormwater Management Criteria may be eligible to be exempted from a portion of the EHU Charge. 2. In order to receive this credit, a current maintenance plan must be on file with the Department of Public Works, and the property owner must be in compliance with it. 3. Stormwater Quantity Credit. Facilities designed to meet the standards of the City of Kenosha Stormwater Management Criteria, which may be updated or amended from time to time, will be eligible for up to a four (4%) percent reduction in the EHU Charge for the property. 4. Stormwater Quality Credit. a. Parcels with on-site stormwater management facilities that properly manage the stormwater runoff from impervious surface areas, and the stormwater quality criteria described by the City of Kenosha Stormwater Management Criteria, as may be updated or amended from time to time, may be eligible for reduction of the EHU Charge. Parcel that have: (1) Facilities designed to remove no less than forty (40%) percent of the average annual Total Suspended Solids from stormwater runoff from the site may be eligible for up to a ten (10%) percent reduction in the EHU Charge for the property. (2) Facilities designed to remove no less than sixty (60%) percent of the average annual Total Suspended Solids from stormwater runoff from the site may be eligible for up to a twenty (20%) percent reduction in the EHU Charge for the property. (3) Facilities designed to remove no less than eighty (80%) percent of the average annual Total Suspended Solids from stormwater runoff from the site will be eligible for up to a thirty (30%) percent reduction of the EHU Charge for the property. b. Parcels that have obtained an individual WPDES Permit from the Wisconsin Department of Natural Resources (WDNR) and meet the requirements of the permit may be eligible for up to a ten (10%) percent reduction in the EHU charge for the property. A current permit and Stormwater Pollution Prevention Plan must be on file with the Department of Stormwater Utility. 5. Shared Stormwater Management Facilities. Groups of Single Family or Other Developed property owners

which are part of a common development plan which includes within the development, privately owned, maintained or operated stormwater control systems, facilities, assets, services or activities that reduce the City of Kenosha Stormwater Utility's cost of providing stormwater management services, systems and facilities, may receive a credit based upon attaining and continuing compliance with the technical requirements and performance standards referenced in Section 8.06 D.3. and D.4., above. Such credits shall be applied to all properties using and contributing to the cost of ownership, operation and maintenance of such stormwater management systems. Section Ten: Section 8.07 B.4. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 4. If a request is granted, Stormwater Utility service charges shall be adjusted on a prospective basis. Section Eleven: Section 8.08 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 8.08 PROCEDURE FOR APPLYING FOR CREDIT TO STORMWATER UTILITY SERVICE CHARGE A. Technical and Procedural Criteria. The Director shall establish specified technical and procedural criteria by which credits will be granted. Copies of such technical and procedural criteria will be maintained by and be available from the Department of Public Works. 1. In order to obtain a credit, the property owner must make application to the Director on forms provided by the Director for such purpose. 2. Property owners must apply for any applicable credits. 3. The application for any credit must be in writing and must include the information necessary to establish eligibility for the credit, accompanied by any application fee, and be in the format established by the Director. Incomplete applications will not be accepted by the Director. B. Granting of Credits. When an application for a credit is deemed complete by the Director, the Director shall have thirty (30) days from the date that the complete application is accepted to: 1. Grant the credit in whole; 2. Grant the credit in part; or, 3. Deny the credit. Credits applied for and granted in whole or in part, shall apply from the first day of the calendar month immediately following the date on which a complete application for the credit has been filed with the City of Kenosha. The applicants may appeal such determination pursuant to Section 8.09 of the Code of General Ordinances. C. Annual Review of Credit. The Director shall review the credit and the basis therefor each year, and may terminate the credit if grounds are found. If such credit is terminated, the property owner will be notified in writing of the grounds for denial by first class mail, and may appeal such determination pursuant to Section 8.09 of this Chapter; or, may, if possible, correct the deficiencies that caused the termination and reapply for the credit. Section Twelve: Sections 8.09 A., B. and C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are repealed and recreated as follows:

A. Within thirty (30) calendar days after the date of mailing the Director's decision, the property owner may appeal the Director's decision to the Stormwater Utility Committee by filing a written appeal, together with an application fee, with the City Clerk/Treasurer. The written appeal shall specify all grounds for the challenge and state the amount of stormwater charge that the appellant considers to be appropriate. The appeal must specifically address the Director's conclusions and not merely repeat the basis for the initial request. Failure to timely and properly appeal shall deprive the Stormwater Utility Committee of jurisdiction to hear the appeal. The Application Fee Schedule shall be established by Resolution of the Common Council. B. The Stormwater Utility Committee shall conduct a formal hearing at such time and place as designated in a hearing notice to the appellant, providing a minimum of five (5) business days notice to the appellant. In considering an appeal, the Stormwater Utility Committee shall determine whether the Stormwater Utility service charge is fair based upon the evidence presented at the hearing. The Stormwater Utility Committee shall notify the appellant in writing of its determination by first class mail addressed to the individual at the address listed within the appeal. Service is conclusive upon mailing.

C. Within thirty (30) calendar days after the date of mailing of the Stormwater Utility Committee's decision, the property owner may appeal the Committee's decision to the Common Council following the process set forth in this Section. Such appeal must specifically address the Stormwater Utility Committee's conclusion and not merely repeat the basis for the initial request. Section Thirteen: Sections 8.09 E. and F. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are repealed and recreated as follows:

E. As a condition precedent to any adjustment or credit request, or any appeal, a property owner must have paid in full all Stormwater Utility service charges to the City. F. If an adjustment request is granted, Stormwater Utility service charges shall be adjusted on a prospective basis, and the application fees shall be refunded. Section Fourteen: Section 8.10 E. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby renumbered as Section 8.10 F. Section Fifteen: Section 8.10 E. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: E. Parcel Number Changes. When properties are divided, or when two (2) or more contiguous properties with separate parcel numbers are combined, new parcel number(s) are assigned to the new lot(s) and the previous parcel number is deleted. Prior to the issuance of any new parcel number, all unpaid Stormwater Utility charges, whether delinquent or not, shall be paid before the change in parcel status is executed. Section Sixteen: Section 8.10 F. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: E.

Alternative Method To Collect Stormwater Utility Service Charges. In addition to any other method for collection of the charges established under this Section, or subsequent Resolution, such charges may be and are hereby authorized to be levied and imposed as a special charge pursuant to Section 66.0627, Wisconsin Statutes. The mailing of the bill for Stormwater Utility service charges to a property owner shall serve as notice to the property owner that failure to pay the charges when due may result in the charges being imposed pursuant to the authority of Section 66.0627, Wisconsin Statutes. The procedures contained in Section 66.0627, Wisconsin Statutes, shall govern such notice and further collection procedures. Section Seventeen: Appendix A. of Chapter VIII of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 1.Base Charges. The Base Charge shall be a uniform charge on each bill. The Base Charge shall be established by dividing the total value of the base services determined by the City of Kenosha by the total number of property owners. 2.EHU Charges. a. The basis of the Stormwater Utility Service Charge shall be the Equivalent Hydrologic Unit (EHU). b. The estimated number of EHUs shall be based on either the average peak runoff rate for a property owner classification, or the estimated peak runoff for the individual parcel, as described herein. c. The EHU Charge shall be established by dividing the total number of EHUs estimated to be within the City of Kenosha by the cost of the stormwater services not included in the base charge. 3. Calculation of EHU. The Director shall be responsible for determining the impervious surface area and other required information necessary to compute the EHU for each property in the City of Kenosha based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, developer or other method as may be required. a. Rational Method To Estimate Peak Runoff Rates. The Rational Method described in the City of Kenosha Stormwater Management Criteria shall be used to estimate peak runoff rates. That methodology assumes: (1) Runoff C Factor. The Runoff C Factor for all impervious surface areas shall be assumed to be 0.95 and 0.2 for all pervious surface areas. (2) Time of Concentration - Residential Property Owners. The Time of Concentration for all residential property owners shall be assumed to be fifteen (15) minutes. (3) Time of Concentration - Other Developed Property owners/Impervious Surface Areas. The Time of Concentration for all impervious surface areas for all Other Developed Property Owners shall assume to be five (5) minutes.

(4) Time of Concentration - Other Developed Property Owners/Pervious Surface Areas. The Time of Concentration for all pervious surface areas for all Other Developed Property owners shall assume a time of concentration based upon the total pervious surface areas. b. Average Peak Runoff Rate. The EHU shall be based on the average peak runoff rate computed for typical residential property. The average peak runoff rate for a typical residential EHU has been estimated to be 0.35 cfs. (3) Residential Property Owners. Residential property owners shall be further grouped by the Director into one of four subclassifications. Each subclassification shall be charged a uniform number of EHUs based on the average peak runoff rate for that subclassification, computed as follows: (1) Small Residential with an estimated peak runoff rate of less than 0.30 cfs shall be charged at a rate equal to 0.7 EHUs. (2) Typical Residential with an estimated peak runoff rate greater than or equal to 0.30 cubic feet per second (cfs) and less than or equal to 0.41 cfs shall be charged at a rate equal to 1.0 EHU. (3) Large Residential with an estimated peak runoff rate greater than 0.41 cfs and less than or equal to 0.59 cfs shall be charged at a rate equal to 1.4 EHU. (4) Very Large Residential with an estimated peak runoff rate greater than 0.59 cfs shall be charged at a rate equal to 2.4 EHU. c. Other Development. (1) Other Development shall be subject to a charge based upon the sum of EHUs computed for impervious surface and pervious surface areas.

(a) Impervious Surface Area EHUs shall be determined by dividing the total impervious surface area by the equivalent impervious surface area of 2,477 square feet, that has been estimated to generate 0.35 cfs. (b) Pervious Surface Area EHUs shall be determined by dividing the total pervious surface area by the equivalent pervious surface area that would be estimated to generate 0.35 cfs. The equivalent pervious surface area increases with increasing time of concentrations according to the Table below. (2) Responsibility For EHU. (a) EHU for other development other than condominiums shall be the EHU determined in c.(1) above. (b) EHU for other development which consists of condominiums shall be the proportionate share of the EHU determined in c.(1) above that the condominium unit has with respect to the total number of the other condominium units that are on the real property lot.

Parcel Pervious Surface Area Less Than or Equal To (ac)	**Assumed Time of Concentration (min)**	**Equivalent Pervious Surface Area = 0.35 cfs (sq. ft.)**
0.1	5	11,764
0.5	10	14,947
1.2	15	17,811
4.6	30	26,286
18.6	60	41,429

74.4	120	68,368
167.4	180	95,288
669.4	360	163,935
2,677.7	720	288,568
10,710.7	1,440	505,392
42,843.0	2,880	871,200
96,396.7	4,320	1,306,800
290,547.5	7,500	1,890,000

Section Eighteen: This Ordinance shall become effective upon passage and publication.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

21. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to adopt Ordinance 46-08.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 46-08

BY: THE MAYOR

TO REPEAL AND RECREATE CHAPTER XXXIII OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, ENTITLED LAND-DISTURBING EROSION AND SEDIMENT CONTROL ORDINANCE"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Chapter XXXIII of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: CHAPTER XXXIII LAND-DISTURBING EROSION AND SEDIMENT CONTROL ORDINANCE

33.01 AUTHORITY

A. Statutory Authority. This Chapter is adopted pursuant to Section 66.234 of the Wisconsin Statutes. Except as otherwise specified in Wisconsin Statutes Section 62.234, Section 62.23 of the Wisconsin Statutes applies to this Chapter and to any amendments to this Chapter. B. Construction Not Limiting. The provisions of this Chapter are to be construed so as not to limit any other lawful regulatory powers of the City of Kenosha. C. Administration. This Chapter 33 shall be administered and enforced by the Director of Neighborhood Services and Inspections, or his/her designee. 33.02 FINDINGS AND PURPOSE A. Findings. The Common Council finds that runoff from land-disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the State in the City.

B. Purpose. It is the purpose of this Chapter to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land-disturbing construction activity to waters of the State in the City.

33.03 INTENT

The intent of this Chapter is to require use of best management practices to reduce the amount of sediment and other pollutants resulting from land-disturbing construction activities. Use of this Chapter will foster consistent, Statewide application of the construction site performance standards for new development and redevelopment contained in Subchapters III and IV of Chapter NR 151, Wisconsin Administrative Code.

33.04 APPLICABILITY OF CODE

A. Applicability. This Chapter applies to the following land-disturbing construction activities except as provided under Subsection

B. An Erosion Control Permit shall be required, and all construction site erosion control provisions of this Chapter shall apply, to any of the following activities:

a. Land-disturbing activity on a slope of greater than twelve (12%) percent.

b. Land-disturbing activity that involves the excavation or filling, or a combination of excavation and filling.

c. Land-disturbing activity that disturbs more than one hundred (100) linear feet of road ditch, grass waterway or other

land area where surface drainage flows in a defined open channel; including the placement, repair or removal of any underground pipe, utility or other facility within the cross-section of the channel.
d. Any new private roads or access drives longer than one hundred twenty-five (125') feet.
e. Development that requires a subdivision plat, as defined in the applicable local land division Chapter(s).
f. A construction site that has one (1) or more acres of land-disturbing construction activity.
B. Exemptions. This Chapter does not apply to the following:
1. A construction project that is exempted by Federal statutes or regulations from the requirement to have a National Pollutant Discharge Elimination System Permit issued under Chapter 40, Code of Federal Regulations, Part 122, for land-disturbing construction activity.
2. Nonpoint discharges from agricultural facilities and practices.
3. Nonpoint discharges from silviculture activities.
4. Routine maintenance for project sites under five (5) acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
5. Exemptions For Municipal Road or County Highway Projects. Municipal road or County highway projects are exempt where all of the activity takes place within existing public rights-of-way.
C. Applicability to Excluded or Exempted Sites. Notwithstanding the applicability requirements in Subsection A, or the exemptions in Paragraphs B.2. through B.5., this Chapter applies to construction sites of any size that, in the opinion of the Code Official, or designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter, or that endangers property or public safety.
This Chapter applies to land-disturbing construction activities on lands within the boundaries and jurisdiction of the City, as well as the extraterritorial division of land subject to an ordinance enacted pursuant to Sections 236.45(2) and (3) of the Wisconsin Statutes.
This Chapter is not applicable to activities conducted by a State agency, as defined under Section 277.02(1) of the Wisconsin Statutes, but also including the office of District Attorney, which is subject to the State plan promulgated or a memorandum of understanding entered into under Section 281.33 of the Wisconsin Statutes.
33.05 INTERPRETATION
In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City of Kenosha, and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.
33.06 JURISDICTION AND ADMINISTRATION
A. Jurisdiction. This Chapter applies to all areas of the City of Kenosha, Wisconsin.
B. Conflict. Where the standards of this Chapter differ or conflict with applicable local land division, zoning, shoreland zoning or other applicable local Ordinances or State regulations, the more restrictive standards shall apply.
33.07 DEFINITIONS
Agricultural Facility means a structure associated with an agricultural practice, per the meaning given in Section 281.16 of the Wisconsin Statutes, or as amended.
Agricultural Practice means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in Federal programs in return for payments in kind; owning land, at least thirty-five (35) acres of which is enrolled in the Conservation Reserve Program under 16 USC 3831 to 3836; and, vegetable raising, per the meaning given in Section 281.16 of the Wisconsin Statutes, or as amended.
Average Annual Rainfall means a calendar year of precipitation, excluding snow, which is considered typical.
Best Management Practice (BMP) means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the State.
Business Day means a day the office of the City's Department of Neighborhood Services and Inspections is routinely and customarily open for business.
Code Official means the Director of Neighborhood Services and Inspections, and any duly authorized designee of the Director.
Construction Site means any area upon which one or more land-disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land-disturbing construction activities may be taking place at different times on different schedules, but under one plan.
Department means the Department of Neighborhood Services and Inspections for the City of Kenosha, Wisconsin.
Division of Land means the creation from one parcel of five (5) or more parcels or building sites of five (5) or fewer acres

each in area where such creation occurs at one time or through the successive partition within a five (5) year period.
Erosion means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
Erosion and Sediment Control Plan means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
Extraterritorial means the unincorporated area with three (3) miles of the corporate limits of a First, Second, or Third Class City, or within 1.5 miles of a Fourth Class City or village.
Final Stabilization means that all land-disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least seventy (70%) percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
Governing Body means the Common Council of the City of Kenosha, Wisconsin.
Land-Disturbing Activities means any land alterations or disturbances that may result in soil erosion, sedimentation, or change in runoff, including, but not limited to, removal of groundcover, grading, excavating and filling of land.
Land-Disturbing Construction Activity means any manmade alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the State. Land-Disturbing Construction Activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
MEP or Maximum Extent Practicable means a level of implementing Best Management Practices in order to achieve a performance standard specified in this Chapter which takes into account the best available technology, cost effectiveness and other competing issues, such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
Performance Standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
Permit means a written authorization made by the Code Official, or designee, to the applicant to conduct land-disturbing construction activity or to discharge post-construction runoff to waters of the State.
Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water, per the meaning given in Section 283.01 of the Wisconsin Statutes, or as amended.
Pollution includes contaminating or rendering unclean or impure the waters of the State, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life, per the meaning given in Section 281.01 of the Wisconsin Statutes, or as amended.
Responsible Party means any entity holding fee title to the property or performing services to meet the performance standards of this Chapter through a contract or other agreement.
Runoff means storm water or precipitation, including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
Sediment means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
Separate Storm Sewer means a conveyance or system of conveyances, including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meet all of the following criteria:
1. Is designed or used for collecting water or conveying runoff.
2. Is not part of a combined sewer system.
3. Is not draining to a storm water treatment device or system.
4. Discharges directly or indirectly to waters of the State.
Site means the entire area included in the legal description of the land on which the land-disturbing construction activity is proposed in the permit application.
Stop Work Order means an order issued by the Code Official, which requires that all construction activity on the site be stopped.
Technical Standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
Waters of the State includes those portions of Lake Michigan and Lake Superior within the boundaries of this State, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this State or its jurisdiction, per the

meaning given in Section 281.01 of the Wisconsin Statutes, or as amended.

33.08 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS

A. BMP Design Criteria, Standards and Specifications. All BMPs required to comply with this Chapter shall meet the design criteria, standards and specifications based on the following:

1. Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Subchapter V of Chapter NR 151, Wisconsin Administrative Code.

2. Design guidance and technical standards identified in the City of Kenosha Stormwater Management Criteria as developed and revised by the Director of Public Works, or his/her designee, and on file in the City Engineer's Office.

3. For purposes of this Chapter, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R Factor, or an equivalent design storm using the 90th percentile rainfall distribution developed by the Southeastern Wisconsin Regional Planning Commission, revised 2005, and approved by the Wisconsin Department of Natural Resources, with consideration given to the geographic location of the site and period of disturbance.

B. Alternate Standards. Other technical standards not identified or developed in Subsection 33.08 A. may be used provided that the methods have been approved by the Code Official.

C. Conflict Resolution of Technical Sources. The Code Official shall approve final design criteria, standards and specifications for BMP requirements in the event of conflicts between technical sources in Section 33.08 A.

33.09 PERFORMANCE STANDARDS

A. Responsibility For Implementation of Plan. The responsible party shall implement an Erosion and Sediment Control Plan, developed in Section 33.11, which incorporates the requirements of this Section.

B. Plan. A written plan shall be developed in accordance with Section 33.11 and implemented for each construction site.

C. Erosion and Other Pollutant Control Requirements. The plan required under Subsection 33.11 shall include the following:

1. BMPs that, by design, achieve to the maximum extent practicable, a reduction of eighty (80%) percent of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an eighty (80%) percent sediment reduction to meet the requirements of this Section. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this Section. Credit toward the sediment reduction shall be given for limiting the duration or area, or both, of land-disturbing construction activity, or other appropriate mechanism.

2. Notwithstanding Paragraph C.1., if BMPs cannot be designed and implemented to reduce the sediment load by eighty (80%) percent on an average annual basis, the plan shall include a written and site-specific explanation as to why the eighty (80%) reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.

3. Where appropriate, the plan shall include sediment controls to do all of the following to the maximum extent practicable:

a. Prevent tracking of sediment from the construction site onto roads and other paved surfaces.

b. Prevent the discharge of sediment as part of site dewatering.

c. Protect the separate storm drain inlet structure from receiving sediment.

4. The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into waters of the State. However, projects that require the placement of these materials in waters of the State, such as constructing bridge footings or BMP installations, are not prohibited by this Section.

D. Location. The BMPs used to comply with this Section shall be located prior to runoff entering waters of the State.

E. Alternate Requirements. The Code Official may establish storm water management requirements more stringent that those set forth in this Section if the Code Official determines that an added level of protection is needed for sensitive resources.

33.10 EROSION CONTROL PERMITS AND ADMINISTRATION

A. Erosion Control Permits Required. No activity shall occur and no Building Permit may be issued until an Erosion Control Permit is issued by the Code Official.

B. Permit Application. The applicant must provide the following when requesting a permit:

1. A completed application form signed by the landowner. If a landowner appoints an agent to submit an application, the landowner shall be bound by all of the requirements of this Chapter and the terms of any permit issued to the agent.

2. An Erosion Control Plan meeting all the standards of the Wisconsin Department of Natural Resources (WDNR) and the Wisconsin Department of Commerce.

3. Copies of permits or permit applications or approvals required by any other governmental entity.

4. A proposed timetable and schedule for completion and installation of all elements of approved Erosion Control Plans

and a detailed schedule of completion of construction.
5. Projects of a smaller scale may be allowed relief from some permit application requirements at the discretion of the Code Official.
C. Permit Approval. The Code Official shall verify that the permit application is complete. Upon approval, the Erosion Control Permit shall be issued after the applicant has met all other requirements of this Chapter.
D. Permit Conditions.
1. Plan Implementation. The Erosion Control Plan shall be implemented prior to the start of any land-disturbing activity and shall be maintained over the duration of the project.
2. Permittee Responsibilities. The permittee is responsible for the successful completion of the Erosion Control Plan. The permittee shall be liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan.
3. Permission To Enter Property For Inspection. Application for a permit shall constitute express permission by the permittee and landowner for the Code Official to enter the property for purposes of inspection under Section 33.08 E. of this Chapter or for curative action.
4. Adjacent Public Thoroughfares To Be Cleaned. All mudtracking off-site onto adjacent public and private thoroughfares shall be cleaned up and removed by the end of each working day or at the discretion of the Code Official using proper disposal methods.
5. Approved Permit and Erosion Control Plan Kept on Project Site. A copy of the approved permit and Erosion Control Plan shall be kept on the project site, or in a place readily accessible to contractors, engineers, inspection staff and other authorized personnel.
6. One and Two Family Erosion Control Permit Requirements. The landowner shall be responsible for construction site and erosion control maintenance and grading work at the project site, and for proper restoration in compliance with this Chapter. All items listed below shall be complied with:
a. All required drainage structures and appurtenances shall meet City specifications and approved grading and drainage plans.
b. All required ditches, swales, berms, drainage easements and waterways located within the boundary of the referenced site or within the adjacent road right-of-way and area lying adjacent to the site shall be graded to the proper gradient and side slope, and meet the approved elevations, and shall be seeded or sodded and stabilized.
c. The finished or final yard elevation and slope around the perimeter of any new structure, along with the entire site area, shall be final graded and finished with topsoil and seeded or sodded to the required elevations as shown on the approved Building Permit Plat of Survey as submitted at the time of Building Permit issuance. If seeded, the parkway, a ten (10) foot perimeter along any public sidewalk or right-of-way, and any drainageway, including downspout channels, shall be protected by erosion control matting or other approved method.
If a structure or project is completed between September 15 and May 1 of any given year, the site may be rough graded so as to prevent runoff, and erosion control measures are to be installed and maintained until the site can be final graded and stabilized, but in no case later than June 1 of the following year.
d. All roof drainage and sump pump discharge shall be outletted to the street yard, natural drainageway or approved storm sewer system so as not to saturate, accumulate or damage the subject property or adjacent properties.
e. Gutters and downspouts, or roof leaders and downspouts, shall be installed on all principal structures in order to direct water runoff away from the structures to the street yard, natural drainageway or approved storm sewer system.
f. The site shall be cleared of rubbish, brush and any other debris. Construction materials, other unused materials, clay or fill piles shall be removed from the site.
g. A Plat of Survey prepared by a Wisconsin registered land surveyor or Wisconsin licensed professional engineer shall be submitted showing proposed elevations as approved by the City, and actual final elevations in the following locations:
(1) At the property corners and at all corners of the structures.
(2) At twenty-five (25) foot intervals along each property line.
E. Permit Duration. Permits issued under this Section shall be valid for a period of one hundred eighty (180) days from the date of issue, or for the pendency of the Building Permit or other construction authorizations, whichever is longer.
F. Cash Assurance. At the time a preliminary grading or mass grading Erosion Control Permit is issued to any project other than permits for new one or two family dwellings, the landowner shall submit a payment of Five Thousand ($5,000.00) Dollars to guarantee that the conditions of the Erosion Control Permit and this Chapter are being followed as they relate to maintaining the public right-of-way and storm sewer system. The cash assurance shall be used if the City determines that the landowner or his/her contractor have not kept the right-of-ways clean from mudtracking, if there is damage to the stormwater drainage improvements, or if erosion and sediment controls are not being maintained. If the

cash assurance is depleted prior to completion of the project, the landowner shall post another cash assurance in the same amount. The cash assurance shall be refunded to the landowner once the project is completed and it is determined that the property is in compliance with this Chapter.

G. Project Site Maintenance.

1. Responsibility of Landowner. It shall be the responsibility of the landowner to maintain the project site and adjoining right-of-way in conformance with the following:

a. Free from debris, rubbish, unused building materials, scraps, etc. All such materials shall be collected in a covered dumpster or other approved container.

b. Grass, weeds and vegetation shall not exceed a height of eight (8") inches.

2. Failure To Comply With Order(s). In the event that the responsible party fails to comply with an order to clean the site or to cut grass, weeds or vegetation, the Code Official may have the work done, and shall recover the cost through special assessments levied against the property. A One Hundred ($100.00) Dollar Administrative Fee for processing and administering the special assessment shall be added to the special assessment against the property.

H. Inspections.

1. Implied Consent. Application for a permit shall constitute permission by the applicant and landowner for the Code Official, or his/her designee, to enter upon the property and inspect during the construction phase prior to the inspections, as may be deemed necessary to confirm compliance with the requirements of this Chapter.

2. Number of Inspections. The site of any regulated land disturbing activity shall be inspected once every thirty (30) days, or more frequently as determined by the Code Official during the construction phase.

3. Compliance Verification. Within ten (10) days after installation of all practices in an approved Erosion Control Plan and achievement of soil stabilization, the permittee shall notify the Code Official. The Code Official shall inspect the property to verify compliance with the Erosion Control Plan within ten (10) days of notification of soil stabilization.

4. Maintenance. Maintenance, as outlined in Commerce 21.125 and Commerce 60.20, Wisconsin Administrative Code, is the responsibility of the owner, and facilities are subject to inspection and orders for repair.

I. Permit Transfers.

1. Approval. When a permittee and landowner act to transfer an interest in property subject to an approved plan prior to the completion of the proposed steps to attain soil stabilization, the permittee must secure approval from the Code Official.

2. Responsibility To Comply With Minimum Standards. When a permittee and landowner transfer ownership, possession or control of real estate subject to either or both an uncompleted Erosion Control Plan, the successor in interest to any portion of the real estate shall be responsible to control soil erosion and runoff and shall comply with the minimum standards provided in this Chapter.

J. Plan or Permit Amendments. Any proposed modifications to approved plans, construction schedules or alterations to accepted sequencing of land disturbing site activities shall be approved by the Code Official in consultation with the plan review agency prior to implementation of said changes.

33.11 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT AND AMENDMENTS

A. Erosion and Sediment Control Plan.

1. An Erosion and Sediment Control Plan shall be prepared and submitted to the Code Official.

2. The Erosion and Sediment Control Plan shall be designed to meet the performance standards in Section 33.09 and other requirements of this Chapter.

3. The Erosion and Sediment Control Plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The Erosion and Sediment Control Plan shall include, at a minimum, the following items:

a. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.

b. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United State Geological Service 7.5 minute series topographic map.

c. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

d. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.

e. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.
f. Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.
g. Existing data describing the surface soil as well as subsoils.
h. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information, where available.
i. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.
j. For building construction sites, the following shall also be required:
(1) Property lines, lot dimensions and limits of disturbed areas.
(2) Limits of impervious area, including buildings. Include all public and private roads, interior roads, driveways and parking lots, and indicate the type of paving and surfacing material.
(3) Cross-sections of and profiles of channels, swales and road ditches.
(4) Culvert sizes, if applicable.
(5) Direction of flow of runoff.
(6) Design discharge for ditches and structural measures.
(7) Runoff velocities.
(8) Fertilizer and seeding rates and recommendations, if applicable.
(9) Time schedules for stabilization of ditches and slopes.
(10) Description of methods by which sites are to be developed and a detailed land disturbance schedule, including time schedules for stabilization of ditches and slopes.
(11) Provision for sequential steps mitigating erosive effect of land disturbing activities to be followed in appropriate order and in a manner consistent with accepted erosion control methodology suitable to proposed sites and amenable to prompt revegetation, including runoff calculations as appropriate.
(12) Provisions to prevent mudtracking off-site onto public thoroughfares during the construction period.
(13) Provisions to disconnect impervious surfaces, where feasible.
(14) Provisions to prevent sediment delivery to and accumulation in any proposed or existing stormwater conveyance systems.
(15) Copies of permits or permit applications required by any other unit of government or agency.
(16) Existing and proposed elevations, and existing and proposed contours in the area, where deemed necessary.
(17) Any other information necessary to reasonably determine the location, nature and condition of any physical or environmental features of the site.
(18) Soil storage piles and length of time to be left undisturbed.
(19) Basin and retention area stabilization details.
4. Plan Checklists shall be reviewed by the Code Official for completeness and accuracy.
5. All Best Management Practices (BMPs) shall be designed to meet the criteria identified by or developed by the Wisconsin Department of Natural Resources as set forth in Chapters NR 151, Commerce 20-21 and Commerce 60-65, Wisconsin Administrative Code. In addition, the Wisconsin Department of Transportation Erosion Control Product Acceptability List (WIS DOT PAL) may be used as a reference. 6. The Erosion and Sediment Control Plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than two hundred (200') feet per inch and at a contour interval not to exceed five (5') feet.
a. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified one hundred (100) year flood plains, flood fringes and floodways shall also be shown.
b. Boundaries of the construction site.
c. Drainage patterns and approximate slopes anticipated after major grading activities.
d. Areas of soil disturbance.
e. Location of major structural and non-structural controls identified in the plan.
f. Location of areas where stabilization practices will be employed.
g. Areas which will be vegetated following construction.
h. Areal extent of wetland acreage on the site and locations where stormwater is discharged to a surface water or wetland.
i. Locations of all surface waters and wetlands within one (1) mile of the construction site.
j. An alphanumeric or equivalent grid overlying the entire construction site map.
7. Each Erosion and Sediment Control Plan shall include a description of appropriate controls and measures that will be

performed at the site to prevent pollutants from reaching the waters of the State. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:
a. Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
b. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Code Official, structural measures shall be installed on upland controls.
c. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
d. Trapping of sediment in channelized flow.
e. Staging construction to limit bare areas subject to erosion.
f. Protection of downslope drainage inlets where they occur.
g. Minimization of tracking at all sites.
h. Cleanup of off-site sediment deposits.
i. Proper disposal of building and waste materials at all sites.
j. Stabilization of drainageways.
k. Control of soil erosion from dirt stockpiles.
l. Installation of permanent stabilization practices as soon as possible after final grading.
m. Minimization of dust to the maximum extent practicable. 8. The Erosion and Sediment Control Plan shall require that velocity dissipation devices be plced at discharge locations and along the length of any outfall channel, as necessary, to provide non-erosive flow from the structure to a watercourse so that the natural physical and biological characteristics and functions are maintained and protected. B. Erosion and Sediment Control Plan Statement. For each construction site identified under Section 33.04, an Erosion and Sediment Control Plan statement shall be prepared. This statement shall be submitted to the Code Official. The control plan statement shall briefly described the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the Chapter, including the site development scheduled. C. Amendments. The applicant shall amend the plan if any of the following occur: 1. There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the State and which has not otherwise been addressed in the plan. 2. The actions required by the plan fail to reduce the impacts of pollutants carried by the construction site runoff. 3. The Code Official notifies the applicant of changes needed in the plan. 33.12 FEE SCHEDULE The fees referred to in other sections of this Chapter shall be established by Resolution of the Common Council, and may from time to time be modified by Resolution. A schedule of fees established by the Common Council shall be available for review in the Department of Neighborhood Services and Inspections. 33.13 INSPECTION If land-disturbing construction activities are being carried out without a permit required by this Chapter, the Code Official may enter the land pursuant to the provisions of Sections 66.0119(1), (2), and (3) of the Wisconsin Statutes. 33.14 VIOLATIONS AND ENFORCEMENTS A. Reinspection Fees. A Reinspection Fee may be assessed when any of the following occur: 1. An inspection is requested by the owner, owner's agent or contractor, and the Work is not completed. 2. An inspection is requested by the owner, owner's agent or contractor, and there is no access to the Premises. 3. After an initial inspection and notice of violation(s) to be corrected, an inspection is requested by the owner, owner's agent or contractor to approve corrections, and those corrections are incomplete or only a portion of the corrections are made, or corrections have been ignored, and previous arrangements have not been made with the Code Official to accomplish ordered corrections in phases, a Reinspection Fee shall be imposed on the owner, owner's agent or contractor responsible for the inspection request. Work may not proceed on the installation impacted until such time that said Reinspection Fee has been paid. There shall be no Reinspection Fee for a final inspection to determine compliance, or for a reinspection occurring during a period of an approved time extension granted for good cause and involving a good faith effort on the part of the property owner. A fee of Ninety ($90.00) Dollars may be charged for a second reinspection; a fee of One Hundred Eighty ($180.00) Dollars may be charged for a third reinspection; and, a fee of Three Hundred Sixty ($360.00) Dollars may be charged for each subsequent reinspection. Reinspection Fees which are not paid for by or on behalf of the property owner within thirty (30) days of mailing of an invoice to the Permit holder shall be charged and collected as a special assessment against the real estate upon which the reinspection was made, and shall be a lien upon the real estate until paid in full, with interest accruing on the unpaid balance at the rate of seven (7%) percent per annum. There shall also be an administrative fee in the amount of One Hundred ($100.00) Dollars added to the charge to cover the administrative costs of charging and specially assessing the property. B. Stop Work Order. 1. Whenever the Code Official finds any noncompliance with the

provisions of this Chapter, the Code Official shall attempt to communicate with the owner or person performing the work to obtain immediate and voluntary compliance if such person is readily available. If the owner or person performing the work is not readily available, that person refuses to voluntarily comply immediately, or the noncompliance presents an immediate danger or threatens to cause bodily injury or damage to off-site property, including, but not limited to, off-site runoff, the Code Official shall post in a conspicuous place on the premises, a Stop Work Order, which shall cause all activity not necessary to correct the noncompliance to cease until noncompliance is corrected. 2. The Stop Work Order shall provide the following information: a. Date of issuance; b. Reason for posting; and, c. Signature of inspector posting the Order. 3. In addition to posting a Stop Work Order, the Code Official shall provide written notification to the owner or contractor by personal service, certified mail, electronic mail or facsimile transmission. The permittee, landowner and contractor shall have twenty-four (24) hours from time of notification by the Code Official to correct any noncompliance with the plan when notification is by either personal communication of noncompliance to the owner or contractor, or their respective agents, or written notice sent by certified mail to the owner or contractor. If notice is not provided under this subsection, the permittee and landowner shall have seventy-two (72) hours to correct any noncompliance with the plan when notification is by posting notice in a conspicuous place on the site or sending notice by facsimile transmission to the owner or contractor. 4. If the noncompliance is not corrected within the time periods specified in Section 33.12 A.3., the permittee and landowner authorize the Code Official to take any action, to perform any work, or commence any operations necessary to correct noncompliance on the subject property where notice of noncompliance has been issued to bring the property into conformance with plan requirements. The permittee and landowner further consent to reimburse the authority for the total costs and expenses of the corrective actions. Reimbursement may be collected as a special charge upon the property for current services rendered as provided by law. 5. If the responsible party does not cease activity as required in a Stop Work Order posted under this Section or fails to comply with the Erosion and Sediment Control Plan or permit conditions, the Code Official may revoke the permit. 6. If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Code Official, or if a responsible party violates a Stop Work Order posted under Subsection B.1., the Code Official may request that the City Attorney seek an injunction in any court of competent jurisdiction. C. Penalties. Any person violating any of the provisions of this Code, except for the provisions governing the administration or enforcement thereof, shall upon conviction be subject to a forfeiture of not less than Twenty-five ($25.00) Dollars per day, nor more than Five Hundred ($500.00) Dollars per day, together with the costs of prosecution; and, in default thereof, shall be imprisoned for a period of not less than one (1) day, nor more than six (6) months in the County Jail, or until such forfeitures and costs are paid. 33.15 APPEALS A. Committee on Public Works. The Committee on Public Works, with respect to this Code. 1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Code Official in administering this Code. 2. May authorize variances from the provisions of this Code which are not contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Code will result in unnecessary hardship. 3. Shall use the rules, procedures, duties and powers authorized by Wisconsin Statutes in hearing and deciding appeals and authorizing variances. B. Appeals. Appeals to the Committee on Public Works may be made in writing by any aggrieved person or by any officer, department, Authority, Board or Commission of the City affected by a decision of the Code Official. C. Appeal FilingFee. There shall be a One Hundred ($100.00) Dollar fee to accompany the filing of an appeal. 33.16 SEVERABILITY If a court of competent jurisdiction judges any section, clause, provision or portion of this Chapter unconstitutional or invalid, the remainder of the Chapter shall remain in force and not be affected by such judgment. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

22. ORDINANCE NO. 47-08
BY: THE MAYOR
TO CREATE CHAPTER XXXVI OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, ENTITLED POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Chapter XXXVI of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

CHAPTER XXXVI
POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE

36.01 AUTHORITY

A. Statutory Authority. This Ordinance is adopted by the Common Council of the City of Kenosha, Wisconsin, pursuant to Section 62.234 of the Wisconsin Statutes. Except as otherwise specified in Section 62.234, Wisconsin Statutes, Section 62.23 of the Wisconsin Statutes, applies to this Chapter and to any amendments to this Ordinance.

B. Nonlimitation. The provisions of this Chapter are deemed not to limit any other lawful regulatory powers of the City of Kenosha.

C. More Stringent Standards. The requirements of this Chapter do not preempt more stringent stormwater management requirements that may be imposed by any of the following:

1. Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under Sections 281.16 and 283.33 of the Wisconsin Statutes.

2. Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Section NR 151.004, Wisconsin Administrative Code.

D. Responsibility For Enforcement. The Common Council hereby designates the Director of Public Works, or his/her designee, shall administer and enforce the provisions of this Chapter.

36.02 FINDINGS AND PURPOSE

A. Findings. The Common Council finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community, and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

1. Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.

2. Diminish the capacity of lakes and streams to support fish, aquatic life, recreation and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.

3. Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

4. Reduce the quality of groundwater by increasing pollutant loading.

5. Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainageways and other minor drainage facilities.

6. Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.

7. Undermine floodplain management efforts by increasing the incidence and levels of flooding.

B. Purpose. It is the purpose of this Chapter to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and aquatic environment. Specific purposes are to:

1. Further the maintenance of safe and healthful conditions.

2.Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

3. Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

36.03 INTENT

It is the intent of the Common Council that this Chapter will reduce post-construction stormwater discharges and associated pollutants reaching waters of the State. This Chapter may be applied on a site-by-site basis. The Common Council recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this Chapter is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the State. Where such plans are in conformance with the performance standards developed under Section 281.16 of the Wisconsin Statutes, for regional stormwater management measures and have been approved by the Common Council, it is the intent of this Chapter that the approved plan be used to identify post-construction management measures acceptable for the community.

36.04 APPLICABILITY OF CODE

A. Application. This Chapter applies after final stabilization to a site of land-disturbing construction activity on a post-construction site that was subject to one (1) or more acres of land-disturbing construction activity. This Chapter also applies to post-construction sites of any size that, in the opinion of the Director of Public Works, or designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter, or that

endangers property or public safety.
B. Exemption. Subsection 36.04 A. notwithstanding, a site that meets any of the following criteria is exempt from the requirements of this Chapter:
1. Nonpoint discharges from agricultural facilities and practices.
2. Nonpoint discharges from silviculture activities.
3. Routine maintenance for project sites under five (5) acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
4. Underground utility construction, such as water, sewer and fiber optic lines. This exemption does not apply to the construction of any aboveground structures associated with utility construction.
5. Activities conducted by a State agency, as defined under Section 277.02(1) of the Wisconsin Statutes, but also including the office of District Attorney, which is subject to the State plan promulgated or a memorandum of understanding entered into under Section 281.33 of the Wisconsin Statutes.
C. Extraterritorial Jurisdiction. This Chapter applies to post-construction sites within the boundaries and jurisdiction of the City, as well as the extraterritorial division of land subject to an ordinance enacted pursuant to Sections 236.45(2) and (3) of the Wisconsin Statutes.
36.05 DEFINITIONS
Administering Authority means the City's Director of Public Works, or his/her designee.
Agricultural Facility means a structure associated with an agricultural practice, per the meaning given in Section 281.16 of the Wisconsin Statutes, or as amended.
Agricultural Practice means beekeeping; commercial feedlots; dairying; egg production; floricultural; fish or fur farming; grazing; livestock raising; maintaining orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in Federal programs in return for payments in kind; owning land, at least thirty-five (35) acres of which is enrolled in the Conservation Reserve Program under 16 USC 3831 to 3836; and, vegetable raising, per the meaning given in Section 281.16 of the Wisconsin Statutes, but vegetable raising is included in the definition of agricultural practice only if the pervious areas in which the vegetable raising activity is occurring is separated from pervious surfaces contiguous to the public right-of-way by a buffer area of grass which maintains separation of no less than ten (10') feet between the pervious area where the vegetable raising activity is occurring and the impervious area.
As-Built means a record or plan illustrating how a project was built in fact and not necessarily how it was planned.
Average Annual Rainfall means a calendar year of precipitation, excluding snow, which is considered typical.
Best Management Practice (BMP) means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the State.
Business Day means a day the office of the City's Director of Public Works is routinely and customarily open for business.
Cease and Desist Order means a court-issued order to halt land-disturbing construction activity that is being conducted without the required permit.
Combined Sewer System means a system for conveying both sanitary sewage and storm water runoff.
Connected Imperviousness means an impervious surface that is directly connected to a separate storm sewer or water of the State via an impervious flowpath.
Design Storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
Development means residential, commercial, industrial or institutional land uses and associated roads.
Division of Land means the creation from one parcel of five (5) or more parcels or buildings sites of five (5) or fewer acres each in area where such creation occurs at one time or through the successive partition within a five (5) year period.
Effective Infiltration Area means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
Erosion means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
Exceptional Resource Waters means waters listed in Section NR 102.11, Wisconsin Administrative Code.
Extraterritorial means the unincorporated area with three (3) miles of the corporate limits of the City of Kenosha.
Final Stabilization means that all land-disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least seventy (70%) percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
Financial Guarantee means a Performance Bond, Maintenance Bond, Surety Bond, Irrevocable Letter of Credit, or similar

guarantees submitted to the Director of Public Works, or his/her designee, by the responsible party to assure that the requirements of this Chapter are carried out in compliance with the Stormwater Management Plan.
Governing Body means the Common Council of the City of Kenosha, Wisconsin.
Impervious Surface means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets, including those comprised of compacted stone or gravel, are examples of areas that typically are impervious surfaces.
In-Fill Area means an undeveloped area of land located within existing development.
Infiltration means the entry of precipitation or runoff into or through the soil.
Infiltration System means a device or practice, such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or roadside channels designed for conveyance and pollutant removal only.
Karst Feature means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
Land-Disturbing Construction Activity means any manmade alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the State. Land-Disturbing Construction Activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
Maintenance Agreement means an agreement that provides for long-term maintenance of stormwater management practices.
MEP or Maximum Extent Practicable means a level of implementing Best Management Practices in order to achieve a performance standard specified in this Chapter which takes into account the best available technology, cost effectiveness and other competing issues, such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
Navigable, when applied to a waterway, means is capable of floating any boat, skiff, canoe, or kayak, of the shallowest draft used for recreational purposes in a waterway, that if not occurring continuously, at least occurs seasonably of a sufficient length of time to make the waterway useful as a highway.
New Development means development resulting from the conversion of previously undeveloped land or agricultural land uses.
Non-Navigable, when applied to a waterway, means not navigable.
Off-Site means located outside the property boundary described in the permit application.
On-Site means located within the property boundary described in the permit application.
Ordinary High Water Mark means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of the ordinary high water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high water mark in Section NR 115.03(6), Wisconsin Administrative Code, per the meaning in Section NR 115.03, Wisconsin Administrative Code, or as amended.
Outstanding Resource Waters means waters listed in Section NR 102.10, Wisconsin Administrative Code.
Percent Fines means the percentage of a given sample of soil, which passes through a #200 sieve.
Performance Standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
Permit means a written authorization made by the Director of Public Works, or designee, to the applicant to conduct land-disturbing construction activity or to discharge post-construction runoff to waters of the State.
Permit Administration Fee means a sum of money paid to the Director of Public Works or his/her designee by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
Pervious Surface means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious surfaces.
Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water, per the meaning given in Section

283.01 of the Wisconsin Statutes, or as amended.
Pollution includes contaminating or rendering unclean or impure the waters of the State, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life, per the meaning given in Section 281.01 of the Wisconsin Statutes, or as amended.
Post-Construction Site means a construction site following the completion of land-disturbing construction activity and final site stabilization.
Pre-Development Condition means the extent and distribution of land cover types present before the initiation of land-disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
Preventive Action Limit means a numerical value expressing the concentration of a substance in groundwater which is adopted under Section 160.15 of the Wisconsin Statutes, and Sections NR 140.10, 140.12 or 140.20, Wisconsin Administrative Code, per the meaning given in Section NR 140.05, Wisconsin Administrative Code, or as amended.
Protective Area means an area of land that commences at the top of the ordinary high water mark of lakes, streams, or rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.
1. For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in Section NR 103.04, Wisconsin Administrative Code, seventy-five (75') feet.
2. For perennial and intermittent streams identified on a United States geological survey 7.5 minute series topographic map, or a County soil survey map, whichever is more current, fifty (50') feet.
3. For lakes, fifty (50') feet.
4. For highly susceptible wetlands, fifty (50') feet. Highly susceptible wetlands include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins. Wetland boundary delineations shall be made in accordance with Section NR 103.08(1m), Wisconsin Administrative Code. This Section does not apply to wetlands that have been completely filled in accordance with all applicable State and Federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable State and Federal regulations shall be measured from the wetland boundary delineation after fill has been placed.
5. For less susceptible wetlands, ten (10%) percent of the average wetland width, but no less than ten (10') feet, nor more than thirty (30') feet. Less susceptible wetlands include degraded wetlands dominated by invasive species, such as reed canary grass.
6. In Paragraphs 1, 4, and 5 of this definition, determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in Section NR 103.03, Wisconsin Administrative Code.
7. For concentrated flow channels with drainage areas greater than one hundred thirty (130) acres, ten (10') feet.
Redevelopment means areas where development is replacing older development.
Responsible Party means any entity holding fee title to the property or performing services to meet the performance standards of this Chapter through a contract or other agreement.
Runoff means storm water or precipitation, including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
Separate Storm Sewer means a conveyance or system of conveyances, including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meet all of the following criteria:
1. Is designed or used for collecting water or conveying runoff.
2. Is not part of a combined sewer system.
3. Is not draining to a storm water treatment device or system.
4. Discharges directly or indirectly to waters of the State.
Site means the entire area included in the legal description of the land on which the land-disturbing construction activity is proposed in the permit application.
Stop Work Order means an order issued by the Director of Public Works, or his/her designee, which requires that all construction activity on the site be stopped.
Stormwater Management Facilities means facilities designed to properly manage stormwater runoff in accordance with the City's Stormwater Management Criteria, which criteria may be updated or amended from time to time.
Stormwater Management Plan means a comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.
Stormwater Management System Plan is a comprehensive plan designed to reduce the discharge of runoff and pollutants

from hydrologic units on a regional or municipal scale.
Technical Standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
Top of the Channel means an edge or point on the landscape, landward from the ordinary high water mark of a surface water of the State, where the slope of the land begins to be less than twelve (12%) percent continually for at least fifty (50') feet. If the slope of the land is twelve (12%) percent or less continually for the initial fifty (50') feet, landward from the ordinary high water mark, the top of the channel is the ordinary high water mark.
TR-55 means the United State Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.
Type II Distribution means a rainfall-type curve as established in the United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
Waters of the State includes those portions of Lake Michigan and Lake Superior within the boundaries of this State, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this State or its jurisdiction, per the meaning given in Section 281.01 of the Wisconsin Statutes, or as amended.
36.06 TECHNICAL STANDARDS
A. The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of stormwater practices needed to meet the water quality standards of this Chapter.
1. Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under Subchapter V of Chapter NR 151, Wisconsin Administrative Code.
2. Design guidance and technical standard identified in the City of Kenosha Stormwater Management Criteria as developed and revised by the Director of Public Works, or his/her designee, and on file in the office of the City Engineer.
3. In this Chapter, the following year and location have been selected as average annual rainfall: Milwaukee, 1969 (March 28 - December 6).
B. Where technical standards have not been identified or developed in Section 36.06 A., other technical standards may be used provided that the methods have been approved by the Director of Public Works or his/her designee.
C. The Director of Public Works, or his/her designee, shall approve final design criteria, standards and specifications for BMP requirements in the event of conflicts between technical sources in Section 36.06 A.
36.07 PERFORMANCE STANDARDS
A. Responsible Party. The Responsible Party shall implement a Post-Construction Stormwater Management Plan that incorporates the requirements of this Section.
B. Plan. A written Stormwater Management Plan in accordance with Section 36.09 shall be developed and implemented for each post-construction site.
C. Requirements. The plan required under Subsection 36.07 B. shall include the following:
1. Total Suspended Solids. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:
a. New and Infill Development. For new and infill development, by design, reduce to the maximum extent practicable, the total suspended solids load by eighty (80%) percent, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an eighty (80%) percent total suspended solids reduction to meet the requirements of this subdivision.
b. Redevelopment. For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load by forty (40%) percent, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a forty (40%) percent total suspended solids reduction to meet the requirements of this subsection.
c. Reduction of Total Suspended Solids Load. Notwithstanding Subsections a. and b., if the design cannot achieve the applicable total suspended solids reduction specified, the Stormwater Management Plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.
2. Peak Discharge.
a. By design, BMPs shall be employed to maintain or reduce the peak runoff discharge rates as compared to pre-development conditions of the two (2) year, twenty-four (24) hour design storm applicable to the post-construction site. For pre-development conditions, the runoff curve numbers in Table 1 shall be used.
TABLE 1

MAXIMUM PRE-DEVELOPMENT
RUNOFF CURVE NUMBERS

Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	56	70	71	71

b. By design, BMP's shall be designed and employed to reduce the peak discharge rates of the post-construction conditions for any storm, in areas where there is inadequate storm sewer or drainageway capacity. The control of peak discharge shall be required for all areas draining to navigable streams or to storm sewer systems that do not have at least capacity for the five (5) year rational method storm. Any site with inadequate capacity downstream shall have the peak discharge reduced to a proportional share of the available downstream capacity based on the ratio of the development's area to the total drainage area. The available downstream capacity shall be set by the capacity of storm sewer pipes when flowing full, the overflow level for ditches and the top of the upstream end of the pipe for any culverts. None of these criteria shall preempt more stringent release rates.

3. Infiltration. BMPs shall be designed, installed, and maintained to infiltrate runoff to the maximum extent practicable in accordance with the following, except as provided in Subparagraphs e. through h.

a. Residential Developments. For residential developments, one of the following shall be met:

(1) Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least ninety (90%) percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one (1%) percent of the project site is required as an effective infiltration area.

(2) Infiltrate twenty-five (25%) percent of the post-development runoff from the 2 year, twenty-four (24) hour design storm with a Type II Distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55. When designing appropriate infiltration systems to meet this requirement, no more than one (1%) percent of the project site is required as an effective infiltration area.

b. Non-Residential Development. For non-residential development, including commercial, industrial and institutional development, one of the following shall be met:

(1) Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least sixty (60%) percent of the pre-development infiltration volume, based on an average annual rainfall. When designing appropriate infiltration systems to meet this requirement, no more than two (2%) percent of the project site is required as an effective infiltration area.

(2) Infiltrate ten (10%) percent of the runoff from the 2 year, twenty-four (24) hour design storm with a Type-II Distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, and not composite curve numbers as defined in TR-55. When designing appropriate infiltration systems to meet this requirement, no more than two (2%) percent of the project site is required as an effective infiltration area.

c. Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with Subparagraph h. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

d. Exclusions. The runoff from the following areas are prohibited from meeting the requirements of this Section:

(1) Areas associated with Tier 1 Industrial Facilities identified in Section NR 216.21(2)(a), Wisconsin Administrative Code, including storage, loading, rooftop and parking.

(2) Storage and loading areas of Tier 2 Industrial Facilities identified in Section NR 216.21(2)(b), Wisconsin Administrative Code.

(3) Fueling and vehicle maintenance areas.

(4) Areas within one thousand (1,000') feet upgradient, or within one hundred (100') feet downgradient of Karst features.

(5) Areas with less than three (3') feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this subsection does not prohibit infiltration of roof runoff.

(6) Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than five (5') feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.

(7) Areas within four hundred (400') feet of a community water system well as specified in Section NR 811.16(4), Wisconsin Administrative Code, or within one hundred (100') feet of a private well as specified in Section NR 812.08(4), Wisconsin Administrative Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional

devices for residential development.
(8) Areas where contaminants of concern, as defined in Section NR 720.03(2), Wisconsin Administrative Code, are present in the soil through which infiltration will occur.
(9) Any area where the soil does not exhibit one of the following soil characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a three (3) foot soil layer with twenty (20%) percent fines or greater; or at least a five (5) foot soil layer with ten (10%) percent fines or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This Subsection does not prohibit infiltration of roof runoff.
e. Exemptions. The following are not required to meet the requirements of this Section:
(1) Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the site.
(2) Parking areas and access roads less than five thousand (5,000) square feet for commercial and industrial development.
(3) Redevelopment post-construction sites.
(4) In-fill development areas less than five (5) acres.
(5) Infiltration areas during periods when the soil on the site is frozen.
(6) Roads in commercial, industrial and institutional land uses, and arterial residential roads.
f. Alternate Uses. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this Section.
g. Compliance with Preventive Action Limit.
(1) Infiltration systems designed in accordance with this Section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Chapter NR 140, Wisconsin Administrative Code. If site-specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
(2) Notwithstanding Subsection (1) above, the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
i. Design of Infiltration BMPs. Design of infiltration BMPs shall comply with the technical standards developed by the Wisconsin Department of Natural Resources under Subchapter V of Section NR 151, Wisconsin Administrative Code.
j. Evaluation of Infiltration BMP' Performance. The performance of infiltration BMPs shall be evaluated using the WinSLAMM, Version 9.2.5. computer model available from the Wisconsin Department of Natural Resources.
4. Protective Areas.
a. Post-Construction Sites. This Paragraph 36.07 C.4.applies to post-construction sites located within a protective area, except those areas exempted pursuant to Subparagraph c. Protective Area″ does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.
b. Requirements. The following requirements shall be met:
(1) Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The Stormwater Management Plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.
(2) Where land-disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of seventy (70%) percent or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
(3) Best management practices, such as filter strips, swales or wet detention basins, that are designed to control pollutants from non-point sources may be located in the protective area.
c. Nonapplicable Areas. This Paragraph does not apply to:
(1) Structures that cross or access surface waters, such as boat landings, bridges and culverts.
(2) Structures constructed in accordance with Section 59.692(1v) of the Wisconsin Statutes.
(3) Post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative groundcover is necessary to maintain bank stability.
5. Fueling and Vehicle Maintenance Areas. Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the State contains no visible petroleum sheen.
6. Swale Treatment For Transportation Facilities.

a. Applicability. Except as provided in Subparagraph b., transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this Section, if the swales are designed to the maximum extent practicable to do all of the following:
(1) Be Vegetated. Where appropriate, however, nonvegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.
(2) Carry runoff through a swale for two hundred (200') feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a two (2) year, twenty-four (24) hour design storm or a two (2) year storm with a duration equal to the time of concentration as appropriate. If a swale of two hundred (200') feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable.
b. Exemptions. The Director of Public Works, or his/her designee, may, consistent with water quality standards, require other provisions of this Section be met on a transportation facility with an average daily travel of vehicles greater than two thousand five hundred (2,500) and where the initial surface water of the State that the runoff directly enters is any of the following:
(1) An outstanding resource water.
(2) An exceptional resource water.
(3) Waters listed in Section 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to non-point source impacts.
(4) Waters where targeted performance standards are developed under Section NR 151.004, Wisconsin Administrative Code, to meet water quality standards.
D. General Considerations For On-Site and Off-Site Storm Water Management Measures. The following considerations shall be observed in managing runoff:
1. Natural Topography and Land Cover Features. Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this Section.
2. Emergency Overland Flow. Emergency overland flow for all Stormwater Management Facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety. Emergency overland flow must be in compliance with the Kenosha Stormwater Management Criteria.
E. Location and Regional Treatment Option.
1. On-Site/Off-Site Locations. The BMPs may be located on-site or off-site as part of a regional stormwater device, practice or system.
2. Post-Construction Runoff. Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this Chapter. Post-construction BMPs may be located in non-navigable surface waters.
3. New Development Post-Costruction Runoff. Except as allowed under Subparagraph 4., post-construction runoff from new development shall meet the post-construction performance standards prior to entering navigable surface water.
4. Exceptions. Post-construction runoff from any development within navigable surface water that flows into a BMP is not required to meet the performance standards of this Chapter if:
a. The BMP was constructed prior to the effective date of this Chapter and the BMP either received a permit issued under Chapter 30 of the Wisconsin Statutes, or the BMP did not require a Chapter 30 of the Wisconsin Statutes, permit; and,
b. The BMP is designed to provide runoff treatment from future upland development.
5. Runoff From Existing Development, Redevelopment and In-Fill Areas. Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this Section.
a. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.
b. Post-construction BMPs for such runoff may be located in navigable surface water if allowable under all other applicable Federal, State and local regulations, such as Section NR 10, Wisconsin Administrative Code and Chapter 30 of the Wisconsin Statutes.
6. Runoff From a BMP. The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this Chapter.
7. Off-Site Management Measure Approval. The Director of Public Works, or his/her designee, may approve off-site management measures provided that all of the following conditions are met:
a. The Director of Public Works, or his/her designee, has determined that the post-construction runoff is covered by a Stormwater Management System Plan that contains management requirements consistent with the purpose and intent of

this Chapter.
b. The off-site facility meets all of the following conditions:
(1) The facility is in place.
(2) The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this Chapter.
(3) The facility has legally obligated entity responsible for its long-term operation and maintenance.
8. Fee For Post-Construction Runoff. Where a regional treatment option exists such that the Director of Public Works, or his/her designee, exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Director of Public Works, or his/her designee. In determining the fee for post-construction runoff, the Director of Public Works, or his/her designee, shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
F. Additional Requirements to Protect Sensitive Resources. The Director of Public Works, or his/her designee, may establish stormwater management requirements more stringent than those set forth in this Section if the Director of Public Works, or his/her designee, determines that an added level of protection is needed to protect sensitive resources.
36.08 PERMIT REQUIREMENTS; PROCEDURES AND FEES
A. Permit Required. No responsible party may undertake a land-disturbing construction activity without receiving a Post-Construction Runoff Permit from the Director of Public Works, or his/her designee, prior to commencing the proposed activity.
B. Permit Application and Fees. Unless specifically excluded by this Chapter, any responsible party desiring a permit shall submit to the Director of Public Works, or his/her designee, a permit application made on a form provided by the Director of Public Works, or his/her designee, for that purpose.
1. Accompanying Documents. Unless otherwise excepted by this Chapter, a permit application must be accompanied by a Stormwater Management Plan, a Maintenance Agreement and a nonrefundable permit administration fee.
2. Requirements. The Stormwater Management Plan shall be prepared to meet the requirements of Sections 36.07 and 36.09. The Maintenance Agreement shall be prepared to meet the requirements of Section 36.10; the financial guarantee shall meet the requirements of Section 36.11. Fees shall be those established from time to time by Resolution of the Common Council as set forth in Section 36.12.
C. Review and Approval of Permit Application. The Director of Public Works, or his/her designee, shall review any permit application that is submitted together with a Stormwater Management Plan, Maintenance Agreement and the required fee. The following approval procedure shall be used:
1. Within twenty (20) business days of the receipt of a complete permit application, including all items as required by Subsection B. above, the Director of Public Works, or his/her designee, shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this Chapter.
2. If the Stormwater Permit application, plan and maintenance agreement are approved, or if an agreed-upon payment of fees in lieu of stormwater management practices is made, the Director of Public Works, or his/her designee, shall issue the permit.
3. If the Stormwater Permit application, plan or maintenance agreement are disapproved, the Director of Public Works, or his/her designee, shall detail, in writing, the reasons for disapproval.
4. The Director of Public Works, or his/her designee, may request additional information from the applicant. If additional information is submitted, the Director of Public Works, or his/her designee, shall have twenty (20) business days from the date the additional information is received, to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
5. Failure by the Director of Public Works, or his/her designee, to inform the permit applicant of a decision within twenty (20) business days of a required submittal shall be deemed to mean disapproval of the submittal and the applicant may not proceed.
D. Permit Requirements. All permits issued under this Chapter shall be subject to the following conditions, and holders of permits issued under this Chapter shall be deemed to have accepted these conditions. The Director of Public Works, or his/her designee, may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Director of Public Works, or his/her designee, to suspend or revoke this permit may be appealed in accordance with Section 36.14.
1. Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable Federal, State and local laws and regulations.
2. The responsible party shall design and install all structural and nonstructural stormwater management measures in

accordance with the approved Stormwater Management Plan and this permit.
3. The responsible party shall notify the Director of Public Works, or his/her designee, in writing, at least two (2) business days before commencing any work in conjunction with the Stormwater Management Plan, and within two (2) business days upon completion of the stormwater management practices. If required as a special condition under Subsection E., the responsible party shall make additional notification according to a schedule set forth by the Director of Public Works, or his/her designee, so that practice installations can be inspected during construction.
4. Stormwater Management Facilities required as part of this Ordinance shall be certified as-built″ by a licensed professional engineer. Completed Stormwater Management Facilities must pass a final inspection by the Director of Public Works, or his/her designee, to determine if they are in accordance with the approved Stormwater Management Plan and this Chapter. The Director of Public Works, or his/her designee, shall notify the responsible party, in writing, of any changes required in such practices to bring them into compliance with the conditions of this permit.
5. The responsible party shall notify the Director of Public Works, or his/her designee, of any significant modifications it intends to make to an approved Stormwater Management Plan. The Director of Public Works, or his/her designee, may require that the proposed modifications be submitted for approval prior to incorporation into the Stormwater Management Plan and execution by the responsible party.
6. The responsible party shall maintain all stormwater management practices in accordance with the Stormwater Management Plan until the practices either become the responsibility of the City, or are transferred to subsequent private owners as specified in the approved Maintenance Agreement.
7. The responsible party authorizes the Director of Public Works, or his/her designee, to perform any work or operations necessary to bring stormwater management measures into conformance with the approved Stormwater Management Plan, and consents to a special assessment or charge against the property as authorized under Subchapter VII of Chapter 66 of the Wisconsin Statutes, or to charging such costs against the financial guarantee posted under Section 36.11.
8. If so directed by the Director of Public Works, or his/her designee, the responsible party shall repair, at his/her own expense, all damage to adjoining municipal facilities and drainageways caused by runoff, where such damage is caused by activities that are not in compliance with the approved Stormwater Management Plan.
9. The responsible party shall permit property access to the Director of Public Works, or his/her designee, for the purpose of inspecting the property for compliance with the approved Stormwater Management Plan and this permit.
10. Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Director of Public Works, or his/her designee, may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
11. The responsible party is subject to the enforcement actions and penalties detailed in Section 36.13, if the responsible party fails to comply with the terms of this permit.
E. Permit Conditions. Permits issued under this Section may include conditions established by the Director of Public Works, or his/her designee, in addition to the requirements needed to meet the performance standards in Section 36.07, or a financial guarantee as provided for in Section 36.11.
F. Permit Duration. Permits issued under this Section shall be valid from the date of issuance through the date the Director of Public Works, or his/her designee, notifies the responsible party that all stormwater management practices have passed the final inspection required under Subsection D.4.
36.09 STORMWATER MANAGEMENT PLAN
A. Plan Requirements. The Stormwater Management Plan required under Section 36.08 B. shall contain, at a minimum, the following information:
1. Name, address and telephone number for the following, or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and, person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.
2. A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey System or to block and lot numbers within a recorded land subdivision plat.
3. Pre-development site conditions, including:
a. One (1) or more site maps at a scale of not less than one (1″) inch equals two hundred (200') feet. The site maps shall show the following: site location and legal description of the property; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site not to exceed five (5') feet; topography and drainage network, including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; watercourses that may affect or be affected by runoff

from the site; flow path and direction for all stormwater conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the one hundred (100) year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to Section NR 811.16, Wisconsin Administrative Code.

b. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

4. Post-development site conditions, including:

a. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

b. Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.

c. One (1) or more site maps at a scaled of not less than one (1″) inch equals two hundred (200') feet showing the following: post-construction pervious areas, including vegetative cover-type and condition; impervious surfaces, including all buildings, structures and pavement; post-construction topographic contours of the site at a scale not to exceed five (5') feet; post-construction drainage network, including enough of the contiguous properties to show runoff patterns onto, through and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the Maintenance Agreement; flow path and direction for all stormwater conveyance sections; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet, such as a curbed street, storm drain or natural drainageway; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches and other watercourse on and immediately adjacent to the site.

d. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

e. Results of investigations of soils and groundwater required for the placement an design of stormwater management measures. Detailed drawings, including cross-sections and profiles of all permanent stormwater conveyance and treatment practices.

5. A description and installation schedule for the stormwater management practices needed to meet the performance standards in Section 36.07.

6. A Maintenance Plan developed for the life of each stormwater management practice, including the required maintenance activities and maintenance activity schedule.

7. Cost estimates for the construction, operation and maintenance of each stormwater management practice.

8. Other information requested in writing by the Director of Public Works, or his/her designee, to determine compliance of the proposed stormwater management measures with the provisions of this Chapter.

9. All site investigations, plans, designs, computations, and drawings shall be certified by a professional engineer licensed in the State of Wisconsin to be prepared in accordance with accepted engineering practice and the requirements of this Chapter.

B. Alternate Requirements. The Director of Public Works, or his/her designee, may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Subsection 36.07 E.

36.10 MAINTENANCE

A. Maintenance Agreement Required. The Maintenance Agreement required under Subsection 36.08 B. for stormwater management practices shall be an agreement between the City and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The Maintenance Agreement shall be filed with the Kenosha County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.

B. Agreement Provisions. The Maintenance Agreement shall contain the following information and provisions, and be consistent with the Maintenance Plan required by Subsection 36.09:

1. Identification of the stormwater facilities and designation of the drainage area served by the facilities.

2. A schedule for regular maintenance of each aspect of the Stormwater Management System consistent with the Stormwater Management Plan required under Subsection 36.08 B.

3. Identification of the responsible party(ies), organization or government responsible for long-term maintenance of the stormwater management practices identified in the Stormwater Management Plan required under Subsection 36.08 B.
4. Requirement that the responsible party(ies), organization or government shall maintain stormwater management practices in accordance with the schedule included in Paragraph 2.
5. Authorization for the Director of Public Works, or his/her designee, to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
6. A requirement on the Director of Public Works, or his/her designee, to maintain public records of the results of the site inspections, to inform the responsible party responsible for the maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
7. Agreement that the party designated under Paragraph 3, as responsible for long-term maintenance of the stormwater management practices, shall be notified by the Director of Public Works, or his/her designee, of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Director of Public Works, or his/her designee.
8. Authorization of the Director of Public Works, or his/her designee, to perform the corrected actions identified in the inspection report if the responsible party designated under Subsection 3 does not make the required corrections in the specified time period. The Director of Public Works, or his/her designee, shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subchapter VII of Chapter 66 of the Wisconsin Statutes.
C. Maintenance of Stormwater Facilities. The responsible party shall maintain stormwater facilities in accordance with standards identified in the City of Kenosha Stormwater Management Facilities Maintenance Criteria as developed and revised by the Director of Public Works, or his/her designee, and on file in the City Engineer's Office.
36.11 FINANCIAL GUARANTEE
A. Establishment of the Guarantee. The Director of Public Works, or his/her designee, may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Director of Public Works, or his/her designee. The financial guarantee shall be in an amount determined by the Director of Public Works, or his/her designee, to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the Maintenance Agreement has maintenance responsibilities. The financial guarantee shall give the Director of Public Works, or his/her designee, the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved Stormwater Management Plan, upon written notice to the responsible party by the Director of Public Works, or his/her designee, that the requireements of this Chapter have not been met.
B. Conditions For Release. Conditions for the release of the financial guarantee are as follows:
1. Upon submission of as built plans″ by a professional engineer licensed in the State of Wisconsin, the Director of Public Works, or his/her designee, shall release the portion of the financial guarantee established under this Section to assure completion of installation of practice; the City shall retain therefrom, nevertheless, any costs incurred by the City to complete installation of practices. The Director of Public Works, or his/her designee, may allow for a partial pro rata release of the financial guarantee based on the completion of various development stages.
2. At such time that the responsibility for practice maintenance is passed on to another entity via an approved Maintenance Agreement, and the other entity has posted suitable financial guarantees, the Director of Public Works, or his/her designee, shall release the portion of the financial guarantee established under this Section to assure maintenance of stormwater practices, less any costs incurred by the City,
36.12 FEE SCHEDULE
The fees referred to in this Chapter shall be established by Resolution of the Common Council and may from time to time be modified by Resolution. A schedule of the fees established by the Common Council shall be available for review in the Office of the Director of Public Works.
36.13 ENFORCEMENT
A. Violations. Any land-disturbing construction activity or post-construction runoff initiated after the effective date of this Chapter by any person, firm, association or corporation subject to the Chapter provisions shall be deemed a violation, unless conducted in accordance with the requirements of this Chapter.
B. Notification of Violation(s). The Director of Public Works, or designee thereof, shall notify the responsible party in writing of noncomplying land-disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

C. Corrective Action. Upon receipt of written notification for the Director of Public Works, or his/her designee, under Subsection B., the responsible party shall correct work that does not comply with the Stormwater Management Plan or other provisions of this Chapter. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Director of Public Works, or his/her designee, in the notice.
D. Damage Caused By Violations. If the violations to a permit issued pursuant to this Chapter are likely to result in damage to properties, public facilities, or waters of the State, the parties working under the direction and authority of the Director of Public Works, or his/her designee, may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City, plus interest and legal costs, shall be billed to the responsible party.
E. Stop Work Order. The Director of Public Works, or his/her designee, is authorized to post a Stop Work Order on all land-disturbing construction activity that is in violation of this Chapter, or to request the City Attorney obtain a Cease and Desist Order in any court with jurisdiction.
F. Permit Revocation For Noncompliance. The Director of Public Works, or his/her designee, may revoke a permit issued under this Chapter for noncompliance with Chapter provisions.
G. Continuing Nature of Orders. Any permit revocation, Stop Work Order, or Cease and Desist Order shall remain in effect unless retracted by the Director of Public Works, or his/her designee, or by a court with jurisdiction.
H. Legal Proceedings. The Director of Public Works, or his/her designee, is authorized to refer any violation of this Chapter, or of a Stop Work Order or Cease and desist Order issued pursuant to this Chapter, to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.
I. Penalties. Any person, firm, association or corporation who does not comply with the provisions of this Chapter shall be subject to a forfeiture of not less than Five ($5.00) Dollars, nor more than Five Hundred ($500.00) Dollars per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
J. Injunction. Compliance with the provisions of this Chapter may also be enforced by injunction in any court of competent jurisdiction. It shall not be necessary to prosecute for forfeiture or a Cease or Desist Order before resorting to injunctional proceedings.
K. City Make Take Direct Action To Obtain Compliance. When the Director of Public Works, or his/her designee, determines that the holder of a permit issued pursuant to this Chapter has failed to follow practices set forth in the Stormwater Management Plan, or has failed to comply with the schedule set forth in said Stormwater Management Plan, parties working under the direction and authority of the Director of Public Works, or his/her designee, may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with the requirements of the approved plan. The Director of Public Works, or his/her designee, shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Section 36.11 of this Chapter. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.
13.14 APPEALS
A. Appeals Before The Stormwater Utility Committee. The Stormwater Utility Committee of the City of Kenosha shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works, or his/her designee, in administering this Chapter. The Committee shall also use the rules, procedures, duties and powers authorized by Statute in hearing and deciding Appeals. Upon appeal, the Committee may authorize variances from the provisions of this Chapter that are not contrary to the public interest, and where owing to special conditions, a literal enforcement of the Ordinance will result in unnecessary hardship.
B. Who May Appeal. Appeals to the Stormwater Utility Committee of the City of Kenosha may be taken by any aggrieved person, or by an officer, department, board or bureau of the City affected by any decision of the Director of Public Works, or his/her designee.
C. Severability. If any section, clause, provision or portion of this Chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Chapter shall remain in force and not be affected by such judgment.
Section Two: This Ordinance shall become effective upon passage and publication.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

RESOLUTIONS

At this time, Alderman Prozanski left the meeting and returned for the vote on item 28.

It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to adopt Resolutions 113-08 through 117-08 (items 23 through 27). On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

23. **RESOLUTION NO. 113-08**

BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE

TO REMOVE THE EXISTING "ONE HOUR PARKING" RESTRICTION ON THE EAST SIDE OF 28TH AVENUE IN THE 6300 BLOCK IN FRONT OF 6329 – 28TH AVENUE

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the existing "ONE HOUR PARKING" restriction on the East side of 28th Avenue in the 6300 Block in front of 6329 – 28th Avenue, be and hereby is removed and rescinded.

Adopted this 6th day of October, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

24. **RESOLUTION NO. 114-08**

BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE

TO DESIGNATE AS "TWO (2) HOUR PARKING", THE NORTH SIDE OF 58TH STREET BETWEEN 30TH AVENUE AND 31ST AVENUE

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the North side of 58th Street between 30th Avenue and 31st Avenue, be and hereby is designated as "TWO (2) HOUR PARKING". Adopted this 6th day of October, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

25. **RESOLUTION NO. 115-08**

BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE

TO REMOVE THE EXISTING "ONE HOUR PARKING" RESTRICTION ON THE SOUTH SIDE OF 50TH STREET IN THE 700 BLOCK; AND, TO REDESIGNATE SAME AS "TWO HOUR PARKING, 8 A.M.-6 P.M., MONDAY – SATURDAY, EXCEPT HOLIDAYS"

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the existing "ONE HOUR PARKING" restriction on the South side of 50th Street in the 700 Block, be and hereby is removed and rescinded. BE IT FURTHER RESOLVED that the South side of 50th Street in the 700 Block, be and hereby is redesignated as "TWO HOUR PARKING, 8 A.M.-6 P.M., MONDAY – SATURDAY, EXCEPT HOLIDAYS". Adopted this 6th day of October, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

26. **RESOLUTION NO. 116-08**

A RESOLUTION AUTHORIZING A DEVELOPMENT FINANCING AGREEMENT WITH CHICAGOLAND DC 2008 LLC IN CONNECTION WITH THE GORDON FOOD SERVICE PROJECT AND PROVIDING FOR THE ISSUANCE OF TAX INCREMENT PROJECT REVENUE BONDS OF THE CITY OF KENOSHA, WISCONSIN

WHEREAS Tax Incremental District No. 13 ("TID No. 13") has been established by the City of Kenosha, Wisconsin (the "City") for the purpose of promoting industrial development in the City; and

WHEREAS the industrial development projects in TID No. 13 constitute a revenue producing enterprise of the City which is operated for a public purpose, and constitute a "public utility" within the meaning of Section 66.0621 of the

Wisconsin Statutes; and

WHEREAS in order to further its industrial development efforts in TID No. 13, the City proposes to enter into a Development Financing Agreement in substantially the form attached hereto as Attachment I (on file in the Office of the City Clerk) (the "Development Agreement") with Chicagoland DC 2008 LLC (the "Developer"); and

WHEREAS pursuant to the terms of the Development Agreement, the City is to issue to the Developer Tax Increment Project Revenue Bonds payable solely from tax increments generated from the Developer's Property as defined in the Development Agreement ("Tax Increments");

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, as follows:

Section 1. Authorization of Development Agreement. The Development Agreement is approved, and the Mayor and City Clerk are authorized to execute the Development Agreement, by and on behalf of the City.

Section 2. Authorization of Revenue Bonds. (a) For the purpose of financing industrial development projects in TID No. 13, including a Development Grant to the Developer, as provided for under the Development Agreement, the City shall issue its "Tax Increment Project Revenue Bond, Series A (Gordon Food Service Project)" (the "Series A Bond") and "Tax Increment Project Revenue Bond, Series B (Gordon Food Service Project)" (the "Series B Bond") (collectively, the "Bonds") to the Developer in consideration for the obligations undertaken by the Developer under the Development Agreement.

(b) The Series A Bond shall be in a principal amount equal to the actual cost of the Developer's Improvements (as defined in the Development Agreement) but not to exceed $4,695,600. The principal amount shall be determined initially as of the date of issuance of the Series A Bond based on the costs paid by the Developer on the Developer's Improvements as of that date. The principal amount of the Series A Bond shall be redetermined as of October 1 of each year, and a final determination of the principal amount of the Series A Bond shall be made as of October 1, 2010. The Series A Bond shall be dated its date of issuance and shall bear interest at the rate of 6.0% per annum. For each Bond Year (defined below), interest shall accrue only on the principal amount of the Series A Bond determined as of the first day of that Bond Year.

Assuming that the principal amount of the Series A Bond is equal to the maximum principal amount ($4,695,600), the Series A Bond shall be payable in installments of principal due on October 1 in each of the years and in the amounts as follows:

Year	Principal
2009	$130,000
2010	135,000
2011	145,000
2012	150,000
2013	160,000
2014	170,000
2015	180,000
2016	190,000
2017	205,000
2018	215,000
2019	$230,000
2020	245,000
2021	255,000
2022	275,000
2023	290,000
2024	305,000
2025	325,000
2026	345,000
2027	365,000
2028	380,600

In the event that the total cost of the Developer's Improvements (as finally determined as of October 1, 2010, in accordance with Section 1.3 of the Development Agreement) and therefore the principal amount of the Series A Bond is less than $4,695,600, there shall be a reduction in the principal installments of the Series A Bond beginning with the final maturity and then proceeding to the next preceding maturity until the total of the principal installments on the Series A Bond is equal to the total cost of the Developer's Improvements (as finally determined as of October 1, 2010, in accordance with Section 1.3 of the Development Agreement).

Interest on the Series A Bond shall be payable on October 1 of each year, commencing October 1, 2009 (the "Bond Payment Dates").

(c) The Series B Bond shall be in the principal amount of $9,834,400, shall be dated its date of issuance and shall bear interest at the rate of 6.0% per annum. The Series B Bond shall be issued to the Developer as of the date on which an occupancy permit is issued by the City with respect to the building to be constructed by the Developer on the Property. The Series B Bond shall be payable in installments of principal due on October 1 of each year commencing with the October 1 following its date of issuance and continuing through and including October 1, 2028, with principal amortized so that the aggregate amount of principal and interest payable on the Series B Bond is approximately equal in each Bond Year. Interest on the Series B Bond shall be payable on each Bond Payment Date following its date of issuance.

(d) The Bonds shall be subject to prepayment in whole or from time to time in part at any time, at the option of the City. The Bond to be prepaid, and the amounts and maturities of the installments of principal of the Bond which are to be prepaid, shall be selected by the City.

The schedule of payments on the Bonds is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

The Bonds shall be signed by the manual or facsimile signatures of the Mayor and City Clerk of the City (provided that, unless the City has contracted with a fiscal agent to authenticate the Bond, at least one of such signatures shall be manual), and sealed with the corporate seal of the City, or a facsimile thereof.

The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund hereinafter provided, and shall be a valid claim of the owner thereof only against the Special Redemption Fund and the revenues pledged to such Fund pursuant to this Resolution.

(e) After the Series B Bond is issued, Revenues appropriated by the Common Council to payment of the Bonds in any Bond Year shall be applied first to payment of the principal and interest due on the Series B Bond in that Bond Year and then to payment of the principal and interest due on the Series A Bond in that Bond Year. Any Tax Increments in excess of the amount needed to pay the principal and interest due on the Bonds in any year shall be applied to prepay the principal of the Bonds, subject to appropriation by the Common Council.

(f) For purposes of this Resolution and the Bonds, "Bond Year" shall mean the one year period commencing on each October 1 and ending on the following September 30, except that the first Bond Year shall commence on the date of issuance of the Series A Bond and end on September 30, 2009.

(g) Notwithstanding the foregoing, as provided in Section 6 below, if on any Bond Payment Date there shall be insufficient Revenues appropriated to pay the principal or interest due on the Bond, the amount due but not paid shall accumulate and be payable on the next Bond Payment Date until the final Bond Payment Date, and interest at the rate of 6.0% shall be payable on such unpaid amounts of principal and interest.

Section 3. Form of Bonds. The Bonds shall be in substantially the forms set forth on Attachment II-1 and II-2 hereto (on file in the Office of the City Clerk).

Section 4. Payable Solely From Revenues. The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund as hereinafter provided, and shall be a valid claim of the owner thereof only against the Special Redemption Fund and from the revenues pledged to such fund, and shall be payable solely from Tax Increments derived from the Developer's Property which have been received and retained by the City in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes and appropriated by the Common Council to the payment of the Bonds ("Tax Increments" or "Revenues").

As stated above, the application of Tax Increments to payment of the Bonds is subject to annual appropriation by the Common Council. However, the City fully expects and anticipates that to the extent Tax Increments are generated by the Property, and provided that the Developer is not delinquent in the payment of property taxes with respect to the Property, it will appropriate all such Tax Increments to the payment of the principal of and interest on the Bonds, as provided in the Development Agreement.

Section 5. Special Redemption Fund. For the purpose of the application and proper allocation of the Revenues, and to secure the payment of the principal of and interest on the Bonds, the Special Redemption Fund is hereby created and shall be used solely for the purpose of paying principal of and interest on the Bonds in accordance with the provisions of the Bonds and this Resolution.

Uninvested money in the Special Redemption Fund shall be kept on demand deposit with such bank or banks as may be designated from time to time by the City as public depositories under the laws of Wisconsin. Such deposits of Special Redemption Fund money shall be secured to the fullest extent required by the laws of Wisconsin and the general investment policy of the City.

Money in the Special Redemption Fund, if invested, shall be invested in direct obligations of, or obligations guaranteed

as to principal and interest by, the United States of America, or in certificates of deposit secured by such obligations and issued by a state or national bank which is a member of the Federal Deposit Insurance Corporation and is authorized to transact business in the State of Wisconsin, maturing not later than the date such money must be transferred to make payments on the Bonds. All income from such investments shall be deposited in the Special Redemption Fund. Such investments shall be liquidated at any time when it shall be necessary to do so to provide money for any of the purposes for the Special Redemption Fund.

All Revenues shall be deposited in the Special Redemption Fund, and no other fund is created by this Resolution.

Section 6. Application of Revenues to Payment of the Bonds. On each Bond Payment Date, the City shall apply to the payment of the principal and interest due on the Bonds Tax Increments received by the City with respect to the Property during that calendar year and appropriated by the Common Council to the payment of the Bonds. Revenues shall be applied first to the payment of any interest due on the Bond Payment Date and then to the payment of any principal due on that Bond Payment Date.

If on any Bond Payment Date there shall be insufficient Revenues appropriated to pay the principal or interest due on the Bonds, the amount due but not paid shall accumulate and be payable on the next Bond Payment Date until the final Bond Payment Date. Interest at the rate of 6.0% per annum shall be paid on such unpaid amounts of principal and interest. The City shall have no obligation to pay any amount of principal or interest on the Bonds which remains unpaid after the final Bond Payment Date and the owners of the Bonds shall have no right to receive payment of such amounts, unless there are available Revenues which are appropriated by the Common Council to payment of the Bonds.

Section 7. Persons Treated as Owners; Transfer of Bonds. The City Clerk shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on the Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

The Bonds may be transferred or assigned by the registered owner thereof (in whole or in part) only with the consent of the City (which such consent shall not be unreasonably withheld, conditioned or delayed), by surrender of the Bond at the office of the City Clerk accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer or assignment, the City Clerk shall record the name of the transferee or assignee in the registration book and note such transfer or assignment on the Bond and re-issue the Bond (or a new Bond or Bonds of like aggregate principal amount and maturity).

Bonds may be exchanged for a new Bond of like principal amount and maturity or two or more Bonds of like aggregate principal amount and maturity.

Section 8. General Authorizations. The Mayor and City Clerk and the appropriate deputies and officials of the City in accordance with their assigned responsibilities are hereby each authorized to execute, deliver, publish, file and record such other documents, instruments, notices and records and to take such other actions as shall be necessary or desirable to accomplish the purposes of this Resolution and to comply with and perform the obligations of the City under the Development Agreement and the Bonds.

In the event that said officers shall be unable by reason of death, disability, absence or vacancy of office to perform in timely fashion any of the duties specified herein (such as the execution of the Development Agreement or the Bonds), such duties shall be performed by the officer or official succeeding to such duties in accordance with law and the rules of the City.

Section 9. Severability of Invalid Provisions. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining sections, paragraphs and provisions of this Resolution.

Section 10. Effective Date. This Resolution shall be effective immediately upon its passage and approval. Adopted this 6th day of October, 2008

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

27. RESOLUTION NO. 117-08

BY: THE MAYOR

TO DECLARE THE NECESSITY FOR THE PUBLIC USE TO WIDEN THAT PORTION OF 75TH STREET FROM 38TH AVENUE TO 7TH AVENUE AND TO AUTHORIZE THE CONDEMNATION OF LANDS ADJACENT THERETO OR SUCH ACTIONS AS MAY BE NECESSARY TO ACQUIRE SUFFICIENT

INTERESTS IN SUCH LANDS

WHEREAS, the proper establishment of, laying out, widening, enlarging, extending, construction, reconstruction, improvements and/or maintenance of a public highways (more commonly known as "streets") located with the corporate limits of the City of Kenosha are subject to the jurisdiction of the City of Kenosha; and,

WHEREAS, the public street known as 75th Street between its intersections with 38th Avenue and 7th Avenue is located within the City of Kenosha; and,

WHEREAS, 75th Street between its intersections with 38th Avenue and 7th Avenue is known to be a well-traveled highway for which street widening pursuant to Subsection 62.23(10), Wisconsin Statutes, would be beneficial.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the City of Kenosha hereby determines that it is a necessary and public purpose to construct highway right-of-way improvements and storm sewer improvements to 75th Street between its intersections with 38th Avenue and 7th Avenue, such improvements including street widening, which improvements are shown on the right-of-way plat for the above construction, which right-of-way plat is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, by the Common Council of the City of Kenosha, Wisconsin, that pursuant to Subsection 32.05(1) of the Wisconsin Statutes, 75th Street between its intersections with 38th Avenue and 7th Avenue is hereby laid out and established to the lines and widths as shown on said right-of-way plat, and this Relocation Order is issued therefor.

BE IT FURTHER RESOLVED, by the Common Council of the City of Kenosha, Wisconsin, that to properly establish, lay out, widen, enlarge, extend, construct, reconstruct, improve, or maintain that portion of 75th Street between its intersections with 38th Avenue and 7th Avenue, it is necessary to relocate or change and acquire certain lands or interests in lands as shown on the right-of-way plat for the above project.

BE IT FURTHER RESOLVED, by the Common Council of the City of Kenosha, Wisconsin, that pursuant to authorizations of Subsection 62.22(1) or (1m), and the provisions of Subsection 32.05(1) of the Wisconsin Statutes, the required lands or interests in lands as shown on the right-of-way plat shall be acquired by the City of Kenosha in the name of the City of Kenosha.

BE IT FURTHER RESOLVED, by the Common Council of the City of Kenosha, Wisconsin, that the City's agents shall comply with the requirements of Section 32.05 of the Wisconsin Statutes. If any owner has not timely accepted the Jurisdictional Offer issued pursuant to Subsection 32.05(3), or fails to consummate an acceptance as provided therein, the City of Kenosha, through the Director of the Department of City Development, or designees thereof, shall make an Award of Damages in the manner and sequence of acts provided in Subsection 32.05(7) and obtain right to possession with respect to such property under Subsection 32.05(8).

BE IT FURTHER RESOLVED, by the Common Council of the City of Kenosha, Wisconsin, that the City Attorney or other legal counsel retained by the City shall represent the City of Kenosha in any related actions or proceeding.

BE IT FURTHER RESOLVED, by the Common Council of the City of Kenosha, Wisconsin, that this order supersedes and amends any previous order for this portion of the highway that was issued by the City.

BE IT FURTHER RESOLVED that the City of Kenosha Official Map is hereby amended in accordance with Section 62.23(6), Wisconsin Statutes to reflect permanent changes to the right-of-way as shown in the right-of-way plat.

BE IT FURTHER RESOLVED that the City Clerk/Treasurer, in accordance with Subsection 32.05(1)(a) of the Wisconsin Statutes, shall, within twenty (20) days of the adoption of this Resolution, file a copy of the amendment to the City of Kenosha Official Map showing the permanent changes to the right-of-way, with the Kenosha County Clerk.

BE IT FURTHER RESOLVED that the City of Kenosha, Wisconsin, shall acquire the required lands or interests in lands as shown in the plat.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

28. It was moved by Aldemran Marks, seconded by Alderman Kennedy to adopt Resolution 118-08 with an amendment to the amount of disbursement from $8,011.00 to $7,500.00, as recommended by the Finance committee. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION 118-08

BY: Mayor Bosman

To Authorize Disbursement from the Dairyland Trust Fund for the Tremper Golden Strings Sister Cities trip in the Amount of $7,500

WHEREAS, the agreement by and between Dairyland Greyhound Park, Inc. and the City of Kenosha, Wisconsin, allows

the use of certain monies placed in trust with the City to be used for the funding of youth facilities, activities and other public purposes at the sole discretion of the City.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin that the Director of Finance be, and is hereby, authorized to disburse the amount of $7,500 to assist the Tremper High School Golden Strings with a Kenosha Sister Cities ambassadorial goodwill trip.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

29.It was moved by Alderman Ruffolo, seconded by Alderman Carpenter to adopt Resolution 120-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 119-08
BY: THE MAYOR
TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE ATTACHMENT OF PARCEL NOS. 80-4-222-231-0142 AND 80-4-222-231-0145, ALSO KNOWN AS 4105 – 18th STREET, IN THE TOWN OF SOMERS, KENOSHA COUNTY, WISCONSIN, IN ACCORDANCE WITH THE APPROVED CITY OF KENOSHA/TOWN OF SOMERS COOPERATIVE PLAN UNDER SECTION 66.0307 OF THE WISCONSIN STATUTES [Colicki/Regency Hills – Property Owners]

WHEREAS, the City of Kenosha, Wisconsin, has established an Official Map pursuant to Section 62.23(6), Wisconsin Statutes; and,

WHEREAS, the City of Kenosha, Wisconsin, and the Town of Somers, Wisconsin, entered into the City of Kenosha/Town of Somers Cooperative Plan Under Section 66.0307, Wisconsin Statutes, which was approved by the Wisconsin Department of Administration, Intergovernmental Relations, Municipal Boundary Review, on August 8, 2005; and,

WHEREAS, it was in the best interest for the public health, safety, and welfare of the City of Kenosha/Town of Somers to attach territory known as Parcel Nos. 80-4-222-231-0142 and 80-4-222-231-0145, also known as 4105 – 18th Street, in the Town of Somers, Kenosha County, Wisconsin, to the City of Kenosha, Wisconsin; and,

WHEREAS, on October 6, 2008, the Common Council for the City of Kenosha, Wisconsin, approved an Attachment And Temporary Zoning District Classification Ordinance Under Section 66.0307, Wisconsin Statutes, for Parcel Nos. 80-4-222-231-0142 and 80-4-222-231-0145, also known as 4105 – 18th Street, in the Town of Somers, Kenosha, Wisconsin, to be attached to the City of Kenosha, Wisconsin, with the Temporary Zoning District Classifications designated therein.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to the authority of Section 66.23(6)(c), Wisconsin Statutes, the Official Map of the City of Kenosha, Wisconsin, be and hereby is amended to include the designation of the attachment of territory formerly of the Town of Somers, County of Kenosha, Wisconsin, known as Parcel Nos. 80-4-222-231-0142 and 80-4-222-231-0145, also known as 4105 – 18th Street, Kenosha, Wisconsin, as depicted on the Attachment and Temporary Zoning District Classification Ordinance, which is incorporated herein by reference. Adopted this 6th day of October, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

30. It was moved by Alderman Downing, seconded by Alderman Ruffolo to defer the proposed resolution BY THE MAYOR -

TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE ATTACHMENT OF PARCEL NOS. 80-4-222-333-0100; 80-4-222-333-0130; 80-4-222-333-0150; 80-4-222-333-0160; and, 80-4-222-333-0170, IN THE TOWN OF SOMERS, KENOSHA COUNTY, WISCONSIN, IN ACCORDANCE WITH THE APPROVED CITY OF KENOSHA/TOWN OF SOMERS COOPERATIVE PLAN UNDER SECTION 66.0307 OF THE WISCONSIN STATUTES [Niemela – Property Owners] On a voice vote, motion carried.

APPOINTMENTS/
REAPPOINTMENTS BY THE MAYOR

31. It was moved by Alderman Nudo, seconded by Alderman Ruffolo, to approve appointment of Susan Edwards to the Library Board for a term to expire July 1, 2009.

On roll call vote, motion carried unanimously.

PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

32. It was moved by Alderman Nudo, seconded by Alderman Ruffolo, to approve award of contract for Project #08-1409 Southport Beach House Restroom Renovations (7825 1st Avenue) to Bane Nelson in the amount of $155,000.
On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Nudo, seconded by Alderman Ruffolo, to approve:
33. Amendment #2 to Task Order No. 4 with HNTB Corporation.
34. Offer of Sale Agreement between the City of Kenosha and Wisconsin Department of Transportation for Real Estate at the Northeast Corner of I-94 and STH 158 Interchange. (District 16) (Kenosha Municipal Airport/WisDOT)
35. Landlord's Agreement between the City of Kenosha, Wisconsin and Aviation Plus, LLC #9870.
36. Landlord's Agreement between the City of Kenosha, Wisconsin and Draupnir Services, LLC #10310.
37. Landlord's Agreement between the City of Kenosha, Wisconsin and Acme Air Venture, LLC #9820
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

38. It was moved by Alderman Nudo, seconded by Alderman Ruffolo, to approve Approve Disbursement Record #17 – $5,935,745.84.
On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Carpenter, seconded by Alderman Ruef, to adjourn at 8:55 p.m.
On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
October 20, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.

The meeting was called to order at 7:03 p.m.

On roll call, the following members of the Common Council were present: Aldermen Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Ruef, Kennedy, Nudo, Misner, Prozanski, Orth, Downing and Bogdala. Excused: Aldermen Haugaard, Marks and Casey.

A moment of silence was observed in lieu of the invocation.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderman Ruef, seconded by Alderman Juliana, to approve the minutes of the meeting held October 6, 2008.

Motion carried unanimously.

At this time, Mayor Bosman presented a proclamation for Roosevelt Elementary School Day, in celebration of Roosevelt's 80th Anniversary.

Thirteen (13) Citizens spoke during Citizen's Comments: Dr. Chantelois, Jim Matzur, Argelia Hernandez, Ron Slaght, Taja Chandler-Wright, John Grulich, Jr., John Grulich, Sr., Kris Roemer, Claire Hiller, Bill Koprovic, Florence Hammelev, Don Moehrke, and Karen Erb.

TO THE COMMITTEE ON FINANCE

1. Nominal Payment Agreement for Right of Way Acquisition from the Department of Corrections for property at 6353 14th Avenue, District #8. (Highway 50 Project) (Also referred to City Plan Commission & Public Works Committee)
2. First Amendment to Contract of Purchase and Sale By and Between Brookstone Homes, Inc. and the City of Kenosha, Wisconsin for property at 40th Street and 35th Avenue, District #10. (KAT Subdivision)

TO THE PUBLIC WORKS COMMITTEE

3. Developers Agreement By and Between Brookstone Homes, Inc. and the City of Kenosha, Wisconsin and the Kenosha Water Utility for property at 35th Avenue and 40th Street, District #10. (KAT Subdivision) (Also referred to City Plan Commission & Board of Water)
4. Warranty Deed to dedicate property at the northeast corner of 58th Place and 88th Avenue for 58th Place right-of-way, District #16. (First Industrial) (Also referred to City Plan Commission)

TO THE PUBLIC SAFETY AND WELFARE COMMITTEE

5. To Repeal and Recreate Section 16.09 D. of the Code of General Ordinances, Regarding Property Maintenance Code Violation Notices and Orders.
6. To Create Section 7.20 of the Code of General Ordinances, Entitled “Text Messaging While Driving”.

TO THE CITY PLAN COMMISSION

7. To amend, and repeal and recreate various subsections of Section 3.31 of the Zoning Ordinance regarding TRD-1 Traditional Single and Two Family Residential Districts; and, to amend, and repeal and recreate various subsections of Section 3.32 of the Zoning Ordinance regarding TRD-2 Traditional Multiple Family Residential Districts.
8. Easement from the City of Kenosha to AT&T for installation of an aboveground utility structure to be located at 60th Avenue and 60th Street in Nash Park, District # 16. (Also referred to Board of Parks)

TO THE LICENSING/PERMIT COMMITTEE

9. To create Section 10.05 J., Entitled “Drive Through Window Regulation”.

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

10. It was moved by Alderman Juliana, seconded by Alderman Carpenter, to approve:
a. 17 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.
b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.
c. 2 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.
d. 1 application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.
On a voice vote, motion carried.
11. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to approve Amendment to the Corridor Land Use Plan for the property generally located South of 52nd Street and East of 68th Avenue (City Plan Commission Resolution #05-08) On a voice vote, motion carried.
12. It was moved by Alderman Nudo, seconded by Alderman Ohnstad, to approve Request for a Distance Exception for a Two-Bed Adult Family Home/Community Living arrangement to be Located at 5520-53rd Avenue. (Baumgarten) On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

13. It was moved by Alderman Nudo, seconded by Alderman Downing, to approve applications for new Operator's (Bartender) licenses, subject to:
-25 demerit points:
a. Kelly R. Frahmann
-50 demerit points:
b. Jaime Brown
c. Biljana Kovacevic
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
14. It was moved by Alderman Nudo, seconded by Alderman Downing, to DENY application of Vanessa Simon for a new Operator's (Bartender) license, based on material police record & false application. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
15. It was moved by Alderman Nudo, seconded by Alderman Juliana, to DENY application of Justin C Harris for a Taxi Driver's license, based on material police record. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.
16. It was moved by Alderman Nudo, seconded by Alderman Juliana, to approve application of Hernandez, Hernandez, LLC, Jose Hernandez, Agent, for a Class “B” Beer/”Class B” Liquor License located at 504-57th St, (Nortap Tequila Bar & Lounge), to be effective October 21, 2008, subject to 75 demerit points. A hearing was held. The applicant was present and spoke. On roll call vote, motion carried (12-2) with Aldermen Misner and Ruef voting nay.
17. It was moved by Alderman Prozanski, seconded by Alderman Juliana, to send the application of Rendezvous Bar & Grill, Inc., for a cabaret license located at 1700-52nd Street (Rendezvous Bar & Grill) back to the Licensing/Permit Committee meeting. A hearing was held. The applicant was present and spoke.
Deputy City Attorney Antaramian advised a motion to refer back was out of order at this time.
17.1 It was then moved by Alderman Orth, seconded by Alderman Juliana to approve the application.
17.2 It was then moved by Alderman Ruffolo, seconded by Alderman Moldenhauer to refer the application back to the Licensing/Permit Committee. On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Ruef, seconded by Alderman Juliana, to send the following ordinances on their way after being read:
18. a By Committee on Public Safety and Welfare - To Amend Section 7.12 c., by Adding a North/South Stop Sign on 35th Avenue Before Entering the Intersection with 76th Street; and, by Adding a North/South Stop Sign on 35th Avenue Before Entering the Intersection with 77th Street.
19. By Committee on Public Safety and Welfare - To Amend Section 7.125 Entitled "Streets Controlled by Yield Signs" to Include a North/South Yield Sign on 51st Avenue Before Entering the Intersection with 41st Street.

20. By the Mayor – To Renumber, Create, and Repeal and Recreate Various Sections of Chapter XVII, and to Repeal the Title "Land Division Ordinance" of Chapter XVII, and Recreate the Title of Chapter XVII as "Divisions and Combinations of Land". On a voice vote, motion carried.

ZONING ORDINANCES 1ST READING

It was moved by Alderman Ruef, seconded by Alderman Juliana, to send the following ordinances on their way after being read*:*

21. By the Mayor - To Rezone a Portion of the Property at 7510-12th Avenue from RS-3 Single Family Residential to B-2 Community Business (in conformance with Section 10.02 of the Zoning Ordinance, District #3) (Nightingale).

22. By the Mayor – To Rezone a Portion of the Property at 7534 - 12th Avenue from RS-3 Single Family Residential to B-2 Community Business (in conformance with Section 10.02 of the Zoning Ordinance, District #3) (Mullins). On a voice vote, motion carried.

ORDINANCES 2ND READING

23. It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to adopt the proposed ordinance BY COMMITTEE ON PUBLIC SAFETY AND WELFARE TO CREATE SECTION 15.06 I. OF THE CODE OF GENERAL ORDINANCES REGARDING OFF-PREMISE NONCOMMERCIAL DIRECTIONAL SIGNS**.**

23.1 It was then moved by Alderman Orth, seconded by Alderman Downing to defer. On a voice vote, motion carried.

24. It was moved by Alderman Ruffolo, seconded by Alderman Downing to adopt the proposed ordinance BY COMMITTEE ON PUBLIC SAFETY AND WELFARE - TO AMEND SECTION 15.02 OF THE CODE OF GENERAL ORDINANCES, ENTITLED DEFINITIONS AND INTERPRETATION″, BY INCLUDING THEREIN THE DEFINITION OF THE TERM BLOCK″.

24.1 It was then moved by Alderman Orth, seconded by Alderman Juliana to defer. On a voice vote, motion carried.

25. It was moved by Alderman Ruffolo, seconded by Alderman Juliana to adopt Ordinance 48-08. A public hearing was held. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE 48-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.12 B. OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE A FOUR WAY STOP AT THE INTERSECTION OF 36TH AVENUE AND 76TH STREET; AND, TO INCLUDE A FOUR WAY STOP AT 36TH AVENUE AND 77TH STREET

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 7.12 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto:

36th Avenue and 76th Street.

36th Avenue and 77th Street.

Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

26. It was moved by Alderman Ruffolo, seconded by Alderman Juliana to adopt Ordinance 49-08. A public hearing was held. No one spoke for or against. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 49-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE

TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, BY REMOVING THE LANGUAGE THEREFROM WHICH PLACES STOP SIGNS ON 56TH STREET, 57TH STREET AND 58TH AT THEIR INTERSECTION WITH 5TH AVENUE; TO AMEND SECTION 7.12 B. OF THE CODE OF GENERAL ORDINANCES, TO INCLUDE A FOUR WAY STOP AT THE INTERSECTION OF 5TH AVENUE AND 57TH STREET; AND, TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES BY ADDING EAST/WEST STOP SIGNS ON 58TH STREET AT THE INTERSECTION WITH 5TH AVENUE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by deleting the following therefrom:

All vehicles traveling on 56th, 57th and 58th Streets shall stop before entering the intersections with 5th Avenue.

Section Two: Section 7.12 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding thereto: "5th Avenue and 57th Street".

Section Three: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto:

All vehicles traveling East/West on 58th Street shall stop before entering the intersection with 5th Avenue.

Section Four: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

ZONING ORDINANCES 2ND READING

27. It was moved by Alderman Ruef, seconded by Alderman Juliana to adopt the proposed ordinance by the Mayor – To Rezone Property Generally Located East of 88th Avenue and South of 52nd Street from A-2 Agricultural Land Holding to M-2 Heavy Manufacturing (Affiliated Foods Midwest).

It was noted that the public hearing notation was inadvertently left off of the agenda. The Deputy City Attorney recommended deferral of item 27 and 28 due to the lack of the "public hearing" notation.

27.1 It was then moved by Alderman Juliana, seconded by Alderman Nudo to defer item 27. On a voice vote, motion carried.

28. It was moved by Alderman Ruef, seconded by Alderman Juliana to adopt the proposed ordinance to Rezone Property Generally Located South of 52nd Street and East of 68th Avenue from A-2 Agricultural Land Holding to IP Institutional Park [KUSD/Indian Trail].

28.1 It was then moved by Alderman Juliana, seconded by Alderman Nudo to defer. On a voice vote, motion carried.

RESOLUTIONS

29. It was moved by Alderman Ruffolo, seconded by Alderman Nudo to adopt Resolution 120-08. A hearing was held. No one spoke. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 120-08
BY: FINANCE COMMITTEE
RESOLUTION TO CORRECT RESOLUTION #98-08
FOR SIDEWALKS AND/OR DRIVEWAY APPROACHES
PROJECT #07-1013

WHEREAS, Resolution #98-08 for Project #07-1013 (7th Avenue - 49th Street to Sheridan Road) in the amount of $31,009.85 was passed by the Kenosha Common Council on August 4, 2008,

WHEREAS, it has been determined that a special assessment against Parcel #12-223-31-103-019 in the amount of $340.00 for sidewalk repair was levied in error,

NOW, THEREFORE, BE IT RESOLVED, by the Kenosha Common Council that the resolution be changed from $31,009.85 to $30,669.85.

Passed this 20th day of October, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

30. It was moved by Alderman Ruffolo, seconded by Alderman Nudo to adopt Resolutions 121-08 through 128-08. A hearing was held. No one spoke. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 121-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2008, in the total amount of $4,010.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.
Passed this 20th day of October, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

b. RESOLUTION NO. 122-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Trash and Debris Removal

BE IT RESOLVED, that special assessments for trash and debris removal during 2008, in the total amount of $525.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.
Passed this 20th day of October, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

c. RESOLUTION NO. 123-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Boarding and Securing

BE IT RESOLVED, that special assessments for boarding and securing during 2008, in the total amount of $4,327.31, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.
Passed this 20th day of October, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

d. RESOLUTION NO. 124-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Razing/Pre-Razing of Structures

BE IT RESOLVED, that special assessments for razing/pre-razing of structures during 2007 and 2008, in the total amount of $52,105.89, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.
Passed this 20th day of October, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR

ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

e. RESOLUTION NO. 125-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Unpaid Permit Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2008, in the total amount of $2,707.42, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.
Passed this 20th day of October, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

f. RESOLUTION NO. 126-08
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Grass and Weed Cutting

BE IT RESOLVED, that special assessments for weed/grass cutting during 2008, in the total amount of $17,421.00, be levied against the respective parcels of property as shown by a report of the Department of Neighborhood Services and Inspections and filed in the office of the City Clerk of the City of Kenosha.
Passed this 20th day of October, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

g. RESOLUTION NO. 127-08
BY: FINANCE COMMITTEE
To Specially Assess the Property Located at 4803 21st Avenue for Trimming Branches on Tree for Vision Clearance Purposes
(Miscellaneous Assessment)

BE IT RESOLVED, that special assessments for trimming branches on tree for vision clearance purposes during 2008, in the total amount of $200.00, be levied against the property located at 4803 21st Avenue (Parcel #12-223-31-232-001).
Passed this 20th day of October, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

h. RESOLUTION NO. 128-08
BY: COMMITTEE ON FINANCE
TO LEVY A SPECIAL ASSESSMENT UNDER AUTHORITY OF CHARTER ORDINANCE NO. 26, AS AMENDED, UPON CERTAIN PARCELS OF LAND WITHIN THE CITY OF KENOSHA, WISCONSIN

WHEREAS, trash and debris located on certain parcels of land in the City of Kenosha, Wisconsin, has been ordered removed by the Health Department of the County of Kenosha, pursuant to Charter Ordinance No. 26, as amended, of the City of Kenosha, Wisconsin; and,

WHEREAS, pursuant to Subsection G., Charter Ordinance No. 26, as amended, the cost of abatement, including the cost of service, mailing and publication, and a Seventy-five ($75.00) Dollar Administrative Fee, is to be specially assessed against the real estate upon which such debris and trash were located; and,

WHEREAS, trash and debris has been removed by the City, through private contract, from various parcels of real estate at the costs of abatement and administration noted by a report from the Health Department dated October 3, 2008, for the City of Kenosha, a report on file in the Office of the City Clerk/Treasurer/Assessor and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin,

that pursuant to Charter Ordinance No. 26, as amended, special assessments in the total amount of Nine Thousand Eight Hundred Eighty-two Dollars and Forty-four Cents ($9,882.44) are levied against the respective parcels of property listed in the report of the Health Department on file in the Office of the City Clerk/Treasurer/Assessor for the City of Kenosha, Wisconsin, with interest thereon to be charged at seven and one-half (7.5%) percent per annum from the date of passage of this Resolution.

Adopted this 20th day of October, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

It was moved by Alderman Ruef, seconded by Alderman Ohnstad to adopt Resolutions 129-08 and 130-08 (items 31 and 32). On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

31. **RESOLUTION NO: 129 - 08**

BY: THE MAYOR
TO APPROVE A ONE-LOT CERTIFIED SURVEY MAP
Property located south of 52nd Street and east of 104th Avenue (Panattoni)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to two parcels located south of 52nd Street and east of 104th Avenue is herein and hereby approved subject to the following conditions:

1. Compliance with all applicable State and City codes and ordinances.
2. Payment of all applicable fees, including recording fees.
3. Payment of all taxes, special assessments and stormwater utility fees prior to recording. The Owner shall provide the City Clerk-Treasurer, a certificate from the County Treasurer, stating that there are no past-due real estate taxes or special assessments on the parcel of real estate which is being divided.
4. The Certified Survey Map shall be null and void if not recorded within six (6) months of approval by the Common Council.
5. West line of quarter section is shown as bearing N1º55'04""W. Revised bearing (provided by SEWRPC Control Survey Summary Diagram showing Sections 28-33 T2N, R22E dated January 2007) should read N01º55'25"W. Bearings for the west Section line listed in the legal description should be changed to reflect this bearing.
6. Compliance with all the preceding conditions as a prerequisite for authorizing Mayor and City Clerk-Treasurer to sign the Certified Survey Map.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

32. **RESOLUTION NO: 130 - 08**

BY: THE MAYOR
TO APPROVE A TWO-LOT CERTIFIED SURVEY MAP
Property located at 4105 18th Street (Colicki)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to one parcel located at 4105 18th Street is herein and hereby approved subject to the following conditions:

1. Compliance with all applicable State and City codes and ordinances.
2. Payment of all applicable fees, including recording fees.
3. Payment of all taxes, special assessments and storm water utility fees prior to recording. The Owner shall provide the City Clerk-Treasurer, a certificate from the County Treasurer, stating that there are no past-due real estate taxes or special assessments on the parcel of real estate which is being divided.
4. The Certified Survey Map shall be null and void if not recorded within six (6) months of approval by the Common Council.
5. A digital copy of the Certified Survey Map shall be provided to the City prior to recording.
6. Compliance with all the preceding conditions as a prerequisite for authorizing Mayor and City Clerk-

Treasurer to sign the Certified Survey Map.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

33. It was moved by Alderman Ruef, seconded by Alderman Nudo to adopt Resolution 131-08. A public hearing was held. No one spoke for or against said resolution. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 131-08
BY: THE MAYOR
TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE DESIGNATION OF 56TH STREET FROM 64TH AVENUE TO 68TH AVENUE AS A FUTURE STREET; AND, TO RESCIND THE DESIGNATION OF 68TH AVENUE FROM 56TH STREET TO 60TH STREET AS A FUTURE STREET, PURSUANT TO SECTION 62.23(6), WISCONSIN STATUTES

WHEREAS, Section 62.23(6) of the Wisconsin Statutes, provides for the establishment of an official City map for the purpose of conserving and promoting the public health, safety, convenience, and general welfare; and,

WHEREAS, 56th Street from 68th Avenue to 64th Avenue is required to be designated as a future street in order to provide proper access and circulation within the neighborhood; and,

WHEREAS, the City of Kenosha, Wisconsin, previously adopted future streets on its Official Map in order to ensure proper development and access within the neighborhood lying within the Southeast and Southwest Quarters of Section 34, Town 2 North, Range 22 East of the Fourth Principal Meridian, partly in the City of Kenosha and Town of Somers in Kenosha County, Wisconsin, more generally described as 68th Avenue from 56th Street South to 60th Street; and,

WHEREAS, said future street described as 68th Avenue from 56th Street South to 60th Street is no longer required to serve the area due to existing wetlands.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to the authority of Section 62.23(6) of the Wisconsin Statutes, the Official Map for the City of Kenosha, Wisconsin, be and hereby is amended to include the designation of 56th Street from 68th Avenue to 64th Avenue as a future street as depicted on Supplement No. FS1-08, which is attached hereto (on file in the Office of the City Clerk) and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Official Map for the City of Kenosha, Wisconsin, be and hereby is amended by removing therefrom 68th Avenue from 56th Street to 60th Street as a future street as depicted on Supplement No. FS1-08 (on file in the Office of the City Clerk).

BE IT FURTHER RESOLVED that the City Clerk/Treasurer is hereby directed to file a certified copy of this Resolution, along with the attached Supplement No. FS1-08, in the Office of the Register of Deeds for Kenosha County, Wisconsin.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

34. It was moved by Alderman Ruffolo, seconded by Alderman Ruef, to approve Appointment of Judy Rossow, to the Historic Preservation Commission for a term to expire June 1, 2011.
On roll call vote, motion carried unanimously.

PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

35. It was moved by Alderman Ruffolo, seconded by Alderman Ruef, to approve Award of Contract for Project #08-1214 Roof Replacement – Stormwater Operations Building (6415-35th Avenue) to Van's Roofing, in the Amount of $57,900.00.

On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

36. It was moved by Alderman Ruffolo, seconded by Alderman Ruef, to approve Easement from the City of Kenosha to AT&T for Installation of an Aboveground Utility Structure to be Located South of 89th Street and East of 41st Avenue.

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderman Ruffolo, seconded by Alderman Ruef, to:

37. Receive and file KABA 3rd Quarter Loan Reports.
38. Approve Change Order #2 for Project #07-1013 7th Avenue Reconstruction.
39. Approve Change Order #1 for Project #07-1412 Poerio Park Paved Trail and Project #07-1413 Columbus Park Parking Lot.
40. Approve Disbursement Record #18 – $6,578,727.68.

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

41. It was moved by Alderman Ruffolo, seconded by Alderman Ruef to approve Final Acceptance of Project #06-1413, Baseball Complex – Fencing & Dugouts (39th Avenue @ 42nd Street) completed by Aluminum Fence Corporation in the amount of $307,465.84.

On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Juliana, seconded by Alderman Ohnstad, to adjourn at 9:28 p.m.

On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, November 3, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.
The meeting was called to order at 7:06 p.m.
On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Casey, Misner, Prozanski, Orth, Downing and Bogdala.
A moment of silence was observed in lieu of the invocation.
Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.
It was moved by Alderman Ruef, seconded by Alderman Juliana, to approve the minutes of the meeting held Monday, October 20, 2008.
Motion carried unanimously.
At this time, the Mayor Youth Commission Awards were presented.
Sixteen (16) Citizens spoke during Citizen's Comments: Stacey West Rivera, Jim Matzur, Pete Pfarr, Nick Paczkowski, Bob Danbeck, Mr. Moehrke, Chaz Bartucz, Rebecca Stevens, Nasser Museitif, Travis Rosmann, Gary Cooper, John Grulich Sr., Ken Zigner, Carol Spitzer, Debbie Dewitt, and John Grulich Jr.
It was moved by Alderman Casey, seconded by Alderman Juliana to suspend the 45 minute rule and allow the last 4 citizens to speak. On a voice vote, motion carried.

TO THE COMMITTEE ON FINANCE

1. Resolution to approve the 2009 - 2013 Capital Improvement Plan for the City of Kenosha, Wisconsin.
2. Resolution to approve the 2009 Consolidated Plan/Annual Plan for the Community Development Block Grant/HOME Programs.
3. Proposed Resolution to Create a Technology Committee for the City of Kenosha, Wisconsin.

TO THE PUBLIC SAFETY AND WELFARE COMMITTEE

4. Proposed Ordinance to Repeal and Recreate Section 7.01 B., Entitled "Other Laws Adopted" ; and, to Repeal and Recreate Section 7.21B., Entitled "Penalties", to Update the Ordinance and Wisconsin Statute Section Numbers Referenced Therein.

TO THE CITY PLAN COMMISSION

5. Resolution to Amend the Official Map for the City of Kenosha, Wisconsin, to include the Attachment of Parcel #80-4-222-333-0200 in the Town of Somers, Kenosha County, Wisconsin, in accordance with the approved City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes, District #16. (Affiliated Foods Midwest)
6. Petition to rezone property at 1800 60th Street from B-2 Community Business to RM-3 Elderly & Handicapped Housing and RG-2 General Residential in conformance with Section 10.02 of the Zoning Ordinance, District #8. (City of Kenosha)

COMMUNICATIONS,
PETITIONS, REPORTS
OF DEPARTMENTS

7. It was moved by Alderman Casey, seconded by Alderman Juliana, to approve:
a. 17 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.
b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.
c. 1 application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.
d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.
On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

8. It was moved by Alderman Moldenhauer, seconded by Alderman Ruef, to approve applications for new Operator's (Bartender) licenses, subject to:
-25 demerit points:
a. John W Gossette
b. Rachel A Greeno
c. Kyle J Jeffery
-50 demerit points:
d. Diana L Allen
e. Carrie E Burns
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
9. It was moved by Alderman Kennedy, seconded by Alderman Juliana, to DENY applications for new Operator's (Bartender) licenses, based on
-material police record:
a. Roshan L Kalia
b. Pamela L Loy
c. Tyler N Slaght
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
10. It was moved by Alderman Nudo, seconded by Alderman Juliana, to DENY application of Benjamin Sauceda for a new Operator's (Bartender) license, based on failure to appear at Licensing/Permit Committee meeting.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
11. It was moved by Alderman Ruef, seconded by Alderman Juliana, to DENY application of Yaser Shreiteh, for a Class "A" Retail Beer License located at 2214-60th St, (Oscar's Liquor), based on Economic Impact. (7th District).
A hearing was held. The applicants representative spoke. On a voice vote, motion carried.
12. It was moved by Alderman Ruffolo, seconded by Alderman Juliana, to approve application of Saddle Enterprises, LLC, Dusan Matic, Agent, for a Class "B" Beer/"Class B" Liquor License located at 2324-18th St, Ste C, (The Saddle Bar). (4th District)
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
13. It was moved by Alderman Juliana, seconded by Alderman Downing, to grant applications for Cabaret Licenses (1-year term):
a. Las Cazuelas Mexican Grill, LLC, located at 2200-60th St, (Las Cazuelas Mexican Grill). (7th District)
b. Rendezvous Bar & Grill, Inc., located at 1700-52nd St, (Rendezvous Bar & Grill). (7th District)
A hearing was held. William Koprovic, owner of Rendezvous Bar & Grill, spoke. On a voice vote, motion carried.
14. It was moved by Alderman Nudo, seconded by Alderman Juliana, to approve application of Claudia Murillo for a 1-Day

Cabaret License located at 6832-24th Ave, (Slammers), for November 15, 2008.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Casey, seconded by Alderman Ruef, to send the following ordinances on their way after being read:
15. By Aldermen Misner, Downing, Nudo, Holland, Juliana, Kennedy, Moldennauer, Ohnstad, Orth, Prozanski, Ruef and Ruffolo – To Create Section 10.05 J., Entitled "Drive Through Window Regulation".
16. By Alderpersons Juliana, Carpenter, Downing, Orth, Prozanski & Ruef - To Repeal and Recreate Section 16.09 D., Regarding Property Maintenance Code Violation Notices and Orders.
17. By Aldermen Orth and Prozanski - To Create Section 7.20, Entitled Text Messaging While Driving".
18. By the Mayor - Attachment and Temporary Zoning District Classification Ordinance Under Section 66.0307, Wisconsin Statutes, (City of Kenosha/Town of Somers State Approved Cooperative Plan, Parcel #80-4-222-333-0200.
On a voice vote, motion carried.

ZONING ORDINANCES 1ST READING

It was moved by Alderman Casey, seconded by Alderman Ruef, to send the following ordinances on their way:
19. By City Plan Commission - To Amend, and Repeal and Recreate Various Subsections of Section 3.31 of the Zoning Ordinance Regarding the TRD-1 Traditional Single and Two Family Residential District; and, to Amend, and Repeal and Recreate Various Subsections of Section 3.32 of the Zoning Ordinance Regarding the TRD-2 Traditional Multiple Family Residential District.
20. By the Mayor – To Rezone Property Generally Located East of 88th Avenue and South of 52nd Street from A-2 Agricultural Land Holding to M-2 Heavy Manufacturing (Affiliated Foods Midwest) (District 16)
21. By the Mayor - To Rezone Property Generally Located South of 52nd Street and East of 68th Avenue from A-2 Agricultural Land Holding to IP Institutional Park (KUSD/Indian Trail) (District 16)

Alderman Casey left before item 22 and returned before action on item 27.

ORDINANCES 2ND READING

22. It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to adopt Ordinance 52-08.
A public hearing was held. No one spoke for or against. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 52-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO CREATE SECTION 15.06 I. OF THE CODE OF GENERAL ORDINANCES REGARDING OFF-PREMISE NONCOMMERCIAL DIRECTIONAL SIGNS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 15.06 I. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: I. Off-Premise Noncommercial Directional Signs. For the purpose of directing the public-at-large to noncommercial community-oriented facilities of general interest, permanent Off-Premise Directional Signs may be erected, in addition to signs otherwise permitted in this Ordinance. The facility shall be open to the general public and operated by a noncommercial civic, charitable, religious, community, or similar organization of Internal Revenue Code 501(c)(3) status. An Off-Premise Directional Sign may be installed on private property pursuant to the authorization of the Committee on Public Safety and Welfare. Off-Premise Noncommercial Directional Signs shall meet the following requirements: 1. The address of the property in question, must be two (2) city blocks or farther from the nearest intersection. 2. Placement of the sign shall be within one-half (1/2) mile or less from the entity. 3. A Directional Sign structure may be erected within fifty (50') feet of an intersection to direct traffic to locations otherwise not readily visible from the street. 4. The sign and sign structure shall not be permitted within vision clearance triangle areas. 5. The dimensions of a Directional Sign shall not exceed eight (8) square feet. The overall height of the sign and sign structure combined shall not exceed six (6') feet. 6. Each entity is allowed one (1) Noncommercial Directional Sign. One (1) Noncommercial Directional Sign is allowed per lot and/or premise. 7. The sign shall be designed to be professional in appearance and shall meet all Building Codes and construction standards applicable to sign design and construction. 8. Signs shall be permanent in nature and constructed of durable, weather-resistant materials and finish, including aluminum, steel and other similar materials. Cardboard, wood, paper, fabric, nonrigid materials and other similar materials are prohibited. 9. Sign must be securely weighted and stabilized so as not to shift in the wind or present public safety hazards. No moving parts shall be allowed on the sign. 10. Sign materials, graphics and finish shall be of a unified design and shall be compatible and complementary to their surroundings in terms of shape, color, and texture. Lettering shall be legible and consistent. 11. Sign shall not be electric or illuminated. 12. No sign shall be placed on private property without the written consent of the property owner on the permit application. 13. A Directional Sign shall provide only the names and/or logos of the subject entity or location in conjunction with directional information. The sign shall be installed solely for the purpose of traffic direction and control, and not as an advertising medium. The entity name and/or logo shall not exceed fifty (50%) percent of the sign area. 14. Qualified entities or locations wishing to be identified on a Directional Sign shall apply to the Administrator. 15. A Noncommercial Directional Sign may be erected on nonresidential properties, with the exception of multi-family lots. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

23. It was moved by Alderman Ruffolo, seconded by Alderman Juliana to adopt Ordinance 53-08. A public hearing was held. No one spoke for or against. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 53-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 15.02 OF THE CODE OF GENERAL ORDINANCES, ENTITLED "DEFINITIONS AND INTERPRETATION", BY INCLUDING THEREIN THE DEFINITION OF THE TERM BLOCK"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 15.02 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following definition thereto: Block. Determined by City approved Street address. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

24. It was moved by Alderman Nudo, seconded by Alderman Carpenter to adopt Ordinance 54-08. A public hearing was held. No one spoke for or against. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 54-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE

TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, BY ADDING A NORTH/SOUTH STOP SIGN ON 35TH AVENUE BEFORE ENTERING THE INTERSECTION WITH 76TH STREET; AND, BY ADDING A NORTH/SOUTH STOP SIGN ON 35TH AVENUE BEFORE ENTERING THE INTERSECTION WITH 77TH STREET

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 7.12 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following thereto: All vehicles traveling North/South on 35th Avenue shall stop before entering the intersection with 76th Street. All vehicles traveling North/South on 35th Avenue shall stop before entering the intersection with 77th Street. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

25. It was moved by Alderman Nudo, seconded by Alderman Haugaard to adopt Ordinance 55-08. A public hearing was held. No one spoke for or against. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 55-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE

TO AMEND SECTION 7.125 OF THE CODE OF GENERAL ORDINANCES ENTITLED: "STREETS CONTROLLED BY YIELD SIGNS" TO INCLUDE AN NORTH/SOUTH YIELD SIGN ON 51ST AVENUE BEFORE ENTERING THE INTERSECTION WITH 41ST STREET

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 7.125 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is amended by including therein "51st Avenue" in Column A and "41st Street" in Column B. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

26. It was moved by Alderman Nudo, seconded by Alderman Moldenhauer to adopt Ordinance 56-08. A public hearing was held. No one spoke for or against. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 56-08
BY: THE MAYOR

TO RENUMBER, CREATE, AND REPEAL AND RECREATE VARIOUS SECTIONS OF CHAPTER XVII OF THE CODE OF GENERAL ORDINANCES; AND TO REPEAL THE TITLE LAND DIVISION ORDINANCE″ OF CHAPTER XVII, AND RECREATE THE TITLE OF CHAPTER XVII AS DIVISIONS AND COMBINATIONS OF LAND″

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: The Title of Chapter XVII of the Code of General Ordinances for the City of Kenosha, Wisconsin, LAND DIVISION ORDINANCE″, shall be repealed, and hereby recreated as DIVISIONS AND COMBINATIONS OF LAND″. Section Two: Section 17.01 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: B. Purpose. The purpose of this Ordinance is to regulate and control the division of land and combination within the corporate limits of the City of Kenosha, Wisconsin, and provide for the exercise of the City's extraterritorial Plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the City and its environs. Section Three: Section 17.01 D. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: D. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, or annul land divisions approved prior to the passage of this Ordinance. However, the provisions of this Ordinance shall govern further land divisions and combinations of previously divided or combined land. Section Four: Section 17.01 J. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: J. Title. This Ordinance shall be known as, referred to, or cited as the DIVISIONS AND COMBINATIONS OF LAND″ Section Five: Section 17.02 B.31. through Section 17.02 B.39. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby renumbered as Section 17.02 B.32. through 17.02 B.40. Section Six: Section 17.02 B.31. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: 31. Parcel Combination. Any action which results in two (2) or more parcels of land being combined into a single parcel of land. Section Seven: Section 17.02 B.41. Of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: 41. Subdivider. A Person who creates, or who is required by operation of law to create a Subdivision, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat of any lots, parcel or tract of land within the jurisdiction of this Ordinance. Section Eight: Sections 17.03 A., 17.03 B., and 17.03 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby repealed and recreated as follows: A. Jurisdiction. This Ordinance shall apply to and include all lands within the corporate limits of the City of Kenosha, Wisconsin, lands within a City Growth Area defined under Section 66.023, Wisconsin Statutes, (as it then existed), and those lands within the extraterritorial jurisdiction of the City as established in Sections 62.23(2), 66.0105, and 236.10, Wisconsin Statutes. The provisions of this Ordinance as it applies to divisions of tracts of land into less than five (5) parcels for any use shall not apply to: 1. Transfers of interests in lands by will or pursuant to court order. 2. Leases for a term not to exceed ten (10) years, mortgages, or easements. 3. Those Plats listed in Section 236.03(2) and (3) of the Wisconsin Statutes. B. Compliance. No person shall divide, convey, quit claim to, or combine any land located within the jurisdictional limits of this Ordinance so that such division or combination would result in a Subdivision, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat, as defined herein; no such Subdivision, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat shall be entitled to recording; and, no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and the following: 1. Chapter 236, Wisconsin Statutes. 2. Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made. 3. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the Subdivider abuts on a State Trunk Highway or connecting street. 4. Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within the floodland, wetland, and shoreland areas. 5. Duly approved Comprehensive Plan. 6. The City of Kenosha Zoning Ordinance, the Code of General Ordinances, and all other applicable County Ordinances enforceable within the corporate limits of the City. C. Violations. It shall be a violation of this Ordinance for any Person to divide, convey, record, build upon, combine or place monuments on any land contrary to the provisions of this Ordinance or the Wisconsin Statutes; and no Subdivider shall be issued a Building Permit by the City authorizing the building on, or improvement of, any Subdivision, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The City may institute appropriate action or proceedings to enjoin violations of this Ordinance and/or the applicable Wisconsin Statutes. Section Nine: Section 17.03 E. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: E. Administration. This Ordinance shall be administered by the City Planner, who shall: 1. Distribute copies of Subdivision Plats, Certified Survey Maps, Lot Line Adjustment Surveys, Parcel Combination and Replats for review as provided in this Ordinance, and shall receive review comments from those departments, agencies, boards and committees required to comment thereon. 2. Advise the Subdivider of all recommendations made by the departments, agencies, boards, commissions and committees, and actions taken by the Common Council. 3. Maintain records

of Subdivision Plats, Certified Survey Maps, Lot Line Adjustment Surveys, Parcel Combinations and Replat filings and actions taken. A record of fees paid and assurances posted are to be maintained by the City Clerk/Treasurer. 4. Determine that all Land Divisions and Parcel Combinations within the jurisdiction of this Ordinance requiring review by this Ordinance have been submitted for necessary review and action. 5. Assist the City Attorney in the prosecution of Ordinance violations. Section Ten: Section 17.03 H. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: H. Recording. All Land Divisions and Parcel Combinations shall be recorded within the time limits specified. If not timely recorded, the Land Division or Parcel Combination approval shall be null and void, unless the time for recording has been extended by the Review Authority. Section Eleven: Section 17.04 A. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: A. Pre-Application. It is recommended that prior to the filing of an application for the approval of a Subdivision Plat, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat, the Subdivider consult with the City Planner in order to obtain advice and assistance. This consultation is intended to inform the Subdivider of the purpose and objectives of this Ordinance, and of the Comprehensive Plan, and to otherwise assist the Subdivider in planning the development. A Subdivider who files a conceptual Subdivision Plat or Certified Survey Map for review shall pay the fee therefor established by the Common Council, from time to time, by Resolution. Section Twelve: Sections 17.04 D. and 17.04 E. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby repealed and recreated as follows: D. Improvements. The Subdivider shall, before the recording of the Subdivision Plat or Certified Survey Map, enter into a Developers Agreement with the City and the Kenosha Water Utility agreeing to install and construct the required improvements within a time certain and shall file an assurance drafted or approved by the City Attorney in an amount equal to the estimated cost of the improvements determined by the City and Water Utility, as applicable. The Subdivider shall install and construct all required improvements and maintain required improvements unless and until accepted by the City and/or Water Utility. E. Land Suitability. No land shall be divided for any use which is determined to be unsuitable for such use by the City Plan Commission, upon the recommendation of the City Engineer or any other agency consulted by the City Plan Commission, for reason of flooding, inadequate drainage, adverse soil condition or rock formation, unfavorable topography or any other feature likely to be detrimental to the health, safety or welfare of the future residents/occupants of the proposed Land Division. In addition, the City may require that lands altered or filled to a depth of four (4') feet or more with earth or nonearth materials shall not be divided into building sites, except where soil tests prepared by a professional engineer clearly show that the soils are suited to development. Soil reports may be required to consider, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, soil compaction, and the presence of toxic or hazardous materials. Where the City Plan Commission determines land is not suitable for development, it shall, in writing, recite the particular facts upon which it bases its conclusion and afford the Subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability. Thereafter, the City Plan Commission may affirm, modify, or withdraw its determination of unsuitability. Section Thirteen: Sections 17.04 K. and 17.04 L. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby repealed and recreated as follows: K. Certified Survey Map Review and Approval. A Certified Survey Map shall be required for any divisions of land which would not be accomplished by Subdivision, Replat or Lot Line Adjustment Survey. The Subdivider shall prepare the Certified Survey Map in accordance with this Ordinance and the Subdivider shall file with the City Planner the number of copies determined by the City Planner of the Certified Survey Map and application. The Subdivider shall pay the review fee therefor established by the Common Council, from time to time, by Resolution. The review fee entitles the Subdivider to two (2) permitted reviews; one (1) initial review and one (1) resubmittal. All further resubmittals submitted after the two permitted reviews will be conducted only upon payment of a resubmittal fee therefor established by the Common Council, from time to time, by Resolution. In addition: 1. The City Planner shall provide copies of the Certified Survey Map and application to the Reviewing Agencies for their review and recommendation concerning matters within their jurisdiction. 2. The Common Council, upon receiving City Plan Commission and Public Works Committee recommendations, shall approve, approve conditionally or reject such map within ninety (90) days from the date of filing of the map with the City Planner unless the time is extended by mutual consent of the City Planner and Subdivider. If the map is rejected, the reason(s) shall be stated in the minutes of the meeting and a written statement forwarded to the Subdivider. 3. After the Certified Survey Map has been approved by the Common Council, and the assurance assuring the construction and installation of required improvements is filed, the City Clerk/Treasurer shall cause the certificate to be inscribed upon the map attesting to such approval to be duly executed. The City Planner shall then record the map with the Kenosha County Register of Deeds within six (6) months of Common Council approval. L. Lot Line Adjustment Survey Review and Approval. A Lot Line Adjustment Survey shall be required for any divisions of land which do not alter the exterior boundaries of the parcels being surveyed and do not result in the creation of additional lots. The Subdivider shall prepare the Lot Line Adjustment Survey in accordance with this Ordinance, and the Subdivider shall file with the City Planner the number of copies determined by the City Planner of the Lot Line Adjustment Survey and the application. The Subdivider shall pay the review fee therefor established by the Common Council, from time to time, by Resolution. The review fee entitles the Subdivider to two (2) permitted reviews; one (1) initial review and one (1) resubmittal. All further resubmittals submitted after the two permitted reviews will be conducted only upon payment of a resubmittal fee therefor established by the Common Council, from time to time, by Resolution. 1. The City Planner shall, within thirty (30) days from the date of filing of the survey with the City Planner, unless the time is extended by mutual consent of the City Planner and Subdivider, approve or reject the survey, and transmit the decision in writing to the Subdivider. If the Survey is rejected, the reason(s) shall be stated in a written statement forwarded to the Subdivider. Any Subdivider objecting to the decision of the City Planner may appeal the decision to the City Plan Commission. Such appeal shall be filed with the City Planner within thirty (30) days of the date of the decision by the City Planner. 2. Upon written approval by the City Planner, the Subdivider shall record the Survey and deed with the Kenosha County Register of Deeds within ninety (90) days from the date of said approval. 3. The Subdivider shall, within ten (10) days following recording of the Survey, file four (4) copies of the recorded Survey and deed with the City Planner. 4. Lot Line Adjustment Surveys proposed in the extraterritorial jurisdiction are excluded from this review and approval process. Section Fourteen: Section 17.04 M.3. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: 3. The following areas are excluded from this review and approval process: Land located outside of the City Growth Area approved under Section 66.023, Wisconsin Statutes, as said Statute then existed. Section Fifteen: Sections 17.06 E. and 17.06 F. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby renumbered as 17.06 F. and 17.06 G. Section Sixteen: Section 17.06 G. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: F. Recordation. The Final Plat shall only be recorded with the County Register of Deeds after the certificates of the Wisconsin Department of Administration, of the Common Council, of the surveyor, and those certificates required by Section 236.21, Wisconsin Statutes, are placed on the face of the Plat and executed by all parties. Upon recordation of the Plat, Subdivider shall submit copies of the Plat and all engineering drawings to the Department of City Development in digital formats approved by said Department. Section Seventeen: Section 17.06 E. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: E. Traffic Impact Study. The Review Authority may require the Subdivider to submit a Traffic Impact Study for the proposed Subdivision if it is determined that the proposed Subdivision could create significantly increased traffic on existing streets bordering or serving the proposed Subdivision. The study may be used as a basis to require the Subdivider to pay a fair, pro rata share of the costs of street improvements and traffic control signs and signals which served the proposed Subdivision. Section Eighteen: Section 17.07 A. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: A. General. A Certified Survey Map prepared by a registered land surveyor shall be required for all divisions of land not accomplished by a Subdivision, Lot Line Adjustment Survey or Replat as defined in this Ordinance. It shall comply in all respects with the requirements of Section 236.34, Wisconsin Statutes. The Certified Survey Map shall also comply with the design standards and improvement requirements set forth in Sections 17.09 and 17.10 of this Ordinance. Section Nineteen: Sections 17.07 E. and 17.07 F. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby renumbered as Sections 17.07 F. and 17.07 G. Section Twenty: Section 17.07 E. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: E. Traffic Impact Study. The City Plan Commission may require the Subdivider to submit a Traffic Impact Study for the proposed Certified Survey Map if it is determined that the proposed Certified Survey Map could create significantly increased traffic on existing streets bordering or serving the proposed Subdivision. The study may be used as a basis to require the Subdivider to pay a fair, pro rata share of the costs of street improvements and traffic control signs and signals which serve the proposed Subdivision. Section Twenty-one: Section 17.08 E. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: E. Recordation. Upon written approval by the City Planner, the City Planner shall record the Survey in conjunction with a deed with the Kenosha County Register of Deeds. Section Twenty-two: Section 17.081 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: 17.081 PARCEL COMBINATION A. General. A Parcel Combination Affidavit shall be required to accomplish a Parcel Combination as defined in this Ordinance. B. Required Information. A Parcel Combination Affidavit, as available from the Department of City Development, shall be completed with all required information. C. Submittal. After completing the Parcel Combination Affidavit, the property owner shall submit the form to the Department of City Development for the City Planner to review for compliance with this Chapter and all other applicable Codes and Ordinances. D. Recordation. Upon written approval by the City Planner, the property owner shall record the Parcel Combination

Affidavit with the Kenosha County Register of Deeds. Section Twenty-three: Section 17.12 C.4. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: 4. The Subdivider shall provide copies of all of the improvements plans - as built - both in print and in a digital format satisfactory to the Department of City Development, the City Engineer, and the General Manager of the Kenosha Water Utility. Section Twenty-four: Section 17.12 E. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: E.As-Built Plans Required. Prior to completion and acceptance by the City and Kenosha Water Utility of all improvements, the Subdivider shall provide a copy of all of the improvement plans, as-built in print and in a digital format satisfactory to the City Engineer and Kenosha Water Utility General Manager. Section Twenty-five: Section 17.13 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: 17.13 FEES A. Review and Service Fees. The Common Council shall establish fees, from time to time, by Resolution, for the following reviews and services which are provided by City Departments, Boards, Commissions, Committees, Authorities, and the Common Council: 1. Certified Survey Maps, including concept, application, resubmittals; 2. Development Agreements; 3. Document/Plat/Map/Combination recording; 4. Lot Line Adjustment Survey; 5. Parcel Combination; 6. Subdivision Plats, including concept, Preliminary Plats, Plats and Replats; and, 7. Subdivision Inspection Fees. B. Recording Fees. It shall be the responsibility of the Subdivider to provide the recording fees in the amount required by the Register of Deeds for the purpose of recording a Subdivision, Certified Survey Map, Parcel Combination or Lot Line Adjustment Survey and any accompanying documentation required by the Review Authority. Section Twenty-six: This Ordinance shall become effective upon passage and publication.

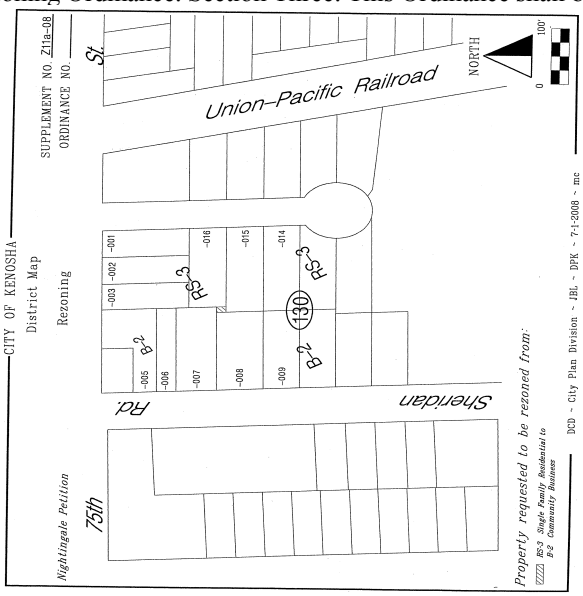
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

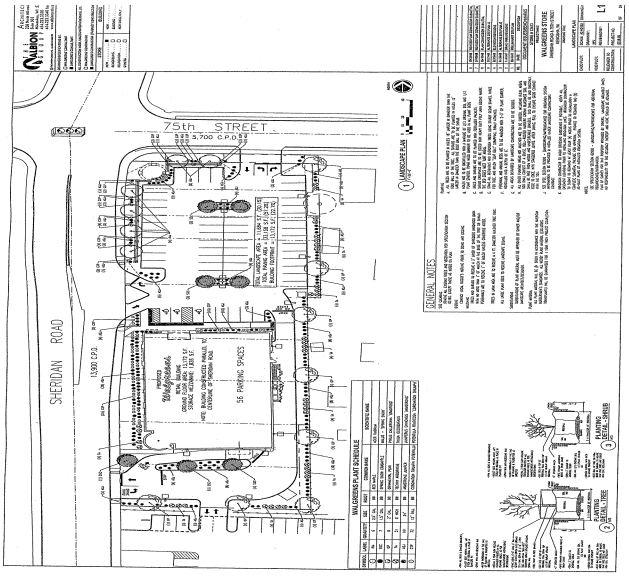
ZONING ORDINANCES 2ND READING

27. It was moved by Alderman Kennedy, seconded by Alderman Carpenter to adopt Ordinance 57-08. A public hearing was held. On roll call vote, motion carried (16-1) with Alderman Casey voting nay, and said ordinance was thereupon adopted as follows:

REZONING ORDINANCE NO. 57-08
BY: THE MAYOR
Zoning: TO REZONE A PORTION OF PROPERTY LOCATED AT 7510 – 12TH AVENUE FROM RS-3 SINGLE FAMILY RESIDENTIAL TO B-2
COMMUNITY BUSINESS [Nightingale]

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: That the land shown on the attached Supplement Map No. Z11a-08 be, and the same hereby is, zoned and districted as indicated on said map.
Section Two: The development of the property shall be consistent with the conceptual development plan for the property being rezoned, submitted by the property owner/developer on the 9th day of October, 2008, as required in Section 10.02 A. of the Zoning Ordinance. Section Three: This Ordinance shall be in full force and effect upon passage and the day after its publication.





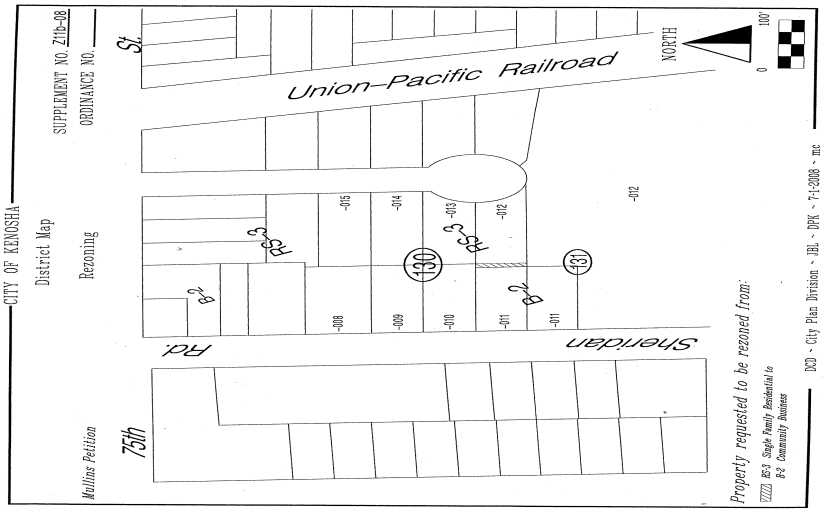
Maps are available for viewing in the Office of the City Clerk.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

28. It was moved by Alderman Ruef, seconded by Alderman Ruffolo to adopt Ordinance 58-08. A public hearing was held. On roll call vote, motion (16-1) with Alderman Casey voting nay, and said ordinance was thereupon adopted as follows:

REZONING ORDINANCE NO. 58-08
BY: THE MAYOR
Zoning: TO REZONE A PORTION OF PROPERTY LOCATED AT 7534 – 12TH AVENUE FROM RS-3 SINGLE FAMILY RESIDENTIAL TO B-2
COMMUNITY BUSINESS [Mullins]

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: That the land shown on the attached Supplement Map No. Z11b-08 be, and the same hereby is, zoned and districted as indicated on said map.
Section Two: The development of the property shall be consistent with the conceptual development plan for the property being rezoned, submitted by the property owner/developer on the 9th day of October, 2008, as required in Section 10.02 A. of the Zoning Ordinance. Section Three: This Ordinance shall be in full force and effect upon passage and the day after its publication.



Maps are available for viewing in the Office of the City Clerk.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

RESOLUTIONS

29. It was moved by Alderman Ruffolo, seconded by Alderman Nudo to adopt Resolution 133-08 through 137-08. No one spoke. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

RESOLUTION NO. 133-08
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO DESIGNATE AS "TWO HOUR PARKING, 6 A.M. TO 10 P.M., MONDAY – SUNDAY", THE WEST SIDE OF 35TH AVENUE, BEGINNING AT ITS INTERSECTION WITH 60TH STREET AND EXTENDING NORTH APPROXIMATELY ONE HUNDRED TWENTY (120') FEET

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the West side of 35th Avenue, beginning at its intersection with 60th Street and extending North one hundred twenty (120') feet, be and hereby is designated as "TWO HOUR PARKING, 6 A.M. TO 10 P.M., MONDAY – SUNDAY". Adopted this 3rd day of November, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

30. RESOLUTION NO. 134-08
A RESOLUTION AUTHORIZING
A DEVELOPMENT FINANCING AGREEMENT WITH
RESPECT TO TOWNE INVESTMENTS PROJECT IN
TAX INCREMENTAL DISTRICT NO. 12 AND PROVIDING FOR THE ISSUANCE OF A TAX INCREMENT
PROJECT REVENUE BOND
OF THE CITY OF KENOSHA, WISCONSIN

WHEREAS Tax Incremental District No. 12 ("TID No. 12") has been established by the City of Kenosha, Wisconsin (the "City") for the purpose of promoting industrial development in the City; and WHEREAS the industrial development projects in TID No. 12 constitute a revenue producing enterprise of the City which is operated for a public purpose, and constitute a "public utility" within the meaning of Section 66.0621 of the Wisconsin Statutes; and WHEREAS in order to further its industrial development efforts in TID No. 12, the City proposes to enter into a Development Financing Agreement in substantially the form attached hereto as Attachment I (the "Development Agreement") with 5111 South 9th Street LLC, a Wisconsin limited liability company, Whitley Bay Marina, Inc., a Florida corporation, BMD LakeView Land LLC, a Wisconsin limited liability company, Arthur W. and Mary Ann Wigchers Revocable Trust dated April 19, 1995, Bernacchi Properties LLC, a Wisconsin limited liability company and Kersey Family LLC, a Wisconsin limited liability company (jointly and severally, the "Developer"); and WHEREAS pursuant to the terms of the Development Agreement, the City is to issue to the Developer a Tax Increment Project Revenue Bond payable solely from tax increments generated from the Developer's Property as defined in the Development Agreement ("Tax Increments"); NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, as follows: Section 1. Authorization of Development Agreement. The Development Agreement is approved, and the Mayor and City Clerk are authorized to execute the Development Agreement, by and on behalf of the City. Section 2. Authorization of Revenue Bonds. (a) For the purpose of financing industrial development projects in TID No. 12, as provided for under the Development Agreement, the City shall issue its "Tax Increment Project Revenue Bond" (the "Bond" or "Bonds") to the Developer in consideration for the obligations undertaken by the Developer under the Development Agreement. (b) The Bond shall be in a principal amount equal to the actual cost of the Developer's Improvements (as defined in the Development Agreement) but not to exceed $465,000. The principal amount shall be determined initially as of the date of issuance of the Bond based on the costs paid by the Developer on the Developer's Improvements as of that date. The principal amount of the Bond shall be redetermined as of October 1 of each year, and a final determination of the principal amount of the Bond shall be made as of October 1, 2010. The Bond shall be dated its date of issuance and shall bear interest at the rate of 6.0% per annum. For each Bond Year (defined below), interest shall accrue only on the principal amount of the Bond determined as of the first day of that Bond Year. Assuming that the principal amount of the Bond is equal to the maximum principal amount ($465,000), the Bond shall be payable in installments of principal due on October 1 in each of the years and in the amounts as follows:

Year	Principal
2011	$15,046
2012	15,948
2013	16,905
2014	17,920
2015	18,995
2016	20,135
2017	21,343
2018	22,623
2019	23,981
2020	25,419
2021	26,945

2022	28,561
2023	30,275
2024	32,092
2025	34,017
2026	36,058
2027	38,222
2028	40,515

In the event that the total cost of the Developer's Improvements (as finally determined as of October 1, 2010, in accordance with Section 1.3 of the Development Agreement) and therefore the principal amount of the Bond is less than $465,000, there shall be a reduction in the principal installments of the Bond beginning with the final maturity and then proceeding to the next preceding maturity until the total of the principal installments on the Bond is equal to the total cost of the Developer's Improvements (as finally determined as of October 1, 2010, in accordance with Section 1.3 of the Development Agreement). Interest on the Bond shall be payable on October 1 of each year, commencing October 1, 2010 (the "Bond Payment Dates"). c) The Bond (i) shall be prepaid on each Bond Payment Date in an amount equal to the amount by which the Tax Increments (as defined below) collected by the City in that Bond Year and appropriated to payment of the Bond exceed the amount of principal and interest due on the Bond Payment Date and (ii) shall be subject to prepayment in whole or from time to time in part at any time, at the option of the City. The amounts and maturities of the installments of principal of the Bond which are to be prepaid shall be selected by the City. The schedule of payments on the Bond is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices. The Bonds shall be signed by the manual or facsimile signatures of the Mayor and City Clerk of the City (provided that, unless the City has contracted with a fiscal agent to authenticate the Bond, at least one of such signatures shall be manual), and sealed with the corporate seal of the City, or a facsimile thereof. The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund hereinafter provided, and shall be a valid claim of the owner thereof only against the Special Redemption Fund and the revenues pledged to such Fund pursuant to this Resolution. (d) Any Tax Increments in excess of the amount needed to pay the principal and interest due on the Bond in any year shall be applied to prepay the principal of the Bond, subject to appropriation by the Common Council. (e) For purposes of this Resolution and the Bonds, "Bond Year" shall mean the one year period commencing on each October 1 and ending on the following September 30, except that the first Bond Year shall commence on the date of issuance of the Bond and end on September 30, 2010. (f) Notwithstanding the foregoing, as provided in Section 6 below, if on any Bond Payment Date there shall be insufficient Revenues appropriated to pay the principal or interest due on the Bond, the amount due but not paid shall accumulate and be payable on the next Bond Payment Date until the final Bond Payment Date, and interest at the rate of 6.0% shall be payable on such unpaid amounts of principal and interest. Section 3. Form of Bond. The Bond shall be in substantially the form set forth on Attachment II hereto. Section 4. Payable Solely From Revenues. The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund as hereinafter provided, and shall be a valid claim of the owner thereof only against the Special Redemption Fund and from the revenues pledged to such fund, and shall be payable solely from Tax Increments derived from the Developer's Property which have been received and retained by the City in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes and appropriated by the Common Council to the payment of the Bonds ("Tax Increments" or "Revenues"). As stated above, the application of Tax Increments to payment of the Bonds is subject to annual appropriation by the Common Council. However, the City fully expects and anticipates that to the extent Tax Increments are generated by the Property, and provided that the Developer is not delinquent in the payment of property taxes with respect to the Property, it will appropriate all such Tax Increments to the payment of the principal of and interest on the Bonds, as provided in the Development Agreement. Section 5. Special Redemption Fund. For the purpose of the application and proper allocation of the Revenues, and to secure the payment of the principal of and interest on the Bonds, the Special Redemption Fund is hereby created and shall be used solely for the purpose of paying principal of and interest on the Bonds in accordance with the provisions of the Bonds and this Resolution. Uninvested money in the Special Redemption Fund shall be kept on demand deposit with such bank or banks as may be designated from time to time by the City as public depositories under the laws of Wisconsin. Such deposits of Special Redemption Fund money shall be secured to the fullest extent required by the laws of Wisconsin and the general investment policy of the City. Money in the Special Redemption Fund, if invested, shall be invested in direct obligations of, or obligations guaranteed as to principal and interest by, the United States of America, or in certificates of deposit secured by such obligations and issued by a state or national bank which is a member of the Federal Deposit Insurance Corporation and is authorized to transact business in the State of Wisconsin, maturing not later than the date such money must be transferred to make payments on the Bonds. All income from such investments shall be deposited in the Special Redemption Fund. Such investments shall be liquidated at any time when it shall be necessary to do so to provide money for any of the purposes for the Special Redemption Fund. All Revenues shall be deposited in the Special Redemption Fund, and no other fund is created by this Resolution. Section 6. Application of Revenues to Payment of the Bonds. On each Bond Payment Date, the City shall apply to the payment of the principal and interest due on the Bonds Tax Increments received by the City with respect to the Property during that calendar year and appropriated by the Common Council to the payment of the Bonds. Revenues shall be applied first to the payment of any interest due on the Bond Payment Date and then to the payment of any principal due on that Bond Payment Date. If on any Bond Payment Date there shall be insufficient Revenues appropriated to pay the principal or interest due on the Bonds, the amount due but not paid shall accumulate and be payable on the next Bond Payment Date until the final Bond Payment Date. Interest at the rate of 6.0% per annum shall be paid on such unpaid amounts of principal and interest. The City shall have no obligation to pay any amount of principal or interest on the Bonds which remains unpaid after the final Bond Payment Date and the owners of the Bonds shall have no right to receive payment of such amounts, unless there are available Revenues which are appropriated by the Common Council to payment of the Bonds. Section 7. Persons Treated as Owners; Transfer of Bonds. The City Clerk shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on the Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid. The Bonds may be transferred or assigned by the registered owner thereof (in whole or in part) only with the consent of the City (which such consent shall not be unreasonably withheld, conditioned or delayed), by surrender of the Bond at the office of the City Clerk accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer or assignment, the City Clerk shall record the name of the transferee or assignee in the registration book and note such transfer or assignment on the Bond and re-issue the Bond (or a new Bond or Bonds of like aggregate principal amount and maturity). Bonds may be exchanged for a new Bond of like principal amount and maturity or two or more Bonds of like aggregate principal amount and maturity. Section 8. General Authorizations. The Mayor and City Clerk and the appropriate deputies and officials of the City in accordance with their assigned responsibilities are hereby each authorized to execute, deliver, publish, file and record such other documents, instruments, notices and records and to take such other actions as shall be necessary or desirable to accomplish the purposes of this Resolution and to comply with and perform the obligations of the City under the Development Agreement and the Bonds. In the event that said officers shall be unable by reason of death, disability, absence or vacancy of office to perform in timely fashion any of the duties specified herein (such as the execution of the Development Agreement or the Bonds), such duties shall be performed by the officer or official succeeding to such duties in accordance with law and the rules of the City. Section 9. Severability of Invalid Provisions. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining sections, paragraphs and provisions of this Resolution. Section 10. Effective Date. This Resolution shall be effective immediately upon its passage and approval. Adopted this 3rd day of November, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

31. RESOLUTION NO: 135 - 08
BY: THE MAYOR
TO APPROVE A ONE-LOT CERTIFIED SURVEY MAP
Property located at the Southeast corner of 75th Street and Sheridan Road (Walgreen's)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to twelve parcels located at the Southeast corner of 75th Street and Sheridan Road is herein and hereby approved subject to the following conditions: 1. Compliance with all applicable State and City codes and ordinances. 2. Payment of all applicable fees, including recording fees. 3. Payment of all taxes, special assessments and storm water utility fees prior to recording. The Owner shall provide the City Clerk-Treasurer, a certificate from the County Treasurer, stating that there are no past-due real estate taxes or special assessments on the parcel of real estate which is being divided. 4. The Certified Survey Map shall be null and void if not recorded within six (6) months of approval by the Common Council.
5. The signature page shall be revised to show Mayor Keith G. Bosman as the mayor. 6. All buildings on the site shall be razed prior to the City signing the Certified Survey Map. 7. The Lot Line Adjustment Surveys submitted to the City on June 9, 2008 shall be recorded prior to recording of the Certified Survey Map. 8. Ten (10') feet of right-of-way on the south side of 75th Street shall be shown as dedicated to the City of Kenosha. 9. Compliance with all the preceding conditions as a prerequisite for

authorizing Mayor and City Clerk-Treasurer to sign the Certified Survey Map. Adopted this 3rd day of November, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

32. RESOLUTION 136-08
By: BOARD OF WATER COMMISSIONERS
TO PLACE SPECIAL ASSESSMENTS AGAINST BENEFITTED PARCELS OF PROPERTY ON THE 2008 REAL ESTATE TAX ROLL FOR THE CONSTRUCTION OF WATER/SEWER MAINS, CONNECTION/ LATERAL ASSESSMENTS, DELINQUENT WATER, SEWERAGE AND HOUSEHOLD HAZARDOUS WASTE BILLS, ETC., IN THE AMOUNT OF $1,530,828.00

BE IT RESOLVED that the attached assessments (construction of water/sewer mains, connection/lateral, and delinquent water, sewerage and household hazardous waste bills, etc., in the amount of One million five hundred thirty thousand eight hundred twenty-eight and no/100 dollars ($1,530,828.00) be levied against benefitted parcels of property as shown by the report of the General Manager of the Kenosha Water Utility and filed in the office of the City Clerk of the City of Kenosha for the year 2008 as follows:

Delinquent Water and Sewerage Bills, Fireline Charges, and Household Hazardous Waste Bills		$1,501,165.00
Water/Sewer Main and Connection/Lateral Assessments	+$29,663.00	$1,530,828.00

Adopted: November 3, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

33. RESOLUTION # 137-08
BY: THE MAYOR
Resolution to Rescind the 2007-09 Wage Schedule for the Kenosha Professional Police Association and the Kenosha Police Supervisory Officer's Association Established Under Resolutions #162-07 and #163-07 and to Approve an Alternate 2007-09 Wage Schedule

WHEREAS, the collective bargaining agreement for the Kenosha Professional Police Association (KPPA) (Resolution #162-07) and the benefits for the Kenosha Police Supervisory Officer's Association (KPSOA) (Resolution #163-07) were approved by the Common Council to include wage increases of three (3) percent each year and a pay allowance for additional training standards; and WHEREAS, the Common Council approved modifications to the collective bargaining agreement between the City of Kenosha and Local #414 pursuant to Resolution #111-08; and WHEREAS, the City has historically maintained wage comparability between both Local #414 and the KPPA; and WHEREAS, the KPPA has notified the City that their membership has ratified the attached modifications; and WHEREAS, it is in the best interests of the City that the KPSOA receive employee benefits comparable to other subordinate sworn protective service employees. NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that the existing collective bargaining agreement with the Kenosha Professional Police Association and the KPSOA benefits be amended in accordance with the fiscal note, on file in the Office of the City Clerk, and be effective January 1, 2007. Adopted this 3rd day of November, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

34. The following item was deferred at the Finance Committee meeting prior to this Council Meeting:

Proposed Resolution
By Mayor Bosman - To Authorize Disbursement from the Dairyland Trust Fund for Nash PTA-Playground Equipment in the Amount of $511.

OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderman Casey, seconded by Alderman Nudo, to approve:
35. Developers Agreement By and Between Brookstone Homes, Inc. and the City of Kenosha, Wisconsin and the Kenosha Water Utility for property at 35th Avenue and 40th Street. (District #10). (KAT Subdivision)
36. First Amendment to Contract of Purchase and Sale by and Between Brookstone Homes, Inc. and the City of Kenosha, Wisconsin for Property Located at 40th Street and 35th Avenue. (District #10) (KAT Subdivision)
37. Warranty Deed to dedicate property at the northeast corner of 58th Place and 88th Avenue for 58th Place right-of-way. (District #16). (First Industrial)
38. Nominal Payment Agreement for Right of Way Acquisition from the Department of Corrections for property at 6353 14th Avenue. (District #8). (Highway 50 Project)
39. Easement from the City of Kenosha to AT&T for installation of an aboveground utility structure to be located at 60th Avenue and 60th Street in Nash Park, District # 16.
40. WisDOT State/Municipal Agreements for Highway Improvement Projects.
a. Sheridan Road - 50th Street to 7th Avenue (Districts 1 & 2)
b. 52nd Street – STH 31 to 6th Avenue (Districts 2, 7, 10 & 16)
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderman Casey, seconded by Alderman Nudo, to:
41. Claims against City of Kenosha:
a. DENY Deborah Wilmot
b. DENY Terry Larson
c. DENY Turner
d. Approve Parham
42. Approve Disbursement Record #19 – $7,689,102.26.
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

It was moved by Alderman Casey, seconded by Alderman Nudo, to approve:
43. Final Acceptance of Project #07-1408 Simmons Island Seawall Repair (4720 Harbor Drive) completed by Great Lakes Marine Construction, Inc., in the amount of $373,578.25. (District 2)
On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Ruffolo, seconded by Alderman Dowing, to adjourn at 9:22 p.m.

On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, November 17, 2008

Keith G. Bosman, Mayor **Michael K. Higgins, City Clerk**

KENOSHA MUNICIPAL BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, November 17, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided. The meeting was called to order at 7:06 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Misner, Prozanski, Orth, and Bogdala. Excused: Aldermen Moldenhauer, Casey and Downing.

A moment of silence was observed in lieu of the invocation.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

Two (2) citizens spoke during Citizen's Comments: Theodore Ruffolo (presented an award to the Mayor) and Bob Danbeck.

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

1. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to approve:

a. 13 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. There were no application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

On a voice vote, motion carried.

2. It was moved by Alderman Ruef, seconded by Alderman Ohnstad, to approve amendment to the Conditional Use Permit for a New Drive Entrance for Affiliated Foods Midwest Located at 8100 60th Street (District 16) (Affiliated Foods Midwest).

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

3. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to approve the following applications for Operator's (Bartender) licenses, subject to:

-25 demerit points:

a. Rene Saulnier

-50 demerit points:

b. Amanda R Moriarity

-75 demerit points:

c. Andrew J Hawbaker

d. Salena M Kent

-90 demerit points:

e. Katie E Gardapee

A hearing was held. Applicant e., Katie E. Gardapee was present and spoke.

3.1 It was moved by Alderman Kennedy, seconded by Alderman Ruffolo to separate action on items 3a through 3d from action on item 3e. On a voice vote, motion carried.

3.2 It was then moved by Alderman Nudo, seconded by Alderman Ruffolo to concur with the recommendations for items 3a through 3d. On a voice vote, motion carried.

3.3 It was then moved by Alderman Nudo, seconded by Alderman Ruffolo to concur with the recommendation to approve the application of Katie Gardapee subject to 90 demerit points. Herein occurred much discussion, wherein Alderman Ruffolo asked for a point of order on the statements of

Alderman Prozanski, and the Mayor concluded Alderman Prozanski's statements were germane to the discussion.

On a voice vote, motion to approve subject to 90 demerit points carried.

ORDINANCES 1ST READING

It was moved by Alderman Ruef, seconded by Alderman Juliana, to send the following ordinance on it's way:

4. By the Mayor - To Repeal and Recreate Section 7.01 B., Entitled "Other Laws Adopted" ; and, to Repeal and Recreate Section 7.21B., Entitled "Penalties", to Update the Ordinance and Wisconsin Statute Section Numbers Referenced Therein.

On a voice vote, motion carried.

ORDINANCES 2ND READING

5. It was moved by Alderman Nudo, seconded by Alderman Juliana, to adopt Ordinance 59-08.

A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 59-08
BY: ALDERPERSON RAY MISNER
ALDERPERSON JESSE DOWNING
ALDERPERSON ANTHONY NUDO ALDERPERSON DONALD K. HOLLAND
ALDERPERSON PATRICK JULIANA ALDERPERSON ANTHONY KENNEDY
ALDERPERSON DON MOLDENHAUER
ALDERPERSON TOD OHNSTAD
ALDERPERSON MICHAEL J. ORTH
ALDERPERSON DANIEL L. PROZANSKI, JR.
ALDERPERSON DON RUEF
ALDERPERSON G. JOHN RUFFOLO
TO CREATE SECTION 10.05 J. OF THE CODE OF GENERAL ORDINANCES, ENTITLED DRIVE THROUGH WINDOW REGULATION"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 10.05 J. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: J. Drive Through Window Regulation. 1. Applicability. This Subsection shall apply to all establishments licensed pursuant to, and all licensees subject to this Chapter that provide retail sales of alcohol beverages through any opening connecting the interior of a structure to the exterior of a structure. 2. Still-Photo Camera Requirement. All establishments subject to this Subsection shall have a camera or cameras in operation at all times that sales are made through an opening that connects the interior of the structure to the exterior of the structure, that photographs the driver of the motor vehicle in which the patron is situated at the time of sale, all passengers in the motor vehicle, and the license plate of the motor vehicle. 3. Video/Audio Camera. In addition to the requirement of Paragraph 2, all establishments subject to this Subsection shall have at least one (1) camera in operation at all times that sales are made through an opening that connects the interior of the structure to the exterior of the structure, capable of recording in video and audio format the interaction between the seller of the alcohol beverage and the purchaser of the alcohol beverage. 4. Operation. The licensed operator responsible for the sale of alcohol beverages made through an opening that connects the interior of the structure with the exterior of the structure shall assure cameras required under Paragraphs 2 and 3 herein are in operation at all times that sales are made. 5. Maintain Records. All image and audio recordings made pursuant to this Section shall be maintained by the licensee of the establishment licensed pursuant to this Chapter, for a period of no less than four (4) years, organized in a manner allowing for retrieval and copying at the request of a law enforcement officer. 6. Signage. All establishments subject to this Section shall have signs informing patrons of the following: a. They and their passengers are subject to being photographed. b. It is illegal for the purchaser

of alcohol beverages to consume alcohol beverages or maintain alcohol in opened packages, on public thoroughfares or in the parking lot of the licensed establishments. Section Two: This Ordinance shall become effective forty-five (45) days after passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

6. It was moved by Alderman Nudo, seconded by Alderman Ruef, to adopt Ordinance 60-08.

A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 60-08
BY: ALDERPERSON PATRICK JULIANA
ALDERPERSON KATHY CARPENTER
ALDERPERSON JESSE L. DOWNING
ALDERPERSON MICHAEL J. ORTH
ALDERPERSON DANIEL L. PROZANSKI, JR.
ALDERPERSON DONALD RUEF
TO REPEAL AND RECREATE SECTION 16.09 D. OF THE CODE OF GENERAL ORDINANCES, REGARDING PROPERTY MAINTENANCE CODE VIOLATION NOTICES AND ORDERS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 16.09 D. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: D. Recurring Violations. 1. Whenever there has been a notice of violation and order issued to the responsible person or tenants, where relevant, for a violation of this Code, no further notice and order shall be necessary for any reoccurrence of the same or similar violation prior to the commencement of any reinspection fees and/or forfeiture action or prior to seeking an injunction in a court of record. 2. Whenever there has been a complaint and subsequent notice of violation and order issued to the responsible person or tenants, where relevant, for any violation of this Code, no further notice and order shall be necessary following a third complaint and violation of this Code within a twelve (12) month period prior to the commencement of any reinspection fees and/or forfeiture action, or prior to seeking an injunction in a court of record. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

7. It was moved by Alderman Nudo, seconded by Alderman Ruffolo, to adopt Ordinance 61-08.

A public hearing was held. One person spoke regarding said ordinance.

7.1 It was moved by Alderman Ruffolo, seconded by Alderman Juliana to amend the penalty for the first offense to $150.00. On a voice vote, motion carried.

On roll call vote, motion to adopt Ordinance 61-08 carried (12-2) with Aldermen Marks and Kennedy voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 61-08
BY: ALDERMAN MICHAEL J. ORTH
ALDERMAN DANIEL L. PROZANSKI, JR.
TO CREATE SECTION 7.20 OF THE CODE OF GENERAL ORDINANCES, ENTITLED TEXT MESSAGING WHILE DRIVING″

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 7.20 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: 7.20 TEXT MESSAGING WHILE DRIVING A. Prohibition. No person shall drive a motor

vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. B. Definition. As used in this Section, write, send, or read a text-based communication″ shall mean using an electronic wireless communications device to manually communicate with any person using a text-based communication,including, but not limited to, communications referred to as a text message, instant message, or electronic mail.
C. Exceptions. 1. Telephone Calls. For purposes of this Section, a person shall not be deemed to be writing, reading, or sending a text-based communication if the person reads, selects, or enters a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call. 2. Emergency Services Professional. This Section does not apply to an emergency services professional using an electronic wireless communications device while operating an authorized emergency vehicle (as defined in Section 341.01(2), Wisconsin Statutes) in the course and scope of his/her duties. D. Penalties. Any person who violates this Section shall, upon conviction thereof, be subject to a forfeiture of One Hundred Fifty ($150.00) Dollars for the first violation, and One Hundred Fifty ($150.00) Dollars for the second and all subsequent violations, together with the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Any person who violates this Section, resulting in a traffic accident, shall, upon conviction, be subject to a forfeiture of Five Hundred ($500.00) Dollars, together with costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

8. It was moved by Alderman Ruef, seconded by Alderman Kennedy, to adopt Ordinance 62-08.
A public hearing was held. No one spoke for or against said ordinance. On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 62-08
BY: THE MAYOR
ATTACHMENT AND TEMPORARY ZONING DISTRICT CLASSIFICATION ORDINANCE
Under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan Parcel No. 80-4-222-333-0200
Town of Somers [Affiliated Foods Midwest - Property Owner]

Attaching to the City of Kenosha, Wisconsin, territory in the Town of Somers, Kenosha County, Wisconsin, and providing temporary zoning district classifications under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan: The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Territory Attached. In accordance with City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes, approved by the Wisconsin Department of Administration, Intergovernmental Relations, Municipal Boundary Review, on August 8, 2005, the territory in the Town of Somers, Kenosha County, Wisconsin, with an associated population of zero (0), described on the attached legal description, Attachment "A", and map, Attachment "B", is hereby attached to the City of Kenosha, Wisconsin, as hereinafter provided. Section Two: Effect of Attachment. From and after November 22, 2008, the date of attachment, the territory described in Section One shall be a part of the City of Kenosha for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all Ordinances, rules and regulations governing the City of Kenosha. Section Three: Temporary Zoning District Classifications. The territory described in Section One, upon attachment, shall have the temporary zoning district classifications shown on Attachment "C", which zones the territory under the most restrictive classification of the City Zoning Ordinance. This temporary zoning district classification shall be and remain in effect for each parcel of land described therein until this Temporary Zoning District

Classification Ordinance is amended as prescribed in Section 62.23(7)(d), Wisconsin Statutes. Section Four: District and Ward Designation. The territory described in Section One is hereby made a part of the 73rd Ward of the 16th District of the City of Kenosha, subject to the Ordinances, rules and regulations of the City governing Wards and Districts. The County Board of Supervisors for Kenosha County is requested to have the attached area included in the same District and Ward for the County Supervisory seat as for the City Aldermanic seat. Section Five: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision

Attachment "A"

OCT 21 2008
CITY OF KENOSHA
CITY TREASURER

PETITION OF PROPERTY OWNERS FOR ATTACHMENT TO THE CITY OF KENOSHA FROM THE TOWN OF SOMERS PURSUANT TO SECTION 66.0307; WISCONSIN STATUTES, STATE APPROVED COOPERATIVE PLAN

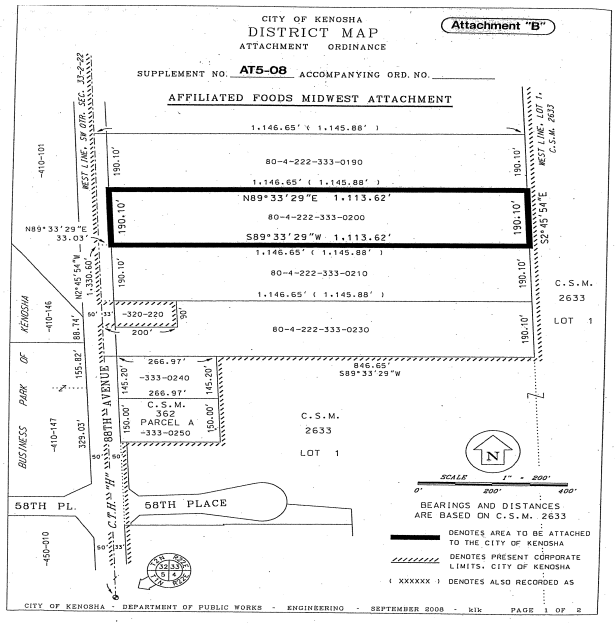
The undersigned, constituting all of the owners of certain real property within the Town of Somers, Kenosha County, Wisconsin, petition the Mayor and Common Council of the City of Kenosha, Wisconsin, to attach the territory described below and shown on the attached scale map to the City of Kenosha, Kenosha County, Wisconsin, pursuant to the Section 66.0307 Wisconsin Statutes, State Approved Cooperative Plan.

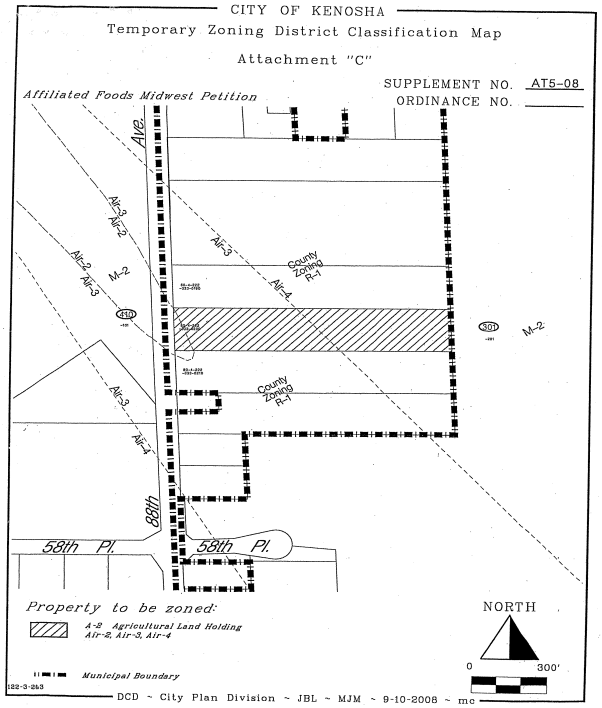
The current population of the territory to be attached as defined by Section 66.0217(5)(a) of the Wisconsin Statutes is - 0 -.

Legal Description:

Part of the Southwest Quarter of Section 33, Town 2 North, Range 22 East of the Fourth Principal Meridian lying and being in Somers Township, Kenosha County, Wisconsin and more particularly described as follows:

Commencing at the southwest corner of said Quarter Section; thence North 2°45'54" West along the west line of said Quarter Section, 1,330.60 feet to the westerly extension of the south line of the parcel of land described in Document 1555797, being a Personal Representative's Deed recorded on May 5, 2008 with the Kenosha County Register of Deeds Office; thence North 89°33'29" East parallel to the south line of said Quarter Section, 33.03 feet to the present east line of 88th Avenue and the point of beginning; thence North 2°45'54" West along said east line, 190.10 feet to the north line of the parcel of land described in said Document; thence North 89°33'29" East along said north line, 1,113.62 feet to a west line of Lot 1 of Certified Survey Map 2633; thence South 2°45'54" East along said west line, and along the present corporate limits of the City of Kenosha, 190.10 feet to the south line of the parcel of land described in said Document; thence South 89°33'29" West along said south line, 1,113.62 feet to the east line of 88th Avenue and the point of beginning; containing 4.856 acres of land, more or less.





or application. Section Six: Effective Date. This Ordinance, the Attachment, and the Temporary Zoning District Classifications shall take effect upon passage, publication and November 22, 2008, as provided by law.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

ZONING ORDINANCES 2ND READING

9. It was moved by Alderman Nudo, seconded by Alderman Carpenter, to adopt Ordinance 63-08.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion caried unanimously and said ordinance was thereupon adopted as follows:

ZONING ORDINANCE NO. 63-08
BY: CITY PLAN COMMISSION
TO AMEND, AND REPEAL AND RECREATE VARIOUS SUBSECTIONS OF SECTION 3.31 OF THE ZONING ORDINANCE REGARDING THE TRD-1 TRADITIONAL SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT; AND,

TO AMEND, AND REPEAL AND RECREATE VARIOUS SUBSECTIONS OF SECTION 3.32 OF THE ZONING ORDINANCE REGARDING THE TRD-2 TRADITIONAL MULTIPLE FAMILY RESIDENTIAL DISTRICT

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: The First Paragraph of Section 3.31 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is amended by rescinding the term neotraditional″ and replacing same with the term traditional″. Section Two: Section 3.31 A.1. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 1. Single family and two family residences, to a maximum density of six (6) dwelling units per acre, unless otherwise specified in an adopted Land Use or Master Plan. Section Three: Section 3.31 C.3. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 3. Private parks and playgrounds, including buildings and grounds, and properly licensed concessions primarily serving residents and guests. Section Four: Section 3.31 F.1.c. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: c. An exception to maximum front yard setback requirement in Section F.1.b. may be granted for the street-facing facade that does not contain a primary entrance when the Department of City Development has determined that a lot is considered an irregular-shaped corner lot, provided that this facade still complies with the maximum front yard setback requirement to the extent possible. Section Five: Section 3.31 F.2.a. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: a. Any permitted architectural elements and/or similar features, such as awnings, bay windows, balconies, stairs, roof eaves, and trellises, including unenclosed and covered porches, stoops, patios, porticos and pergolas, as well as approved integrated architectural walls, garden walls, retaining walls and fences, are allowed no closer than seven (7') feet from the front lot line. The roof over an unenclosed and covered porch, stoop, patio, portico and pergola shall be at least thirty (30%) percent solid. Section Six: Section 3.31 H. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: H. Garage Door Placement. The garage wall(s) that includes a garage door opening(s) facing a public or private street, shall not comprise more than fifty (50%) percent of the principal building width, measured along the ground level of the front facade. In addition, one of the following requirements shall be met: 1. The garage wall(s) that includes a garage door opening(s) facing a public or private street shall not extend closer to the front lot line than the living portions of the principal building, unless the garage door opening(s) is not oriented toward the public or the private street; or, 2. The garage wall(s) that includes a garage door opening(s) facing a public or private street shall be allowed to protrude beyond the living portions of the principal building up to the end of an unenclosed and covered porch, stoop, patio, portico and pergola, provided that at least fifty (50%) percent of the width of the garage wall(s), measured along the ground level of the front facade, is comprised of an unenclosed and covered porch, stoop, portico, or pergola for the living portions of the principal building. 3. The garage wall(s) where a garage door opening(s) that faces a public or private street is located closer to the front lot line than the closest living portion of the principal building shall include an unenclosed and covered porch, stoop, portico, patio, or pergola of at least twenty-five (25) square feet in area along the front facade. Such entrance features shall be integrated into the design of the principal building and decorative posts, columns, and piers, including railings, balustrades, brackets, trellises, and other similar elements shall be used so as to de-emphasize any garage doors to the extent possible. Section Seven: Section 3.31 J. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: J. Building Composition and Character. 1. Roof Element/Composition. Roofs shall be pitched, hipped or gabled, and overhanging eaves are encouraged. Flat roofs with articulated parapets and cornices are allowed. The total height of the roof that faces a public or private street from the lowest portion of the roof to the ridge line shall be no greater than the height of the facade of the building, measured vertically from the ground level of the facade to the lowest portion of the roof. 2. Building Facade/Composition. All buildings shall have a well-defined front facade with the primary entrance facing a public or private street. The buildings shall be aligned so the dominant lines of their facades parallel the line of the street and create a sense of enclosure. Departures may be permitted to terminate important vistas or to act as focal points for public or private spaces. a. A minimum

of one (1) primary entrance shall face a public or private street for all principal buildings, and only one (1) primary entrance shall be required where the front facade of the principal building faces more than one (1) street, and this entrance shall first face the public street where available. b. Windows and/or entrances shall comprise at least ten (10%) percent of the total wall area of each facade of the principal building, provided that at least five (5%) percent of the total wall area for each floor of the principal building includes windows and/or entrances. Windows in garage walls, but not in garage doors, shall count toward this requirement. Any projections and recesses involving the principal building, including garage walls and garage door openings that face a public or private street shall be included in the total area of each facade. The total wall area should be calculated as follows: (1) The vertical distance between the floor and ceiling lines for each floor, excluding any overhangs and roof projections, shall be used to determine the overall total wall area of each facade. Any projections and recesses involving a change in a wall plane of at least six (6') feet in depth shall be calculated separately in order to satisfy the window and/or entrance requirement for each floor of the principal building in Section J.2.b. (2) Windows and/or entrances shall only be required for all wall areas of each floor with a minimum of eight (8') feet in height and a minimum of six (6') feet in width, whether or not the wall area includes living portions of the principal building. (3) Where there is no living portion of the principal building, a decorative wall vent and/or louver of at least five (5%) percent of the total wall area may be substituted for a window and/or entrance, and such wall vent and/or louver shall be calculated separately from the total wall area requirement for windows and/or entrances in Section J.2.b. 3. Garage Facade/Composition. The side(s) of the garage wall, whether attached to, or detached from, the principal building where the garage door opening(s) do not face a public or private street, shall be designed to be integral with the design features of the principal building. Section Eight: Section 3.31 M.2.c.(2) of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: (2) The special exception shall be in harmony with the overall purpose of the land use and the development standards and guidelines for the District. Section Nine: The First Paragraph of Section 3.32 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is amended by rescinding the term neotraditional″ and replacing same with the term traditional″. Section Ten: Section 3.32 C. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: C. Conditional Uses. 1. Multifamily residences containing three (3) or more units per lot in conformance with the Development Standards of this Ordinance, at a minimum density of six (6) dwelling units per acre to a maximum density of twelve (12) dwelling units per acre, unless otherwise specified in an adopted Land Use or Master Plan. 2. Community Living Arrangements with a capacity for greater than fifteen (15) persons which are in conformance with Section 62.23(7)(i), Wisconsin Statutes, including Assistant Living Facilities. 3. Historic monuments. 4. Private parks and playgrounds, including buildings and grounds, and properly licensed concessions primarily serving residents and guests. 5. Utility substations. 6. Storm water detention and retention basins. Section Eleven: Section 3.32 F.1.c. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: c. An exception to maximum front yard setback requirement in Section F.1.b. may be granted for the street-facing facade that does not contain a primary entrance when the Department of City Development has determined that a lot is considered an irregular-shaped corner lot, provided that this facade still complies with the maximum front yard setback requirement to the extent possible. Section Twelve: Section 3.32 F.2.a. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: a. Any permitted architectural elements and/or similar features, such as awnings, bay windows, balconies, stairs, roof eaves and trellises, including unenclosed and covered porches, stoops, patios, porticos and pergolas, as well as approved integrated architectural walls, garden walls, retaining walls, and fences, are allowed no closer than seven (7') feet from the front lot line. The roof over an unenclosed and covered porch, stoop, patio, portico and pergola shall be at least thirty (30%) percent solid. Section Thirteen: Section 3.32 H. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: H. Garage Door Placement. The garage wall(s) that includes a garage door opening(s) facing a public or private street shall not comprise more than fifty (50%) percent of the principal building width, measured along the ground level of the front facade. In addition, one of the following requirements shall

be met: 1. The garage wall(s) that includes a garage door opening(s) facing a public or private street shall not extend closer to the front lot line than the living portions of the principal building, unless the garage door opening(s) is not oriented toward the public or private street; or, 2. The garage wall(s) that includes a garage door opening(s) facing a public or private street shall be allowed to protrude beyond the living portions of the principal building up to the end of an unenclosed and covered porch, stoop, patio, portico and pergola, provided that at least fifty (50%) percent of the width of the garage wall(s), measured along the ground level of the front facade, is comprised of an unenclosed and covered porch, stoop, portico, or pergola for the living portions of the principal building. 3. The garage wall(s) where a garage door opening(s) that faces a public or private street is located closer to the front lot line than the closest living portion of the principal building shall include an unenclosed and covered porch, stoop, portico, patio, or pergola of at least twenty-five (25) square feet in area along the front facade. Such entrance features shall be integrated into the design of the principal building and decorative posts, columns, and piers, including railings, balustrades, brackets, trellises, and other similar elements shall be used so as to de-emphasize any garage doors to the extent possible. Section Fourteen: Section 3.32 I. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 2. There should be a minimum of one (1) parking space for dwelling units with less than two (2) bedrooms, and a minimum of two (2) parking spaces for dwelling units with two (2) or more bedrooms. Section Fifteen: Section 3.32 J. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: J. Building Composition and Character. 1. Roof Element/Composition. Roofs shall be pitched, hipped, or gabled, and overhanging eaves are encouraged. Flat roofs with articulated parapets and cornices are allowed. The total height of the roof that faces a public or private street from the lowest portion of the roof to the ridge line shall be no greater than the height of the facade of the building, measured vertically from the ground level of the facade to the lowest portion of the roof. 2. Building Facade/Composition. All buildings shall have a well-defined front facade with the primary entrance facing a public or private street. The buildings shall be aligned so the dominant lines of their facades parallel the line of the street and create a sense of enclosure. Departures may be permitted to terminate important vistas or to act as focal points for public or private spaces. a. A minimum of one (1) primary entrance shall face a public or private street for all principal buildings, and only one (1) primary entrance shall be required where the front facade of the principal building faces more than one (1) street, and this entrance shall first face the public street where available. All principal buildings with front facades which exceed three hundred (300') feet in width shall have more than one (1) primary entrance facing the public or private street. b. Windows and/or entrances shall comprise at least ten (10%) percent of the total wall area of each facade of the principal building, provided that at least five (5%) percent of the total wall area for each floor of the principal building includes windows and/or entrances. Windows in garage walls, but not in garage doors, shall count toward this requirement. Any projections and recesses involving the principal building, including garage walls and garage door openings that face a public or private street shall be included in the total area of each facade. The total wall area should be calculated as follows: (1) The vertical distance between the floor and ceiling lines for each floor, excluding any overhangs and roof projections, shall be used to determine the overall total wall area of each facade. Any projections and recesses involving a change in a wall plane of at least six (6') feet in depth shall be calculated separately in order to satisfy the window and/or entrance requirement for each floor of the principal building in Section J.2.b. (2) Windows and/or entrances shall only be required for all wall areas of each floor with a minimum of eight (8') feet in height and a minimum of six (6') feet in width, whether or not the wall area includes living portions of the principal building. (3) Where there is no living portion of the principal building, a decorative wall vent and/or louver of at least five (5%) percent of the total wall area may be substituted for a window and/or entrance, and such wall vent and/or louver shall be calculated separately from the total wall area requirement for windows and/or entrances in Section J.2.b. 3. Garage Facade/Composition. The side(s) of the garage wall, whether attached to, or detached from, the principal building where the garage door opening(s) do not face a public or private street, shall be designed to be integral with the design features of the principal building. Section Sixteen: This Ordinance shall become effective upon passage and publication.

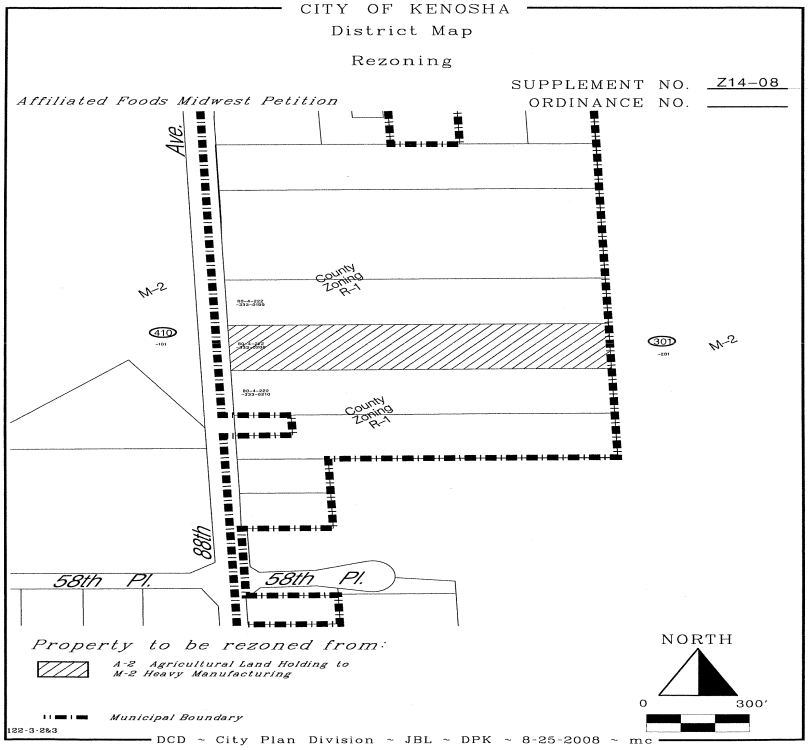
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

10. It was moved by Alderman Ruef, seconded by Alderman Nudo, to adopt Ordinance 64-08.
A public hearing was held. No one spoke for or against said ordinance.
On roll call vote, motion caried unanimously and said ordinance was thereupon adopted as follows:

REZONING ORDINANCE NO. 64-08
BY: THE MAYOR
Zoning: TO REZONE PROPERTY GENERALLY LOCATED EAST OF 88TH AVENUE AND SOUTH OF 52ND STREET FROM A-2 AGRICULTURAL LAND HOLDING TO M-2 HEAVY MANUFACTURING [Affiliated Foods Midwest]

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: That the land shown on the attached Supplement Map No. Z14-08 be, and the same hereby is, zoned and districted as indicated on said map.
Section Two: The development of the property shall be consistent with the conceptual development plan for the property being rezoned, submitted by the property owner/developer on the 18th day of September, 2008, as required in Section 10.02 A. of the Zoning Ordinance. Section Three: This Ordinance shall be in full force and effect upon passage and the day after its publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK



11. It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to adopt Ordinance 65-08.
A public hearing was held. No one spoke for or against said ordinance.
On roll call vote, motion caried unanimously and said ordinance was thereupon adopted as follows:

REZONING ORDINANCE NO. 65-08

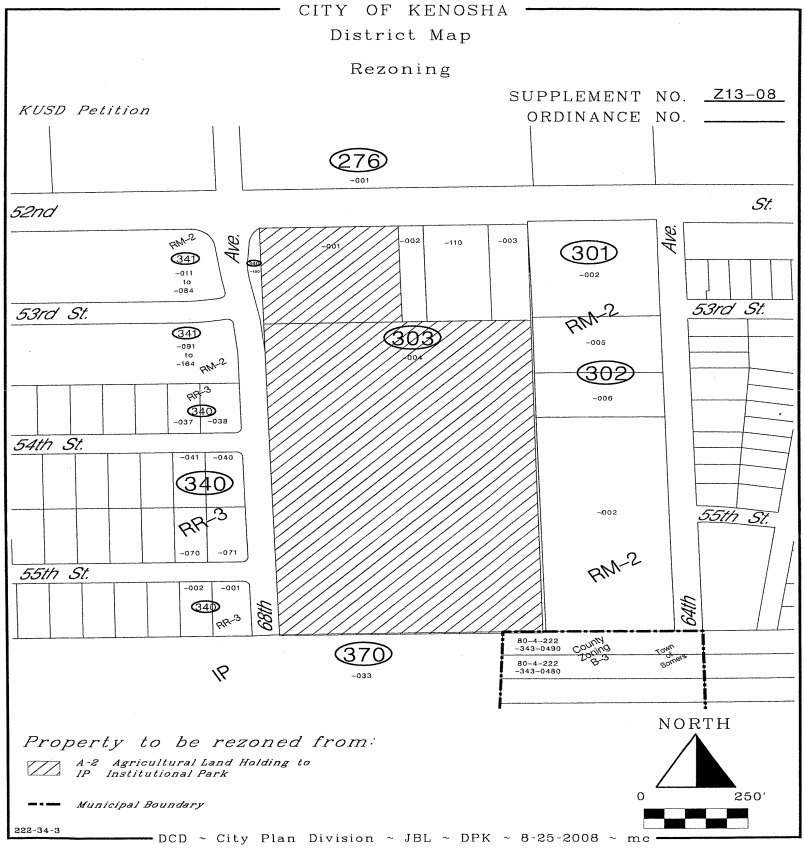
BY: THE MAYOR

Zoning: TO REZONE PROPERTY GENERALLY LOCATED SOUTH OF 52ND STREET AND EAST OF 68TH AVENUE FROM A-2 AGRICULTURAL LAND HOLDING TO IP INSTITUTIONAL PARK [KUSD/Indian Trail]

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: That the land shown on the attached Supplement Map No. Z13-08 be, and the same hereby is, zoned and districted as indicated on said map.

Section Two: The development of the property shall be consistent with the conceptual development plan for the property being rezoned, submitted by the property owner/developer on the 18th day of September, 2008, as required in Section 10.02 A. of the Zoning Ordinance. Section Three: This Ordinance shall be in full force and effect upon passage and the day after its publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK



RESOLUTIONS

12. It was moved by Alderman Marks, seconded by Alderman Carpenter, to adopt Resolution 138-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 138-08
BY: FINANCE COMMITTEE
RESOLUTION TO APPROVE THE 2009 CONSOLIDATED PLAN - ANNUAL PLAN

WHEREAS, the City of Kenosha receives CDBG funds under the Housing and Community Development Act of 1974, as amended; and HOME funds under the HOME Investment Partnership Program of 1991 as amended; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires the City to

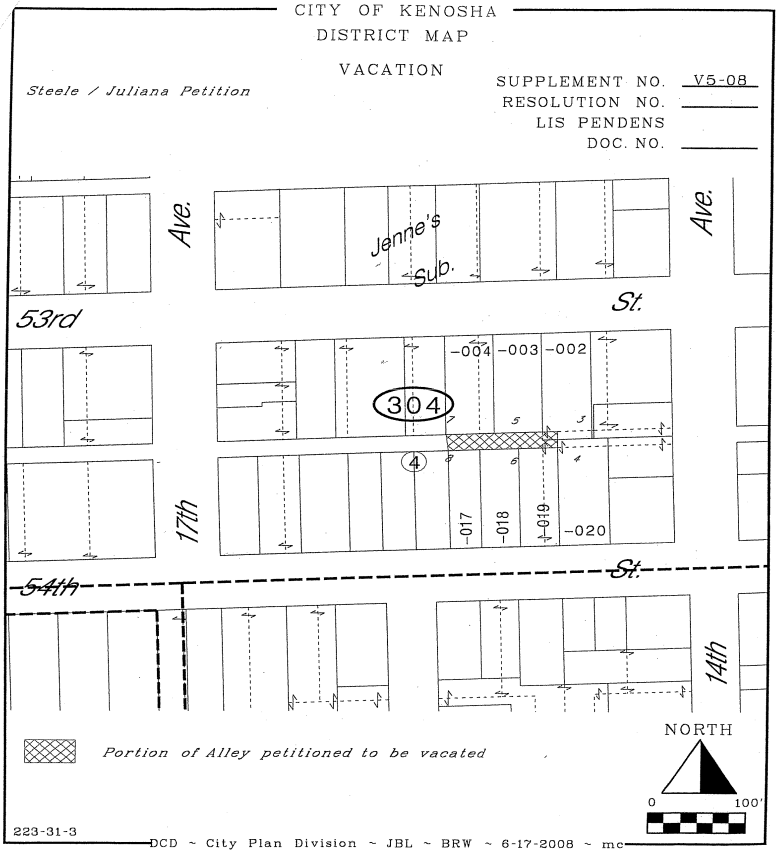
develop a document designed as its Consolidated Plan; and WHEREAS, for the purpose of the CDBG Program, public hearings were held before the CDBG Committee on July 29, September 23 and September 24, 2008; the City Plan Commission on August 7 and November 6, 2008; the Finance Committee on August 18 and November 17, 2008; and the Common Council on August 18, and November 17, 2008 to consider proposed projects and obtain citizen views and comments on housing and community development needs; and WHEREAS, for the purpose of the HOME Program, public hearings were held before the Finance Committee on November 17, 2008 and the Common Council on November 17, 2008 to consider the 2009 Program Description and obtain citizen comments on housing needs; and WHEREAS, the 2009 CDBG Entitlement Grant to be received from HUD for the City is estimated to be $1,041,462 and project allocations are based on this amount; and WHEREAS, if the actual 2009 CDBG Entitlement Grant is less than $1,041,462, program allocations will be adjusted in proportion to each project allocation; and WHEREAS, if the actual 2009 CDBG Entitlement Grant is more than $1,041,462, funds will be used in accordance with the 2009 Fund Allocation Plan approved by the Common Council on August 18, 2008, Item #17;and WHEREAS, the 2009 HOME Entitlement Grant to be received from HUD for the City is estimated to be $477,495 and proposed allocations are based on this amount; and WHEREAS, if the actual 2009 HOME Entitlement Grant is more or less than $477,495, the program allocation will be adjusted in proportion to each activity allocation approved in the 2009 Program Description. NOW, THEREFORE, BE IT RESOLVED by the Common Council, that the 2009 Consolidated Plan - Annual Plan is approved; and BE IT FURTHER RESOLVED that the Mayor is hereby authorized to submit all necessary and required documents to the U.S. Department of Housing and Urban Development, and execute all documents relative thereto. Dated this 17th day of November, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

13. It was moved by Alderman Ruef, seconded by Alderman Nudo, to adopt Resolution 139-08. A public hearing was held. No one spoke for or against said resolution. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 139-08
BY: COMMITTEE ON PUBLIC WORKS
TO VACATE A PORTION OF AN ALLEY LOCATED EAST OF 17TH AVENUE BETWEEN 53RD STREET AND 54TH STREET, PURSUANT TO SECTION 66.1003(4), WISCONSIN STATUTES [Steele/Juliana]

WHEREAS, the public interest requires the vacation of a portion of an alley located East of 17th Avenue between 53rd Street and 54th Street. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to Section 66.1003(4), Wisconsin Statutes, and by direct action of said Council, an alley, described in Exhibit "A" and legally described as follows: Part of that twenty (20) feet in width public alley which lies between 53rd Street and 54th Street, and between 14th Avenue and 17th Avenue, in Jenne's Addition, recorded plat being titled "Jenne's Addition in S.W. Qr. 31", being a subdivision of record in the Southwest Quarter of Section 31, Town 2 North, Range 23 East of the Fourth Principal Meridian, said part of alley to be vacated being described as follows: Commencing at the southeast corner of Lot 1 in Block 4 of said subdivision; thence west along the south line of Lots 1 and 3 in said block, a distance of 117 feet to the point of beginning; thence continuing west along the south line of Lots 3 and 5 in said block, a distance of 81 feet to the southeast corner of Lot 7 in said block; thence continuing west along the south line of said Lot 7, a distance of 34 feet; thence south parallel to the west line of 14th Avenue, 10 feet to the centerline of said alley; thence east along said centerline, 2 feet; thence south parallel to the west line of 14th Avenue, 10 feet to the north line of Lot 8 in said block; thence east along the north line of Lot 8 in said block, a distance of 32 feet to the northeast corner of said Lot 8; thence continuing east along the north line of Lots 6 and 4 in said block, 81 feet; thence north parallel to the west line of 14th Avenue, 20 feet to the point of beginning. be, and hereby is, vacated,



subject to the following easements which are herein and hereby granted, or created by a reservation of rights. Any and all Utilities, including the City, furnishing gas, sewer, water, electric, telephone and related services, and any City Cable T.V. Franchise Holder, shall have reserved to them or are hereby and herein given and granted, the right, permission, and authority to inspect, repair and maintain their respective existing installation and Utilities in, above and under the above described parcel of property for as long as said installations and facilities are being operated and utilized by them. Said Utilities and Franchise Holder are also given and granted the right, permission and authority to improve and expand the scope of the above easements in, above and under the above described parcel of property, and thereafter to inspect, repair and maintain said new additional installations and facilities. Among the specific beneficiaries of this easement shall be the City of Kenosha, City of Kenosha Water Utility, S.B.C. (formerly Ameritech), Wisconsin Electric Power Company, and any holder of a City Cable T.V. Franchise. Easement holders shall, at all times, have reasonable access to their respective installations and facilities, and owners of said parcel of land vacated by this Resolution, shall not interfere with easement rights herein specified or entitled to compensation for anything placed by owners upon said vacated property which may have to be destroyed or removed by easement holders to effectively use their easements, although easement holders shall have the obligation to restore the turf to its original condition should it be destroyed or damaged through the exercise of easement rights. However, any easement holder may waive their rights hereunder and consent to the construction of a building or structure upon vacated property. IT IS FURTHER UNDERSTOOD that the area vacated will accrue to the abutting property owners according to law. BE IT FURTHER RESOLVED that the City Clerk shall record a certified copy of this Resolution in the Office of the Kenosha County Register of Deeds and forward a copy of same to all listed Utilities and the City Assessor's Office. BE IT FURTHER RESOLVED that upon recordation of this Resolution, the City of Kenosha Official Map, as initially established by Resolution No. 122-06, adopted on November 6, 2006, and as subsequently amended to the time of recordation of this Resolution, will hereby be amended to include the closing of existing streets, highways, and right-of-ways, which changes are established in this Resolution. Adopted this 17th day of November, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

14. It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to adopt Resolution 140-08.
14.1 It was then moved by Alderman Kennedy, seconded by Alderman Marks to amend by including an

information technology instructor from one of the local colleges on the committee. On a voice vote motion failed.

On a voice vote, motion to adopt Resolution 140-08 carried.

NOTE: After action on item 16, it was moved by Alderman Carpenter, seconded by Alderman Juliana to reconsider action on Resolution 140-08. On a voice vote, motion carried.

14.2 It was then moved by Alderman Misner, seconded by Alderman Juliana to amend the fourth paragraph as follows: *NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Technology Committee for the City of Kenosha is hereby established to examine and recommend desirable technology acquisition to the Common Council and/or Administration.*

On a voice vote, motion to amend carried.

On roll call vote, motion to adopt Resolution 140-08 as amended carried (13-1) with Alderman Kennedy voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 140-08
BY: ALDERPERSON RAY MISNER
TO CREATE A TECHNOLOGY COMMITTEE FOR THE CITY OF KENOSHA, WISCONSIN

WHEREAS, the City of Kenosha is dedicated to providing municipal services to its citizens in an effective and efficient manner; and, WHEREAS, having proper technology in place increases productivity, responsiveness and cost effectiveness; and, WHEREAS, the City of Kenosha has heretofore lacked a centralized technology resource to examine technology utilizations and needs in order to make the City's provision of municipal services effective and efficient. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Technology Committee for the City of Kenosha is hereby established to examine and recommend desirable technology acquisition to the Common Council and/or Administration.

BE IT FURTHER RESOLVED that said Technology Committee shall be comprised of five (5) members whose terms on the Committee will be co-extensive with their terms of elections as alderpersons as follows: The Chair of the Finance Committee for the Common Council, or his/her designee; 2. The Chair of the Committee on Public Safety and Welfare for the Common Council, or his/her designee; 3. Chair of the Committee on Public Works, or his/her designee; 4. The Chair of the Committee on Licenses/Permits, or his/her designee; 5. An Alderperson chosen by the President of the Common Council. Adopted this 17th day of November, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

15. It was moved by Alderman Marks, seconded by Alderman Carpenter, to adopt Resolution 141-08. On roll call vote, motion carried (13-1) with Alderman Kennedy voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 141-08
BY: ALDERPERSON TOD OHNSTAD ALDERPERSON DONALD K. HOLLAND
ALDERPERSON G. JOHN RUFFOLO
TO URGE THE U.S. CONGRESSIONAL DELEGATION FROM WISCONSIN TO PROVIDE ALL POSSIBLE ASSISTANCE TO THE BIG THREE AUTOMAKERS

WHEREAS, the automobile industry has been, and remains, an integral part of the United States economy; and, WHEREAS, automobile manufacturing has been, and remains, a critical part of the local tax base and overall economy of the City of Kenosha; and, WHEREAS, millions of jobs nationally and thousands locally, are dependent on automobile manufacturing; and, WHEREAS, thousands of retirees nationally and locally depend on the solvency of the Big Three Automakers. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that it urges the U.S. Congressional Delegation from Wisconsin to do whatever is necessary and possible to assist the Big Three Automakers in weathering the current economic crisis. Adopted this 17th day of November, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

16. It was moved by Alderman Ruef, seconded by Alderman Carpenter, to adopt Resolution 142-08. Alderman Orth read the resolution to the public.

On a voice vote, motion carried and said resolution was thereupon adopted as follows:

RESOLUTION NO. 142-08
BY: THE COMMON COUNCIL
TO RECOGNIZE AND THANK PATRICK J. SHEEHAN FOR HIS DEDICATED SERVICE AND MANY CONTRIBUTIONS TO THE CITY OF KENOSHA DURING HIS YEARS AS CITY ATTORNEY.

WHEREAS, Patrick J. Sheehan began employment with the City of Kenosha as an Assistant City Attorney on February 3, 1997, becoming acting City Attorney on September 1, 2005, and becoming City Attorney on January 4, 2006; and, WHEREAS, Patrick J. Sheehan will retire from service with the City of Kenosha on December 31, 2008; and WHEREAS, during his tenure with the Office of the City Attorney, Patrick J. Sheehan was part of the team of attorneys from that Office that oversaw the geographic expansion of the City, urban renewal within the City, economic development within the City, and community/cultural development (such as the coming to fruition of the Civil War Museum); and, WHEREAS, Patrick J. Sheehan has dedicated his career to public service, having spent two years in the Air Force as a pilot in the Vietnam era, and having served seventeen years in the United States Navy, retiring as Commander in 1993; and WHEREAS, Patrick J. Sheehan continued his dedication to public service after retiring from the military service as Chief of the Medical Consultant and Audit sections of the Bureau of Health Care Financing for the State of Wisconsin, where he fought fraud, waste, and abuse in health care billing; and, WHEREAS, Patrick J. Sheehan has distinguished himself academically, earning a bachelor of science degree from the University of Wisconsin – Madison, his juris doctorate degree from the Marquette University Law School, and his advanced law degree, an LLM, from the George Washington University Law Center; and, WHEREAS, Patrick J. Sheehan contributes to his community through involvement in such organizations as serving on the board of directors of Bridges Mental Health and as a member of Ship 40 of the Navy Club; and, WHEREAS, Patrick J. Sheehan has accomplished this distinguished career of service to his country, state, and community, while with Connie, his wife of forty years, raising two sons, Brendan and Edward; and, WHEREAS, the Common Council appreciates the effort and dedication he has brought to the job he has done for the City, and the advice and counsel he has provided to the elected officials who have served with him over his tenure with the City; and, NOW, THEREFORE BE IT RESOLVED, that the Common Council for the City of Kenosha congratulates Patrick J. Sheehan for the services he has provided to his country, to his state, and most notably, to the City of Kenosha, Wisconsin, and on behalf of the current embodiment of the Common Council and all previous versions of the Common Council with whom Patrick J. Sheehan served, offer the best wishes in his well-deserved retirement. Adopted this 17th day of November, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

17. It was moved by Alderman Ruffolo, seconded by Alderman Ruef, to adopt Resolution 143-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 143-08
BY: THE MAYOR
TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE ATTACHMENT OF PARCEL NO. 80-4-222-333-0200, IN THE TOWN OF SOMERS, KENOSHA COUNTY, WISCONSIN, IN ACCORDANCE WITH THE APPROVED

CITY OF KENOSHA/TOWN OF SOMERS COOPERATIVE PLAN UNDER SECTION 66.0307 OF THE WISCONSIN STATUTES [Affiliated Foods Midwest – Property Owners]

WHEREAS, the City of Kenosha, Wisconsin, has established an Official Map pursuant to Section 62.23(6), Wisconsin Statutes; and,

WHEREAS, the City of Kenosha, Wisconsin, and the Town of Somers, Wisconsin, entered into the City of Kenosha/Town of Somers Cooperative Plan Under Section 66.0307, Wisconsin Statutes, which was approved by the Wisconsin Department of Administration, Intergovernmental Relations, Municipal Boundary Review, on August 8, 2005; and,

WHEREAS, it was in the best interest for the public health, safety, and welfare of the City of Kenosha/Town of Somers to attach territory known as Parcel No. 80-4-222-333-0200, in the Town of Somers, Kenosha County, Wisconsin, to the City of Kenosha, Wisconsin; and, WHEREAS, on November 17, 2008, the Common Council for the City of Kenosha, Wisconsin, approved an Attachment And Temporary Zoning District Classification Ordinance Under Section 66.0307, Wisconsin Statutes, for Parcel No. 80-4-222-333-0200, in the Town of Somers, Kenosha, Wisconsin, to be attached to the City of Kenosha, Wisconsin, with the Temporary Zoning District Classifications designated therein. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to the authority of Section 66.23(6)(c), Wisconsin Statutes, the Official Map of the City of Kenosha, Wisconsin, be and hereby is amended to include the designation of the attachment of territory formerly of the Town of Somers, County of Kenosha, Wisconsin, known as Parcel No. 80-4-222-333-0200, Kenosha, Wisconsin, as depicted on the Attachment and Temporary Zoning District Classification Ordinance, which is incorporated herein by reference. Adopted this 17th day of November, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

18. It was moved by Alderman Ruef, seconded by Alderman Ruffolo, to adopt the proposed resolution by **Mayor Bosman To Authorize Disbursement from the Dairyland Trust Fund for Nash PTA-Playground Equipment in the Amount of $511.**

18.1 It was then moved by Alderman Bogdala, seconded by Alderman Carpenter to refer back to the Finance Committee. On a voice vote, motion carried.

APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderman Nudo, seconded by Alderman Ruffolo, to approve:

19. Appointment of Kyle Vitkus, to the Board of Review for a term to expire April 15, 2013.

20. Appointment of Ronald J. Frederick, to the Police and Fire Commission for a term to expire the 1st Monday in May, 2013.

21. Reappointments to the Mayor's Youth Commission for terms to expire November 1, 2010:

a. Jennifer Mahone
b. Jazzmyne Washington
c. Chelsea Lawliss

On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

22. It was moved by Alderman Nudo, seconded by Alderman Ruffolo, to approve First Amendment to the Developers Agreement By and Between First Industrial Investments, Inc. and the City of Kenosha, Wisconsin and the Kenosha Water Utility for Property Located East of 88th Avenue and South of 52nd Street (District 16). (First Park Kenosha South)

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderman Nudo, seconded by Alderman Ruffolo, to:

23. Requests to Rescind Trash and Debris Special Assessments:

a. Defer request of Bernard Ben-Carew, 6032-18th Avenue, $420.00

b. Deny request of Robert Shay, 1412-68th Street, $415.00

24. Approve Disbursement Record #20 – $5,888,473.53.

On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Nudo, seconded by Alderman Ruffolo, to adjourn at 9:25 p.m.

On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, December 1, 2008
Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, December 1, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.

The meeting was called to order at 7:03 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Casey, Misner, Prozanski, Orth, Downing and Bogdala.

A moment of silence was observed in lieu of the invocation.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderman Ruef, seconded by Alderman Nudo, to approve the minutes of the meeting held November 3, 2008.

Motion carried unanimously.

At this time, Mayor Bosman presented commendations to Tom DeFazio and volunteers from RSVP for their help during the November 4, 2008 Presidential and General Election.

Four (4) Citizens spoke during Citizen's Comments: Donald Moehrke, Bob Danbeck, Mary Magdalen Moser and William Anderson.

TO THE COMMITTEE ON FINANCE

1. First Amendment to Contract of Purchase and Sale by and between Sunstarr Real Estate Group, LLC and the City of Kenosha, Wisconsin for property located at 1800 and 1830 - 60th Street, District #8. (City of Kenosha)
2. Offer to Purchase property located at 9911 38th Street, Kenosha from Ludmilla Roden for the Airport. District #16 after Attachment.
3. Request from the Franciscan Ministries, Inc. to restructure three HOME Program Loans for the Glenwood Apartments, located at 1920 27th Avenue, District #5.
4. Request from Sunstarr Real Estate Group, LLC for HOME Program Funds for a proposed senior rental housing development at 1800 60th Street, District #8.

TO THE PUBLIC WORKS COMMITTEE

5. Petition to subname 14th Avenue between 57th Street and 58th Street as Rotary Drive, District #7.
6. Amendment to the City of Kenosha Bicycle and Pedestrian Facilities Plan, City Plan Commission Resolution #08-08.

TO THE PUBLIC SAFETY & WELFARE COMMITTEE

7. Code of General Ordinance Revision: Section 7.129 C(1); Motor Vehicle and Equipment Parking Exceptions.

TO THE CITY PLAN COMMISSION

8. Request for a Distance Exception for a four-bed Adult Family Home to be located at 6531 94th Avenue, District #17. (Rasmussen/Autumn House)
9. Request for a Distance Exception for a four-bed Adult Family Home to be located at 9208 66th Street, District #17. (Rasmussen/Harvest House)
10. Resolution to Amend the Official Map for the City of Kenosha, Wisconsin, to include the Attachment of Parcel #80-4-222-241-0302 and #80-4-222-241-0307 in the Town of Somers, Kenosha County, Wisconsin, in accordance with the approved City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes, District #5. (Sun Pointe Village Ventures, LLC)
11. Resolution to Amend the Official Map for the City of Kenosha, Wisconsin, to include the Attachment of Parcel #80-4-222-352-0260 in the Town of Somers, Kenosha County, Wisconsin, in accordance with

the approved City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes, District #16. (Benish)

12. To Repeal and Recreate Section 3.14 C.4; To Amend Section 4.01 B., Table 4.01, Group 2; To Repeal and Recreate Section 4.04 E.; To Repeal and Recreate the First Paragraph of Section 4.04 G.; To Repeal and Recreate the Heading of 4.06 B.14; To Repeal Section 4.06 B.14.I.; To Renumber Sections 4.06 B.14.m., n. and o. as Sections 4.06 B.14.l., m. and n.; To Repeal and Recreate Section 14.06 H.; and to Repeal and Recreate the First Paragraph of 14.06 J., of the Zoning Ordinance regarding Commercial Development.

COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

It was moved by Alderman Casey, seconded by Alderman Nudo, to approve:

13. a. 9 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. 1 application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. There were no application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

14. The designation of Committee members for the Technology Committee:

Finance Committee – Alderman Bogdala
Public Works Committee – Alderman Ruffolo
Public Safety & Welfare Committee – Alderman Orth
Licensing/Permit Committee – Alderman Misner

On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

15. It was moved by Alderman Kennedy, seconded by Alderman Nudo, to separate action on applicants a. b. and c. from d. On a voice vote, motion carried.

15.1 It was then moved by Alderman Nudo, seconded by Alderman Misner to approve the following applications for new Operator's (Bartender) licenses, subject to:

-75 demerit points:

a. Michael A Cristiano
b. Desiree N Hartmann
c. Robert A Macedo

A hearing was held. The applicants did not appear.

On a voice vote, motion carried.

15.2 It was moved by Alderman Kennedy, seconded by Alderman Ruffolo to DENY applicant d. Christopher J Thomas, based on material police record.

A hearing was held. The applicant did not appear. Alderman requested a point of order, was the motion to deny in order since the recommendation from the committee was to approve, subject to 80 demerit points. He asked whether the committee recommendation should be acted on first. The City Attorney advised the motion to deny based on material police record was in order. On a voice vote, motion to deny applicant d., Christopher J. Thomas, based on material police record, carried.

At this time, Alderman Casey left the meeting and returned prior to action on item 16.

16. It was moved by Alderman Nudo, seconded by Alderman Carpenter, to DENY application of Maurice S Caldwell for a Taxi Driver's license, based on material police record and false application.

A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

17. It was moved by Alderman Ruffolo, seconded by Alderman Carpenter, to approve application of Joe Lucchetta, for a Class “B” Beer/”Class B” Liquor Combination license located at 2410-52nd Street,

(Lucchetta's Pizzeria & Restaurant), with acceptance of a conditional surrender of a similar license at the same location from Snowtala, Inc. (7th District).

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Casey, seconded by Alderman Kennedy, to send the following ordinances on their way:

18. By the Mayor - Attachment and Temporary Zoning District Classification Ordinance (Under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan), Parcel #80-4-
222-352-0260 (Benish-Property Owner)

19. By the Mayor - Attachment and Temporary Zoning District Classification Ordinance (Under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan), Parcel #80-4-
222-241-0302 & 80-4-222-241-0307 (Sun Pointe Village Ventures LLC-Property Owner)

On a voice vote, motion carried.

ORDINANCES 2ND READING

20. It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to adopt Ordinance 66-08.

A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 66-08
BY: THE MAYOR
TO REPEAL AND RECREATE SECTION 7.01 B. OF THE CODE OF GENERAL ORDINANCES, ENTITLED OTHER LAWS ADOPTED″; AND, TO REPEAL AND RECREATE SECTION 7.21 B. OF THE CODE OF GENERAL ORDINANCES, ENTITLED PENALTIES″, TO UPDATE THE ORDINANCE AND WISCONSIN STATUTE SECTION NUMBERS REFERENCED THEREIN

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 7.01 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: B. Other Laws Adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes. The prosecution of such offense under this Ordinance shall be as provided in Chapters 340 to 348 of the Wisconsin Statutes. The penalty for violation thereof shall be limited to a forfeiture as provided in §7.21 of this Ordinance. 287.81 Littering.
941.01(1) Negligent operation of vehicle off highway. 346.935 Drinking in motor vehicles on highway. Section Two: Section 7.21 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: B. Any person who shall violate any provisions of this Chapter other than §§7.01 A., 7.01 B., 7.14 or 7.20 shall, upon conviction thereof, forfeit not less than one dollar nor more than two hundred dollars, together with costs of prosecution, and in default of payment of forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

RESOLUTIONS

21. It was moved by Alderman Ruef, seconded by Alderman Casey, to adopt the proposed Resolution by: Mayor Bosman To Authorize Disbursement from the Dairyland Trust Fund for Nash PTA-Playground

Equipment in the Amount of $511. After discussion, the maker and seconder withdrew this motion.

21.1 It was then moved by Alderman Casey, seconded by Alderman Carpenter to concur with the recommendation of the Finance committee to deny the resolution On a voice vote, motion carried.

22. It was moved by Alderman Casey, seconded by Alderman Downing to adopt Resolution 144-08. (During discussion, Alderman Misner left the meeting and returned prior to action on Resolution 144-08)

22.1 It was then moved by Alderman Holland, seconded by Alderman Kennedy to amend by adding third paragraph: *WHEREAS, on July 16, 2007, the Common Council of the City of Kenosha adopted Resolution No. 91-07 supporting State Senate Bill 150, entitled "Breathe Free Wisconsin Act"*. and final sentence to the fourth paragraph: *...and as previously adopted on July 16, 2007, the Common Council continues to support State of Wisconsin Legislative action to provide a smoke-free environment in the workplace.*

On a voice vote, motion to amend carried. On roll call vote, motion to adopt Resolution 144-08 as amended, carried (14-3) with Aldermen Marks, Orth and Bogdala voting nay.

RESOLUTION NO. 144-08
BY: ALDERMAN JESSE DOWNING
ALDERMAN STEPHEN P. CASEY
TO INFORM THE STATE LEGISLATURE OF THE RESULT OF KENOSHA'S "SMOKING BAN" REFERENDUM OF NOVEMBER 4, 2008, AND OF THE INTENT OF THE COMMON COUNCIL TO DEFER TO THE STATE WITH RESPECT TO ANY POTENTIAL REGULATION OF SMOKING IN THE WORKPLACE

WHEREAS, on November 4, 2008, the City of Kenosha, Wisconsin, held a Referendum asking whether the Common Council of the City of Kenosha should enact an Ordinance to ban smoking in all workplaces within the City; and,

WHEREAS, the result of the Referendum of November 4, 2008, reflected that a majority of the voters of the City of Kenosha do not favor the enactment of such an Ordinance at the municipal level; and,

WHEREAS, on July 16, 2007, the Common Council of the City of Kenosha adopted Resolution No. 91-07 supporting State Senate Bill 150, entitled "Breathe Free Wisconsin Act".

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the State Legislature be informed of the result of the Referendum of November 4, 2008, and of the intent of the Common Council of the City of Kenosha to defer to the State of Wisconsin with respect to any potential regulation of smoking in the workplace or any other prohibition of smoking, including, but not limited to, amending the existing prohibition laws, and as previously adopted on July 16, 1007, the Common Council continues to support State of Wisconsin Legislative action to provide a smoke-free environment in the workplace.

BE IT FURTHER RESOLVED that the City Clerk/Treasurer is hereby directed to send a copy of this Resolution to Governor James Doyle, our local and State Legislative Representatives, the League of Wisconsin Municipalities and the Wisconsin Alliance of Cities.

Adopted this 1st day of December, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

It was moved by Alderman Ruffolo, seconded by Alderman Casey to adopt Resolutions 145-08 through 147-08 (items 23 through 25). On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

23. RESOLUTION 145-08
BY: The Mayor
To Place Special Assessments against Benefited Parcels of Property
On the 2008 Real Estate Tax Roll for Delinquent Storm Water Bills
In the Amount of $326,002.80

BE IT RESOLVED that assessments in the amount of $326,002.80 be levied against benefited parcels of

property as shown by the report on file in the office of the City Clerk of the City of Kenosha for the year 2008. Adopted: December 1, 2008

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

24. RESOLUTION NO. 146-08

BY: THE MAYOR

RESOLUTION TO AUTHORIZE THE SUBMITTAL OF A STATE GRANT APPLICATION BY THE CITY OF KENOSHA AND THE SUBSEQUENT APPROPRIATION OF CITY OF KENOSHA FUNDS FOR A BROWNFIELD SITE ASSESSMENT GRANT RESPECTING THE FORMER CROW PROPERTIES, 4710 47th AVENUE, PARCEL #80-4-222-352-0340-0 4722 47th AVENUE, PARCELS #80-4-222-352-0381-0 and #80-4-222-352-0361-0.

WHEREAS, the City of Kenosha, Wisconsin, recognizes that the remediation and redevelopment of a brownfield site is an important part of protection of Wisconsin's resources; and, hereby designates Ronald Bursek, Director of Public Works, to submit a Round 10 application for grant funds to benefit 4710 47th Avenue, 4722 47th Avenue; and, WHEREAS, in this action, the Common Council of the City of Kenosha, Wisconsin, has declared its intent to complete Brownfield Site Assessment Grant activities described in the application if awarded funds; and, WHEREAS, the City of Kenosha will maintain appropriate records during the Brownfield Site Assessment Grant period; and, WHEREAS, the City of Kenosha will allow employees from the Department of Natural Resources access to inspect the grant site or facility and grant records; and, WHEREAS, the City of Kenosha, through the Director of Public Works, will submit a final report to the Department which will accompany the final payment request. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that it requests funds and assistance available from the Wisconsin Department of Natural Resources under the Brownfield Site Assessment Grant Program for the remediation and redevelopment of property located at 4710 47th Avenue, Parcel #80-4-222-352-0340-0; 4722 47th Avenue, Parcels #80-4-222-352-0381-0 and #80-4-222-352-0361-0, and will comply with State rules for the program; and, BE IT FURTHER RESOLVED, that the Common Council of the City of Kenosha, Wisconsin, authorizes Ronald Bursek, Director of Public Works, with the assistance of The Environmental Management Company, LLC (TEMCO), to act on the behalf of the City of Kenosha to submit an application to the State of Wisconsin for financial aid for Brownfield Site Assessment Grant purposes, sign documents, and take necessary action to undertake, direct, and complete approved grant activities. Adopted this 1st day of December, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

25. RESOLUTION NO. 147-08

BY: THE MAYOR

TO CREATE WARD 73, FOR VOTING PURPOSES, AND COMBINE THE POLLING PLACES FOR WARDS 32, 36, 37, 38, 39, 40, 42, 51, 58, 59, 63, 68, 70,72 and 73
Guttormsen Recreation Center, 5411 Green Bay Road

WHEREAS, Attachment Ordinance No. 62-08 attached parcel no. 80-4-222-333-0200 South of 52nd Street and East of 88th Avenue, located in the Town of Somers into the corporate limits of the City of Kenosha, Wisconsin; AND WHEREAS, it was determined that the attached parcels of land lie within the 66th State Assembly District; NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the parcel of land attached under Attachment Ordinance No. 62-08 be placed in City of Kenosha Voting Ward 73, District 16, and that the polling place for wards 32, 36, 37, 38, 39, 40, 42, 51, 58, 59, 63, 68,70, 72 and 73 be combined to the Guttormsen Recreation Center, 5411 Green Bay Road, for voting purposes as allowed by Section 5.15 (6)(b), Wisconsin Statutes. Adopted this

1st day of December, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

26. It was moved by Alderman Ruffolo, seconded by Alderman Casey, to approve Award of Contract for Project #08-1215 Fire Suppression System Main Garage and Stormwater Utility Building (6415 35th Avenue) to United States Fire Protection, New Berlin, Wisconsin in the amount of $135,000.00.
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderman Ruffolo, seconded by Alderman Casey, to:
27. DENY request to Rescind Trash and Debris Special Assessment for Bernard Ben-Carew located at 6032-18th Avenue, in the amount of $420.00.
28. DENY request from Steve Molinaro to Rescind Trash and Debris Special Assessment, property located at 5811-33rd Avenue in the amount of $175.00.
29. Approve request from Kenosha County UW Extension for an Extension to their 2006 CDBG Subgrantee Agreement.
30. Approve request from Walkin in my Shoes, Inc. for an extension to their 2008 CDBG Subgrantee Agreement.
31. Approve Disbursement Record #21 – $3,586,027.96
On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

32. It was moved by Alderman Ruffolo, seconded by Alderman Casey to approve Final Acceptance of Project #08-1613, Razing of Former Auto Body Shop and Auto Parts Store (2003 – 2011 63rd Street) completed by Macemon, Inc., (Racine, Wisconsin) in the amount of $87,544.00.
On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Ruef, seconded by Alderman Carpenter, to adjourn at 8:32 p.m.
On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Tuesday, December 2 & 3, 2008
Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Tuesday, December 2, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided. The meeting was called to order at 5:06 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Casey, Orth, Downing and Bogdala. Alderman Misner arrived during Item #1. Alderman Prozanski arrived during Item #2.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

1. Public Hearing on the 2009 – 2013 Capital Improvement Plan. A public hearing was held. Two (2) people spoke.
2. Public Hearing on the 2009 City of Kenosha Budget. A public hearing was held. Five (5) people spoke.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Ruffolo, seconded by Alderman Nudo, to go into the Committee of the Whole Meeting at 5:41 p.m.

On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Tuesday, December 2, 2008

At a meeting of the Committee of the Whole held this evening, His Honor, Mayor Keith G. Bosman presided.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Casey, Misner, Prozanski, Orth, Downing and Bogdala.

1. It was moved by Alderman Haugaard, seconded by Alderman Ohnstad to approve the 2009 - 2013 Capital Improvement Plan as amended by the Finance Committee.

1.1 It was then moved by Alderman Haugaard, seconded by Alderman Ohnstad to amend TI-07-001 Tax Incremental District #4 to extend the boundary to include all streets West to 26th Avenue.

On a voice vote, motion carried.

1.2 It was then moved by Alderman Kennedy, seconded by Alderman Marks to restore $200,000 in 2009 for CD-00-0001 Housing andNeighborhood Reinvestment Funds. On roll call vote, motion failed (2-15) with Aldermen Kennedy and Marks voting aye.

1.3 It was then moved by Alderman Bogdala, seconded by Alderman Carpenter to reduce RA-95-001 General Acquisition by $25,000 for each year. On roll call vote, motion carried (9-8) with Aldermen Haugaard, Moldenhauer, Holland, Ohnstad, Juliana, Marks, Ruef and Kennedy voting nay.

On roll call vote, motion to approve the 2009-2013 Capital Improvement Plan as amended by the Committee of the Whole carried unanimously.

At approximately 6:55 p.m. a brief recess was taken. The Common Council reconvened.

2. It was moved by Alderman Casey, seconded by Alderman Kennedy to approve the 2009 City of Kenosha Operating Budget as amended by the Finance Committee.

On roll call vote, motion carried unanimously.

It was moved by Alderman Haugaard, seconded by Alderman Juliana to approve:

3. 2009 Special Revenue Fund – Recycling & Yard Waste.

4. 2009 Special Revenue Fund – Emergency Medical Services.

On roll call vote, motion carried unanimously.

5. It was moved by Alderman Haugaard, seconded by Alderman Ohnstad to approve the 2009 Special Revenue Fund – Community Promotions as amended by the Finance Committee. On roll call vote, motion carried (16-1) with Alderman Kennedy voting nay.

6. It was moved by Alderman Haugaard, seconded by Alderman Ruffolo to approve the 2009 Public Library Tax Levy. On roll call vote, motion carried unanimously.

7. It was moved by Alderman Haugaard, seconded by Alderman Ruef to adopt the 2009 Public Museum Budget.

On roll call vote, motion carried unanimously.

8. It was moved by Alderman Haugaard, seconded by Alderman Juliana to approve the Resolution to Establish Stormwater Utility Rates Within the City of Kenosha, Wisconsin.

On roll call vote, motion carried unanimously.

9. It was moved by Alderman Haugaard, seconded by Alderman Kennedy to approve the Resolution to Establish a Schedule of Fees for the Department of Neighborhood Services and Inspections for Building Permits, Plan Reviews, Assessments, Inspections, and Services. On roll call vote, motion carried unanimously.

10. It was moved by Alderman Haugaard, seconded by Alderman Ruef to approve the Resolution to Approve the 2009 Budget and Operating Plan of the Kenosha Lakeshore Business Improvement District (BID) and to Levy Special Assessments. On roll call vote, motion carried unanimously.

11. It was moved by Alderman Casey, seconded by Alderman Juliana to approve the Resolution to Approve a One-Time Voluntary Early Retirement Program. On roll call vote, motion carried unanimously.

12. It was moved by Alderman Ruffolo, seconded by Alderman Kennedy to approve the Resolution to Approve the Table of Organization for Various City Departments and Modify the 2009 compensation Plans for Managerial, Supervisory, Professional and Confidential Employees and for Limited Term, Seasonal, Temporary and Part Time Employees. On roll call vote, motion carried unanimously.

There being no further business to come before the Committee of the Whole, it was moved by Alderman Kennedy, seconded by Alderman Carpenter to rise. It was moved by Alderman Nudo, seconded by Alderman Carpenter to adjourn at 7:46 p.m. On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Wednesday, December 3, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.

The meeting was called to order at 5:03 p.m.

On roll call, the following members of the Common Council were present: Aldermen Moldenhauer, Holland, Ruffolo, Carpenter, Julinana, Marks, Ruef, Kennedy, Nudo, Casey, Misner, Prozanski, Orth,

Downing and Bogdala. Excused: Alderman Haugaard and Ohnstad.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

RESOLUTIONS

13. It was moved by Alderman Marks, seconded by Alderman Juliana, to adopt, as amended by the Committee of the Whole, Resolution 148-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 148-08
BY: FINANCE COMMITTEE
RESOLUTION TO APPROVE
THE 2009 - 2013 CAPITAL IMPROVEMENT PLAN

WHEREAS, the 2009 - 2013 Capital Improvement Plan was reviewed by the City Plan Commission on November 6, 2008; and WHEREAS, the 2009 - 2013 Capital Improvement Plan was reviewed by the Finance Committee on November 11, 2008 and November 17, 2008; and WHEREAS, the 2009 - 2013 Capital Improvement Plan was reviewed by the Committee as a Whole on December 2, 2008; NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the 2009 - 2013 Capital Improvement Plan is hereby approved with final adoption on December 3, 2008. Dated this 3rd day of December, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

14. It was moved by Alderman Marks, seconded by Alderman Juliana, to adopt Resolutions 149-08 thru 154-08. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

RESOLUTION NO. 149-08
BY: Committee on Finance
ADOPTING BUDGETS, MAKING APPROPRIATIONS AND LEVYING 2008 PROPERTY TAXES

WHEREAS, budgets have been presented to the Common Council of the City of Kenosha in accordance with law, setting forth estimated receipts and expenditures for the year 2009. THEREFORE, BE IT RESOLVED AS FOLLOWS: SECTION ONE That a tax be levied against all taxable property within the City of Kenosha for the purpose of defraying the expenditures of appropriations for the City General Fund as set forth, in the sum of $42,832,076. Revenues for the City of Kenosha General Fund other than the General Property Tax for the Fiscal Year 2009 are hereby fixed and determined in the amount of $28,729,239. SECTION TWO Appropriations for City General Fund Operation. That there be and hereby is appropriated out of the receipts of the City General Fund of the City of Kenosha for the Year 2009 to various accounts comprising the City General Fund Budget in the amount of $71,561,315.

EXPENDITURES

GENERAL GOVERNMENT

Council	$196,946
Legal	641,317
Board of Review	6,384
Keep Kenosha Beautiful	46,202
Mayor's Youth Commission	1,415
Independent Audit	51,500
Assessing	547,187
Labor Negotiations	9,900
Finance Department	754,388
Information Technology	733,172

Clerk-Treasurer	391,806
Administration	599,800
Human Resources & Labor Relations	614,595
Mail	118,383
Department of City Development	819,674
Municipal Building Facility	507,361
Other Facilities	36,758
Elections	83,957
Municipal Court	322,674
TOTAL GENERAL GOVERNMENT	$6,483,419

PUBLIC SAFETY

Police Department

Police Administration	$767,855
Investigations Division	3,959,897
Police Patrol	15,098,124
Counter Services	255,581
Safety Building Occupancy Expense	94,593
Planning, Research & Training	607,431
Auxiliary Services	194,075
Kenosha Street Crimes Unit	1,203,949
Community Services	347,104
Police Share Joint Services Costs	2,812,986
Total	$25,341,595

Fire Department

Fire Administration	$443,179
Dispatching & Communications	703,247
Fire Suppression	10,163,910
Fire Prevention	406,094
Training & Education	355,556
Total	$12,071,986

Neighborhood Services and Inspections

Total	$1,512,516
TOTAL PUBLIC SAFETY	**$38,926,097**

PUBLIC WORKS & SANITATION

Public Works Administration	$421,241
Engineering	350,000
Roadways & Bridges	1,604,884
Snow & Ice Removal	949,765
Electrical Maintenance and Service	1,594,731
Street Signs & Markings	247,036
Auxiliary Services	60,186
Waste Collections	2,360,903
Solid Waste Disposal	1,292,947
TOTAL PUBLIC WORKS & SANITATION	$8,881,693

HEALTH SERVICES

Health Administration-Professional Services	$993,234
Animal Control	344,000
TOTAL HEALTH SERVICES	$1,337,234

PARKS DEPARTMENT

Park Administration	$219,120
Baseball Diamonds	257,162
Flower Gardens	128,557
Soccer	89,465
Beaches	67,062
Special Areas & Activities	150,921
General Maintenance	2,523,892
Swimming Pools	422,906
TOTAL PARKS DEPARTMENT	$3,859,085

CONTRIBUTIONS TO OTHER FUNDS

Enterprise - Mass Transit	$1,819,188
Enterprise – Airport	427,610
I.S.F. - Central Stores	85,610
Central Garage	226,451
TOTAL CONTRIBUTION TO OTHER FUNDS	$2,558,789

EMPLOYEE FRINGE BENEFITS

Group Life Insurance	$78,000
State Unemployment Compensation	160,000
Personal Use of City Cars	1,190
Flex Benefit Program Costs	7,000
TOTAL EMPLOYEE FRINGE BENEFITS	$246,190

GENERAL INSURANCE

General Insurance Costs	$338,220
General Insurance-Administrative	263,321
General Insurance-Claims Paid	150,000
General Insurance-Worker's Compensation	517,700
TOTAL GENERAL INSURANCE	$1,269,241

MISCELLANEOUS NON-DEPARTMENTAL

Tax Roll Refunds	$15,000
Claims & Settlements	5,000
Sales Tax	10,000
Bad Debt Expense	90,000
Miscellaneous Expense	30,000
TOTAL MISCELLANEOUS NON-DEPARTMENTAL	$150,000

RESERVES

Contingency	$235,000
Salary & Fringe Benefit (Productivity Pay)	115,000

TOTAL RESERVES $350,000

DEBT SERVICE - NET OF REVENUES

TOTAL DEBT SERVICE-NET OF REVENUES $7,499,567

TOTAL EXPENDITURES $71,561,315

SECTION THREE Payment of Claims. That the Mayor, City Clerk-Treasurer and Director of Finance be and they hereby are authorized to draw the necessary orders from time to time for the payment of all claims and expenditures of all monies within the limitations of the above appropriations. SECTION FOUR Recycling and Yardwaste Program Special Revenue Fund and Payment of Claims. That the Mayor, City Clerk-Treasurer and Director of Finance be and they hereby are authorized to draw the necessary orders from time to time for the current expense of the operating system. SECTION FIVE Tax Levy for Emergency Medical Services. That a tax in the amount of $3,433,091 be levied for the Emergency Medical Services Special Revenue Fund and that the Mayor, City Clerk-Treasurer and Director of Finance be and they hereby are authorized to draw the necessary orders from time to time for the current expense of the operating system. SECTION SIX Tax Levy for Community Promotion. That a tax in the amount of $ 164,650 be levied for the Community Promotion Special Revenue Fund and that the Mayor, City Clerk-Treasurer and Director of Finance be and they hereby are authorized to draw the necessary orders from time to time for the current expense of the operating system. SECTION SEVEN Tax Levy for Public Library. That a tax in the amount of $5,024,791 be levied against all taxable property within the City of Kenosha, which sum shall be appropriated to the Library Board for the current expense of operating the Kenosha Library System. SECTION EIGHT Tax Levy for Public Museum. That a tax in the amount of $ 1,786,142 be levied against all taxable property within the City of Kenosha, which sum shall be appropriated to the Museum Board for the current expense of operating the Kenosha Museum. Adopted this 3rd day of December, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

15. RESOLUTION NO. 150-08
BY: STORMWATER UTILITY COMMITTEE
TO ESTABLISH STORMWATER UTILITY RATES WITHIN THE CITY OF KENOSHA, WISCONSIN

WHEREAS, on November 6, 2006, the Common Council adopted Ordinance No. 51-06, creating Chapter VIII of the Code of General Ordinances, entitled "Stormwater Utility," which established a Stormwater Utility within the City of Kenosha, Wisconsin; and, WHEREAS, in the establishment of the aforementioned Stormwater Utility, rate classes have been instituted; and, WHEREAS, the Finance Committee and the Stormwater Utility Committee have recommended approval of the Stormwater Utility budget to the Common Council, setting the proposed costs and anticipated revenues of the Stormwater Utility; and WHEREAS, such rates shall be composed of both a fixed portion per customer and a variable portion to be charged per EHU (Equivalent Hydraulic Unit); and, WHEREAS, there are 32,450 customers and 78,000 total EHUs in the City of Kenosha. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that effective January 1, 2009, a monthly rate shall be $1.14 per month, per customer, for the fixed portion, plus $4.99 per EHU per month for the variable portion. Adopted this 3rd day of December, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

16. RESOLUTION NO. 151-08
BY: THE MAYOR

TO ESTABLISH A SCHEDULE OF FEES FOR THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND INSPECTIONS FOR BUILDING PERMITS, PLAN REVIEWS, ASSESSMENTS, INSPECTIONS, AND SERVICES

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the following Schedule of Fees (on file in the Office of the City Clerk) of the Department of Neighborhood Services and Inspections for Building Permits, Plan Reviews, Assessments, Inspections, and Services required by the Code of General Ordinances, is hereby adopted. Passed this 3rd day of December, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

17. RESOLUTION NO. 152-08
BY: THE MAYOR
TO APPROVE THE 2009 BUDGET AND OPERATING PLAN OF THE KENOSHA LAKESHORE BUSINESS IMPROVEMENT DISTRICT (BID) AND TO LEVY SPECIAL ASSESSMENTS

BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin, that the Kenosha Lakeshore Business Improvement District Budget and Operating Plan for 2009, which is on file in the office of the City Clerk, be, and is hereby, approved and said 2009 budget shall be funded by special assessments levied against each assessable property within the District at a mill rate per $1,000 of assessed value which will equal a total special assessment levy for the Kenosha Lakeshore Business Improvement District of $55,000. Adopted this 3rd day of December, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

18. RESOLUTION NO: 153-08
By: The Mayor
Resolution to Approve a One-Time Voluntary Early Retirement Program

WHEREAS, the City has proposed to reorganize the Parks Department as part of the 2009 operating budget. This recommendation to reorganize will include a consolidation of Park functions to fall under the direction of the Department of Public Works; and WHEREAS, the City has analyzed and subsequently determined positions to be reduced resulting in workforce efficiencies; and WHEREAS, it is the desire of the City of Kenosha to offer a one-time voluntary early retirement incentive program to assist in meeting current and future budget shortfalls as expenses continue to rise higher than the maximum two percent levy cap placed by the State of Wisconsin; and WHEREAS, an early retirement incentive program, on file in the Office of the City Clerk, has the potential of greatly reducing or eliminating employee layoffs and subsequent unemployment compensation liabilities; and WHEREAS, the proposed parameters for the program and fiscal analysis have been reviewed by staff and legal counsel; and WHEREAS, the City of Kenosha has developed this specifically as a voluntary program and subject to the respective AFSCME collective bargaining unit's acceptance and voluntary enrollment which is not to exceed the first two most senior interested and qualified AFSCME, Local #71 members. NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Kenosha does hereby approve the offer of a one-time voluntary early retirement incentive program to AFSCME, Local #71 employee's working for the City of Kenosha as of December 3, 2008, . To be eligible for the program, Employees voluntarily choosing to participate in the program must provide written notice of their intent to participate by December 10, 2008. Employees must have worked a minimum of 20 years, full-time, for the City of Kenosha, be at least 55 years of age, and eligible to retire under the Wisconsin Retirement System; The benefit provided under this program to be as follows: The City will pay the amount of health insurance premium for the level of coverage in effect at the time of election (i.e. single, family). In order to be eligible for the aforementioned program,

participants will be required to forgo their sick leave retirement severance pay as currently provided for in the AFSCME labor agreement. The City will pay the health insurance premium amount until the participant becomes eligible for Medicare. This Resolution does not modify any other contractual benefits as outlined in the 2007-09 collective bargaining agreement between the City of Kenosha and AFSCME, Local #71. Adopted this 3rd day of December, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

19. RESOLUTION NO. 154-08
BY: THE MAYOR
RESOLUTION TO APPROVE THE
TABLE OF ORGANIZATION FOR VARIOUS CITY DEPARTMENTS AND MODIFY THE 2009 COMPENSATION PLANS FOR
MANAGERIAL, SUPERVISORY, PROFESSIONAL AND CONFIDENTIAL EMPLOYEES AND FOR LIMITED TERM, SEASONAL, TEMPORARY AND PART TIME EMPLOYEES

WHEREAS, the Common Council of the City of Kenosha has approved the 2009 operating budget; and WHEREAS, department reorganizations, position changes and salary adjustments have been approved in various City of Kenosha Departments; and WHEREAS, the managerial, supervisory, professional and confidential employees salary schedule for 2009 be modified ; and WHEREAS, the limited term, seasonal, temporary and part time employees wage schedule for 2009 be modified ; and NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin that the changes to the Table of Organization, compensation plans as indicated on Appendices A, B, C, D, E, F, G, H, I, J, K, L, M, N and O (on file in the Office of the City Clerk) be approved effective January 1, 2009.

Adopted this 3rd day of December, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Ruef, seconded by Alderman Carpenter, to adjourn at 8:32 p.m.
On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, December 15, 2008
Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, December 15, 2008

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided. The meeting was called to order at 7:04 p.m.

On roll call, the following members of the Common Council were present: Aldermen Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Misner, Prozanski, Orth, Downing and Bogdala. Excused: Alderman Casey.

A moment of silence was observed in lieu of the invocation.

Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.

It was moved by Alderman Alderman Ruef, seconded by Alderman Kennedy, to approve the minutes of the meeting held November 17, 2008. Motion carried unanimously.

At this time, the Mayor presented commendations to Norm and Dorothy Buchholz and the State Champion Tremper High School Girls Volleyball team. After presentation of the commendations, a brief recess was taken.

There was no one wishing to speak during Citizen's Comments.

TO THE COMMITTEE ON FINANCE

1. Proposed Resolution to Establish a Schedule of Fees for the City of Kenosha Fire Department Permits, Plan Reviews, Assessments Inspections and Services.
2. Proposed Resolution to Amend Resolution no. 162-05, Adopted on November 21, 2005, Which Rescinded Emergency Medical Service User Fees Previously Established in Resolution No. 128-04, Adopted October 18, 2004, in Accordance With Section 2.02 of the Code of General Ordinances

TO THE PUBLIC SAFETY & WELFARE COMMITTEE

3. Proposed Ordinance to Repeal Section 11.021 of the Code of General Ordinances, Entitled "Fireworks"; to Repeal and Recreate Chapter III of the Code of General Ordinances, Entitled "Fire Prevention and Fireworks" as "Fire Prevention Bureau"; and, to Repeal and Recreate Section 9.09 of the Code of General Ordinances, Entitled "Certificate of Occupancy".

COMMUNICATIONS,
PETITIONS, REPORTS
OF DEPARTMENTS

4. It was moved by Alderman Kennedy, seconded by Alderman Carpenter, to approve:

a. 13 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. There were no application(s) for a transfer of agent status of Beer and/or Liquor licenses, per list on file in the office of the City Clerk.

c. There were no application(s) for a special Class "B" Beer and/or "Class B" Wine license per list on file in the office of the City Clerk.

d. There were no application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

On a voice vote, motion carried.

5. It was moved by Alderman Ruffolo, seconded by Alderman Ruef, to approve amendment to the City of Kenosha Bicycle and Pedestrian Facilities Plan (City Plan Commission Resolution #08-08). (District #9 & #17) On a voice vote, motion carried.

6. It was moved by Alderman Bogdala, seconded by Alderman Downing, to approve request for a Distance Exception for a four-bed Adult Family Home to be located at 6531 94th Avenue. (District #17) (Rasmussen/Autumn House) A public hearing was held. No one spoke for or against. On a voice vote, motion carried.

7. It was moved by Alderman Ruffolo, seconded by Alderman Juliana, to approve request for a Distance

Exception for a four-bed Adult Family Home to be located at 9208 66th Street. (District #17) (Rasmussen/Harvest House) A public hearing was held. No one spoke for or against. On a voice vote, motion carried.

8. It was moved by Alderman Nudo, seconded by Alderman Juliana, to approve adoption of the McKinley-Roosevelt Railroad Corridor Neighborhood Plan, located between 60th and 67th Streets and between 26th and 39th Avenues (City Plan Commission Resolution #07-08, District #7, #11, and #12). A public hearing was held. No one spoke for or against. On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

9. It was moved by Alderman Nudo, seconded by Alderman Ruffolo, to approve applications for new Operator's (Bartender) licenses, subject to:

-25 demerit points:
a. Michael W Johnson
-50 demerit points:
b. Cynthia L Dubois
c. Raed Kanan
d. Jimmy E Schiavo
e. Hillary T Wimmer
-75 demerit points:
f. Lisa M Henthorn
g. Felicia Swigert

A hearing was held. The applicants did not appear. On a voice vote, motion carried.

10. It was moved by Alderman Nudo, seconded by Alderman Kennedy, to DENY application of Adam R. Villarreal for a new Operator's (Bartender) licenses, based on material police record & false application.

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

11. It was moved by Alderman Nudo, seconded by Alderman Kennedy, to approve application of Westown of Kenosha, Inc., Sameer Ali, Agent, for a "Class A" Retail Liquor & Class "A" Retail Beer License located at 3203-60th St, (Westown Foods & Liquor), with acceptance of a conditional surrender of a similar license at the same location from Sami Ali.

A hearing was held. The applicant did not appear. On a voice vote, motion carried.

12. It was moved by Alderman Nudo, seconded by Alderman Carpenter, to approve application of Nifty Thrifty Shop, LLC, for a new Secondhand Article Dealer License, located at 2333 Roosevelt Rd, (Nifty Thrifty Shop) and a renewal application effective January 1, 2009. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

13. It was moved by Alderman Nudo, seconded by Alderman Downing, to approve application of Jerome Binsfeld (JB Coins/Collectibles) for renewal of a Secondhand Article Dealer license located at 6040 - 39th Ave Ste 7. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

14. It was moved by Alderman Downing, seconded by Alderman Ruffolo, to approve applications for renewal of the following licenses, subject to non-renewal revocation hearing:

a. Secondhand Article Dealer, Kang & Kathleen Yoo (Dale, Ltd., 624-56th St)
b. Secondhand Jewelry Dealer, Kang & Kathleen Yoo (Dale, Ltd., 624-56th St)
c. Pawnbroker, Kang Yoo (Dale, Ltd., 624-56th St)

A hearing was held. The applicants did not appear. On a voice vote, motion carried.

15. It was moved by Alderman Ruef, seconded by Alderman Nudo, to approve renewal applications for the following licenses with no adverse recommendation per list of file in the Office of the City Clerk:

5 Secondhand Article Dealers and Secondhand Jewelry Dealers
10 Commercial Kennel, Non-Commercial Kennel, Humane Society and Pet Shop
1 Massage Therapist

A hearing was held. The applicants did not appear. On a voice vote, motion carried.

ORDINANCES 1ST READING

It was moved by Alderman Nudo, seconded by Alderman Kennedy, to send the following ordinance on its way after being read:

16. By Alderperson Don Moldenhauer – To Repeal and Recreate Section 7.129 C.1., regarding Motor Vehicle and Equipment Parking Exceptions.

On a voice vote, motion carried.

ZONING ORDINANCES 1ST READING

It was moved by Alderman Nudo, seconded by Alderman Kennedy, to send the following ordinances on their way after being read:

17. By the Mayor - To rezone Properties at 1800 and 1830 60th Street from B-2 Community Business to RM-3 Elderly & Handicapped Housing and RG-2 General Residential; and from RG-2 General Residential to RM-3 Elderly & Handicapped Housing (in conformance with Section 10.02 of the Zoning Ordinance). (District #8)

18. By the Mayor - To Repeal and Recreate, Amend, Repeal and Renumber Various Sections of the Zoning Ordinance regarding Commercial Development (Repeal and Recreate Section 3.14 C.4; To Amend Section 4.01 B., Table 4.01, Group 2; To Repeal and Recreate Section 4.04 E.; To Repeal and Recreate the First Paragraph of Section 4.04 G.; To Repeal and Recreate the Heading of 4.06 B.14; To Repeal Section 4.06 B.14.I.; To Renumber Sections 4.06 B.14.m., n. and o. as Sections 4.06 B.14.l., m. and n.; To Repeal and Recreate Section 14.06 H.; and to Repeal and Recreate the First Paragraph of 14.06 J.)

On a voice vote, motion carried.

ORDINANCES 2ND READING

19. It was moved by Alderman Nudo, seconded by Alderman Ruffolo, to adopt Ordinance 67-08.

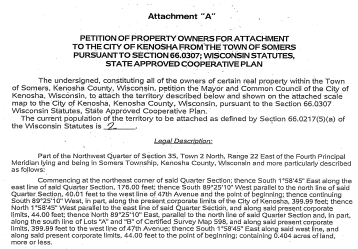
A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 67-08
BY: THE MAYOR
ATTACHMENT AND TEMPORARY ZONING DISTRICT CLASSIFICATION ORDINANCE
Under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan Parcel Nos. 80-4-222-352-0260
4518 – 47th Avenue,
Town of Somers
[Benish - Property Owners]

Attaching to the City of Kenosha, Wisconsin, territory in the Town of Somers, Kenosha County, Wisconsin, and providing temporary zoning district classifications under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan: The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Territory Attached. In accordance with City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes, approved by the Wisconsin Department of Administration, Intergovernmental Relations, Municipal Boundary Review, on August 8, 2005, the territory in the Town of Somers, Kenosha County, Wisconsin, with an associated population of two (2), described on the attached legal description, Attachment "A", and map, Attachment "B", is hereby attached to the City of Kenosha, Wisconsin, as hereinafter provided. Section Two: Effect of Attachment. From and after December 20, 2008, the date of attachment, the territory described in Section One shall be a part of the City of Kenosha for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all Ordinances, rules and regulations governing the City of Kenosha. Section Three: Temporary Zoning District Classifications. The territory described in Section One, upon attachment, shall have the temporary zoning district classifications shown on Attachment "C", which zones the territory under the most restrictive classification of the City Zoning Ordinance. This temporary zoning district classification shall be and remain in effect

for each parcel of land described therein until this Temporary Zoning District Classification Ordinance is amended as prescribed in Section 62.23(7)(d), Wisconsin Statutes. Section Four: District and Ward Designation. The territory described in Section One is hereby made a part of the 68th Ward of the 16th District of the City of Kenosha, subject to the Ordinances, rules and regulations of the City governing Wards and Districts. The County Board of Supervisors for Kenosha County is requested to have the attached area included in the same District and Ward for the County Supervisory seat as for the City Aldermanic seat. Section Five: Connection To City Utilities. The territory described in Section One shall, by submission of the Attachment Petition, require connection of existing and any future habitable buildings to municipal water and sewer, within the time limits established by Chapter 32 of the Code of General Ordinances for the City of Kenosha, Wisconsin. Section Six: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application. Section Seven: Effective Date. This Ordinance, the Attachment, and the Temporary Zoning District Classifications shall take effect upon passage, publication and December 20, 2008, as provided by law.


Attachment "A"

PETITION OF PROPERTY OWNERS FOR ATTACHMENT TO THE CITY OF KENOSHA FROM THE TOWN OF SOMERS PURSUANT TO SECTION 66.0307; WISCONSIN STATUTES, STATE APPROVED COOPERATIVE PLAN

The undersigned, constituting all of the owners of certain real property within the Town of Somers, Kenosha County, Wisconsin, petition the Mayor and Common Council of the City of Kenosha, Wisconsin, to attach the territory described below and shown on the attached scale map to the City of Kenosha, Kenosha County, Wisconsin, pursuant to the Section 66.0307 Wisconsin Statutes, State Approved Cooperative Plan.

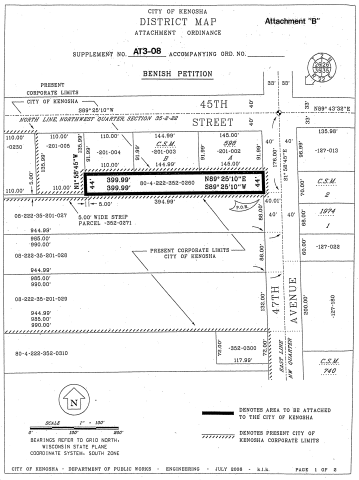
The current population of the territory to be attached as defined by Section 66.0217(5)(a) of the Wisconsin Statutes is 2.

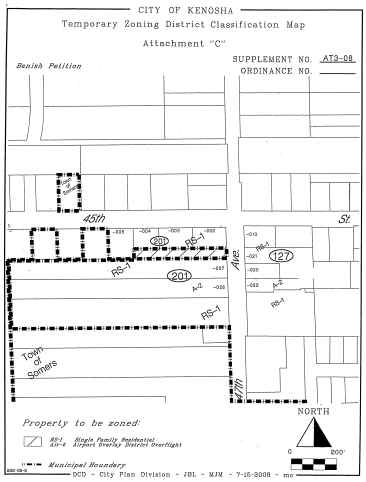
Legal Description:

Part of the Northwest Quarter of Section 35, Town 2 North, Range 22 East of the Fourth Principal Meridian lying and being in Somers Township, Kenosha County, Wisconsin and more particularly described as follows:

Commencing at the northeast corner of said Quarter Section; thence South 1°58'45" East along the east line of said Quarter Section, 176.00 feet; thence South 89°25'10" West parallel to the north line of said Quarter Section, 40.01 feet to the west line of 47th Avenue and the point of beginning; thence continuing South 89°25'10" West, in part, along the present corporate limits of the City of Kenosha, 399.99 feet; thence North 1°58'45" West parallel to the east line of said Quarter Section, and along said present corporate limits, 44.00 feet; thence North 89°25'10" East, parallel to the north line of said Quarter Section and, in part, along the south line of Lots "A" and "B" of Certified Survey Map 598, and along said present corporate limits, 399.99 feet to the west line of 47th Avenue; thence South 1°58'45" East along said west line, and along said present corporate limits, 44.00 feet to the point of beginning; containing 0.404 acres of land, more or less.

Date Signature of Petition/Owner Mailing Address/Phone Number





Maps are available for viewing in the Office of the City Clerk.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

20. It was moved by Alderman Carpenter, seconded by Alderman Ohnstad, to adopt Ordinance 68-08. A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 68-08
BY: THE MAYOR
ATTACHMENT AND TEMPORARY ZONING DISTRICT CLASSIFICATION ORDINANCE
Under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan Parcel Nos. 80-4-222-241-0302, and 80-4-222-241-0307, Town of Somers
[Sun Pointe Village Ventures, L.L.C. - Property Owners]

Attaching to the City of Kenosha, Wisconsin, territory in the Town of Somers, Kenosha County, Wisconsin, and providing temporary zoning district classifications under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan: The Common Council of the

City of Kenosha, Wisconsin, do ordain as follows: Section One: Territory Attached. In accordance with City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes, approved by the Wisconsin Department of Administration, Intergovernmental Relations, Municipal Boundary Review, on August 8, 2005, the territory in the Town of Somers, Kenosha County, Wisconsin, with an associated population of zero (0), described on the attached legal description, Attachment "A", and map, Attachment "B", is hereby attached to the City of Kenosha, Wisconsin, as hereinafter provided. Section Two: Effect of Attachment. From and after December 20, 2008, the date of attachment, the territory described in Section One shall be a part of the City of Kenosha for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all Ordinances, rules and regulations governing the City of Kenosha. Section Three: Temporary Zoning District Classifications. The territory described in Section One, upon attachment, shall have the temporary zoning district classifications shown on Attachment "C", which zones the territory under the most restrictive classification of the City Zoning Ordinance. This temporary zoning district classification shall be and remain in effect for each parcel of land described therein until this Temporary Zoning District Classification Ordinance is amended as prescribed in Section 62.23(7)(d), Wisconsin Statutes. Section Four: District and Ward Designation. The territory described in Section One is hereby made a part of the 74th Ward of the 5th District of the City of Kenosha, subject to the Ordinances, rules and regulations of the City governing Wards and Districts. The County Board of Supervisors for Kenosha County is requested to have the attached area included in the same District and Ward for the County Supervisory seat as for the City Aldermanic seat. Section Five: Connection To City Utilities. The territory described in Section One shall, by submission of the Attachment Petition, require connection of existing and any future habitable buildings to municipal water and sewer, within the time limits established by Chapter 32 of the Code of General Ordinances for the City of Kenosha, Wisconsin. Section Six: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application. Section Seven: Effective Date. This Ordinance, the Attachment, and the Temporary Zoning District Classifications shall take effect upon passage, publication and December 20, 2008, as provided by law.

Attachment "A"

PETITION OF PROPERTY OWNERS FOR ATTACHMENT TO THE CITY OF KENOSHA FROM THE TOWN OF SOMERS PURSUANT TO SECTION 66.0307; WISCONSIN STATUTES, STATE APPROVED COOPERATIVE PLAN

The undersigned, constituting all of the owners of certain real property within the Town of Somers, Kenosha County, Wisconsin, petition the Mayor and Common Council of the City of Kenosha, Wisconsin, to attach the territory described below and shown on the attached scale map to the City of Kenosha, Kenosha County, Wisconsin, pursuant to the Section 66.0307 Wisconsin Statutes, State Approved Cooperative Plan.

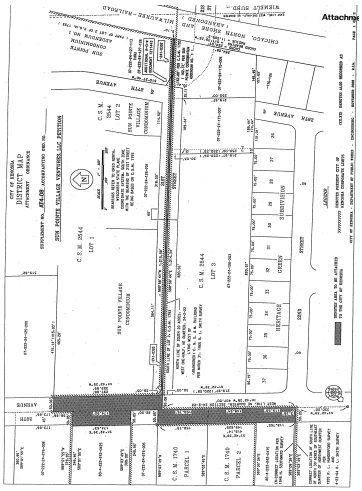
With the acceptance of the Attachment Petition, Sun Pointe Village Ventures, LLC acknowledges that the parcel known as 460-4-222-241-0302 is dedicated and exists as 21st Street, a public road. Sun Pointe Village Ventures, LLC relinquishes all claims, interest and title in said property.

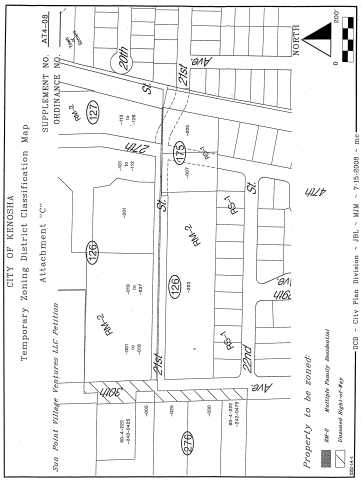
The current population of the territory to be attached as defined by Section 66.0217(5)(a) of the Wisconsin Statutes is ___0___

Legal Description:

Part of the Northeast Quarter and part of the Northwest Quarter of Section 24, Town 2 North, Range 22 East of the Fourth Principal Meridian lying and being in Somers Township, Kenosha County, Wisconsin and more particularly described as follows:

Commencing at the southwest corner of the Northeast Quarter of said Section 24; thence North 1°42'39" West along the west line of said Quarter Section, 50.00 feet to the point of beginning; thence continuing North 1°42'39" West along the west line of said Quarter Section, and along the present corporate limits of the City of Kenosha, 407.00 feet to the westerly extension of the south line of Parcel 1 in Certified Survey Map 1740; thence South 88°58'44" East along the westerly extension of said south line, and along said present corporate limits, 50.06 feet to the east line of 30th Avenue; thence continuing South 88°58'44" East along the south line of said Lot 2 and its extension easterly, and along said present corporate limits, 1,214.34 feet to the west line of the (abandoned) Chicago, North Shore and Milwaukee Railroad right-of-way; thence northeasterly along the west line of said (abandoned) railroad right-of-way, 5.10 feet; thence North 88°58'44" West parallel to, and 5 feet north of, the south line of said Lot 2, and along said present corporate limits, 1,215.58 feet to the east line of 30th Avenue; thence North 1°42'39" West along said east line, and along said present corporate limits, 332.89 feet; thence North 89°03'31" West along said present corporate limits, 50.06 feet to the east line of said Quarter Section of said Section 24; thence South 1°42'39" East along said east line, and along said present corporate limits, 1,320.00 feet; thence South 89°03'55" West along said present corporate limits, 50.05 feet to the west line of 30th Avenue; thence South 1°42'39" East along the west line of 30th Avenue, and along said present corporate limits, 174.33 feet; thence South 89°03'49" East along said present corporate limits, 50.05 feet to the east line of said Quarter Section; thence South 1°42'39" East along the east line of said Quarter Section, and along said present corporate limits, 82.50 feet to the easterly extension of the north line of Parcel 1 in Certified Survey Map 1740; thence North 89°03'49" West along the easterly extension of said north line, and along said present corporate limits, 50.05 feet to the west line of 30th Avenue; thence North 1°42'39" West along said west line of 30th Avenue, and along said present corporate limits, 410.14 feet to the south line of the north 20 acres of the Southeast Quarter of the Northeast Quarter of said Section 24, as said south line is shown on a 1958 R. L. Hungerford survey and on a March 22, 1994 survey by Kenosha County Land Information Office; thence South 89°03'49" East along said south line, and along said present corporate limits, 50.05 feet to the east line of said Quarter Section, and the point of beginning; containing 1.197 acres of land, more or less.





Maps are available for viewing in the Office of the City Clerk.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

21. It was moved by Alderman Downing, seconded by Alderman Nudo, to DENY the proposed Ordinance by the Mayor - ATTACHMENT AND TEMPORARY ZONING DISTRICT CLASSIFICATION ORDINANCE Under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan Parcel Nos. 80-4-222-333-0100; 80-4-222-333-0130; 80-4-222-333-0150; 80-4-222-333-160; and, 80-4-222-333-0170; Town of Somers [Niemela - Property Owners]
A public hearing was held. No one spoke for or against.
On roll call vote, motion to deny carried unanimously.

RESOLUTIONS

22. It was moved by Alderman Ruffolo, seconded by Alderman Haugaard, to adopt Resolution 155-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 155-08
BY: STORMWATER UTILITY COMMITTEE
TO ESTABLISH A SCHEDULE OF FEES FOR THE STORMWATER UTILITY UNDER CHAPTER VIII AND XXXVI OF THE CODE OF GENERAL ORDINANCES

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the following schedule of fees for the Stormwater Utility and Services under Chapter VIII and XXXVI of the Code of General Ordinances, is hereby adopted.

CITY OF KENOSHA STORMWATER UTILITY FEES		
ADJUSTMENT APPLICATION FEE	§8.07 B. 1.	$25
CREDIT APPLICATION FEE	§8.08A.3.	$100
APPEAL APPLICATION FEE	§8.09 A.	$25
STORMWATER MANAGEMENT PERMIT FEE	§36.08 B. 2.	$100 + $20/acre
MAINTENANCE AGREEMENT APPLICATION FEE	Internal Policy-	$75

Adopted this 15th day of December, 2008.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

23. It was moved by Alderman Juliana, seconded by Alderman Ruffolo, to adopt Resolutions 156-08 through 157-08. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

RESOLUTION NO. 156-08
BY: THE MAYOR
TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE ATTACHMENT OF PARCEL NO. 80-4-222-352-0260, ALSO KNOWN AS 4518 – 47th AVENUE, IN THE TOWN OF SOMERS, KENOSHA COUNTY, WISCONSIN, IN ACCORDANCE WITH THE APPROVED CITY OF KENOSHA/TOWN OF SOMERS COOPERATIVE PLAN UNDER SECTION 66.0307 OF THE WISCONSIN STATUTES [Benish – Property Owners]

WHEREAS, the City of Kenosha, Wisconsin, has established an Official Map pursuant to Section 62.23(6), Wisconsin Statutes; and, WHEREAS, the City of Kenosha, Wisconsin, and the Town of Somers, Wisconsin, entered into the City of Kenosha/Town of Somers Cooperative Plan Under Section 66.0307, Wisconsin Statutes, which was approved by the Wisconsin Department of Administration, Intergovernmental Relations, Municipal Boundary Review, on August 8, 2005; and, WHEREAS, it was in the best interest for the public health, safety, and welfare of the City of Kenosha/Town of Somers to attach territory known as Parcel No. 80-4-222-352-0260, also known as 4518 – 47th Avenue, in the Town of

Somers, Kenosha County, Wisconsin, to the City of Kenosha, Wisconsin; and, WHEREAS, on December 15, 2008, the Common Council for the City of Kenosha, Wisconsin, approved an Attachment And Temporary Zoning District Classification Ordinance Under Section 66.0307, Wisconsin Statutes, for Parcel No. 80-4-222-352-0260, also known as 4518 – 47th Avenue, in the Town of Somers, Kenosha, Wisconsin, to be attached to the City of Kenosha, Wisconsin, with the Temporary Zoning District Classifications designated therein. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to the authority of Section 66.23(6)(c), Wisconsin Statutes, the Official Map of the City of Kenosha, Wisconsin, be and hereby is amended to include the designation of the attachment of territory formerly of the Town of Somers, County of Kenosha, Wisconsin, known as Parcel No. 80-4-222-352-0260, also known as 4518 – 47th Avenue, Kenosha, Wisconsin, as depicted on the Attachment and Temporary Zoning District Classification Ordinance, which is incorporated herein by reference. Adopted this 15th day of December, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

24. RESOLUTION NO. 157-08
BY: THE MAYOR
TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE ATTACHMENT OF PARCEL NOS. 80-4-222-241-0302 AND 80-4-222-241-0307, IN THE TOWN OF SOMERS, KENOSHA COUNTY, WISCONSIN, IN ACCORDANCE WITH THE APPROVED CITY OF KENOSHA/TOWN OF SOMERS COOPERATIVE PLAN UNDER SECTION 66.0307 OF THE WISCONSIN STATUTES [Sun Pointe Village Ventures, L.L.C. – Property Owners]

WHEREAS, the City of Kenosha, Wisconsin, has established an Official Map pursuant to Section 62.23(6), Wisconsin Statutes; and, WHEREAS, the City of Kenosha, Wisconsin, and the Town of Somers, Wisconsin, entered into the City of Kenosha/Town of Somers Cooperative Plan Under Section 66.0307, Wisconsin Statutes, which was approved by the Wisconsin Department of Administration, Intergovernmental Relations, Municipal Boundary Review, on August 8, 2005; and, WHEREAS, it was in the best interest for the public health, safety, and welfare of the City of Kenosha/Town of Somers to attach territory known as Parcel Nos. 80-4-222-241-0302 and 80-4-222-241-0307, in the Town of Somers, Kenosha County, Wisconsin, to the City of Kenosha, Wisconsin; and, WHEREAS, on December 15, 2008, the Common Council for the City of Kenosha, Wisconsin, approved an Attachment And Temporary Zoning District Classification Ordinance Under Section 66.0307, Wisconsin Statutes, for Parcel Nos. 80-4-222-241-0302 and 80-4-222-241-0307, in the Town of Somers, Kenosha, Wisconsin, to be attached to the City of Kenosha, Wisconsin, with the Temporary Zoning District Classifications designated therein. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to the authority of Section 66.23(6)(c), Wisconsin Statutes, the Official Map of the City of Kenosha, Wisconsin, be and hereby is amended to include the designation of the attachment of territory formerly of the Town of Somers, County of Kenosha, Wisconsin, known as Parcel Nos. 80-4-222-241-0302 and 80-4-222-241-0307, respectively, Kenosha, Wisconsin, as depicted on the Attachment and Temporary Zoning District Classification Ordinance, which is incorporated herein by reference. Adopted this 15th day of December, 2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

25. The proposed Resolution by the Mayor - TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE ATTACHMENT OF PARCEL NOS. 80-4-222-333-0100; 80-4-222-333-0130; 80-4-222-333-0150; 80-4-222-333-0160; and, 80-4-222-333-0170, IN THE

TOWN OF SOMERS, KENOSHA COUNTY, WISCONSIN, IN ACCORDANCE WITH THE APPROVED CITY OF KENOSHA/TOWN OF SOMERS COOPERATIVE PLAN UNDER SECTION 66.0307 OF THE WISCONSIN STATUTES [Niemela – Property Owners] was withdrawn.

26. The proposed Resolution by the Mayor - TO CREATE WARD 74, FOR VOTING PURPOSES, AND COMBINE THE POLLING PLACES FOR WARDS 9, 48, and 60 MOOSE LODGE, 3003 – 30TH AVENUE was pulled.

27. It was moved by Alderman Juliana, seconded by Alderman Nudo, to adopt Resolution 158-08. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 158-08
BY: Mayor Bosman
To Authorize Disbursement from the Dairyland Trust Fund for the Tremper Golden Strings Sister Cities trip in the Amount of $511

WHEREAS, the agreement by and between Dairyland Greyhound Park, Inc. and the City of Kenosha, Wisconsin, allows the use of certain monies placed in trust with the City to be used for the funding of youth facilities, activities and other public purposes at the sole discretion of the City; and WHEREAS, Tremper High School Golden Strings has requested from the Dairyland Trust Fund $9,000 for assistance with a Kenosha Sister Cities ambassadorial goodwill trip; and WHEREAS, Resolution 118-08 dated October 6th, 2008 authorized the disbursement of $7,500 from the Dairyland Trust Fund for the Tremper Golden Strings Sister Cities trip, which was less than the amount requested. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin that the Director of Finance be, and is hereby, authorized to disburse the remaining amount of $511 to assist the Tremper High School Golden Strings with a Kenosha Sister Cities ambassadorial goodwill trip.

Adopted this 15th day of December,2008.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

APPOINTMENTS/
REAPPOINTMENTS BY THE MAYOR

It was moved by Alderman Ruffolo, seconded by Alderman Nudo, to approve:

28. Reappointments to the Redevelopment Authority for terms to expire November 15, 2013:
a. Katherine Marks
b. Larry Keating

29.Reappointment of Alderman G. John Ruffolo to the Mayor's Youth Commission for a term to expire November 1, 2010.

30. Reappointments to the Kenosha Lakeshore Business Improvement District Board of Directors for terms to expire November 18, 2011:
a. Mark Johnson
b. Mike Thomey

31. Appointments to the Kenosha Lakeshore Business Improvement District Board of Directors for terms to expire November 18, 2011:
a. Chris Dora
b. Janie Dziedzic

32. Appointments to the Civil Service Commission for terms to expire on June 7 as indicated:
a. Jack Rice, 2010
b. Patrick DeGrace, 2011
c. Mike Pitts Jr., 2014

On roll call vote, motion carried unanimously.

OTHER CONTRACTS AND AGREEMENTS

33. It was moved by Alderman Ruef, seconded by Alderman Juliana, to approve First Amendment to Contract of Purchase and Sale by and between Sunstarr Real Estate Group, LLC and the City of Kenosha, Wisconsin for property located at 1800 and 1830 60th Street.

33.1 It was then moved by Alderman Nudo to amend the contract by adding that $17,000 of the $34,000 earnest money deposit is non-refundable to the developer. Also, add that the balance of the purchase price at closing is to go into the City general fund. No second on motion.

33.2 It was then moved by Alderman Ruffolo, seconded by Alderman Misner to refer the contract back to the Finance Committee. On a voice vote, motion carried.

It was moved by Alderman Holland, seconded by Alderman Kennedy, to approve:

34. Offer to purchase property located at 9911 - 38th Street, Kenosha from Ludmilla Roden for the Airport. (District #16 after attachment)

35. Lease Agreement between City of Kenosha, Wisconsin and Frank A. Allseits Corporation #9940.

36. Agricultural Lease Agreement between City of Kenosha, Wisconsin and Glenn Fenske, 2930-72nd Ave, Kenosha, Wisconsin.

37. Approval of Agreement for Engineering Services with HNTB for Scope of Work:

A. Task Order Number 5

B. Task Order Number

38. Agreement for Improvements to Boundary Line Street (91st Street – Sheridan Rd to Union Pacific Railroad) by and between the City of Kenosha, Wisconsin and the Village of Pleasant Prairie.

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

39. It was moved by Alderman Holland, seconded by Alderman Kennedy, to approve disbursement Record #22 – $16,645,303.16.

On roll call vote, motion carried unanimously.

RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

40. It was moved by Alderman Holland, seconded by Alderman Kennedy to approve Final Acceptance of Projects:

a. #07-1013 7th Avenue Reconstruction (49th Street to Sheridan Rd) -Cicchini Asphalt Paving - $1,795,563.66. (Districts 1 & 2)

b. #08-1018 Surface Paving – Various Locations (Small Boat Harbor Parking Lot, 31st Street - 66th Avenue to 64th Avenue, Neuvillage Subdivision, 58th Street - 14th Avenue to 150' West and 27th Avenue – Roosevelt Rd to 71st Street) -Black Diamond Group - $258,066.29. (Districts 2, 7, 12 & 17)

41. It was moved by Alderman Holland, seconded by Alderman Kennedy, to approve subject to a detailed policy, the petition to sub name 14th Avenue between 57th Street and 58th Street as Rotary Drive.

On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Carpenter, seconded by Alderman Ruef, to adjourn at 7:51 p.m.

On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS

DEPUTY CITY CLERK