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COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, January 4, 2010

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

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, January 4, 2009

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: Alderpersons Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Casey, Misner, Prozanski, Orth, Downing and Bogdala.
The invocation was given by Alderperson Kennedy.
Mayor Bosman then led the Council in the Pledge of Allegiance to the American Flag.
It was moved by Alderperson Misner, seconded by Alderperson Juliana, to approve the minutes of the meeting held December 21, 2009.
Motion carried unanimously.
One (1) Citizen spoke during Citizen's Comments: Don Moehrke.

A. REFERRALS
TO THE PUBLIC WORKS COMMITTEE

A.1. Resolution to approve a four-lot Certified Survey Map to be located at 8200 75th Street, District #17. (Heiberg) (Also refer to City Plan Commission)

TO THE PUBLIC SAFETY & WELFARE COMMITTEE

A.2. To Repeal and Recreate Section 9.18 E.1.a of the Code of General Ordinances Regarding Swimming Pool Requirements; to Repeal and Recreate Section 9.20 A. Regarding Certification for Persons Performing Electrical Work; to Repeal Section 9.20 B.; to Renumber Sections 9.20 C., D., E., F. and G. as Sections 9.20 B., C., D., and F; to Repeal and Recreate Section 9.21 A. regarding HVAC Qualifications; to Create Section G. regarding Prohibited Installations of Exterior Incinerators or Boilers.

TO THE CITY PLAN COMMISSION

A.3. Petition to rezone property at the northeast corner of STH 31 and CTH S from A-2 Agricultural Land Holding to B-2 Community Business District in conformance with Section 10.02 of the Zoning Ordinance, District #16. (Gendell Partners, LLC)

B. COMMUNICATIONS,
PETITIONS, REPORTS
OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve:
a. 5 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.
b. 1 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.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Kennedy, seconded by Alderperson Juliana, to approve the following applications for new Operator's (Bartender) licenses, subject to:
-25 demerit points:
a. Betty Julin
-75 demerit points:
b. Michael Kirnbauer
c. Barbara Miszewski
d. Jennifer Robert
On a voice vote, motion carried.
C.2. It was moved by Alderperson Marks, seconded by Alderperson Nudo, to separate action on applications C.2.a from C.2.b (C.2.c was withdrawn) On a voice vote, motion carried.
C.2.a. It was moved by Alderperson Downing, seconded by Alderperson Juliana to approve the application Isacc Cisneros for new Operator's (Bartender) license subject to 75 demerit points. On a voice vote, motion carried.
C.2.b. It was moved by Alderperson Kennedy, seconded by Alderperson Downing, to deny the application of Jennifer Schmidkonz for a new Operator's (Bartender) license based on material police record & false application. On a voice vote, motion carried.
C.2.c. The application of Ashley Walker was withdrawn.

D. ORDINANCES 1ST READING

E. ZONING ORDINANCES 1ST READING

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Kennedy, seconded by Alderperson Bogdala, to adopt Ordinance 1-10.
A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried (10-7) with Alderpersons Kennedy, Moldenhauer, Holland, Juliana, Marks and Ruef voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 1-10
BY: ALDERPERSON DAVID F. BOGDALA
ALDERPERSON ANTHONY NUDO
ALDERPERSON RAY MISNER
TO REPEAL AND RECREATE SECTION 2.02 D.5.a. OF THE CODE OF GENERAL ORDINANCES; TO REPEAL SECTION 2.02 D.5.b; AND TO RENUMBER SECTIONS 2.02 D.5.c. THROUGH 2.02 D.5.f. AS 2.02 D.5.b. THROUGH 2.02 D.5.e. REGARDING THE REVIEW AND REPORT OF CIP CITY PLAN COMMITTEE BY THE COMMON COUNCIL

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 2.02 D.5 a. of the Code of General Ordinances for the City of Kenosha,Wisconsin, is repealed and recreated as follows: a. Submission By The Mayor. On or before the first Monday in October of each year, the Mayor shall present a proposed Capital Improvement Plan to the Common Council. Section Two: Section 2.02.D.5 b. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed. Section Three: Section 2.02 D.5.c. through Section 2.02 D.5.f. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby renumbered as Section 2.02 D.5.b. through Section 2.02 D.5.e. Section Four: The Ordinance shall become effective upon passage and publication.

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

F.2. It was moved by Alderperson Ruffolo, seconded by Alderperson Holland, to adopt Ordinance 2-10.

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

On roll call vote, motion carried (16-1) with Alderperson Carpenter voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 2-10
BY: THE MAYOR
TO AMEND SECTION 33.07 BY ADDING THE DEFINITION OF THE TERM "SOIL STOCKPILE" THERETO; TO RENUMBER SECTIONS 33.10 G., H., I. AND J. AS SECTIONS 33.10 I., J., K., AND L.; TO RENUMBER SECTION 33.10 F. AS SECTION 33.10 G.; TO CREATE SECTION 33.10 F. REGARDING EXTENSIONS OF TIME TO COMPLETE WORK REGARDING EROSION CONTROL; AND, TO CREATE SECTION 33.10 H. REGARDING SOIL STOCKPILES

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 33.07 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following definition thereto: Soil Stockpile means an artificially created accumulation of earth that materially affects water flow across the soil surface in a manner that is inconsistent with the permanent drainage plan. Section Two: Sections 33.10 G., H., I. and J. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby renumbered as Sections 33.10 I., J., K. and L. Section Three: Section 33.10 F. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby renumbered as Section 33.10 G. Section Four: Section 33.10 F. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: F. Extensions of Time To Complete Work. Any applicant who obtains a permit and fails to complete the work in the time specified in Subsection 33.10 E., may apply to the Code Official for a time extension not to exceed one (1) year. Extensions may be granted if the work commenced has proceeded in a professional and workmanlike manner which exhibits reasonably progress. Extended permits shall not impose new conditions unless required by this Ordinance, or any other State or local law, rule or regulation. In the event that the Code Official denies the request for extension, such denial may be appealed to the Stormwater Utility Committee. Such appeal must be filed in the office of the City Clerk/Treasurer within thirty (30) days of the denial. There is no fee for this appeal. Upon a violation of Subsection 33.10 E., no new work may commence without the issuance of an approved extension or a new permit. Section Five: Section 33.10 H. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: H. Soil Stockpiles. 1. Review and Approval Required. Soil stockpiles are permitted only when reviewed and approved as part of an Erosion Control Permit for site mass grading or new building construction, or other approved land-disturbing activities. 2. Location. Soil stockpiles shall not be located in close proximity to any public street or alley, and in all cases shall be located as indicated on the approved plan. Requested changes of location shall require a revised plan and approval of the Code Official. 3. Removal. All soil stockpiles shall be removed from the site or graded to meet the approved drainage plan at the time the permit expires, or at the time a Temporary Occupancy Permit is issued to any project connected with that particular site, whichever occurs sooner. Section Six: This Ordinance shall become effective upon passage and publication.

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

G. ZONING ORDINANCES 2ND READING

G.1. It was moved by Alderperson Nudo, seconded by Alderperson Bogdala, to adopt Ordinance 3-10.

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

G.1.1. It was moved by Alderperson Kennedy, seconded by Alderperson Holland to defer for two weeks. On roll call vote, motion failed (8-9) with Alderpersons Haugaard, Kennedy, Casey, Moldenhauer, Holland, Juliana, Marks and Ruef voting aye.

On roll call vote, motion to adopt Ordinance 3-10 carried (10-7) with Alderpersons Kennedy, Casey, Moldenhauer, Holland, Juliana, Marks and Ruef voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 3-10
BY: ALDERPERSON ANTHONY NUDO
ALDERPERSON DAVID BOGDALA
ALDERPERSON RAY MISNER
ALDERPERSON JESSE DOWNING
TO REPEAL AND RECREATE SECTION 4.02 OF THE ZONING ORDINANCE, ENTITLED REVIEW AUTHORITY - CITY PLAN DIVISION, CITY PLAN COMMISSION OR COMMON COUNCIL"; TO REPEAL AND RECREATE SECTION 4.04 F. OF THE ZONING ORDINANCE; TO REPEAL AND RECREATE THE FIRST PARAGRAPH OF SECTION 4.04 G. OF THE ZONING ORDINANCE; AND, TO REPEAL AND RECREATE SECTION 4.04 H. OF THE ZONING

ORDINANCE, REMOVING THE CITY PLAN COMMISSION AS A DECISION-MAKING AUTHORITY

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

Section One: Section 4.02 of the Code of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

4.02 REVIEW AUTHORITY - CITY PLAN DIVISION,
CITY PLAN COMMISSION OR COMMON COUNCIL

A. Review Authority. Depending on the type of development, one of the following review authorities shall have final decision in the Development Standards Review of Conditional Use Permits.

Development Standards Review Authority-City Plan Division-CPD: Development Standards Review and decision by the City Plan Division.

Development Standards Review Authority Common Council-CC: Development Standards Review and decision by the Common Council.

B. Classification of Conditional Uses. Table 4.01 below, indicates the appropriate Review Authority, CPD or CC, for each development type.

TABLE 4.01
DEVELOPMENT STANDARDS REVIEW AUTHORITY - - CLASSIFICATION OF CONDITIONAL USES

Community living arrangements with a capacity for eight (8) persons in the Rs-1, Rs-2, Rs-3, Rd and Rg-1 Districts	CC
Community living arrangements with a capacity for greater than fifteen (15) persons in the Rg-2, Rm-1 and Rm-2 Districts	CC
Community living arrangements with a capacity for fifteen (15) or fewer persons in the RR-1, RR-2, A-1, and A-2 Districts	CC
Elderly Campus Housing in the Rm-3 District	CC
Manufactured/Mobile Home Parks in the Rm-1 & Rm-2 Districts	CC
Multiple-family 11 units or less in the Rm-1 District	CPD
Multiple-family 11 units or less in the Rm-2 District	CPD
Multiple-family 12 units or greater in the Rm-2 District	CC
Multiple-family 5 units or less in the Rg-2 District	CPD
Planned developments in the Rs-1, Rs-2, Rd, Rm-1, and Rm-2 Districts	CC
Residential structures in the FFO District	CC
Rooming and boarding houses in the Rg-1, Rg-2,Rm-1, and Rm-2 Districts	CC
Storm Water Detention & Retention Basins	CPD
Transitional parking for business, manufacturing and institutional uses in the Rs-3, Rg-1 and Rg-2 Districts	CPD
Transitional two-family residence in the Rs-3 District	CPD
Utility substations	CPD
Residential development in the HRPO District	CC
Residential development in the PCNO District	CC
Single Family attached residences in the B-4 District	CC

GROUP 2
BUSINESS CONDITIONAL USES

Development Type	Review Authority
Aluminum collection center in the B-1, B-2 and B-3 Districts	CC
Automobile body shop in the B-2 and B-3 Districts	CC
Automobile or truck wash in the B-2 and B-3 Districts	CC
Brewpub or winery, accessory for a restaurant tavern, cocktail lounge or package store in the B-2, B-3 and B-4 Districts	CPD
Business structure in the FFO District	CC
Community living arrangements in the B-1, B-2, B-3, and B-4 Districts	CC
Commercial developments, such as shopping centers and malls in the B-2 District:	
(a) New developments	CC
(b) Additions, enlargements or expansions	CPD
(c) Buildings detached from a principal building	CPD
(d) Unified Business District	CC
Convention center in the B-3 and B-4 District	CC
Drive-in theaters in the B-2 District	CC
Drive-thru facilities in the B-2, B-3 and B-4 Districts	CC
Hotel or motel in the B-2, B-3 and B-4 Districts	CC
Multiple-family residences at or above the second story containing 4 units or less in the B-1 District	CPD

Multiple-family residences at or above the second story containing 11 units or less in the B-2 District	CPD
Multiple-family residences at or above the second story containing 12 units or greater in the B-2 District	CC
Multiple-family residences at or above the second story containing 11 units or less in the B-3 District	CPD
Multiple-family residences at or above the second story containing 12 units or greater in the B-3 District	CC
Outdoor commercial and recreational uses in the B-2 District	CC
Recycling collection center in the B-1, B-2 and B-3 Districts	CPD
Rooming and boarding houses in the B-1, B-2 and B-3 Districts	CC
Storm Water Detention and Retention Basins	CPD
Utility substations	CPD
Communication towers and antennas in the B-2 District	CPD
Self-service storage facilities in the B-2 District	CC
Automobile fuel station or automobile fuel and service station, including combination convenience store in the B-2 and B-3 Districts	CC
Commercial development in the HRPO District	CC
Body-Piercing Establishment in the B-2 District	CC
Tattoo Establishment in the B-2 District	CC
Sexually-Oriented Business, as defined, in the B-2 District	CC
Mixed-Use Development in B-4 District	CC
Radio/Television/Relay Towers and Antennas in the B-2 and B-3 Districts	CPD
Unified Business Center in the B-2, B-3 and B-4 Districts	CC
Large Scale Commercial Development in the B-2, B-3 and B-4 Districts	CC
Convenient Cash Businesses in the B-2 Districts	CC

GROUP 3
MANUFACTURING USES

Development Type	Review Authority
Acid manufacturing in the M-2 District	CC
Airports and commercial heliports in the M-1 and M-2 Districts	CC
Aluminum collection center in M-1 and M-2 Districts	CPD
Cement, lime and gypsum manufacturing in the M-2 District	CC
Concrete mixing plant in the M-2 District	CC
Explosives manufacturing in the M-2 District	CC
Fat & oil rendering & refining in the M-2 District	CC
Fertilizer manufacturing in the M-2 District	CC
Glue manufacturing in the M-2 District	CC
Hazardous waste sites and facilities in the M-2 District	CC
Incinerator in M-2 District	CC
Leather tanning & finishing in the M-2 District	CC
Manufacturing structures in the FFO District	CC
Mining operations in the M-2 District	CC
Petroleum manufacturing, refining and storage in the M-2 District	CC
Power generating plant in the M-2 District	CC
Recycling collection center in the M-1 and M-2 Districts	CPD
Resource recovery plant in the M-2 District	CC
Salvage dealers, shops and yards in the M-2 District	CC

Smelting of metals, ores or alloys in the M-2 District	CC
Stockyards or slaughter houses in the M-2 District	CC
Storage yard for construction equipment and materials used by a contractor in the M-1 and M-2 Districts	CC
Storm Water Detention & Retention Basins	CPD
Tar and asphalt, including refining and batch plants in M-2 Districts	CC
Truck or freight terminal and/or bulk intermodal distribution center related to air, water and/or land transportation	CC
Utility substations	CPD
Waste disposal, treatment and transportation facility in the M-2 District	CC
Communication towers and antennas in the M-1 and M-2 Districts	CPD
Self-service storage facilities in the M-1 and M-2 Districts	CC
Radio/Television/Relay Towers and Antennas in the M-1 and M-2 Districts	CPD

GROUP 4
INSTITUTIONAL AND OTHER CONDITIONAL USES

Development Type	Review Authority
Accessory structures in the FW and FFO Districts	CC
Arena, auditorium, exhibition hall and stadium in the IP District	CC
Bed and breakfast establishments in the Rd, B-1, B-2, B-3, B-4 and IP Districts	CPD
Community living arrangements in the IP District	CC
Conditional uses within the C-2 Lowland Resource Conservancy District	CPD
Conference centers	CC
Filling within the FFO District	CC
Institutional structures in the FFO District	CC
Municipal water supply and sanitary sewerage systems in the FW and FFO Districts	CC
Open space & related uses in the FW District	CC
Penal, disciplinary, mental health and reform institutions in the IP District	CC
Rental or lease of pier or dock space in the Rg-2, Rm-1, Rm-2 and IP Districts	CC
Shelter facility in the IP District	CC
Storm Water Detention & Retention Basins	CPD
Utility substations	CPD
Financial institutions, including related drive-thru facilities in the IP District	CC
Communication towers and antennas in the IP District	CPD
Institutional development in the HRPO District	CC
Radio/Television/Relay Towers and Antenna in the IP District	CPD
Development consisting of 2 or more Buildings on a single parcel or contiguous parcels in the IP District	CC
A building with 20,000 gross sq. ft. or greater of floor area located in the IP District	CC
Off-Premise Signs in the B-2, M-1 or M-2 Districts	CPD

GROUP 5
AGRICULTURAL RELATED
CONDITIONAL USES

Development Type	Review Authority
Air strips, landing fields, & hangars for personal or agricultural related uses in the A-1 and A-2 Districts	CC
Community living arrangements with a capacity for greater than fifteen (15) persons in the A-1 and A-2 Districts	CC
Housing for farm laborers, seasonal or migratory farm workers in the A-1 and A-2 Districts	CC
Second single-family farm related residential	CPD
dwellings in the A-1 and A-2 Districts	CPD
Storm Water Detention & Retention Basins	CPD
Utility substations	CPD
Wind energy conversion system	CPD
Communication towers and antennas in the A-1 and A-2 Districts	

Section Two: Section 4.04 F. of the Code of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:
F. Review Authority Decision. Depending on the type of development, the appropriate Review Authority will review the application and shall either approve or deny the application utilizing §4.05 "Development Standards" of this Ordinance as a review guide. Refer to Table 4.01 of this Section for the appropriate Review Authority. The Review Authority shall use the following procedures in making its decision:
1. Decision Authority.
a. Development Standards Review Authority-City Plan Division-CPD. For developments with conditional uses designated as CPD in Table 4.01, the City Planner will consider the recommendation from the City Plan Division and either approve or deny the application.
b. Development Standards Review Authority-Common Council-CC. For developments with conditional uses designated as CC in Table 4.01, the Common Council will hold a public hearing, consider the recommendation from the City Plan Division and the City Plan Commission, and approve or deny the application. Final action on floodland conditional uses shall not be taken for thirty (30) days or until the Wisconsin DNR has given its recommendation, whichever comes first. Copies of all decisions on conditional uses in a floodland district shall be transmitted to the DNR within ten (10) days following the decision.
2. Recommendations.
a. City Plan Division. As a part of the review process for the application subject to approval consideration by the Common Council, the City Plan Division shall make a recommendation to the City Plan Commission.
b. City Plan Commission. As a part of the review process for the application subject to approval consideration by the Common Council, the City Plan Commission shall make a recommendation to the Common Council, which recommendation shall include reference to the recommendation of the City Plan Division.
A copy of the decision of the Review Authority shall be mailed to the applicant.
Section Three: The first paragraph of Section 4.04 G. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:
G. Approval. No building or construction permits shall be issued by the Administrator until the appropriate Review Authority (City Council or City Plan Division) has reviewed and approved the Conditional Use Permit plan. Footing and foundation permits may only be granted if each of the following conditions are met:
Section Four: Section 4.04 H. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:
H. Appeals. Any petitioner/applicant objecting to any decision of Review Authority-City Plan Division CPD related to the Conditional Use Permit may appeal the decision to the Common Council. Such appeals shall be filed with the City Clerk/Treasurer within thirty (30) days of the decision by the City Plan Division, and shall include the payment of the fee therefor established by the Common Council, from time to time, by Resolution. The Common Council shall fix a reasonable time for the hearing of an appeal. The Common Council shall notify the appellant of the hearing by mail. At the hearing the appellant shall appear in person or by agent or attorney.
Section Five: This Ordinance shall become effective upon passage and publication for initial review and decision of Conditional Use Permit applications filed on or after the effective date of this Ordinance, and for appeals filed on or after the effective date of this Ordinance.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

G.2. It was moved by Alderperson Casey, seconded by Alderperson Ruef, to DENY Ordinance 4-10.
A public hearing was held. No one spoke for or against said ordinance.
G.2.1. It was moved by Alderperson Ohnstad, seconded by Alderperson Kennedy to move the previous question, ending debate (requires 2/3 vote of members present-12 votes). On roll call vote, motion failed (11-6) with Alderpersons Haugaard, Nudo, Misner, Prozanski, Orth and Downing voting nay.
G.2.2. On roll call vote, motion to DENY failed (2-15) with Alderpersons Casey and Ruef voting aye.

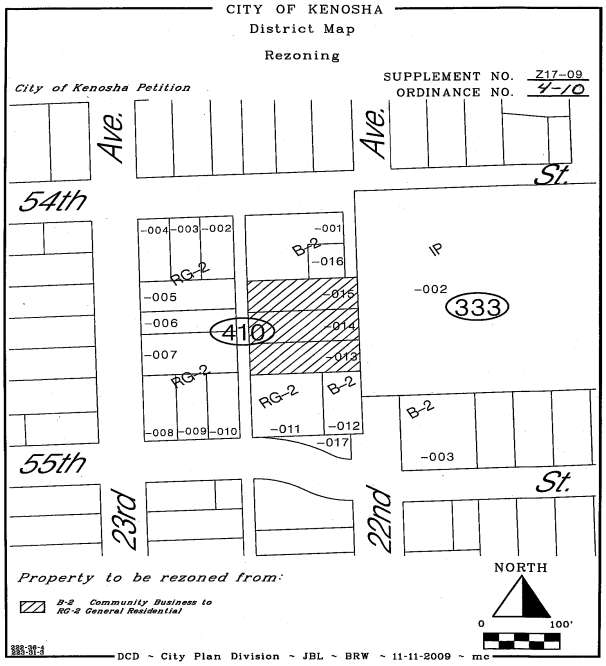
G.2.3. It was moved by Alderperson Kennedy, seconded by Alderperson Juliana to adopt Rezoning Ordinance 4-10.

On roll call vote, motion carried (15-2) with Alderpersons Casey and Ruef voting nay and said ordinance was thereupon adopted as follows:

REZONING ORDINANCE
NO. 4-10
BY: THE MAYOR

Zoning: TO REZONE PROPERTIES LOCATED AT 5414, 5420 AND 5422 22ND AVENUE FROM B-2 COMMUNITY BUSINESS DISTRICT TO RG-2 GENERAL RESIDENTIAL DISTRICT, DISTRICT #7. [CITY OF KENOSHA]

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. Z17-09 be, and the same hereby is, zoned and districted as indicated on said map.



Section Two: The development of the properties shall be consistent with the conceptual development plan for the property being rezoned, which plan was submitted by the property owner/developer, considered by the City Plan Commission on the 10th day of December, 2009, and is on file with the Department of City Development, 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.

G.3. It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad, to adopt Ordinance 5-10.

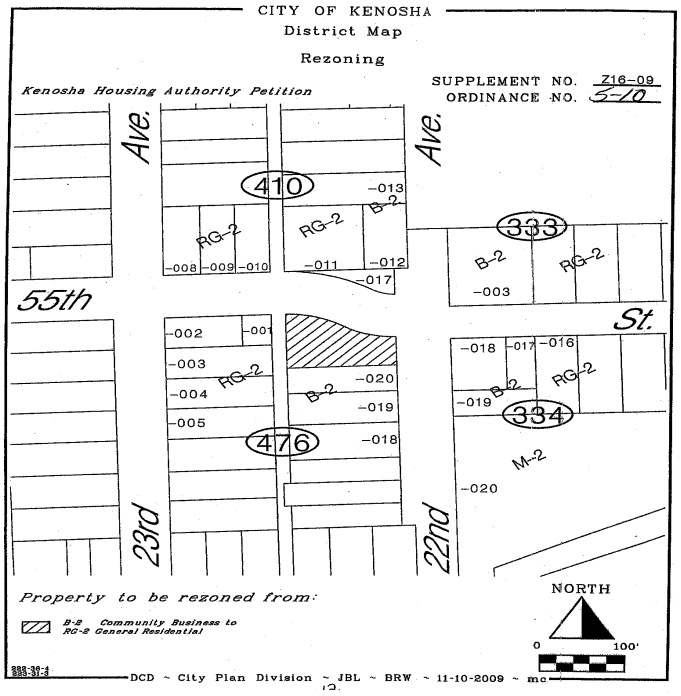
A public hearing was held. No one spoke for or against said ordinance.

On roll call vote, motion carried (16-1) with Alderperson Casey voting nay and said ordinance was thereupon adopted as follows:

REZONING ORDINANCE NO. 5-10
BY: THE MAYOR

Zoning: TO REZONE PROPERTY LOCATED AT 5504 22ND AVENUE FROM B-2 COMMUNITY BUSINESS DISTRICT TO RG-2 GENERAL RESIDENTIAL DISTRICT, DISTRICT #7. [KENOSHA HOUSING AUTHORITY]

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. Z16-09 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



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

plan for the property being rezoned, which plan was submitted by the property owner/developer, considered by the City Plan Commission on the 10th day of December, 2009, and is on file with the Department of City Development, 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

H. RESOLUTIONS

H.1. It was moved by Alderperson Kennedy, seconded by Alderperson Juliana to DENY the proposed resolution **BY: ALDERPERSON CASEY - TO REESTABLISH RELATIONSHIP BETWEEN NEIGHBORHOOD HOUSING SERVICES OF SOUTHEAST WISCONSIN, INC., AND THE CITY OF KENOSHA, WISCONSIN** .

H.1.1. It was then moved by Alderperson Orth, seconded by Alderperson Prozanski to defer for two weeks. On a voice vote, motion carried.

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

K. OTHER CONTRACTS AND AGREEMENTS

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Ruef, seconded by Alderperson Carpenter, to adjourn at 9:52 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, January 20, 2010
Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Wednesday, January 20, 2010

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

The meeting was called to order at 7:10 p.m.

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

The invocation was given by Alderperson Juliana.

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

It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve the minutes of the meeting held January 4, 2010.

Motion carried unanimously.

No one spoke during Citizen's Comments.

TO THE PUBLIC WORKS COMMITTEE

A.1. Resolution to amend the Official Map for the City of Kenosha, Wisconsin, to include the designation of 122nd Avenue from 60th Street to 71st Street as a Future Street, District #17. (Also referred to City Plan Commission) .

A.2. Relocation Order for 122nd Avenue from 60th Street south to 71st Street for Right-of-Way Improvements and to Authorize other Actions Necessary to Acquire Fee Title and Interest and Possession of Certain Property, District #17. (Also referred to City Plan Commission)

TO THE CITY PLAN COMMISSION

A.3. Proposed Ordinance to Renumber Subsections 3.155 A-F as subsections 3.155 B-G Respectively of the Zoning Ordinance Regarding Mixed-Use District; to Create Section 3.155 A. of the Zoning Ordinance Regarding Permitted Uses; and, to Repeal and Recreate Newly Renumbered Subsection 3.155 B.

A.4. Proposed Ordinance to Repeal and Recreate Subsection 3.115 A. of the Zoning Ordinance Regarding RM-3 Elderly and Handicapped Housing District; to Repeal and Recreate Paragraph 3.115 B. 3. of the Zoning Ordinance Regarding Greenhouses; and, to Repeal and Recreate Paragraph 3.115 C. 1. of the Zoning Ordinance Regarding Elderly Multifamily Units, Elderly and Handicapped Community Living Arrangements and Assisted Living Facilities.

B. COMMUNICATIONS,
PETITIONS, REPORTS
OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad to approve:

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. 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. 2 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.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve application of Valerie L. Kraintz for a new Operator's (Bartender) license, subject to 25 demerit points.

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

C.2. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve application of Hailey L. Wolf for a new Operator's (Bartender) license, subject to 25 demerit points.

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

C.3. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve the following applications for new Taxi Driver's licenses, subject to 75 demerit points:
a. Lynette Tyler
b. Thomas F. Stancato
C.3.1. It was moved by Alderperson Orth, seconded by Alderperson Nudo to defer for two weeks. After discussion the maker and seconder withdrew this motion.
C.3.2. It was moved by Alderperson Ohnstad, seconded by Alderperson Nudo to separate action on application a. Lynette Tyler, from b. Thomas F. Stancato. On a voice vote, motion carried.
C.3.3. It was moved by Alderperson Nudo, seconded by Alderperson Carpenter to approve applicant a., Lynette Tyler, subject to 75 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C..3.4. It was moved by Alderperson Ohnstad, seconded by Alderperson Kennedy to approve applicant b., Thomas F. Stancato, subject to 75 demerit points. A hearing was held, the applicant did not appear.
On a voice vote, motion carried.
C.4. It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad, to approve renewal application of Jack R. Chulengarian for a Secondhand Article Dealer License located at 2726 63rd Street, (Firehouse Antiques and Collectibles) (7th District) A hearing held. The applicant did not appear.
On a voice vote, motion carried.

D. ORDINANCES 1ST READING

It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to send the following ordinances on their way:
D.1. By Committee on Public Safety and Welfare – Removal of Yield Control and Replace with Stop Control for 25th Court & 25th Avenue (To Amend Section 7.12 C Entitled, "Stop Streets" by Adding an East/bound Stop Sign on 25th Court Before Entering the Intersection with 25th Avenue; and, to Amend Section 7.125 Entitled, "Streets Controlled by Yield Signs" by Rescinding Therefrom the Yield Sign on 25th Court at its Intersection with 25th Avenue.)
D.2. By Committee on Public Safety and Welfare – Yield Control for 78th Street (EB) at 3rd Avenue (To Amend Section 7.12 C., by Rescinding Therefrom the Stop Signs on 78th Street at its Intersection with 3rd Avenue; and, To Amend Section 7.125, to Include an Eastbound Yield Sign on 78th Street Before Entering the Intersection of 3rd Avenue.)
D.3. By Committee on Public Safety and Welfare – Yield and Stop Control Signs for Various Locations (To Amend Section 7.125 Entitled, "Streets Controlled by Yield Signs" to Include a Southbound Yield Sign on 34th Avenue Before Entering its Intersection with 24th Street; to Include a Northbound Yield Sign on 34th Court Before Entering its Intersection with 24th Street; to Include a Northbound Yield Sign on 36th Avenue at its Intersection with 25th Street; to Include a Westbound Yield Sign on 22nd Street Before Entering its Intersection with 35th avenue; and, to Amend Section 7.12C Entitled "Stop Street" to Include a Northbound Stop Sign on 36th Avenue before Entering the Intersection with 23rd Street; and to Include a Southbound Stop Sign on 35th Avenue Before Entering the Intersection with 23rd Street.)
D.4. By Committee on Public Safety and Welfare – Yield Control for 62nd Street and 114th Avenue and 60th Place and 115th Avenue (To Amend Section 7.125 Entitled, "Streets Controlled by Yield Signs" to Include East/West Yield Signs on 114th Avenue Before Entering its Intersection with 62nd Street; and, to Include North/South Yield Signs on 60th Place Before Entering its Intersection with 115th Avenue.)
D.5. By Committee on Public Safety and Welfare – Removal of Yield Control and Replace with Stop Control for 18th Avenue (NB/SB) at 48th Street (To Amend Section 7.125 "Streets Controlled by Yield Signs" by Rescinding Therefrom the Yield Sign on 18th Avenue at its Intersection with 48th Street; and, To Amend Section 7.12 C, "Stop streets" by Adding a North/South Stop Sign on 18th Avenue Before Entering the Intersection with 48th Street.)
D.6. By the Mayor - To Repeal and Recreate Section 9.18 E.1.a (of the Code of General Ordinances) Regarding Swimming Pool Requirements; to Repeal and Recreate Section 9.20 A. Regarding Certification for Persons Performing Electrical Work; to Repeal Section 9.20 B.; to Renumber Sections 9.20 C., D., E., F. and G. as Sections 9.20 B., C., D., E., and F; to Repeal and Recreate Section 9.21 A. Regarding HVAC Qualifications; to Create Section G. Regarding Prohibited Installations of Exterior Incinerators or Boilers.
On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

F. ORDINANCES 2ND READING

G. ZONING ORDINANCES 2ND READING

H. RESOLUTIONS

H.1. It was moved by Alderperson Nudo, seconded by Alderperson Holland, to adopt Resolutions 1-10 through 5-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 1-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Property Maintenance Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2009, in the total amount of $9,250.00, 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 January, 2010.

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

b. RESOLUTION NO. 2-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Graffiti Removal
(Miscellaneous Assessment)

BE IT RESOLVED, that special assessments for graffiti removal during 2009, in the total amount of $750.00, 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 January, 2010.

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

c. RESOLUTION NO. 3-10
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 2009, in the total amount of $305.00, 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 January, 2010.

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

d. RESOLUTION NO. 4-10
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 2009, in the total amount of $9,236.06, 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 January, 2010.

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

H.2. RESOLUTION NO. 5-10
BY: COMMITTEE ON PUBLIC WORKS
PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS FOR HAZARDOUS

SIDEWALK AND/OR DRIVEWAY APPROACH - PROJECT #10-1012
RESURFACING PHASE I

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. 26th Avenue – Lincoln Rd to 75th Street, 33rd Avenue – 75th Street to Roosevelt Rd, 40th Avenue - 65th Street to Taft Rd, 50th Avenue - 67th Street to 65th Street, 45th Avenue - 87th 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: 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 20th day of January, 2010.

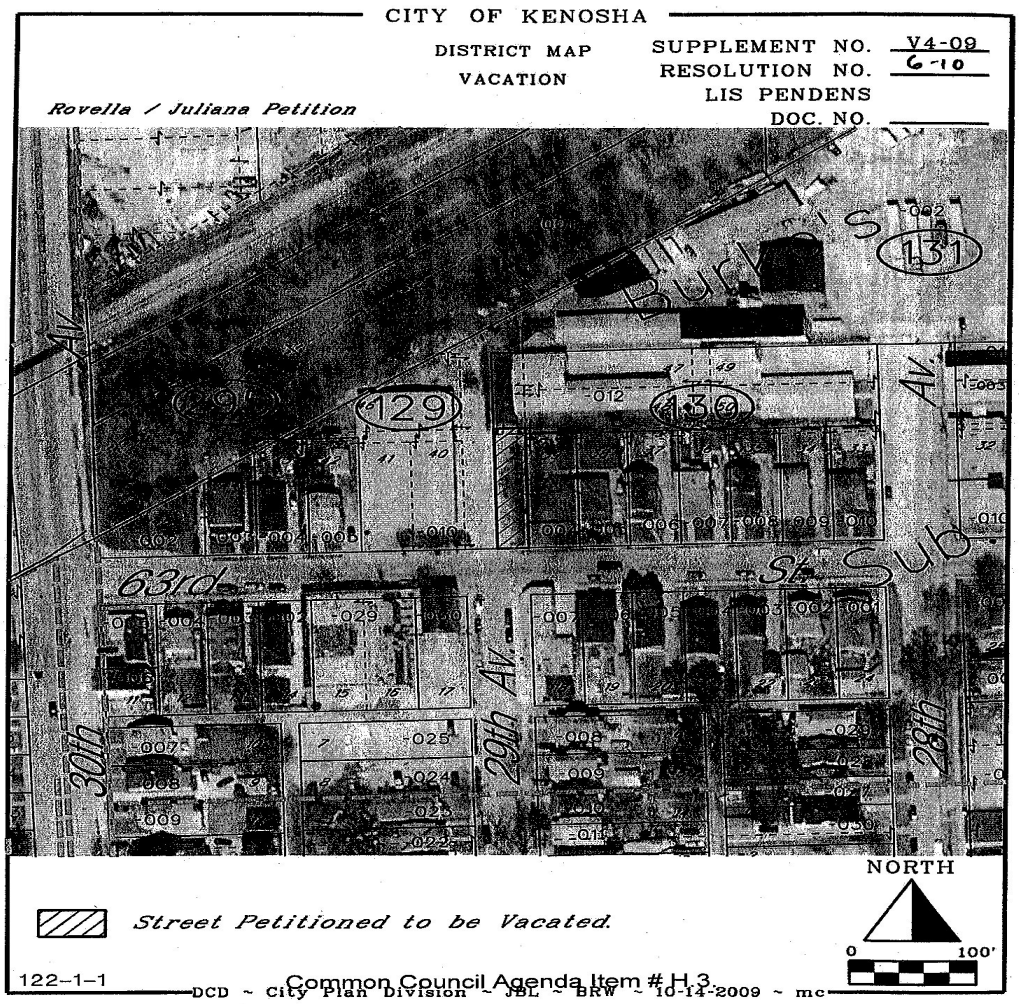
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.3. It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad to adopt Resolution 6-10. 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. 6-10
BY: COMMITTEE ON PUBLIC WORKS
[UTILITY EASEMENT]
TO VACATE A PORTION OF 29TH AVENUE NORTH OF 63RD STREET PURSUANT TO SECTION 66.1003(4), WISCONSIN STATUTES [Rovella/Juliana]

WHEREAS, the public interest requires the vacation of a portion of 29th Avenue, 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, an alley, described in Exhibit "A" and legally described as follows: Part of 29th Avenue lying north of 63rd Street in Burke's Subdivision, a subdivision of record in the Northeast Quarter of Section 1, Town 1 North, Range 22 East of the Fourth Principal Meridian; that part of 29th Avenue to be vacated being further described as follows: Beginning at the southwest corner of Lot 39 in said subdivision, being here also the northeast corner of the intersection of 63rd Street and 29th Avenue; thence north along the west line of said Lot 39, and its extension northerly, 127.00 feet to the southwest corner of Lot 48 in said subdivision; thence west along the westerly extension of the south line of said Lot 48, a distance of 25.00 feet to the centerline of 29th Avenue as originally platted in said subdivision as a 50 foot wide street; thence south along said centerline, 127.00 feet to the north line of 63rd Street; thence east along said north line, 25.00 feet to the southwest corner of said Lot 39 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 20th day of January, 2010.



NOTE: MAPS ARE AVAILABLE FOR VIEWING IN THE CITY CLERKS OFFICE

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

It was moved by Alderperson Nudo, seconded by Alderperson Carpenter to adopt Resolutions 7-10 and 8-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.4. RESOLUTION NO. 7-10
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO DESIGNATE AS "NO PARKING", THE NORTH SIDE OF 65TH STREET FROM 12TH AVENUE TO

13TH AVENUE

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the North side of 65th Street from 12th Avenue to 13th Avenue, be and hereby is designated as "NO PARKING". Adopted this 20th day of January, 2010.

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

H.5. **RESOLUTION NO. 8-10**
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO DESIGNATE AS "NO PARKING", THE NORTH SIDE OF 24TH STREET BEGINNING 50 FEET WEST OF 34TH COURT AND EXTENDING 100 FEET

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the North side of 24th Street beginning 50 feet west of 34th Court and extending 100 feet , be and hereby is designated as "NO PARKING". Adopted this 20th day of January, 2010.

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

H.6. It was moved by Alderperson Kennedy, seconded by Alderperson Moldenhauer to defer the proposed resolution **BY ALDERMAN CASEY**
TO REESTABLISH RELATIONSHIP BETWEEN NEIGHBORHOOD HOUSING SERVICES OF SOUTHEAST WISCONSIN, INC., AND THE CITY OF KENOSHA, WISCONSIN. On roll call vote, motion failed (2-10) with Alderpersons Kennedy and Moldenhauer voting aye.

H.6.1. It was then moved by Alderperson Nudo, seconded by Alderperson Ohnstad to DENY the resolution. On roll call vote, motion carried (11-1) with Alderperson Moldenhauer voting nay.

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve:

I.1. Appointment of Eric Migrin, to the Redevelopment Authority to fulfill an unexpired term.

I.2. Appointment of Cletus Willems, to the Zoning Board of Appeals to fulfill an unexpired term.

I.3. Appointment of Mary Poletti, to the Zoning Board of Appeals as Alternate #1 to fulfill an unexpired term.

On roll call vote, motion carried unanimously.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

J.1. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve Final Acceptance of Project 08-1012 39th Avenue Reconstruction (67th Street to 60th Street) completed by Cornerstone Pavers, LLC, (Racine, Wisconsin) - $1,261,312.67. (15th District)

On roll call vote, motion carried unanimously.

K. OTHER CONTRACTS AND AGREEMENTS

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

L.1. It was moved by Alderperson Prozanski, seconded by Alderperson Ohnstad, to approve Proposed settlement - Neumann Homes, Inc. v. City Of Kenosha, Wisconsin, (Bankruptcy case No. 07-20412 (Northern District of Illinois), adversary proceeding No. 09-01056). On roll call vote, motion carried unanimously.

L.2. It was moved by Alderperson Holland, seconded by Alderperson Juliana to approve Disbursement Records #23 – $5,162,325.02 and #24 - $5,320,090.83.

On roll call vote, motion carried unanimously.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Marks, seconded by Alderperson Carpenter, to adjourn at 7:56 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, February 1, 2010
Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, February 1, 2010

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: Alderpersons Haugaard, Moldenhauer, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Misner, Prozanski, Orth, Downing and Bogdala. Excused: Alderpersons Holland and Casey. Alderperson Ruef left prior to Item O.1.

A moment of silence was observed in lieu of the invocation. Noah and Paul from Boy Scout Troop 525 led the Council the Pledge of Allegiance to the American Flag.

It was moved by Alderperson Ruef, seconded by Alderperson Ohnstad, to approve the minutes of the meeting held January 20, 2010.

Motion carried unanimously.

Six (6) Citizens spoke during Citizen's Comments: Mohammed Museitif, Amanda Nowak, Orlin Delabrue, Joseph Dosemagen, Rollin Pizzala and Richard Beiser.

A. REFERRALS

TO THE COMMITTEE ON FINANCE

A.1. Proposed Resolution To Specially Assess the Property at 5553 32nd Avenue, Which has Been Declared a Nuisance Property per Section 16.151 D(1) of the Code of General Ordinances, for Costs for Law Enforcement by the City of Kenosha Police Department ($300.00) (Miscellaneous Assessment).

A.2. Proposed 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

A.3. Proposed Resolution to Amend the Official Map for the City of Kenosha, Wisconsin, to include the Attachment of Parcel #80-4-222-241-0110, located at 1900 22nd 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, District #4. (Harjio, Incorporated) (Also refer to City Plan Commission)

TO THE PUBLIC SAFETY & WELFARE COMMITTEE

A.4. Proposed Resolution by Alderperson Kennedy - To Establish a Joint City-County Committee on Sustainable Living.

TO THE CITY PLAN COMMISSION

A.5. Petition to rezone a portion of the property located at 6521 120th Avenue from B-2 Community Business District to C-1 Upland Resource Conservancy District and C-2 Lowland Resource Conservancy District in conformance with Section 10.02 of the Zoning Ordinance, District #17. (Banks of Wisconsin)

A.6. Petition to designate a portion of property located at 6521 120th Avenue as B-2 Community Business District, C-1 Upland Resource Conservancy, C-2 Lowland Resource Conservancy, and FW Floodway in conformance with Section 10.02 of the Zoning Ordinance, District #17. (Banks of Wisconsin)

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Carpenter, to approve:

a. 11 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. 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.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to Approve the following applications for new Operator's (Bartender) licenses, subject to:
-25 demerit points:
a. Emily Hopkins
-75 demerit points:
b. Nathan DeBruin
c. Ashley Walker
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.2. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to DENY the following applications for new Operator's (Bartender) licenses, based on material police record & false application:
a. Grace Kling
b. Kristyna Kuen
c. Amanda Nowak
A hearing was held. Applicant c., Amanda Nowak, was present and spoke.
C.2.1. It was moved by Alderperson Ohnstad, seconded by Alderperson Haugaard to separate action on C.2.a., b. and c. On a voice vote, motion to concur with the denial of the three (3) applications based on material police record & false application carried.
C.3. It was moved by Alderperson Orth, seconded by Alderperson Nudo, to approve the following applications for new Taxi Driver's license, subject to:
-35 demerit points:
a. Karen Lain
-60 demerit points:
b. Jack Krueger
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.4. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve the following applications for new Taxi Driver's license, subject to:
80 demerit points:
a. Clinton Matthews
b. Jeffrey Peterson
c. Jane Wiarek
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.5. It was moved by Alderperson Nudo, seconded by Alderperson Carpenter, to DENY the following applications for new Taxi Driver's license, based on -material police record & false application:
a. Matthew Krisor
b. Michael Tidwell
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.6. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve application of James Peterson for a Taxi Driver's license, subject to 10 demerit points.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.7. It was moved by Alderperson Downing, seconded by Alderperson Juliana, to approve application of Richard J. Beiser for a new Taxi Driver's license, subject to 75 demerit points.
A hearing was held. The applicant was present and answered questions.. On roll call vote, motion failed

(2-13) with Alderpersons Downing and Juliana voting aye.

C.7.1. It was then moved by Alderperson Nudo, seconded by Alderperson Kennedy to deny, based on material police record. On a voice vote, motion carried.

C.8. It was moved by Alderperson Bogdala, seconded by Alderperson Juliana, to approve application of East Frontage LLC, Anthony DeBartolo, Agent, for a Class "B" Beer/"Class B" Liquor License located at 6325 120th Ave., (The Hub), with acceptance of a conditional surrender of a similar license at the same location from Landri Hub LLC (17th District).

A hearing was held. Attorney Frank Parise appeared on behalf of the applicant. On a voice vote, motion carried, with Alderperson Nudo abstaining.

C.9. It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad, to approve application of Laszlo Kiss for a Secondhand Article Dealer License located at 6826 Sheridan Road, (Antiques Revival) with no adverse recommendations.

A hearing was held. The applicant did not appear. On a voice vote, motion carried.0

D. ORDINANCES 1ST READING

It was moved by Alderperson Nudo, seconded by Alderperson Carpenter, to send the following ordinances on their way:

D.1. By Alderpersons Orth and Moldenhauer – To Repeal and Recreate Section 7.14 Entitled "Bicycle, Tricycle, Unicycle, Skateboard, Scooter and Roller Skate Regulations".

D.2. By the Mayor - Attachment and Temporary Zoning District Classification Ordinance, Property Located at 1900-22nd Avenue, Town of Somers (Under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan - Parcel No. 80-4-222-241-0110) [Harjio, Inc. - Property Owner]

On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

It was moved by Alderperson Nudo, seconded by Alderperson Carpenter, to send the following ordinances on their way*:*

E.1. By Alderpersons Nudo and Orth – To Repeal and Recreate Various Subsections and Paragraphs of Section 3.115 of the Zoning Ordinance Regarding RM-3 Elderly and Handicapped Housing District, Greenhouses, Elderly Multifamily Units and Elderly and Handicapped Community Living Arrangements and Assisted Living Facilities (Repeal and Recreate Subsection 3.115 A. of the Zoning Ordinance regarding Rm-3 Elderly and Handicapped Housing District; to Repeal and Recreate Paragraph 3.115 B. 3. of the Zoning Ordinance regarding Greenhouses; and, to Repeal and Recreate Paragraph 3.115 C. 1. of the Zoning Ordinance regarding Elderly Multifamily Units, Elderly and Handicapped Community Living Arrangements and Assisted Living Facilities.)

E.2. By Alderpersons Nudo and Orth – To Renumber, Create and Repeal and Recreate Various Subsections and Sections of Section 3.155 of the Zoning Ordinance Regarding Mixed-Use District and Permitted Uses (Renumber Subsection 3.155 A-F as Subsection 3.155 B-G respectively of the Zoning

E.3. Ordinance regarding Mixed-Use District; to Create Section 3.155 A. of the Zoning Ordinance regarding Permitted Uses; and, to Repeal and Recreate Newly Renumbered Subsection 3.155B)

E.4. By the Mayor - To Rezone Property Located at the Northeast Corner of STH 31 and CTH S from A-2 Agricultural Land Holding to B-2 Community Business District (in conformance with Section 10.02 of the Zoning Ordinance.) (16th District) (Gendell Partners, LLC)

On a voice vote, motion carried.

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to adopt Ordinance 6-10.

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 6-10
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.12 C OF THE CODE OF GENERAL ORDINANCES ENTITLED, "STOP STREETS" BY ADDING AN EAST/BOUND STOP SIGN ON 25TH COURT BEFORE ENTERING THE INTERSECTION WITH 25TH AVENUE; AND, TO AMEND SECTION 7.125 OF THE CODE OF GENERAL ORDINANCES ENTITLED, "STREETS CONTROLLED BY YIELD SIGNS" BY RESCINDING THEREFROM THE YIELD SIGN ON 25TH COURT AT ITS INTERSECTION WITH 25TH AVENUE

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 deleting therein "25th Court" in Column A and "25th Avenue" in Column B.
Section Two: Section 7.12C of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following hereto:
All vehicles traveling on 25th Court shall stop before entering the intersection with 25th Avenue
Section Three: This Ordinance shall become effective upon passage and publication.

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

F.2. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to adopt Ordinance 7-10.
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 7-10
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 78TH STREET AT ITS INTERSECTION WITH 3RD AVENUE; AND, TO AMEND SECTION 7.125 OF THE CODE OF GENERAL ORDINANCES, TO INCLUDE AN EASTBOUND YIELD SIGN ON 78TH STREET BEFORE ENTERING THE INTERSECTION OF 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 deleting the following therefrom:
All vehicles traveling Eastbound on 78th Street shall stop before entering the intersection with 3rd Avenue.
Section Two: Section 7.125 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by including therein "78th Street" in Column A and "3rd Avenue" in Column B.
Section Three: This Ordinance shall become effective upon passage and publication.

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

F.3. It was moved by Alderperson Ohnstad, seconded by Alderperson Juliana, to adopt Ordinance 8-10.
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. 8-10
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.125 OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, ENTITLED, "STREETS CONTROLLED BY YIELD SIGNS" TO

INCLUDE A SOUTHBOUND YIELD SIGN ON 34TH AVENUE BEFORE ENTERING ITS INTERSECTION WITH 24TH STREET; TO INCLUDE A NORTHBOUND YIELD SIGN ON 34TH COURT BEFORE ENTERING ITS INTERSECTION WITH 24TH STREET; TO INCLUDE A NORTHBOUND YIELD SIGN ON 36TH AVENUE AT ITS INTERSECTION WITH 25TH STREET; TO INCLUDE A WESTBOUND YIELD SIGN ON 22ND STREET BEFORE ENTERING ITS INTERSECTION WITH 35TH AVENUE; AND, TO AMEND SECTION 7.12C OF THE CODE OF GENERAL ORDINANCES ENTITLED "STOP STREET" TO INCLUDE A NORTHBOUND STOP SIGN ON 36TH AVENUE BEFORE ENTERING THE INTERSECTION WITH 23RD STREET; AND TO INCLUDE A SOUTHBOUND STOP SIGN ON 35TH AVENUE BEFORE ENTERING THE INTERSECTION WITH 23RD 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 hereby amended by including therein "34th Avenue" in Column A and "24th Street" in Column B.
Section Two: Section 7.125 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by including therein "34th Court" in Column A and "24th Street" in Column B.
Section Three: Section 7.125 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by including therein "36th Avenue" in Column A and "25th Street" in Column B.
Section Four: Section 7.125 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by including therein "22nd Street" in Column A and "35th Avenue" in Column B.
Section Five: Section 7.12C 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 36th Avenue shall stop before entering the intersection with 23rd Street.
Section Six: Section 7.12C 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 23rd Street.
Section Seven: This Ordinance shall become effective upon passage and publication.

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

F.4. It was moved by Alderperson Nudo, seconded by Alderperson Haugaard, to adopt Ordinance 9-10.
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. 9-10
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.125 OF THE CODE OF GENERAL ORDINANCE ENTITLED, "STREETS CONTROLLED BY YIELD SIGNS" TO INCLUDE EAST/WEST YIELD SIGNS ON 114TH AVENUE BEFORE ENTERING ITS INTERSECTION WITH 62ND STREET; AND, TO INCLUDE NORTH/SOUTH YIELD SIGNS ON 60TH PLACE BEFORE ENTERING ITS INTERSECTION WITH 115TH AVENUE

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 "114th Avenue" in Column A and "62nd Street" in Column B.
Section Two: Section 7.125 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is amended by including therein "60th Place" in Column A and "115th Avenue" in Column B.

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

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

F.5. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to adopt Ordinance 10-10.
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. 10-10
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.125 OF THE CODE OF GENERAL ORDINANCES ENTITLED "STREETS CONTROLLED BY YIELD SIGNS" BY RESCINDING THEREFROM THE YIELD SIGN ON 18TH AVENUE AT ITS INTERSECTION WITH 48TH STREET; AND, TO AMEND SECTION 7.12 C OF THE CODE OF GENERAL ORDINANCES ENTITLED, "STOP STREETS" BY ADDING A NORTH/SOUTH STOP SIGN ON 18TH AVENUE BEFORE ENTERING THE INTERSECTION WITH 48TH STREET

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:
Section One: Section 7.125 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is amended by deleting therein "18th Avenue" in Column A and "48th Street" in Column B.
Section Two: Section 7.12C of the Code of General Ordinance for the City of Kenosha, Wisconsin, is hereby amended by adding the following hereto:
All vehicles traveling north/south on 18th Avenue shall stop before entering the intersection with 48th Street.
Section Three: This Ordinance shall become effective upon passage and publication.

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

F.6. It was moved by Alderperson Nudo, seconded by Alderperson Carpenter, to adopt the proposed ordinance by the Mayor - To Repeal and Recreate, Repeal, Renumber and Create Various Sections in Chapter 9 Regarding Swimming Pool Requirements, Certification for Persons Performing Electrical Work, HVAC Qualifications and Prohibited Installations of Exterior Incinerators or Boilers (*Repeal and Recreate Section 9.18 E.1.a Regarding Swimming Pool Requirements; to Repeal and Recreate Section 9.20 A. Regarding Certification for Persons Performing Electrical Work; to Repeal Section 9.20 B.; to Renumber Sections 9.20 C., D., E., F. and G. as Sections 9.20 B., C., D., E., and F; to Repeal and Recreate Section 9.21 A. Regarding HVAC Qualifications; to Create Section G. Regarding Prohibited Installations of Exterior Incinerators or Boilers.*)
A public hearing was held. No one spoke for or against said ordinance.
Much discussion occurred.
F.6.1. It was moved by Alderperson Carpenter, seconded by Alderperson Ohnstad to move the previous question. On roll call vote, motion failed (6-9) with Alderpersons Moldenhauer, Ruffolo, Carpenter, Ohnstad, Marks and Ruef voting aye.
F.6.2. It was then moved by Alderperson Prozanski, seconded by Alderperson Juliana to table. On roll call vote, motion carried (12-3) with Alderpersons Nudo, Orth and Moldenhauer voting nay.

G. ZONING ORDINANCES 2ND READING

H. RESOLUTIONS

It was moved by Alderperson Ruffolo, seconded by Alderperson Carpenter, to adopt Resolutions 9-10 through 11-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted

as follows:

H.1. RESOLUTION NO. 9-10
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 1st day of February, 2010, 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: 26th Avenue – Lincoln Rd to 75th Street, 33rd Avenue - 75th Street to Roosevelt Rd, 40th Avenue - 65th Street to Taft Rd, 50th Avenue - 67th Street to 65th Street, 45th Avenue - 87th Pl to 86th 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″) upon obtaining a proper permit under Chapter 5 of the Code of General Ordinances. A permit must be obtained prior to construction and issuance will be dependent on cold weather. 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 1st day of February, 2010.

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

H.2. RESOLUTION NO. 10-10
BY: THE MAYOR
Relocation Order for 122nd Avenue from 60th Street South to 71st Street for Right-of-Way Improvements and to Authorize Other Actions Necessary to Acquire Fee Title and Interest and Possession of Certain Property

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin that: 1. It is declared and determined to be in the public interest to acquire fee title interest to certain property necessary for 122nd Avenue, approximately 3,527 feet from 60th Street south to 71st Street, under authority of Section 62.22, Wisconsin Statutes, shown on a map marked Exhibit "A" (on file in the Office of the City Clerk), and legally described on Exhibit "B", which are on file in the office of the City Clerk, and incorporated herein by reference. 2. The Director of the Department of City Development, or designees thereof, on behalf of the City of Kenosha and upon compliance with Subsection (2), respecting Appraisal, and Subsection (2.a.) respecting negotiation, shall make and give notice of a Jurisdictional Offer under Subsections (3), (3.m.)

and (4) of Section 32.05, Wisconsin Statutes. If any owner has not accepted the Jurisdictional Offer within the periods limited in Subsection (6) 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 (7) and obtain right to possession with respect to such property under Subsection (8) of Section 32.05, Wisconsin Statutes. 3. The City Attorney or other legal counsel retained by the City shall represent the City of Kenosha in any related actions or proceedings. 4. The Director of the Department of City Development, or designees, in accordance with Section 32.05(1)(a), Wisconsin Statutes, shall within twenty (20) days of the adoption of the Resolution/Relocation Order, file a copy thereof with the Kenosha County Clerk. Adopted this 1st day of February, 2010.

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

H.3. Resolution No. 11-10
By: The Mayor
RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF $2,635,000 GENERAL OBLIGATION REFUNDING PROMISSORY NOTES, SERIES 2010

WHEREAS, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City of Kenosha, Kenosha County, Wisconsin (the "City") to raise funds for the public purpose of refunding obligations of the City, including interest on them; specifically, the General Obligation Promissory Notes, Series 2002, dated May 15, 2002, maturing in the year 2012 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost; WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of achieving debt service cost savings; WHEREAS, cities are authorized by the provisions of Section 67.12(12), Wisconsin Statutes, to borrow money and issue general obligation promissory notes to refinance their outstanding obligations; and WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to sell its General Obligation Refunding Promissory Notes, Series 2010 (the "Notes") to Piper Jaffray & Co. Inc. (the "Purchaser"), pursuant to the terms and conditions of its note purchase proposal attached hereto as Exhibit A (on file in the Office of the City Clerk) and incorporated herein by this reference (the "Proposal"). NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that: Section 1. Authorization and Sale of the Notes. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of TWO MILLION SIX HUNDRED THIRTY-FIVE THOUSAND DOLLARS ($2,635,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Notes aggregating the principal amount of TWO MILLION SIX HUNDRED THIRTY-FIVE THOUSAND DOLLARS ($2,635,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery. Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Refunding Promissory Notes, Series 2010"; shall be issued in the aggregate principal amount of $2,635,000; shall be dated February 17, 2010; shall be in the denomination of $5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rate per annum and mature on March 1, 2012 as set forth on the Pricing Summary attached hereto as Exhibit B-1 (on file in the Office of the City Clerk) and incorporated herein by this reference. Interest is payable semi-annually on March 1 and September 1 of each year commencing on September 1, 2010. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the

rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 (on file in the Office of the City Clerk) and incorporated herein by this reference (the "Schedule"). Section 3. Redemption Provisions. The Notes shall not be subject to optional redemption. Section 4. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered 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 5. Tax Provisions. (A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2010 and 2011 for the payments due in the years 2010 through 2012 in the amounts set forth on the Schedule. The amount of tax levied for the year 2010 shall be the total amount of debt service due on the Notes in the years 2010 and 2011; 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 2010. (B) Tax Collection. So long as any part of the principal of or interest on the Notes remains unpaid, 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 onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below. (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. The City hereby appropriates from amounts levied to pay debt service on the Refunded Obligations or other funds of the City on hand a sum sufficient to be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay the interest on the Notes coming due on September 1, 2010 as set forth on the Schedule. Section 6. Segregated Debt Service Fund 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. Debt service or 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 hereby is established a separate and distinct account designated as the "Debt Service Fund Account for $2,635,000 General Obligation Refunding Promissory Notes, Series 2010, dated February 17, 2010" (the "Debt Service Fund 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 the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any excess premium not used for the Refunding which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes. (B) Use and Investment. No money shall be withdrawn from the Debt Service Fund 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 the Notes 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), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations"). (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 Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise. Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any excess premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Notes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. 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 Fund Account. Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted 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 Code or 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 delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations. Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Notes and by the Refunded Obligations and their ownership, management and use will not cause the Notes or the Refunded Obligations 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 the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply. Section 10. Designation as Qualified Tax-Exempt Obligations. The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations. Section 11. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of

the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects. Section 12. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent"). Section 13. Persons Treated as Owners; Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. 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 Fiscal Agent, 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 Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent 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. Section 14. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). 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 Record Date. Section 15. 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 ("DTC"), 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 16. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser. Section 17. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") required by 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 owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser 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 18. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on April 1, 2010 at a price of par plus accrued interest to the date of redemption. The City hereby directs the City Clerk to work with the Purchaser to cause timely notice of redemption, in substantially the form attached hereto as Exhibit D (on file in the Office of the City Clerk) and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice. All actions heretofore taken by the officers and agents of the City to effectuate the redemption of the Refunded Obligations are hereby ratified and approved. Section 19. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "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 the Notes in the Record Book. Section 20. 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, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein. Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law. Adopted this 1st day of February, 2010.

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

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

K. OTHER CONTRACTS AND AGREEMENTS

K.1.It was moved by Alderperson Marks, seconded by Alderperson Juliana, to approve Memorandum of Understanding between the Kenosha Housing Authority and the City of Kenosha - Neighborhood Stabilization Program.

On roll call vote, motion carried (13-2) with Alderpersons Bogdala and Carpenter voting nay.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderperson Ruffolo, seconded by Alderperson Juliana, to:

L.1. Approve Acquisition of Land Located from 43rd Avenue west to 47th Avenue for the 27th Street Right-of-Way Project.

L.2. Receive and File KABA 4th Quarter Loan Report.

L.3. Approve Disbursement Record #1 – $49,463,286.90.

On roll call vote, motion carried unanimously.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Ruef, seconded by Alderperson Carpenter, to adjourn at 8:35 p.m.
On a voice vote, motion carried.
(Alderperson Ruef left prior to the next item)

O. OTHER

O.1. It was moved by Alderperson Haugaard, seconded by Alderperson Ruffolo to enter into Committee of the Whole for discussion regarding a proposed Intergovernmental Cooperation Agreement By and Between the County of Kenosha, Wisconsin and the City of Kenosha, Wisconsin, which proposed agreement includes provisions regarding construction of an addition, remodeling and potential lease of portions of the Public Safety Building and the reaffirmation of the establishment of Joint Services.
On roll call vote, motion carried (13-1) with Alderperson Misner voting nay.
O.1.1. It was then moved by Alderperson Nudo, seconded by Alderperson Carpenter to enter into closed session pursuant to Wis. Stats. § 19.85 (1)(e) to discuss this proposed agreement. On roll call vote, motion carried unanimously.
O.1.2. It was moved by Alderperson Carpenter, seconded by Alderperson Marks to reconvene to open session. On roll call vote, motion carried (13-1) with Alderperson Misner voting nay.
O.1.3. It was moved by Alderperson Ruffolo, seconded by Alderperson Kennedy to rise. On roll call vote, motion carried unanimously.
O.1.4. It was moved by Alderperson Nudo, seconded by Alderperson Carpenter to adjourn at 11:00 pm. 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, February 15, 2010

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: Alderpersons Haugaard, Moldenhauer , Ruffolo, Carpenter, Ohnstad, Juliana, Ruef, Kennedy, Nudo, Casey, Prozanski, Orth, Downing and Bogdala. Excused: Alderpersons Holland, Marks and Misner. Alderperson Casey left after the motion to table item H.6.

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 Alderperson Ruef, seconded by Alderperson Juliana, to approve the minutes of the meeting held February 1, 2010.

Motion carried unanimously.

Two (2) Citizens spoke during Citizen's Comments: Robert Beezat and Dayvin Hallmon.

A. REFERRALS
TO THE COMMITTEE ON PUBLIC SAFETY & WELFARE

A.1. Neighborhood Inspection Program 2010 Operating Plan.

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Carpenter, to approve:

a. 6 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. 2 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.

B.2. It was moved by Alderperson Casey, seconded by Alderperson Ohnstad to approve request for a Distance and Density Exception for a 6-bed Community Based Residential Facility to be located at 6225 91st Avenue. (17th District) (Crabtree). A public hearing was held. No one spoke.

B.2.1. It was moved by Alderperson Bogdala, seconded by Alderperson Carpenter to defer for ninety (90) days.

On a voice vote, motion carried.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderman Kennedy, seconded by Alderman Juliana, to approve applications for new Operator's (Bartender) licenses, subject to:

-25 demerit points:

a. Michael Glade

-75 demerit points:

b. Cassandra Stenholt

c. Heather Martin

A hearing was held. On a voice vote, motion carried.

C.2. It was moved by Alderman Juliana, seconded by Alderman Kennedy, to DENY application for a new Operator's (Bartender) license for Chance Bringman, based on material police record & false application.

A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.3. It was moved by Alderman Juliana, seconded by Alderman Carpenter, to approve application of William McCracken for a new Taxi Driver's license, subject to 50 demerit points.

A hearing was held. The applicant did not appear. On a roll call vote, motion failed (3-11) with Alderpersons

Casey, Downing and Juliana voting aye.
C.3.1 It was moved by Alderpreson Ruffolo, seconded by Alderperson Carpenter to deny based on material police record and fals application. On a voice vote, motion carried.
C.4. It was moved by Alderman Nudo, seconded by Alderman Kennedy, to approve application of Donald Perry for a new Taxi Driver's license, subject to 65 demerit points.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.5. It was moved by Alderman Juliana, seconded by Alderman Nudo, to DENY application of Gurjit Singh for a new Taxi Driver's license, based on
material police record & false application.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.6. It was moved by Alderman Nudo, seconded by Alderman Juliana, to approve application of Stinebrink's Kenosha Foods, LLC, Matthew Stinebrink, Agent, for a Class "A" Beer/"Class A" Liquor License located at 7600 Pershing Boulevard, (Piggly Wiggly), with acceptance of a conditional surrender of a similar license at the same location from Piggly Wiggly Midwest, LLC, with no adverse recommendations. (14th District)
A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.
C.7. It was moved by Alderman Kennedy, seconded by Alderman Juliana, to approve application of Jerome F. Binsfeld for a Secondhand Article Dealer License located at 6040 - 39th Avenue, Suite 7 (JB Coins/Collectibles) with no adverse recommendations.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.8. It was moved by Alderman Ohnstad, seconded by Alderman Juliana, to approve application of Jacob H. Sadoff for a Secondhand Article Dealer License and a Secondhand Jewelry Dealer License located at 3824 Roosevelt Road (Midwest Gold Buyers) with no adverse recommendations.
A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.
C.9. It was moved by Alderman Nudo, seconded by Alderman Juliana, to approve of Stippich Selin & Cain, LLC as Special Counsel for the next revocation hearing pursuant to the January 13, 2010 engagement letter.
A public hearing was held. Attorney Paul Selin was present and spoke. On roll call vote, motion carried (9-5) with Alderpersons Haugaard, Kennedy, Casey, Moldenhauer and Juliana voting nay.

D. ORDINANCES 1ST READING

It was moved by Alderman Casey, seconded by Alderman Juliana, to send the following ordinances on their way:
D.1. By Alderman Downing - To Create Section 12.001 Regarding Amusement Device Fees and to Amend 12.01 B. as Amusement and Recreation Enterprise License.
D.2. By Alderperson Donald K. Holland - To Repeal and Recreate Section 4.07, Entitled "Penalties″ as Section 4.08; and, to Create Section 4.07, Entitled "Outdoor Lighting″.
On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

It was moved by Alderperson Casey, seconded by Alderperson Juliana, to send the following ordinances on their way:
E.1. By the Mayor - To Designate a Portion of Property Located at 6521 120th Avenue as B-2 Community Business District, C-1 Upland Resource Conservancy, C-2 Lowland Resource Conservancy, and FW Floodway (in Conformance with Section 10.02 of the Zoning Ordinance, District #17). [Banks of Wisconsin]
E.2. By the Mayor - To Rezone a Portion of Property Located at 6521 120th Avenue as B-2 Community Business District, C-1 Upland Resource Conservancy, C-2 Lowland Resource Conservancy, and FW Floodway (in Conformance with Section 10.02 of the Zoning Ordinance, District #17). [Banks of Wisconsin]
On a voice vote, motion carried.

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Orth, seconded by Alderperson Prozanski, to adopt Ordinance 11-10.
A public hearing was held. No one spoke for or against said ordinance.
F.1.1. It was then moved by Alderperson Orth, seconded by Alderperson Nudo to amend C.2. (Required Equipment) as follows:
2. No person may operate a bicycle upon a City street, alley, highway or public thoroughfare unless all braking

equipment is in good working order ~~with which the bicycle was originally provided~~ is in good working order. No person may operate a bicycle equipped with a coaster brake unless such brake will enable the operator to make the rear wheel skid on dry, level, clean pavement.

And to amend E. Child Carriers. As follows:

*E. Child Carriers. The operator of a bicycle may attach and utilize no more than one (1) child carrier, as herein defined, to a bicycle, for each set of handlebars, for the purpose of carrying a child **or children**, provided that.....*

On roll call vote, motion to adopt and amend carried (13-1) with Alderperson Juliana voting nay and said ordinance was thereupon adopted (as amended) as follows:

ORDINANCE NO. 11-10
BY: ALDERPERSON MICHAEL J. ORTH
ALDERPERSON DON MOLDENHAUER
TO REPEAL AND RECREATE SECTION 7.14 OF THE CODE OF GENERAL ORDINANCES, ENTITLED BICYCLE, TRICYCLE, UNICYCLE, SKATEBOARD, SCOOTER AND ROLLER SKATE REGULATIONS″

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 7.14 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 7.14 BICYCLE, TRICYCLE, UNICYCLE, SKATEBOARD, SCOOTER AND ROLLER SKATE REGULATIONS A. Definitions. "Bicycle" shall mean every device propelled by the feet acting upon pedals and having two (2) wheels which are not less than fourteen (14) inches in diameter. The term shall also include adult tricycles. B. Wisconsin Statutes. Chapter 346, Wisconsin Statutes, as it applies to bicycles, as it now exists and as it may be amended in the future, is incorporated herein by reference. C. Required Equipment. 1. No person may operate a bicycle upon any City street, alley, highway or public thoroughfare during the hours of darkness unless such bicycle is equipped with or the operator is wearing a lamp emitting a white light visible from a distance of at least five hundred (500) feet to the front of the bicycle. Such bicycle shall also be equipped with a red reflector or light that has a diameter of at least two (2) inches of surface area mounted and maintained so as to be visible to the rear thereof. 2. No person may operate a bicycle upon a City street, alley, highway or public thoroughfare unless all braking equipment is in good working order is in good working order. No person may operate a bicycle equipped with a coaster brake unless such brake will enable the operator to make the rear wheel skid on dry, level, clean pavement. 3. No person may operate a bicycle upon a City street, alley, highway or public thoroughfare that is equipped with a siren, except in connection with a parade. The term "parade" shall mean a procession of an organized group of persons for the purpose of celebrating or promoting some event, belief or cause and having the permission of the City of Kenosha to use a street, alley, highway or public thoroughfare for such purpose. The term "siren" shall mean any instrument which is used for producing sound by means of air being forced over or through any mechanical device. The term "siren" shall include whistles. D. Rules of Operation. The following rules shall apply to the operation of bicycles on all City streets, alleys, highways, public thoroughfares or bicycle lanes: 1. No person operating a bicycle shall remove both hands from the handlebars, or feet from the pedals, or practice any acrobatic or fancy riding. 2. No person operating a bicycle shall ride at an unreasonable or imprudent rate of speed under the conditions and having regard for the actual and potential hazards then existing. The speed of the bicycle shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle or other conveyance on or entering the street, alley, highway, public thoroughfare or bicycle lane in compliance with legal requirements and using due care. 3. No person operating a bicycle shall ride other than upon or astride a permanent and regular seat attached to the bicycle. 4. No person operating or riding upon a bicycle shall attach himself/herself or his/her bicycle to any vehicle upon a roadway. 5. No person operating a bicycle shall ride with more people thereon than the bicycle was designed and constructed to carry. 6. No person operating a bicycle shall ride with a trailer or object in tow which was not designed and constructed for use with a bicycle, or with an appropriate trailer or object in tow which is in a state of disrepair, unsafely attached or overloaded. 7. No person operating a bicycle shall ride with any person in tow in any manner, subject to an affirmative defense that all of the following exist: a. The person or persons being towed are secured within a commercially available trailer subject to Section 7.14 D.6.; b. The trailer is designed for use as a carrier of persons; c. The trailer is being used in accordance with the manufacturer's specifications; and, d. 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. 8. No person operating an adult tricycle shall ride without a "slow vehicle" sign. E. Child Carriers. The operator of a bicycle may attach and utilize no more than one (1) child carrier, as herein defined, to a bicycle, for each set of handlebars, for the purpose of carrying a child or children, provided that: 1. The operator is fourteen (14) year of age or older. 2. The child using the carrier is under the age of six (6) years. 3. The child carrier is securely fastened to the bicycle and located behind the front handlebar. The use of a child carrier contrary hereto is prohibited. The term "child carrier" shall mean a seat manufactured and designed expressly to be attached to a bicycle and equipped with a belt to restrain a child in the seat, two (2) arm rests, a back rest, foot rest and spoke protection and is for use by children under the age of six (6) years. F. Operating Two (2) or More Abreast. The operation of bicycles two (2) or more abreast is prohibited on any street, alley, highway or public thoroughfare where motor vehicle traffic is permitted, except: 1. Within a single lane of a street or highway on which traffic travels in the same direction on two (2) or more lanes. 2. On any path, trail, lane, or other way set aside for the exclusive use of bicycles. 3. In the course of permitted bicycling events, including bicycle tours and races. G. Prohibited Places of Operation. 1. Bicycles. No person shall operate a bicycle within the City in any of the following areas: a. Pedestrian paths located in public parks specifically marked/designated “No Bicycles″. b. Upon any private property without the express or implied permission of the owner or possessor thereof. c. Upon any property, public or private, which is posted to the effect of "No Trespassing" or "No Bicycles". d. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. 2. Skateboards, Scooters and Roller Skates. No person shall ride or operate a skateboard, scooter or roller skates within the City in any of the following areas: a. On any portion of any street, alley, highway or public thoroughfare intended for the use of motor vehicles, except in the crosswalk as defined by Wisconsin Statutes. b. Upon any private property without the express or implied permission of the owner or possessor thereof. c. Upon any property, private or public, which is posted “No Trespassing″ or “No Skateboards/Skating″. H. Parking. The operator of a bicycle shall not park or leave a bicycle unattended in the following places and manners: 1. On any portion of any street, alley, highway or public thoroughfare intended for the operation of motor vehicles. 2. Against windows or in doorways of buildings. 3. Upon a public sidewalk, unless standing erect and not obstructing pedestrian traffic. 4. Upon the portion of any parking lot held open to the public for use by motor vehicles. 5. Upon any private property without the express or implied permission of the owner or possessor. 6. Upon any private property which is posted to the effect of "No Trespassing" or "No Bicycles". I. Rental Bicycles/Identification Cards. Every person, party, firm or corporation which rents bicycles for use by others, shall permanently affix to each bicycle rented a tag or label stating name and address of place of rental and shall furnish to the renter an identification card which shall contain the following information: 1. Identity, address and telephone number of owner of the bicycle. 2. Serial number of the rented bicycle. 3.
Color, make and description of the bicycle. J. Destruction of Identification. No person shall intentionally remove, destroy, mutilate or alter the serial number on any bicycle frame or remove, destroy, mutilate or alter any valid identification or registration tag or label. Nothing herein shall prohibit the stamping or placing of numbers on bicycles for purposes of identification where such numbers are not placed over or within two (2) inches of any serial number or registration tag or label. K. Unicycles. No person shall operate or ride any device having only one (1) wheel, irrespective of the size thereof, on any City street, alley, highway, public thoroughfare or on any sidewalk in a Business or Industrially Zoned District, except with the permission of the Police Chief, which may be granted only for parades and special events and which may be subject to a test of operating skills. L. Conflict of Laws. If there should arise any conflict between the provisions of §7.14 and §7.01 of the Code of General Ordinances, §7.01 shall be controlling. M. Severability. If any part of this Ordinance shall be held invalid or unconstitutional, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance. Section Two: This Ordinance shall become effective upon passage and publication.

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

F.2. It was moved by Alderperson Nudo, seconded by Alderperson Ruffolo, to adopt Ordinance 12-10.
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. 12-10

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. 80-4-222-241-0110

[Property Located 1900 22nd Avenue]

Town of Somers [Harjio, Inc. - 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, does 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 February 20, 2010, 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 76th Ward of the 4th 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

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

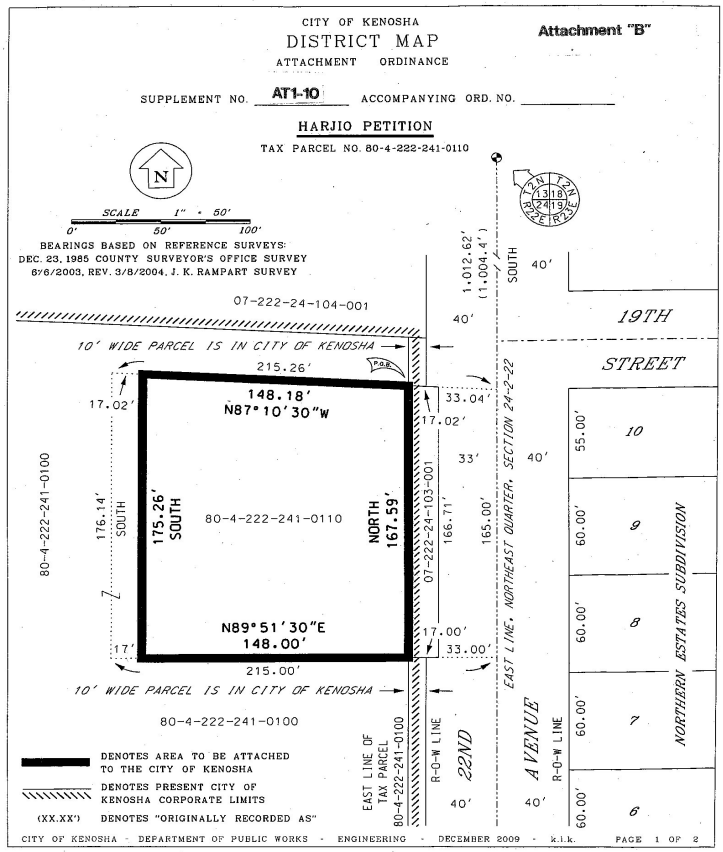
The undersigned, constituting all of the owners of certain real property within the Town of Somers, Kenosha County, Wisconsin, petition the Mayor and Common Council of the City of Kenosha, Wisconsin, to attach the territory described below and shown on the attached scale map to the City of Kenosha, Kenosha County, Wisconsin, pursuant to the Section 66.0307 Wisconsin Statutes, State Approved Cooperative Plan.

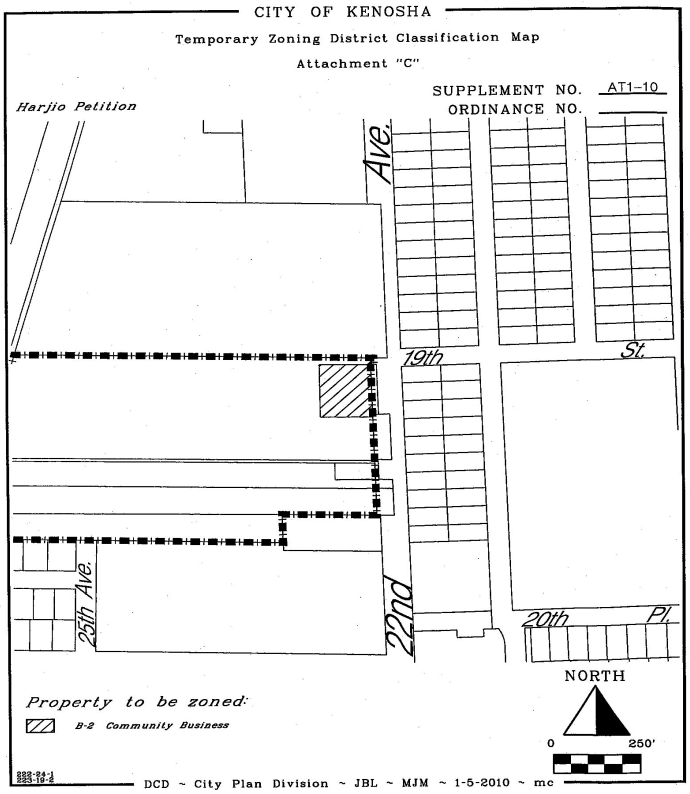
The current population of the territory to be attached as defined by Section 66.0217(5)(a) of the Wisconsin Statutes is Ø.

Legal Description:

Part of the Northeast 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 northeast corner of the Northeast Quarter of said Section 24; thence south along the east line of said Quarter Section, 1,012.62 feet (previously recorded as 1,004.4 feet), to the easterly extension of the north line of the parcel of land shown on a December 23, 1985 plat of survey by the Kenosha County Surveyor's Office and filed with the Kenosha County Land Information Office; thence North 87°10'30" West along said easterly extension, 50.06 feet to the point of beginning; thence continuing North 87°10'30" West 148.18 feet; thence south parallel to the east line of said Quarter Section, 175.26 feet; thence North 89°51'30" East, 148.00 feet to a point which is 50 feet west of the east line of said Quarter Section; thence north parallel to said east line, and along the present corporate limits of the City of Kenosha, 167.59 feet to the point of beginning; containing 0.582 acres of land, more or less.





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 on February 20, 2010, after passage and publication, as provided by law.

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

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

G. ZONING ORDINANCES 2ND READING

It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to adopt Ordinance 13-10.

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.

G.1. ZONING ORDINANCE NO. 13-10
BY: ALDERMAN NUDO
ALDERMAN ORTH
TO REPEAL AND RECREATE SUBSECTION 3.115 A. OF THE ZONING ORDINANCE REGARDING RM-3 ELDERLY AND HANDICAPPED HOUSING DISTRICT; TO REPEAL AND RECREATE PARAGRAPH 3.115 B. 3. OF THE ZONING ORDINANCE REGARDING GREENHOUSES; AND, TO REPEAL AND RECREATE PARAGRAPH 3.115 C. 1. OF THE ZONING ORDINANCE REGARDING ELDERLY MULTIFAMILY UNITS, ELDERLY AND HANDICAPPED COMMUNITY LIVING ARRANGEMENTS AND ASSISTED LIVING FACILITIES.

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Subsection 3.115 A. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: A. Permitted Uses. Elderly Housing of eight (8) units or less. Section Two: Paragraph 3.115 B. 3. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repeal and recreated as follows: 3. Greenhouses, that are privately-owned and non-commercial. Section

Three: Paragraph 3.115 C 1 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: 1. Elderly housing of more than eight (8) units, elderly and handicapped community living arrangements and assisted living facilities. Assisted living facilities shall be in conformance with Section 50.034, Wisconsin Statutes, and Chapter HFS-89, Wisconsin Administrative Code. Section Four: This Ordinance shall become effective upon passage and publication.

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

It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to adopt Ordinance 14-10.

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.

G.2. ZONING ORDINANCE NO. 14-10
BY: ALDERMAN NUDO
ALDERMAN ORTH
TO RENUMBER SUBSECTION 3.155 A-F AS SUBSECTION 3.155 B-G RESPECTIVELY OF THE ZONING ORDINANCE REGARDING MIXED-USE DISTRICT; TO CREATE SECTION 3.155 A. OF THE ZONING ORDINANCE REGARDING PERMITTED USES; AND, TO REPEAL AND RECREATE NEWLY RENUMBERED SUBSECTION 3.155B.

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: To Renumber Subsection 3.155 A-F as Subsection 3.155 B-G Respectively. Section Two: Subsection 3.155 A4 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows: A. Permitted Uses 1. Convenience Retail and Service Stores as follows, all conducted wholly within an enclosed building, except as provided for herein, and in Section 3.155 D.9. of this Ordinance:

a. Bakery, retail.
b. Barbershop.
c. Beauty or styling salon.
d. Bicycle sales, rental and repair shop.
e. Book and stationery shop, or newsstand; excluding adult uses, as defined.
f. Camera and photographic supply store.
g. Candy and ice cream store.
h. Clothes and costume rental service.
i. Coffee shop.
j. Dressmaking, tailor or alteration shop.
k. Drugstore.
l. Florist shop.
m. Food store; grocery; meat, poultry and fish market; and delicatessen; including the use of controlled atmosphere smoke producing and processing equipment for retail and custom order purposes.
n. Gift shop
o. Hobby shop
p. Jewelry store.
q. Laundromat and dry cleaning establishment, including clothes or garment pickup/dropoff facilities.
r. Locksmith.
s. Office supply store.
t. Package beverage store.
u. Pet shop.
v. Photocopying center.
w. Record or tape store.
x. Repair, rental or servicing of any article the sale of which is a conditional use in the B-4 District.
y. Restaurant, including outdoor café restaurants and refreshment stands
z. Secondhand and antique shop.
aa. Shoe repair and combination shoe sales.
bb. Tobacco and pipe shop.

cc. Travel bureau and transportation ticket office.
dd. Upholstering shop.
ee. Artisan studio.
2. General Merchandise and Service Stores as follows, all conducted wholly within an enclosed building, except as provided for in Section 3.155 D.9. of this Ordinance:
a. Apparel store.
b. Business machine sales and service.
c. Catalog and mail-order store.
d. Department store.
e. Drapery, curtain, and fabric store.
f. Furniture and home furnishing store.
g. Furriers and fur shops.
h. Household appliance store.
i. Interior decorating and picture framing studio
j. Leather goods and luggage store.
k. Musical instrument store.
l. Opticians sales.
m. Orthopedic and medical appliance store.
n. Radio, television, stereophonic and other electronic appliance store.
o. Shoe and boot store.
p. Sporting goods and trophy store.
q. Toy store.
r. Variety store.
3. Miscellaneous Retail Building, Home Improvement and Gardening Supply Stores and uses as follows, all conducted wholly within an enclosed building, except as provided for in Section 3.155 D 9. of this Ordinance:
a. Building supply store, not involving the manufacture, treatment or processing of any product other than the cutting and planing which is clearly incidental or essential to the retail business.
b. Carpenter, electrical, plumbing, heating and air conditioning shop, showroom and storage area.
c. Floor covering and carpet store.
d. Garden supply store.
e. Hardware store.
f. Paint, glass and wallpaper store.
g. Tool or equipment rental store.
4. Miscellaneous Retail and Service Uses as follows, all conducted wholly within an enclosed building, except as provided for herein, and in Section 3.155 D.9. of this Ordinance:
a. Adult day care centers.
b. Bank and other financial institutions.
c. Bowling alleys and roller skating rinks.
d. Civic, social and fraternal clubs and lodges, and union halls, including for-profit and nonprofit establishments.
e. Funeral homes.
f. Janitorial supply and service stores.
g. Medical clinics or laboratories, excluding hospitals.
h. Nursery and child care centers.
i. Offices; business, professional, governmental, civic, service, philanthropic, political and union.
j. Physical fitness center and health club.
k. Printing and publishing establishments, including newspaper establishments.
l. Private business; dance, driving or martial arts schools, or other similar private schools.
m. Recording and sound studio.
n. Sign painting shop limited to posters, banners, bumper stickers, truck and windows and other nonelectrical advertising displays.
o. Studio for art, dance, music or photography.
p. Tavern and cocktail lounge, and combination restaurant or eatery, including outdoor serving areas.
q. Theater; indoor.

5. Motor Vehicle Uses as follows, provided that all storage shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened:
a. Automobile accessory and parts store.
b. Parking facilities, including structures and ramps. Parking structure and ramp facilities shall be designed with high quality materials that are compatible with other buildings on the site and shall be designed with vertical emphasis and articulation. At least fifty (50%) percent of any parking structure's total ground floor frontage, excluding driveway entrances and elevators, shall be designed to accommodate commercial or office space.
6. Institutional Uses as follows:
a. Cultural institutions, including libraries, museums and art museums.
b. Educational institutions, including public and private schools.
c. Parks and playgrounds, including buildings and grounds, and properly licensed concessions.
d. Philanthropic and charitable institutions.
e. Public administrative offices and public service buildings, including fire and police stations, community centers and public emergency shelters.
f. Public transportation uses, including municipal bus and transportation terminals.
g. Public and private utility offices.
h. Religious institutions, including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.
Section Three: To Repeal and Recreate Newly Renumbered Subsection 3.155 B of the Zoning Ordinance for the City of Kenosha, Wisconsin, as follows: B. Conditional Uses. Each principal and accessory use listed in this paragraph B. shall require a Conditional Use Permit subject to Section 4.06 B. 21. of this Ordinance where construction of a new building or group of buildings on the same lot, or contiguous group of lots, is required. New occupancy of a building for any of the following conditional uses, which does not involve additions, enlargements or expansion, does not require a new Conditional Use Permit. 1. Multiple Family Residences. Such residences may be located at or above the first floor, and attached or detached to another principal use. 2. Elderly and/or Handicapped Multifamily Units, Elderly and Handicapped Community Living Arrangements and Assisted Living Facilities. Such units, living arrangements or facilities may be located at or above the first floor, and attached or detached to another principal use. Assisted living facilities shall also be in conformance with Section 50.034, Wisconsin Statutes, and Chapter HFS89, Wisconsin Administrative Code. 3. Related Elderly Housing Facilities, including management office, service building, clubhouse, centralized recreational facilities, including swimming pools; private, noncommercial tennis and game courts in conformance with Chapter 9 of the Code of General Ordinance; private, noncommercial, common dining room, infirmary and limited medical emergency facilities restricted to serving residents; limited convenience retail and service uses for the benefit of the residents and guests. 4.Outdoor Advertising Signs, in conformance with Chapter 15 of the Code of General Ordinances. 5. Drive-thru facilities associated with permitted or conditional uses. Section Four: This Ordinance shall become effective upon passage and publication.

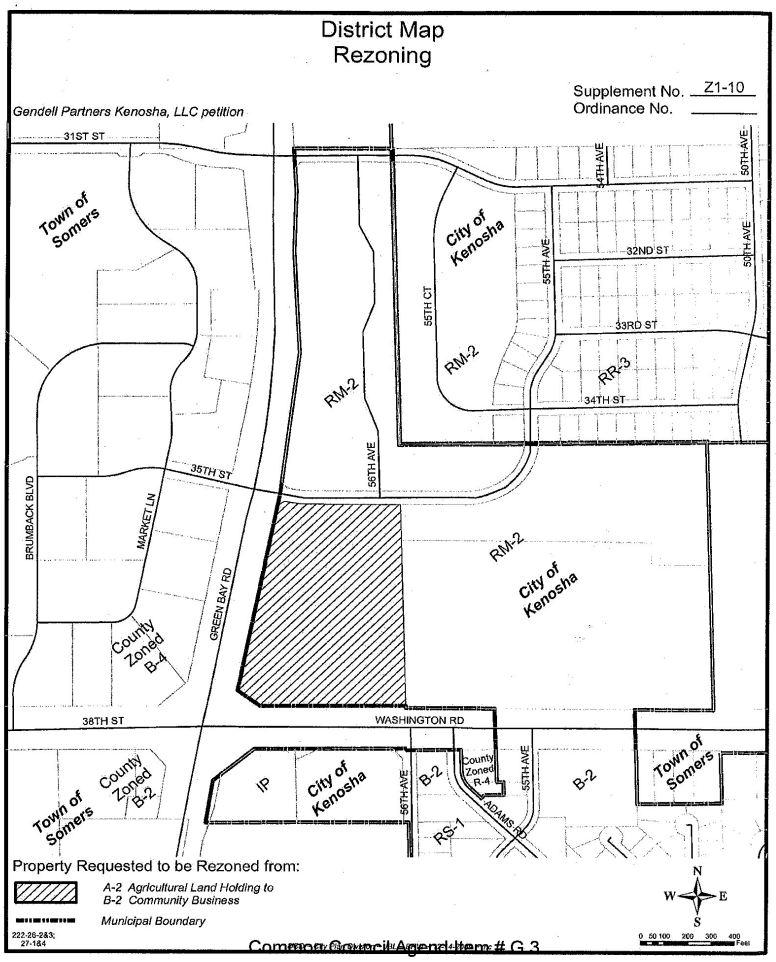
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

It was moved by Alderperson Downing, seconded by Alderperson Juliana, to adopt Ordinance 15-10.
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.

G.3. REZONING ORDINANCE NO. 15-10
BY: THE MAYOR
Zoning: TO REZONE PROPERTY LOCATED AT THE NORTHEAST CORNER OF STH 31 AND CTH S FROM A-2 AGRICULTRUAL LAND HOLDING TO B-2 COMMUNITY BUSINESS DISTRICT IN CONFORMANCE WITH SECTION 10.02 OF THE ZONING ORDINANCE, DISTRICT #16 (Gendell Partners, 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. Z1-10 be, and the same hereby is, zoned and districted as indicated on said map.

Section Two: The development of



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

the property shall be consistent with the conceptual development plan for the property being rezoned, which plan was submitted by the property owner/developer, considered by the City Plan Commission on the 7th day of January, 2010, and is on file with the Department of City Development, 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

H. RESOLUTIONS

It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad, to adopt Resolution 12-10. A hearing was held. No one spoke. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

H.1. RESOLUTION NO. 12-10
BY: FINANCE COMMITTEE

To Specially Assess the Property at 5553 32nd Avenue, Which has Been Declared a Nuisance Property per Section 16.151 D(1) of the Code of General Ordinances, for Costs for Law Enforcement by the City of Kenosha Police Department
(Miscellaneous Assessment)

BE IT RESOLVED, that a special assessment for Costs for Law Enforcement by the Kenosha Police Department in the total amount of $300.00 be levied against the property at 5553 32nd Avenue (parcel number #09-222-36-308-013). Passed this 15th day of February, 2010.

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

It was moved by Alderperson Prozanski, seconded by Alderperson Juliana, to adopt Resolution 13-10. A hearing was held. No one spoke. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

H.2. RESOLUTION NO. 13-10
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 January 12, 2010, for the City of Kenosha, a report on file in the Office of the City Clerk/Treasurer 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 Six Thousand One-Hundred Nine Dollars and twenty-four cents ($6,109.24) 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 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 15th day of February, 2010.

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

It was moved by Alderperson Nudo, seconded by Alderperson Ruef, to adopt Resolutions 14-10 through 16-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

H.3. RESOLUTION NO. 14-10
BY: COMMITTEE ON PUBLIC WORKS
PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS FOR HAZARDOUS SIDEWALK AND/OR DRIVEWAY APPROACH PROJECT #10-1012 RESURFACING PHASE I

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. 38th Avenue - 73rd Street to 71st 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: 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 15th day of February, 2010.

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

H.4. RESOLUTION NO. 15-10
BY: COMMITTEE ON PUBLIC WORKS
PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS FOR HAZARDOUS SIDEWALK AND/OR DRIVEWAY APPROACH PROJECT #10-1015 RESURFACING PHASE II

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. 43rd Street - 17th Avenue to 22nd Avenue, 55th Street - 49th Avenue to 51st Avenue 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: 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 15th day of February, 2010.

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

H.5. RESOLUTION NO. 16-10
BY: COMMITTEE ON PUBLIC WORKS
PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS FOR HAZARDOUS SIDEWALK AND/OR DRIVEWAY APPROACH PROJECT #10-1016 RESURFACING PHASE III

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. 33rd Avenue - 55th Street to 60th Street, 22nd Avenue - 35th Street to 38th 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: 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 15th day of February, 2010.

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

H.6. It was moved by Alderperson Orth, seconded by Alderperson Casey to DENY the proposed resolution BY ALDERMAN KENNEDY - TO ESTABLISH A JOINT CITY-COUNTY COMMITTEE ON SUSTAINABLE LIVING.

H.6.1. It was then moved by Alderperson Kennedy, seconded by Alderperson Haugaard to hold a public hearing. On a voice vote, motion failed.

H.6.2. It was moved by Alderperson Kennedy, seconded by Alderperson Juliana to table. On roll call vote, the clerk announced the vote was tied (7-7). The Mayor voted aye, and the clerk announced motion to table carried (8-7). When the vote displayed, the electronic results indicated motion failed (7-8) with Alderpersons Haugaard, Kennedy, Casey, Moldenhauer, Ohnstad, Juliana and Mayor Bosman voting aye. Alderpersons Nudo, Prozanski, Orth, Downing, Bogdala, Ruffolo, Carpenter and Ruef voted nay. The clerk and voting system operator confirmed the vote was tied, and the Mayor voted aye. In order for the City Attorney to rule on the motion, it was

moved by Alderperson Carpenter, seconded by Alderperson Nudo to recess at 8:55 p.m. On a voice vote, motion carried. At 9:07 pm, the Council reconvened. The City Attorney ruled the announcement of the vote by the Clerk was correct. Therefore, the motion to table was sustained.

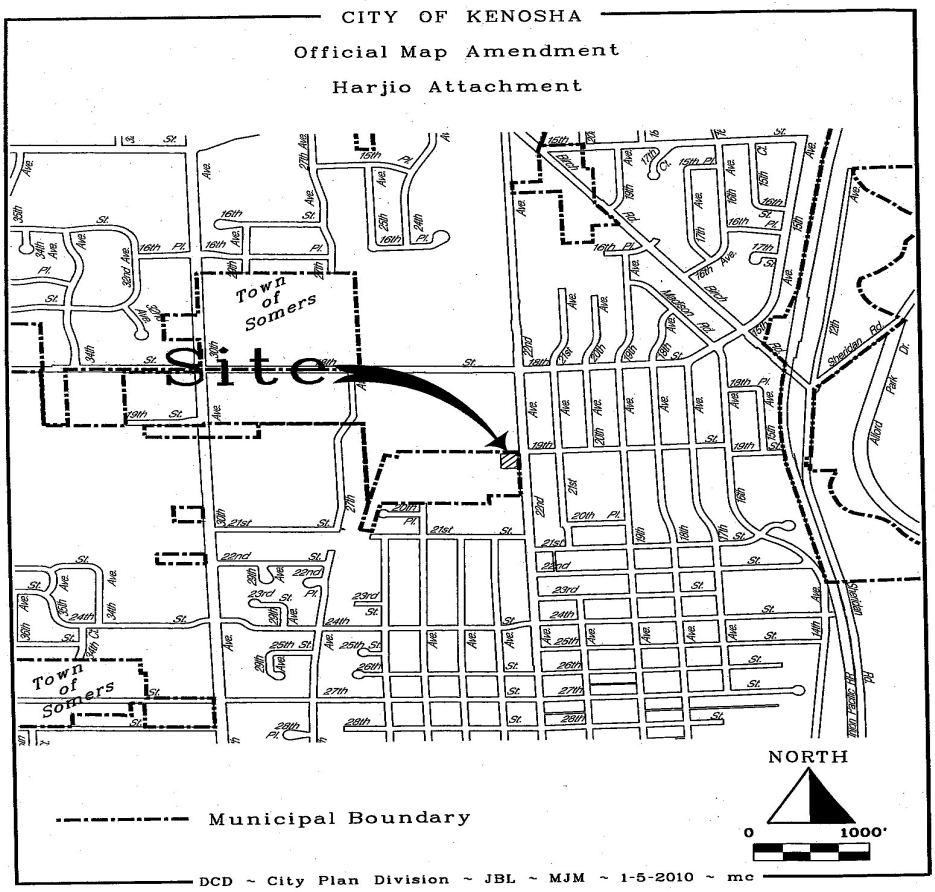
It was moved by Alderperson Prozanski, seconded by Alderperson Juliana, to adopt Resolutions 17-10 and 18-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.7. RESOLUTION NO. 17-10

BY: THE MAYOR

TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE ATTACHMENT OF PARCEL NO. 80-4-222-241-0110 LOCATED AT 1900 22ND 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 [HARJIO, INC. – 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. 80-4-222-241-0110, located at 1900 22nd Avenue, in the Town of Somers, Kenosha County, Wisconsin, to the City of Kenosha, Wisconsin; and, WHEREAS, on February 15, 2010, 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. 80-4-222-241-0110, located at 1900 22nd 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. 80-4-222-241-0110, located at 1900 22nd 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 February, 2010.



APPROVED:

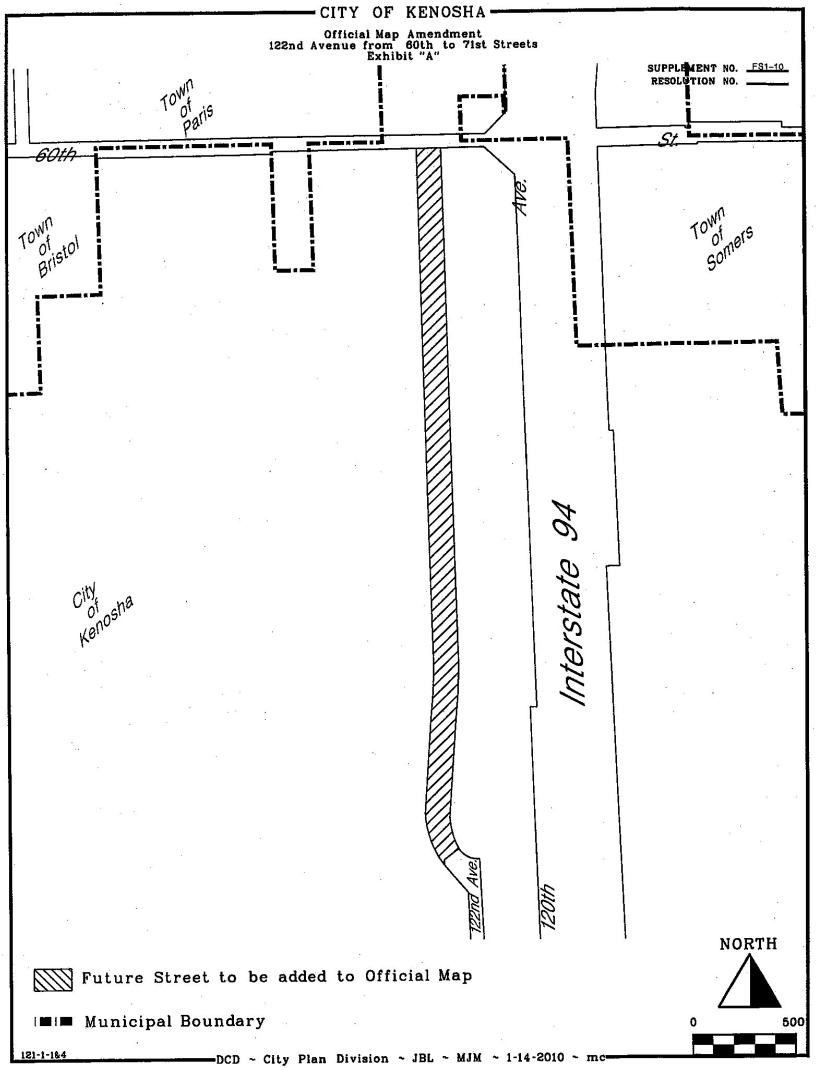
KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK
NOTE: MAPS ARE AVAILABLE FOR VIEWING IN THE CITY CLERK'S OFFICE.

H.8. RESOLUTION NO. 18-10
BY: THE MAYOR
TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE DESIGNATION OF 122ND AVENUE FROM 60TH STREET TO 71ST STREET AS A FUTURE STREET, PURSUANT TO SECTION 62.23(6), WISCONSIN STATUTES

WHEREAS, the City of Kenosha, Wisconsin, has established an Official Map pursuant to Section 62.23(6), Wisconsin Statutes; and, WHEREAS, Section 62.23(6)(c), Wisconsin Statutes, provides for the amendment of the Official Map so as to establish the exterior lines of planned new streets, hereinafter referred to as "future streets," for the purpose of conserving and promoting the public health, safety, convenience and general welfare; 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 Northeast Quarter of Section 1, Town 1 North, Range 21 East of the Fourth Principal Meridian, lying and being within the City of Kenosha, Kenosha County, Wisconsin. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to the authority of Section



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

62.23(6)(c), Wisconsin Statutes, the Official Map for the City of Kenosha, Wisconsin, be and hereby is amended to include the designation of 122nd Avenue from 60th Street to 71st Street as a future street as depicted on Exhibit "A," Supplement No. FS1-10, which is incorporated herein by reference. 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. FS1-10, in the Office of the Register of Deeds for Kenosha County, Wisconsin. Adopted this 15th day of February, 2010.

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

H.9. It was moved by Alderperson Prozanski, seconded by Alderperson Nudo to adopt Resolutions 19-10 through 26-10. A hearing was held. No one spoke. On roll call vote, motion carried (11-2) with Alderpersons Downing and Carpenter voting nay and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 19-10
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 2009, in the total amount of $6,288.75, 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 15th day of February, 2010.

b. RESOLUTION NO. 20-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Property Maintenance Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2009 and 2010, in the total amount of $2,030.00, 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 15th day of February, 2010.

c. RESOLUTION NO. 21-10
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 2009, in the total amount of $1,332.66, 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 15th day of February, 2010.

d. RESOLUTION NO. 22-10
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 2009, in the total amount of $3,791.18, 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 15th day of February, 2010.

e. RESOLUTION NO. 23-10
BY: FINANCE COMMITTEE
To Specially Assess The Property at 2908 - 2910 Roosevelt Road (Roosevelt Theater) for Costs Associated with Razing/Pre-Razing of Structure

BE IT RESOLVED, that special assessments for razing/pre-razing of structures during 2008-2009, in the total amount of $170,886.16, be levied against the property at 2908 - 2910 Roosevelt Road (Parcel #01-122-01-430-010) 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 15th day of February, 2010.

f. RESOLUTION NO. 24-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Building and Zoning Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2009/2010, in the total amount of $12,520.00 (A/C #110-00-44806), 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 15th day of February, 2010.

g. RESOLUTION NO. 25-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Erosion Control Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2009/2010, in the total amount of $1,550.00 (A/C #501-00-44806), 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 15th day of February, 2010.

h. RESOLUTION NO. 26-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Unpaid Permit Fees

BE IT RESOLVED, that special assessments for unpaid permit fees during 2009 and 2010, in the total amount of $5,122.60 (A/C #110-00-44810), 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 15th day of February, 2010.

APPROVED:

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

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderperson Nudo, seconded by Alderperson Ruef, to approve:
I.1. Appointment of Kimberly Renkas to the Mayor's Youth Commission for a term to expire November 1, 2011.
I.2. Appointment of Michael Wamboldt to the Mayor's Youth Commission to fulfill an unexpired term to expire November 1, 2010.
On roll call vote, motion carried (12-1) with Alderperson Carpenter voting nay.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

J.1. It was moved by Alderperson Nudo, seconded by Alderperson Ruef, to approve Acceptance of Project 09-1022 West Frontage Rd @ 60th Street (Hwy K) by Super Western, Inc., (Menomonee Falls, Wisconsin), in the amount of $399,519.96. (PW-Ayes 5: Noes 0)
On roll call vote, motion carried (12-1) with Alderperson Carpenter voting nay.

K. OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderperson Nudo, seconded by Alderperson Ruef, to approve:
K.1. Memorandum of Understanding Supporting the I-94 Frontage Roads Access Management Vision Plan.
K.2. Janitorial Services Agreement for the Period of January 1, 2010 through December 31, 2012 by and between the City of Kenosha and Pioneer Commercial Cleaning.
On roll call vote, motion carried (12-1) with Alderperson Carpenter voting nay.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

L.1. It was moved by Alderperson Nudo, seconded by Alderperson Ruef, to approve Disbursement Record #2 – $41,858,061.19.
On roll call vote, motion carried (12-1) with Alderperson Carpenter voting nay.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

O. OTHER

O.1. It was moved by Alderman Ruef, seconded by Alderman Juliana, to Approve Request to Extend the Conditional Use Permit for Filling in the FFO Floodplain Fringe Overlay located north of 52nd Street and east of 88th Avenue. (16th District) (First Industrial).
On a roll call vote, motion carried (12-1) with Alderperson Downing voting nay.
O.2. It was moved by Alderperson Nudo, seconded by Alderperson Prozanski, to enter Committee of the Whole at 9:13 p.m. On roll call vote, motion carried unanimously. O.2.1. It was then moved by Alderperson Nudo, seconded by Alderperson Carpenter to go into closed session to discuss proposed Intergovernmental Cooperation Agreement By and Between the County of Kenosha, Wisconsin and the City of Kenosha, Wisconsin, which proposed agreement includes provisions regarding construction of an addition, remodeling and potential lease of portions of the Public Safety Building and the reaffirmation of the establishment of Joint Services.
On roll call vote, motion carried unanimously.
The Committee of the Whole then reconvened to open session.
O.2.2. It was moved by Alderperson Ohnstad, seconded by Alderperson Carpenter the following:
The City of Kenosha Common Council Committee Of The Whole, in principal, recommends to the Common Council (and its Committees) that it approves, subject to review of final drafts, the Intergovernmental Cooperation Agreement (IGA), the Lease between the City of Kenosha and The County of Kenosha and the Lease between Kenosha Joint Services (KJS) and the County of Kenosha; and further said recommendation is subject to an

amendment of Agreement 2 of the IGA titled "Kenosha Joint Services Operations" to include the following: Hiring of Director: The job description for the Director position of KJS shall be developed jointly between the CITY and COUNTY of Kenosha Human Resources Directors and approved by the Kenosha Joint Services Board (KJSB). The Director position of KJS shall be selected by the joint effort of the CITY and COUNTY of Kenosha Human Resources Directors working together to oversee the recruitment and interview process, and to rank the recommended top candidates for the position. The top five ranking candidates will be presented to the KJSB for their selection. The selection of the Director by the KJSB will be subject to confirmation by both the City of Kenosha Common Council and the Kenosha County Board of Supervisors. On a voice vote, motion carried.

O.2.3. It was moved by Alderperson Ruffolo, seconded by Alderperson Nudo to rise. On a voice vote, motion carried.

ADJOURNMENT

There being no further business to come before the Common Council, It was moved by Alderperson Carpenter, seconded by Alderperson Nudo to adjourn at 11:20 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, March 1, 2010
Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, March 1, 2010

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

The meeting was called to order at 7:10 p.m.

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

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 Alderperson Ohnstad, seconded by Alderperson Kennedy, to approve the minutes of the meeting held February 15, 2010.

Motion carried unanimously.

Three (3) Citizens spoke during Citizen's Comments: Angela Cunningham, Holly Meyer & Jose Gomez.

MATTERS REFERRED TO THE PUBLIC SAFETY & WELFARE COMMITTEE BY THE MAYOR

a. Proposed ordinance regarding signs.
b. Proposed ordinance regarding sprinklers.

A. REFERRALS
TO THE COMMITTEE ON FINANCE

A.1. Resolution to approve the 2010 Consolidated Plan/Annual Plan for Community Development Block Grant (CDBG) and HOME Programs. (Also referred to City Plan Commission)

A.2. Proposed Ordinance to Amend Subsection 1.03A Regarding Rules of Council to Include an Agenda Item for Reports and Recommendations of Boards and Commissions

TO THE PUBLIC WORKS COMMITTEE

A.3. Agreement between the City of Kenosha and the Wisconsin Department of Transportation to transfer property for the relocated east frontage road at 118th Avenue, north of STH 50, District #17. (Also referred to City Plan Commission)

A.4. Quit Claim Deed between the City of Kenosha and the Wisconsin Department of Transportation to transfer property for the relocated east frontage road at 118th Avenue, north of STH 50, District #17. (Also referred to City Plan Commission)

A.5. Easement from the Wisconsin Department of Transportation to the City of Kenosha for the relocation and installation of a sculpture, District #17. (Also referred to City Plan Commission)

TO THE PUBLIC SAFETY & WELFARE COMMITTEE

A.6. Proposed Ordinance to Repeal and Recreate Section 15.11 to Allow Placement of Parks-Commission-Approved Signs Without Permit, to Create Subsection 15.15H to Allow for Placement of Off-Premises signs in Parks and Recreational Areas; and to Repeal and Recreate Section 15.17 to Allow for Appeals and Special Exceptions to be made to the Common Council."

TO THE CITY PLAN COMMISSION

A.7.A.2.Ordinance to Adopt the "Comprehensive Plan for the City of Kenosha: 2035 pursuant to Sections 62.23 (2) and 62.23 (3) of the Wisconsin Statutes.

A.8.A.3.Petition to rezone property at 5700 77th Street from M-2 Heavy Manufacturing to B-2 Community Business District in conformance with Section 10.02 of the Zoning Ordinance, District #15. (Schultz)

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Misner, to approve:
a. 21 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.
B.2. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to Communication regarding the voluntary surrender of the Class "B" Beer/"Class B" Liquor license issued to Mike's Ale House, 6613 120th Avenue. (17th District)
On a voice vote, motion carried.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve applications for new Operator's (Bartender) licenses, subject to:
-25 demerit points:
a. Joshua Lamers
-50 demerit points:
b. Joshua Jorgensen
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
On a voice vote, motion carried.
C.2. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to DENY application of Ashley Williams for 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.
On a voice vote, motion carried.
C.3. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve applications for new Taxi Driver's licenses, subject to:
-35 demerit points:
a. Jessica B. Thomas Reed
-45 demerit points:
b. J.M. Johnson
-55 demerit points:
c. Stephen Kallstrom
A hearing was held. Applicant c. was present and spoke.
On a voice vote, motion carried.
C.4. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to DENY application of Lawrence Sosbe for a new Taxi Driver's license, based on material police record & false application.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
On a voice vote, motion carried.
C.5. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve application of S & V Partnership, LLP, Himmat Gill, Agent, for a Class "A" Retail Beer License located at 2828-75th Street, (American Gas), with acceptance of a conditional surrender of a similar license at the same location from Guru Teg Bahadur Inc. (12th District)
A hearing was held. The applicant did not appear. On a voice vote, motion carried.

On a voice vote, motion carried.

C.6. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve application of Puparotzi Palace LLC, Greg Frost, President, for a Commercial Kennel License, located at 7707 Sheridan Road.

A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

On a voice vote, motion carried.

D. ORDINANCES 1ST READING

E. ZONING ORDINANCES 1ST READING

F. ORDINANCES 2ND READING

It was moved by Alderperson Nudo, seconded by Alderperson Downing, to adopt Ordinance 16-10.

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:

F.1.ORDINANCE NO. 16-10
BY: Alderperson DOWNING
TO CREATE SECTION 12.001 OF THE CODE OF GENERAL ORDINANCES REGARDING AMUSEMENT DEVICE FEES
AND TO AMEND TITLE OF 12.01 B. AS AMUSEMENT AND RECREATION ENTERPRISE LICENSE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 12.001 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: 12.001 Amusement Device License. A. Definition(s) 1. "Amusement Device" means any machine, game or similar device whether or not operated by coins, slugs, tokens, or similar items which permits a person or operator to use the device as a game or contest of skill or amusement, whether or not the device registers a score, which may cause a person or operator of the same to secure some amusement, enjoyment, or entertainment, and which is not a gambling machine as defined by Wis. Stats. §945.01 (3). The term shall include, but not be limited to because of enumeration, jukebox, electronic, video or mechanical game machines, pinball machines, shuffleboard, dart boards, and pool or billiards tables. B. License Required. 1. Amusement Device License. No person, corporation or other legal entity which has possessory control of any commercial premises, shall permit, keep or maintain an amusement device(s) as herein defined without first obtaining an "amusement device" license to be issued by the City Clerk. The annual fee for such license shall be Thirty ($30.00) Dollars for the first device and Thirty ($30.00) Dollars for each additional device located on the premises. Any location where there are ten (10) or more amusement devices on the premises shall also be subject to the licensing requirements of §12.01 of the Code of General Ordinances. In the event that the Licensee shall add additional devices during the licensing period it shall be the licensee's responsibility to advise the City Clerk of any increase in the number of such devices and pay the appropriate fee prior to installing the additional device. The Clerk shall issue an updated license in the event additional devices are added during the license term. All licenses shall expire on the Thirtieth (30th) day of June each year and there shall be no pro-ration or adjustment of a license fee for less than one (1) year. The license shall not be transferable. Upon written notice to the City Clerk by the Licensee, devices added for the purpose of conducting a state or city tournament shall be exempt from this provision. Notice shall be filed with the City Clerk seven (7) days prior to the start of the tournament. Upon completion of the tournament, the devices shall be removed from the premises or be subject to licensing. 2. Applications for an amusement device license shall be made to the City Clerk on forms furnished by the City Clerk accompanied by the required fee. 3. Review. Licenses will be reviewed by the City Clerk. If the City Clerk is satisfied that the applicant should be entitled to a license the Clerk shall issue a license. However, any applicant desiring to appeal the City Clerk's or designee's ruling to the Common Council may do so by filing a written Notice of

Appeal with the City Clerk. Appeals may be acted upon by the Council following the review and recommendation made by the Committee on Licenses/Permits. 4. License Display, Posted. a. Frame. An amusement device license shall be enclosed in a frame having a transparent front which allows the license to be clearly read. b. Display. An amusement device license shall be conspicuously displayed for public inspection at all times. C. Revocation of License. The violation of this section and any regulations set forth herein for the violation by the licensee of any city, county, state or federal laws, rules and regulations, or permitting others to violate such ordinances, laws, rules and regulations on the premises shall be sufficient grounds for revocation of license. D. Penalties. In addition to the revocation of license any person violating the provisions of this section shall, upon conviction thereof, pay a forfeiture of not less than One Hundred ($100.00) Dollars not more than Two Hundred ($200.00) Dollars for the first offense and not less than Two Hundred ($200.00) Dollars or more than Five Hundred ($500.00) Dollars for the second conviction within one (1) year, and penalties and costs of prosecution. If such forfeiture and costs are not paid as directed by the court, the court may direct imprisonment in the Kenosha County Jail for a period of not more than ninety (90) days. Section Two: Section 12.01B title of the Code of General Ordinances is hereby amended as follows: B. Amusement and Recreation Enterprise License Section Three: This Ordinance shall become effective upon passage and publication.

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

F.2. The proposed ordinance BY: ALDERPERSON DONALD K. HOLLAND - TO REPEAL AND RECREATE SECTION 4.07 OF THE CODE OF GENERAL ORDINANCES, ENTITLED "PENALTIES″ AS SECTION 4.08; AND, TO CREATE SECTION 4.07 OF THE CODE OF GENERAL ORDINANCES, ENTITLED "OUTDOOR LIGHTING″ was deferred for two weeks by the Public Safety & Welfare Committee prior to this meeting.

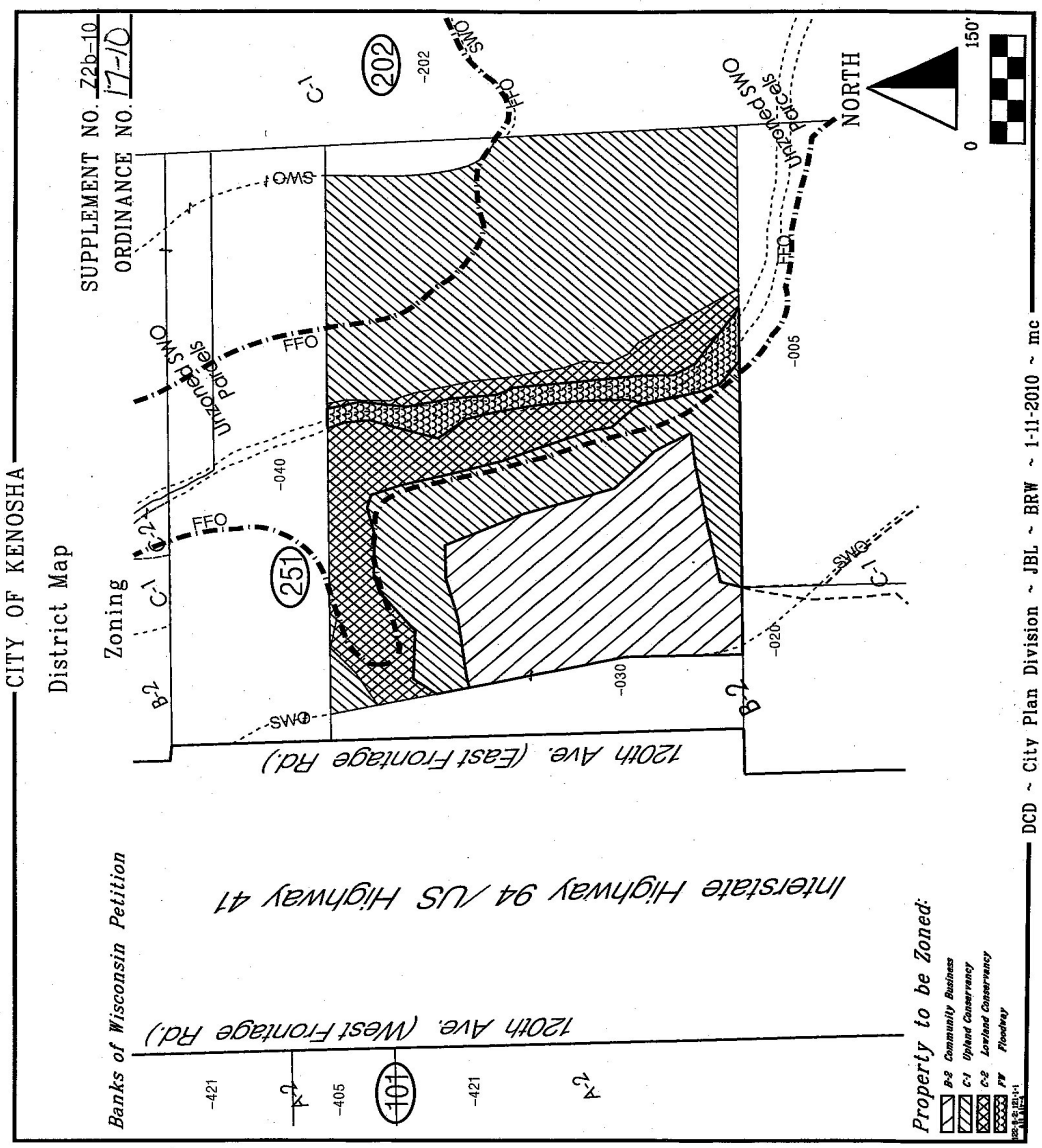
G. ZONING ORDINANCES 2ND READING

It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to adopt Ordinance 17-10.
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.

G.1. ZONING ORDINANCE NO. 17-10
BY: THE MAYOR
Zoning: TO ZONE A PORTION OF PROPERTY LOCATED AT 6521 120th AVENUE AS B-2 COMMUNITY BUSINESS DISTRICT, C-1 UPLAND RESOURCE CONSERVANCY, C-2 LOWLAND RESOURCE CONSERVANCY, AND FW FLOODWAY IN CONFORMANCE WITH SECTION 10.02 OF THE ZONING ORDINANCE, DISTRICT #17. [BANKS OF WISCONSIN]

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. Z2b-10 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 CITYCLERK'S OFFICE.



It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to adopt Ordinance 18-10.

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.

G.2. REZONING ORDINANCE NO. 18-10

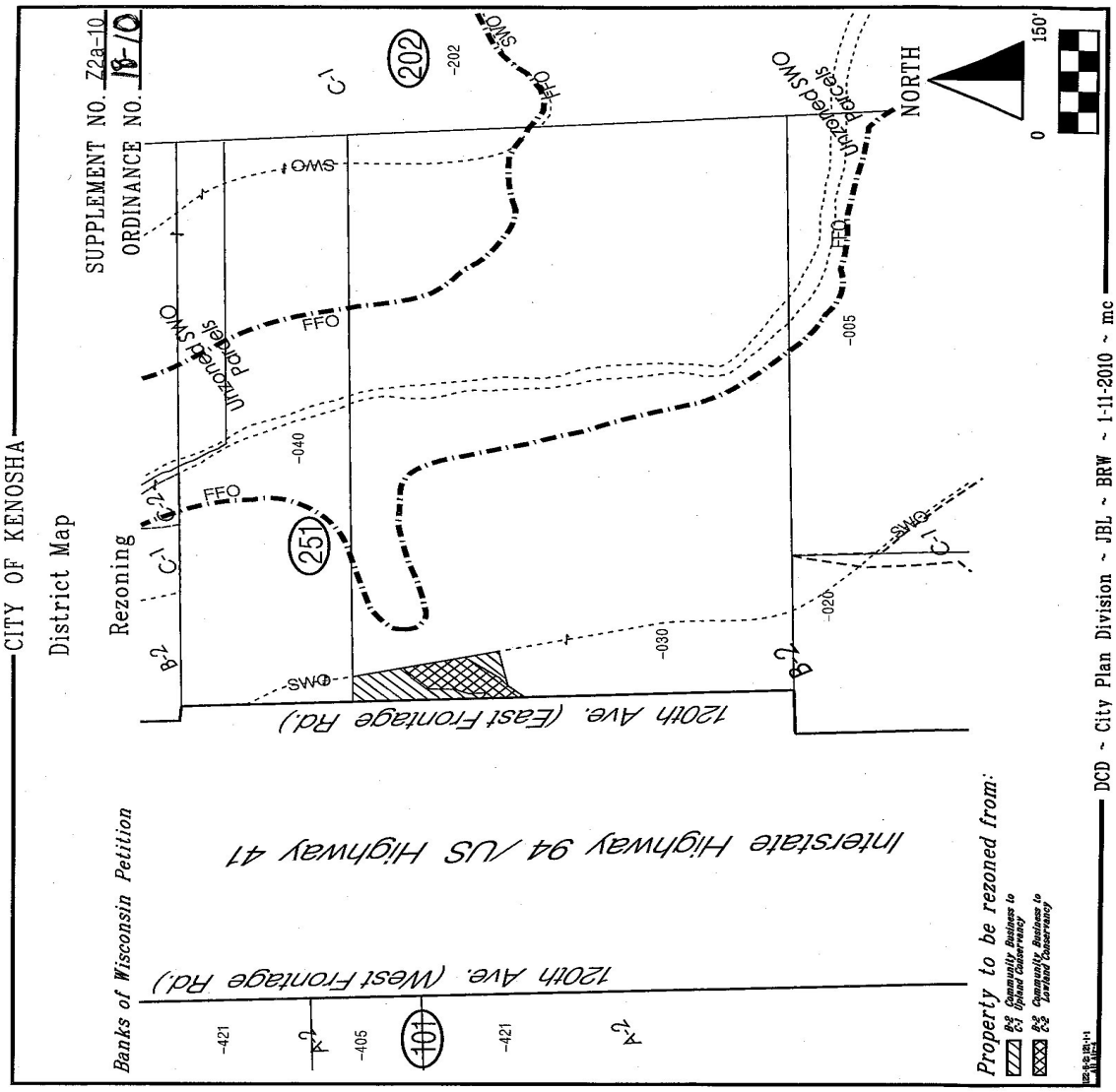
BY: THE MAYOR

Zoning: TO REZONE PROPERTY LOCATED AT 6521 120th AVENUE FROM B-2 COMMUNITY BUSINESS DISTRICT TO C-1 UPLAND RESOURCE CONSERVANCY DISTRICT AND C-2 LOWLAND RESOURCE CONSERVANCY DISTRICT IN CONFORMANCE WITH SECTION 10.02 OF THE ZONING ORDINANCE, DISTRICT #17. [BANKS OF WISCONSIN]

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. Z2a-10 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.

H.



RESOLUTIONS

H.1. It was moved by Alderperson Ruffolo, seconded by Alderperson Nudo, to adopt Resolution 27-10. On a voice vote, motion carried and said resolution was thereupon adopted as follows:

RESOLUTION NO. 27-10
BY: COMMITTEE ON PUBLIC WORKS
PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS
FOR
PAVEMENT CONSTRUCTION
PROJECT #010-1021 NEW ROAD CONSTRUCTION

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: permanent pavement, and/or curb and gutter, and/or grading and graveling and/or sidewalk, and/or driveway approaches.

27th Street - 47th Avenue to 43rd Avenue

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 ten (10) 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 1st day of March, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
H.2. It was moved by Alderperson Nudo, seconded by Alderperson Misner, to adopt Resolution 28-10, with the amendment to approve subject to maintenance agreement for easement. On a voice vote, motion carried and said resolution was thereupon adopted as follows:

RESOLUTION NO: 28-10
BY: THE MAYOR
TO APPROVE A FOUR-LOT CERTIFIED SURVEY MAP
Property located AT 8200 75th Street (Heiberg)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to three parcels located at 8200 75th 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 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. A digital copy of the Certified Survey Map shall be provided to the City prior to recording.
6. Compliance with the Kenosha Water Utility memo dated November 13, 2009.
7. The Certified Survey Map shall include one page that shows the entirety of all parcels included in the Land Division.
8. Revise the legal description to indicate that Parcel #03-122-04-376-005 was not part of Certified Survey Map #2493.
9. A Lot Line Adjustment Survey to adjust the boundaries of Lot 1 of Certified Survey Map #2493 to comply with the proposed Certified Survey Map shall be reviewed and approved by the City and recorded by the applicant prior to recording of the proposed Certified Survey Map.
10. A Special Exception to Section 17.09 F.3. of the Code of General Ordinances shall be approved by the Common Council.
11. The applicant shall record a Maintenance Agreement with the Kenosha County Register of Deeds prior to recording the Certified Survey Map. The Maintenance Agreement shall exempt the City of Kenosha

from maintaining any on-site improvements.

12. 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

H.3. It was moved by Alderperson Downing, seconded by Alderperson Carpenter, to adopt Resolution 29-10, On roll call vote, motion carried unanimously. and said resolution was thereupon adopted as follows:

RESOLUTION 29-10
BY: MAYOR
TO IMPOSE A MORATORIUM ON THE ISSUANCE OF ZONING PERMITS, CONDITIONAL USE PERMITS, SITE PLAN REVIEW AND SIGN PERMITS FOR ANY OFF-PREMISE SIGN, NOT TO EXCEED A PERIOD OF SIX MONTHS, TO PROVIDE THE DEVELOPMENT, PASSAGE AND IMPLEMENTATION OF REQUIREMENTS FOR OFF-PREMISE SIGNS

WHEREAS, it has been determined that the current City Code of General Ordinances and Zoning Ordinances do not deal adequately with the issue of permanent off-premise signs; and,

WHEREAS, it is in the public interest to prevent the construction of any new permanent off-premise signs or the alteration of any existing off-premise signs; and,

WHEREAS, unregulated installation of off-premise signs may be a blighting influence to areas within the City of Kenosha,

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Kenosha, Wisconsin, imposes a moratorium, not to exceed six (6) months on the issuance of any Zoning Permit, Conditional Use Permit, Site Plan Approval Review or Sign Permit for any off-premise sign(s) until new ordinances and standards are adopted by the Common Council.

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

H.4. It was moved by Alderperson Ohnstad, seconded by Alderperson Carpenter, to adopt Resolution 30-10. On a voice vote, motion carried and said resolution was thereupon adopted as follows:

RESOLUTION #30-10
BY: THE MAYOR
Resolution to Approve a Successor Labor Agreement for 2010 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 successor labor agreement for 2010 between the City of Kenosha and Local #414, Kenosha Fire Fighters be approved in accordance with the tentative agreements as attached (on file in the Office of the City Clerk) and be effective January 1, 2010.

Adopted this 1st day of March, 2010.

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

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

K. OTHER CONTRACTS AND AGREEMENTS

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderperson Ohnstad, seconded by Alderperson Kennedy, to approve:
L.1. Disbursement Record #3 – $8,506,172.96. On roll call vote, motion carried. Unanimously.
L.2. At approximately 7:35 p.m., Pursuant to Wisconsin Statutes, Sections 19.36(1) and 19.85(1)(g), it was moved by Alderperson Nudo, seconded by Alderperson Kennedy to go into closed session regarding the Settlement Agreement in Estate of Michael Edward Bell, et al. v. Officer Erich R. Strausbaugh, et al., Case No. 05-C-1176 (Eastern District of Wisconsin). On roll call vote, motion carried unanimously.
L.2.1. At approximately 8:20 p.m., It was moved and seconded to return to open session. On roll call vote, motion carried unanimously.
L.2.2. It was moved by Alderperson Misner, seconded by Alderperson Carpenter to approve the Settlement Agreement in Estate of Michael Edward Bell, et al. v. Officer Erich R. Strausbaugh, et al., Case No. 05-C-1176 (Eastern District of Wisconsin).
On roll call vote, motion carried unanimously.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

M.1. It was moved by Alderperson Misner, seconded by Alderperson Orth to approve Acceptance of Projects:
a. 09-1012 Resurfacing Phase I (55th Street - 14th Avenue to 22nd Avenue, 25th Avenue - 52nd Street to 55th Street, 54th Street - 23rd Avenue to 25th Avenue, 20th Avenue - 52nd Street to 53rd Street, 16th Avenue - 54th Street to 55th Street, 20th Avenue - 54th Street to 53rd Street, 53rd Street - 21st Avenue to 20th Avenue, 54th Street - 23rd Avenue to 22nd Avenue) completed by Payne & Dolan, Inc., (Kenosha, Wisconsin) - $771,872.50. (District 7)
b. Project 09-1023 Miscellaneous Asphalt Joint Repairs (52nd Street - 30th Avenue to Sheridan Rd, Sheridan Rd - 75th Street to 60th Street) completed by Payne & Dolan, Inc., (Kenosha, Wisconsin) - $170,973.45. (Districts 2, 3, 7, 8, 10)
On roll call vote, motion carried unanimously.

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

O. OTHER

It was moved by Alderperson Casey, seconded by Alderperson Moldenhauer to:
O.1. Approve Intergovernmental Cooperation Agreement By and Between the County of Kenosha, Wisconsin and the City of Kenosha, Wisconsin, which proposed agreement includes provisions regarding construction of an addition, remodeling and the reaffirmation of the establishment of Joint Services.
O.2. Approve Lease between the County of Kenosha and City of Kenosha for portions of the Public Safety Building. On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson

Misner, seconded by Alderperson Carpenter, to adjourn at 8:35 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 March 15, 2010

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

The meeting was called to order at 7:41 p.m.

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

The invocation was given by Alderperson Casey.

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

It was moved by Alderperson Ruef, seconded by Alderperson Ohnstad, to approve the minutes of the meeting held March 1, 2010.

Motion carried unanimously.

Three (3) Citizens spoke during Citizen's Comments: Dayvin Hallmon, Jose Gomez and Theodore Ruffalo.

A. REFERRALS

TO THE COMMITTEE ON FINANCE

A.1. Memorandum of Understanding between the City of Kenosha and Carthage College for tree replacement, Building E, District #1. (Oaks at Carthage Student Housing) (Also refer to Park Commission)

TO THE CITY PLAN COMMISSION

A.2. Petition to rezone property located at 1330 52nd Street from RG-2 General Residential, B-2 Community Business District and M-2 Heavy Manufacturing to IP Institutional Park in conformance with Section 10.02 of the Zoning Ordinance, District #7. (Boys and Girls Club)

A.3.A.2.Conditional Use Permit for a 79,466 s.f. Community Center to be located at 1330 52nd Street, District #7. (Boys and Girls Club)

A.4.A.3.To Repeal and Recreate Subsection 5.03 A.2. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled “Establishing Setback Lines”.

TO THE BOARD OF WATER COMMISSIONERS

A.5. To Repeal and Recreate Chapter 32 of the Code of General Ordinances for the City of Kenosha, Wisconsin, Entitled "Kenosha Water Utility - Water and Sewerage Systems".

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve:

a. 8 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.

On a voice vote, motion carried.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Nudo, seconded by Alderperson Ruffolo, to approve the following applications for new Operator's (Bartender) licenses, subject to:

-25 demerit points:

a. Dan Renner

-50 demerit points:

b. Christine Doerflinger

c. Beau Mundy
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.2. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to DENY the following applications for new Operator's (Bartender) licenses, based on material police record & false application:
a. Crystal Baranek
b. Lisa Larson
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.3. It was moved by alderman Nudo, seconded by Alderman Downing, to DENY application of Dwane Bowling, Sr. for a new Taxi Driver's License based on material police record. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.4. It was moved by Alderperson Downing, seconded by Alderperson Juliana, to approve application of Lawrence Sosbe for a new Taxi Driver's license subject to 90 demerit points. A hearing was held. The applicant was present and spoke. On roll call vote, motion carried (9-8) with Alderpersons Kennedy, Nudo, Prozanski, Orth, Bogdala, Ruffolo, Ohnstad and Orth voting nay.
C.5. It was moved by Alderperson Ohnstad, seconded by Alderperson Downing, to DENY application of Big Scotts BBQ Pit Inc., Sara J. Sorensen, Agent, for a Class "B" Beer Only License located at 5917-39th Avenue, (Big Scotts BBQ Pit) based on density and public safety & welfare. (11th District) A hearing was held. The applicant was present and spoke. On roll call vote, motion carried (15-2) with Alderpersons Kennedy and Moldenhauer voting nay.
C.6. It was moved by Alderperson Juliana, seconded by Alderperson Downing, to approve application of Homero G. Santos for a Class "B" Beer Only License located at 3300 Sheridan Road, (Costa Azul) with no adverse recommendations. (1st District) A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.7. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve application of Cast LLC, Paul Campagna, Agent, for a Class "B" Beer/"Class B" Liquor License located at 5623 6th Ave., (Sazzy's), with no adverse recommendations. (2nd District) A hearing was held. The applicant did not appear. On a voice vote, motion carried.

D. ORDINANCES 1ST READING

It was moved by Alderperson Casey, seconded by Alderperson Nudo to send the following ordinances on their way:
D.1. By Alderperson Orth and Alderperson Nudo - To Repeal and Recreate Section 15.11 (of the Code of General Ordinances) to Allow Placement of Parks-Commission-Approved Signs without Permit; to Create Subsection 15.15 H. (of the Code of General Ordinances) to Allow for Placement of Off-Premises Signs in Parks and Recreation Areas; and, to Repeal and Recreate Section 15.17 (of the Code of General Ordinances) to Allow for Appeals and Special Exceptions to Chapter 15 to be Made to the Common Council.
D.2. By Mayor - To Amend Subsection 1.03 A. (of the Code of General Ordinances) Regarding Rules of Council to Include an Agenda Item for Reports and Recommendations of Boards and Commissions.
D.3. By the Mayor - To Repeal, Recreate and Renumber Various Subsections of Section 3.23 (of the Code of General Ordinances), Entitled "Automatic Fire Sprinkler Systems".
On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

It was moved by Alderperson Casey, seconded by Alderperson Nudo, to send the following ordinances on their way:
E.1. By the Mayor – To Rezone property at 5700 77th Street from M-2 Heavy Manufacturing to B-2 Community Business District (in conformance with Section 10.02 of the Zoning Ordinance). (15th District) (Schultz) (NOTE: Due to recommendation to deny, approval would require 3/4 vote of members of the Common Council voting)
E.2. By the Mayor - To Create Section 18 of the Zoning Ordinance (for the City of Kenosha, Wisconsin), entitled "Comprehensive Plan".
On a voice vote, motion carried.

F. ORDINANCES 2ND READING

G. ZONING ORDINANCES 2ND READING

H. RESOLUTIONS

H.1. It was moved by Alderperson Haugaard, seconded by Alderperson Kennedy, to adopt Resolutions 31-10 through 35-10. A hearing was held. No one spoke. On a voice vote, motion carried unanimously (Alderperson Misner not present) and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 31-10
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 2010, in the total amount of $952.69, 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.

Adopted this 15th day of March, 2010.

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

b. RESOLUTION NO. 32-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Property Maintenance Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2010, in the total amount of $1,660.00, 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.

Adopted this 15th day of March, 2010.

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

c. RESOLUTION NO. 33-10
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 2010, in the total amount of $205.00, 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.

Adopted this 15th day of March, 2010.

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

d. RESOLUTION NO. 34-10
BY: FINANCE COMMITTEE
To Rescind Three (3) Special Assessments Levied by Resolution No. 004-10 Against the Following:
1. Parcel No. 11-223-30-461-004 (4315 8th Avenue), Kenosha, Wisconsin, in the amount of $374.00
2. Parcel No. 12-223-31-407-004 (5503 6th Avenue) Kenosha, Wisconsin, in the amount of $380.12
3. Parcel No. 05-123-06-427-004 (1109 67th Street),
Kenosha, Wisconsin, in the amount of $488.36

WHEREAS, on February 15, 2010, the Common Council of the City of Kenosha, Wisconsin, adapted Resolution No. 004-10 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 three (3) of those parcels; to wit: Parcel No. 11-223-30-461-004 (4315 8th Avenue), Parcel No. 12-223-31-407-004 (5503 6th Avenue), and Parcel No. 05-123-06-427-004 (1109 67th Street)

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the special assessments of $374.00, $380.12, and $488.36 levied by Resolution No. 004-10 against Parcel No. 11-223-30-461-004

(4315 8th Avenue), Parcel No. 12-223-31-407-004 (5503 6th Avenue), and Parcel No. 05-123-06-427-004 (1109 67th Street), respectively, be and hereby are rescinded, thereby reducing the total amount of the resolution by $1,242.48 for a total of $7,993.58.

Adopted this 15th day of March, 2010.

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

e. RESOLUTION NO. 35-10
BY: FINANCE COMMITTEE
TO CORRECT RESOLUTION No. 019-10
FOR GRASS AND WEED CUTTING

WHEREAS, Resolution No. 019-10 for grass and weed cutting for various parcels of property during 2009, 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, was passed by the Kenosha Common Council on February 15, 2010; and,

WHEREAS, it has been determined that Parcel No. 03-122-05-250-122 (6414 99th Avenue) was incorrectly billed in the amount of $355.00, and Parcel No. 08-222-32-375-001 (5600 99th Avenue) should have been billed in the amount of $355.00;

NOW, THEREFORE, BE IT RESOLVED, by the Kenosha Common Council that the assessment charged against Parcel No. 03-122-05-250-122 be rescinded, and that Parcel No. 08-222-32-375-001 be charged accordingly; with no change in the total amount of the resolution.

Adopted this 15th day of March, 2010.

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

H.2. It was moved by Alderperson Ohnstad seconded by Alderperson Marks, to adopt Resolution 36-10.

H.2.1. It was then moved by Alderperson Marks, seconded by Alderperson Ohnstad to separate action on the CDBG Program Economic Economic Development category and the 2010 HOME Investment Partnership Program Description of the resolution, from the rest of the 2010 Consolidated Plan-Annual Plan. On a voice vote, motion carried

H.2.2. It was moved by Alderperson Bogdala, seconded by Alderperson Misner to amend the Economic Development category, by reducing funding for Community Economic Development Corporation from $15,000 to -0-. On roll call vote, motion carried (11-6) with Alderpersons Kennedy, Casey, Prozanski, Moldenhauer, Ohnstad and Marks voting nay.

H.2.3. It was moved by Alderperson Nudo, seconded by Alderperson Bogdala to separate action on the 2010 HOME Investment Partnership Program Description. On a voice vote, motion carried.

H.2.4. It was moved by Alderperson Ohnstad, seconded by Alderperson Marks to approve the CDBG Program Economic Development category as amended. On roll call vote, motion carried (16-1) with Alderperson Nudo voting nay.

H.2.5. It was moved by Alderperson Marks, sesconded by Alderperson Ohnstad to approve the 2010 HOME Investment Partnership Program Description. On roll call vote, motion carried (16-1) with Alderperson Ruef voting nay.

At this time, it was moved by Alderperson Juliana, seconded by Alderperson Orth to take a recess. The Common Council reconvened at 9:45 p.m.

It was moved by Alderperson Marks, seconded by Alderperson Ohnstad to approve the CDBG Program Public Service category.

H.2.6. It was moved by Alderperson Marks, seconded by Alderman Ohnstad to allow Alderperson Kennedy to abstain from voting on the CDBG Program Public Service and the Housing and Neighborhood Improvement categories. On a voice vote, motion carried.

H.2.7. It was moved by Alderperson Misner, seconded by Alderperson Orth to separate action on New Song Ministries, Inc. from the rest of the CDBG Program Public Service category. On a voice vote, motion carried.

H.2.8. It was moved by Alderperson Marks, seconded by Alderperson Ohnstad to approve New Song Ministries, Inc. On roll call vote, motion tied (8-8, with Alderperson Kennedy abstaining) Mayor Bosman voted aye to break the tie, therefore motion carried (9-8) with Alderpersons Nudo, Misner, Orth, Downing, Bogdala, Ruffolo, Juliana and Ruef voting nay.

H.2.9. It was moved by Alderperson Marks, seconded by Alderperson Ohnstad to approve the CDBG Program Public Service category. On roll call vote, motion carried (14-2), with Alderpersons Nudo and Downing voting nay, and Alderperson Kennedy abstaining.)

It was moved by Alderperson Marks, seconded by Alderperson Ohnstad to approve CDBG Program Housing and Neighborhood Improvement category.

H.2.10. It was moved by Alderperson Misner, seconded by Alderperson Prozanski to separate Kemper Center from the CDBG Program Housing and Neighborhood Improvement category. On a voice vote, motion carried.

H.2.11. It was moved by Alderperson Marks, seconded by Alderperson Ohnstad to approve Kemper Center. On roll call vote, motion tied (8-8) with Alderperson Kennedy abstaining. Mayor Bosman voted aye to break tie, and motion carried (9-8) with Alderpersons Nudo, Misner, Prozanski, Orth, Downing, Bogdala, Ruffolo and Juliana voting nay.

H.2.12. It was moved by Alderperson Ohnstad, seconded by Alderperson Marks to approve the remainder of the CDBG Program Housing and Neighborhood Improvement category. On roll call vote, motion carried (12-4) with Alderpersons Nudo, Downing, Juliana and Ruef voting nay, and Alderperson Kennedy abstaining.

H.2.13. It was moved by Alderperson Marks, seconded by Alderperson Ohnstad to approve the CDBG Program Planning and Administration category. On roll call vote, motion carried (14-2) with Alderpersons Nudo and Casey voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 36-10
BY: FINANCE COMMITTEE
RESOLUTION TO APPROVE THE 2010 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 October 20, 2009, January 12 and January 13, 2010; the City Plan Commission on November 5, 2009 and March 4, 2010; the Finance Committee on November 16, 2009 and March 15, 2010; and the Common Council on November 16, 2009 and March 15, 2010 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 March 15, 2010 and the Common Council on March 15, 2010 to consider the 2010 Program Description and obtain citizen comments on housing needs; and

WHEREAS, the 2010 CDBG Entitlement Grant to be received from HUD for the City is estimated to be $1,079,919 and project allocations are based on this amount; and

WHEREAS, if the actual 2010 CDBG Entitlement Grant is less than $1,079,919, program allocations will be adjusted in proportion to each project allocation; and

WHEREAS, if the actual 2010 CDBG Entitlement Grant is more than $1,079,919, funds will be used in accordance with the 2010 Fund Allocation Plan approved by the Common Council on November 16, 2009, Item #L.1.; and

WHEREAS, the 2010 HOME Entitlement Grant to be received from HUD for the City is estimated to be $523,933 and proposed allocations are based on this amount; and

WHEREAS, if the actual 2010 HOME Entitlement Grant is more or less than $523,933, the program allocation will be adjusted in proportion to each activity allocation approved in the 2010 Program Description.

NOW, THEREFORE, BE IT RESOLVED by the Common Council, that the 2010 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.

Adopted this 15th day of March, 2010.

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

H.3. It was moved by Alderperson Holland, seconded by Alderperson Nudo, to adopt Resolutions 37-10 through 39-10. A public hearing was held. No one spoke. On roll call vote, motion carried unanimously (Marks not present) and said

resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 37-10
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 15th day of March, 2010, 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:
38th Avenue - 73rd Street to 71st 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") upon obtaining a proper permit under Chapter 5 of the Code of General Ordinances. A permit must be obtained prior to construction and issuance will be dependent on cold weather.
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 15th day of March, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

b. RESOLUTION NO. 38-10
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 15th day of March, 2010, 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:
43rd Street – 17th Avenue to 22nd Avenue, 55th Street – 49th Avenue to 51st Avenue
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 21st day of May, 2010, 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 15th day of March, 2010.

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

c. RESOLUTION NO. 39-10
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 15th day of March, 2010, 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:

33rd Avenue – 55th Street to 60th Street, 22nd Avenue – 35th Street to 38th 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 30th day of June, 2010, 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 15th day of March, 2010.

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

H.4. It was moved by Alderperson Kennedy, seconded by Alderperson Ruffolo to adopt Resolution 40-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 40-10
BY: COMMITTEE ON PUBLIC WORKS
PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS FOR

NEW SIDEWALK CONSTRUCTION

PROJECT #10-1017 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.

39th Avenue – 30th Street to 24th 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: sidewalk.
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 xxx (x) 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 15th day of March, 2010.

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

It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad to adopt Resolutions 41-10 through 43-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.5. RESOLUTION NO. 41-10
BY: MAYOR
TO AUTHORIZE SUBMITTAL OF STATE GRANT APPLICATION FOR A MUNICIPAL FLOOD CONTROL GRANT PROJECT

WHEREAS, City of Kenosha is qualified, willing and able to carry out all activities described in the state grant application; and,

WHEREAS, in this action the City of Kenosha has declared its intent to conduct the Municipal Flood Control Grant project described in the application; and,

WHEREAS, City of Kenosha will allow employees from the Department of Natural Resources access to inspect grant project sites; and,

WHEREAS, City of Kenosha will maintain records documenting all expenditures made during the Municipal Flood Control Grant project; and,

WHEREAS, City of Kenosha will submit a final report to the Department of Natural Resources describing all Municipal Flood Control Grant project activities, achievements and data collected, and documentation of the project cost.

NOW THEREFORE, BE IT RESOLVED that the City of Kenosha Stormwater Utility Committee requests the funds and assistance available from the Wisconsin Department of Natural Resources under the Municipal Flood Control Grant Program 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 L. Bursek, Director of Public Works, to act on behalf of City of Kenosha to submit an application to the State of Wisconsin for financial aid for Municipal Flood Control protection purposes, sign documents, and take necessary action to undertake, direct, and complete an approved flood control project.

Adopted this 15th day of March, 2010.

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

H.6. RESOLUTION NO. 42-10
BY: THE BOARD OF WATER COMMISSIONERS
INITIAL RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS FOR SANITARY SEWER MAINS AND STUBS, AND WATER 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 street:

27TH STREET FROM 43RD AVENUE TO 47TH AVENUE

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

1. The Common Council hereby declares its 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 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 also a per each cost for sanitary sewer stub and for water service.
4. The sanitary sewer main assessments against any parcel may be paid in cash or in ten (10) annual installments; sewer stubs and water 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 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 give 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 15th day of March, 2010.

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

H.7. RESOLUTION NO. 43-10
BY: MAYOR
TO REQUEST GRANT FUNDING AND ASSISTANCE FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES UNDER THE "AQUATIC INVASIVE SPECIES CONTROL GRANT PROGRAM"

WHEREAS, Sam Peorio Park Pond is an important resource used by the public for recreation and enjoyment of natural beauty; and,

WHEREAS, public use and enjoyment of Sam Peorio Park Pond is best served by its protection from infestation of aquatic invasive species; and,

WHEREAS, there is a need to provide information or education about aquatic invasive species; and,

WHEREAS, the City of Kenosha is qualified to carry out the responsibilities of an aquatic invasive species control project.

NOW THEREFORE, BE IT RESOLVED the Common council of the City of Kenosha, Wisconsin, request grant funding and assistance available from the Wisconsin Department of Natural Resources under the "Aquatic Invasive Species Control Grant Program" and hereby authorizes the Director of Public Works, Ronald L. Bursek, to act on behalf of the City of Kenosha to:

a. Submit an application to the State of Wisconsin for financial aid for aquatic invasive species control purposes;

b. Sign documents
c. Take necessary action to undertake, direct, and complete an approved aquatic invasive species control grant; and,
d. Submit reimbursement claims along with necessary supporting documentation within six months of project completion date.

BE IT FURTHER RESOLVED that the City of Kenosha, Wisconsin will meet the obligations of the aquatic invasive species control project including timely publication of the results and meet the financial obligations of an aquatic invasive species grant, including the prompt payment of 25% of the costs associated with the grant project.

Adopted this 15th day of March, 2010.

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

H.8. It was moved by Alderperson Carpenter, seconded by Alderperson Haugaard to adopt Resolution 44-10. On a voice vote, motion carried and said resolution was thereupon adopted as follows:

RESOLUTION NO. 44-10
BY: ALDERPERSON NUDO
ALDERPERSON ORTH
ALDERPERSON PROZANSKI
ALDERPERSON DOWNING
ALDERPERSON BOGDALA
ALDERPERSON MISNER
ALDERPERSON RUFFOLO
ALDERPERSON CARPENTER

REGISTERING THE CITY OF KENOSHA, WISCONSIN'S OPPOSITION TO 2009 SENATE BILL 548 AND 2009 ASSEMBLY BILL 759, WHICH PROPOSE TO PROHIBIT CITIES, VILLAGES, AND TOWNS FROM ENACTING AND ENFORCING SEX OFFENDER RESIDENCY RESTRICTION AND CHILD SAFETY ZONE ORDINANCES

WHEREAS, the crime of sexual assault, especially sexual assault of minors perpetrated by sexual predators, is insidious and devastating drastically affecting the lives of victims, and circle of friends and family surrounding the victims; and,

WHEREAS, generally perpetrators of sexual assault, and especially sexual assaults involving pedophilia, have psychological and organic factors influencing their actions beyond those of other crimes; and,

WHEREAS, due to the psychological and organic components the mere existence of criminal statutes imposing felony penalties on perpetrators of these crimes prove to be insufficient deterrents; and,

WHEREAS, recidivism rates are high for sexual assault and sexual predation of children; and,

WHEREAS, the Federal Government, recognizing the sovereignty of the states with regard to criminal laws, but also recognizing the insufficiency of state criminal laws prohibiting sexual assault in general and sexual assault against minors, in particular, have passed such legislation as the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109 – 248, requiring background checks for people working with children); the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (requiring sex-offender registration); the Jessica Lunsford Act; Jessica's Law; and Megan's Law (requiring sex-offender registration information be shared with the public); and,

WHEREAS, the case of Megan Kanka, for whom Megan's Law was named, who was seven years old in 1994, when her neighbor, who lived 30 yards from her front door step, and who was a previously-convicted sex offender, enticed her into his home and raped and murdered her, illustrates the need for registration and residency limitations; and,

WHEREAS, although the state maintains sovereignty to establish crimes, it is local communities, through exercise of Home Rule recognized to them by the statutes, and the police power accorded to them, are best situated to determine proper sex-offender residency limitations within their communities; and,

WHEREAS, the City of Kenosha has a compelling interest in promoting public safety and protecting its citizens from violent crimes including those sexual in nature against children; and

WHEREAS, the City of Kenosha currently prohibits placement of certain sex offenders in specified areas throughout the City; and

WHEREAS, the City of Kenosha has a compelling interest to maintain local jurisdiction over placement of sex offenders committed as sexually violent persons and sex offenders who have committed specified sex offenses against a child; and

WHEREAS, various legislative members of the State of Wisconsin have proposed 2009 Assembly Bill 759 and 2009 Senate Bill 548 , introduced on February 18, 2010, which would prohibit a political subdivision such as the City of Kenosha from enacting or enforcing an ordinance or resolution that specifically affects the placement or residency of, or areas that may not be entered or exited by, a registered sex offender, and also proposes to prohibit a political subdivision from enforcing any such ordinance or resolution it has already ordained or adopted in the years prior to the effective date of the proposed law; and,

WHEREAS, such proposed legislation if adopted would prohibit the continued enforcement by Wisconsin cities, villages, and towns of their existing sex offender residency restriction and child safety zone ordinances, and prevent other Wisconsin cities, villages, and towns from enacting such regulations in the future; and,

WHEREAS, sex offender residency restriction laws have been enacted across the Country in an effort to protect against and prevent substantial harms from occurring, such efforts being tested in the courts, such as the unsuccessful challenge to the City of Franklin, Wisconsin's sex offender residency restriction ordinance and its enforcement, which were reviewed and upheld by the Milwaukee County Circuit Court in Case No. 07-CV-9978, wherein the City of Franklin prevailed over an asserted nine constitutional challenges and a preemption challenge asserting the claim that the local authority to regulate those matters as set forth in the ordinances had been preempted by State law; and as discussed in the October 11, 2007 Trial Court decision in State of Florida v. Schmidt, et al., Case No. 16-2006-MO-010568-AXXX, as follows:

There is not question that recidivism by sexual offenders is a nationwide concern. Both Dr. Levenson and Dr. Robinson acknowledged research concluding that in the 15 years following release of sexual offenders from prison, approximately 24% of sexual offenders recidivate. Both also acknowledged that offenders with a prior sexual offense conviction have even higher recidivism rates: 37% within a 15 year period. As Dr. Robison explained it, one prior sexual conviction approximately doubles the likelihood of an offender being convicted of a future sexual offense. All three experts testified that is is well established that most sex offenders have many more victims than those involved in offenses for which they were arrested, as well as a variety of victims (adult and children). . . .

Although Dr. Rosell and Dr. Levenson testified against residency restrictions, they both admitted that reducing access to victims can decrease the likelihood to re-offend. Dr. Rosell's testimony concurred with his prior testimony in the Doe v. Miller case that "reducing-a specific sex offender's access to children was a good idea, and that if you remove the opportunity, then the likelihood of reoffense is decreased." Doe v. Miller, 405 F.3d 700, 707 (8th Cir. 2005), cert. denied, 126 S.Ct. 757, 163 L.Ed.2d 574 (2005). Similarly, Dr. Levenson testified that some sex offenders are dangerous and should be prevented from having access to children. Further, she acknowledged writing that "sexual interest in children and access to victims are factors also associated with recidivism," and that "it makes sense that risk might be managed by reducing some of the exposure to children and prohibiting them from living near places where children congregate." Dr. Robison similarly testified that access to victims is a dynamic factor that can contribute to re-offending, and that residency in proximity to groups of children is or may be relevant, independent of where they ultimately commit the offense. Schmidt, id. at 13-15. [footnotes omitted] [emphasis added].

NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Kenosha that in the greater interest of the citizens of the City of Kenosha, the City of Kenosha Common Council hereby opposes 2009 Assembly Bill 759 and 2009 Senate Bill 548.

G.1. BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the State Senator and State Representatives representing the Districts in the City of Kenosha and to the Honorable James Doyle, Governor for the State of Wisconsin.

Adopted this 15th day of March, 2010.

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

H.9. It was moved by Alderperson Ruef, seconded by Alderperson Ohnstad to adopt Resolution 45-10.

H.9.1. It was then moved by Alderperson Nudo, seconded by Alderperson Kennedy to amend, authorize the City Administrator to speak to representatives of WE Energies to allow Google to use utility poles for no additional charge. On a voice vote, motion carried

On a voice voice, motion to approve as amended carried and said resolution was thereupon adopted as follows:

RESOLUTION NO. 45-10
BY: THE MAYOR, ALDERMAN DAVID F. BOGDALA, ALDERMAN RAY MISNER, ALDERMAN MICHAEL J. ORTH, ALDERMAN G. JOHN RUFFOLO
TO ENDORSE AND SUPPORT THE CITY OF KENOSHA'S PARTICIPATION IN THE GOOGLE ULTRA-HIGH SPEED NETWORK PROJECT

WHEREAS, Google intends to build and test an ultra-high speed broadband network that will deliver data at speeds up to 1 gigabit per second; and

WHEREAS, Google is looking for community partners to collaborate in its ultra-high speed broadband network project; and,

WHEREAS, Google through its project intends to make the worldwide web better and faster; and,

WHEREAS, Google's ultra-high speed broadband network will provide fiber-to-the-home at speeds of up to 100 times speeds currently available; and,

WHEREAS, Google's ultra-high speed broadband network will be an open access network to be shared with other internet service providers ultimately giving consumers more choices and options; and,

WHEREAS, there is a "dark" fiber optic ring installed within the City of Kenosha, the existence of which would likely be beneficial to an ultrahigh speed broadband network; and,

WHEREAS, the City of Kenosha is a progressive community committed to improved technology that wishes to play a role in the expansion and advancement of technology for the community; and,

WHEREAS, a partnership between Google and the City of Kenosha regarding Google's installation of an ultra-high speed broadband network in the City of Kenosha would be mutually beneficial to not only the City of Kenosha but the entire Kenosha Area; and,

WHEREAS, a successful partnering with Google on its ultra-high speed network project could improve the overall socioeconomic status of the Kenosha area in terms of economic development, job creation and improved educational opportunities.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that it supports Google's initiative of building and testing an ultra-high speed broadband network and would recommend that the City of Kenosha, Wisconsin partner with Google on this project.

BE IT FURTHER RESOLVED, that it authorizes the City Administrator to act on behalf of the City of Kenosha, Wisconsin, in submitting an application to Google for selection by Google as a community partner in its ultra-high speed broadband network project.

BE IT FURTHER RESOLVED, that the City Administrator is authorized to approach WE Energies, as owner of a large number of utility poles, to allow use of said poles at no charge to Google.

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

H.10. It was moved by Alderperson Ruef, seconded by Alderperson Marks to adopt Resolution 46-10. On a voice vote, motion carried and said resolution was thereupon adopted as follows:

RESOLUTION NO. 46-10
BY: THE MAYOR
RESOLUTION TO AMEND
THE TABLE OF ORGANIZATION
FOR THE KENOSHA FIRE DEPARTMENT

WHEREAS, the primary mission of the Kenosha Fire Department is to provide the highest level of fire and emergency medical services (EMS) to the citizens of the City of Kenosha at the lowest possible cost; and

WHEREAS, Resolution #25-07 and #35-09 determined that this mission would be better executed by the reassignment of fire suppression and EMS staff and apparatus, and

WHEREAS, City Administration and the Fire Department determined that this staffing objective would be best achieved by adjusting the Table of Organization through the attrition of Apparatus Operators; and

WHEREAS, one Apparatus Operator resigned as of January 31, 2010 which results in the need to change the Table of Organization for the Fire Department (under Suppression) from twenty-eight (28) Apparatus Operators to twenty-seven (27)

and from thirty-eight (38) Firefighters to thirty-nine (39) (Appendix A, on file in the Office of the City Clerk); and

WHEREAS, this staffing adjustment reduces the personal services funding from the 2010 Fire Department operating budget; and

NOW THEREFORE, BE IT RESOLVED that the aforementioned change to the Table of Organization for the Fire Department be approved by the Common Council of the City of Kenosha, Wisconsin.

Adopted this 15th day of March, 2010.

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

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderperson Casey, seconded by Alderperson Downing, to approve:

I.1. Appointment of Lena Cooksey, to the Museum Board for a term to expire May 1, 2012.

On roll call vote, motion carried unanimously.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

J.1. It was moved by Alderperson Casey, seconded by Alderperson Downing, to approve Award of Contracts for Projects:

a. 10-1012 Resurfacing Phase I (33rd Avenue - 75th Street to Roosevelt Rd, 40th Avenue - 65th Street to Taft Rd, 45th Avenue - 87th Place to 86th Street, 38th Avenue - 73rd Street to 71st Street) - Cicchini Asphalt, LLC, (Kenosha, Wisconsin) - $400,000.00. (12th, 13th, 14th, and 15th Districts)

b. 09-1020 38th Street Reconstruction Phase III (38th Street – from Bridge to 500' east of East Frontage Rd) - Michels Corporation (Brownsville, Wisconsin) - $705,000.00. (16th District)

On roll call vote, motion carried unanimously.

K. OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderperson Casey, seconded by Alderperson Downing, to approve:

K.1. Agreement between the City of Kenosha and the Wisconsin Department of Transportation to transfer property for the relocated east frontage road at 118th Avenue, north of STH 50. (17th District)

K.2. Quit Claim Deed between the City of Kenosha and the Wisconsin Department of Transportation to transfer property for the relocated east frontage road at 118th Avenue, north of STH 50. (17th District)

K.3. Easement from the Wisconsin Department of Transportation to the City of Kenosha for the relocation and installation of a sculpture. (17th District)

On roll call vote, motion carried unanimously.

K.4. It was moved by Alderperson Prozanski, seconded by Alderperson Ohnstad to approve the Contract of Purchase and Sale for Phase III of the Brass Redevelopment Project. (8th District)

K.4.1. It was then moved by Alderperson Kennedy, seconded by Alderperson Juliana to allow Alderperson Nudo to abstain. On a voice vote, motion carried.

K.4.2. It was moved by Alderperson Ruffolo, seconded by Alderperson Misner to add “barrier free”. On a voice vote, motion carried.

On roll call vote, motion to approve the contract as amended, carried (10-5; 1 abstain) with Alderpersons Kennedy, Bogdala, Ruffolo, Juliana and Ruef voting nay and Alderperson Nudo abstaining.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

The following items were deferred by the Finance Committee prior to this meeting:

L.1. Request to Waive Special Assessment Balances on Certain Tax Deeded Parcels Acquired by the County of Kenosha.

L.2. Disbursement Record #4 – $27,048,007.70.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

N.1. It was moved by Alderperson Kennedy, seconded by Alderperson Ohnstad to approve 2010 Neighborhood Inspection Program. On a voice vote, motion carried.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Kennedy, seconded by Alderperson Juliana, to adjourn at 10:27 p.m. On roll call vote, motion failed (6-11) with Alderpersons Kennedy, Carpenter, Ohnstad, Juliana, Marks and Ruef voting aye.
Various Alderpersons made comments.
It was then moved by Alderperson Casey, seconded by Alderperson Carpenter to adjourn at 10:41 p.m.
On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
April 5, 2010

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

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
April 5, 2010

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

The meeting was called to order at 7:07 p.m.

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

It was moved by Alderperson Ohnstad, seconded by Alderperson Carpenter, to approve the minutes of the meeting held March 15, 2010 as amended.

Motion carried unanimously.

Four (4) Citizens spoke during Citizen's Comments: Mary Ann Sacripanti, Audrey Vesnefsky, Stacey Gomez, and Phyllis McNab.

A. REFERRALS
TO THE COMMITTEE ON FINANCE

TO THE PUBLIC WORKS COMMITTEE

A.1. Resolution to approve a four-lot Certified Survey Map to be located at the northeast corner of Green Bay Road and Washington Road, District #16. (Gendell Partners) (Also refer to City Plan Commission)

A.2. To Amend Resolution #142-09 for a two-lot Certified Survey Map for property at 7201 Green Bay Road, District #17. (Wood Place/Kenosha Medical) (Also refer to City Plan Commission)

A.3.A.3.Development Agreement by and between Gendell Partners Kenosha, LLC and the City of Kenosha and the Kenosha Water Utility, Alderman #16. (CVS/Kenosha Gateway) (Also refer to City Plan Commission and Board of Water Commissioners)

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Holland, seconded by Alderperson Ruffolo, to approve:

a. 23 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. 8 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. 10 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.

B.2. It was moved by Alderperson Ruef, seconded by Alderperson Juliana to receive and file communication Between the City of Kenosha, AFSCME, and Building Inspectors Association Regarding Furlough Days. On a voice vote, motion carried.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Misner, seconded by Alderperson Juliana, to approve application of Joesph Aiello for a new Taxi Driver's license, subject to 50 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.2. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve the following applications

for new Operator's (Bartender) licenses, subject to:
-25 demerit points:
a. Adam Karaway
b. Danielle Kunicki
c. David Lerdahl
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.3. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to DENY the following applications for new Operator's (Bartender) licenses, based on material police record & false application:
a. Marquest Morgan
b. Andrea Feimster
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.4. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve application of Belisa Moore for a new Taxi Driver's license, subject to 65 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.5. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to DENY application of Jerald Olson for a new Taxi Driver's license, based on material police record. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.6. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve application of Golden Dragon Buffet LLC, Qing Hua Lin, Agent, for a Class "B" Beer/"Class C" Wine License located at 3442 52nd Street (*Golden Dragon Buffet*). A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.7. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to DENY application of Sameer A. Ali for a Secondhand Jewelry Dealer License located at 3203 - 60th Street (*Westown Foods & Liquor*) with no adverse recommendations. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.8. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to DENY application of Gold Horizon, LLC, (*Omer Canpolat*) for a Secondhand Jewelry Dealer License located at 5125 6th Avenue (*Best Western International, Inc.*) based on . A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.9. It was moved by Alderperson Nudo, seconded by Alderperson Haugaard, to approve renewal applications for Scrap Salvage Collector/Dealer licenses with no adverse recommendations 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.

D. ORDINANCES 1ST READING

It was moved by Alderperson Holland, seconded by Alderperson Carpenter, to send the following ordinances on their way*:*
D.1. By Committee on Public Safety and Welfare – Eastbound Yield Control for 17th Avenue and 16th Avenue (To Amend Section 7.125 of the Code of General Ordinances Entitled, "Streets Controlled by Yield Signs" to Include Eastbound Yield Sign on 17th Avenue before Entering its Intersection with 16th Avenue). (1st District)
D.2. By Committee on Public Safety and Welfare – Yield Control for 38th Avenue and 60th Place (To Amend Section 7.125 of the Code of General Ordinances Entitled, "Streets Controlled by Yield Signs" to Include East/West Yield Signs on 60th Place Before Entering its Intersection with 38th Avenue). (11th District)
D.3. By Committee on Public Safety and Welfare – Southbound Yield Control for 35th Court and 85th Place (To Amend Section 7.125 of the Code of General Ordinances Entitled, "Streets Controlled by Yield Signs" to Include Southbound Yield Sign on 35th Court before Entering its Intersection with 85th Place). (14th District)
D.4. By Committee on Public Safety and Welfare – Southbound Yield Control for 11th Avenue and 62nd Street (To Amend Section 7.125 of the Code of General Ordinances Entitled, "Streets Controlled by Yield Signs" to Include Southbound Yield Sign on 11th Avenue Before Entering its Intersection with 62nd Street). (2nd District)
D.5. By Board of Water Commissioners – Chapter XXXII Kenosha Water Utility Water, Sewerage and Household Hazardous Waste Systems.
D.6. By Alderperson Holland - To Repeal and Recreate Section 4.07, Entitled "Penalties" as Section 4.08; and to

Create Section 4.07, Entitled "Artificial Light & Glare".

D.7. By Alderperson Jesse L. Downing - To Repeal and Recreate Subsection 5.046 E. (of the Code of General Ordinances) Regarding "Outdoor Dining Area Fee".

D.8. By Alderman Jesse L. Downing - To Repeal and Recreate Subsection 10.075 D. (of the Code of General Ordinances) Regarding "Requirements"; to Create Subsection 10.075 E.7 Regarding "Demerit Tracking Points for Outdoor Areas"; and, to Rename and Renumber Section 10.075 G. Regarding "Fees".

On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

It was moved by Alderperson Holland, seconded by Alderperson Carpenter, to send the following ordinances on their way*:*

E.1. By the Mayor - To Rezone Property Located at 1330 52nd Street from RG-2 General Residential, B-2 Community Business District and M-2 Heavy Manufacturing to IP Institutional Park (in conformance with section 10.02 of the Zoning Ordinance). (Boys and Girls Club)

E.2. By the Mayor - To Repeal and Recreate Subsection 5.03 A.2. of the Zoning Ordinance for the City of Kenosha, Wisconsin, Entitled "Establishing Setback Lines" .

On a voice vote, motion carried.

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Orth, seconded by Alderperson Nudo, to adopt Ordinance 19-10.

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. 19-10
BY: ALDERPERSON ORTH ALDERPERSON NUDO
TO REPEAL AND RECREATE SECTION 15.11 OF THE CODE OF GENERAL ORDINANCES TO ALLOW PLACEMENT OF PARKS- COMMISSION-APPROVED SIGNS WITHOUT PERMIT; TO CREATE SUBSECTION 15.15 H OF THE CODE OF GENERAL ORDINANCE TO ALLOW FOR PLACEMENT OF OFF-PREMISES SIGNS IN PARKS AND RECREATION AREAS; AND, TO REPEAL AND RECREATE SECTION 15.17 OF THE CODE OF GENERAL ORDINANCES TO ALLOW FOR APPEALS AND SPECIAL EXCEPTIONS TO CHAPTER 15 TO BE MADE TO THE COMMON COUNCIL.

Section One: Section 15.11 of the Code of General Ordinances for the
City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

The following Signs shall be exempt from the requirement of this Ordinance to obtain a Sign Permit, but shall be subject to and be in compliance with the Code of General Ordinances and Zoning Ordinance, the other conditions and requirements of this Ordinance, and the specific conditions and restrictions below provided:

Address Numerals. Address numerals as defined in Section 9.18 C. of the City of Kenosha Code of General Ordinances.

Architectural Elements. Architectural elements of a building which include an integral and incidental Sign, so long as such elements do not contain a commercial message, moving parts, or lights.

Building Marker. A Building Marker not to exceed a Sign Face of four (4) square feet.

Bulletin Board. One (1) Bulletin Board located at main entrance of building, not exceed a Sign Face of twelve (12) square feet (i.e., list of occupants, hours of operation, or special events).

Construction Signs. One (1) construction Sign per Street Frontage, when placed on the Premise where work is in progress. Such Signs shall not be erected prior to the beginning of work for which a valid Building or Demolition Permit has been issued, and shall be removed within ten (10) days of completion of work or the expiration of the permit, whichever is sooner. Construction Sign Faces for single-family residences shall not exceed sixteen (16) square feet. Construction Sign Faces for commercial, industrial, multifamily or planned development uses on parcels of less than 100,000 square feet shall not exceed sixty-four (64) square feet; and on parcels greater than 100,000 square feet shall not exceed ninety-six (96) square feet.

Directional/Informational Signs. A Sign that has a purpose secondary to the use of the lot on which it is located, such as "No Parking", "Entrance", "Loading Only", "Telephone", "Enter", and other similar directives. No Sign with a commercial message, legible from a position off the lot on which the Sign is located, shall be considered directional/informational. There shall be no limitation on the number of such Signs per premise provided all such Signs are directional or informational in nature.

Elevated Water Towers. Signs placed or allowed on elevated water towers owned and maintained by the Kenosha Water Utility.

Flags, Standards, Emblems and Insignia. Flags, standards, emblems, and insignia of public and not-for-profit institutions.

Governmental Signs. Signs erected by or on behalf of a Federal, State or local governmental unit for a public purpose, meeting area, height and setback limitations of this Ordinance, where applicable.

Historic Signs. Signs which the Historic Preservation Commission has evaluated for historical significance, determined to be historically significant, and are listed on a Historic Sign Inventory on file in the Department of City Development and the Department of Neighborhood Services and Inspections. These Signs may be maintained and preserved without a Sign Permit. Changes to the Sign or message on the Sign (where the message is of historical significance) require a Sign Permit. Historic Signs may include rooftop, projecting, freestanding, wall, obsolete, on-premises, off-premises, or nonconforming Signs.

Historical Markers. Commemorative plaques, memorial tablets or emblems of official historical bodies, not exceeding four (4) square feet placed flat against a building, monument stone, or other permanent surface.

Holiday Decorations. Holiday Decorations as a temporary display, clearly incidental to and customarily associated with holidays designated by any unit of government, limited in duration to the respective holiday season generally recognized by the Kenosha business community.

Incidental Signs. A small Sign, emblem or decal, not exceeding one (1) square foot in area, informing the public of goods, facilities or services available on commercial premises; e.g., a credit card Sign or a Sign indicating hours of business.

Interior Signs. Interior Signs which provide information, but not a Commercial Message, not exceeding a total of four (4) square feet of Sign Face per Premise located on the interior of a Premise, oriented to persons within that Premise, and not intended to be legible from any location Off-Premise.

Model Home Signs. Model Home Signs not to exceed a Sign Face of eight (8) square feet identifying a non-occupied dwelling unit used as a demonstration unit for selling, leasing, or renting other dwelling units.

Nameplates. One flush mounted, nonilluminated nameplate, provided that only one (1) nameplate per occupancy may be erected and that such nameplate shall not exceed one (1) square feet.

Notices. Notices posted by Federal, State, or local units of government.

Parks. Commercial signs placed in city-owned parks or recreational areas provided such sign received approval by the Parks Commission, such approval being subject to annual review.

Political Campaign Signs. Signs promoting candidates for public office or issues on election ballots, not exceeding thirty-two (32) square feet per occupancy, posted on private property in accordance with this Chapter.

Real Estate Signs. One (1) Real Estate Sign per Street Frontage of a Lot or Premise, not to be directly illuminated and not to exceed a Sign Face of eight (8) square feet for residential districts, thirty-two (32) square feet for commercial districts, or sixty-four (64) square feet for industrial districts.

Religious Institution Signs. Bulletin boards, Identification and Directional Signs pertaining to religious institutions, not exceeding one (1) per abutting street, nor sixteen (16) square feet, which are not internally illuminated.

Special Announcement Signs. Special Announcement Signs not to exceed Sign Face of thirty-two (32') square feet, where not located on the same Lot or Premise for more than three (3) consecutive days per occasion.

Special Displays. Special displays used for public celebrations, on public property, by or approved by City.

Signs in Street Right-of-Way authorized by this Ordinance.

Section Two: Subsection 15.15 H of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

H. Off-Premises Signs in City Parks or Recreations Areas. This section does not apply to off-premise signs

placed in City parks or recreational areas pursuant to authorization for non-permanent placement, from the Parks Commission.

Section Three: Section 15.17 of the Code of General Ordinances is hereby repealed and recreated as follows:

15.17 APPEALS AND SPECIAL EXCEPTIONS

A. Administration. It shall be the duty of the Administrator to administer and enforce this Ordinance.

B. Special Exceptions. Upon application for a Special Exception, the Common Council may, after investigation and public hearing, grant a Special Exception from the terms of this Ordinance where such Special Exception will not be contrary to the spirit and purpose of this Ordinance, and where a Special Exception will do substantial justice.

Requests for Special Exceptions may be petitioned for any Section of this Ordinance with the exception of the location of Off-Premise Signs within specific zoning districts.

C. Appeals. An aggrieved person adversely affected by the denial of a permit or decision, determination or interpretation by the Administrator may appeal such denial, decision, determination or interpretation to the Common Council.

D. Application Procedure. Any application for a Special Exception or appeal shall be taken pursuant to this Ordinance.

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

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

F.2. It was moved by Alderperson Orth, seconded by Alderperson Nudo, to adopt Ordinance 20-10.

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. 20-10
BY: MAYOR
TO AMEND SUBSECTION 1.03A OF THE CODE OF GENERAL ORDINANCES, REGARDING RULES OF COUNCIL TO INCLUDE AN AGENDA ITEM FOR REPORTS AND RECOMMENDATIONS OF BOARDS AND COMMISSIONS

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

Section One: Subsection 1.03A of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended as follows:

25.Reports and recommendations of Boards and Commissions.
26. Such other matters as are authorized by law or regular business.
27. Legislative report.
28. Mayor's comments.
29. Alderpersons' comments

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

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

F.3. It was moved by Alderperson Ohnstad, seconded by Alderperson Juliana to adopt the proposed ordinance By the Mayor - To Repeal, Recreate and Renumber Various Subsections of Section 3.23 (of the Code of General Ordinances), Entitled "Automatic Fire Sprinkler Systems". A public hearing was held. Jose Gomez spoke.

F.3.1. It was then moved by Alderperson Ohnstad, seconded by Alderperson Juliana to defer for two weeks. On a voice vote, motion carried.

G. ZONING ORDINANCES 2ND READING

G.1. It was moved by Alderperson Orth, seconded by Alderperson Downing to DENY the proposed ordinance by the Mayor – To Rezone property at 5700 77th Street from M-2 Heavy Manufacturing to B-2 Community Business District (in conformance with Section 10.02 of the Zoning Ordinance). (Schultz) On roll call vote, motion carried unanimously.

G.2. It was moved by Alderperson Nudo, seconded by Alderperson Carpenter to defer the proposed ordinance by the Mayor - To Create Section 18 of the Zoning Ordinance (for the City of Kenosha, Wisconsin), entitled "Comprehensive Plan" for two weeks. On a voice vote, motion carried.

H. RESOLUTIONS

It was moved by Alderperson Nudo, seconded by Alderperson Juliana to approve Resolutions 47-10 through 50-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.1. RESOLUTION NO. 47-10
BY: COMMITTEE ON PUBLIC WORKS
PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS FOR SIDEWALKS AND/OR DRIVEWAY APPROACHES
PROJECT #10-1016
RESURFACING PHASE III

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.
(53rd Street - 26th Avenue to 22nd Avenue)

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: 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 April, 2010.

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

H.2. **RESOLUTION NO. 48-10**

BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO REDESIGNATE AS "NO PARKING POLICE VEHICLES ONLY", THE NORTH SIDE OF 55TH STREET FROM 13TH AVENUE EAST TO 11TH AVENUE, APPROXIMATELY 175 FEET.

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the north side of 55th Street, from 13th Avenue east to 11th Avenue approximately one hundred seventy-five (175') feet, be and hereby is redesignated as "NO PARKING POLICE VEHICLES ONLY".

Adopted this 5th day of April , 2010.

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

H.3. RESOLUTION NO. 49-10
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO REMOVE THE EXISTING "NO PARKING 1:30 P.M. - 3:30 P.M. ON SCHOOL DAYS" RESTRICTION ON THE NORTH SIDE OF 73RD STREET, FROM 39TH AVENUE WEST TO 40TH AVENUE

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the existing "NO PARKING 1:30 P.M. - 3:30 P.M. ON SCHOOL DAYS" restriction on the North side of 73rd Street, from 39th Avenue west to 40th Avenue, be and hereby is removed and rescinded.

Adopted this 5th day of April, 2010.

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

H.4. **RESOLUTION NO. 50-10**
BY: THE BOARD OF WATER COMMISSIONERS
FINAL RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS FOR SANITARY SEWER MAINS AND STUBS, AND WATER 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 services be constructed in the following street:

27TH STREET FROM 43RD AVENUE TO 47TH AVENUE

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

1. The Common Council hereby declares its 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 water 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 also a per each cost for sanitary sewer stub and for water service.
4. The sanitary sewer main assessments against any parcel may be paid in cash or in ten (10) annual installments; sewer stubs and water 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 water 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 give 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 Fifth Day of April, 2010.

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

H.5. It was moved by Alderperson Nudo, seconded by Alderperson Juliana to approve Resolutions 47-10 through 50-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

RESOLUTION NO. 51-10
BY:Alderman Anthony Nudo
Alderman Michael J. Orth
To Establish a Fee for Petitioning a Special Exception or Making an Appeal to Chapter 15 - Signs

WHEREAS, the authority to consider and grant special exceptions under Section 15.17 of the Sign Code, or to consider appeals of a denial, decision, determination, or interpretation under said Section, has been transferred from the Zoning Board of Appeals to the City of Kenosha Common Council.

WHEREAS, the current fee for filing a petition for special exception, or to appeal a denial, decision, or determination, or interpretation under Section 15.17 is $350.00.

BE IT RESOLVED by the Common Council for the City of Kenosha that the fee either for petitioning for a special exception relating to application of Chapter 15 or for filing an appeal of a denial of a permit, decision, determination, or interpretation, under or relating to Chapter 15, to the Common Council, shall be One Hundred Twenty-five Dollars ($125.00).

Adopted this Fifth Day of April, 2010.

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

H.6. It was moved by Alderperson Misner, seconded by Alderperson Ruffolo to approve Resolution 52-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

RESOLUTION NO. 52-10
BY: ALDERPERSON MISNER ALDERPERSON RUFFOLO
ALDERPERSON BOGDALA
TO DESIGNATE THE MONTH OF APRIL 2010 AS GOOGLE MONTH IN THE CITY OF KENOSHA

Whereas, Google, Inc. is a multinational public computing and Internet search technologies corporation; and

Whereas, the Internet back-page searching concept that became Google began in January 1996 as a research project by Larry Page and Sergey Brin when they were both PhD students at Stanford University in California; and,

Whereas, Google, Inc. was first incorporated as a privately held company on September 4, 1998, and became a publicly-traded company on August 19, 2004; and,

Whereas, the company's stated mission has been "to facilitate access to information for the entire world, and in every language"; and,

Whereas, The Google web search engine is the company's most popular service; and in market research published in November 2009, Google was the dominant search engine in the US market, with a market share of 65.6%, thereby helping to make Google the Internet's most visited website; and,

Whereas, it has been reported as a part of an abstract for a scholarly paper that Google processes twenty

petabytes of user-generated data every day and over one billion search requests; and,

Whereas, Google's Internet-search success has caused the verb "google" to be added to the Merriam Webster Collegiate Dictionary and the Oxford English Dictionary; and,

Whereas, Google as a public service offers free Internet applications such as Gmail, which is a free webmail service, providing free storage capacity of over 7400 MB to users; and,

Whereas, since 2001, Google has used its financial resources to acquire a number of companies, offering the concepts acquired thereby to be used to enhance the Internet's utility, such concepts including Google Earth and YouTube; and,

Whereas, Google is known for its informal corporate culture, and Google's corporate philosophy counts among its ten core principles: "you can make money without doing evil," and "you can be serious without a suit"; and,

Whereas, Google takes it expression of its sense of humor seriously; for instance, the Language Tools page offers the search interface in the (Jim Hensen-created Moppets) Swedish Chef's "Bork bork bork," Pig Latin, Elmer Fudd-speak, and Klingon; and in addition, the search engine calculator provides the Answer to the Ultimate Question of Life, the Universe, and Everything; and in Google Maps, searching for car-driving or walking directions between places separated by an ocean, such as between Los Angeles and Tokyo, results in one direction being "kayak across the Pacific Ocean"; and,

Whereas, Google is Fortune Magazine's fourth best place to work; and,

Whereas, Google takes steps to ensure that their operations are environmentally sound; by way of example, in 2007, the company installed solar photovoltaic panels to provide up to 1.6 megawatts of electricity, which would be enough to satisfy approximately 30% of the Googleplex campus' on-peak energy needs, thereby creating a system that will be one of the largest solar power systems on any corporate site in the world; and,

Whereas, in 2004, Google, Inc. formed Google.org, with a commitment to contribute significant resources and with the expressed mission to create awareness about global challenges such as climate change, pandemic disease, and poverty; and,

Whereas, Google is a noted supporter of network neutrality, the principle that Internet users should be in control of what content they view and what applications they use on the Internet.

NOW, THEREFORE BE IT RESOLVED, that based on Google Inc.'s contributions to modern culture, its community service, its environmental stewardship, its forward-thinking and ethical corporate structure, the month of April 2010 be designated Google month in the City of Kenosha.

Adopted this 5th day of April, 2010.

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

H.7. It was moved by Alderperson Nudo, seconded by Alderperson Juliana to approve Resolution 53-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

Resolution No. 53-10
By: The Mayor

INITIAL RESOLUTION AUTHORIZING THE BORROWING OF NOT TO EXCEED $12,275,000; PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION PROMISSORY NOTES THEREFOR; AND LEVYING A TAX IN CONNECTION THEREWITH

BE IT RESOLVED by the Common Council of the City of Kenosha, Kenosha County, Wisconsin (the "City") that there shall be issued, pursuant to Section 67.12 (12), Wisconsin Statutes, general obligation promissory notes (the "Notes") in an amount not to exceed $12,275,000 for the public purpose of paying the cost of projects included in the City's adopted Capital Improvement Plans, including street improvement projects; storm water control projects; museum, park and airport improvements; police, fire, public works, parks and storm water utility equipment; land acquisition; City development projects; and fire department building improvements; and there shall be levied on all the taxable property of the City a direct, annual, irrepealable tax sufficient to pay the interest on said Notes as it becomes due, and also to pay and discharge the principal thereof within ten years of the date of issuance of the Notes.

Adopted this 5th day of April, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderperson Ruef, seconded by Alderperson Ohnstad, to approve:
I.1. Appointment of Ronald Iwen to the Position of Transit Director Effective April 6, 2010.
On roll call vote, motion carried unanimously.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

J.1. It was moved by Alderperson Holland, seconded by Alderperson Carpenter, to approve award of contract for Project 10-1541 KPM HVAC Rooftop Compressor Replacement (5500 First Avenue) to Grunau Company, (Oak Creek, Wisconsin) in the amount of $41,500.00. (2nd District)
On roll call vote, motion carried unanimously.

K. OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderperson Kennedy, seconded by Alderperson Juliana, to:
K.1. Approve Stormwater Management Practices Maintenance Agreement (Access to Sites) By and Between the City of Kenosha, (Wisconsin) and Peterson's Golden Meadows Homeowners Association, Inc. (17th District)
K.2. Approve Memorandum of Understanding between the City of Kenosha and Carthage College for Tree Replacement, Building E. (1st District) (Oaks at Carthage Student Housing)
K.3. Approve Professional Service Agreement with Schreiber/Anderson Associates, Inc.
On roll call vote, motion carried unanimously.
K.4. It was moved by Alderperson Ohnstad, seconded by Alderperson Orth to approve Contract of Purchase and Sale for Phase III of the Brass Redevelopment Project.
K.4.1. It was moved by Alderperson Ruffolo, seconded by Alderperson Carpenter to allow Alderperson Nudo to abstain. On a voice vote, motion carried.
On roll call vote, motion to approve carried (11-4) with Alderpersons Bogdala, Ruffolo, Juliana and Ruef voting nay and Alderperson Nudo abstaining.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderperson Nudo, seconded by Alderperson Carpenter, to approve:
L.1. Disbursement Records:
a. #4 – $27,048,007.70.
b. #5 – $5,159,382.41.
On roll call vote, motion carried unanimously.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

M.1. It was moved by Alderperson Nudo, seconded by Alderperson Carpenter to approve Final Acceptance of Project 09-1526 Simmons Library Improved Restroom Access (711 59th Place) by Magill Construction Company, (Elkhorn, Wisconsin), in the amount of $103,652.00. (2nd District)
On roll call vote, motion carried unanimously.

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Ruef, seconded by Alderperson Juliana, to adjourn at 9:37 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 April 19, 2010

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

The meeting was called to order at 7:10 p.m.

On roll call, the following members of the Common Council were present: Alderpersons Haugaard, Moldenhauer, Holland, Ruffolo, Carpenter, Ohnstad, Juliana, Marks, Ruef, Kennedy, Nudo, Casey, Misner, Prozanski, Orth, Downing and Bogdala. Excused: Alderpersons Holland, Ruef and Casey. Alderperson Carpenter left after presentation of the Mayor's Youth Commission awards. Alderperson Downing left after action on item H.7.

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 Alderperson Nudo, seconded by Alderperson Haugaard, to approve the minutes of the meeting held April 5, 2010.

Motion carried unanimously.

At this time, the Mayor and members of the Mayor's Youth Commission presented awards.

It was moved, seconded and carried to recess at approximately 7:23 pm. The Common Council then reconvened at approximately 7:40 pm.

Seventeen (17) Citizens spoke during Citizen's Comments: Joyce Erickson, Bill Erickson, Toni Wolfe, Alyssa Karasti, Norma Jones, Phyllis McNab, Nettie Ford, Bob Danbeck, Mike Malmberg, Tim Becker, Jack Decker, Keith Rosenberg, Louie Delabrue, Andy Abbott, Jean Goodwin, Ralph Nudi, and Joseph Dosemagen.

A. REFERRALS

TO THE COMMITTEE ON FINANCE

A.1. To Amend Resolution #10-10 regarding a Relocation Order for 122nd Avenue from 60th Street south to 71st Street, District #17. (Also refer to Public Works Committee and City Plan Commission)

A.2. To approve an Offer to Purchase for land at 1613 Washington Road from Zerovec Properties, LLC to the City of Kenosha, District #6. (Also refer to Parks and City Plan Commissions)

TO THE PUBLIC WORKS COMMITTEE

A.3. To approve a Quit Claim Deed for property at 5414, 5420 and 5422 22nd Avenue from the City of Kenosha to the City of Kenosha Housing Authority, District #7. (Also refer to City Plan Commission)

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Ruffolo, to approve:

a. 17 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. 5 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. 3 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.

B.2. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to receive and file communication Regarding Voluntary Surrenders of Beer and/or Liquor Licenses. On a voice vote, motion carried.

B.3. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to receive and file communication Regarding Murphy's Tavern. On a voice vote, motion carried.

B.4. It was moved by Alderperson Juliana, seconded by Alderperson Nudo to defer the appeal to Maintain an Illegal Sign at 7863 - 7865 Green Bay Road. A hearing was held. The appellant did not appear. On a voice vote, motion carried.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve application of Chad Tuura for a new Operator's (Bartender) license, subject to 25 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.2. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve application of Bindelli's Animal House Inc., Cidney Bindelli, Agent, for a Class "B" Beer/"Class B" Liquor License located at 3322 Sheridan Rd., (Bindelli's Animal House), with acceptance of a conditional surrender of a similar license at the same location from Sheridan 3322, Inc. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.3. It was moved by Alderperson Nudo, seconded by Alderperson Haugaard, to approve application of Bindelli's Animal House Inc., for an Outdoor Extension of the Class "B" Beer/"Class B"Liquor License located at 3322 Sheridan Rd., (Bindelli's Animal House), 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).

C.4. It was moved by Alderperson Nudo, seconded by Alderperson Orth, to DENY application of Copa de Oro, Inc., Amanda Chavez, Agent, for a Class "B" Beer Only and"Class C" Wine License located at 3029 52nd Street (Copa De Oro), based on community impact. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.5. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to DENY application of Copa de Oro, Inc., located at 3029 52nd Street, (Copa De Oro) for a Cabaret License (1-year term) based on community impact. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

At this time, Alderperson Bogdala left the meeting and returned for action on item C.8.

C.6. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve application of Piggly Wiggly Midwest, LLC for a transfer of agent status of the Class "A" Retail Beer/"Class A" Retail Liquor license located at 2215 80th Street (Piggly Wiggly Supermarket #5) from Michael Antonacci to Patricia Walden with no adverse recommendations.

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

C.7. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve application of Goodfellas LLC, located at 5706 6th Avenue, (Goodfellas) for a Cabaret License (1-year term) with no adverse recommendations. On a voice vote, motion carried.

C.8. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to approve Applications of Danny Gervais, 5305-60th Street (George's Club Highview) for Outdoor Area Amplified Music and/or Cabaret Licenses for July 3 and July 31, 2010. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

D. ORDINANCES 1ST READING

It was moved by Alderperson Nudo, seconded by Alderperson Juliana to send the following ordinances on their way after being read:

D.1. By Alderperson Anthony Nudo - To Amend Subsection 10.07 B. (of the Code of General Ordinances), Regarding "Cabaret License Application"

D.2. By Alderperson Anthony Nudo - To Amend Subsection 10.075 J. (of the Code of General Ordinances) Regarding, "Restriction Waiver".

On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Orth, seconded by Alderperson Misner, to defer the proposed ordinance by the Mayor - To Repeal, Recreate and Renumber Various Subsections of Section 3.23 (of the Code of General Ordinances), Entitled "Automatic Fire Sprinkler Systems″ for two weeks. On a voice vote, motion carried.

F.2. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad to adopt Ordinance 21-10.

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. 21-10

BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE

TO AMEND SECTION 7.125 OF THE CODE OF GENERAL ORDINANCE ENTITLED, "STREETS CONTROLLED BY YIELD SIGNS" TO INCLUDE EASTBOUND YIELD SIGN ON 17TH AVENUE BEFORE ENTERING ITS INTERSECTION WITH 16TH AVENUE

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 "17th Avenue" in Column A and "16th Avenue" 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

F.3. It was moved by Alderperson Ruffolo, seconded by Alderperson Nudo to adopt Ordinance 22-10.
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. 22-10
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 EAST/WEST YIELD SIGNS ON 60TH PLACE BEFORE ENTERING ITS INTERSECTION WITH 38TH AVENUE

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 "60th Place" in Column A and "38th Avenue" 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

F.4. It was moved by Alderperson Orth, seconded by Alderperson Nudo to adopt Ordinance 23-10.
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. 23-10
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 SOUTHBOUND YIELD SIGN ON 35TH COURT BEFORE ENTERING ITS INTERSECTION WITH 85TH PLACE

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 "35th Court" in Column A and "85th Place" 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

F.5. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad to adopt Ordinance 24-10.
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. 24-10
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 SOUTHBOUND YIELD SIGN ON 11TH AVENUE BEFORE ENTERING ITS INTERSECTION WITH 62ND 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 "11th Avenue" in Column A and "62nd 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

F.6. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad to adopt Ordinance 25-10.

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 25-10
CHAPTER XXXII
KENOSHA WATER UTILITY

Water, Sewerage and Household Hazardous Waste Systems
32.01 Kenosha Water Utility - Definitions
32.02 Management and Operation of Water, Sewerage, And Household Hazardous Waste
32.03 Board of Water Commissioners - Powers and Duties
32.04 General Manager
32.05 Rules and Regulations Governing the Water Utility
32.06 Rules and Regulations Governing the Water System
32.07 Rules and Regulations Governing the Sewerage System
32.08 Wastewater Discharge Regulations
32.09 Private Wells
32.10 Violations and Penalties

32.01 DEFINITIONS

A. Chapter Definitions

The following terms shall have the meaning specified therefor in the accompanying definition. All other terms shall have their common meaning:

1. Accidental Discharge(s). An accidental discharge is a discharge which was not intentional and may include a discharge caused by gross negligence or wanton or reckless conduct.

2. Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

3. Authorized Representative. The following are authorized representatives:

a. If a corporation, the president, secretary, treasurer, or vice president of the corporation in charge of a principle business function, if the industrial user is a corporation;

b. If a limited liability company, a member if the liability company is registered with the Wisconsin Department of Financial Institutions or with its state of organization to operate through its members; a managing member or manager if the liability company is registered with the Wisconsin Department of Financial Institutions or with its state of organization to operate through its managing member(s) or manager, respectively;

c. If a limited partnership, the general partner;

d. If a sole proprietorship, limited liability partnership, or partnership, the proprietor or partner;

e. An authorized representative of the individual designated above if (I) such representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates, (ii) the authorization is in writing, and (iii) the written authorization is submitted to the POTW.

4. Board. The Board of Water Commissioners created under the authority of §1.06 H. of the City of Kenosha Code of General Ordinances.

5. BOD (Biochemical Oxygen Demand). The BOD Concentration is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days. BOD concentrations are expressed in milligrams per liter (mg/l).

6. Bypass. An intentional diversion of wastestreams from any portion of an industrial user's treatment facility or an intentional diversion of water by connection in front of or removal of the water meter.

7. CFR. Code of Federal Regulations.

8. Chlorine Requirement. The quantity of chlorine required to produce a residual amount of chlorine, measured in mg/l.
9. City. The City of Kenosha, Wisconsin, and its officers, employees, and agents.
10. Contaminate the Sludge. To cause sludge to become toxic or to otherwise interfere with the Water Utility's sludge management program. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with §405 of the Act (33 U.S.C.1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act (TSCA), or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
11. Curb Stop. The curb stop is a shut off valve located at the connection point between the Water Utility's water service and the property owner's water service. The Water Utility owns and is responsible for the maintenance of the curb stop.
12. Discharge. The intentional or accidental depositing of wastewater into the wastewater collection facilities.
13. Discharger. Any person who shall discharge wastewater into the wastewater collection facilities, either by discharging directly into such facilities within the Water Utility service area or by discharging into sanitary sewers within a municipality where such discharge flows into the Water Utility wastewater collection facilities.
14. Environmental Protection Agency (EPA). The United States Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency. Facility(ies). This term includes land, buildings, structures, the plant, equipment, and records. Field Staking. The physical marking of the approximate location of a municipal water or sanitary sewer stub, lateral, or wye. Floatable Grease. Shall mean oil, fat or grease in a physical state such that it will separate, by gravity, from wastewater by treatment in an approved pretreatment device.
15. F.O.G. Fats, oils, or grease.
16. Food Service Establishment. Shall mean any facility engaged in preparing and/or packaging food or beverages for sale or consumption, on or off site, with the exception of private residences. Food Service establishments shall include, but are not limited to food courts, food manufacturers, food packagers, restaurants, grocery stores, convenience stores, bakeries, cafeterias, lounges, hospitals, correctional facilities, hotels, nursing homes, churches, day care facilities and schools.
17. Garbage Grinder. Shall mean a device that shreds or grinds up solid or semisolid waste materials into smaller particles for discharge into the wastewater collection system.
18. General Manager. The General Manager shall have the charge and management of the Water Utility, subject to Board supervision.
19. Grab Sample. Shall mean a sample that is taken from a wastewater discharge on a one-time basis with no regard to the volume of flow in the discharge.
20. Gray Water. Shall mean all of the liquid contained in a grease interceptor that lies below the floating grease layer and above the food solids layer.
21. Grease. Shall mean a material either liquid or solid, composed primarily of fat, oil and grease from animal or vegetable sources. The terms "fats, oils and grease" (FOG) and "oil and grease' shall be included within this definition.
22. Grease Interceptor. Shall mean a device whose rated flow exceeds fifty (50) gpm, which has a storage capacity of seven hundred fifty (750) gallons or more, and is located underground and outside a food service establishment, This device is designed to collect, contain and remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.
23. Grease Laden Waste. Shall mean liquid waste from fixtures which contains grease.
24. Grease Trap. Shall mean a device, whose rated flow is less than fifty (50) gpm, located inside a food service establishment and designed to collect, contain and remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.
25. Hauler. A person who picks up and transports septic or holding tank sewage and discharges same into wastewater collection facilities.
26. Industrial Discharger. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants to the wastewater collection facilities.
27. Injure the System. To damage or destroy facilities being a part of the system; to cause an upset; to obstruct or interfere with the flow of wastewater anywhere in the system; to cause a public nuisance; or to cause a violation of the

Water Utility WPDES Permit.

28. Intentional Discharge(s). A willful discharge, irrespective of whether or not the consequences of such discharge were known or anticipated by the discharger.

29. Interference. A discharge which alone or in conjunction with another discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore is a cause of a violation of any requirement of the POTW's WPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with regulations or permits issued thereunder.

30. Kenosha Water Utility (Water Utility). The Kenosha Water Utility of the City of Kenosha, Wisconsin, shall mean a municipally owned public water utility organized and existing under authority of §66.0805, Wisconsin Statutes, and this Chapter. The term Water Utility shall include its officers, employees and agents.

31. Laboratory Supervisor. A Water Utility employee responsible for the administration of the Industrial Pretreatment Program as authorized by this Chapter.

32. Law(ful). Includes Federal, State and local laws, rules and regulations. Lawful means in compliance with Federal, State and local laws, rules, regulations and orders promulgated under the authority thereof.

33. Milligrams per Liter (mg/l). The weight-to-volume ratio used to express a concentration. Milligrams per liter and parts per million (ppm) are alternate means of expressing the ratio.

34. Municipality. Any Town, Village, or Sanitary District that is located within the County of Kenosha and discharges wastewater from its service area into the Water Utility wastewater collection facilities.

35. National Categorical Pretreatment Standard or NCPS. A regulation containing pollutant discharge limits promulgated by the EPA in accordance with §§307(b) and (c) of the Act, which apply to specific industrial discharges.

36. New Source. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under §307 of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or,

c. The production of wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent processes, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

37. Nonconventional Pollutant(s). Any and all pollutants which are not characteristic of normal domestic strength wastewater.

38. Normal Domestic Strength Wastewater. Wastewater with concentrations of BOD no greater than 200 mg/l, total suspended solids no greater than 250 mg/l, phosphorus no greater than 5.0 mg/l, and oil no greater than 100 mg/l.

39. Notice of Violation (NOV). Shall mean a written notice informing a user that a violation has occurred.

40. Notify. Shall mean contact by telephone, in person, or via certified United States mail, return receipt requested.

41. Opportunity for Hearing. The affording of a hearing otherwise required by this Chapter to any person who may be directly affected by the operation of this Chapter, provided that such person files a timely written request for a hearing with the General Manager of the Water Utility.

42. Pass Through. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges form other sources, is a cause of a violation of any requirement of the POTW's WPDES Permit (including an increase in the magnitude or duration of a violation).

43. Permit. Provides written permission to perform certain specified acts

44. Person. Any and all persons, including an individual, partnership, firm, company, municipality, corporation, association, society, institution, enterprise, governmental agency, or any other entity.

45. pH. The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is measured in Standard Units (SU).

46. Phosphorus or P. The element phosphorus. The measurement of phosphorus is expressed in mg/l.

47. Potable Water. Water which is fit for human consumption without further treatment.

48. POTW. Publicly Owned Treatment Works.
49. Premises. Shall mean a parcel of real estate or portion thereof including any improvements thereon which is determined by the Water Utility to be a single user for the purposes of receiving, using and paying for water and/or sewer services.
50. Publicly Owned Treatment Works. The publicly owned facilities designed and used for the treatment of wastewater prior to discharge thereof into the receiving stream. Wastewater treatment facility and POTW have the same meaning. In Kenosha, the POTW is the wastewater treatment plant located at 7834 - 3rd Avenue.
51. Priority Pollutant(s). The elements and compounds listed below:

Chemical Name
CAS Registry Number (or EDF Substance ID)
ACENAPHTHENE 83-32-9
ACENAPHTHYLENE 208-96-8
ACROLEIN 107-02-8
ACRYLONITRILE 107-13-1
ALDRIN 309-00-2
ALPHA-ENDOSULFAN 959-98-8
ALPHA-LINDANE 319-84-6
ANTHRACENE 120-12-7
ANTIMONY 7440-36-0
AROCLOR 1016 12674-11-2
AROCLOR 1221 11104-28-2
AROCLOR 1232 11141-16-5
AROCLOR 1242 53469-21-9
AROCLOR 1248 12672-29-6
AROCLOR 1254 11097-69-1
AROCLOR 1260 11096-82-5
ARSENIC 7440-38-2
ASBESTOS (FRIABLE)1332-21-4
BENZ(A)ANTHRACENE56-55-3
BENZENE 71-43-2
BENZIDINE 92-87-5
BENZO(A)PYRENE 50-32-8
BENZO(B)FLUORANTHENE 205-99-2
BENZO(GHI)PERYLENE 191-24-2
BENZO(K)FLUORANTHENE 207-08-9
BENZYL BUTYL PHTHALATE 85-68-7
BERYLLIUM 7440-41-7
BETA-ENDOSULFAN 33213-65-9
BETA-LINDANE 319-85-7
BIS(2-CHLORO-1-METHYLETHYL) ETHER 108-60-1
BIS(2-CHLOROETHOXY)METHANE 111-91-1
BIS(2-CHLOROETHYL) ETHER 111-44-4
BIS(2-CHLOROISOPROPYL) ETHER 39638-32-9
BIS(2-ETHYLHEXYL)PHTHALATE 117-81-7
BIS(CHLOROMETHYL) ETHER 542-88-1
4-BROMOPHENYL PHENYL ETHER 101-55-3
CADMIUM 7440-43-9
CAMPHECHLOR 8001-35-2
CARBON TETRACHLORIDE 56-23-5
4-CHLOR-M-CRESOL 59-50-7

CHLORDANE 57-74-9
CHLOROBENZENE 108-90-7
CHLORODIBROMOMETHANE 124-48-1
CHLOROETHANE 75-00-3
2-CHLOROETHYL VINYL ETHER 110-75-8
CHLOROFORM 67-66-3
CHLOROMETHANE 74-87-3
2-CHLORONAPHTHALENE 91-58-7
2-CHLOROPHENOL 95-57-8
4-CHLOROPHENYL PHENYL ETHER 7005-72-3
CHROMIUM 7440-47-3
CHRYSENE 218-01-9
COPPER 7440-50-8
CYANIDE 57-12-5
DDD 72-54-8
DDE 72-55-9
DDT 50-29-3
DELTA-LINDANE 319-86-8
DI-N-OCTYL PHTHALATE 117-84-0
DI-N-PROPYLNITROSAMINE 621-64-7
DIBENZ(A,H)ANTHRACENE 53-70-3
1,2-DIBROMOETHANE 106-93-4
DIBUTYL PHTHALATE 84-74-2
1,4-DICHLOROBENZENE 106-46-7
1,2-DICHLOROBENZENE 95-50-1
1,3-DICHLOROBENZENE 541-73-1
3,3'-DICHLOROBENZIDINE 91-94-1
DICHLOROBROMOMETHANE 75-27-4
1,2-DICHLOROETHANE 107-06-2
1,1-DICHLOROETHANE 75-34-3
1,1-DICHLOROETHYLENE 75-35-4
DICHLOROMETHANE 75-09-2
2,4-DICHLOROPHENOL 120-83-2
1,2-DICHLOROPROPANE 78-87-5
1,3-DICHLOROPROPENE (MIXED ISOMERS) 542-75-6
DIELDRIN 60-57-1
DIETHYL PHTHALATE 84-66-2
DIMETHYL PHTHALATE 131-11-3
2,4-DIMETHYLPHENOL 105-67-9
4,6-DINITRO-O-CRESOL 534-52-1
2,4-DINITROPHENOL 51-28-5
2,4-DINITROTOLUENE 121-14-2
2,6-DINITROTOLUENE 606-20-2
1,2-DIPHENYLHYDRAZINE 122-66-7
ENDOSULFAN SULFATE 1031-07-8
ENDRIN 72-20-8
ENDRIN ALDEHYDE 7421-93-4
ETHYLBENZENE 100-41-4
FLUORANTHENE 206-44-0
FLUORENE 86-73-7
GAMMA-LINDANE 58-89-9

HEPTACHLOR 76-44-8
HEPTACHLOR EPOXIDE 1024-57-3
HEXACHLORO-1,3-BUTADIENE 87-68-3
HEXACHLOROBENZENE 118-74-1
HEXACHLOROCYCLOPENTADIENE 77-47-4
HEXACHLOROETHANE 67-72-1
INDENO(1,2,3-CD)PYRENE 193-39-5
ISOPHORONE 78-59-1
LEAD 7439-92-1
MERCURY 7439-97-6
METHANAMINE, –METHYL-N-NITROSO 62-75-9
METHYL BROMIDE 74-83-9
N-NITROSODIPHENYLAMINE 86-30-6
NAPHTHALENE 91-20-3
NICKEL 7440-02-0
NITROBENZENE 98-95-3
4-NITROPHENOL 100-02-7
2-NITROPHENOL 88-75-5
PENTACHLOROPHENOL 87-86-5
PHENANTHRENE 85-01-8
PHENOL 108-95-2
PYRENE 129-00-0
SELENIUM 7782-49-2
SILVER 7440-22-4
2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN (TCDD) 1746-01-6
1,1,2,2-TETRACHLOROETHANE 79-34-5
TETRACHLOROETHYLENE 127-18-4
2,3,4,6-TETRACHLOROPHENOL 58-90-2
THALLIUM 7440-28-0
TOLUENE 108-88-3
1,2-TRANS-DICHLOROETHYLENE 156-60-5
TRIBROMOMETHANE 75-25-2
1,2,4-TRICHLOROBENZENE 120-82-1
1,1,2-TRICHLOROETHANE 79-00-5
1,1,1-TRICHLOROETHANE 71-55-6
TRICHLOROETHYLENE 79-01-6
2,4,6-TRICHLOROPHENOL 88-06-2
VINYL CHLORIDE 75-01-4
ZINC 7440-66-6

52. Process Water. Water that is utilized in any industrial or commercial operation.
53. Prohibited Wastewater. Wastewater which shall not be discharged into the wastewater collection facilities unless and until authorized under the terms of a Wastewater Discharge Permit.
54. Receiving Stream. The body of water into which treated or untreated wastewater isdischarged. Lake Michigan is the receiving stream for the Water Utility POTW.
55. Sanitary Sewer. A pipe or conduit designed and used to transport wastewater.
56. Service Charge(s). The various fees to be paid by dischargers discharging to (users of) the wastewater collection facilities determined by the Board in accordance with any law and in accordance with orders of the Wisconsin Public Service Commission and Wisconsin Department of Natural Resources, as applicable.
57. Severe Property Damage. Any substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be

expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

58. Standard Industrial Classification or SIC. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

59. Significant Industrial User or SIU. Any industrial user subject to Categorical Pretreatment Standards; uses an average of 25,000 gallons of process wastewater per day or more (excluding noncontact cooling and boiler blowdown wastewater), or has a potential for adversely affecting the wastewater collection facility operation, or for violating any local standard or requirement.

60. Significant Load. A discharge of conventional pollutants which is greater than normal domestic strength wastewater or which contain toxic or nonconventional pollutants in such quantity as to exceed limitations thereon imposed by law.

61. Significant Noncompliance (SNC). An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

a. Any chronic violation of wastewater discharge limits, defined here as those in which sixty-six (66%) percent or more of all the measurements taken during a six-month period exceeded the daily maximum limit or average limit for the same pollutant parameter.

b. Any Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33%) percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

c. Any violation that the Water Utility believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Water Utility personnel or the general public);

d. Any discharge of a pollutant that caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority.

e. Any failure to meet, within 90 days of the scheduled date, a compliance milestone contained in a Wastewater Discharge Permit or enforcement order for starting or completing construction, or attaining final compliance.

f. Any failure to provide, within 30 days of the due date, any required reports such as baseline monitoring reports, 90 day final compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules, and failure to accurately report noncompliance.

g. Any violation(s) which the Water Utility determines will adversely affect the implementation of pretreatment.

62. Sludge. A solid by-product of wastewater treatment removed from wastewater at the POTW. (Bio-solids)

63. Slug. Any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period longer than fifteen (15) minutes, five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

64. Storm Sewer. A pipe or conduit designed and used to transport runoff water from precipitation or other unpolluted source.

65. Storm Water Collection Facilities. The storm sewers, structures, and equipment designed and used to collect and transport unpolluted water from the point of origin to the receiving stream.

66. System. Either individually or jointly, the wastewater collection facilities and the wastewater treatment facilities and all appurtenances thereof; or individually or jointly, the water distribution facilities and the water treatment facilities and all appurtenances.

67. Total Dissolved Solids or

68. TDS. The quantity of solids dissolved in water, wastewater, or other liquids that are not removable by laboratory filtering, as prescribed in 40 CFR Part 136.

68. Total Suspended Solids or TSS. The quantity of solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that are removable by laboratory filtering, as prescribed in 40 CFR Part 136.

69. Unpolluted Water. Water that may lawfully be deposited, without prior treatment, directly into the receiving stream. The term shall include, but not be limited to, potable water, and uncontaminated storm water, ground water, or surface runoff water.

70. Upset(s). An exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of

preventive maintenance, or careless or improper operation.
71. Wastewater. The sewage, being a combination of liquids and solids carried in water, originating in residential, commercial and industrial facilities, and discharged into the wastewater collection facilities.
72. Wastewater Collection Facilities. The sanitary sewer mains, structure, and equipment designed and used to collect and transport wastewater from the point of discharge to the wastewater treatment facilities, both within the City and within any municipality. This term shall include all sanitary sewers located at the wastewater treatment facility which carry wastewater prior to the treatment thereof.
73. Wisconsin Pollutant Discharge Elimination System Discharge Permit or WPDES. A document issued by the Wisconsin Department of Natural Resources which establishes effluent limitations and monitoring requirements for the Water Utility's POTW. WPDES Permit No. WI-0028703 and modifications thereof pertain to the Water Utility's POTW.
B. Terms
1. Terms Defined Elsewhere. Where terms are not defined in this Code and are defined in other City Ordinances, Codes, or ASHRAE and NFPA 70, such terms shall have the meanings ascribed to them therein in those Codes.
2. Terms Not Defined. Where terms are not defined herein, or through the methods of interpretation authorized by this Section, such terms shall have ordinarily accepted meanings, such as the context indicates.
32.02 MANAGEMENT AND OPERATION OF WATER, SEWERAGE, AND HOUSEHOLD HAZARDOUS WASTE
The Water Utility shall have complete charge, management, and fiscal control of the operations of the Water, Sewerage, and Household Hazardous Waste Units. The general administration of the Water Utility shall be performed jointly for the Water, Sewerage and Household Hazardous Waste Units, under the direction of a General Manager, who shall report to the Board of Water Commissioners.
The Water Utility shall consist of three (3) separate fiscal units, as follows:
A. Water System. The Water System shall consist of the Water Treatment, Pumping, Storage, and Distribution facilities and related personnel.
B. Sewerage System. The Sewerage System shall consist of the Wastewater Treatment and Wastewater Collection facilities and related personnel.
C. Household Hazardous Waste System. The Household Hazardous Waste System shall consist of the collection and disposal of Household Hazardous Waste and related facilities and personnel.
32.03 BOARD OF WATER COMMISSIONERS - Powers and Duties
The Board is established pursuant to Chapter 1.06 H of the City of Kenosha Code of General Ordinances, and §66.0805, Wisconsin Statutes. The Board shall have the entire charge and management of the Water Utility as provided in Wisconsin Statutes, and this Chapter. The powers and duties of the Board shall include, but not be limited to the following:
A. Establish policy.
B. Adopt Rules and Regulations.
C. Adopt an annual budget.
D. Establish and authorize compensation for the General Manager and Water Utility employees.
E. Establish and authorize charges, assessments, rates and other fees for the Water System, Sewerage System and Household Hazardous Waste System.
F. Install, construct, and pay for public improvements, financed through bond issues, promissory notes, grants, Water Utility funds, or other funding sources.
G. Enter into contracts and agreements, including cooperation agreements with other units of government, and enter into development agreements with subdividers, real estate owners, developers and others.
H. Recover all or part of the cost of installing and constructing public improvements through impact fees or special assessments as authorized in §66.0701 and 66.0703, Wisconsin Statutes, and this Chapter.
I. Purchase and sell real estate and Water Utility assets, acquire and release easements, enter into right of entry agreements, and enter into leases and rental agreements.
J. Authorize the installation and construction of water or sewer infrastructure by Water Utility employees or through public construction contracts.
K. Appoint a General Manager to direct the operations of the Utility.
32.04 GENERAL MANAGER

The Board shall appoint a General Manager who shall take and hold office under the City of Kenosha Civil Service Ordinance and Rules and Regulations, which are incorporated herein by reference. The General Manager shall have the full charge and management of the Water Utility, subject to Board supervision, and the authority to execute contracts, easements, agreements; hire, direct and manage Utility personnel; implement the Operating Budget and Capital Improvement Program; and perform other activities approved or directed by the Board. The Assistant General Manager shall have authority to act for the General Manager in his/her absence, or unavailability. When the term General Manager is used in this Chapter, it shall include authorized designees thereof.

32.05 RULES AND REGULATIONS GOVERNING THE WATER UTILITY

Rule 05-01. Wisconsin Statutes. All Wisconsin Statutes as they now exist or as they may hereinafter be amended relative to water service and sanitary sewer service are incorporated herein by reference and made a part of this Chapter as if fully set forth herein.

Rule 05-02. Wisconsin Administrative Code. All provisions of the Wisconsin Administrative Code as they now exist or as they may hereinafter be amended relative to water service and sanitary sewer service are incorporated herein by reference and made a part of this Chapter as if fully set forth herein.

Rule 05-03. Compliance with Rules. All persons now receiving water and/or sanitary sewer service from the Water Utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin and Chapter XXXII of the City of Kenosha Code of General Ordinances.

Rule 05-04. Inspection of Premises. During reasonable hours, any officer or authorized employee of the Water Utility shall have the right of access to the premises supplied with service for the purpose of inspection or for the enforcement of the Water Utility's rules and regulations. See § 196.171, Wisconsin Statutes.

Rule 05-05. Water and/or Sanitary Sewer Main Extensions.

A. The Board may, whenever it deems it expedient and necessary and in the best interests of the Water Utility, construct water and/or sanitary sewer mains, connections and appurtenances in any highway, street, right of way or utility easement. The cost of such main may be specially assessed against the benefitted property as provided for in §66.0703, Wisconsin Statutes, and this Chapter or pursuant to the terms of a developer's agreement with owner/developer of property to be served.

B. Where the cost of the extension is to be collected through assessment by the Water Utility against the abutting properties, the procedure set forth under §66.0703 Wisconsin Statutes shall apply, and no additional customer contribution to the Water Utility will be required.

C. Where the Water Utility is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:

1. The applicant(s) will advance, as a contribution in aid of construction, the total amount equivalent to that which would have been assessed for all property under paragraph A.

2. Part of the contribution required in B.1. will be refundable. When additional customers are connected to the extended main within 10 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under A. for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under A., nor will it exceed the total assessable cost of the original extension.

D. When a customer connects to a transmission main or connecting loop installed at Water Utility expense there will be a contribution required of an amount equivalent to that which would have been assessed under A.

Rule 05-06. Water and Sanitary Sewer Mains - How Constructed on Divided Property. Construction of water and sanitary sewer mains which are to serve land divided by a plat of Subdivision, certified survey or plat of survey shall be in conformance with Chapter 17 of the City of Kenosha Code of General Ordinances and in accordance with Water Utility plans and specifications. Water and sanitary sewer mains may be constructed to serve land divided under Chapter 17 of the Code of General Ordinances only in accordance with a developer's agreement approved by the Board and executed by the General Manager of the Water Utility, and then, subject to the final approval and acceptance by the General Manager of the Water Utility.

A developer or subdivider shall pay to the Water Utility for the Water Utility's cost of any existing water or sanitary sewer which is extended to the property and will be used as main extensions, if the said extension had not previously been paid for.

Rule 05-07. Water Main Installation in Wholesale Areas. The Water Utility has entered into "Multi-Municipality Cooperation Agreements" which have been adopted by the governing bodies and are, therefore, authorized as they apply to main extensions in wholesale areas.

Rule 05-08. Water Main and Sanitary Sewer Main Special Assessments. Whenever the Board shall cause to be constructed a water main or a sanitary sewer main in any highway or street, right-of-way, or utility easement, which is not subject to a developer's agreement, the Water Utility, when legally possible, shall assess the abutting property owners for the cost thereof as provided for in this Chapter and in §66.07, Wisconsin Statutes, as authorized by the Board. The special assessment may be based upon a charge per front foot of main installed or by another method of determining the cost to be assessed which is authorized by the Board to insure that property is assessed only to the extent benefitted and to permit recovery of the costs authorized by law.

Upon completion of construction and installation, the Water Utility will provide the property owner with written notice thereof and with an option of paying the special assessment therein in full within thirty (30) days or in ten (10) equal annual installments. The amount of each installment shall be equal to one-tenth (1/10th) of the total special assessment, plus interest at a rate determined by the Board. Special assessments shall be placed on the real estate tax roll and collected in the manner provided by law.

Rule 05-09. Water and Sanitary Sewer Design. Water and sanitary sewer plans and specifications shall be prepared or approved by the Water Utility. The Water Utility shall approve the size of water and sewer mains and the location of hydrants, valves, manholes and appurtenances thereto. Hydrant flow test information, if available, will be provided to designers by the Water Utility Engineering Division at no cost. Should additional hydrant flow testing information be required, the Water Utility Engineering Division will perform the necessary testing on a cost reimbursable basis. The fee for each hydrant test will be established by the Board.

Rule 05-10. Fire Hydrants. The cost of the installation of fire hydrants will not be specially assessed to abutting property owners, except as may be provided for in a developer's agreement.

Rule 05-11. Public Land Dedications. Special assessments shall not be forgiven or deferred as a consideration for any dedication of land for a public purpose, unless approved by the Board.

Rule 05-12. Railroad and Utility Company Special Assessments. Railroad and utility companies shall be specially assessed for all water and/or sanitary sewer mains fronting their property when and to the extent there is a benefit to the property.

Rule 05-13. Double Special Assessments. Generally, the cost of water and/or sanitary sewer mains shall be specially assessed against benefitted property on each side of a highway or street right-of-way. However, where property on one side of a highway or street right-of-way is the only beneficiary of such improvement or where the type or width of highway or street installed requires the installation of parallel water and/or sanitary sewer mains, the Board shall establish a special assessment rate to recover the cost thereof which shall not exceed two (2) times the current special assessment front foot or other applicable rate which would have been otherwise applicable.

Rule 05-14. Special Assessment/Change of Circumstances. Special Assessments which were valid and enforceable when made shall not be forgiven due to a subsequent change in circumstances.

Rule 05-15. Hookup Fees. Whenever the Board shall cause to be installed or constructed a water and/or sanitary sewer main, and/or water or sanitary sewer connection in any highway or street, right-of-way or easement and said water or sanitary sewer main and/or water or sanitary sewer connection may not be assessed under §66.07, Wisconsin Statutes, due to lack of authority to do so, the abutting property owner shall, as a condition of being permitted to hookup to the Water Utility System where such a hookup is otherwise authorized and permitted, shall pay a "Hookup Fee". The "Hookup Fee" may be established through the use of the front foot assessment rate or such other rate as is determined by the Board to recover the Water Utility's cost and expense of serving the property, plus any connection charge effective at the time of connection. The minimum "Hookup Fee" charge shall be for sixty feet times the then current assessment rate. The "Hookup Fee" shall be charged for all property within or outside of the City Limits that was not previously assessed, or was subject to a deferred special assessment, under §66.07, Wisconsin Statutes, due to the lack of authority to do so at the time of construction or any other reason. Where a "Hookup Fee" is paid, a special assessment for the same service shall not later be made against the property. Required connection fees shall be in addition to the "Hookup Fee". Deferred special assessments for properties outside of the City limits are entered as such only for accounting purposes and only recorded if there is a reasonable likelihood of collection according to inter-municipal or inter-governmental agreements.

Deferred special assessments in the City shall be noted as paid in the City's books of accounts upon a "Hookup Fee" being paid in an amount sufficient to cover the amount thereof. "Hookup Fees" may be paid in installments upon the request of the property owner requesting service pursuant to a policy and interest rate determined by the Board and upon an agreement that unpaid fees may be specially assessed against benefitted property.

Rule 05-16. Deferred Special Assessments. No property within the City, unless zoned "agricultural", shall have any special assessment deferred for payment unless it is authorized by the Board, and then only pursuant to a uniform policy.

Rule 05-17. Deferred Special Assessments Payable Upon Annexation or Attachment. Upon annexation or attachment, all deferred special assessments for sanitary sewers, water mains, water services, and sewer laterals shall become due, owing, and payable in the same manner and to the same extent as if those assessments were validly assessed against said property on the effective date of annexation or attachment, except as heretofore provided. Deferred assessments for sanitary sewers, water mains, water services, and sewer laterals shall be due, owing, and payable at the charge or assessment rate prevailing on the effective date of annexation or attachment. All deferred assessments shall be payable in installments where installment payments would have been available to any owner of property within the City for such improvements on the effective date of said annexation or attachment, although the annexing or attaching property owner(s) may, at their option, elect to pay the total amount due, owing, and payable forthwith. Petitions for annexation shall contain a provision that in consideration for City approval of the petition for annexation, petitioners agree to the terms of this Chapter and waive any rights, if any, which they may have to contest the amounts due, owing and payable or the manner of payment heretofore enumerated, except for potential mathematical errors in calculations and except for a challenge based upon legal benefit to the property. However, the failure of any property owner to agree as above set forth shall not in and of itself void the obligations specified in this Chapter.

Rule 05-18. Method for Computing the Cost of Water and Sanitary Sewer Main Special Assessments.

A. Front Footage. Mains are to be specially assessed based upon the front footage of each parcel of land which abuts a main and appurtenances to the nearest one thousandth (.001) foot.

B. Corner Parcels. Any parcel which has at least two (2) sides which face two (2) intersecting streets at the intersection shall be specially assessed for the full length of the side upon which the main is first installed. When mains are later installed on the other abutting street of the corner parcel there shall be a special assessment for the full length of the side less a maximum credit of one hundred and fifty (150) feet.

C. Standard Symmetric Cul-de-Sacs. Parcels fronting a standard symmetric cul-de-sac shall be especially assessed for the arc frontage. Parcels which are tangent to a cul-de-sac, shall have a minimum special assessments based upon sixty (60') feet of frontage.

D. Offset or Nonsymmetric, Cul-de-Sacs. Parcels fronting offset or nonsymmetric cul-de-sacs shall be specially assessed in the same manner as a standard symmetric cul-de-sac.

E. Curved Streets. Parcels on curved streets shall be specially assessed for the frontage along the arc of the curve.

F. Corner Parcels on Curved Streets. Parcels on a curved street are considered corner parcels if there are intersecting streets. There shall be a maximum credit of one hundred and fifty (150') feet when the main covers the full length of the frontage. There shall be a minimum special assessment based upon sixty (60') feet of frontage.

G. Curved Streets with Partial Cul-de-Sacs. Parcels fronting a curved street which has a partial cul-de-sac on the outside radius of the curve shall be specially assessed for the arc frontage. Where the parcel is also a corner parcel, special assessments shall be levied in accordance with Subsection F.

H. Trapezoidal Parcels. Trapezoidal parcels (any four-sided lot with unequal interior angles) which have one side fronting a main shall be specially assessed based upon the frontage where the main is installed.

I. Triangular Parcels. Triangular parcels (three-sided lots with one side facing a street with a main) shall be specially assessed based upon frontage. Triangular parcels (three-sides lots with two sides facing streets with a main) shall be specially assessed as a corner parcel.

J. Double Frontage Parcels. Double frontage parcels (two sides facing two nonintersecting streets) shall be specially assessed only on the side(s) where the parcel is to be serviced.

K. Infrastructure Cost. The cost of providing infrastructure to serve the property may be built into the project assessment rate such as, but not limited to, water pumps, sanitary sewer lift stations, valves, manholes, facilities within intersections and right-of-way restoration.

Rule 05-19. Water Mains and Sanitary Sewer Mains and Connections Installed in Advance of Paving. Where streets are to be paved or repaved in full or part under circumstances where no sanitary sewers, water mains, water services and/or

sewer laterals exist, the Water Utility may install the necessary sanitary sewers, water mains, water services and/or sewer laterals before the paving work is performed and specially assess the abutting property for the cost thereof in accordance with §66.07, Wisconsin Statutes, and this Chapter.

Rule 05-20 - Locating of Sanitary Lateral or Water Service Laterals. When requested to locate a sanitary sewer lateral or water service lateral, the Water Utility will field mark with a stake or paint the location per the latest records available. The records are available in the office of the Water Utility Engineering Services for review. The Water Utility shall not be responsible for any costs to the owner, developer or other persons for any inaccuracy or incompleteness of the records or any misinterpretation of the records.

32.06 RULES AND REGULATIONS GOVERNING THE WATER SYSTEM

Rule 06-01. Required Water Service and Connection.

A. Unsafe Well Water. Where inhabited property that fronts a Water Utility water main is serviced by a private well, and where water from that well is bacteriologically unsafe or toxic, then the owner of said property shall be required to connect said property into an abutting water main and use Water Utility water for domestic purposes, subject to Water Utility Rules and Regulations, within thirty (30) calendar days following notification to the property owner that such a connection is required.

B. Safe Well Water. Where inhabited property that fronts a Water Utility water main is serviced by a private well that is subject to a Well Permit under §32.09, and the water from that well is bacteriologically safe, then the owner of said property shall be required to connect their property into an abutting water main within one (1) year. The connection shall be extended into the property and a water meter shall be set. (See §32.09) Water from the Water Utility need not be used as long as a Well Permit is maintained and the water from the well in bacteriologically safe.

Rule 06-02. Water Connection Charges. Owners shall be responsible, where the water main extension has been approved by the Water Utility through a developer's agreement, for the water service lateral installation costs from the main through the curb stop. The initial water service lateral(s), not installed as part of a developer's agreement or an assessable Utility extension, will be installed from the main through the curb stop by the Water
Utility, for which there will be charges as approved by the Wisconsin Public Service Commission.

Rule 06-03. Water Service Pipe. Water service pipe extending from the building to the Water Utility curb stop within the public right-of-way or easement, shall be installed in accordance with Wisconsin Administrative Code, Comm §82. All curb stops for controlling the supply of water to customers shall be placed between the curb line of the street and sidewalk, where sidewalk is present or proposed, with the top of the box even with the grade of sidewalk or parkway. Representative detail drawings are on file at the Water Utility Engineering Office and are available for review upon request. Each water service lateral shall have a curb stop valve. When the water main is within ten (10') feet of the property line or within an easement, the tapping valve (corporation stop) of a service four (4") inch or greater in diameter may be considered to be the curb stop. If installed in this manner, the property owner is responsible for maintaining the entire water lateral, beginning at the tapping valve. The Utility is responsible for the tapping valve. The minimum size of service pipe from the curb stop to the water meter shall be one (1") inch in diameter. The minimum size service from water main to curb stop for a residential unit, where the distance from the water main to the meter is greater than one hundred (100') feet, shall be one and one-half (1-1/2") inch diameter. In all cases the domestic service shall be sized to provide a minimum of 12 gpm at 20 psi at the water meter for each dwelling unit. The water service from the curb stop to the building shall conform to the standards listed in Wisconsin Administrative Code, Comm §84. The water service from the main to the curb stop shall be type K copper for 1", 1-1/2" and 2" services; poly-encased ductile iron pipe Class 53 or C900 PVC pipe for 4", 6" and 8" services; and poly-encased ductile iron pipe Class 52 or C900 PVC pipe for services larger than 8". Alternate material may only be used upon written approval from the General Manager. Water service pipe shall be laid at least five and one-half (5-1/2') feet below the planned finished grade of the street, lawn or below the existing grade, whichever is lower. The water service pipe may be laid in a sewer connection trench if it is properly shelved to one side of the trench or at least one (1') foot above the sewer lateral. No new or replacement service curb stop shall be laid deeper than six and one-half (6-1/2) feet below the established grade. No person, party or contractor shall cover or permit the covering of any water connection line until the installation has been inspected and approved by the Utility. The contractor shall subject the water piping to a test in the presence of a City Plumbing Inspector, as required by the State Plumbing Code. When a service pipe larger than two (2") inches is used to supply an individual service or a private water main extension, the service pipe shall be tested in accordance with Rule 06-36 prior to any pressure test or

water usage. A water service may cross one or more parcels to service another parcel provided only one parcel is served and the water service meets all of the following requirements/conditions:

1. Approved by the General Manager of the Water Utility;
2. A copy of a recorded easement between parcel owners is delivered to the Water Utility;
3. A "Deed Covenant - Rights to Maintain Sewer and/or Water" (approved by the City Attorney) is recorded and a copy of the recorded document is delivered to the Water Utility.

Rule 06-04. Responsibility for Water Service Pipes, Appurtenances and Connections. The Water Utility is responsible for any necessary repairs to or replacement of the water service pipe and curb stop, from the curb stop to the Water Utility's water distribution main located in an easement or in the public right-of-way. When the water main is within ten (10') feet of the property line or within an easement, the tapping valve (corporation stop) of a service four (4") inch or greater in diameter may be considered to be the curb stop. If installed in this manner, the property owner is responsible for maintaining the entire water lateral, beginning at the tapping valve. The Utility is responsible for the tapping valve.

The property owner is responsible for the installation, maintenance, and any necessary repairs to, or replacement of the water service pipe and all appurtenances and connections from within the building to the curb stop, except for the water meter and meter horn. The Water Utility is responsible for the installation, maintenance, and any repairs to, or replacement of the water meter and meter horn. In the event any repair or replacement of the owner's water service pipe is required, the owner, at his/her expense, must make the repair or replacement within twenty (20) days after receiving written notice from the Water Utility that repair or replacement is required. If the necessary repair or replacement is not completed by the owner within said twenty (20) days, or if the condition requiring repair or replacement is of such a nature as to cause a danger to persons or property, the Water Utility may disconnect the water connection or make the necessary repair or replacement and charge the cost to the property owner, and specially assess the property served. Any costs or expenses incurred by the Water Utility which are the responsibility of the owner as stated in this Chapter, shall be charged to the property owner and may be specially assessed to the property served.

The Water Utility, as a public service, and upon the request of the property owner, may enter private property which receives its water supply from the Water Utility to attempt to locate a water pipe break. Under normal circumstances, the Water Utility will not perform or arrange to perform any repair work on private property. The Water Utility may, at its discretion, shut off water services to the premises without the consent of the owner or occupant, where there is evidence that the water pipe break may endanger persons, damage property, or create a public nuisance.

Rule 06-05. Water Service Leaks. If the Water Utility makes repairs to a water service pipe on the Water Utility's side and cannot reconnect to the service pipe on the homeowner's side because of a deteriorated service pipe or if the water service begins leaking during the Water Utility's maintenance to the meter or other Water Utility facilities, and it is determined that the owner's water service pipe must be replaced, then the Water Utility and the property owner shall equally share the cost of replacing the water service pipe on the owner's side. Cost sharing shall only occur if the Water Utility attempted to reconnect or repair the water service pipe on the owner's side and determined that the service pipe on the owner's side requires replacement. The property owner may arrange to have a contractor, acceptable to the Water Utility, replace or repair the water service pipe and then request 50 percent reimbursement of expenses from the Water Utility. Cost estimates must be approved by the General Manager prior to contracting the work. The property owner shall be responsible for all costs for restoration on his/her property. The Water Utility shall be responsible for all costs for restoration of the right-of-way, including sidewalk, parkway, curb and gutter and road repairs.

Rule 06-06. Lead Service Replacement. The Water Utility will replace a lead water service by installing a new copper water service from the water main to the curb stop at no expense to the property owner. The size of the replacement service will be of equal size to the existing lead service, however lead services smaller than one inch (1") shall be replaced with one inch (1") copper. If the property owner has a lead service from the curb stop to the building, the property owner, at his/her expense, must install a new non-lead water service from the curb stop to the building to qualify for the Water Utility Lead Service Replacement. Lead Service Replacement shall be performed by the Water Utility when time and funding is available.

Rule 06-07. Frozen Laterals.

A. Thawing of a customer's lateral shall be at the Water Utility's expense if:

1. The frozen lateral is a direct result of a Water Utility disconnect and the disconnection occurs during a time when conditions are such that frozen lateral could reasonably be expected to occur or;
2. The customer's portion of lateral is electrically conductive and:

a. It is the first thaw for the customer at the location during the current winter season and;
b. The Water Utility has not provided the customer with seasonal notice of the corrective actions to be taken for a known condition.
B. Lateral thawing shall be at the customer's expense if:
1. The customer's lateral is not electrically conductive and the frozen lateral is not a direct result of a Water Utility disconnect as set forth in sub. A. 1. or;
2. The customer neglected to provide or maintain proper insulation or protection for the lateral according to standard accepted practice, or specific Water Utility instructions on, for example, the required depth of burial needed to prevent freezing, or;
3. The Water Utility advises the customer of the corrective measures to be taken and the customer does not follow the Water Utility's advice. (See § PSC 185.35 (7) for bill adjustment where a Water Utility requests a customer to let water flow to prevent freezing), or;
4. If the Water Utility disconnects for a dangerous condition.
Rule 06-08. Number of Meters on One Water Service Pipe. Each parcel of property shall have only one (1) water service with only one (1) water meter (customer) unless otherwise authorized and approved in writing by the General Manager of the Water Utility, except customers may have a second water meter for "lawn sprinkling" (no sanitary sewer charge) in the same location as the domestic meter. A parcel with more than one building to be served may split a single service from the Water Utility to serve each building, if installed per the State Plumbing Code. Each building must have a meter, and each meter must have a separate exterior curb stop that is accessible to Water Utility personnel. Owners of multi-unit dwelling units or condominiums must apply, in writing, and must obtain approval from the General Manager for the installation of separate water meters for each housing unit served by a single service pipe.
Rule 06-09. Customer Responsibilities. The Water Utility, absent negligence on its part, shall not assume responsibility for any damages incurred by a customer or property owner arising out of a broken or defective water main or service pipe where the installation thereof was performed in a good and workmanlike manner or from damages arising from insecure boilers, variation in water pressure, or the water hammer from the mains or from the failure of any water fixture. The Water Utility shall not be responsible for the cost of any water loss or property damage arising out of a broken or defective service pipe or appurtenance thereto where the property owner is responsible for the maintenance thereof. Each customer shall be responsible for maintaining their premises which receive service in as safe a condition as the nature of the premises shall reasonably permit so as to protect employees of the Water Utility from harm when they enter said premises in the performance of their duties. Each customer is also responsible for providing the Water Utility with access to their premises as provided in Rule 05-04. Water service may be temporarily discontinued (shut off) should a customer fail to comply with this Section.
Rule 06-10. Meters Required. All water services within the Retail Service Area shall be metered. All meters shall be furnished by the Water Utility and shall be installed by or under the supervision of the Water Utility. Only one meter will be installed for each service pipe, unless otherwise approved by the General Manager. The meter must be installed before the City of Kenosha, Department of Neighborhood Services and Inspections will issue a certificate of occupancy.
No connection to the service pipe shall be made before the meter. Submeters shall not be installed, read or maintained by the Water Utility.
Rule 06-11. Water Meters, Remote Registers and Meter Bypasses - How Placed.
A. Meters shall be placed in the basement where a basement exists. The meter must be placed on the service pipe within twelve inches (12") of the inside wall and between twelve inches (12") and twenty-four inches (24") above the floor. If no basement exists or the service pipe is extended beyond where the service enters the building foot print, the service pipe shall be buried under the concrete floor (no exposed pipe) until it rises to the meter. The service pipe riser to the meter shall be perpendicular to the floor and secured or reinforced to support the meter. The meter shall be so placed as to be easily accessible and shall be kept free from all obstructions so that it may be easily read, maintained and inspected and it shall be protected by the property owner from freezing and other damage. All meters shall have a valve on both the inlet and outlet side of meter. All meters of size from five-eighths inch (5/8") through one inch (1") shall be set with the use of a meter horn supplied by the Water Utility. Meter horns shall be furnished upon application for a meter and shall be installed by a licensed plumber. Representative detail drawings are on file at the Water Utility Engineering Office and are available for review upon request. Meters installed in newly constructed single family units shall be a minimum of three-

quarter inch (3/4"). All meters one and one-half inch (1-1/2") or larger shall be provided with a bypass connection. The bypass connection shall be teed off the main service pipe before the inlet valve and after the outlet valve which are required at the meter. Representative detail drawings are on file at the Water Utility Engineering Office and are available for review upon request. The size of the bypass connection shall not be less than one normal pipe size less than the meter size. A locking valve, approved by the Utility, shall be installed on the bypass and will be locked by the Water Utility. A meter test plug shall be provided between the outlet side of the meter and outlet valve for three inch (3") and larger meters. Existing meter bypass connections installed without locking bypass valves shall be allowed to remain in service unless it is discovered that the valve has been tampered with or operated without the consent of the Water Utility, whereby the Water Utility will require the owner to replace the existing valve with a locking bypass valve in the meter bypass connection which shall be locked by the Water Utility. A remote water meter register is required for all water meters, and shall be attached directly to the outside of the building or structure wall. The remote register shall be approximately four (4') feet above finished ground elevation and located by the Water Utility where it will be free of obstruction and easily accessible. Wiring from meter to remote register will be exposed on both the interior and exterior of a residential (single family or duplex) building unless the owner, at his/her expense, provides a ½" conduit. Any owner or builder of a new duplex, who receives authorization for two separate meters, shall provide a ½" conduit with three, #18 wires from each meter to the remote reader. The remote reader shall be field located and approved by the Water Utility. Wiring from meter to remote register shall be three, #18 wires in a ½" conduit for each meter for commercial and industrial buildings. The remote register or reader shall be field located and the location shall be approved by the Water Utility. Remote water meter registers shall be installed only by authorized employees of the Water Utility. The Water Utility does not assume responsibility for the defacement or damage of property caused by necessary holes, fastenings or other work required for proper installation. The remote water meter registers, wiring and other appurtenances required for the installation shall be and remain the property of the Water Utility. The Water Utility shall have the right of access to install, read, remove, test and inspect the meter and installation as a condition of providing water service.

Rule 06-12. Location of Meters, Remote Registers--Not Obstructed. In the event that a meter or remote register is situated in a location that is inaccessible or difficult to access, the Water Utility shall notify the owner of such condition, and if such condition is not remedied in a manner satisfactory to the General Manager within thirty (30) days after receipt of such notice, the water service may be discontinued (shut off) by the Water Utility and remain discontinued (shut off) until such condition is remedied.

Rule 06-13. Meters and Meter Bypasses Not to be Interfered With. Meters and meter bypasses shall be left in the condition and manner as set by the Water Utility and shall not be tampered with by anyone in any manner whatsoever. No meter shall be moved or disturbed without written permission from the General Manager, and then only by a licensed plumber. In no case shall a service pipe coupling bypass be inserted in the service pipe in place of a meter, except that in case of frozen service pipes or frozen meters. Only a licensed plumber, upon notification to the Water Utility, or the Water Utility will be permitted to make such insertion. Any person violating this provision will be required, as a condition of future water service, to pay an amount equal to the amount of damage sustained by the Water Utility by reason of loss of, or damage to the meter, and the loss of revenue from the sale of water by reason of inaccurate water usage registration on meter. Diversion of service around the meter, which has not been previously authorized by the Water Utility, may result in a disconnection and refusal of service in accordance with Wisconsin Administrative Code, PSC §185.37.

Rule 06-14. Meter Repairs. All meters, damaged by frost, hot water or causes other than ordinary wear and tear, will be repaired or replaced by the Water Utility and the cost thereof shall be charged to the owner of the property served. All repairs or replacements due to ordinary wear and tear of the meter will be made by the Water Utility at the expense of the Water Utility.

Prior to replacing a meter, the condition and configuration of the service pipe and the valves on both the inlet and outlet sides of the meter will be assessed to determine the potential for future water leaks. In those instances where the piping and/or valves are in poor condition and/or the configuration of the plumbing is such that future water leaks are likely, the owner may be asked to sign a “hold harmless” agreement prior to the replacement of the meter. Plumbing configurations that are in violation of Wisconsin Administrative Code, Comm 81 through 87 (Plumbing) will be referred to City of Kenosha, Department of Neighborhood Services and Inspections.

Rule 06-15. Meter Pits. If a meter pit must be placed outside of the premises, the owner must request special written permission therefor and construct the pit according to specifications of the Water Utility to obtain water service.

Representative detail drawings are on file in the Water Utility Engineering Office and are available for review upon request. New residential units shall be designed in such a manner that outside meter pits are not required. In all cases of existing or new meter pits, the owner is responsible to maintain the pit according to specifications of the Water Utility. In the event that a pit does not meet Water Utility specifications, the Water Utility shall notify the owner of such condition, and if such condition is not remedied in a manner satisfactory to the General Manager within thirty (30) days after receipt of such notice, the water service may be discontinued (shut off) by the Water Utility and remain discontinued (shut off) until such condition is remedied.

The meter must be accessible for meter reading and testing at all times and is subject to all other rules governing meters.

Rule 06-16. Failure to Read Meters. Where the Water Utility is unable to read a meter, the fact will be plainly indicated on the bill, and either an estimated bill will be computed or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled, and credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases shall more than three consecutive estimated or minimum bills be issued.

Rule 06-17. Testing Meters. Water meters shall be tested in accordance with Wisconsin Administrative Code PSC §185.75.

Rule 06-18. Meters Failing to Register. Water meters failing to register shall be billed in accordance with Wisconsin Administrative Code, PSC §185.34.

Rule 06-19. Collection of Overdue Bills. An amount owed by the customer may be levied as a tax as provided in § 66.0809 of the Wisconsin Statutes.

Rule 06-20. Adjustment of Water Bill. An adjustment of a water bill may only be made in accordance with Wisconsin Administrative Code, PSC §186.35.

Rule 06-21. Disconnection and Refusal of Service. Disconnection and refusal of service shall be in accordance with Wisconsin Administrative Code, PSC §185.37.

Rule 06-22. Deferred Payment Agreement. Deferred payment agreements shall be in accordance with Wisconsin Administrative Code, PSC §185.38.

Rule 06-23. Dispute Procedures. Dispute procedures shall be in accordance with Wisconsin Administrative Code PSC §185.39.

Rule 06-24. Breaking Seals and Locks Prohibited. No person shall break any seal or lock upon any meter, meter bypass, remote register, valve, private fire hydrant or other fixtures that may be sealed by the Water Utility.

Rule 06-25. Check Valve or Other Protective Devices. When water service is provided to a hot water boiler or other pressure vessel, a check and relief valve or other protective device shall be installed, as required by Wisconsin Administrative Code, Comm §§ 81 through 87 (Plumbing). The Water Utility may require vacuum breakers, backflow preventers or check valves on any water service if it is found necessary to protect the public water supply, as may be determined by the General Manager.

Rule 06-26. Private Fire Service Pipe. Private fire service pipes may be unmetered or metered as authorized by the General Manager. Fire service pipe meters must be set in accordance with Rule 06-12 where their use is required by the Water Utility. Representative detail drawings are on file at the Water Utility Engineering Officer and are available for review upon request.

The rates for Private Fire Protection service shall be based on the service pipe size as authorized by the Public Service Commission.

Rule 06-27. Seasonal or Intermittent Use. Charges for seasonal or intermittent use are authorized by the Wisconsin Public Service Commission.

Rule 06-28. Permits for Temporary Water Service. Permits for temporary water service shall be issued and obtained from the City of Kenosha Department of Neighborhood Services. Applicants for a new Building Permit shall also make application for Temporary Water Service Permit. Charges for Temporary Water Service Permits shall be as authorized by the Wisconsin Public Service Commission.

No Occupancy Permit for a building serviced by a water service exceeding two inches (2") in diameter shall be approved until such time as the Water Utility has provided the Plumbing Inspector with written verification that the water service that serves the building has been successfully tested in accordance with Rule 06-36.

Rule 06-29. Discontinuance of Service. Any property owner desiring to discontinue the use of water service must give

written notice to the Water Utility of such discontinuance, providing within such notice the location of the relevant premises served and the date water service is to be discontinued. Water service discontinuance policies are in accordance with the Wisconsin Administrative Code, PSC §185.3.

Rule 06-30. Disconnection of Water Service Prior To Razing or Moving Buildings. Prior to razing or moving any building the party to whom a Razing or Moving Permit is issued shall request the Water Utility, in writing, to remove the meter and shall cause the water service to be disconnected and capped at the property line. If the capped water service from the property line to the connection at the water main in the public right-of-way is constructed of lead or galvanized steel, the entire water service shall be abandoned and is not permitted for reuse.

Rule 06-31. Cross-Connection. Every person owning or occupying a premise receiving municipal water supply shall maintain such municipal water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source or of any manner of connection with any fixture or appliance whereby water from a foreign supply or the waste from any fixture, appliance, or waste or soil pipe may flow or be siphoned or pumped into the piping of the municipal water system. See Wisconsin Administrative Code, NR §811.09.

Rule 06-32. Fire Hydrants. No person, except an employee of the Water Utility, Public Works Department or Fire Department, in the course of their employment, or person obtaining a permit from the Water Utility, shall open and take water from a Water Utility owned fire hydrant or in any way interfere with, injure, break, or deface any fire hydrant belonging to the Water Utility. No building, structure, tree, pole, post, sign, or any other obstruction shall be placed, located or maintained within a five (5') foot radius of any fire hydrant connected to the Water Utility water supply system. Any unauthorized person taking water from a fire hydrant shall pay to the Water Utility a Hydrant Permit fee and water usage charge as payment for the water diverted from the fire hydrant in addition to any applicable civil forfeitures resulting from prosecution and conviction for a violation of this Chapter. Fire Hydrant Permit fees are authorized by the Wisconsin Public Service Commission.

Rule 06-33. Fire Hydrant Maintenance. Private fire hydrant maintenance may be performed by Water Utility employees upon a signed agreement between the Water Utility and property owner. Charges for private fire hydrant maintenance shall be established by the Water Utility.

Rule 06-34. Fire Protection. The Water Utility, as a public service, may install and maintain fire hydrants to be used for Public Fire Protection. The fire hydrants shall be installed in accordance with the National Board of Fire Underwriters recommendations. However, the Water Utility does not assume liability for any failure to act in this regard as the performance of such service is not guaranteed within any particular time frame or as to any particular location.

Rule 06-34. Testing of Water. The Wisconsin Department of Natural Resources has approved and authorized the Water Production Laboratory of the Water Utility to test water to determine if it is safe for domestic purposes. Any water connection larger than two (2") inches shall be flushed by the installer and tested by the Water Utility laboratory and be certified with two consecutive bacteriologically safe samples at least twenty-four (24) hours apart prior to use for any purpose. A water line pressure test shall be made only after bacteriologically safe samples have been obtained. Preparation for flushing and testing shall consist of providing a flushing assembly at the end of the installed line before any other piping is connected. The flushing assembly shall consist of a two (2") inch minimum connection to the end of the line, a three-quarter (3/4") inch female pipe tee for a test faucet, a test faucet and necessary hose to discharge the flushing water in to a drain. The size of the hose shall be one and one-half (1-1/2") inches for water main sizes smaller than eight (8") inches and hose lengths two hundred (200') feet or less. All others require hoses two and one half (2-1/2") inches in diameter.

Flushing shall proceed only upon approval and under the supervision of the Water Utility. All samples for newly constructed services or water mains shall be taken by Water Utility personnel. Metering of flushing water is required. Meters can be obtained at the Utility Business Office.

Flushing water may only be turned off upon notification by the Water Utility that the installation has been determined to be bacteriologically safe.

32.07 RULES AND REGULATIONS GOVERNING THE SEWERAGE SYSTEM

Rule 07-01. Sewer Inspection Permit Required. A Sewer Inspection Permit shall be obtained from the Department of Housing and Neighborhood Services or the Water Utility before any extension is made to a sanitary sewer main or lateral. Any work on sanitary sewers within the street right-of-way or any Water Utility easement shall be done according to Water Utility specifications and inspected by the Water Utility Engineering Division.

Rule 07-02. Sewer Lateral Charges. Owners shall be responsible, where the sewer main extension has been approved by

the Water Utility through a developer's agreement for the sanitary sewer lateral installation costs from the main to the property line. The initial sanitary sewer lateral(s), not installed as part of a developer's agreement or an assessable utility extension, will be installed from the main through to the property line by the Water Utility, for which there will be charges as approved by Board.

Rule 07-03. Sewer Lateral Specifications. Sanitary sewer lateral from the sewer main to the property line shall be a minimum of four inch (4") for residential properties and a minimum of six inch (6") for non-residential properties, to include PVC pipe with rubber gaskets or solvent cemented joints. If a tee or wye is not available for connection, a saddle of the proper size shall be used. Saddle shall be installed with sealant and stainless steel straps as recommended by manufacturer. Hole cutter or sabre saw shall be used to cut PVC sewer pipe.

Rule 07-04. Responsibility for Sanitary Sewer Pipes, Appurtenances, and Connections. The property owner is responsible for the installation, maintenance, cleaning, repair and replacement of the entire sanitary sewer lateral from the building to the Water Utility's sanitary sewer located in an easement or in the public right-of-way. In the event it becomes necessary to repair or replace that portion of the sanitary sewer lateral that lies underneath the public right-of-way, the Water Utility will make the necessary repair or replacement at its initial cost upon the property owner signing an agreement that the property owner will pay the costs of the necessary sanitary sewer lateral repair and replacement and excavation and repair of the public right-of-way in the event such work is necessitated because of damage or blockage to the sanitary sewer lateral that was caused by property owner, or occurred during the homeowner's, or the homeowner's contractor's maintenance or cleaning of the sanitary sewer lateral or for other causes attributable to the homeowner or the homeowner's contractors. In the event any repair or replacement of the sanitary sewer lateral outside of the public right-of-way is required of the owner, the owner, at their expense, must make the repair or replacement within thirty (30) days after receiving written notice from the Water Utility that repair or replacement is required. If the necessary repair or replacement is not completed by the owner within said thirty (30) days, or if the condition requiring repair or replacement is of such a nature as to cause a danger to persons or property, the Water Utility may make the necessary repair or replacement and charge the cost to the property owner, and specially assess the property served.

Rule 07-05. Customer Responsibility. The Water Utility shall not assume responsibility for any damages incurred by a customer or property owner arising out of a broken or defective sanitary sewer main where the installation thereof was performed in a good and workmanlike manner. The Water Utility shall not be responsible for the cost of any property damage arising out of a broken or defective service pipe or appurtenance thereto where the property owner is responsible for the maintenance thereof. Each customer shall be responsible for maintaining their premises which receives service in as safe a condition as the nature of the premises shall reasonably permit so as to protect employees of the Water Utility from harm when they enter said premises in the performance of their duties. The customer is responsible for providing the Water Utility with access to their premises so that employees of the Water Utility may read meters and make other inspections as authorized or required by the Board or this Chapter. Water service may be temporarily discontinued (shut off) should a customer fail to comply with this Rule.

Rule 07-06. Required Building Connections to Sanitary Sewer. For each parcel of property, there shall be one sanitary sewer lateral connection, unless otherwise authorized and approved in writing by the General Manager. To assure preservation of the public health, comfort, and safety, it is required that any building used for human habitation or intended for human habitation and located adjacent to a sanitary sewer main or in a block through which such main extends, be connected with such sanitary sewer main by means of individual connections or private interceptor mains. If any person fails to comply for more than one hundred eighty (180) days after notice in writing, the Water Utility may impose a penalty or may cause connection to be made, and the expense thereof shall be assessed as a special tax against the property. The owner may, within thirty (30) days after the completion of the work, file a written request with the City Clerk asking that the special assessment be payable in ten (10) equal annual installments. The amount of each installment shall be equal to one-tenth (1/10th) of the total special assessment, plus interest at a rate determined by the Board. Special assessments shall be placed on the real estate tax roll and collected in the manner provided by law.

Rule 07-07. Sewerage Service Charges.

Rule 07-07(01). Cost of Service. Sewerage Service Charges are composed of operation, maintenance, replacement, capital and debt costs. These costs of service are distributed to wastewater volume, BOD, suspended solids, phosphorus, and customer service.

Customer service costs associated with water meter costs, water meter reading, billing, and collecting bills are assessed

equally to all sewer customers as a fixed charge. New connections will be allowed to connect to the system if there is available capacity in the existing wastewater collection and treatment facilities. The Utility has the right to reject connections of users or other municipalities if capacity of the system is not adequate.

Rule 07-07(02). Replacement Fund (DNR). Replacement Fund costs are determined by annual depreciation cost to equipment with a life of 20 years of less. These allocations are then distributed to volume, BOD, suspended solids, and phosphorus. This is a restricted fund used for replacement of existing equipment.

Rule 07-07(03). Capital Costs. Capital expenses are allocated to the wastewater parameters based upon their relation to the parameters. Outlying community customers are not charged for any collection system capital expenditures. A return on investment is charged to outlying communities to collect revenues to reimburse the Utility for capital expenses incurred in the past for older wastewater treatment facilities and interceptors that are still in use.

Rule 07-07(04). Operation and Maintenance Costs. Operation and maintenance costs are allocated to wastewater parameters and customer services. For the outlying communities, the unit costs for volume are adjusted by subtracting out the cost of collection system sewer main and lateral maintenance. The outlying communities will pay for a portion of the sewer maintenance and treatment of infiltration/inflow that is attributable to their usage of the interceptor sewer system.

Rule 07-07(05). Rates and Fees. The Board shall establish, adopt, and from time to time modify rates and fees. The Board shall develop a sewerage service charge system that will:

1. Meet Department of Natural Resources' requirements as may be required.
2. Develop rates that will allow the Water Utility to generate revenue to pay expenses, cover debt service, and receive an adequate return on investments.
3. Establish fair and equitable rates for the City of Kenosha retail customers, outlying municipalities, waste haulers and any other customers receiving service from the Water Utility.

All rates and fees for sewer service shall be adopted by the Board and shall relate to the following categories:

A. Category A Retail Charges. Category A Retail is defined as City of Kenosha customers with normal domestic strength wastewater having BOD concentrations of no greater than 200 mg/l, suspended solids no greater than 250 mg/l, phosphorus no greater than 5.0 mg/l.

1. The service charge for Category A Retail customers shall be the fixed charge plus a volume charge. The service charge for Category A Retail dischargers discharging to the wastewater collection facilities and being served by the Water Utility with water metered service shall be based on the volume of water used, as measured by the Water Utility water meter upon the premises receiving water service from the Water Utility, plus a fixed charge.
2. Industrial dischargers will be assessed an additional charge for the purpose of defraying the cost of the Wastewater Discharge Permit and pretreatment program.
3. The service charge for Category A Retail residential dischargers discharging to the wastewater collection facilities and receiving part or all of their water supply from sources other than the Water Utility, shall be based upon the estimated volume of wastewater discharged to the wastewater collection facilities where there is no meter measuring the total water supply used. Where desired, the owners or occupiers of such property shall install sewage meters, at their cost and expense. Where such a meter has been installed, the service charge shall be based upon the volume of wastewater discharged, plus a fixed charge. Commercial or industrial dischargers discharging to the wastewater collection facilities and receiving part or all of their water supply from sources other than the Water Utility, shall be required to install water or sewage meters for billing calculation purposes. The cost of the meters and installation shall be paid by the customer. Testing of meters to ensure the proper operation and accuracy shall be performed as required by the Water Utility.
4. Where a significant amount of metered water does not reach the wastewater collection facilities due to process water that is discharged into the storm sewer system or ground watering, etc., the discharger may, at their own cost and expense, install a second meter which would monitor the flow of such water. Requests for a second meter must be made, in writing, and approved by the General Manager of the Water Utility. Upon approval and verification by the Water Utility of the separated piping systems, the second meter will be installed.
5. The Water Utility may determine a sprinkling credit, which is a reduction in the Sewerage Service Charge, to be given for summer water consumption in excess of normal winter consumption. This credit is given based on the average usage during the winter season subtracted from the actual usage during the summer season. There is a minimum usage of 1,000 cubic feet per month for summer consumption. This provision applies only to retail residential customers within the City of Kenosha.

B. Category B Retail Charges. Category B Retail is defined as City of Kenosha customers having wastewater

concentrations of BOD greater than 200 mg/l, suspended solids greater than 250 mg/l, or phosphorus greater than 5.0 mg/l.

Dischargers whose wastewater exceeds the concentrations for any one of these parameters shall be in Category B Retail. The service charge for Category B Retail wastewater shall be the fixed charge and volume charge as established in Category A Retail, plus a unit charge for BOD greater than 200 mg/l, suspended solids greater than 250 mg/l, or phosphorus greater than 5.0 mg/l. Category B Retail service charges for volume, BOD, suspended solids and phosphorus shall be computed in accordance with the formula presented below: C = F + (V x CV) + 0.00624 V [(B x CB) + (S x CS) + (P x CP)] where: C is the Charge to sewer user for collection and treatment of wastewater; F is the Fixed charge per billing period; B is the Concentration of excess BOD in mg/l in the wastewater (concentration minus 200 mg/l equals B); S is the Concentration of excess suspended solids in mg/l of wastewater (concentration minus 250 mg/l equals S); P is the Concentration of excess phosphorus in mg/l of wastewater (concentration minus 5.0 mg/l equals P); V is the Wastewater volume in 100 cubic feet for the billing period; CV is the Cost per 100 cubic feet; CB is the Cost per pound of BOD; CS is the Cost per pound of suspended solids; CP is the Cost per pound of phosphorus; 0.00624 equals Conversion factor.

C. Wholesale/Municipal Metered Charges. Wholesale/Municipal Metered Service Charges for outlying communities are established for customers flowing into master sewer meters. The charges for this class of customer shall be determined by actual readings and monitored loadings from the master meter. Fixed charges and/or sampling charges shall be calculated based on actual costs for service, including, but not limited to, metering, monitoring, testing, billing and administration.

D. Wholesale/Municipal Unmetered Charges. Wholesale/Municipal Unmetered Service Charges for outlying communities are established for customers not flowing into master sewer meters. Sewer service charges for outlying community's customers not having master sewer meters shall be based on average sewer metered flows and loadings, from their respective village, town, or district, less any industrial/commercial flows and loadings, divided by the number of nonindustrial/commercial customers connected to the metered system. Fixed charges shall be calculated based on actual costs for service. Industrial dischargers will be assessed an additional charge for the purpose of defraying the cost of the Wastewater Discharge Permit and Pretreatment Program.

Rule 07-07(06). Billing Procedure for Service Charges.

A. Sewerage Service Charge Billing Period. Service charges shall be billed pursuant to a schedule recommended by the General Manager of the Water Utility and approved by the Board.

B. Payment of Service Charges. Sewerage service charges shall be payable twenty (20) days after the billing date, at the Water Utility Business Office or authorized payment station.

C. Penalties. A late payment charge of one (1%) percent per month will be added to bills not paid within 20 days of issuance. This late payment charge will be applied to the total balance for sewerage service, including late payment charges.

Rule 07-07(07). Service Charge for Haulers. No hauler in the business of collecting and disposing of septic tank sludge, holding tank sewage, leachate or other wastes shall discharge such material to the wastewater collection facilities unless a Wastewater Discharge Permit therefor has been first obtained from the Water Utility. "Hauler Dumping Rates" for service charges shall apply to all haulers.

Rule 07-07(08). Charges to Industrial Dischargers in the Wastewater Discharge Permit Program. In addition to service charges, industrial discharges in the Wastewater Discharge Permit Program shall pay an annual charge which is based upon the volume of wastewater discharged per year to the wastewater collection facilities. Charges are also assessed to pay for costs incurred by the Water Utility for the sampling and analysis of each of the priority pollutants and/or other regulated pollutants

Rule 07-07(09). Laboratory Testing Charges. Laboratory fees for testing metals, oil and grease, PH, B.O.D., suspended solids, phosphorous, leachate sampling and other testing shall be based on time, material and overhead.

Rule 07-07(10). Charge For Unlawful Storm Water Discharge. In the event the Water Utility determines that storm (rain) water from a downspout, sump pump, parking lot, or any other cause located on property receiving sanitary sewer service is discharged in violation of Rule 08-02(02) of the Code of General Ordinances, the Water Utility may assess a charge to cover the cost of treatment, administration and other associated costs. In addition, penalties under Rule 10 Penalties may apply. The owner or occupant of the violating property will be provided with a written notice of the violation and given 30 days to permanently disconnect the unlawful connection prior to the imposition of the charge. The

charge, based on the estimated volume of storm (rain) water entering the sanitary sewer system plus administrative cost, will be added to the customer's service bill. This charge is in addition to all other remedies and ordinance enforcement measures provided for in this Chapter.

32.08 WASTEWATER DISCHARGE REGULATIONS

Rule 08-01. General. These regulations set forth uniform requirements for dischargers discharging into the wastewater collection facilities of the Water Utility and enables said Water Utility to comply with the Clean Water Act, as amended, 33 U.S.C. 1251, et seq. and the Pretreatment Regulations, 40 CFR Part 403. This Section also allows the POTW to operate pursuant to legal authority enforceable in Federal, State, and local courts, which authorizes or enables the POTW to apply and to enforce the requirements of Sections 307(b) and (c), and 402(b)(8) of the Act and any regulations as hereafter provided for. The objectives of this Section are as follows:

A. To prevent the introduction of discharges into the wastewater collection and treatment facilities which could cause injury thereto, not amenable to removal, or could contaminate sludge;

B. To provide for the equitable distribution of the costs and expenses of the system and of operating an industrial wastewater pretreatment program through the granting of Wastewater Discharge Permits.

C. To provide for the regulation and monitoring of dischargers discharging into the wastewater collection facilities through the issuance of permits and enforcement of general regulations. These regulations apply to all wastewater discharged into the Water Utility's wastewater collection system and/or treated at the Water Utility's wastewater treatment facilities.

Rule 08-02. Discharge to the Wastewater Collection Facilities.

Rule 08-02(01). Unpolluted Waters Prohibited in Sanitary Sewers. No person shall discharge or cause to be discharged any unpolluted waters into the wastewater collection facilities. Unpolluted waters may only be discharged into storm sewers and such other outlets as permitted by law.

Rule 08-02(02). Downspouts and Sump Pumps Discharge Prohibited. No downspout or sump pump of any house, building, structure, or outlet of any cistern or drain shall be connected to or discharged to the wastewater collection facilities. In the event of such a connection, the Water Utility shall provide the owner or occupier of the violating property with a written notice to permanently disconnect the unlawful connection, within Thirty (30) days. It shall be unlawful for any person to fail to promptly comply with such order, unless an extension of time has been requested from and granted by the Water Utility prior to the date specified in an order to disconnect. (Charges for unlawful storm water discharge – See Rule 07-07 (10).)

Rule 08-02(03). Wastewater Prohibited in Storm Water Collection Facilities. No person shall discharge, or cause to be discharged, any wastewater into the storm water collection facilities, unless specifically authorized to do so under the terms of a specific WPDES Permit.

Rule 08-02(04). Prohibited Wastewater. No person shall discharge or cause to be discharged any of the following, measured at the point of discharge, into the wastewater collection facilities.

A. Gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquids, solids or gases, which by reason of their nature or quantity may be sufficient, either alone or by interaction with other substances to create a fire or explosion hazard or be injurious to the POTW. Other elements and compounds are included, but are not limited to wastestreams with a closed cup flashpoint of less than 140 degrees F or 60 degrees C using the test methods specified in 40 CFR 261.21.

B. Wastewater containing nonconventional pollutants; or solids, liquids, or gases of any property; which, in sufficient quantity, either singly or by interaction with other wastes, may injure the system or contaminate the sludge, or cause air pollution above allowable levels.

C. Wastewater discharged with a pH of less than 5.5 or greater than 10.0 or which may cause corrosive structural damage to the wastewater collection or treatment facilities.

D. Solids which cannot penetrate a Tyler designation 20 mesh screen or viscous substances in quantities which may injure the system or contaminate the sludge.

E. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds 104 degrees Fahrenheit (40 degrees Celsius).

F. Wastewater containing more than 100 mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin, or otherwise in amounts that will cause interference or pass through.

G. Garbage that has not been shredded so as to comply with Rule 08-02(04)D. (Garbage grinders may be connected to

sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food.)

H. Wastewater containing chromium, copper, zinc, and other nonconventional and prioritypollutants to such degree that they are in concentrations exceeding levels specified within Section or within applicable Federal and State laws, rules and regulations. Categorically regulated wastestreams shall be measured at the point of discharge from the regulated process, a discharge from a pretreatment process, or at the point of discharge to the wastewater collection facilities when the use of the combined wastestream formula has been approved.

I. The following substances in excess of the limit below provided:

Parameter, Consecutive 4 Day Average Limit(mg/L), Daily Maximum Limit (mg/L)
Cadmium, 1.00, 1.75
Chromium (Total)*, 10.0, 15.0
Copper, 1.5, 2.63
Lead, 10.0, 15.0
Mercury, 0.0010, 0.00175
Nickel, 3.00, 5.25
Silver, 3.00, 5.25
Zinc, 10.0, 15.0
Cyanide, 0.96, 1.7

*Hexavalent chrome shall be reduced to trivalent chrome before discharge to the wastewater collection facilities or be eliminated from the wastewater stream.

Should National Categorical Pretreatment Standards (NCPS) provide for more stringent limitations, the NCPS shall prevail.

J. Wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed by the wastewater treatment facility, or which are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of the Federal and State laws, rules, and regulations.

K. Wastewater which, by interaction with other wastewater, forms and releases pollutants that result in the presence of toxic gases, vapors, fumes, or suspended solids which may injure the system or enter the POTW in a quantity that may adversely affect worker health or contaminate the sludge.

L. Pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the POTW.

M. Substances which exert or cause:

1. A volume or concentration of wastewater consisting of slugs in sufficient quantities to injure the system or contaminate the sludge.
2. Concentrations of inert suspended solids, or inert dissolved solids, sufficient to injure the system or contaminate the sludge.

Rule 08-02(05). Dilution of Discharge Prohibited. No person discharging into the wastewater collection facilities shall increase the use of potable or process water or mix separate wastewaters for the purpose of diluting prohibited wastewater as a partial or complete substitute for pretreatment or to otherwise avoid compliance with or circumvent this Section.

Rule 08-02(06). Notice of Accidental Discharge of Prohibited Wastewater. Any person who does not hold a Wastewater Discharge Permit who discharges or causes to be discharged prohibited wastewater into the wastewater collection facilities shall immediately orally notify the Water Utility thereof. Such notice shall include the date, time, place, and cause of such discharge, the nature, volume, and concentration of such discharge and any corrective action taken. The oral notice must be reduced to writing and submitted to the Water Utility within ten (10) days of an accidental discharge.

Rule 08-03. Wastewater Discharge Permits.

Rule 08-03(01). Dischargers Required to Obtain a Permit. The following Dischargers shall be required to obtain a Wastewater Discharge Permit prior to and as a condition of any wastewater discharge into the wastewater collection facilities:

A. Industrial Dischargers currently discharging to the wastewater collection facilities.

B. Industrial Dischargers not currently discharging to the wastewater collection facilities who intend to discharge within ninety (90) days.

C. Haulers.
D. Municipalities.
Rule 08-03 (02). Procedures for Application. Applications for Wastewater Discharge Permits shall be made on Water Utility supplied forms. It shall be unlawful for any person to intentionally file an incomplete or inaccurate application. A Wastewater Discharge Permit will not be processed or issued until a complete and accurate application is filed. The application for a Wastewater Discharge Permit must be signed by an authorized representative of the industrial user, municipality or hauler, and must contain the following information prior to being processed:
A. The name, address and location of the industrial discharger, hauler or municipality and the location of the point of discharge if different from the business address.
B. The SIC \number of the facility.
C. The probable constituents and characteristics of wastewater that will be discharged.
D. The expected time and duration of discharges.
E. The expected average daily wastewater discharge rates, in gallons per day, including seasonal variations, if any.
F. Site plans, floor plans, mechanical and plumbing plans, and details which show all sanitary sewers, sanitary sewer connections, inspection manholes, sampling chambers, and appurtenances by size, location and elevation.
G. General description of activities, facilities, and plant processes on the premises, including all materials that may be discharged.
H. A listing of each product produced by type, expected quantity, process or processes, and anticipated rate of production.
I. The type and quantity of raw materials utilized, which may be discharged.
J. Whether or not the Facility will be in compliance with this Section on a consistent basis.
Rule 08-03(03). Amendments to Applications. An industrial discharger, municipality, or hauler, must submit an amended application for a Wastewater Discharge Permit within thirty (30) days following any material change in the information required and previously submitted on an application form, and thirty (30) days prior to the following:
A. change in the characteristics and constituents of wastewater,
B. change in the volume of wastewater discharged by twenty percent (20%) or more, or
C. change in the operations or processes utilized by the discharger. An amended application will be processed the same as if it were an original application. This rule does not apply to temporary variations in production schedules.
Rule 08-03(04). Insufficient Information. Where an application for a Wastewater Discharge Permit contains insufficient or inaccurate information, the Water Utility may require more complete and accurate information. Applicants shall be provided thirty (30) days from the date of receipt of written notice of an incomplete or inaccurate application in which to furnish more complete or accurate information.
Rule 08-03(05). Permit Approval. Ninety (90) days after a fully completed and accurate application is submitted for a Wastewater Discharge Permit, such permit shall be issued in accordance with the provisions of this Section, which will specify wastewater which is totally prohibited, place limits on the constituents and characteristics of wastewater, and provide for the pretreatment of certain wastewater prior to its discharge to the wastewater collection facilities. Wastewater Discharge Permits are granted by the General Manager.
Rule 08-03(06). Permit Terms, Conditions and Limitations. The following terms, conditions, and limitations shall be specified in Wastewater Discharge Permits:
A. Limitations on the monthly average and daily maximum constituents and characteristics of wastewater discharges.
B. Limitations on the average and maximum rate and time of discharge and/or requirements for flow regulation and equalization.
C. Requirements for inspection and sampling. Cost incurred by the Water Utility for sample collection and analysis shall be billed to the discharger.
D. Special conditions imposed by the Water Utility under particular circumstances, including sampling locations, frequency of sampling and monitoring, the number and types of analytical tests, reporting schedule, and special technical reports or discharge reports. The special conditions imposed shall be reasonable and necessary to carry out the objectives of this Section. In each case, at the discharger's written request, the Water Utility may provide to the discharger a full and complete explanation of the reason for the special condition(s).
E. Requirements for reporting and action plans in the event of an accidental discharge of prohibited wastewater. Dischargers which have a potential for an accidental discharge of prohibited wastewater shall be required to develop a written plan designed to prevent accidental discharges of prohibited wastewater, and in the event of such accidental

discharge, to mitigate potential damages which could be caused thereby. Such plan shall include a provision that dischargers place signs in conspicuous places on their premises advising officers, employees and agents thereof of the procedure to be utilized to report a discharge of prohibited wastewater to the Water Utility.

F. Requirements for pretreatment. Where pretreatment is required, the discharger shall submit a plan therefor to the Water Utility. Such plan may not be implemented until approved by the State of Wisconsin and the Water Utility. Effluent limitations will be based on applicable Federal and State pretreatment standards and this Chapter. It shall be unlawful for a discharger to fail to obey an order for pretreatment for any phase of the implementation of pretreatment. Pretreatment shall be at the sole cost and expense of the discharger.

G. Provisions for self-monitoring, sampling, reporting, notification, and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on Federal and State laws, rules and regulations and this Chapter. Installation, operation, and maintenance of the sampling facilities shall be at the cost and expense of the discharger and shall be subject to the approval of the Water Utility. Access to sampling sites, processes that discharge wastewater, pretreatment facilities and wastewater self-monitoring records shall be granted to the Water Utility and its authorized representatives.

H. Provisions of discharge by haulers. The permit will identify each vehicle and the license number thereof which will discharge into the wastewater collection facilities. Permits shall be nonassignable and nontransferable, except in the case of replacement of a vehicle for which a permit has been issued. The Water Utility may require a bond to guarantee payment of all fees and charges. The time and place of discharge into the wastewater collection facilities will be designated by the Water Utility. The Water Utility may impose such conditions as it deems necessary on any permit granted. Haulers must carry public liability and motor vehicle insurance in an amount no less than One Million ($1,000,000) Dollars covering loss through death, injury and property damage caused in any way or manner by an action, or omission, of a hauler or the employees or agents thereof. A Certificate of Insurance must be furnished to the Water Utility with the application. Haulers shall post a bond for Five Thousand Dollars ($5,000) to indemnify and hold harmless the Water Utility against injury to the system, contamination of the sludge, and costs associated with the correction of upsets in process at the wastewater treatment facility. Permit holders may not discharge prohibited wastewater into the system unless their permit so authorizes, and then only to the extent permitted. Haulers shall pay a service charge as determined by the concentration of the waste pursuant to Rule 07-07(05) of this Chapter, or as determined by agreement with the Water Utility. All trucked or hauled wastewater must be discharged at the point(s) designated by the Water Utility.

I. A statement that dischargers discharging on the effective date of this rule shall comply with said Section where it is stricter than Federal or State laws, or regulations, within fifteen (15) days after the effective date of said Section. If compliance with Section 32.08 is not met within the allotted fifteen (15) days, stepped enforcement actions will be initiated.

J. A statement of applicable civil and criminal penalties for violation of this Chapter, pretreatment standards and requirements, and any applicable compliance schedule.

K. Compliance by existing industrial sources with categorical pretreatment standards shall be within three (3) years of the date the standard is effective unless a shorter compliance time is otherwise specified. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users.

L. New sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

Rule 08-03(07). Equivalent Limits. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the POTW may convert the limits to equivalent limits expressed either as mass of pollutant discharged per day or effluent concentration. The POTW shall calculate equivalent mass-per-day limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production shall be based upon a reasonable measure of the industrial user's actual long-term daily production, such as the average daily production during a representative year. New sources shall use projected production in place of actual production. Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits shall notify the POTW within two (2) business days after the user has a reasonable basis to know that the

production level will significantly change.

Rule 08-03(08). Permit Duration. All Wastewater Discharge Permits shall be issued for four (4) years, subject to conditions of this Section.

Rule 08-03(09). Limitations on Permit Assignment and Transfer. A Wastewater Discharge Permit is issued to a specific industrial discharger, municipality, or hauler for a specific operation and is not valid for operations not described in the application, is not assignable to another discharger, or transferable to any other location without prior notification and approval from the Water Utility.

Rule 08-03(10). Permit Amendments by Issuer. The Water Utility may amend any Wastewater Discharge Permit issued to a discharger subject to the discharger being given an opportunity to be heard, for the purpose of correcting any errors or omissions made by the Water Utility and to incorporate revised limitations on prohibited wastewater required by law. A compliance schedule shall be issued if an industry cannot meet any new or modified requirements on their effective date, unless prohibited by Federal or State law, rule or regulation.

Rule 08-03(11). Extensions of Permit Time Schedules. Whenever any industrial discharger, municipality, or hauler believes that any time schedule contained in a Wastewater Discharge Permit is unreasonable under the circumstances, such discharger may request, in writing, an extension of time to meet such schedule prior to the expiration of any such time limit. Time extensions may be given after the fact, but the discharger is subject to the penalties herein provided for failure to meet such time schedule.

Rule 08-03(12). Opportunity for Hearing Relative to Permit Conditions and Limitations. Any discharger, within thirty (30) days of the granting of a Wastewater Discharge Permit, may file with the Water Utility a request to be heard relative to the application of any permit conditions and limitations. An opportunity to be heard will be provided before the General Manager of the Water Utility within ten (10) days of the receipt thereby of a request for hearing.

Rule 08-04. Reporting and Monitoring Requirements for Holders of Wastewater Discharge Permits.

Rule 08-04(01). NCPS Incorporated by Reference. The NCPS, and all amendments which may be made thereto, are incorporated herein by reference.

Rule 08-04(02). Application of Rule 08-04. Rule 08-04 is applicable to all holders of Wastewater Discharge Permits where NCPS are applicable.

Rule 08-04(03). Notice to Holders of Wastewater Discharge Permits. Where applicable, the Water Utility shall provide written notification to all holders of Wastewater Discharge Permits, that NCPS are applicable, as follows:

A. At the time of granting a Wastewater Discharge Permit, such notice will be provided within such permit, and limitations provided for by NCPS will be a term and condition of such permit.

B. At such time as the Water Utility is aware of new NCPS.

C. At such time as the Water Utility is aware that a holder of a Wastewater Discharge Permit is subject to NCPS.

However, lack of notice furnished by the Water Utility will not relieve the holder of a Wastewater Discharge Permit of their obligation to timely comply with NCPS.

Rule 8-04(04). Baseline Monitoring Report (BMR) Filing Requirements. All Baseline Monitoring Reports shall be filed with the Water Utility as follows:

A. Any industrial discharger subject to NCPS that plans to connect to the wastewater collection facilities shall file a BMR with the Water Utility no later than sixty (60) days prior to discharging any wastewater to the collection facilities.

B. New industrial dischargers subject to NCPS shall file a BMR with the Water Utility no later than ninety (90) days prior to the initial discharge of wastewater to the collection facilities.

C. An existing discharger that becomes an industrial discharger subject to NCPS after promulgation of an applicable pretreatment standard shall file a BMR with the Water Utility within one hundred eighty (180) days following the effective date of the categorical standard.

Rule 08-04(05). Required Contents of BMR. A BMR shall be on a Water Utility form and shall contain the following information respecting industrial dischargers subject to NCPS:

A. Identifying Information. The name and address of the discharger, and the names of the persons who own and operate the facility from which there will be a discharge of wastewater into the wastewater collection facilities; and the SIC of the operator.

B. Permits. A listing of any environmental control permits held or applications pending.

C. Description of Operations. A description of the unit processes that the facility plans to use in production.

D. Production. A description of the nature and average rate of production.

E. Points of Discharge. A process schematic diagram indicating points of wastewater discharge.
F. Pretreatment Equipment. Any pretreatment equipment employed at the facility.
G. Flow Measurement. The discharger shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from all wastestreams.
H. Measurement of Pollutants. The discharger shall identify the pretreatment standards applicable to each regulated process. Sampling and analysis shall be done on wastestreams that are regulated and results shall identify the nature and concentration of regulated pollutants. Sampling and analysis shall be performed pursuant to 40 CFR 403.12(b)(5)(ii)-(viii).
I. Certification. A statement, reviewed by an authorized representative of the discharger and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the discharger to meet the pretreatment standards and requirements.
Rule 08-04(06). Compliance Date Report. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial discharger subject to NCPS shall submit to the Water Utility a report containing the information described in 40 CFR 403.12 (b) (4)-(6). For all other industrial dischargers subject to NCPS expressed in terms of allowable pollutant discharge per unit of production, this report shall include the discharger's actual production during the appropriate sampling period. This report shall be signed by an authorized representative of the discharger and certified by a qualified professional.
Rule 08-04(07). Periodic Reports on Continued Compliance. Any industrial discharger subject to NCPS shall submit to the Water Utility a report indicating the nature and concentration of pollutants in the effluent which are limited by categorical pretreatment standards. This report shall also include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Rule 08-04 (05)(G). Compliance reports shall be submitted to the Water Utility during the months of July and January, unless required more frequently by the Water Utility. Flow shall be reported on the basis of actual measurement, except that where cost or feasibility considerations justify, the Water Utility may accept reports of average and maximum flows estimated by verifiable techniques.
Rule 08-04(08). Pretreatment Reporting Requirements. Industrial dischargers subject to NCPS shall comply with the following reporting requirements:
A. All dischargers shall notify the POTW immediately of all discharges that could injure the system or contaminate the sludge, including any slug loadings by the discharger.
B. If sampling performed by a discharger indicates a violation, the discharger must notify the POTW within twenty-four (24) hours of becoming aware of the violation. The discharger shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation, except the discharger is not required to resample if the POTW performs sampling between the discharger's initial sampling and the time when the discharger receives the results of this sampling.
C. The reports required in Rule 08-04 (07) shall be based upon data which is representative of conditions occurring during the reporting period. Appropriate sampling and analysis shall be performed during the period covered by the reporting period. The POTW shall require such frequency of monitoring as necessary to assess and assure compliance by discharger, with applicable pretreatment standards and requirements.
D. If a discharger subject to the reporting requirement in Rule 08-04(07) monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in this Section, the results of this monitoring shall be included in the report required in Rule 08-04(07).
Rule 08-04(09). Reports from Noncategorical Significant Industrial Dischargers. The POTW shall require appropriate reporting from those significant industrial dischargers with discharges that are not subject to NCPS. Significant noncategorical industrial dischargers shall submit to the Water Utility at least once every six months, in the months of July and January, a report indicating the nature, concentration, and flow of the pollutants required to be monitored by the Water Utility. These reports shall be based on sampling, and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques, or where the sampling or analytical technique described in 40 CFR Part 136 are inappropriate for the pollutants in question, or where the Administrator otherwise determines, the

sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons approved by the EPA Administrator. This sampling and analysis may be performed by the POTW. Where the POTW itself collects all information required for the report, the noncategorical significant industrial discharger will not be required to submit the report.

Rule 08-04(10). Notification of Changed Discharge. All industrial dischargers shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under Rule 08-04(11).

Rule 08-04(11). Hazardous Waste Notification. Any industrial discharger who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial discharger discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial discharger:

A. an identification of the hazardous constituents contained in the wastes,

B. an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and

C. an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the discharge commences. Dischargers are exempt from the hazardous waste notification requirement during a calendar month in which they discharge fifteen (15) kilograms or less of non-acute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a onetime notification.

Rule 08-05. General Provisions Governing Dischargers Discharging to the Wastewater Collection Facilities.

Rule 08-05(01). Measurement of Flow. The volume of flow used for computing service charges shall be the metered water consumption of the discharger as shown in the records of meter readings maintained by the Water Utility, except that devices for measuring the volume of wastewater discharged may be required by the Water Utility if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of wastewater shall be approved by the General Manager of the Water Utility and installed, owned, and maintained by the discharger. Such meters, upon approval and installation, shall not be removed without the consent of the General Manager of the Water Utility. New categorical dischargers shall install, maintain, and own flow monitoring equipment for processes which generate categorical wastewater discharges. When a pretreatment system is updated or newly constructed, flow monitoring equipment shall be installed, maintained, and owned by the industrial user. Devices used for measuring flows by methods described in §NR 218.05 shall be calibrated and the calibration rechecked at least annually using one of the following methods:

A. A method specified by the manufacturer of the device,

B. Calculation of the flow from the dilution of chloride or other ion or substance added to the effluent stream at a fixed rate sufficiently ahead of the sampling point to ensure complete mixing,

C. Measuring the volume withdrawn from or introduced into a tank or container in a known period of time, or

D. In any specific instance by any other method approved by the General Manager of the Water Utility in response to a written request. Records of calibration data shall be retained for a three-year period, or for a longer period on specific request of the Water Utility.

Rule 08-05(02). Sampling Manholes. A discharger which discharges wastewater in excess of normal domestic strength wastewater, including all food service facilities, and/or which discharges nonconventional pollutants, shall be required to construct and maintain one (1) or more sampling manholes to facilitate observation, measurement, and sampling of its wastewater. Sampling manholes shall be located as prescribed by or approved by the General Manager. Sampling manholes and related equipment shall be installed by the discharger at his/her cost and expense, and shall be maintained by the discharger so as to be safe, accessible, and in proper operating condition at all times. Plans for the installation and construction of sampling manholes and related equipment shall be approved by the General Manager prior to the commencement of construction or installation. This requirement shall apply to all new construction, change in

occupancy, and renovation of existing facilities, and existing facilities classified as Category B Retail.

Rule 08-05(03). Wastewater Sampling. Any wastewater discharged into the wastewater collection facilities shall be subject to periodic inspection by the Water Utility to determine the character and concentration thereof, without notice to the discharger.

Rule 08-05(04). Grease and Oil, Sand Separators and Sand Basins. A discharger (other than cooking and/or food waste) who utilizes a garage catch basin, or grease or oil interceptor/separator which is connected to the wastewater collection facilities shall install, at its cost and expense, a sampling manhole on the sewer lateral. The manhole shall be located outside of the building, on private property and, if possible, accessible by a van/truck. The design of the manhole shall be as shown in "Standard Specifications for Sewer and Water Construction in Wisconsin" (latest edition) or as approved by the General Manager.

Rule 08-05(05). Monitoring of Municipalities. Municipalities other than the City of Kenosha shall monitor their wastewater and report their findings as to the wastewater volume, BOD, suspended solids, phosphorus, and oil at the cost and expense of the municipality, as directed by the General Manager. Metering stations may be required by the General Manager to be installed and maintained at the cost and expense of the municipality. The General Manager shall have the right to install flow monitoring and sampling equipment to check the results reported by a municipality, and in the event of a dispute or conflict, the findings and determinations of the Water Utility shall control, all in accordance with the municipality's Wastewater Discharge Permit.

Rule 08-05(06). Analysis. All measurements, testing and analysis shall be performed in accordance with 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, as approved by the Administrator. Sampling method, location, time, duration and frequency are determined on a case-by-case basis, subject to the approval by the Water Utility.

Rule 08-05(07). Confidential Information. Information and data obtained by the Water Utility pursuant to this Section with respect to the nature and frequency of wastewater discharges shall be available to the public or other governmental agencies, without restriction, unless the discharger specifically requests confidentiality and is able to satisfactorily demonstrate that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets. When the Water Utility grants a request for confidentiality, the portions of a report which are confidential shall not be made available for inspection to the public, but shall be made available, upon written request, to governmental agencies for uses related to this Section. The National Pollutant Discharge Elimination System (NPDES) Permit, and Wisconsin Pollutant Discharge Elimination System (WPDES) Permit shall also be available for use by any party involved in judicial or administrative review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics are not recognized as confidential information.

Rule 08-05(08). Bypass. Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

A. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise or reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and,

C. The industrial user submitted notices as required under this rule.

If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass, if possible.

An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the

anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that the user will meet the three conditions listed above in 08-05(08) A, B, and C. Rule 08-05(09). Upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of the next paragraph are met.

A. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and user can identify the cause(s) of the upset.

2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

3. The user has submitted the following information to the POTW within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

(a) A description of the discharge and cause of noncompliance.

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

(c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the user seeking to establish occurrence of an upset shall have the burden of proof.

5. The user shall control production or all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

Rule 08-06. Incorporation of Laws, Rules, and Regulations by Reference. Any Federal, State, or local laws, rules, and regulations, quoted herein are incorporated herein by reference, as they exist on the date of enactment of this Chapter and as they may be amended in the future. Should any reference thereto in this Chapter be incomplete or incorrect, the language of the applicable law, rule, or regulation shall prevail.

Rule 08-07. Reassignment of Dischargers. The General Manager will reassign dischargers into appropriate service charge categories where Water Utility records indicate facts supporting such a change. Dischargers will be given an opportunity to be heard on the proposed action before it becomes effective.

Rule 08-08. Enforcement of Wastewater Discharge Permit.

Rule 08-08(01). Written Notice of Violation. Any discharger in violation of a Wastewater Discharge Permit issued to it, shall be served with a written notice stating the nature of the violation and the action proposed to be taken by the Water Utility, in response to such violation.

Rule 08-08(02). Administrative Order(s). The General Manager shall have the following courses of action as options which may be taken, jointly or severally, in response to a violation of a Wastewater Discharge Permit:

A. To issue an order to immediately cease the unlawful conduct identified in a notice of violation.

B. To issue an order to cease the unlawful conduct identified in a notice of violation within a specified period of time.

C. To pursue penalties and legal remedies as provided in Section 32.10.

D. To make a claim for damages occasioned by injury to the system or contamination of the sludge.

E. To suspend or revoke a Wastewater Discharge Permit.

F. To commence an action at law or in equity in the State or Federal Courts for a declaratory judgment, monetary damages, and/or a temporary or permanent injunction.

G. To commence an action at law for a court imposed compliance schedule.

Rule 08-08(03). Opportunity for and Purpose of Hearing. The notice of violation shall provide the discharger with an opportunity for a hearing prior to enforcement action being taken. Such notice shall provide a time within which the discharger may request a hearing, which time limit shall be reasonable under the circumstances. Following a request for a hearing, a hearing shall be held before the General Manager and the violator shall be notified, in writing, of the time, date and place thereof. The purpose of such hearing shall be to determine the existence of mitigating factors, if any, and to determine the factual basis underlying the alleged violation. The failure to make a timely, written request for a hearing shall constitute a waiver of the right to such hearing. However, in the event of an emergency, an order under Rule 08-08(02)A. may be issued without a written notice and prior hearing, provided that such written notice and hearing are provided as soon as possible following the issuance of said order.

Rule 08-08(04). Written Determination. Within ten (10) days following the hearing, or in the absence of a timely request for a hearing, within ten (10) days following the last day on which a hearing could have been requested, a written determination report shall be made.

Rule 08-08(05). Grounds for Suspension, Revocation, or NonRenewal of Wastewater Discharge Permit. The General Manager of the Water Utility may commence an administrative proceeding, upon written notice, and an opportunity to be heard, to seek the suspension, revocation or nonrenewal of any Wastewater Discharge Permit should a discharger:

A. Fail to factually report to the Water Utility the constituents and characteristics of its wastewater discharge.

B. Fail to promptly report to the Water Utility any violation by it of this Section or of any order promulgated under authority of this Section or any violation of any permit it may hold issued pursuant to this Section.

C. Fail to promptly report to the Water Utility any significant change in the constituents and characteristics of its wastewater discharge.

D. Fail to provide to the Water Utility reasonable access to its premises for inspection, sampling and monitoring purposes.

E. Fail to abide by the terms and conditions of this Section, any order promulgated under authority of this Section, any permit issued pursuant to this Section or any court order enforcing this Section and orders promulgated under its authority.

F. Fail to provide accurate and truthful information and statements to the Water Utility.

G. Attempt to or tamper with any sampling, or monitoring equipment or with the analysis or reports required by this Chapter.

H. Fail to timely file an amended permit application where one is required by this Section.

Rule 08-09. Service of Notices, Findings, and Determinations. Service of notices, findings, and determinations provided for in this Section shall be by personal service or by Certified Mail with Return Receipt. Notices to the Water Utility shall be served at or delivered to the Water Utility Business Office.

Rule 08-10. Procedures for Review. Any discharger, permit applicant, or permit holder adversely affected by any decision, action or determination made by the General Manager of the Water Utility interpreting or implementing the provisions of this Section or of any permit issued herein, may file with the General Manager of the Water Utility a written request for reconsideration within ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts and arguments supporting the request for reconsideration. The General Manager of the Water Utility shall render a decision on the request for reconsideration, in writing, within fifteen (15) days of receipt of the request. If the decision on the request for reconsideration made by the General Manager of the Water Utility is unsatisfactory to the party requesting the reconsideration, then such party may, within ten (10) days after notification of such decision, file a written appeal with the Board. The written appeal shall be heard by the Board within forty-five (45) days from the date of filing. The Board shall make a final ruling on the appeal within sixty (60) days from the date of the filing of an appeal.

Rule 08-11. Annual Publication of Enforcement Proceedings. The Water Utility shall annually publish, in the largest daily newspaper published in Kenosha, a list of industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. Significant noncompliance and/or criteria are listed in 08-01.

Rule 08-12 Grease Management.

Rule 08-12(01) Purpose. The purpose of this rule is to establish uniform requirements for food service establishments discharging grease wastewater into the Water Utility wastewater collection system and to enable the Water Utility to comply with all applicable federal and state laws, including those, which apply to sanitary sewer overflows.

Rule 08-12(02) Food Service Establishments.

A. General. All food service establishments are required to have a grease trap or grease interceptor as per the requirements of the Wisconsin Administrative Code, Comm. 82.34(5) as may be amended from time to time.

B. New facilities. Upon the effective date of this rule, food service establishments which are newly proposed or constructed, or existing facilities which will be expanded or renovated, where such facility did not previously exist, shall be required to install, operate and maintain a grease interceptor or grease trap according to the requirements of the Wisconsin Administrative Code, Comm. 82.34(5).

C. Existing facilities. For the purposes of sizing and installation of grease interceptors, all food service establishments existing prior to the effective date of this rule shall be permitted to operate and maintain existing grease interceptors or

grease traps provided same are in efficient operating condition. Upon the effective date of this rule, the Water Utility may require an existing food service establishment to install, operate and maintain a new grease interceptor or trap that complies with the requirements of this chapter or to modify or repair any noncompliant plumbing or existing interceptor or trap within ninety (90) days of written notification by the Water Utility when any one or more of the following conditions exists:

1. The facility is found to be contributing oils and grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the wastewater collection system;
2. The facility has an undersized, irreparable or defective grease interceptor or trap;
3. The facility has a garbage grinder;
4. Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing or building permit to be issued;
5. The existing facility is sold or undergoes a change of ownership.

D. Plumbing connections. Grease interceptors or traps shall be located in the food service establishment's lateral sewer line after all fixtures, that may introduce grease into the sewer system and the connection to the wastewater collection system. Such fixtures shall include but not be limited to, sinks, dishwashers, automatic hood wash units, floor drains in food preparation and storage areas, and any other fixture which is determined to be a potential source of grease. Garbage grinders installed within food service establishments shall be plumbed through the grease interceptor(s) and a solids interceptor shall separate the discharge before connecting to the grease trap. Solids interceptors and grease interceptors shall be sized and rated for the discharge of the garbage grinder. Wastewater from sanitary facilities and other similar fixtures shall not be introduced into the grease interceptor or trap under any circumstances.

E. Grease interceptors. Grease interceptors shall be installed at all new food service establishments as specified by the Wisconsin Administrative Code, Comm. §82.34(5). All food service establishments shall comply with the following guidelines:

1. Inspection, pumping, and maintenance. Each food service establishment shall be responsible for the costs of installing, inspecting, pumping, cleaning and maintaining its grease interceptor. Pumping services shall include the initial complete removal of all contents, including floating materials, wastewater and bottom sludge and solids from the interceptor. Grease interceptor cleaning shall include scraping excessive solids from the walls, floors, baffles and all pipe work. The return of gray water back into the grease interceptor from which the wastes were removed is allowable, provided that grease and solids are not returned to the interceptor. The grease hauler shall wait at least twenty (20) minutes to allow the interceptor waste to separate in the truck tank before attempting to re-introduce the gray water to the interceptor. It shall be the responsibility of each food service establishment to inspect its grease interceptor during the pumping procedure to ensure that the interceptor is properly cleaned out and that all fittings and fixtures inside the interceptor are in working condition and functioning properly.
2. Interceptor pumping frequency. Each food service establishment shall determine the frequency at which its grease interceptor(s) shall be pumped according to the following criteria:
a. When the floatable grease layer exceeds six (6) inches in depth as measured by an approved dipping method; or,
b. When the settleable solids layer exceeds eight (8) inches in depth as measured by an approved dipping method; or,
c. When the total volume of settleable solids is more than three quarters (3/4) of the total clearance of the outlet pipe located at the bottom of the interceptor; or,
d. When the total volume of captured grease and solid material displaces more than twenty (20) percent of the capacity of the interceptor as calculated using an approved dipping method.
3. Repairs. Each food service establishment shall be responsible for the cost and scheduling of all repairs to its grease interceptor(s). Repairs required by the Water Utility shall be completed within ten (10) calendar days after written notice is received by the facility unless the Water Utility establishes a different compliance date.
4. Disposal. Wastes removed from each grease interceptor shall be disposed of at a facility permitted to receive such wastes. Neither grease nor solid materials removed from interceptors shall be returned to any grease interceptor, private sewer line or to any portion of the wastewater collection system.

F. Interceptor additives prohibited. Any chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives are prohibited.

G. Alternative grease removal devices or technologies. Alternative devices and technologies such as automatic grease removal systems shall be subject to written approval by the Water Utility prior to installation. Approval of the device

shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The Water Utility may approve these types of devices depending on manufacturers' specifications on a case-by-case basis. The food service establishment may be required to furnish analytical data demonstrating that grease discharge concentrations to the wastewater collection system will not exceed the established limitation.

Rule 08-12(03) Entry, Inspection, Sampling, and Reporting.

A. Entry. All food service establishments shall allow Water Utility personnel, bearing proper credentials and identification, access to all parts of the premises during reasonable business hours, for the purpose of inspection, observation, and sampling in accordance with the provisions of this rule. Any user refusing the Water Utility entry to or upon the premises of the user for the purposes of inspection, sampling effluents or performing such other duties as required by this rule shall constitute a violation of the terms of this rule. The Water Utility may seek a warrant or use any other legally available procedures to discharge their duties.

B. Inspection and sampling. The Water Utility may inspect the facilities of any food service establishment, to determine compliance with this rule.

Grease interceptors shall be inspected as necessary to insure compliance with specific grease interceptor requirements and to determine if proper cleaning and maintenance schedules are being performed. The Water Utility may collect effluent samples to determine compliance. The Water Utility shall re-inspect any user that received a deficiency notice after the original inspection. In the event that the user is compliant with all of the deficiencies, there shall be no charge for the re-inspection. In the event of continuing non-compliance, successive re-inspections will be scheduled and appropriate fees shall be charged to the user for the first and all successive re-inspections. Such fees may be charged to the appropriate account of the customer's sewer bill.

C. Reporting. Owners of grease trap/interceptors shall obtain records from contractors used to remove grease waste showing the volume of grease waste shipped; the name and address of the destination; and the name and address of the contractor. Owners of grease trap/interceptors shall maintain these records for a minimum of five years and make them available to the Water Utility for inspection and copying upon request.

Rule 08-12(04) Enforcement and Damage Assessment.

A. Enforcement response plan. Whenever the Water Utility determines that a grease interceptor is in need of pumping, repairs or other maintenance, or in the event that an additional grease interceptor is required, the Water Utility shall proceed as prescribed below:

1. If during inspection, the Water Utility determines that a violation exists, the Water Utility shall immediately notify the owner/manager of the food service establishment that a violation exists and must be addressed promptly.

2. The Water Utility may issue the food service establishment a notice of violation (NOV) stating the nature of the violation(s). Upon issuance of a NOV:

The Water Utility shall perform a first re-inspection after a minimum of fifteen (15) calendar days after issuance of the NOV, to allow sufficient time for corrective action by the food service establishment to be completed. In the event that the food service establishment is compliant with all of the deficiencies, there shall be no charge for the re-inspection. If all of the deficiencies have not been corrected, a first re-inspection fee shall be charged to the food service establishment. A second re-inspection will be performed after a minimum of ten (10) additional calendar days have passed. In the event that the food service establishment is compliant with all of the deficiencies, there shall be no additional charge for the re-inspection. If deficiencies remain, a second re-inspection shall be charged to the food service establishment. Additional re-inspections and fees will be assessed until the food service establishment is compliant with all of the deficiencies. If necessary, additional enforcement actions may be necessary. Fees shall be established and, when necessary, modified by the Board.

B. Assessment of damages. When the discharge from a food service establishment causes an obstruction, damage or any other impairment to the facilities or any expense of whatever character or nature to the Water Utility, the Water Utility may charge the expenses incurred to the discharger. The expenses include services to clear the obstruction, repair the damage to the Utility's facilities or to recover any other expenses for damage(s) of any kind or nature suffered by the Water Utility. The Water Utility shall file a claim with the food service establishment or person causing the damages for any and all expenses or damages suffered by the Water Utility. If the claim is ignored or denied, the Water Utility may charge the expense to the Water Utility sewer bill, or notify the city attorney to take such measures as shall be appropriate to recover any expense or damages suffered by the Water Utility.

Rule 08-12(05) Permit Requirements.

A. It is unlawful for any facility to discharge effluent from a grease interceptor without authorization from the Water Utility. Authorization shall be given in the form of a Grease Interceptor Permit. Application for a permit shall be made to the Water Utility. If the Water Utility determines that the proposed discharge does not conflict with the provisions of this Chapter, or any other federal, state or local requirement or regulation, and the permit fee is paid, a permit shall be issued allowing the facility to discharge into the sanitary sewer collection system. Each grease interceptor permit shall be issued for a time not longer than three years from the date of the permit. The grease generator shall apply for permit re-issuance prior to the expiration of the grease generator's existing permit.

Rule 08-12(06) Fees. The Board may establish and, from time to time, modify charges, surcharges, and fees for permit application, operation, enforcement, administration, and reimbursement of costs incurred.

Rule 08-13. Amalgam Management at Dental Offices.

A. This rule applies to any dental office that places or removes amalgam. If work in a dental office is limited to work that does not involve placing or removing amalgam, such as orthodontics, periodontics, maxillo-facial surgery, endodontics, or prosthodontics, then this rule does not apply.

B. All dental offices shall implement best management practices for amalgam as established by the Wisconsin Dental Association.

C. Within the shortest reasonable time, but no later than four years from the effective date of this Chapter, every vacuum system where amalgam is used or removed shall include an amalgam separator that meets the criteria of the International Standards Organization for amalgam removal equipment (ISO 11143). Dental office shall install, operate and maintain the amalgam separator according to manufacturer's instructions. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.

D. Within one year of the adoption of this Chapter, each dental office shall submit a report that certifies the implementation of the management practices required by paragraph 08-13 B and identifies the contractors used to remove amalgam waste within the last twelve months.

E. Within two years of the adoption of this Chapter, each dental office shall provide a schedule for the installation of the amalgam separator required by paragraph 08-13 C.

F. Within three years of the adoption of this Chapter, each dental office shall provide the following information:

1. The installation date, manufacturer and model name of the amalgam separator, if the installation of the separator is completed.

2. A brief explanation of the delay, anticipated installation schedule, proposed manufacturer and model name of the amalgam separator, if the separator has not yet been installed.

G. If the dental office has provided a report according to paragraph 08-13 F, the dental office shall notify the Water Utility of the completion of the installation within five days after completion.

H. Dental offices shall obtain records for each shipment from contractors used to remove amalgam waste showing the volume or mass of amalgam waste shipped; the name and address of the destination; and the name and address of the contractor. Dental offices shall maintain these records for a minimum of five years and make them available to the Water Utility for inspection and copying upon request.

I. Dental offices shall allow the Water Utility to inspect vacuum system, amalgam separator, and amalgam waste storage areas upon request. Inspections shall occur during the normal operating schedule of the dental office.

J. If the dental office is implementing the management practices required by paragraph 08-13 B and is operating and maintaining the amalgam separator required by paragraph 08-13 C, then any numerical discharge limit for mercury established in any other section of this Chapter does not apply.

Rule 08-14. Record Retention by Dischargers. Dischargers subject to this Section shall retain and preserve, for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof relating to monitoring, sampling and chemical analyses made in connection with its wastewater discharge. All records that pertain to matters that are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Water Utility pursuant hereto shall be retained and preserved by the discharger until all enforcement activities and related review proceedings have concluded and all periods of limitation with respect to any and all appeals have expired. Records of any contractor or agent of the discharger must be retained by the discharger.

32.09 PRIVATE WELLS

Rule 09-01. Prohibition. No person, whose premises are served with water from the Water Utility shall maintain or use a

private well as a source of domestic potable water, within the Water Utility service area, without first obtaining and maintaining a permit thereafter as hereinafter provided.

Rule 09-02. Requirement. Within twelve (12) months following connection of any premises to the Water Utility water system, the owner shall discontinue use of any private well serving the premises and fill the well as hereinafter provided, unless a permit to maintain a private well is obtained from the General Manager of the Water Utility.

Rule 09-03. Private Well Permits. The General Manager of the Water Utility may issue a Private Well Permit for a period not to exceed thirty-six (36) months, subject to the following conditions:

A. The well and pump installation meet the requirements of Wisconsin Administrative Code, NR §812, and a well constructor's report is on file with the Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.

B. The well has a history of producing bacteriologically safe water as evidenced by three (3) samplings, two (2) weeks apart.

C. No physical connection shall exist between the piping of the public water system and the private well.

Rule 09-04. Disconnection. The owner of any premises possessing a nonpermitted private well shall discontinue the use thereof and fill it as hereinafter provided.

Rule 09-05. Private Well Filling Requirements. Private wells to be abandoned hereunder shall be filled according to the procedures outlined in Wisconsin Administrative Code NR §812.26. The pump and piping must be removed and the well checked for obstructions prior to plugging. An obstruction or liner must be removed.

Rule 09-06. Reports and Inspection. A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency, immediately upon completion of the filling of the private well. The filling of the private well must be observed by a representative of the Water Utility. Notice of appropriate DNR fillings shall be provided by the well owner to the Water Utility as soon as possible.

32.10 PENALTIES AND LEGAL REMEDIES

Rule 10-01. Legal Remedies. Any person who violates any of the provisions of this Chapter, shall, in addition to the forfeiture hereinafter provided, be liable for any damage to the Water Utility including loss of revenue from the sale of water or sewerage service resulting from a violation of these rules and regulations. Where the Water Utility must take corrective action with respect to any parcel of property, such parcel may be specially assessed for such work. The payment of damages and the correction of violations may be a condition of providing future water or sewerage service.

Rule 10-02. Penalties. Any person who violates any provision of this Chapter, or orders authorized by this Chapter, may, upon conviction thereof, forfeit not less than One Thousand ($1,000.00) Dollars, together with the costs of prosecution and all applicable surcharges and fees for each violation. Each day a violation continues shall be deemed a separate offense. In default of the timely payment of such a forfeiture and costs, the violator shall be imprisoned in the Kenosha County Jail for not more than thirty (30) days or have their drivers privileges suspended for up to two years. The forfeiture above provided for shall be in addition to all other remedies specified in this Chapter or available in law or equity.

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

F.7. The proposed ordinance by Alderperson Holland – To Repeal and Recreate Section 4.07, Entitled "Penalties" as Section 4.08; and to Create Section 4.07, Entitled "Artificial Light and Glare was pulled for lack of sponsorship.

F.8. It was moved by Alderperson Downing, seconded by Alderperson Juliana to adopt Ordinance 26-10.

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. 26-10
BY: ALDERMAN JESSE L. DOWNING
TO REPEAL AND RECREATE SUBSECTION 5.046 E. OF THE CODE OF GENERAL ORDINANCES REGARDING "OUTDOOR DINING AREA FEE"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Subsection 5.046 E. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

E. Fee. The fee for an Outdoor Dining Area Permit shall be paid to the City Clerk/Treasurer at the time of application submission. There shall be an initial review fee of Fifty ($50.00) Dollars. In addition, there shall be an annual permit fee of One Hundred ($100.00) Dollars for the permit term. There shall be an initial review fee for an Outdoor Extension of a "Class B″, Class "B″ or "Class C″ License of One Hundred Fifty ($150.00) Dollars. Payment of the one time processing fee for such Outdoor Extension under Section 10.075 G. of the Code of General Ordinances shall satisfy this requirement. In addition, there shall be an annual renewal permit fee of One Hundred Fifty ($150.00) Dollars for the permit term. Requests for renewals shall be made before the expiration of the existing permit. Expired Outdoor Dining Area Permits are not subject to renewal.

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

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

F.9. It was moved by Alderperson Downing, seconded by Alderperson Juliana to adopt Ordinance 27-10.

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

F.9.1. It was then moved by Alderperson Downing, seconded by Alderperson Nudo to amend paragraph 3, as follows:

3. There shall be a fence surrounding the outdoor area sought to be within the description of the Class "B", "Class B" and/or "Class C″ licensed premises. The fence shall not be less than forty-eight (48") inches high and not more than six (6') feet high. ***The Common Council, upon request, may waive that requirement where the licensed premises, is operated as a restaurant within the meaning of Chapter 125, Wisconsin Statutes.***

On a voice vote, motion carried.

On roll call vote, motion to adopt as amended carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 27-10
BY: ALDERMAN JESSE L. DOWNING
TO REPEAL AND RECREATE SECTION 10.075 D. OF THE CODE OF GENERAL ORDINANCES REGARDING "REQUIREMENTS"; TO CREATE SUBSECTION 10.075 E.7 REGARDING "DEMERIT TRACKING POINTS FOR OUTDOOR AREAS"; AND, TO RENAME AND RENUMBER SECTION 10.075 G. REGARDING "FEES".

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

Section One: Section 10.075 D. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

D. Requirements.

1. The outdoor area sought to be included within the description of the Retail Class "B", "Class B" and/or "Class C″ licensed premises shall not:

a. Lie within a single family residentially zoned area of the City;

b. Be within a parcel of property, the boundaries of which abut a single family residentially zoned area of the City;

c. Have boundaries within twenty-five (25') feet of any family dwelling, unless the family dwelling is zoned B-1 Neighborhood Business District, B-2 Community Business District, B-3 Central Business District or B-4 Mixed-Use District, or unless the only dwelling within twenty-five (25') feet of said boundary is occupied by the applicant and/or his or her immediate family and no others.

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 twenty-five (25') 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 twenty-five (25') 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.

3. There shall be a fence surrounding the outdoor area sought to be within the description of the Class "B", "Class B" and/or "Class C″ licensed premises. The fence shall not be less than forty-eight (48") inches high and not more than six (6') feet high. The Common Council, upon request, may waive that requirement where the licensed premises is operated as a restaurant within the meaning of Chapter 125, Wisconsin Statutes.

4. The Director of Neighborhood Services and Inspections, or his or her designee shall investigate each application under this Section for compliance of this Section.

Section Two: Subsection 10.075 E.7 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

7. The accumulation of fifty (50) demerit tracking points pursuant to Section 10.063 shall be a basis for denial, revocation or suspension of the Outdoor Area.

Section Three: Section 10.075 G. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby renamed and renumbered as follows:

G. Fees.

1. One Time Processing Fee. At the time of initial application for permission hereunder, applicant shall pay to the City Clerk a one (1) time Processing Fee of One Hundred Fifty ($150.00) Dollars.

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

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

G. ZONING ORDINANCES 2ND READING

G.1. It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad to adopt Ordinance 28-10.

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. 28-10
BY: MAYOR
TO CREATE SECTION 18 OF THE ZONING ORDINANCES FOR THE CITY OF KENOSHA, WISCONSIN, ENTITLED "COMPREHENSIVE PLAN"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 18 of the Zoning Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: 18.01 COMPREHENSIVE PLAN Pursuant to Section 66.1001 (4)(c) of the Wisconsin Statutes, the Common Council of the City of Kenosha, formally adopts the document entitled "Comprehensive Plan for the City of Kenosha: 2035", the final version of which was adopted by the City Plan Commission pursuant to Section 62.23(2) of Wisconsin Statutes on March 4, 2010, as City Plan Commission resolution number 02-10. Section Two: This Ordinance shall become effective upon passage and publication.

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

G.2. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad to adopt Ordinance 29-10.

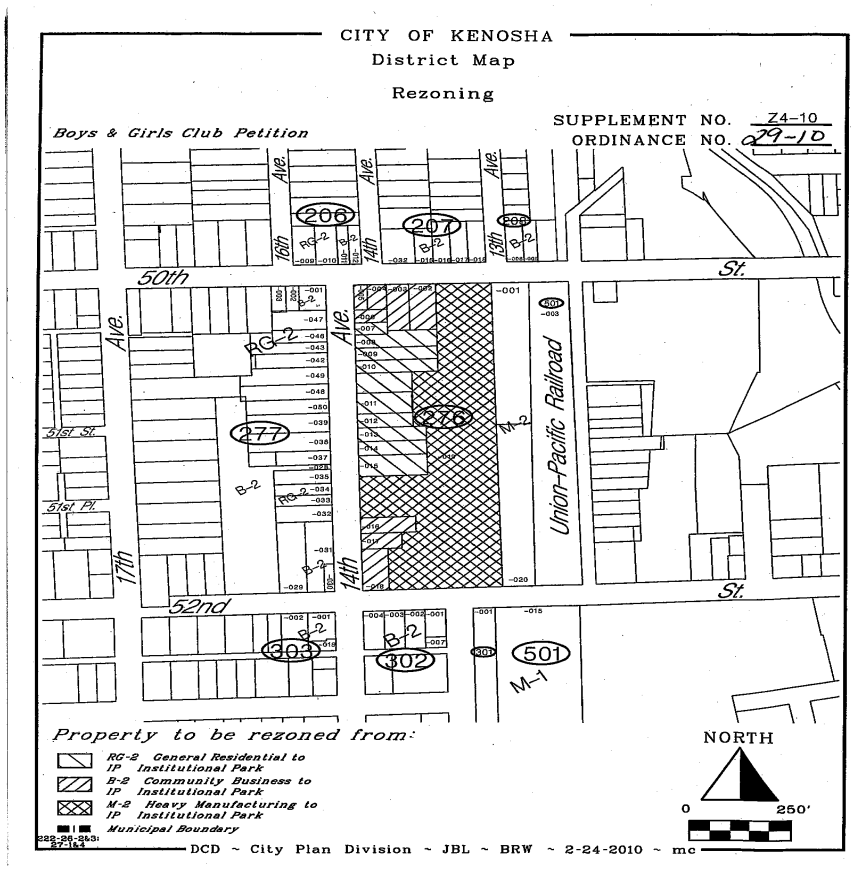
A public hearing was held. No one spoke for or against said ordinance.

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

REZONING ORDINANCE NO. 29-10
BY: THE MAYOR
Zoning: TO REZONE PROPERTY LOCATED 1330 52nd STREET FROM RG-2 GENERAL RESIDENTIAL, B-2 COMMUNITY BUSINESS DISTRICT AND M-2 HEAVY MANUFACTURING TO IP INSTITUTIONAL

PARK IN CONFORMANCE WITH SECTION 10.02 OF THE ZONING ORDINANCE, [BOYS AND GIRLS CLUB]

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.
Z4-10 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, which plan was submitted by the property owner/developer, considered by the City Plan Commission on the 18th day of March, 2010, and is on file with the Department of City Development, 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

G.3. It was moved by Alderperson Ohnstad, seconded by Alderperson Downing to defer the proposed ordinance by the Mayor - To Repeal and Recreate Subsection 5.03 A.2. of the Zoning Ordinance for the City of Kenosha, Wisconsin, Entitled "Establishing Setback Lines" for two weeks. On a voice vote, motion carried.

H. RESOLUTIONS

H.1. It was moved by It was moved by Alderperson Nudo, seconded by Alderperson Haugaard, to approve Resolution 54-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 54-10
BY: Finance Committee

To Amend the City of Kenosha Capital Improvement Program for 2009 By Increasing Line ST93-002 "Resurfacing" in the Amount of $250,000; Increasing Line CO05-001 "104th Avenue" in the Amount of $120,000 and Reducing Line CO02-001 "75th Street" in the Amount of $370,000 For a Net Change of $0

WHEREAS, the City of Kenosha would like to do resurfacing of 22nd Avenue from 35th Street to 38th Street and additional funding is needed for the 104th Avenue project; and WHEREAS, the 75th Street project will require less funding from the city; and WHEREAS, the above amendment to the Capital Improvement Program has been approved by the Public Works Committee on April 12, 2010 and the Finance Committee on April 19, 2010; 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	*Description*	*Available Authorization*	*Authorization Adjustment*	*Amended Authorization*
CO02-001	75th Street from 22nd Ave. to 7th Avenue (2009)	3,408,000	-370,000	3,038,000
ST93-002	Resurfacing(2009)	0	250,000	250,000
CO05-001	104th Avenue (2009)	0	120,000	120,000

Adopted this 19th day of April, 2010.

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

H.2. It was moved by It was moved by Alderperson Nudo, seconded by Alderperson Ruffolo, to approve Resolution 55-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 55-10
BY: Finance Committee

To Amend the City of Kenosha Capital Improvement Program for 2008 By Creating Line PK08-004 "Simmons Island Park Beachfront" in the Amount of $40,000 and Reducing Line PK01-004 "Kennedy Park" in the Amount of $40,000 For a Net Change of $0

WHEREAS, Public Works is in the process of having various park master plans completed in 2010 and have been made aware of the need to do a park master plan for Simmons Island Park Beachfront; and WHEREAS, the Kennedy Park master plan was not done and has an authorization available; and WHEREAS, the above amendment to the Capital Improvement Program has been approved by the Park Commission on April 12, 2010 and the Finance Committee on April 19, 2010; 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	*Description*	*Available Authorization*	*Authorization Adjustment*	*Amended Authorization*
PK 01-004	Kennedy Park	49,000	-40,000	9,000
PK 08-004	Simmons Island Park Beachfront	0	40,000	40,000

Adopted this 19th day of April, 2010.

APPROVED:
KEITH G. BOSMAN, MAYOR

ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.3. It was moved by It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve Resolution 56-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 56-10
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 by Charter Ordinance No.(s) 28, 30, and 33, 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 March 15, 2010, for the City of Kenosha, a report on file in the Office of the City Clerk/Treasurer 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 by Charter Ordinance No.(s) 28, 30, and 33, special assessments in the total amount of Two Thousand Seven-Hundred Thirty-Eight Dollars and forty-eight cents ($2,738.48) 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 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 19th day of April, 2010.

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

H.4. It was moved by It was moved by Alderperson Nudo, seconded by Alderperson Moldenhauer, to approve Resolutions 57-10 through 60-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 57-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Unpaid Permit Fees
(Erosion Control Reinspection Fees - Account #501-00-44806)

BE IT RESOLVED, that special assessments for reinspection fees during 2009/2010, in the total amount of $1,710.00, 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 April, 2010.

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

b. RESOLUTION NO. 58-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for
Unpaid Permit Fees
(Permits - Account #110-00-44810)

BE IT RESOLVED, that special assessments for permit fees during 2010, in the total amount of $3,745.76, 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 April, 2010.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

c. RESOLUTION NO. 59-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Unpaid Permit Fees
(Building and Zoning Reinspection Fees - Account #110-00-44806)

BE IT RESOLVED, that special assessments for reinspection fees during 2010, in the total amount of $2,300.00, 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 April, 2010.

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

d. RESOLUTION NO. 60-10
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 2010, in the total amount of $1,836.63, 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 April , 2010.

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

It was moved by It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve Resolutions 61-10 and 62-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.5. **RESOLUTION NO. 61-10**
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 April, 2010, 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 - 30th Street to 24th 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 14th day of May, 2010, 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, 2010.

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

H.6. **RESOLUTION NO. 62-10**
BY: COMMITTEE ON PUBLIC WORKS
FINAL RESOLUTION AUTHORIZING IMPROVEMENTS IN STREET RIGHT-OF-WAY AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY (permanent pavement and/or curb and gutter and/or grading and graveling and/or sidewalks and/or driveway approaches)

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 19th day of April, 2010 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 permanent pavement and/or curb and gutter and/or grading and graveling and/or sidewalks and/or driveway approaches: 27th Street - 47th Avenue to 43rd Avenue 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 12th day of April, 2010 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 permanent pavement and/or curb and gutter, and/or grading and graveling and/or sidewalks and/or driveway approaches may be paid in a lump sum or in ten (10) annual installments, 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 19th day of April, 2010.

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

H.7. It was moved by Alderperson Ruffolo, seconded by Alderperson Prozanski to approve Resolution 63-10.

H.7.1. It was then moved by Alderperson Orth, seconded by Alderperson Bogdala to allow Alderperson Nudo to abstain from voting on Resolution 63-10. On a voice vote, motion carried.

H.7.2. It was moved by Alderperson Ruffolo, seconded by Alderperson Downing to hold a public hearing. A public hearing was held. Eight (8) people spoke in favor of said resolution.

H.7.3. It was moved by Alderperson Ruffolo, seconded by Alderperson Prozanski to amend Resolution 63-10 by adding the following:

Add sponors: Alderpersons Eric Haugaard, Tod Ohnstad, Patrick Juliana, Raymond Misner, Daniel Prozanski, Michael Orth, Jesse Downing and David Bogdala.

Add:

WHEREAS, the City has traditionally viewed 100 percent low income housing as not desirable as it has the discriminatory effect of relegating low income persons to ghetto-like projects many of which appear to become mismanaged over time leading to blight; but rather the City views mixed uses, integrating 20 percent low income housing with market based housing as providing a proper balance for most neighborhoods, keeping blighting forces in check.

On a voice vote, motion carried.

On roll call vote, motion to approve Resolution 63-10 carried (10-2) with Alderpersons Kennedy and Marks voting nay and Alderperson Nudo abstaining and said resolution was thereupon adopted as follows:

RESOLUTION NO. 63-10
BY: ALDERPERSON G. JOHN RUFFOLO
ALDERPERSON ERIC HAUGAARD
ALDERPERSON TOD OHNSTAD
ALDERPERSON PATRICK JULIANA
ALDERPERSON RAYMOND MISNER ALDERPERSON DANIEL PROZANSKI ALDERPERSON MICHAEL ORTH
ALDERPERSON JESSE DOWNING
ALDERPERSON DAVID BOGDALA
IN OPPOSITION TO THE APPLICATION FOR TAX CREDITS FROM THE WISCONSIN HOUSING ECONOMIC DEVELOPMENT ASSOCIATION (WHEDA) FOR THE SUBDIVISION DENOMINATED "MEADOWS OF HUNTERS RIDGE"

WHEREAS, the residential property located within the 4th Aldermanic District of the City of Kenosha, is composed of 40% owner-occupied residential property and 60% non-owner occupied residential rental property; and, WHEREAS, the Meadows at Hunter's Ridge is a platted subdivision comprised of 51 parcels east of 30th Avenue and north of 17th Street, located in the 4th Aldermanic District of the City of Kenosha; and, WHEREAS, the Meadows at Hunter's Ridge subdivision is adjacent to a previously platted and developed subdivision called "Hunter's Ridge", and acted as a transition from the Northpoint development to the Hunter's Ridge subdivision, which Northpoint development is comprised of owner-occupied condominiums and which Hunter's Ridge subdivision is of higher value owner-occupied homes contributing to the tax base of the City; and, WHEREAS, as a transition between two owner-occupied developments, the residents of the 4th Aldermanic District have previously objected to rental housing at the Meadows of Hunter's Ridge site; and, WHEREAS, the 51 platted parcels of the the Meadows at Hunter's Ridge are subject to a developer's agreement which includes restrictive covenants on the construction of the properties which restrictive covenants include approval of design plans by an architectural committee in order to maintain design quality standards for the benefit of all residents of the subdivision; and, WHEREAS, approximately 14 parcels were purchased from the original developer, of which 14 parcels, 7 have had homes built as single family owner-occupied housing; and, WHEREAS, the current owner of the 37 undeveloped parcels, who is the successor in interest to the original developer, has now proposed that the 37 remaining parcels be developed as rental housing; and, WHEREAS, to facilitate the construction of the rental housing, the current owner of the 37 parcels is seeking tax credits from the Wisconsin Housing Economic Development Association (WHEDA); and, WHEREAS, to facilitate the application for WHEDA tax credits, the current owner of the 37 parcels has requested that the Mayor of the City of Kenosha sign a Local Official Notification Form in favor of the development; and, WHEREAS, on April 8, 2010, the Mayor signed such a Local Official Notification Form indicating that his office was taking no position with regard to this proposed development and other proposed WHEDA developments; and, WHEREAS, there already exists WHEDA tax credit projects in the 4th District including but not limited to Saxony Manor and Lou DeMarco Village; and, WHEREAS, the presence of rental housing would decrease the value of the properties currently built at the Meadows of Hunter's Ridge subdivision, and further would tend to erode the property values at Hunter's Ridge, Northpoint and the surrounding area; and, WHEREAS, the City has traditionally viewed 100 percent low income housing as not desirable as it has the discriminatory effect of relegating low income persons to ghetto-like projects many of which appear to become mismanaged over time leading to blight; but rather the City views mixed uses, integrating 20 percent low income housing with market based housing as providing a proper balance for most neighborhoods, keeping blighting forces in check. NOW THEREFORE BE IT RESOLVED that the Common Council, in spite of the Local Notification Form signed by the Mayor on April 8, 2010, in

which the Mayor took no position in regard to this proposed development, the Common Council for the City of Kenosha records its objection to the proposed development. FURTHER BE IT RESOLVED that the City Clerk is directed to send a copy of this resolution in opposition to tax credits being issued to the Meadows of Hunter's Ridge to WHEDA, United States Senators Feingold and Kohl, Congressman Paul Ryan, Governor Jim Doyle, State Senator Robert Wirch, and State Assemblymen Peter Barca and John Steinbrink. Adopted this 19th day of April, 2010.

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

At this time, approximately 10:18 pm, it was moved by Alderperson Kennedy, seconded by Alderperson Nudo to recess. On a voice vote, motion carried. Alderperson Downing left the meeting during the recess. The Common Council reconvened at 10:28 pm.

H.8. It was moved by Alderperson Prozanski, seconded by Alderperson Misner to approve Resolution 64-10.

H.8.1. It was then moved by Alderperson Prozanski, seconded by Alderperson Ohnstad to amend by adding the following:

Add sponsors: Alderpersons Eric Haugaard, G. John Ruffolo and Anthony Nudo.

Add: ***WHEREAS, it is unfair, inequitable and discriminatory to low income families and individuals to be segregated in low income only developments; and,***

On a voice vote, motion carried.

H.8.2. It was moved by Alderperson Prozanski, seconded by Alderperson Nudo to hold a public hearing. A public hearing was held. Two (2) people spoke in favor of said resolution.

On roll call vote, motion to approve as amended carried (10-2) with Alderpersons Kennedy and Marks voting nay.

RESOLUTION NO. 64-10
BY: ALDERPERSON DANIEL PROZANSKI
ALDERPERSON RAYMOND MISNER
ALDERPERSON MICHAEL ORTH
ALDERPERSON TOD OHNSTAD
ALDERPERSON DAVID BOGDALA
ALDERPERSON ERIC HAUGAARD
ALDERPERSON G. JOHN RUFFOLO
ALDERPERSON ANTHONY NUDO

IN OPPOSITION TO THE APPLICATION OF PEDCOR INVESTMENTS, LLC FOR TAX CREDITS FROM THE WISCONSIN HOUSING ECONOMIC DEVELOPMENT ASSOCIATION (WHEDA)

WHEREAS, there exists within the City of Kenosha an area of undeveloped land generally bounded by 39th Avenue, 30th Avenue, 85th Street and 83th Place, lying within the 14th District of the City, over which area of undeveloped land the City does not exert ownership control; and, WHEREAS, the master plan for said area calls for it to be developed with residential use, which is in keeping with the character of the adjacent areas to the west and south of said area; and, WHEREAS, in keeping with the general plan, the area is zoned TRD-2, which calls for traditional design element features for residential building, but which zoning includes multifamily usage; and, WHEREAS, Pedcor Investments, LLC, an Indiana limited liability company, as Developer, has proposed to develop a portion of said area, their proposal entitled "Midtowne Crossing Townhomes", comprised of eight multifamily buildings creating 64 units, all of which will be set aside as low income housing; and, WHEREAS, it is incumbent on the City to properly site developments within this area as given its large size, an initial poor development choice would poison the future development of the area in a manner that would not be in the best interests of the City; and WHEREAS, the City finds that with one limited exception 100 percent low income housing has not been approved in the City of Kenosha; that this single exception was for a multifamily development in a blighted area that was within a blighted Tax-Incremental Financing District (TIF) which needed development revenue to pay off the TIF expenditures; moreover, that housing development was on an environmentally polluted site for which developers were inordinately wary; and further that said exception was on property owned by the City for which the City could and did impose deed restrictions; and further still, said development was allowed after the project (with full disclosure of the details of the project) was vetted by the statutorily created Redevelopment Authority and the Common Council in advance of the Local Official Notification Form for WHEDA

being signed on behalf of the City; and WHEREAS, the City has traditionally viewed 100 percent low income housing as not desirable as it has the discriminatory effect of relegating low income persons to ghetto-like projects many of which appear to become mismanaged over time leading to blight; but rather the City views mixed uses, integrating 20 percent low income housing with market based housing as providing a proper balance for most neighborhoods, keeping blighting forces in check; and, WHEREAS, it is unfair, inequitable and discriminatory to low income families and individuals to be segregated in low income only developments; and, WHEREAS, approval by the City of any proposed such development for the 8300 block of 30th Avenue, which is in the said area, is premature as the City has not been provided any concrete plans with regard as to how the proposed development may fit into the character of the area; and, WHEREAS, a presentation has not been made to the Common Council regarding the manner and experience of the management of the proposed development; and, WHEREAS, this proposed development differs from the previously mentioned exception in that the excepted development was City owned land upon which the City could impose a deed restriction, the excepted development addressed a need in what had been determined to be a blighted area, and the excepted development satisfied economic considerations regarding the creation of a tax incremental financing district, factors which are inapplicable here; and, WHEREAS, the residents of the 14th District have not been engaged by the Developer; and, WHEREAS, the Alderperson representing the 14th District of the City, after publication of the Developer's plans in a local newspaper on April 3, 2010, has received a large number of calls and electronic communications in opposition to the project; and, WHEREAS, the Developer sought the approval of the City Administration with regard to its application for tax credits issued by the Wisconsin Housing and Economic Development Authority (WHEDA), which was given by the Mayor in the form of a Local Official Notification Form signed by the Mayor on March 24, 2010, but which does not necessarily represent the opinion of the Common Council. NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Kenosha, Wisconsin in contravention to the Local Official Notification Form signed by the Mayor on March 24, 2010, in support of the "Midtowne Crossing Townhomes" project, records its objection to the project. FURTHER, BE IT RESOLVED that the City Clerk is directed to send a copy of this resolution in opposition to the "Midtowne Crossing Townhomes" project proposed by Pedcor Investments, LLC, to WHEDA, United States Senators Feingold and Kohl, Congressman Paul Ryan, Governor Jim Doyle, State Senator Robert Wirch, and State Assemblymen Peter Barca and John Steinbrink. Adopted this 19th day of April, 2010.

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

It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad to approve resolutions 65-10 through 70-10 (items H.9. Through H.14.)

H.9. RESOLUTION NO: 65 - 10
BY: THE MAYOR
TO APPROVE A FOUR-LOT CERTIFIED SURVEY MAP
Property at the Northeast corner of Green Bay Road and Washington Road (Gendell Partners)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to one parcel located at the northeast corner of Green Bay Road and Washington 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. A digital copy of the Certified Survey Map shall be provided to the City prior to recording.
6. Dimensions from the quarter section corner to the point of beginning is different between the map and legal description. Please revise.
7. The curve labeled "C1" on the title page does not correspond to the curve labeled "C1" in the curve data table. The

curve data table lists curve "C11", but no "C11" is shown on either page 1 or page 2. The Arc length of curve "C11" in the curve data table differs from the Arc length shown in the legal description.
8. Compliance with all the preceding conditions as a prerequisite for authorizing Mayor and City Clerk-Treasurer to sign the Certified Survey Map.
Adopted this 19th day of April, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.10. RESOLUTION NO: 66 - 10
BY: THE PUBLIC WORKS COMMITTEE
TO AMEND RESOLUTION #142-09 FOR A TWO-LOT CERTIFIED SURVEY MAP Property at 7201 Green Bay Road (Wood Place/Kenosha Medical)

WHEREAS, The Common Council of the City of Kenosha, Wisconsin approved Resolution #142-09 relating to a two-lot Certified Survey Map located at 7201 Green Bay Road; 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 #142-09 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 19th day of April , 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.11. Resolution No. 67-10
By: the Mayor
RESOLUTION AWARDING THE SALE OF $12,275,000 General Obligation Promissory Notes, Series 2010A

WHEREAS, the Common Council has, by a resolution adopted on April 5, 2010 (the "Initial Resolution"), authorized the issuance of general obligation promissory notes pursuant to Section 67.12(12) of the Wisconsin Statutes for the public purpose of paying the cost of projects included in the City's adopted Capital Improvement Plans, including street improvement projects; storm water control projects; museum, park and airport improvements; police, fire, public works, parks and storm water utility equipment; land acquisition; City development projects; and fire department building improvements (the "Project"); WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes; WHEREAS, cities are authorized by the provisions of Section 67.12(12), Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purposes; WHEREAS, the Village has determined to issue [tax-exempt notes] or [taxable Build America Bonds - Direct Payment] to finance the Project; WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to sell its [Taxable General Obligation Promissory Notes, Series 2010A (Build America Bonds - Direct Payment)] OR [General Obligation Promissory Notes, Series 2010A] (the "Notes") authorized by the Initial Resolution to Piper Jaffray & Co. (the "Purchaser"), pursuant to the terms and conditions of its note purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal"); [WHEREAS, it is the finding of the Common Council that it is desirable and in the best interest of the City to take the steps necessary to irrevocably designate the Notes to be qualified "Build America Bonds" within the meaning of Subsection 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations promulgated thereunder by the U.S. Department of Treasury (the "Regulations") so that the City may claim refundable credits with respect to each interest payment on the Notes, payable to the City by the Secretary of the United States Department of the Treasury ("Treasury"); and WHEREAS, because the Common Council will designate the Notes to be qualified Build America Bonds, the interest on the Notes will be includible in gross income for federal income tax purposes under Subsection 54AA(f)(1) of the Code.] NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that: Section 1. Sale of the Notes. For the purpose of paying costs of the Project, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of TWELVE MILLION TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($12,275,000) from the Purchaser in accordance with the terms

and conditions of the Proposal. The Proposal is hereby accepted and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Notes aggregating the principal amount of TWELVE MILLION TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($12,275,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery. Section 2. Terms of the Notes. The Notes shall be designated "[Taxable General Obligation Promissory Notes, Series 2010A (Build America Bonds - Direct Payment)] or [General Obligation Promissory Notes, Series 2010A]"; shall be issued in the aggregate principal amount of $12,275,000; shall be dated May 11, 2010; shall be in the denomination of $5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on May 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on May 1 and November 1 of each year commencing on November 1, 2010. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule"). Section 3. Redemption Provisions. (a) Optional Redemption: The Notes maturing on May 1, 2020 shall be subject to redemption prior to maturity, at the option of the City, on May 1, 2019 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.[(b) Extraordinary Redemption: The Notes shall be subject to redemption prior to maturity, in whole or in part, at the option of the City, on any day, at a redemption price equal to 100% of the principal amount redeemed plus accrued interest to the date of redemption, in the event that an Extraordinary Event occurs. An "Extraordinary Event" will have occurred if either (a) Section 54AA or 6431 of the Code is repealed, amended or modified in a manner which results in a reduction or elimination of the City's 35% cash subsidy payment from the United States Treasury or (b) the United States Treasury fails to make a cash subsidy payment to which the City is entitled and such failure is not caused by any action or inaction by the City.] (c) Mandatory Redemption: If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Section 4. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference. Section 5. Tax Provisions. (A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2010 through 2019 for the payments due in the years 2010 through 2020 in the amounts set forth on the Schedule. The amount of tax levied in the year 2010 shall be the total amount of debt service due on the Notes in the years 2010 and 2011; 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 2010. (B) Tax Collection. So long as any part of the principal of or interest on the Notes remains unpaid, 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 onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below. (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. The City hereby appropriates from proceeds of the Notes or other funds of the City on hand a sum sufficient to be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay the interest on the Notes coming due on November 1, 2010 as set forth on the Schedule. Section 6. Segregated Debt Service Fund 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. Debt service or 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 hereby is established a separate and distinct account designated as the "Debt Service Fund Account for $12,275,000 [Taxable General Obligation Promissory Notes, Series 2010A (Build America Bonds - Direct Payment)] or [General Obligation Promissory Notes, Series 2010A], dated May 11, 2010" (the "Debt Service Fund 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 the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; [(vi) all Direct Payments (defined below) received by the City; and (vii)] OR [and (vi)] such further deposits as may be required by Section 67.11, Wisconsin Statutes. (B) Use and Investment. No money shall be withdrawn from the Debt Service Fund 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 the Notes 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), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Code and any applicable Regulations. (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 Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise. Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Notes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. 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 Fund Account. [Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted 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 Code or 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 delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations. 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 the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply. Section 10. Designation as Qualified Tax-Exempt Obligations. The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.] [Section 11. Qualified Build America Bond Designation; Irrevocable Election; Compliance with Federal Tax Laws. (a) The Notes are hereby irrevocably designated qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code, and the City hereby irrevocably elects to apply Subsection 54AA(g) of the Code to the Notes. The City represents that all Note Proceeds, less costs of issuance financed with such Note Proceeds (which costs shall be in an amount not to exceed 2% of such Note Proceeds) plus all income from temporary Permitted Investments with respect to such Note Proceeds ("Available Project Proceeds") shall be used only for capital expenditures. The City acknowledges that among the requirements for the Notes to qualify and continue to qualify as qualified Build America Bonds is that the Notes, but for their qualified Build America Bond designation, would be tax-exempt for federal income tax purposes, and hence that the requirements of the Code and Regulations regarding tax-exempt obligations apply to the Notes. The City hereby covenants to comply with such requirements. (b) The City thus further 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 qualified Build America Bond status of 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 the Notes to lose their status as qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code and the Regulations. 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. © 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 the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply. (d) All investments made pursuant to this Resolution shall be Permitted 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 Code or 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 delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations. Section 12. Qualified Build America Bonds - Application for Direct Payments to the City. The City shall claim available refundable credits from the Treasury with respect to each interest payment on the Notes as provided under Subsection 54AA(g)(1) of the Code ("Direct Payments"). The Fiscal Agent (defined below) is hereby authorized and directed to take all necessary actions on behalf of the City to apply for the receipt by the City of such Direct Payments, including the timely filing of necessary Internal Revenue Service forms and information returns for that purpose and/or submitting requests electronically if and as the Treasury establishes an electronic platform in connection with its direct payment procedures. All Direct Payments received by the City shall be promptly deposited in the Debt Service Fund Account and used for no other purpose than as provided in Section 6 of this Resolution.] Section 13. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and

sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects. Section 14. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent"). Section 15. Persons Treated as Owners; Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. 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 Fiscal Agent, 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 Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent 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. Section 16. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). 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 Record Date. Section 17. 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 ("DTC"), 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 18. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser. Section 19. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") required by 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 owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser 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 20. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "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 the Notes in the Record Book. Section 21. 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, any reference required by the bond insurer to the municipal bond insurance policy shall

be made in the form of Note provided herein. Section 22. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law. Adopted this 19th day of April, 2010.

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

H.12. RESOLUTION # 68-10
BY: The Mayor
Resolution to Approve a New Labor Agreement for 2010 – 2011 Between the City of Kenosha and AFSCME, AFL-CIO, Local #71

WHEREAS, a voluntary tentative settlement agreement has been reached between the City of Kenosha ("City") and AFSCME, AFL-CIO, Local #71 ("Union") for 2010-2011 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 AFSCME, Local #71 be amended in accordance with the tentative agreements as attached (on file in the Office of the City Clerk) effective January 1, 2010. Dated this 19th day of April, 2010.

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

H.13. RESOLUTION # 69-10
BY: The Mayor
Resolution to Approve a New Labor Agreement for 2010 Between the City of Kenosha and Teamsters Local #43

WHEREAS, a voluntary tentative settlement agreement has been reached between the City of Kenosha ("City") and Teamster, Local #43 ("Union") for 2010 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 Teamsters, Local #43 be amended in accordance with the tentative agreements as attached (on file in the Office of the City Clerk) effective January 1, 2010. Dated this 19th day of April, 2010.

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

H.14. RESOLUTION # 70-10
BY: The Mayor
Resolution to Approve a New Labor Agreement for 2010 – 2011 Between the City of Kenosha and the Building Inspectors Association

WHEREAS, a voluntary tentative settlement agreement has been reached between the City of Kenosha ("City") and Building Inspectors Association for 2010-2011 and; WHEREAS, the Association 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 Building Inspectors Association be amended in accordance with the tentative agreements as attached (on file in the Office of the City Clerk) effective January 1, 2010. Dated this 19th day of April, 2010.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve:
I.1. Reappointment of Diana Pearson, (KUSD representative), to the Museum Board for term to expire May 1, 2013.
I.2. Reappointment of Marty Huff, Kenosha to the Museum Board for a term to expire May 1, 2013.
I.3. Reappointment of the following persons to the Keep Kenosha Beautiful Commission for a term to expire May 1, 2013.
a. Jeanette Stevenson
b. Rosemary Thompson
c. Christine Pratt
I.4. Appointment of Jennifer Schuman, to the Keep Kenosha Beautiful Commission for a term to expire May 1, 2012.
I.5. Reappointment of Cletus Willems, to the Zoning Board of Appeals for a term to expire May 1, 2013.
I.6. Appointment of Matthew Mleczko, to the Mayor's Youth Commission for a term to expire November 1, 2011.
I.7. Appointment of Anderson Lattimore, to the City Plan Commission for a term to expire May 1, 2013.
On roll call vote, motion carried unanimously.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

J.1. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve Contract for Project 10-1111 Emergency Multi-Plate Storm Sewer Repair to DK Contractors, Inc., (Pleasant Prairie, Wisconsin) in the amount of $210,000.00. (2nd District)
On roll call vote, motion carried unanimously.

K. OTHER CONTRACTS AND AGREEMENTS

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

L.1. It was moved by Alderperson Nudo, seconded by Alderperson Juliana to approve Change Order #1 for Project 08-1017 38th Street Reconstruction Phase I (38th Street – I94 to CTH S). (16th District) On roll call vote, motion carried unanimously.
It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve L.2. a., b. and c. It was then moved by Alderperson Nudo, seconded by Alderperson Bogdala to separate in order to allow Alderperson Nudo to abstain from voting on a. On a voice vote motion carried.
L.2. Claims for Excessive Assessment (Pursuant to Wisconsin Statutes Section 74.37):
a. It was moved by Alderperson Ohnstad, seconded by Alderperson Bogdala to deny claim of Mills Enterprises – Stonegate, LLP for 2009, Tax Parcel Nos. 03-122-03-5410-012 and 03-122-03-410-013. On roll call vote, motion carried (11-0) with Alderperson Nudo abstaining.
b. It was moved by Alderperson Ohnstad, seconded by Alderperson Bogdala to deny claim of Kenosha Gardens Apartments, LLC of 2009, Tax Parcel No. 08-222-34-302-002. On roll call vote, motion carried (11-1) with Alderperson Nudo voting nay.
c. It was moved by Alderperson Ohnstad, seconded by Alderperson Kennedy to deny the claim of Varin/Regal, LLC for 2009 consisting of 127 condominium units in Regal Points Condominiums. On roll call vote, motion carried unanimously.
L.3. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad to approve Disbursement Record #6 – $9,976,163.38.
On roll call vote, motion carried unanimously.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

O. REPORTS AND RECOMMENDATIONS OF BOARDS AND COMMISSIONS

O.1. It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad, to approve Conditional Use Permit for a 79,466 s.f. Community Center to be located at 1330-52nd Street. (7th District) (Boys and Girls Club) A public hearing was held. No one spoke. On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Ohnstad, seconded by Alderperson Nudo, to adjourn at 11:22 p.m.
On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
May 3, 2010

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

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
May 3, 2010

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

The meeting was called to order at 7:13 p.m.

On roll call, the following members of the Common Council were present: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana, Marks, Green, Kennedy, Nudo, Bostrom, 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 Alderperson Juliana, seconded by Alderperson Ohnstad, to approve the minutes of the meeting held April 19, 2010.

Motion carried unanimously.

At this time, the Mayor presented a commendation to members of the Boys and Girls Club of Kenosha.

Four (4) Citizens spoke during Citizen's Comments: Audrey Vesnefsky, Bob Danbeck, Louis Rugani and Phyllis McNab.

A. REFERRALS
TO THE COMMITTEE ON FINANCE

A.1. Approval of Raze Contract for 7611 28th Avenue.

A.2. Temporary Limited Easements between the City of Kenosha, and listed properties, for the 27th Street Right-of-Way Project located from 39th Avenue west to 47th Avenue, District #5.

a) Mitchell – Parcel #07-222-24-350-021
b) JHN Properties – Parcel #07-222-23-430-007
c) Ricchio – Parcel #07-222-23-430-031, -033 and -034
d) Kossow – Parcel #07-222-23-430-001
e) Church of the Nazarene – Parcel #07-222-23-405-001

(Also refer to Public Works Committee)

TO THE PUBLIC WORKS COMMITTEE

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Kennedy, seconded by Alderperson Ohnstad, to approve:

a. 15 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. 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. 3 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.

B.2. It was moved by Alderperson Nudo, seconded by Alderperson Haugaard to separate action on the following sign code appeals:

a. To Maintain an Illegally-constructed Sign at 7863/7865 Green Bay Road; Petitioner: JAS Holdings, LLC (Deferred 4/19/10) HEARING

b. To Maintain an Illegal Off-premise Sign at 6522 87th Avenue; Petitioner: Harpe Development, LLC.

On a voice vote, motion to separate carried.

B.2.1. It was moved by Alderperson Orth, seconded by Alderperson Prozanski to approve appeal B.2.a. A hearing

was held. John Sykora and David Fricke were present and spoke. On roll call vote, motion carried (10-7) with Alderpersons Kennedy, Downing, Bogdala, Ruffolo, Juliana, Marks and Green voting nay.

B.2.2. It was moved by Alderperson Bogdala, seconded by Alderperson Juliana to deny appeal B.2.b. A hearing was held. Dustin Harpe was present and spoke. On roll call vote, motion to deny carried unanimously (17-0).

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Kennedy, seconded by Alderperson Downing, to approve the following applications for new Operator's (Bartender) licenses, subject to:

-40 demerit points:
a. Jenna Gehring
-50 demerit points:
b. Christine Karaway
c. Jessica Mason
d. Mario Perales
-60 demerit points:
e. Steven Barwick
-65 demerit points:
f. Tanya Smith
-75 demerit points:
g. Michael Zouras

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

At this time, Alderperson Bogdala left the meeting and returned prior to action on item C.8.

C.2. It was moved by Alderperson Juliana, seconded by Alderperson Downing, to DENY application of Erica Confer for a new Operator's (Bartender) license, based on material police record and false application. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.3. It was moved by Alderperson Nudo, seconded by Alderperson Haugaard, to application of Jeremy Bousson for a new Operator's (Bartender) license subject to 75 demerit points. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.4. It was moved by Alderperson Nudo, seconded by Alderperson Haugaard, to approve application of Kathryn Wade for a new Operator's (Bartender) license subject to 0 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.5. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to DENY Application of Guy R. Marano for a new Taxi Driver's license, based on material police record and false application. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.6. It was moved by Alderperson Michalski, seconded by Alderperson Nudo, to approve application of James E. Peterson for a renewal of a Taxi Driver's license, subject to 10 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.7. It was moved by Alderperson Juliana, seconded by Alderperson Downing, to DENY application of Copa de Oro INC., Amanda Chavez, Agent, for a Class “B” Beer/”Class B” Liquor license located at 3029 52nd Street, (Copa de Oro), based on public safety & welfare. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.8. It was moved by Alderperson Juliana, seconded by Alderperson Downing, to approve application of Slammers Tavern, LLC, Claudia Murillo, Agent, for a Class “B” Beer/”Class B” Liquor license located at 6832 24th Avenue, (Slammers Tavern), with acceptance of a conditional surrender of a similar license at the same location from Claudia Murillo, subject to 40 demerit points to be effective July 1, 2010. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.9. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve application of Costa Azul Restaurant, Homero Santos, Agent, for a yearly Cabaret License, located at 3300 Sheridan Road, (Costa Azul) with no adverse recommendations. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.10. It was moved by Alderperson Juliana, seconded by Alderperson Kennedy, to approve 29 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.

C.11. It was moved by Alderperson Ruffolo, seconded by Alderperson 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 Theater

b. 3 Amusement & Recreation Enterprise

c. 2 Amusement & Recreation Enterprise Supervisor

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

C.12. It was moved by Alderperson Bogdala, seconded by Alderperson Ruffolo, to approve Application of Gold Diamond & Design, Inc., (Audrey Vesnefsky, John Langenfeld) for a Secondhand Jewelry Dealer License Located at 10320-75th Street, Suite B. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

D. ORDINANCES 1ST READING

It was moved by Alderperson Orth, seconded by Alderperson Ruffalo to send the following ordinances on their way after being read:

D.1. By Alderpersons Prozanski, Downing, Misner, Orth, Green, Juliana, Nudo and Bogdala - To Recreate, Renumber, Amend, and Create Various Sections of 13.02 J (of the Code of General Ordinances) Entitled "Pawnbrokers and Dealer Requirements" .

D.2. By Alderman Jesse l. Downing - To Repeal and Recreate Subsection 10.075 D.1 and Subsection 10.075 E.7 Regarding "Requirements" and "Demerit Tracking Points for Outdoor Areas".

On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Kennedy, seconded by Alderperson Nudo, to adopt Ordinance 30-10.

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

On roll call vote, motion carried (16-1) with Alderperson Green voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 30-10
BY: COMMITTEE ON LICENSES/PERMITS
TO AMEND SUBSECTION 10.07 B OF THE CODE OF GENERAL ORDINANCES, REGARDING "CABARET LICENSE APPLICATION"

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

Section One: Subsection 10.07 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended as follows:

B. Application. Upon application to the City Clerk and the payment of the fee therefor, a Cabaret License will be issued subject to the conditions and regulations set forth in this Section. An application for a license provided for in this Section shall be made to the City Clerk in writing, accompanied by the required fee. Applications shall be on City forms; shall be true, correct and complete in all respects. No application for such license shall be accepted unless accompanied by the appropriate fee. In determining whether a Cabaret License should be granted, the Common Council shall consider the following factors, giving to each whatever weight is appropriate in the particular factual circumstances:

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

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

F.2. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to adopt Ordinance 31-10.

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. 31-10
BY: COMMITTEE ON LICENSES/PERMIT
TO AMEND SUBSECTION 10.075 J. OF THE CODE OF GENERAL ORDINANCES REGARDING, "RESTRICTION WAIVER"

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

Section One: Subsection 10.075 J. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

J. Restriction Waiver. Upon written application to the City Clerk/Treasurer, the restrictions of Subsections E.1. and E.2. shall be waived if the application is filed seventy-two (72) hours prior to the date for which the waiver is sought, 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/Treasurer; if the proposed waiver is limited to the hours of 10:00 A.M. to 10:00 P.M.; if the application is co-sponsored by the Alderperson of the district in which the license is located, or in the event that the Alderperson of the district is unavailable, co-sponsored by a member of the Committee on Licenses/Permits; and, if the Licensee/Applicant has not been issued a municipal citation for a violation of Chapter 10 of the Code of General Ordinances and/or Wisconsin Statutes Section 125 within the three hundred sixty-five (365) days preceding the application date. Should the applicant not meet the preceding qualifications, the application shall be referred to the Committee on Licenses/Permits for review. Said Committee shall recommend to the Common Council either the granting or denial of the application. Upon review, the Common Council may grant or deny the waiver application. Each application shall be made on forms furnished by the City Clerk/Treasurer and requires payment of a nonrefundable processing fee of Fifty ($50.00) Dollars per application at the time the application is filed with the City Clerk/Treasurer. Licensees shall be limited to no more than four (4) days of waiver per licensing term. Additionally, in support of a charity event, nonprofit organization or bona fide club, Licensees may co-sponsor a waiver application. Co-sponsored applications shall be made on forms furnished by the City Clerk/Treasurer. Licensees shall be limited to no more than four (4) co-sponsored 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

F.3. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to adopt Ordinance 32-10.

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. 32-10
BY: THE MAYOR
TO REPEAL, RECREATE AND RENUMBER VARIOUS SUBSECTIONS OF SECTION 3.23 OF THE CODE OF GENERAL ORDINANCES, ENTITLED "AUTOMATIC FIRE SPRINKLER SYSTEMS"

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

Section One: The title of Subsection 3.23 D. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby renamed as follows:

D. Installation and Maintenance Required.

Section Two: Subparagraph 3.23 D.1.(g) is amended as follows:

g. Residential Groups. Residential Group R-2 and R-3 occupancies shall have an approved sprinkler system installed and maintained if it meets any one (1) or more of the following:

(1) Buildings of Type IA construction if they are:

(a) Over five thousand (5,000) square feet in area.
(b) Over one (1) story in height, exceeding five thousand (5,000) square feet in area.
(c) Over two (2) stories in height, regardless of area.
(2) Throughout all buildings of other than IA construction if:
(a) Over four thousand (4,000) square feet in area on a floor.
(b) More than two (2) stories in height.
Section Three: Paragraph 3.23 D.2 is hereby recreated and renumbered as follows:
2. Exception to the installation Requirement. Unless otherwise required by state law, any building that has a U.L. - approved smoke detection system that includes a monitored, central-station fire alarm panel, which system has been approved by the Fire Chief for the building in which it is installed, that completely satisfies any of the following is excepted from the installation requirement of paragraph D.1.
a. an existing building
b. A building that is constructed pursuant to a developer's agreement approved by the Common council before the effective date of this ordinance and is first occupied no later than July 1, 2013.
The exception of this paragraph D.2 does not apply to the maintenance requirement for a sprinkler system that is already installed.
3. Automatic Fire Sprinkler Systems Plan Submittal Requirement. Plans and specifications shall accompany each submittal, including all applicable plan review and acceptance testing fees. Plans will be reviewed and conditionally approved by the Fire Prevention Bureau. All sprinkler systems require a permit issued by the Department of Neighborhood Services and Inspections prior to the start of any work. The Kenosha Fire Department shall witness all field and acceptance testing.
Section Four: This Ordinance shall become effective upon passage and publication.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

G. ZONING ORDINANCES 2ND READING

G.1. It was moved by Alderperson Kennedy, seconded by Alderperson Juliana, to adopt Ordinance 33-10.
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. 33-10
BY: MAYOR
TO REPEAL AND RECREATE SUBSECTION 5.03 A.2. OF THE ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN, ENTITLED "ESTABLISHING SETBACK LINES"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:
Section One: Subsection 5.03 A.2. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:
22nd Avenue, from the most northern end of the present major street, insofar as it abuts or lies within the corporate limits of the City of Kenosha, to Washington Road, the setback line shall be forty (40) feet east and west from the base line. From Washington Road to the north line of 41st Street, the west setback line shall be a straight line beginning at a point forty (40) feet west of the base line at the intersection of the center line of Washington Road with said base line, extending to a point forty-five (45) feet west of the base line at the intersection of the north line of 41st Street with the base line of 22nd Avenue; and, the east setback line shall be a line beginning at a point forty (40) feet east of the base line at the intersection of the center line of Washington Road with the base line of 22nd Avenue, extending to a point thirty-five (35) feet east of the base line at the intersection of the north line of 41st Street with the base line of 22nd Avenue. From the north line of 41st Street to 45th Street, the west setback line shall be forty-five (45) feet west of the base line, and the east setback line shall be thirty-five (35) feet east of the base line. From 45th Street to 52nd Street the setback line shall be forty (40)

feet east and west from the base line. From 52nd Street to 55th Street, the west setback line shall be twenty-five (25) feet west of the base line and the east setback line shall be forty (40) feet east of the base line. From 55th Street to the most southern corporate limits of the City of Kenosha, the setback line shall be forty (40) feet east and west from the base line.

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

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

H. RESOLUTIONS

It was moved by Alderperson Kennedy, seconded by Alderperson Juliana to approve Resolutions 71-10 and 72-10 (items H.1. And H.2.). On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

H.1. RESOLUTION # 71 - 10

BY: THE MAYOR

Resolution to Amend Resolution #10-10 regarding a Relocation Order for 122nd Avenue from 60th Street South to 71st Street

WHEREAS, the Common Council of the City of Kenosha, Wisconsin approved Resolution #10-10 on February 1, 2010, relating to a Relocation Order for 122nd Avenue, from 60th Street south to 71st Street; and

WHEREAS, Limited and Permanent Easements were added, the map was revised as shown in Exhibit "A" (on file in the Office of the City Clerk) and the legal descriptions were revised as shown in Exhibit "B" (on file in the Office of the City Clerk);

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin that Resolution #10-10 be amended to include the additional Easements with information described on Exhibit "A" and Exhibit "B" (on file in the Office of the City Clerk).

Adopted this 3rd day of May 2010.

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

H.2. Resolution No. 72-10

By: the Mayor

RESOLUTION AMENDING AWARD RESOLUTION WITH RESPECT TO THE CITY'S $12,275,000 TAXABLE General Obligation Promissory Notes, Series 2010A (BUILD AMERICA BONDS - DIRECT PAYMENT) IN ORDER TO CORRECT THE REDEMPTION PROVISION OF THE NOTES

WHEREAS, on April19, 2010, the Common Council of the City of Kenosha, Kenosha County, Wisconsin (the "City") adopted a resolution entitled: "Resolution Awarding the Sale of $12,275,000 General Obligation Promissory Notes, Series 2010A" (the "Resolution") for the purpose of awarding the sale of the City's $12,275,000 Taxable General Obligation Promissory Notes, Series 2010A (Build America Bonds - Direct Payment) (the "Notes") to Piper Jaffray & Co. (the "Underwriter");

WHEREAS, in order to obtain for the City the lowest possible interest rates on the Notes, the Underwriter offered the Notes to the public with no option for the Notes to be called for redemption prior to maturity;

WHEREAS, Section 3(a) of the Resolution incorrectly stated that the Notes maturing on May 1, 2020 are subject to redemption prior to maturity at the option of the City on May 1, 2019 or on any date thereafter; and

WHEREAS, it is necessary and desirable to amend the Resolution to correct Section 3(a) to reflect the terms on which the Notes were sold.

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

1. Section 3(a) of the Resolution is amended to read as follows:

"(a) Optional Redemption. The Notes shall not be subject to optional redemption."
All references in the Resolution and exhibits thereto shall be amended to provide that the Notes are not subject to optional redemption.
2. Except as specifically amended by this resolution, the Resolution is hereby ratified and confirmed and remains in full force and effect.
Adopted this 3rd day of May, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderperson Kennedy, seconded by Alderperson Juliana, to approve:
I.1. Appointment of Alderman Daniel Prozanski, Jr., to the Transit Commission for a term to expire June 7, 2013.
I.2. Reappointment of Alderman Eric Haugaard, to the Transit Commission for a term to expire June 7, 2013.
I.3. Appointment of Frank Parise, to the Board of Housing Appeals for a term to expire May 1, 2015.
I.4. Reappointment of Charles W. Bradley, to the Police & Fire Commission for a term to expire the 1st Monday in May, 2015.
On roll call vote, motion carried unanimously.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

J.1. It was moved by Alderperson Kennedy, seconded by Alderperson Juliana, to approve Award of Contract for New Road Construction (Project 10-1017 - 39th Avenue - 30th Street to 24th Street; Project 10-1021 - 27th Street - 43rd Avenue to 47th Avenue) to Payne & Dolan, Inc., (Kenosha, Wisconsin) in the amount of $1,790,000.00.
On roll call vote, motion carried unanimously.

K. OTHER CONTRACTS AND AGREEMENTS

K.1. It was moved by Alderperson Ohnstad, seconded by Alderperson Juliana, to approve an Offer to Purchase for land at 1613 Washington Road from Zerovec Properties, LLC to the City of Kenosha. On roll call vote, motion failed (4-13) with Alderpersons Haugaard, Kennedy, Ohnstad and Marks voting aye.
At this time, Alderperson Prozanski left the meeting and returned after the vote on item L.2.
It was moved by Alderperson Ruffolo, seconded by Alderperson Kennedy to:
K.2. Approve a Quit Claim Deed for property at 5414, 5420 and 5422 22nd Avenue from the City of Kenosha to the City of Kenosha Housing Authority.
K.3. Approve the Fireworks Display Agreement by and between the City of Kenosha, (Wisconsin), and MIAND, Inc (dba Mad Bomber Fireworks Productions) in the amount of $41,300.00.
On roll call vote, motion carried unanimously.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderperson Ruffolo, seconded by Alderperson Kennedy, to approve:
L.1. Disbursement Record #7 – $10,785,117.70.
L.2. KABA 1st Quarter RLF Report.
On roll call vote, motion carried unanimously.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Marks, seconded by Alderperson Nudo, to adjourn at 10:02 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 17, 2010

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

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, May 17, 2010

At a meeting of the Common Council held this evening, His Honor, Acting Mayor G. John Ruffolo presided. Acting Mayor Ruffolo advised he would be voting as an Alderperson this evening.

The meeting was called to order at 7:08 p.m.

On roll call, the following members of the Common Council were present: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana, Marks, Green, Kennedy, Nudo, Bostrom, Misner, Prozanski, Orth, Downing and Bogdala.

Alderperson Bogdala was seated as Common Council President.

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

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

It was moved by Alderperson Juliana, seconded by Alderperson Nudo, to approve the minutes of the meeting held May 3, 2010.

Motion carried unanimously.

Six (6) citizens spoke during Citizen's Comments: Phyllis McNab, John Langenfeld, Bob Danbeck, Candy Eisenhauer, Debbie Luscomb and Ed Block.

A. REFERRALS
TO THE COMMITTEE ON FINANCE

A.1.Temporary Limited Easements between the City of Kenosha and listed parties for the 27th Street Right-of-Way Project, 39th Avenue to 47th Avenue, A) Chartier, B) Sartor, C) Smith-Matteucci and D) Newell, District#5. (Also refer to Public Works Committee)

A.2. Proposed Ordinance by Alderperson Patrick Juliana - To Amend Subsection 1.03 B. Paragraph 2, of the Code of General Ordinances Regarding Majority.

A.3. Proposed Ordinance by Alderperson Patrick Juliana - To Repeal and Recreate Subsection 1.03 C.2. of the Code of General Ordinances Regarding Committee Composition.

A.4. Proposed Ordinance by Alderperson Patrick Juliana - To Repeal and Recreate Subsection 1.03 C.6. of the Code of General Ordinances, Regarding Agenda of Committee.

TO THE CITY PLAN COMMISSION

A.5. Resolution to Amend the Official Map for the City of Kenosha, Wisconsin, to include the Attachment of Parcel #80-4-222-292-0840, located at 10100 38th Street in the Town of Somers, Kenosha County, Wisconsin, in accordance with the City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes, District #16. (City of Kenosha)

A.6. Resolution to Amend the Official Map for the City of Kenosha, Wisconsin, to include the Attachment of Parcel #80-4-222-293-0150, located at 9911 38th Street in the Town of Somers, Kenosha County, Wisconsin, in accordance with the City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes, District #16. (City of Kenosha)

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve:

a. 114 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. 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. 1 application(s) for a Taxi Driver's license per list on file in the office of the City Clerk.

B.1.1. It was moved by Alderperson Bogdala, seconded by Alderperson Kennedy to allow Alderperson Ruffalo to abstain.

On a voice vote, motion carried.

On a voice vote, motion to approve B.1.a through d carried.

B.2. It was moved by Alderperson Nudo, seconded by Alderperson Michalski to approve communication regarding award of bid for official City Newspaper (June 1, 2010 through May 31, 2011).

On roll call vote, motion carried unanimously.

B.3. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy to receive and file reports from the Board of Canvassers regarding the results of the Spring Primary Election held February 16, 2010 and the Spring Election held April 6, 2010.

On roll call vote, motion carried unanimously.

B.4. It was moved by Alderperson Bogdala, seconded by Alderperson Michalski to refer the request for a Distance and Density Exception for a 6-bed Community Based Residential Facility to be Located at 6225-91st Avenue back to the City Plan Commission. (Crabtree) (17th District) A public hearing was held. Three (3) people spoke against and one (1) person spoke in favor.

On roll call vote, motion carried unanimously.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve the following applications for new Operator's (Bartender) licenses, subject to subject to:

-25 demerit points:

a. Jessica Gidcumb

-50 demerit points:

b. Cory Lenius

c. Ashley Williams

C.1.1. It was moved by Alderperson Kennedy, seconded by Alderperson Ohnstad to separate action on C.1. a. b. and c. On a voice vote, motion carried.

C.1.2. It was moved by Alderperson Nudo, seconded by Alderperson Downing to approve application of Jessica Gidcumb subject to *25 demerit points.* On a voice vote, motion carried.

C.1.3. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad to approve application of Cory Lenius subject to *50 demerit points.* On a voice vote, motion carried.

C.1.4. It was moved by Alderperson Nudo, seconded by Alderperson Orth to approve application of Ashley Williams subject to *50 demerit points*.

On a voice vote, motion carried.

C.2. It was moved by Alderperson Juliana, seconded by Alderperson Michalski, to DENY the following applications for new Operator's (Bartender) licenses, based on-material police record & false application:

a. Erica Confer

-material police record:

b. Harmony Groth-Grigaitis

C.2.1. It was then moved by Alderperson Michalski, seconded by Alderperson Nudo to separate action on application a from b. On a voice vote, motion carried.

C.2.2. It was moved by Alderperson Kennedy, seconded by Alderperson Downing to deny the application of Erica Confer based on *material police record & false application.* On a voice vote, motion carried.

C.2.3. It was moved by Alderperson Downing seconded by Alderperson Juliana to approve the application of Harmony Groth-Grigaitis subject to 75 demerit points.

On roll call vote, motion carried unanimously.

C.3. It was moved by Alderperson Misner, seconded by Alderperson Ohnstad, to to separate action on the applications of Scott Larson and Lawrence Sosbe for renewal of Taxi Driver's licenses.

C.3.1. It was moved by Alderperson Kennedy, seconded by Alderperson Juliana to approve the application of

Scott Larson subject to *-20 demerit points.*

C.3.2. It was moved by Alderperson Prozanski, seconded by Alderperson Misner to send the application of Lawrence Sosbe back to the Licensing/Permit Committee. On a voice vote, motion carried.

C.4. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to approve renewal application of Gala Corporation, Mahendra Gala, Agent, for a Class "A" Retail Beer License located at 6119-22nd Avenue, (Uptown Pantry), subject to 0 demerit points.

On a voice vote, motion carried.

C.5. It was moved by Alderperson Misner, seconded by Alderperson Nudo, to approve renewal applications of Class "A" Retail Beer & "Class A" Retail Liquor Licenses subject to points listed.

C.5.1. It was then moved by Alderperson Misner, seconded by Aldeperson Nudo to separate action on a through e from f. On a voice vote, motion carried.

C.5.2. It was moved by Alderperson Ohnstad, seconded by Alderperson Nudo to approve the following applications subject to points listed:

-0 demerit points:

a. Tenuta's Inc., (Christopher Tenuta, Agent, 3203 - 52nd Street, Tenuta's Deli Liquors & Wines)

b. Betty Jane, Inc., (Scott Mitchell, Agent, 1585 22nd Avenue, Shenanigan's Liquors)

c. HJATT Inc., (Thomas M. Morelli, Agent, 7506 - 7th Ave., Southport Pantry)

-25 demerit points:

d. Wisconsin CVS Pharmacy, LLC, (Debbie Barnes, Agent, 3726 22nd Avenue, CVS Pharmacy #8777)

e. Lenci's Food & Deli Inc. (Dominic H. Lenci, Agent, 2121-45th Street, Lenci's Food & Deli)

On a voice vote, motion carried.

C.5.3. It was moved by Alderperson Misner, seconded by Alderperson Downing to refer the application of f. Sommelier, Inc., (Robert Mitchell, Agent, 720 58th Street, Sommelier) back to the Licensing/Permit Committee.

On a voice vote, motion carried.

C.6. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve renewal application of Van Aken & Associates Inc., Chris Van Aken, Agent, for a Class "B" Beer License located at 5901-75th Street, Suite 150, (Wingstop), subject to 50 demerit points.

On a voice vote, motion carried.

C.7. It was moved by Alderperson Juliana, seconded by Alderperson Nudo, to DENY application of Friends of Wisconsin, LLC, Timothy S. Krueger, Agent, for a Class "B" Beer/"Class B" Liquor License located at 7127 120th Avenue, (Friends of Wisconsin), due to inadequate parking. (17th District)

On a voice vote, motion carried.

C.8. It was moved by Alderperson Nudo, seconded by Alderperson Michalski to approve the following Class "B" Beer/"Class B" Liquor Renewal applications, subject to:

-0 demerit points:

a. Rosaura Finley, Agent, (1361-52nd Street, El Rodeo)

b. Bombay Louie's Int'l, Inc., (Stanley Ginkowski, Agent, 2227 60th St, Bombay Louie's Int'l Fine Food)

c. Club Cagney's, Inc. (Stanley Ginkowski, Agent, 6208 Green Bay Rd, Baker Street Restaurant)

d. Derango's of Kenosha, Inc. (Joseph Passarelli, Agent, 2135 31st Street, Derango's of Kenosha)

e. Robert C. Karnes, (Robert C. Karnes, Agent, 6929 39th Ave., Bob's Grandview)

f. Jackie's Sports Den LLC, (Jacky Hill, Agent, 5521 Washington Road, Denny's Sports Den)

g. The Char Grill Inc., (Jeffrey Marsh, Agent, 5745-75th Street, Charcoal Grill & Rotisserie)

h. Schmidties Sports Bar, Inc., (Keith Schmidt, Agent, 4602 7th Ave, Schmidties Sports Bar)

i. Gerolmo's Tavern, Inc., (Mary Ann Sacripanti, Agent, 2506 52nd Street, Gerolmo's)

j. ALK, Inc., (Scott Mitchell, Agent, 2615 60th Street, Shenanigan's Pub & Grill)

k. American Legion Paul Herrick Post 21, (Amel Bolyard, Agent, 504 58th St., American Legion Post 21)

l. Appetize Inc., (Patrick Michaelis, Agent, 7214 Green Bay Rd., Ste. 100, HuHot Mongolian Grill)

m. Mister G's Inc., (Bradford Keller, Agent, 3214 60th Street, Mr. G's Lounge)

n. Paddy O's Pub, (Dawn O'Neil, Agent, 5022 7th Avenue, Paddy O's Pub)

o. Texas Roadhouse Holdings LLC, (Chad Barr, Agent, 7121-118th Avenue, Texas Roadhouse)

-5 demerit points:
p. Club Benes LLC, (Robert Kavalauskas, Agent, 2827-63rd Street, Club Benes)
q. James Pruett (James Pruett, Agent, 514-57th Street, Interlude II Bar & Grill)
-15 demerit points:
r. KRYN, Inc., (David Hamelink, Sr., Agent, 7517 22nd Avenue, Sunnyside Club)
-25 demerit points:
s. Rendezvous Bar & Grill, Inc., (William Koprovic, Agent, 1700 52nd Street, Rendezvous Tiki Lounge)
t. George's Club Highview Inc., (Danny Gervais, Agent, 5305-60th Street, George's Club Highview)
u. The McCool Corporation (Shawn McHugh, Agent, 1400-52nd Street, Jill's Place)
-40 demerit points:
v. PJ's Entertainment, LLC, (Patrick Metzger, Agent, 8249 Sheridan Rd., PJ's Cabin Fever Bar & Grill)
w. Slammers Tavern LLC, (Claudia Murillo, Agent, 6832-24th Avenue, Slammers Tavern)
-55 demerit points:
x. Marilyn LaMere (Marilyn LaMere, Agent, 4327-17th Avenue, Kazaches)
y. BC Tavern of Kenosha Inc., (Betty Christensen, Agent, 4626 Sheridan Rd., Library Bar)
-non-renewal/revocation hearing:
z. GMR Entertainment LLC, (Jesus Paredes, Agent, 6218-22nd Avenue, La Frontera)
On a voice vote, motion carried.

C.9. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to approve renewal applications of Class "A" Retail Beer Licenses, subject to:
-0 demerit points:
a. Speedway Superamerica LLC, (Carla Jean Sappington, Agent, 5959-75th Street, Speedway #7434)
b. Stein BP Inc., (Kevin Stein, Agent, 12120-75th Street, Stein BP)
-25 demerit points:
c. Kwik Trip Inc., (Victoria A. Danner, Agent, 2111-22nd Avenue, Tobacco Outlet Plus #528)
d. BP Express Kenosha LLC, (Ketan Patel, Agent, 2616-22nd Avenue, BP Express)
e. Koche LLC (Sheryl John, Agent, 2528-75th Street, Tom's BP)
On roll call vote, motion carried (12-5) with Alderpersons Misner, Orth, Ruffolo, Marks and Green voting nay.

C.10. It was moved by Alderperson Downing, seconded by Alderperson Juliana, to approve renewal application of Mian's Petroleum, Inc., Zafar Mian, Agent, for a Class "A" Retail Beer License located at 5006-60th Street (Mian's Petroleum), subject to 0 demerit points and review of economic impact statement projection for period of July 1, 2009 through June 30, 2010 (first full license term).
On a voice vote, motion carried.

C.11. It was moved by Alderperson Downing, seconded by Alderperson Nudo, to approve renewal application of R & R Petroleum Inc., Dwarika Singh, Agent, for a Class "A" Beer & "Class A" Retail Liquor License, located at 11809 Burlington Road, (Sai Mart #7), subject to 50 demerit points.
On a voice vote, motion carried.

C.12. It was moved by Alderperson Michalski, seconded by Alderperson Nudo, to approve renewal applications for the following licenses with no adverse recommendations per list on file in the Office of the City Clerk:
a. 2 Class "B" Beer Only
b. 4 Class "B" Beer/"Class C" Wine
c. 97 Class "B" Beer/"Class B" Liquor Combination
d. 13 Class "A" Retail Beer
e. 10 Class "A" Retail Beer/"Class A" Retail Liquor

C.12.1. It was moved by Alderperson Bogdala, seconded by Alderperson Nudo to allow Alderperson Ruffalo to abstain. On a voice vote, motion carried.

C.12.2. It was moved by Alderperson Downing, seconded by Alderperson Orth to allow Alderperson Green to abstain from approving the renewal of VFW Post 1865. On a voice vote, motion carried.

C.12.3. It was moved by Alderperson Juliana, seconded by Alderperson Nudo to send the renewal application of Sommelier, Inc. back to the Licensing/Permit Committee. On a voice vote, motion carried.

On a voice vote, motion to approve C.12. a through e carried.

C.13. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to approve 3 Renewals for beer/liquor licenses, subject to review of economic impact statement projections for periods of July 1, 2009 through June 30, 2010 (first full license term):

a. Bindelli's Jungle, Inc., (Cidney Bindelli, Agent, 3805 - 22nd Avenue, Bindelli's Jungle)

b. Bliss Bar & Lounge, LLC, (Dusan Matic, Agent, 2324 - 18th Street, Bliss Bar & Lounge)

c. Eva Lagunas, (3200 - 60th Street, El Caporal)

On a voice vote, motion carried.

C.14. It was moved by Alderperson Nudo, seconded by Alderperson Michalski, to approve application of The Barn, LLC, for an Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 4017-80th Street, (Bull & Bear), 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). (14th District)

On a voice vote, motion carried.

C.15. It was moved by Alderperson Nudo, seconded by Alderperson Michalski, to approve application of Goodfellas, LLC, for an Outdoor Extension (located in Outdoor Dining Area) of the Class "B" Beer/"Class B" Liquor License located at 5706 - 6th Avenue, (Goodfellas), 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). (2nd District)

On a voice vote, motion carried.

C.16. It was moved by Alderperson Downing, seconded by Alderperson Green, 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 Theater

b. 4 Amusement & Recreation Enterprise

c. 7 Amusement & Recreation Enterprise Supervisor

On a voice vote, motion carried.

C.17. It was moved by Alderperson Green, seconded by Alderperson Ohnstad, to DENY application of Ali Abedbari for a Secondhand Jewelry Dealer License located at 5125 6th Avenue (Best Western Harbor Hotel) due to transient nature of business.

On a voice vote, motion carried.

D. ORDINANCES 1ST READING

It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to send the following ordinances on their way:

D.1. By Alderperson Michael Orth - To Repeal and Recreate Section 13.035 (of the Code of General Ordinances), Regarding Peddler's Stands and Other Structures as Obstructions.

D.2. By Alderperson Michael Orth - To Recreate Subsection 6.02 A. 21 (of the Code of General Ordinances), Regarding Park Rules and Regulations.

D.3. By the Mayor – Temporary Zoning District Classification Ordinance - 9911-38th Street (Under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan, Parcel 80-4-222-293-0150) (City of Kenosha)

D.4. By the Mayor – Temporary Zoning District Classification Ordinance - 10100-38th Street (Under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan, Parcel 80-4-222-292-0840) (City of Kenosha)

On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

At this time, approximately 9:20 pm a brief recess was taken. The Council reconvened at approximately 9:25 pm.

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Prozanski, seconded by Alderperson Orth, to adopt Ordinance 34-10.
A public hearing was held. Two (2) people spoke regarding said ordinance.
F.1.1. It was moved by Alderperson Michalski, seconded by Alderperson Kennedy to refer back to committees. On a voice vote, motion failed.
F.1.2. It was moved by Alderperson Kennedy, seconded by Alderperson Michalski to remove paragraph 2 in Section One - *(2) Require the customer to provide a fingerprint impression, in ink, in the appropriate location on the form provided by the City of Kenosha or Department of Agriculture. No impression on such form may be erased, mutilated or changed.*
On a roll call vote, motion failed (2-15) with Alderpersons Michalski and Kennedy voting aye.
On roll call vote, motion to adopt Ordinance 34-10 carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 34-10
BY: ALDERPERSON PROZANSKI
ALDERPERSON DOWNING
ALDERPERSON MISNER
ALDERPERSON ORTH
ALDERPERSON GREEN
ALDERPERSON JULIANA
ALDERPERSON NUDO
ALDERPERSON BOGDALA
TO RECREATE, RENUMBER, AMEND, AND CREATE VARIOUS SECTIONS OF 13.02 J OF THE CODE OF GENERAL ORDINANCES ENTITLED "PAWNBROKERS AND DEALER REQUIREMENTS"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Paragraph 13.02 J.3 is hereby recreated and renumbered as follows: 3. Records. a. Except as provided in §b., for each transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall:(1)Require the customer to complete and sign, in ink, the appropriate form provided by the City of Kenosha or the Department of Agriculture. No entry on such form may be erased, mutilated or changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer shall retain an original and a duplicate of each form for not less than one (1) year after the date of the transaction except as provided in ¶5., and during that period shall make the duplicate available to any law enforcement officer for inspection at any reasonable time.(2) Require the customer to provide a fingerprint impression, in ink, in the appropriate location on the form provided by the City of Kenosha or Department of Agriculture. No impression on such form may be erased, mutilated or changed. (3) Take a color photograph, a digital image or a video recording of: (a) Each customer involved in a billable transaction. (b) Every item pawned or sold. If a photograph is taken, it must be at least two inches in length by two inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the Chief of Police, or the Chief's designee, upon request. The major portion of the photograph must include an identifiable facial image of the person who pawned or sold the item. Items photographed must be accurately depicted. If a digital image is taken, it must be in a format specified by the police department, electronically cross-referenced to the reportable transaction they are associated with. Such images must be available to the Chief of Police, or the Chief's designee, upon request. The major portion of the image must include an identifiable facial image of the person who pawned or sold the item. Items recorded by digital image must be accurately depicted. If a video photograph is taken, the video camera must focus on the person pawning or selling the item so as to include an identifiable image of that person's face. Video recordings must be available to the Chief of Police, or the Chief's designee, upon request. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of

the transaction to which they relate. Photographs, digital images and video recordings shall be retained by the pawnbroker, secondhand article dealer or secondhand jewelry dealer for not less than one (1) year after the date of the transaction. The Licensee must inform the person that he or she is being photographed and/or videotaped by displaying a sign of sufficient size in a conspicuous place on the premises. b. For every secondhand article consigned to the secondhand article dealer for sale on the secondhand article dealer's premises, the secondhand article dealer shall keep a written inventory. In this inventory the secondhand article dealer shall record the name and address of each customer, the date, time and place of the transaction and a detailed description of the article which is the subject of the transaction. The customer shall sign his or her name, address and telephone number on a declaration of ownership of the secondhand article identified in the inventory and shall state that he or she owns the secondhand article. The secondhand article dealer shall retain an original and a duplicate of each entry and declaration of ownership relating to the purchase, receipt or exchange of any secondhand article for not less then one (1) year after the date of the transaction except as provided for in ¶5., and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any reasonable time. Section Two: Subparagraph 13.02 J.4 (b) and 13.02 J.4 (c) is hereby amended as follows: 4. Holding Period. b. Except as provided in §e., any secondhand article purchased or received by a secondhand article dealer shall be kept on the secondhand article dealer's premises or other place for safekeeping for not less than thirty (30) days after the date of purchase or receipt. c. Except as provided in §e., any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the secondhand jewelry dealer's premises or other place for safekeeping for not less than thirty (30) days after the date of purchase or receipt. Section Three: Subsection 13.02 J.7, Subsection 13.02 J.8, and 13.02 J.9 is hereby created as follows: 7. Altered Serial Number. No pawnbroker, secondhand article dealer or secondhand jewelry dealer may receive any item of property that possesses an altered or obliterated serial number or operation identification number or any item of property that has had its serial number removed. 8. Business at Only One Place. A License under this chapter authorizes the Licensee to carry on its business only at the permanent place of business designated in the License. However, upon written request, the Chief of Police, or the Chief's designee, may approve an off-site locked and secured storage facility. The Licensee shall permit an inspection of the facility in accordance with this Chapter. All provisions of this Chapter regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of the city code. The Licensee must either own the building in which the business is conducted, and any approved off-site storage facility, or have a lease on the business premises that extends for more than six (6) months. 9. Waiting Period. a. When a pawnbroker lends money on the deposit or pledge of any article or jewelry, or purchases any article or jewelry he or she may not complete payment on the transaction until seventy-two (72) hours have elapsed from the time that the pawnbroker has received the article or jewelry. All payments made by the pawnbroker shall be made by check or money order. b. When a Secondhand Article Dealer or Secondhand Jewelry Dealer purchases any article or jewelry he or she may not complete payment on the transaction until seventy-two hours have elapsed from the time that the Secondhand Article Dealer or Secondhand Jewelry Dealer has received the article or jewelry. All purchases made by the Secondhand Article Dealer or Secondhand Jewelry Dealer shall be made by check or money order. Section Four: This Ordinance shall become effective September 1, 2010 upon passage and publication.

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

F.2. It was moved by Alderperson Nudo, seconded by Alderperson Juliana to adopt Ordinance 35-10.

F.2.1. It was moved by Alderperson Downing, seconded by Alderperson Nudo to add to paragraph b:

Said boundary shall be measured from the nearest edge of the outdoor area boundary line to the nearest edge of the building foundation of the habitable area of the single family dwelling. The building foundation area shall not include porches, decks, gazebos or other accessory-like structures.

ORDINANCE NO. 35-10
BY: ALDERMAN JESSE L. DOWNING
TO REPEAL AND RECREATE SUBSECTION 10.075 D.1 AND SUBSECTION 10.075 E.7

REGARDING "REQUIREMENTS" and "DEMERIT TRACKING POINTS FOR OUTDOOR AREAS"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Subsection 10.075 D.1 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

D. Requirements. 1. The outdoor area sought to be included within the description of the Retail Class "B", "Class B" and/or "Class C″ licensed premises shall not: a. Lie within a single family residentially zoned area of the City; b. Have boundaries within twenty-five (25') feet of any single family dwelling, unless the single family dwelling is zoned B-1 Neighborhood Business District, B-2 Community Business District, B-3 Central Business District or B-4 Mixed-Use District, or unless the only single family dwelling within twenty-five (25') feet of said boundary is occupied by the applicant and/or his or her immediate family and no others. Said boundary shall be measured from the nearest edge of the outdoor area boundary line to the nearest edge of the building foundation of the habitable area of the single family dwelling. The building foundation area shall not include porches, decks, gazebos or other accessory-like structures. Section Two: Subsection 10.075 E.7 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: 7. The accumulation of more than fifty (50) demerit tracking points pursuant to Section 10.063 shall be a basis for denial, revocation or suspension of the Outdoor Area. Section Three: This Ordinance shall become effective upon passage and publication.

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

G. ZONING ORDINANCES 2ND READING

H. RESOLUTIONS

It was moved by Alderperson Michalski, seconded by Alderperson Nudo, to adopt Resolutions 73-10 through 77-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.1. a. RESOLUTION NO. 73-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Graffiti Removal
(Miscellaneous Assessment)

BE IT RESOLVED, that special assessments for graffiti removal during 2010, in the total amount of $180.00, 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 May, 2010.

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

b. RESOLUTION NO. 74-10
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 2010, in the total amount of $285.00, 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 May, 2010.

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

c. RESOLUTION NO. 75-10

BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Property Maintenance Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2010, in the total amount of $632.00, 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 May, 2010.

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

d. RESOLUTION NO. 76-10
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 2010, in the total amount of $756.36, 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 May, 2010.

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

e. RESOLUTION NO. 77-10
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 by Charter Ordinance No.(s) 28, 30, and 33, 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 14, 2010, for the City of Kenosha, a report on file in the Office of the City Clerk/Treasurer 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 by Charter Ordinance No.(s) 28, 30, and 33, special assessments in the total amount of Four Thousand Sixty-Three Dollars and ten cents ($4,063.10) 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 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 17th day of May, 2010.

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

It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad to approve Resolution 78-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

H.2. RESOLUTION NO. 78-10
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 17th day of May, 2010, 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: 53rd Street - 26th Avenue to 22nd Avenue 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 66.0627, 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 30th day of June, 2010, 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 66.0703(13), 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 17th day of May, 2010.

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

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

I.1. It was moved by Alderperson Marks, seconded by Alderperson Green, to approve appointment of Donald K. Holland, to the Museum Board for a three-year term to expire May 1, 2013. On roll call vote, motion carried unanimously.

It was moved by Alderperson Kennedy, seconded by Alderperson Juliana to approve:

I.2. Appointment of Sally Heideman, to the Museum Board for a three-year term to expire May 1, 2013.

I.3. Appointment of Alderperson Theodore Ruffalo, to the Museum Board to fulfill an unexpired term to expire May 1, 2012.

I.4. Appointment of Robert Koos, to the Airport Commission to fulfill an unexpired term to expire May 1, 2015.

I.5. Appointment of Mary Poletti, to the Zoning Board of Appeals for term to expire May 1, 2013.

On roll call vote, motion carried unanimously.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

J.1. It was moved by Alderperson Kennedy, seconded by Alderperson Juliana, to approve Award of Contract for Project 10-1015 Resurfacing Phase II (43rd Street-17th Avenue to 22nd Avenue, 55th Street-49th Avenue to 51st Avenue) to Cicchini Asphalt, LLC, (Kenosha, Wisconsin) in the amount of $450,000.00. (6th and 16th Districts)

On roll call vote, motion carried unanimously.

K. OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderperson Kennedy, seconded by Alderperson Juliana, to approve:

K.1. Conveyance for the 27th Street Right-of-Way Project located from 39th Avenue to 47th Avenue. (5th District)
A. Temporary Limited Easement between the City of Kenosha, and listed properties.
a. Mitchell – Parcel 07-222-24-350-021
b. JHN Properties – Parcel 07-222-23-430-007
c. Ricchio – Parcel 07-222-23-430-031, -033 and -034
d. Kossow – Parcel 07-222-23-430-001
e. Church of the Nazarene – Parcel 07-222-23-405-001
B. Jurisdictional Offer for property on 27th Street from 43rd Avenue to 47th Avenue. (Tirabassi Investments, LLC)
K.2. Development Agreement by and between Gendell Partners Kenosha, LLC and the City of Kenosha and the Kenosha Water Utility. (CVS/Kenosha Gateway) (16th District)
K.3. Raze Contract for 7611 28th Avenue.
On roll call vote, motion carried unanimously.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

L.1. It was moved by Alderperson Kennedy, seconded by Alderperson Juliana, to approve Disbursement Record #8 – $5,619,523.50.
On roll call vote, motion carried unanimously.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Green, seconded by Alderperson Marks, to adjourn at 10:39 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
June 7, 2010

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.
The meeting was called to order at 7:15 p.m.
On roll call, the following members of the Common Council were present: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana, Marks, Green, Kennedy, Nudo, Bostrom, Misner, Prozanski, Orth, and Bogdala. Alderperson Downing 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.
It was moved by Alderperson Nudo, seconded by Alderperson Butler, to approve the minutes of the meeting held May 17, 2010.
Motion carried unanimously.
Fourteen (14) Citizens spoke during Citizen's Comments: Michael Bell, Joe Brittelli, Debbie Luscomb, Mario Cicchini, Frank Carmichael, Royce DeBow, Carl Berquist, Sandy Milligan, Andrea Rinaldi, Nancy Phipps, Phyllis McNab, Terry Rose, Bob Danbeck and Louis Rugani.

A. REFERRALS
TO THE COMMITTEE ON FINANCE

A.1. Temporary Limited Easement between the City of Kenosha for the 27th Street Right-of-Way from 39th Avenue to 47th Avenue, District #5 - a. Paul Evans, b. Kenosha Unified School District. (Also refer to Public Works Committee)
A.2. Approve Acquisition of Rights for the West Frontage Road Project from 60th Street to 71st Street, District #17 – a. Country Inn of Kenosha, b. Evelyn Roberts. (Also refer to Public Works Committee)
A.3. To adopt a Project Plan Amendment for Tax Incremental District #8, City of Kenosha, Wisconsin, Under Section 66.1105(4)(h)1. of the Wisconsin Statutes. (Also refer to City Plan Commission)

TO THE PUBLIC WORKS COMMITTEE

A.4. Petition to vacate a portion of 67th Street, west of 38th Avenue, District #11. (Vite/Nudo) (Also refer to City Plan Commission)

TO THE PUBLIC SAFETY AND WELFARE COMMITTEE

A.5. Proposed Ordinance by Alderperson G. John Ruffolo - To Repeal and Recreate Subsection 7.04 1.D. of the Code of General Ordinances, Entitled Parking Regulations – Hazard.
A.6. Proposed Ordinance by Alderperson Jan Michalski - To Renumber Section 4.07 of the Code of General Ordinances, Entitled "Penalties″ as Section 4.08; and, to Create Section 4.07 of the Code of General Ordinances, Entitled:"Artificial Light and Glare".

B. COMMUNICATIONS,
PETITIONS, REPORTS
OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve:
a. 243 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. 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.
On a voice vote, motion carried.
B.2. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad to receive and file communication regarding the voluntary surrender of the Class "A" Beer/"Class A" Liquor license of Sommelier, Robert Mitchell, Agent, 720-58th Street. On a voice vote, motion carried.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Nudo, seconded by Alderperson Haugaard, to approve the following applications for new Operator's (Bartender) licenses, subject to:
-25 demerit points:
a. Bradley Anderson
b. Lindsey Mizak
c. Jessica Jacobson
-50 demerit points:
d. Jennifer Mayo
-75 demerit points:
e. Amber Nye
f. Michael Flatley II
g. Shannon Thomas
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.2. It was moved by Alderperson Nudo, seconded by Alderperson Haugaard, to approve the following applications for renewal Operator's (Bartender) licenses, subject to:
-0 demerit points:
a. Amber Mutchler

b. Kevin George
c. Ian Cox
d. Angela Bishop
e. Julie DeFranco
-25 demerit points:
f. Rene Saulnier
g. Melissa Glinski
h. Stoyo Kostanev
-35 demerit points:
i. Derek Madsen
-50 demerit points:
j. Paula Rodgers
k. Samantha Brothen
-75 demerit points:
l. Christine Mosey
-85 demerit points:
m. Anne Richter
-non-renewal/revocation hearing:
n. Ron Ledoux
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.3. It was moved by Alderperson Nudo, seconded by Alderperson Haugaard, to approve the following applications for new Taxi Driver's licenses, subject to:
-20 demerit points:
a. Terry Trosen
b. Travis Norris
-65 demerit points:
c. Donald Perry
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.4. It was moved by Alderperson Nudo, seconded by Alderperson Michalski, to approve the following applications for renewal Taxi Driver's licenses, subject to:
-65 demerit points:
a. Glen Ritacca
-non-renewal/revocation hearing:
b. Lawrence Sosbe
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.5. It was moved by Alderperson Nudo, seconded by Alderperson Michalski, to approve renewal applications of Class "A" Retail Beer Licenses, subject to:
-25 demerit points:
a. Los Corrales Enterprise LLC, (Luis Rodriguez, Agent, 3933 - 52nd Street, Los Corrales)
-50 demerit points:
b. The Model Market LLC, (Hussein Asad, Agent, 2327 - 54th Street, Model Market)
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.6. It was moved by Alderperson Nudo, seconded by Alderperson Michalski, to approve application of Harp & Eagle, Ltd., for an outdoor dining area and extension of the Class "B" Beer/"Class B" Liquor license located at 125 - 56th Street (Ashling on the Lough) 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. Clark Boyle, Manager of Ashling on the Lough was present and spoke. On a voice vote, motion carried.
C.7. It was moved by Alderperson Michalski, seconded by Alderperson Kennedy, to approve renewal applications of Class "B" Beer/"Class B" Liquor Licenses, subject to:
-0 demerit points:
a. GWK, Inc., (Shenanigan's on 52nd) Betty Christensen, Agent, 2427 - 52nd St.)
b. Noe A. Jaimes Inc., (Noe Jaimes, Agent, 4031 - 52nd Street, Los Cantaritos)
-25 demerit points:
c. Judith Greno (4224 - 7th Avenue, Puzzle House)
d. Imagine4, LLC (Warren Basquez, Agent, 3000 Roosevelt Road, Big Shotz Sports Bar)
e. Hernandez, Lomeli Inc., (Argelia Hernandez, Agent, 3935 52nd St., Los Compadres Restaurant)
-Non-renewal/revocation hearing:
f. Las Cazuelas Mexican Grill LLC, (Sylvia Delagarza, Agent, 2200 - 60th St., Las Cazuelas Mexican Grill)
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.8. It was moved by Alderperson Nudo, seconded by Alderperson Ruffalo, to approve application of Hernandez, Hernandez, LLC, Jose Hernandez, Agent, for renewal of the Class "B" Beer/"Class B" Liquor License located at 504 - 57th Street (Nortap Tequila Lounge) subject to a non-renewal/revocation hearing and review of economic impact statement projections for the period of July 1, 2009 through June 30, 2010. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.9. It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad, to approve application of Sixtieth Street Citgo, LLC, Syed

Sawar, Agent for renewal of the Class "A" Retail Beer license located at 4924-60th Street (60th Street Citgo) subject to a non-renewal/revocation hearing. A hearing was held. The applicant did not appear.
C.9.1. It was then moved by Alderperson Misner, seconded by Alderperson Nudo to refer the application back to the Licensing/Permit Committee. On a voice vote, motion carried.
At this time, Alderperson Prozanski left the meeting and returned for action on item C.12.
C.10. It was moved by Alderperson Nudo, seconded by Alderperson Ruffalo, to approve renewal applications of Class "A" Retail Beer licenses subject to:
-0 demerit points:
a. DSD Group, LLC (Lakhbir Singh, Agent, 2710 Roosevelt Rd., Roosevelt Oil)
b. KJS Amoco, Inc. (Kevin Stein, Agent, 6500-75th Street, BP)
-75 demerit points:
c. RS Enterprises of IL, Inc. (Yolo Yolo, Agent, 11748-75th Street, Shell Food Plaza)
d. H & B Enterprises, Inc. (Dilraj Dhindsa, Agent, 1405-60th Street, American Petro) A hearing was held. The applicants did not appear. On roll call vote, motion carried (9-6) with Alderpersons Misner, Orth, Michalski, Ruffolo, Marks and Green voting nay.
C.11. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, 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 Class "B" Beer Only
b. 3 Class "B" Beer/"Class C" Wine
c. 12 Class "B" Beer/"Class B" Liquor Combination
d. 3 Class "A" Retail Beer
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.12. It was moved by Alderperson Nudo, seconded by Alderperson Bostrom, to separate action on applications for one (1) Available Class "B" Beer/"Class B" Liquor License:
a. The Coffee Pot LLC, Janis Barnhill, Agent, located at 4914-7th Ave., (The Coffee Pot), (with acceptance of a conditional surrender of a Class "B" Beer/"Class C" Wine License at the same location from The Coffee Pot LLC)
b. UAW Local 72 (Int U Untd Aero & Ag Wkrs Am L 72) Curtis Wilson, Agent, located at 3615 Washington Road.
C.12.1 It was moved by Alderperson Ruffolo, seconded by Alderperson Prozanski to hold a public hearing. A public hearing was held. One person spoke in favor. The public hearing was closed.
C.12.2 It was moved by Alderperson Juliana, seconded by Alderperson LaMacchia to approve the application of The Coffee Pot, LLC. On a voice vote, motion carried.
C.12.3. It was moved by Alderperson Prozanski, seconded by Alderperson Ruffalo to send the application of UAW Local 72 back to the Licensing/Permit Committee. On a voice vote, motion carried.
C.13. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve application of John Pasquali for an outdoor extension of the Class "B" Beer/"Class B" Liquor license located at 3216 - 60th Street (Pasquali's Bar) subject to changes and additional reviews/approvals #1 through #4 detailed on memo (from Michael Maki, Department of City Development) on file in the office of the City Clerk.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.14. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve 28 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 applicants did not appear.
C.14.1 It was moved by Alderperson Nudo, seconded by Alderperson Ruffolo to allow Alderperson Ruffalo to abstain from voting on this item. On a voice vote, motion carried.
C.14.2 On a voice vote, motion to approve applications for cabaret licenses carried.
C.15. It was moved by Alderperson Orth, seconded by Alderperson Juliana, to DENY application of BC Tavern of Kenosha, Inc., Betty Christensen, Agent, for a cabaret license (1-year term) located at 4626 Sheridan Road (Library Bar) based on recommendation from the Kenosha Police Department. A hearing was held. Attorney Larry Keating appeared and spoke on behalf of the applicant.
C.15.1 It was then moved by Alderperson Misner, seconded by Alderperson Juliana to refer the application back to the Licensing/Permit Committee. On a voice vote, motion carried.

D. ORDINANCES 1ST READING

D.1. It was moved by Alderperson Nudo, seconded by Alderperson Juliana to send the proposed ordinance by Alderperson Jesse Downing - To Repeal and Recreate Subsection 12.01 A.2 (of the Code of General Ordinances), entitled Amusement or Recreational Activities on its way. On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Nudo, seconded by Alderperson Green, to adopt Ordinance 36-10.
A public hearing was held. No one spoke for or against said ordinance.
F.1.1. It was moved by Alderperson Bostrom, seconded by Alderperson Michalski amend (4) Special Events. Permission shall not be required for vendors associated with a special event previously approved by the City, to read: *(4) Special Events. Vendors associated with City approved special events shall not be required to obtain a peddler stand permit for the approved special event.* On a voice vote, motion carried.
On roll call vote, motion to adopt carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE 36-10
BY: ALDERPERSON MICHAEL ORTH

TO REPEAL AND RECREATE SECTION 13.035 OF THE
CODE OF GENERAL ORDINANCES, REGARDING PEDDLER'S STANDS AND OTHER STRUCTURES AS OBSTRUCTIONS

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

Section One: Section 13.035 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and amended as follows:

13.035 PEDDLER'S STANDS AND OTHER STRUCTURES AS OBSTRUCTIONS

No person, firm, party or corporation shall place or maintain a stand or structure from which peddling, as defined in §13.03, Ordinances, is engaged in or which are used for any other purposes, upon any City property, including street rights-of-way, sidewalks and lawn park areas, without first having obtained permission of the Common Council. Peddler's stands shall not be authorized within eight hundred (800') feet of any permanent business retailing similar or competing products located in a permanent building or structure and peddler's stands and other structures shall not be authorized where likely to create a public or private nuisance, or otherwise disturb the peace or obstruct vehicular or pedestrian traffic.

A person shall be deemed to have a "stand", although there is no structure associated therewith, whenever a person remains in any one location for more than one (1) hour within an eight (8) hour period of time. A "location" shall be defined as any City property including street rights-of-way, sidewalks and lawn park areas. A "right-of-way" shall be defined as being within one hundred fifty (150') feet of any street or highway intersection measured from the center point thereof and shall also be defined as being within a right-of-way on either side of a street or highway from intersection to intersection.

Applications for permits shall be filed with the City Clerk on forms approved by the City Clerk, accompanied by a fee of One Hundred ($100) Dollars. Permits shall be nonproratable and shall be for the period October 1 through September 30 of each year. A separate permit shall be required for each "stand". Person(s) peddling from a stand as defined herein shall not be required to hold an individual peddler's license as required by §13.03.

A. Review. In reviewing a peddler stand permit application, the Common Council shall consider whether the proposed stand transactions are:

(1) Customarily associated with public use and enjoyment of the location proposed for the stand.

(2) In furtherance of public use and enjoyment of the location proposed for the stand.

(3) Incidental to an appropriate recreational or cultural use of the location proposed for the stand.

B. Operation. Peddler stands issued a permit pursuant to Subsection A shall be subject to the following operations requirements:

(1) Location. The stand location shall be limited to the area described in the permit application and approved by the Council.

(2) Term. An approved location shall be limited to thirty (30) consecutive days. Each stand may be relocated subject to the filing of a new permit application during the term of the permit and upon Common Council approval.

(3) Hours of Operation. Peddling is permitted at a stand location between the hours of 9:00 a.m. and 8:00 p.m.

(4) Special Events. Vendors associated with City approved special events shall not be required to obtain a peddler stand permit for the approved special event.

(5) Utilities. Vendors which require use of public utilities shall pay utility charges as designated by Superintendent of Parks.

(6) Noise. Noise levels emanating from the stand shall be kept to a minimum and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants and customers. Vendors shall be subject to all applicable City ordinances regarding noise and amplification and this ordinance shall not be interpreted to expand or contradict those other ordinances. In the event of a conflict, the more strict regulation or ordinance shall apply.

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

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

F.2. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to adopt Ordinance 37-10.

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

F.2.1. It was then moved by Alderperson Bostrom, seconded by Alderperson Green to amend (4) Special Events. Permission shall not be required for vendors associated with a special event previously approved by the City, to read: *(4) Special Events. Vendors associated with City approved special events shall not be required to obtain a peddler stand permit for the approved special event.* On a voice vote, motion carried.

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

ORDINANCE NO. 37-10
BY: ALDERPERSON MICHAEL ORTH
TO RECREATE SUBSECTION 6.02 A. 21 OF THE CODE OF GENERAL ORDINANCES, REGARDING PARK RULES AND REGULATIONS

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

Section One: Section 6.02 A.21 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby recreated as follows:

6.02 RULES AND REGULATIONS

No persons, other than authorized employees, agents, contractors and permittees of the City, shall engage in any of the following conduct:

A. Parks.

21. Sell or offer for sale any product, articles, food, beverages, goods or services. , except as follows:

(a) Upon written request, the Board of Park Commissioners may allow the sale of any product, articles, food, beverages, goods or services provided that the applicant, when necessary, is appropriately licensed under state statute and local ordinance. In considering a request, the Board of Park Commissioners shall consider whether the proposed transactions are:

(1) Are customarily associated with public use and enjoyment of parks and park properties;

(2) Are in furtherance of public use and enjoyment of the park; or
(3) Are incidental to an appropriate recreational or cultural use of said properties.
(b) Sales permitted pursuant to subsection (a) shall be subject to the following requirements:
(1) Location. Permission shall be limited to the location designated by the Board of Park Commissioners.
(2) Hours of Operation. Permission to sell or offer for sale shall be limited to the hours between 9:00 a.m. and 8:00 p.m.
(3) Term. Permission shall be limited to no more than thirty (30) consecutive days.
(4) Special Events. Vendors associated with City approved special events shall not be required to obtain a peddler stand permit for the approved special event.
(5) Utilities. Vendors which require use of public utilities shall be required to pay utility fees as designated by the Superintendent of Parks.
(6) Noise. Noise levels emanating from the stand shall be kept to a minimum and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants and customers. Vendors shall be subject to all applicable City ordinances regarding noise and amplification and this ordinance shall not be interpreted to expand or contradict those other ordinances. In the event of a conflict, the more strict regulation or ordinance shall apply.
Section Two: This Ordinance shall become effective upon passage and publication.

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

F.3. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to adopt Ordinance 38-10.
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. 80-4-222-293-0150
[Property Located at 9911 38th Street] Town of Somers
[City of Kenosha - Property Owner]
ORDINANCE NO. 38-10
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, does 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 June 12, 2010, 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

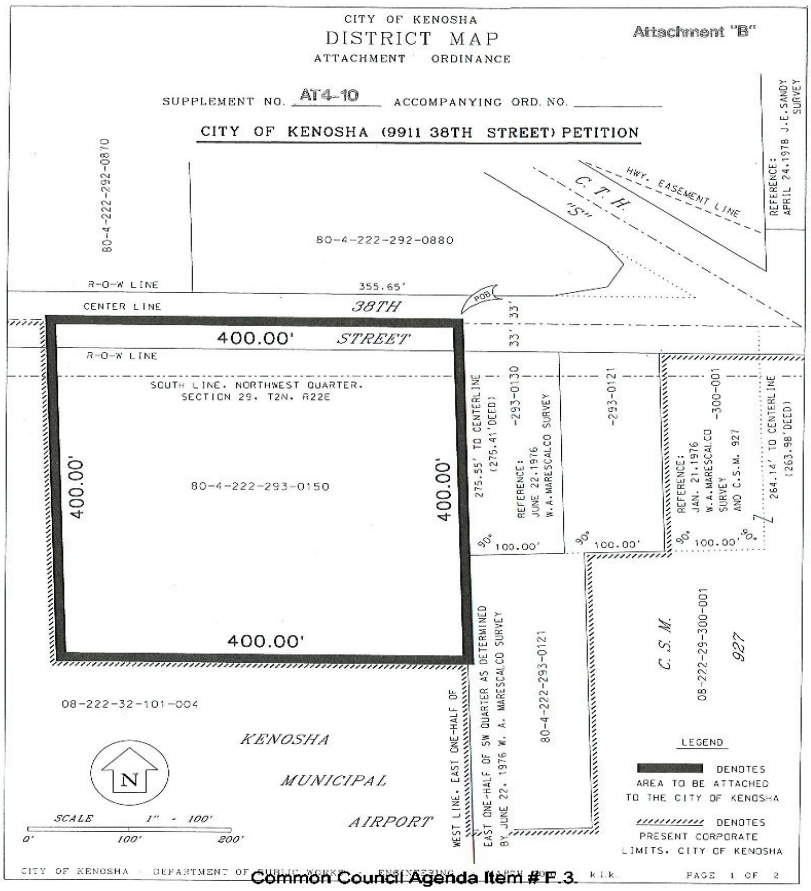
Attachment "A"

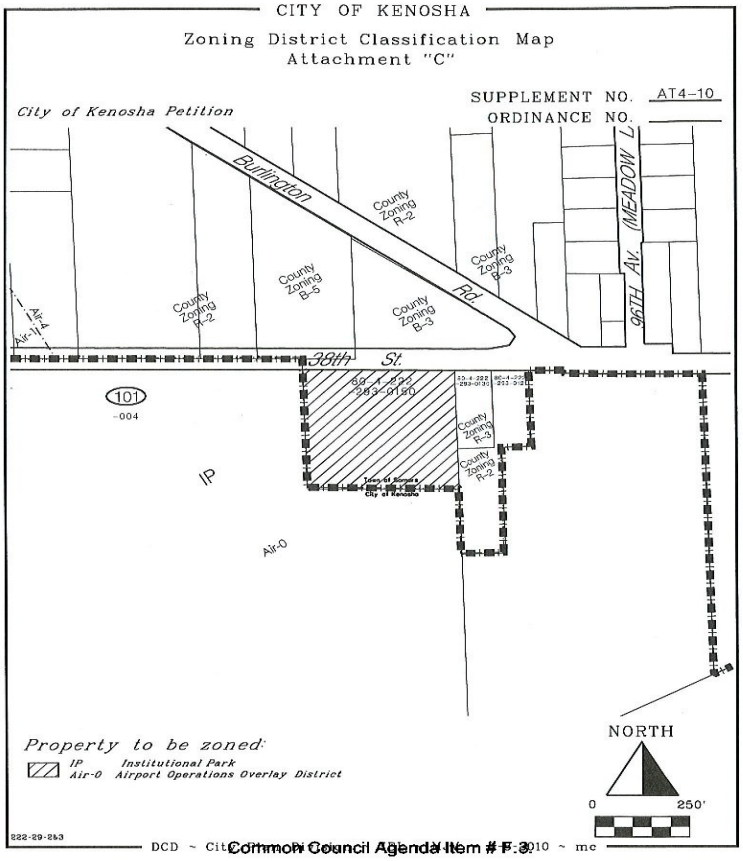
PETITION OF PROPERTY OWNERS FOR ATTACHMENT TO THE CITY OF KENOSHA FROM THE TOWN OF SOMERS PURSUANT TO SECTION 66.0307; WISCONSIN STATUTES, STATE APPROVED COOPERATIVE PLAN

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 Ø.

Legal Description:
All of the parcel of land described in a Warranty Deed from Ludmilla Roden a/k/a Ludmilla G. Vanennaya to the City of Kenosha, a municipal corporation and recorded on December 30, 2008 in Document 1575020 with the Kenosha County Register of Deeds Office, being a part of the Northwest Quarter and part of the Southwest Quarter of Section 29, 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 intersection of the centerline of 38th Street with the northerly extension of the west line of the East One-half of the East One-half of the Southwest Quarter of said Section 29; thence south along said west line, 400.00 feet; thence west parallel to the centerline of said 38th Street, 400.00 feet; thence north parallel to the west line of the East One-half of the East One-half of the Southwest Quarter of said Section 29, a distance of 400.00 feet to the centerline of said 38th Street; thence east along the centerline of said 38th Street, 400.00 feet to the point of beginning, containing 3.670 acres of land, more or less.

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 79th 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 Alderpersonic 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

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

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 on June 12, 2010, after passage and publication, as provided by law.

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

F.4. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to adopt Ordinance 38-10.

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. 80-4-222-292-0840
[Property Located at 10100 38th Street]
Town of Somers
[City of Kenosha - Property Owner]
ORDINANCE NO. 39-10
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:

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

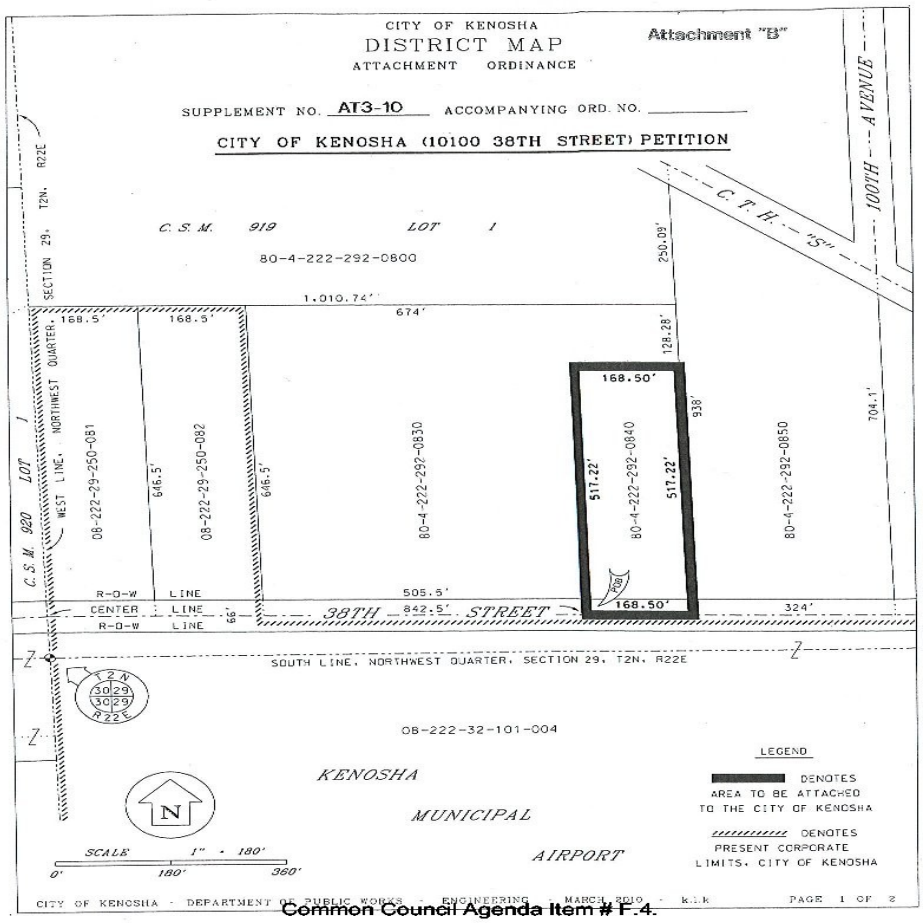
The undersigned, constituting all of the owners of certain real property within the Town of Somers, Kenosha County, Wisconsin, petition the Mayor and Common Council of the City of Kenosha, Wisconsin, to attach the territory described below and shown on the attached scale map to the City of Kenosha, Kenosha 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 Ø.

Legal Description:

All of the parcel of land described in a Personal Representative's Deed from June Krahn a/k/a June E. Krahn to the City of Kenosha, a municipal corporation and recorded on August 26, 2004 in Document 1402045 with the Kenosha County Register of Deeds Office, being a part of the Northwest Quarter of Section 29, 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 intersection of the centerline of 38th Street with the west line of the Northwest Quarter of said Section 29; thence east along the centerline of said 38th Street, 842.5 feet to the west line of the parcel of land described in said Document 1402045, being here the point of beginning; thence continuing east along the centerline of said 38th Street, 168.50 feet; thence north along the east line of the parcel of land described in said Document 1402045, a distance of 517.22 feet; thence west along the north line of the parcel of land described in said Document 1402045, a distance of 168.50 feet; thence south along the west line of the parcel of land described in said Document 1402045, a distance of 517.22 feet to the point of beginning, containing 1.999 acres of land, more or less.



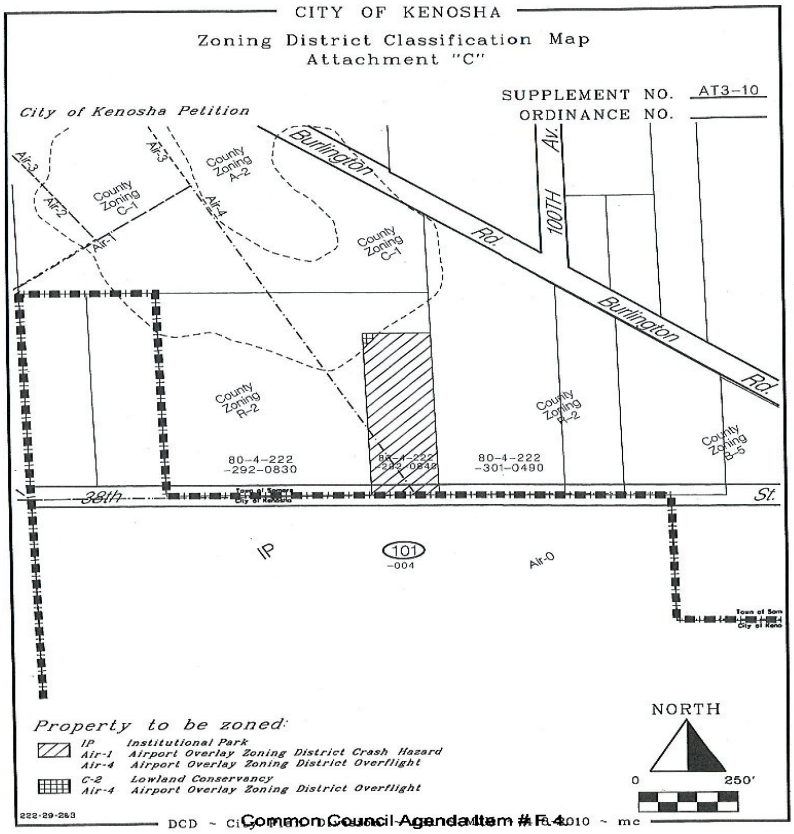
The Common Council of the City of Kenosha, Wisconsin, does ordain as follows:

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 June 12, 2010, 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 78th 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 Alderpersonic 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

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

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 on June 12, 2010, after passage and publication, as provided by law.

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

G. ZONING ORDINANCES 2ND READING

H. RESOLUTIONS

H.1. It was moved by Alderperson Ruffolo, seconded by Alderperson Ohnstad to approve Resolution 79-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 79-10
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 by Charter Ordinance No.(s) 28, 30, and 33, 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 May 26, 2010, for the City of Kenosha, a report on file in the Office of the City Clerk/Treasurer 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 by Charter Ordinance No.(s) 28, 30, and 33, special assessments in the total amount of Five Thousand Five Hundred Seven Dollars and ninety cents ($5,507.90) 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 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 7th day of June, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.2. It was moved by Alderperson Ruffolo, seconded by Alderperson Nudo to approve Resolution 80-10. 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. 80-10
BY: COMMITTEE ON PUBLIC WORKS
PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS
FOR
HAZARDOUS SIDEWALK AND/OR DRIVEWAY APPROACH
PROJECT #10-1208
SIDEWALK & CURB/GUTTER PROGRAM

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.
Citywide 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 66.0703, 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 streets enumerated above.
2. Said public improvement shall include the improvements in street right-of-ways: 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 66.0703 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 66.0703, Wisconsin Statutes.
Adopted this 7th day of June, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

At this time, approximately 9:00 pm, it was moved by Alderperson Ruffolo, seconded by Alderperson Nudo to take a recess. On a voice vote, motion carried. The council reconvened at approximately 9:10 pm.

It was moved by Alderperson Marks, seconded by Alderperson Juliana to defer the following proposed resolutions:

H.3. By Alderperson Katherine Marks - In Opposition to the Application of Bear Development, LLC for Tax Credits (for the "Uptown Gardens" Project) from the Wisconsin Housing Economic Development Authority (WHEDA)

H.4. By Alderperson Katherine Marks - Procedure and Criteria for Issuing Support Letters for Development to Wisconsin Housing Economic Development Authority(WHEDA).

A public hearing was held. Five (5) people spoke. The public hearing was closed.

It was moved by Alderperson Kennedy, seconded by Alderperson Nudo to abstain. On a voice vote, motion carried.

On a voice vote, motion to defer carried.

H.5. It was moved by Alderperson Kennedy, seconded by Alderperson Nudo to approve Resolution 81-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION #81-10
BY: The Mayor
Resolution to Approve a New Labor Agreement for 2010 - 2011
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 2010-2011; and

WHEREAS, said agreement now accounts for newly represented part-time bus drivers; 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 in the attached Appendix A (on file in the office of the City Clerk) effective January 1, 2010.
Dated this 7th day of June, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.6. It was moved by Alderperson Kennedy, seconded by Alderperson Ruffolo to defer the proposed resolution by the Mayor - Resolution to Approve a New Labor Agreement for 2010 Between the City of Kenosha and the Crossing Guards Association. On a voice vote, motion carried.

It was moved by Alderperson Kennedy, seconded by Alderperson Ohnstad to approve Resolutions 82-10 and 83-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.7. RESOLUTION NO. 82-10
BY: THE MAYOR
TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE ATTACHMENT OF PARCEL NO. 80-4-222-292-0840 LOCATED AT 10100 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 [City of Kenosha - 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. 80-4-222-292-0840, located at 10100 38th Street, in the Town of Somers, Kenosha County, Wisconsin, to the City of Kenosha, Wisconsin; and,

WHEREAS, on June 7, 2010, 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. 80-4-222-292-0840, located at 10100 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. 80-4-222-292-0840, located at 10100 38th Street, Kenosha, Wisconsin, as depicted on the Attachment and Temporary Zoning District Classification Ordinance, which is incorporated herein by reference.

Adopted this 7th day of June, 2010.

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

H.8. RESOLUTION NO. 83-10
BY: THE MAYOR
TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE ATTACHMENT OF PARCEL NO. 80-4-222-293-0150 LOCATED AT 9911 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 [City of Kenosha - 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. 80-4-222-293-0150, located at 9911 38th Street, in the Town of Somers, Kenosha County, Wisconsin, to the City of Kenosha, Wisconsin; and,

WHEREAS, on June 7, 2010, 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. 80-4-222-293-0150, located at 9911 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. 80-4-222-293-0150, located at 9911 38th Street, Kenosha, Wisconsin, as depicted on the Attachment and Temporary Zoning District Classification Ordinance, which is incorporated herein by reference.

Adopted this 7th day of June, 2010.

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

I. APPOINTMENTS/
REAPPOINTMENTS BY THE MAYOR

It was moved by Alderperson Kennedy, seconded by Alderperson Ohnstad, to approve:

I.1. Appointment of Police Chief John Morrissey to the Kenosha Joint Services Board of Directors to fill the position previously held by Carol Stancato, Finance Director. On roll call vote, motion carried unanimously.

I.2. It was moved by Alderperson Ohnstad, seconded by Alderperson Green to approve appointments to the Community Development Block Grant Committee:

-Finance Committee, for a term to expire April, 2012:

a. Alderperson Theodore Ruffalo

b. Alderperson Daniel Prozanski, Jr.

c. Alderperson David Bogdala

-City Plan Representatives:

a. Anderson Lattimore, term to expire May 1, 2013

b. Alderperson Jesse Downing, term to expire April 2012
On roll call vote, motion carried (15-1) with Alderperson Kennedy voting nay.
I.3. It was moved by Alderperson Kennedy, seconded by Alderperson Green to approve appointment of Alderperson Rocco LaMacchia, Sr. to the Keep Kenosha Beautiful Commission for a term to expire May 1, 2013. On roll call vote, motion carried unanimously.
I.4. It was moved by Alderperson Ruffalo, seconded by Alderperson Juliana to approve reappointment of Jack Rice to the Civil Service Commission for a term to expire June 7, 2016. On roll call vote, motion carried (10-6) with Alderpersons Nudo, Bostrom, Misner, Bogdala, Ruffolo and Green voting nay.
It was moved by Alderperson Kennedy, seconded by Alderperson Nudo to approve:
I.5. Appointment of Alderperson Jan Michalski to the Historic Preservation Commission for a term to expire May 1, 2012.
I.6. Appointment of Carol Fischer to the Board of Review for a term to expire April 15, 2015.
On roll call vote, motion carried unanimously (Alderperson Michalski abstained on I.5.).

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

J.1. It was moved by Alderperson Kennedy, seconded by Alderperson Nudo, to approve award of contract for Project 09-1024, West Frontage Road (122nd Avenue) to Super Western (Menomonee Falls, Wisconsin) in the total amount of $1,395,000.000 ($1,264,852.60 plus $130,147.40 contingency). On roll call vote, motion carried unanimously.

K. OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderperson Kennedy, seconded by Alderperson Nudo, to approve:
K.1. Raze Contract for 14416 71st Place.
K.2. Temporary Limited Easements between the City of Kenosha and listed parties for the 27th Street Right-of-Way Project, 39th Avenue to 47th Avenue.
a. Chartier
b. Sartor
c. Smith-Matteucci
d. Newell
K.3. Major Street Setback Encroachment Area Agreement between John L. Pasquali and the City of Kenosha (Pasquali's Bar at 3222-60th Street).
On roll call vote, motion carried unanimously.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderperson Kennedy, seconded by Alderperson Nudo, to approve:
L.1. Disbursement Record #9 – $6,463,027.47.
On roll call vote, motion carried unanimously.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

M.1. It was moved by Alderperson Kennedy, seconded by Alderperson Nudo to approve final acceptance of Project 09-1208 Sidewalk & Curb/Gutter Program in the total amount of $323,423.05.
On roll call vote, motion carried unanimously.

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

O. REPORTS AND RECOMMENDATIONS OF BOARDS AND COMMISSIONS

P. AND SUCH MATTERS AS ARE AUTHORIZED BY LAW OR REGULAR BUSINESS

P.1. It was moved by Alderperson Bogdala, seconded by Alderperson Kennedy to defer the request of Richard F. Meeker for reimbursement of legal fees incurred in prosecuting an employment claim against the City for a maximum of 30 days. On a voice vote, motion carried.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved, and seconded to adjourn at 10:58 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 21, 2010

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

KENOSHA MUNICIPAL BUILDING COUNCIL CHAMBERS ROOM 200 June 21, 2010

At a meeting of the Common Council held this evening, His Honor, Acting Mayor G. John Ruffolo presided.

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

On roll call, the following members of the Common Council were present: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Juliana, Marks, Green, Kennedy, Nudo, Bostrom, Misner, Orth, Downing and Bogdala. Excused: Alderpersons Ohnstad and Prozanski. Acting Mayor Ruffolo advised he would be voting as an Alderperson.

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

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

It was moved by Alderperson Nudo, seconded by Alderperson LaMacchia, to approve the minutes of the meeting held June 7, 2010.

Motion carried unanimously.

At this time, members of the Mayor's Youth Commission presented awards. A brief recess was taken after presentation of the awards.

Six (6) Citizens spoke during Citizen's Comments: Ethan Littel, Joyce Pavlina, Lyna Postuchow, Susan Anderson, Omar Ahmad and Bert Unsinn.

A. REFERRALS

TO THE COMMITTEE ON FINANCE

A.1. Proposed Ordinance by Alderperson Patrick Juliana - To Amend Subsection 1.03 B. Paragraph 2, of the Code of General Ordinances Regarding Majority. (Also referred to Public Works, Public Safety & Welfare, and Licensing/Permit Committee)

A.2. Proposed Ordinance by Alderperson Patrick Juliana - To Repeal and Recreate Subsection 1.03 C.2. of the Code of General Ordinances Regarding Committee Composition. (Also referred to Public Works, Public Safety & Welfare, and Licensing/Permit Committee)

A.3. Proposed Ordinance by Alderperson Patrick Juliana - To Repeal and Recreate Subsection 1.03 C.6. of the Code of General Ordinances, Regarding Agenda of Committee. (Also referred to Public Works, Public Safety & Welfare, and Licensing/Permit Committee)

A.4. Resolution to Authorize the Submittal of State Grant Applications by the City of Kenosha and the Subsequent Appropriation to the City of Kenosha for the Wisconsin Plant Recovery Initiative Assessment Money (WAM) – Community Managed Funds.

A.5. Permanent Limited Easement and Temporary Construction Easement between the City of Kenosha and Kent & Angela Morton for property at 1338 20th Avenue, District #1. (Also referred to Public Works)

TO THE CITY PLAN COMMISSION

A.6. Request to extend the Conditional Use Permit for a contractor's storage yard to be located at 6919 51st Street, District #16. (Southport Heating & Cooling)

A.7. Request to extend the Conditional Use Permit for a 112-unit multi-family development located south of 60th Street at approximately 126th Avenue, District #17. (Hawk's Ridge Apartments)

A.8. Resolution to Amend the Official Map for the City of Kenosha, Wisconsin, to include the Attachment of Parcel #80-4-122-051-0160 at 9525 60th Street in the Town of Somers, Kenosha County, Wisconsin, in accordance with the City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes, District #17. (Wright/Schmidt)

B. COMMUNICATIONS, PETITIONS, REPORTS

OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve:
a. 73 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.
b. 2 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. 2 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.
B.2. It was moved by Alderperson Nudo, seconded by Alderperson Bogdala, to defer the request for a Distance and Density Exception for a 6-bed Community Based Residential Facility to be located at 6225-91st Avenue for two weeks. (17th District) (Crabtree) On a voice vote, motion carried.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Nudo, seconded by Alderperson Bogdala, to separate action on application C.1.o. DeAnna Pizzala from applications C.1.a through C.1.n. On a voice vote motion carried.
A hearing was held. The applicants did not appear.
C.1.1. It was moved by Alderperson Michalski, seconded by Alderperson Nudo to approve the following applications for new Operator's (Bartender) licenses, subject to:
-*25 demerit points:*
a. Caitlin Brower
b. Jake Puntillo
c. Christopher Johnson
d. Jekaterina Dvilevicius
e. Bradley Mays
f. Kerry Bennett
g. Deanna Hoff
-*50 demerit points:*
h. Brett Harmeling
i. Katie Kruckenberg
j. Janine Drobena
k. LeeAndra Klemm
l. Naomi Seay-Alvarez
-*75 demerit points:*
m. Shad DeLacy
n. Paul Zdanowicz
On a voice vote, motion carried.
It was moved by Alderperson Bogdala, seconded by Alderperson Misner to DENY the application of (o.) DeAnna Pizzala based on non-appearance and police record.
C.1.2. It was moved by Alderperson Bogdala, seconded by Alderperson Juliana to refer the application back to the Licensing/Permit Committee. On a voice vote, motion carried.
C.2. It was moved by Alderperson Bogdala, seconded by Alderperson Nudo, to DENY application of Omar Ahmad for new Operator's (Bartender) licenses, based on material police record & false application. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.
C.3. It was moved by Alderperson Nudo, seconded by Alderperson Misner, to approve the following applications for renewal Operator's (Bartender) licenses, subject to:
-*0 demerit points:*
a. Mary Fugate
b. Tiffany Klemp
c. Erna Farnsworth

d. Laurel Kessen
e. Basil Museitif
f. Dawn Cruz
-15 demerit points:
g. Krista Chambers
-25 demerit points:
h. Ryan Young
i. Edward Kexel
j. Valerie Gibson
k. Christopher Hein
-30 demerit points:
l. Michelle Olejniczak
-50 demerit points:
m. Michelle Shatkins
n. Kodirico Washington
o. Lisa Henthorn
p. Joseph Falcone
q. Laura Stiles
r. Agruea Herrera Jaimes
s. Cynthia DuBois
t. Jared Franz
u. Shylo Delaney
v. Joseph Leon
w. Sarahi Guzman
x. Heather Hoersten
y. Debra Lewis
z. Cathy Arbanella
aa. Kyle Jeffery
-75 demerit points:
bb. Joanna Small
cc. Amalia Piehl
dd. Danielle Schmickel
ee. Biljana Kovacevic
ff. Stefanie Malek
gg. Clarke Boyle
-85 demerit points:
hh. Sandra Bilger
ii. Jennifer Greco
-non-renewal revocation hearing:
jj. William Morgan
kk. Danielle Plante
ll. Jenny Melnick
mm. Guadalupe Ramirez
nn. Traci Dabbs
oo. Shannon Hoffmann

A hearing was held. Applicants jj. William Morgan, nn. Traci Dabbs and oo. Shannon Hoffmann were present and spoke.

C.3.1. It was moved by Alderperson Juliana, seconded by Alderperson Nudo to separate action on applications hh. and ii. On a voice vote, motion carried.

C.3.2. It was moved by Alderperson Nudo, seconded by Alderperson Orth to concur with

recommendations listed for applications aa. through gg. On a voice vote, motion carried.

C.3.3. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy to concur with recommendations listed for hh. and ii. On a voice vote, motion carried.

C.3.4. It was moved by Alderperson Kennedy, seconded by Alderperson Nudo to concur with recommendations listed on applications jj. through oo. On a voice vote, motion carried.

C.4. It was moved by Alderperson Nudo, seconded by Alderperson Michalski, to approve the application for Jessica Kennedy for new Taxi Driver's licenses, subject to 70 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.5. It was moved by Alderperson Nudo, seconded by Alderperson Michalski, to DENY application of Christopher Kwiatkowski for new Taxi Driver's licenses, based on material police record & false application. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.6. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve the following applications for renewal Taxi Cab Licenses:

a. Keno Cab Co., Inc. (dba Yellow Checker & Black & White Cab), Tina M. White, 5107-28th Ave (10th District)

b. M&M Choice Taxi, Mohammed Museitif, 3122 - 14th Avenue (6th District)

c. My Way Cabs, Linda Acevedo, 6011 - 29th Avenue (11th District)

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

C.7. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve the following 10 applications for Amusement & Recreation Enterprise Supervisor Licenses, per list on file in the office of the City Clerk, with no adverse recommendations. A hearing was held. The applicants did not appear. On a voice vote, motion carried.

C.8. It was moved by Alderperson Nudo, seconded by Alderperson Michalski, to approve the application of Raquel Angeles for an Amusement & Recreation Supervisor License, located at 4237 Green Bay Road, (Monkey Joe's). (16th District) A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.9. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve the application of Ter-Ala Corporation, Christopher Groves, Agent, for a Amusement & Recreation Enterprise License, located at 2208-60th Street (Finney's Lounge). (7th District) A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.10. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to approve the application of Sixtieth Street Citgo, LLC, Syed Sawar, Agent for renewal of the Class "A" Retail Beer license located at 4924-60th Street (60th Street Citgo) subject to 25 demerit points. A hearing was held. Attorney James Mazek appeared on behalf of the applicant On roll call vote, motion carried (12-2) with Alderpersons Misner and Ruffolo voting nay (Alderperson Orth was not present for the vote).

C.11. It was moved by Alderperson Nudo, seconded by Alderperson Green, 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 Class "B" Beer/"Class C" Wine

b. 8 Class "B" Beer/"Class B" Liquor Combination

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

C.12. It was moved by Alderperson Nudo, seconded by Alderperson Bogdala, to approve renewal applications of Class "B" Beer/"Class B" Liquor Licenses, subject to:

-65 demerit points:

a. GNC Hook LLC, (Garry Dougvillo, Agent, 5301 22nd Ave., Bella Lounge)

-75 demerit points:

b. McDonald Institute, LLC (Terry McDonald, Agent, 5611 - 6th Ave., Wine Knot Bar & Bistro)

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

C.13. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve application of GNC Hook LLC, for a transfer of agent status of the Class "B" Beer/"Class B" Liquor license located at

5301 22nd Ave., (Bella Lounge) from Garry Dougvillo to Tamim Chowdhury, subject to 65 demerit points. (7th District) On a voice vote, motion carried.

C.14. Application of GNC Hook LLC (Tamim Chowdhury, Agent) for renewal of a Class "B" Beer/"Class B" Liquor License located at 5301 22nd Ave., (Bella Lounge), subject to 65 demerit points. (7th District) was moot (duplicate of item C.12.a.)

C.15. It was moved by Alderperson Michalski, seconded by Alderperson Nudo, to approve the following applications for an Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at:

a. Washington Park Tavern, Inc., 1510 Washington Road (Stan's Place) (6th District)
b. Brat Stop, Inc., 12304 - 75th St., (Brat Stop) (17th District)
c. Rendezvous Bar & Grill Inc., 1700 - 52nd St., (Rendezvous Tiki Lounge) (7th District)
d. PJ Doghouse, Inc., 2621 - 30th Avenue (Clubhouse Pub & Grille) (5th District)

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

C.16. It was moved by Alderperson Nudo, seconded by Alderperson Gree, to approve the application of McFibbers Pub, Inc., (Mimi Ruffolo, Agent) for a Temporary Outdoor Extension of Class "B" Beer/"Class B" Liquor License(s) located at 2717 - 60th Street (Screamin Mimi's). (7th District)

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

C.17. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve the following application of GNC Hook, LLC for a Cabaret License (1-year term) located at 5301 22nd Ave., (Bella Lounge). (7th District)

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

C.18. It was moved by Alderperson Juliana, seconded by Alderperson Nudo, to approve 8 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 applicants did not appear.

On a voice vote, motion carried.

C.19. It was moved by Alderperson Juliana, seconded by Alderperson Nudo, to DENY application of the Vault of Forsyth, Inc./the Great Treasure Hunt (Richard Kohl) for a Secondhand Jewelry Dealer License located at 7602-122nd Ave (Comfort Suites). A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.20. It was moved by Alderperson Misner, seconded by Alderperson Nudo, to separate approval of renewal applications for the following licenses with no adverse recommendations per list on file in the Office of the City Clerk:

a. 5 Mobile Home Parks
b. 8 Towing Companies

A hearing was held. The applicants did not appear.

C.20.1. It was moved by Alderperson Bogdala, seconded by Alderperson Juliana to allow Alderperson Ruffolo to abstain from voting on item C.20.a. On a voice vote, motion carried.

C.20.2. It was moved by Alderperson Kennedy, seconded by Alderperson Green to approve C.20.a. On a voice vote, motion carried.

C.20.3. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy to approve C.20.b. On a voice vote, motion carried.

D. ORDINANCES 1ST READING

It was moved by Alderperson Nudo, seconded by Alderperson Juliana to send the following ordinances on their way after being read:

D.1. By Alderperson Patrick Juliana - To Amend Subsection 1.03 B. Paragraph 2, (of the Code of General Ordinances), Regarding Majority.

D.2. By Alderperson Patrick Juliana - To Repeal and Recreate Subsection 1.03 C.2. (of the Code of General Ordinances), Regarding Committee Composition.

D.3. By Alderperson Patrick Juliana - To Repeal and Recreate Subsection 1.03 C.6. (of the Code of General Ordinances), Regarding Agenda of Committee.

D.4. By Alderperson Patrick Juliana - To repeal and Recreate Section 7.02 (of the Code of General Ordinances), Regarding Speed Limits.
D.5. By Alderperson G. John Ruffolo - To Repeal and Recreate Subsection 7.04 1.D. (of the Code of General Ordinances), Entitled "Parking Regulations – Hazard.
D.6. By the Mayor – Attachment and Temporary Zoning District Classification Ordinance – 9525 60th Street (Under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan, Parcel 80-4-122-0501-0160) (City of Kenosha)
On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Juliana, seconded by Alderperson Orth, to adopt Ordinance 40-10.
A public hearing was held. No one spoke for or against said ordinance.
F.1.1. It was moved by Alderperson Nudo, seconded by Alderperson Bogdala to allow Alderperson Misner to abstain. On a voice vote, motion carried.
On roll call vote, motion carried unanimously and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 40-10
BY: ALDERPERSON JESSE DOWNING
TO REPEAL AND RECREATE SUBSECTION 12.01 A.2
OF THE CODE OF GENERAL ORDINANCES, ENTITLED
AMUSEMENT OR RECREATIONAL ACTIVITIES

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:
Section One: Subsection 12.01 A.2 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:
2. Amusement Or Recreational Activities shall include games of chance or skill, children's rides,pinball machines, mechanical games, video games and other amusement devices where there are fifteen (15) or a combination of fifteen (15) or more thereof on the premises, irrespective of whether or not coin or token operated. Amusement or recreational activities shall also include eleven (11) of any such devices or combination thereof when combined with four (4) pool tables, or twelve (12) of any such devices or combination thereof when combined with three (3) pool tables, or thirteen (13) of such devices or any combination thereof combined with two (2) pool tables or fourteen (14) of any such devices or any combination thereof, when combined with one (1) pool table.
Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

G. ZONING ORDINANCES 2ND READING

H. RESOLUTIONS

H.1. It was moved by Alderperson Nudo, seconded by Alderperson Green to approve Resolutions 84-10 through 86-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 84-10
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 2010, in the total amount of

$19,809.50, 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 21st day of June, 2010

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

b. RESOLUTION NO. 85-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Property Maintenance Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2010, in the total amount of $1,552.00, 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 June, 2010.

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

c. RESOLUTION NO. 86-10
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 2010, in the total amount of $2,312.26, 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 June, 2010.

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.2. It was moved by Alderperson Nudo, seconded by Alderperson Green to approve Resolution 87-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 87-10
BY: FINANCE COMMITTEE
To Specially Assess the Property at 5553 32nd Avenue, Which has Been Declared a Nuisance Property per Section 16.151 D(1) of the Code of General Ordinances, for Costs for Law Enforcement by the City of Kenosha Police Department
(Miscellaneous Assessment)

BE IT RESOLVED, that a special assessment for Costs for Law Enforcement by the Kenosha Police Department in the total amount of $300.00 be levied against the property at 5553 32nd Avenue (parcel number #09-222-36-308-013).

Passed this 21st day of June, 2010

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.3. It was moved by Alderperson Nudo, seconded by Alderperson Bogdala to approve Resolutions 88-10 through 92-10 (items H.3. And H.4.) On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 88-10
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 #09-1016 (38th Avenue – Roosevelt Rd to 73rd Street, 41st Place - 19th Avenue to 100' East of 18th Avenue, 18th Avenue - 43rd Street to 41st Place, 87th Place - 35th Avenue to 34th Avenue) in the total amount of $12,640.32, 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. 86-09 authorizing such improvements in the street right-of-way.

Adopted this 21st day of June, 2010.

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

b. RESOLUTION NO. 89-10
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 #09-1021 (64th Street - 26th Avenue to 24th Avenue, 69th Street - 18th Avenue to 16th Avenue, 26th Avenue - 80th Street to Lincoln Road) in the total amount of $4,824.64, 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. 170-09 authorizing such improvements in the street right-of-way.

Adopted this 21st day of June, 2010.

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

c. RESOLUTION NO. 90-10
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 #09-1208 (Citywide Locations) in the total amount of $14,610.03, 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. 58-09 authorizing such improvements in the street right-of-way.

Adopted this 21st day of June, 2010.

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

Project #08-1015

RESOLUTION NO. 91-10
BY: FINANCE COMMITTEE
TO LEVY SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY BASED UPON FINAL CONSTRUCTION COSTS RESPECTING IMPROVEMENTS IN STREET RIGHT-OF-WAY (paving, grading and graveling, sidewalk and/or driveway approach)

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 paving, grading and graveling, sidewalks and/or driveway approaches for Project #08-1015 New Road Construction – KAT Subdivision (3405 45th Street and 3500 45th Street) in the total amount of $13,563.06, 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. 29-09 authorizing such improvements in the street right-of-way.

Adopted this 21st day of June, 2010.

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.4. Project #09-001

RESOLUTION NO. 92-10
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 $19,569.50 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 21st day of June, 2010.

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.5. It was moved by Alderperson Ruffolo, seconded by Alderperson Nudo to approve Resolution 93-10. On a voice vote, motion carried and said resolution was thereupon adopted as follows:

RESOLUTION NO. 93-10
BY: ALDERPERSON G. JOHN RUFFOLO
TO REGISTER THE OBJECTION OF THE COMMON COUNCIL TO THE DECISION BY AT&T TO REMOVE THE WHITE PAGES FROM THE TELEPHONE DIRECTORY

WHEREAS, AT&T Inc., doing business at AT&T Advertising Solutions annually publishes the telephone directory book under the title “The Real Yellow Pages” ®; and,

WHEREAS, AT&T has been producing telephone directories under its current corporation and its predecessor corporation for at least 80 years; and,

WHEREAS, current telephone directories have sections entitled “white pages”, red (business) pages, and “yellow pages”; and,

WHEREAS, the white pages have residential listings for all telephone subscribers in a certain geographic area; and,

WHEREAS, the yellow pages are a commercial production of AT&T whereby businesses may advertise; and,

WHEREAS, citizens of all ages have come to rely on entries in the white, red, and yellow pages as sources of telephone numbers and addresses; and,

WHEREAS, recently the proliferation of internet-based white pages have become a means for younger segments of society to look up telephone numbers; and,

WHEREAS, the proliferation of the internet-based white pages has caused AT&T to make a business decision to cease publishing white pages as part of its hard copy telephone directory; and,

WHEREAS, such decision by AT&T has a drastic effect on those persons who have limited or no internet access; and,

WHEREAS, the segment of the population without access to the internet is disproportionately composed of senior citizens.

NOW THEREFORE BE IT RESOLVED that the Common Council for the City of Kenosha does hereby register it's protest to AT&T for its decision to cease publishing the white pages thereby creating a severely detrimental effect on the senior citizens of the City of Kenosha.

BE IT FURTHER BE IT RESOLVED that the City Clerk is directed to send a copy of this resolution to all executive levels of AT&T directly servicing the citizens of the City of Kenosha.

Adopted this 21st day of June, 2010.

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.6. It was moved by Alderpreson Nudo, seconded by Aldperson Juliana to adopt Resolution 94-10. On a voice vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 94-10
BY: ALDERPERSON ANTHONY NUDO ALDERPERSON STEVE BOSTROM ALDERPERSON THEODORE RUFFALO
OPPOSING THE DECISION BY THE STATE OF WISCONSIN TO LIMIT THE FUNDING FOR MAINTENANCE OF MEDIANS

WHEREAS, there exist grass-covered medians in the City of Kenosha that separate lanes of traffic in a particular right-of -way; and,

WHEREAS, well-maintained grass-covered medians serve an aesthetic purpose by softening the hardscape of the concrete roadways with live plantings; and,

WHEREAS, grass-covered medians provide a stormwater run-off-reduction function by providing a pervious surface for infiltration of rainwater; and,

WHEREAS, grass-covered medians, when unkempt, create blighting aspects to the City; and,

WHEREAS, grass-covered medians, when unkempt, create traffic hazards; and,

WHEREAS, the County of Kenosha has the authority and the obligation to maintain the medians within the City that are within the rights-of-way of state highways; and,

WHEREAS, due to the costs of control of the medians, neither the County of Kenosha nor the City of Kenosha has the financial ability to keep the State's medians controlled and hence, the County of Kenosha has been reimbursed by the State of Wisconsin for the costs incurred by the County of Kenosha in maintaining the rights-of-way on state highways within the City of Kenosha; and,

WHEREAS, for fiscal year 2010, the State of Wisconsin has decreased reimbursing the County for maintenance of the rights-of-way within the City of Kenosha to allow for only two cuttings; and,

WHEREAS, relegating maintenance of the rights-of-way to only two cuttings per season will result in an unkempt medians; and

WHEREAS, the State's decision to decrease the reimbursement to only two cuttings per season has

resulted in blighting effects and traffic hazards in the City of Kenosha.

NOW THEREFORE BE IT RESOLVED that the Common Council for the City of Kenosha does register its opposition to the decision of the State of Wisconsin to limit the reimbursement to the County of Kenosha for the costs of cutting rights-of-way for state highways within the City of Kenosha in a manner that leaves the medians potentially dangerous and aesthetically unpleasing.

BE IT FURTHER BE IT RESOLVED that the City Clerk is directed to send a copy of this resolution to the Governor, and to the legislative delegation to the State representing districts in the City of Kenosha.

Adopted this 21st day of June, 2010.

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.7. It was moved by Alderperson Nudo, seconded by Alderperson Bogdala to approve Resolution 95-10.

H.7.1. It was moved by Alderperson Bostrom, seconded by Alderperson Ruffalo to amend by adding that Administration encourage adding the Uptown Business Improvement District to the parade route for next year. On a voice vote, motion carried.

On a voice vote, motion to approve carried and Resolution 95-10 was thereupon approved as follows:

RESOLUTION NO. 95-10
BY: ALDERPERSON THEODORE RUFFALO
ALDERPERSON STEVE BOSTROM
TO URGE THE MAYOR TO EXTEND THE INDEPENDENCE DAY PARADE THROUGH DOWNTOWN KENOSHA

WHEREAS, the Independence Day parade has become a public institution anticipated each year by the citizens of the City of Kenosha and of the surrounding incorporated and unincorporated areas of the community; and,

WHEREAS, the route has changed over the years since its inception in 1976, when it replaced the former Memorial Day Parade as the Civic parade event; and,

WHEREAS, the current event includes travel eastbound on 60th Street from 22nd Avenue to Library Square thence to Wolfenbuttel Park as a dispersal area; and,

WHEREAS, thousands of people come to the City of Kenosha to witness the Independence Day parade from all over the local community and Kenosha County; and,

WHEREAS, in these tough economic times, exposure for the business in the downtown would be beneficial; and,

WHEREAS, the City of Kenosha should take advantage of every opportunity to reinforce and ensure the success of businesses within our community; and,

WHEREAS, there are ample locations, along or near 6th avenue to position a reviewing stand, such as in front of the Municipal Office Building (City Hall); and,

WHEREAS, logistically feasible dispersal areas for the staging of parade participants' busses and other vehicles exist on or near 6th avenue, such as the Municipal Office Building (City Hall), which have more adequate parking associated with or near it; and,

WHEREAS, in these tough economic times, exposure for the businesses in the Uptown BID would be beneficial; and,

WHEREAS, the route had previously included travel northbound on 22nd Avenue from Roosevelt Road to 60th Street through the Uptown BID; and,

WHEREAS, it is not feasible to alter the starting point of the Independence Day parade at this time but would be feasible in future years; and,

NOW, THEREFORE BE IT RESOLVED that the Common Council urges the Mayor to extend the City's Independence Day Parade from Library Park through the downtown on 6th avenue to a logistically feasible dispersal area; and,

BE IT FURTHER RESOLVED that the Common Council urges the Mayor to consider altering the City's

Independence Day Parade route beginning in 2011 to include the Uptown BID area.

Adopted this 21st day of June, 2010.

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.8. It was moved by Alderperson Nudo, seconded by Alderperson Green to approve Resolution 96-10. On a voice vote, motion carried and said resolution was thereupon approved as follows:

RESOLUTION #96-10
BY: THE MAYOR
Resolution to Approve a New Labor Agreement for 2010 Between the City of Kenosha and the Crossing Guards Association

WHEREAS, a voluntary tentative settlement agreement has been reached between the City of Kenosha and the Crossing Guard Association; and

WHEREAS, but for modifying the appropriate effective dates, said tentative agreement makes no modifications in language, wage and benefit levels from the 2007-2009 agreement; and

WHEREAS, there is no additional fiscal impact to the City of Kenosha for 2010; and

WHEREAS, the Association has notified the City that their Executive Board 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 Crossing Guard Association be adopted.

Adopted this 21st day of June, 2010.

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

It was moved by Alderperson Kennedy, seconded by Alderperson Marks to approve Resolutions 97-10 and 98-10. On a voice vote, motion carried and said resolutions were thereupon approved as follows:

H.9. **RESOLUTION NO. 97-10**

BY: THE MAYOR
TO CREATE WARD 76, FOR VOTING PURPOSES, AND COMBINE THE POLLING PLACES FOR WARD 8 BOSE ELEMENTARY SCHOOL, 1900 – 15TH AVENUE

WHEREAS, Attachment Ordinance No. 12-10 attached parcel no. 80-4-222-241-0110 1900 22nd Ave, 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. 12-10 be placed in City of Kenosha Voting Ward 76, District 4, and that the polling place for ward 8 be combined to Bose Elementary School, 1900 - 15th Avenue, for voting purposes as allowed by Section 5.15 (6)(b), Wisconsin Statutes.

Adopted this 21st day of June, 2010.

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.10. **RESOLUTION NO. 98-10**

BY: THE MAYOR
TO CREATE WARDS 78 & 79, FOR VOTING PURPOSES, AND COMBINE THE POLLING PLACES FOR WARDS 32, 36, 37, 38, 39, 40, 42, 51, 58, 59, 63, 68, 70, 71, 72, and 73 GUTTORMSEN RECREATION CENTER, 5411 GREEN BAY RD

WHEREAS, Attachment Ordinance No. 38-10 and Attachment Ordinance 39-10 attached parcel no. 80-4-222-293-0 9911-38th St and 80-4-222-292-0840 10100-38th St, 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. 38-10 and Attachment Ordinance 39-10 be placed in City of Kenosha Voting Ward 78 & 79, District 16, and that the polling place for wards 32, 36, 37, 38, 39, 40, 42, 51, 58, 59, 63, 68, 70, 71, 72, and 73 be combined to the Guttormsen Recreation Center, 5411 Green Bay Rd, for voting purposes as allowed by Section 5.15 (6)(b), Wisconsin Statutes.

Adopted this 21st day of June, 2010.

APPROVED:
G. JOHN RUFFOLO, ACTING MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderperson Kennedy, seconded by Alderperson Orth, to approve:

I.1. Appointment of Jammie Orth, to the Library Board for a term to expire July 1, 2013.

I.2. Reappointment to the Library Board for a term to expire July 1, 2013:

a. Louise Mattioli
b. Diane Kastelic

I.3. Appointment of Kathryn Prozanski, to the Keep Kenosha Beautiful Commission for a term to expire May 1, 2013.

I.4. Reappointment to the Historic Preservation Commission for a term to expire June 1, 2013:

a. Don Jensen
b. Sue Dyke-O'Day

On a voice vote, motion carried.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

J.1. It was moved by Alderperson Kennedy, seconded by Alderperson Orth, to approve Award of Contract for Project 10-1128 Heating & Ventilating Upgrades Truck Wash (3735-65th Street) to Martin Peterson Company, (Kenosha, Wisconsin) in the amount of $47,000.00. (11th District)

On a voice vote, motion carried.

K. OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderperson Kennedy, seconded by Alderperson Orth, to approve:

K.1. First Amendment to the City of Kenosha/Town of Bristol Cooperative Plan Under Section 66.023, Wisconsin Statutes, Dated May 9, 2000.

K.2. Mutual Assistance Agreement with the Wisconsin Department of Military Affairs.

On a voice vote, motion carried.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

L.1. It was moved by Alderperson Kennedy, seconded by Alderperson Orth, to approve Disbursement Record #10 – $13,899,528.20.

On a voice vote, motion carried.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Downing, seconded by Alderperson Orth, to adjourn at 9:30 p.m.
On a voice vote, motion carried.

Approved:

G. JOHN RUFFOLO
ACTING MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
July 19, 2010

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

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
July 19, 2010

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

The meeting was called to order at 7:18 p.m.

On roll call, the following members of the Common Council were present: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana, Marks, Green, Kennedy, Nudo, Bostrom, Misner, Orth, Downing and Bogdala. Excused: 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.

It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad, to approve the minutes of the meeting held June 21, 2010.

Motion carried unanimously.

Eight (8) Citizens spoke during Citizen's Comments: Dino Katris, Stace Tenuta, Bob Danbeck, Susan Anderson, Yolanda Adams, Nettie Ford, Terry Rose and Terrence O'Bannon.

MATTERS REFERRED TO THE COMMITTEES BY THE MAYOR

a. Proposed Zoning Ordinance to Repeal and Recreate Subparagraphs 4.06 B.9. F .g., and h. and the Definition of Recycling Collection Center in Section 12.

b. First Industrial Investment II, LLC Indemnity Agreement.

At this time, the Mayor and members of the Mayor's Youth Commission presented Mayor's Youth Commission awards.

A. REFERRALS

TO THE COMMITTEE ON FINANCE

A.1. Proposed Ordinance by Alderperson G. John Ruffolo - To Create Subsection 1.06 Y. of the Code of General Ordinances, Entitled "Aldermanic Notice". (Also referred to Public Safety & Welfare Committee, Public Works Committee, & Licensing/Permit Committee)

A.2. Proposed Ordinance by Alderperson G. John Ruffolo - To Create Subsection 1.05 Q. of the Code of General Ordinances, Entitled "Aldermanic Notice". (Also referred to Public Safety & Welfare Committee, Public Works Committee, & Licensing/Permit Committee)

TO THE PUBLIC WORKS COMMITTEE

A.3. Resolution to approve a three-lot Certified Survey Map to be located at 6419 Green Bay Road, District #17. (T Properties, LLC) (Also refer to City Plan Commission)

A.4. Proposed Ordinance by Alderperson Ray Misner – To Create Paragraph 5.11 B.5. Of the code of General Ordinances Regarding Sidewalks and Alleys to be Kept Clean by Responsible Party.

A.5. Resolution to amend the Official Map for the City of Kenosha, WI, to rescind the designation of 21st Street from 27th Avenue to the existing terminus, west of 26th Avenue, pursuant to Section 62.23(6), Wisconsin Statutes, District #5. (Also referred to City Plan Commission)

TO THE PUBLIC SAFETY AND WELFARE COMMITTEE

A.6. Proposed Ordinance by Alderperson Anthony Nudo - To Create Subsection 7.126 B. 6. of the Code of General Ordinances Entitled "Owner" and to Repeal and Recreate Subsection 7.126 C. of the Code of General Ordinances, Regarding "Prohibition".

A.7. Proposed Ordinance by Alderperson Steve Bostrom – To Create Section 13.011 of the Code of General Ordinances of the City of Kenosha, Wisconsin, Entitled "Recycling Center Activity License".

A.8. Proposed Ordinance by Alderperson Rocco LaMacchia Sr – To Repeal & Create Section 4.05 of the Code of General Ordinances and to Rename Section 4.05 Smoking Prohibited, Adopting Statewide Smoking Prohibition.

TO THE CITY PLAN COMMISSION

A.9. Zoning Ordinance to Create Subsection 18.02 of the Zoning Ordinance to Amend the Comprehensive Plan to Remove the Future Street Designation of 21st Street, between 27th Avenue and the existing terminus, West of 26th Avenue, District #5.

A.10. Request to extend the Conditional Use permit for a 60-unit senior apartment complex to be located at 3508 7th Avenue, District #1. (Casa Del Mar)

TO THE LICENSING/PERMIT COMMITTEE

A.11. Complaint Against the Lighthouse Bistro and The Coffee Pot regarding Violation of Section 10.075 E.

A.12. Application of Int U Unted Aero & Ag Wkers Am Local 72 for a new Class "B" Beer/ "Class B" Liquor located at 3615 Washington Rd.

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to approve:

a. 85 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. 2 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.

On a voice vote, motion carried.

B.2. It was moved by Alderman Downing, seconded by Alderman Nudo, to DENY request for a Distance and Density Exception for a 6-bed Community Based Residential Facility to be located at 6225-91st Avenue. (17th District) (Crabtree)

A public hearing was held. No one spoke.

On roll call vote, motion carried (11-5) with Alderpersons Kennedy, Nudo, Bostrom, LaMacchia and Ohnstad voting nay.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve the following applications for new Operator's (Bartender) licenses, subject to:

-25 demerit points:

a. Kristina Henley

-50 demerit points:

b. Stephanie Woyach

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

C.2. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve application of DeAnna Pizzala for a new Operator's (Bartender) license, subject to 85 demerit points.

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

C.3. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve the following applications for new Operator's (Bartender) licenses, subject to:

-5 demerit points:

a. Rachel Krueger

-25 demerit points:

b. Pamela Burgess

c. Martin Diaz
d. Kris Falkenhainer
-50 demerit points:
e. Ryan Bella
f. Karla Gutierrez
g. Hector Mendoza
h. Debbie Barnes (withdrawn)
i. James Ryan
j. Dawn Pasch
k. Edgar Perez
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.4. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to DENY the following applications for new Operator's (Bartender) licenses based on outstanding warrant:
a. Amber Mucklin
b. Venesse Franceschi
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.5. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to refer the application of Chance Bringman for a new Operator's (Bartender) license back to the Licensing/Permit Committee.
A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.
C.6. It was moved by Alderperson Nudo, seconded by Alderperson Green, to DENY the following applications for a new Operator's (Bartender) license, based on material police record & false application:
a. Ryan Rafeldt (Licensing/Permit Committee recommended to grant, subject to 85 demerit points)
b. Stephanie Covelli
C.6.1. It was then moved by Alderperson Kennedy, seconded by Alderperson Ohnstad to separate action on C.6.a. from C.6.b. On a voice vote, motion carried.
A hearing was held. Ryan Rafeldt was present and spoke.
C.6.2. It was moved by Alderperson Nudo, seconded by Alderperson LaMacchia, to approve applicant a. subject to 85 demerit points. On a voice vote, motion carried.
C.6.3. It was moved by Alderperson Juliana, seconded by Alderperson Green to DENY applicant b. based on material police record and false application.
On a voice vote, motion carried.
C.7. It was moved by Alderperson LaMacchia, seconded by Alderperson Green, to approve the following applications for renewal of Operator's (Bartender) licenses, subject to:
-0 demerit points:
a. Jamie Tegel
b. Julie Snowtala
c. Christine Tabili
-25 demerit points:
d. Lisa Kuhn
e. Patricia Briese
-30 demerit points:
f. Joan Marie Eckert
-50 demerit points:
g. Graciela Perez
h. Amber Hessefort
-55 demerit points:
i. Michelle Smith
-75 demerit points:
j. Chantel Perez
k. Stace Tenuta

l. Felicia Swigert
Non-renewal Revocation Hearing:
m. Manpreet Kaur
n. Andrew Hawbaker
o. Michelle Statema
A hearing was held. Applicants i., k. and m. were present and spoke.
On a voice vote, motion carried with Alderperson Bogdala voting no on application k. Stace Tenuta.
C.8. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to applications for the following renewal of Operator's (Bartender) licenses, subject to:
-0 demerit points:
a. Benjamin Michaelis
b. Edward Fisher
c. Phillip Zuzinec
-25 demerit points:
d. Lawrence Huml, III
-50 demerit points:
e. Robin George
f. Malkit Kanda
g. Najaf Mian
-75 demerit points:
h. Christopher Bella
i. Teresa Guerrero
j. Patricia Castillo
Non-renewal Revocation Hearing:
k. Sallie McMillan
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.9. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve application of Paula Klopstein for renewal of a Operator's (Bartender) license subject to 85 demerit points.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.10. It was moved by Alderperson Nudo, seconded by Alderperson Green, to DENY the application of Ashley Gastaldi for renewal of a Operator's (Bartender) license.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.11. It was moved by Alderperson Nudo, seconded by Alderperson Michalski, to approve the following applications for new Taxi Driver's licenses, subject to:
-10 demerit points:
a. Gary Plutchak
-60 demerit points:
b. Robert Eyler
-65 demerit points:
c. William Bornhuetter, Jr.
-70 demerit points:
d. Sean Hall
A hearing was held. The applicant c. was present and spoke. On a voice vote, motion carried.
C.12. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve application of Patrick Curran for a new Taxi Driver license, subject to 80 demerit points.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.13. It was moved by Alderperson Nudo, seconded by Alderperson Bostrom, to application of Christopher Tolliver for a new Taxi Driver License, subject to 40 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.14. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to DENY the following

applications for a new Taxi Driver's licenses based on:
-material police record
a. Gurjit Singh
b. Marks Lees
-material police and false application
c. Terrence O'Bannon
d. Austin Smith
e. Michael DeBois

A hearing was held. The applicants b. and d. were present and spoke.

C.14.1 It was moved by Alderperson Kennedy, seconded by Alderperson Juliana to separate action on applications a. b. d. and e. from applicant c. On a voice vote, motion carried.

On a voice vote, motion to DENY applicants a. b. d. and e. carried.

C.14.2 It was moved by Alderperson Kennedy, seconded by Alderperson Michalski to refer application c. back to the Licensing/Permit Committee.

On roll call vote, motion tied (8-8) with Alderpersons Haugaard, Kennedy, Orth, Michalski, LaMacchia, Ohnstad, Juliana and Marks voting aye. Mayor Bosman then voted aye to break the tie and motion carried.

C.15. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to DENY application of Norman T. Rosseland for a new Taxi Driver's license based on lack of information related to police record. On a voice vote, motion carried.

C.16. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to approve application of Harp & Eagle for a Cabaret License (1-year term) located at 125 - 56th Street, Unit 102, (Ashling on the Lough). (2nd District)

A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.17. It was moved by Alderperson Downing, seconded by Alderperson Green, to approve application of BC Tavern of Kenosha, Inc., for a Cabaret License (1-year term) located at 4626 Sheridan Road, (Library Bar).

A hearing was held. Attorney Loren Keating was present and spoke on behalf of the applicant.

On roll call vote, motion failed (7-9) with Alderpersons Kennedy, Nudo, Bostrom, Orth, Downing, LaMacchia and Juliana voting aye.

C.17.1 It was moved by Alderperson Ruffalo, seconded by Alderperson Ohnstad to DENY based on incompatability with neighborhood.

On roll call vote, motion carried (10-6) with Alderpersons Kennedy, Orth, Downing, LaMacchia, Juliana and Green voting nay.

C.18. It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad, to DENY Application of Las Cazuelas Mexican Grill LLC, for a Cabaret License (1-year term) located at 2200 - 60th Street (Las Cazuelas Mexican Grill), based on adverse recommendation by Kenosha Police Department.

A hearing was held. Attorney Terry Rose was present and spoke on behalf of the applicant.

C.18.1 It was moved by Alderperson Misner, seconded by Alderperson Kennedy to refer the application back to the Licensing/Permit Committee. On a voice vote, motion carried.

C.19. It was moved by Alderperson Nudo, seconded by Alderperson Orth, to:
a. Approve application for a Cabaret License (1-year term) KET, LLC, 4706 - 75th Street (Tailgators) (15th District)
b. DENY application for a Cabaret Licenses (1-year term) Aces 1 LLC, 2901 - 60th Street (Bacis)(11th District)

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

On a voice vote, motion carried.

C.20. The application of GMR Entertianment LLC, for a Cabaret License (1-year term) located at 6218 - 22nd Avenue (La Frontera) was deferred by the Licensing/Permit Committee.

C.21. It was moved by Alderperson Nudo, seconded by Alderperson Downing to approve the application of Danny Gervais, for an Outdoor Area Amplified Music and/or Cabaret License located at 5305 – 60th Street (George's Club Highview), August 7th and 8th, 2010. A hearing was held. The applicant was not present. On a voice vote, motion carried.

C.22. It was moved by Alderperson Nudo, seconded by Alderperson Ruffalo, to approve application of Gianni's Restaurant & Lounge LLC, Juan Varela, Agent, for renewal of a Class "B" Beer/"Class B" Liquor License located at 4814 Sheridan Road (Gianni's Restaurant & Lounge).

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

C.23. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve application of S&V Partnership, LLP, Himmat S. Gill, Agent, for a new "Class A" Liquor License located at 2828-75th Street (American Gas). Alderperson Misner, Chairman of the Licensing/Permit Committee noted that there is one "Class A" Liquor license available. Therefore, items C. 23 and C.24 should be heard together. The Mayor agreed. A hearing was held. The attorney for applicant C.23 was present and spoke.

C.24. Application of Dilip V. Prajapati, for a new "Class A" Liquor License located at 6525-26th Ave (One Stop Grocery). A hearing was held. The attorney for applicant C. 24 was present and spoke.

During discussion, at approximately 10:00 p.m., the Common Council recessed until approximately 10:15 p.m.

It was moved by Alderperson Bostrom, seconded by Alderperson Green to defer applications C.23 and C.24 for two weeks. On roll call vote, motion carried (11-5) with Alderpersons Kennedy, Orth, Downing, Michalski and Juliana voting nay.

C.25. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve the following applications for an Outdoor Extension (of the Class "B" Beer/"Class B" Liquor License):

A hearing was held. The applicants were present and spoke.

a. Texas Roadhouse Holdings, LLC, 7121-118th Ave (Texas Roadhouse) - approve 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).
(17th District)

b. Dishes to Die For, Inc., 4120 - 7th Ave (TG's Restaurant & Pub) - DENY request to waive the fence requirement (2nd District).

On a voice vote, motion carried.

C.26. It was moved by Alderperson Juliana, seconded by Alderperson Green, to approve the following applications for an Outdoor Extension (of the Class "B" Beer/"Class B" Liquor License) and a request to change the closing hours to 12:00 Midnight:

a. KRYN, Inc., 7517-22nd Avenue (Sunnyside Club) (3rd District)

b. Stellar Management, LLC, 1819-52nd Street (Norm's So Seldom Inn) (7th District)

A hearing was held. The applicants were present and spoke. On a voice vote, motion carried.

C.27. It was moved by Alderperson Juliana, seconded by Alderperson Michalski, to approve the following applications for Outdoor Extensions (of the Class "B" Beer/"Class B" Liquor License):

A hearing was held. Applicants c. and e. were present and spoke.

a. Daniel Nicolazzi, 714 - 50th St. (Port of Kenosha Beverage House) (2nd District) - approve request to change the closing hour to 12:00 Midnight.

b. Imagine4 LLC, 3000 Roosevelt Rd (Big Shotz Sports Bar) (12th District) - approve request to change the closing hour to 12:00 Midnight.

c. Coins Sports Bar Inc, 1714-52nd St (Coins Sport Bar)(7th District) - approve north and east section, defer southern sections and approve request to change the closing hour to 12:00 Midnight.

d. Rick's Legends Bar & Restaurant Inc., 3013-60th St (Rick's Legends Bar & Restaurant) (11th District) - approve request to change the closing hour to 12:00 Midnight.

e. Aces 1 LLC, 2901-60th St (Bacis) (11th District) - closing hour to 10:00 p.m.

f. G-Knows, 1912-52nd St (Rumors) (7th District) - approve request to change the closing hour to 12:00 Midnight.

On a voice vote, motion carried.

C.28. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve applications for the following Outdoor Extensions and requests to change the closing hours to midnight (of the Class "B" Beer/"Class B" Liquor License):

a. Mariah's of Kenosha County Inc., 2724 Roosevelt Rd (Mariah's Neighborhood Bar) (12th District)

b. KET, LLC, 4706-75th Street (Tailgators) (15th District)
A hearing was held. Applicant a. was present and spoke. On a voice vote, motion carried.
C.29. It was moved by Alderperson Nudo, seconded by Alderperson Ruffalo, to DENY application of Otallah Amad for a Secondhand Article Dealer License and a Secondhand Jewelry Dealer License located at 3825 Roosevelt Road (Jewelry & Electronics Exchange) based on incomplete application.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.

D. ORDINANCES 1ST READING

It was moved by Alderperson Nudo, seconded by Alderperson Juliana to send the following ordinances on their way after being read:
D.1. By Committee on Public Safety and Welfare – To Provide Yield Control for 18th Place and 16th Avenue (To Amend Section 7.125 of the Code of General Ordinances Entitled, "Streets Controlled by Yield Signs" to Include East/West Yield Signs on 18th Place Before Entering its Intersection with 16th Avenue) (1st District)
D.2. By Committee on Public Safety and Welfare – To Change Intersection Yield Control from E/W to N/S for 53rd Street and 35th Avenue (To Amend Section 7.125 of the Code of General Ordinances Entitled, "Streets Controlled by Yield Signs" to Include North/South Yield Signs on 35th Avenue Before Entering its Intersection with 53rd Street). (11th District)
D.3. By Committee on Public Safety and Welfare – To Change Yield to Stop Control for 111th Avenue at 61st Street (To Amend Section 7.125 of the Code of General Ordinances Entitled, "Streets Controlled by Yield Signs" by Rescinding the Yield Sign on 61st Street at its Intersection with 111th Avenue and to Amend Section 7.12 B of the Code of General Ordinances Entitiled "Stop Streets" to Include a Four Way Stop at the Intersection of 111th Avenue and 61st Street. (17th District)
D.4. By Alderperson Jan Michalski – To Renumber Section 4.07 (of the Code of General Ordinances), Entitled "Penalties″ as Section 4.08; and, to Create Section 4.07 (of the Code of General Ordinances), Entitled: "Artificial Light and Glare″.
On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

F. ORDINANCES 2ND READING

It was moved by Alderperson Juliana, seconded by Alderperson Kennedy to defer F.1 through F.3 for 90 days. A public hearing was held. No one spoke.
On a voice vote, the following ordinances were deferred for 90 days:
F.1. By Alderperson Patrick Juliana - To Amend Subsection 1.03 B. Paragraph 2, (of the Code of General Ordinances), Regarding Majority.
F.2. By Alderperson Patrick Juliana - To Repeal and Recreate Subsection 1.03 C.2. (of the Code of General Ordinances), Regarding Committee Composition.
F.3. By Alderperson Patrick Juliana - To Repeal and Recreate Subsection 1.03 C.6. (of the Code of General Ordinances), Regarding Agenda of Committee.
On a voice vote, motion carried.
F.4. It was moved by Alderperson Downing, seconded by Alderperson Ohnstad, to adopt Ordinance 41-10.
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. 41-10
BY: ALDERPERSON PATRICK JULIANA
TO REPEAL AND RECREATE SECTION 7.02 OF THE CODE OF GENERAL ORDINANCES, REGARDING SPEED LIMITS.

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:
Section One: Section 7.02 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

State Speed Limits Adopted. The provisions of §§346.57, 346.58 and 346.59 of the Wisconsin Statutes, relating to the maximum and minimum speed of vehicles are hereby adopted as part of this Section as if fully set forth herein.

Pursuant to §349.11(1) of the Wisconsin Statutes, and with the approval of the State Department of Transportation when required, the speed limits shall be as indicated below on the following streets:

14th Avenue from 57th Street - 59th Street – 15 MPH

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

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

F.5. It was moved by Alderperson Ruffolo, seconded by Alderperson Nudo, to adopt Ordinance 42-10.

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. 42-10
BY: ALDERPERSON G. JOHN RUFFOLO
TO REPEAL AND RECREATE SUBSECTION 7.04 1.d. OF THE CODE OF GENERAL ORDINANCES, ENTITLED PARKING REGULATIONS - HAZARD

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

Section One: Subsection 7.04 1. d. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

d. Within 5 feet of a rural mailbox, between the hours of 9:00 A.M. and 4:00 P.M., excluding Sundays and holidays.

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

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

F.6. It was moved by Alderperson Bostrom, seconded by Alderperson JuIiana to defer By the Mayor – Attachment and Temporary Zoning District Classification Ordinance – 9525 60th Street (Under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers State Approved Cooperative Plan, Parcel 80-4-122-0501-0160) (Wright/Schmidt)

A public hearing was held. One person spoke in favor of said ordinance.

On a voice vote, motion carried.

G. ZONING ORDINANCES 2ND READING

H. RESOLUTIONS

H.1. The Finance Committee chose not to sponsor the Resolution By Finance Committee – To Provide a Contribution for Attorney Fees Incurred by Richard Meeker (Request of Richard F. Meeker for reimbursement of legal fees incurred in prosecuting an employment claim against the City). Alderperson Misner and Downing volunteered sponsorship. It was then moved by Alderperson Misner, seconded by Alderperson Juliana to defer the Resolution for two weeks. On a voice vote, motion carried.

It was moved by Alderperson Kennedy, seconded by Alderperson Downing to adopt Resolutions 99-10 through 105-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.2. **RESOLUTION NO. 99-10**

BY: Finance Committee
To Amend the City of Kenosha Capital Improvement Program for 2008 and 2009
By Creating Lines PK10-002 "Lakefront Water Feature" in the Amounts of $29,000 and $60,000

Respectively and Reducing Lines PK03-001"Park Renovations" and PK95-004 "Park Facility Renovations" in the Amounts of $29,000 and $60,000 Respectively For a Net Change of $0

WHEREAS, it has been determined by Engineering that additional funding will be needed in order to complete the Lakefront Water Feature project; and

WHEREAS, there are open authorization balances for Park Renovation purposes; and

WHEREAS, the above amendment to the Capital Improvement Program has been approved by the Park Commission on July 12, 2010 and the Finance Committee on July 19, 2010;

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	*Description*	*Available Authorization*	*Authorization Adjustment*	*Amended Authorization*
PK 03-001	Park Renovations(2008)	29,000	-29,000	-0-
PK 95-004	Park Facility Renovations(2009)	60,000	-60,000	0
PK10-002	Lakefront Water Feature(2008)	-0-	29,000	29,000
PK10-002	Lakefront Water Feature(2009)	-0-	60,000	60,000

Adopted this 19th day of July, 2010.

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

H.3. a. **RESOLUTION NO. 100-10**
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 2010, in the total amount of $19,006.25, 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 July, 2010.

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

b. RESOLUTION NO. 101-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Property Maintenance Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2010, in the total amount of $1,552.00, 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 July, 2010.

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

c. RESOLUTION NO. 102-10

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 2010, in the total amount of $3,491.10, 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 19th day of July, 2010.

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

d. RESOLUTION NO. 103-10
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 2010, in the total amount of $530.00, 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 July, 2010.

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

e. RESOLUTION NO. 104-10
BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Graffiti Removal
(Miscellaneous Assessment)

BE IT RESOLVED, that special assessments for graffiti removal during 2010, in the total amount of $550.00, 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 July, 2010

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

e. RESOLUTION NO. 105-10
BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Trimming/Removing Bushes for Visual Clearance
(Miscellaneous Assessment)

BE IT RESOLVED, that special assessments for graffiti removal during 2010, in the total amount of $420.00, 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 July, 2010

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

H.4. It was moved by Alderperson Bostrom, seconded by Alderperson Green to adopt Resolution 106-10. 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 106-10

By Committee on Public Works - To Vacate a Portion of 67th Street West of 38th Avenue (pursuant to

section 66.1003(4), Wisconsin Statutes) [Vite/Nudo]

WHEREAS, the public interest requires the vacation of a portion of 67th Street located West of 38th 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, the public right-of-way, described in Exhibit "A" and legally described as follows:

Part of 67th Street lying west of 38th Avenue in Highland View, a subdivision of record in the Northwest Quarter and Southwest Quarter of Section 1, Town 1 North, Range 22 East of the Fourth Principal Meridian; that part of 67th Street to be vacated being further described and bounded as follows:

Bounded on the North by the south line of Lot 217 in said subdivision;

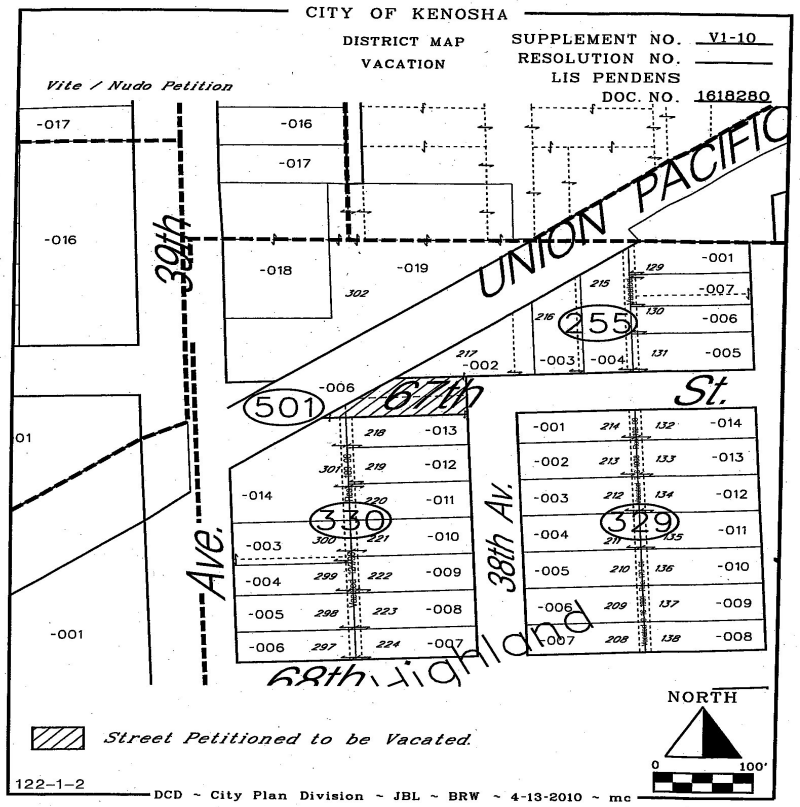
bounded on the East by the northerly extension of the west line of 38th Avenue, (shown on the recorded plat of said subdivision as 8th Avenue); bounded on the South by the north line, and its extension easterly and westerly of Lots 218 and 301 of said subdivision and bounded on the West by the southeasterly line of the Union Pacific Railroad, (shown on the recorded plat of said subdivision as the Chicago and North Western Railroad).

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, AT&T (formerly S.B.C. or 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. Any easement holder however may waive their rights hereunder and consent to the construction of a building or structure upon vacated property.

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



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 rights-of-way, which changes are established in this Resolution.

Adopted this 19th day of July, 2010.

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

H.5. It was moved by Alderperson Michalski, seconded by Alderperson Green to adopt Resolution 107-10. A public hearing was held. No one spoke for or against said resolution. On roll call vote, motion carried (15-1) with Alderperson Kennedy voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 107-10
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 7th day of July, 2010, 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 66.0627, 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 8th day of July, 2010, 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 66.0703(13), 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 July, 2010.

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

H.6. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy to adopt Resolution 108-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 108-10
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO DESIGNATE A "NO PARKING RESTRICTION", FOR THE SOUTH SIDE OF 35th STREET FROM 7th AVENUE WEST TO SHERIDAN ROAD.

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the south side of 35th Street, from 7th Avenue west to Sheridan Road, be and hereby is designated as "NO PARKING RESTRICTION".

Adopted this 19th day of July, 2010.

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

At this time, 11:30 p.m., it was moved by Alderperson Kennedy, seconded by Alderperson Juliana to extend the meeting. On a voice vote, motion carried.

H.7. It was moved by Alderperson Nudo, seconded by Alderperson Green to adopt the proposed resolution BY: ALDERMAN ANTHONY NUDO - TO ENACT A SPECIAL ENFORCEMENT PROGRAM TO REDUCE CRIMINAL GANG ACTIVITY IN THE MCKINLEY AREA.

H.7.1. After much discussion, it was moved by Alderperson Michalski, seconded by Alderperson Ruffolo to move the previous question (terminate debate-2/3 vote of members present). On roll call vote, motion failed (9-7) with Alderpersons Haugaard, Kennedy, Nudo, Misner, Orth, Downing and Bogdala voting nay.

On roll call vote, motion to adopt the proposed resolution BY: ALDERMAN ANTHONY NUDO - TO ENACT A SPECIAL ENFORCEMENT PROGRAM TO REDUCE CRIMINAL GANG ACTIVITY IN THE MCKINLEY AREA failed (7-9) with Alderpersons Nudo, Bostrom, Misner, Downing, Bogdala, Ruffalo and Ruffolo voting aye.

H.8. It was moved by alderperson Ruffolo, seconded by Alderperson Nudo to adopt Resolution 109-10. On roll call vote, motion carried unanimously and said Resolution was thereupon adopted as follows:

RESOLUTION # 109 - 10
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 the Wisconsin Plant Recovery Initiative Assessment Money (WAM) – Community-Managed Funds

WHEREAS, the City of Kenosha, Wisconsin, recognizes that environmental assessment of brownfield sites is an important part of protection of Wisconsin's resources; and

WHEREAS, the City of Kenosha declares its intent to complete the WAM Community-Managed Funds Award Activities described in the application if awarded funds in this action; and

WHEREAS, the City of Kenosha will maintain appropriate records documenting all expenditures made during the WAM Community-Managed Funds award period; and

WHEREAS, the City of Kenosha will allow employees from the Department of Natural Resources (DNR) access to inspect the award site or facility and the award records; and

WHEREAS, the City of Kenosha will submit a final report to the DNR which will accompany the final payment request.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kenosha, that the City of Kenosha requests funds and assistance available from the DNR under the WAM Community-Managed Funds program and will comply with the State rules for the program.

BE IT FURTHER RESOLVED, that the Common Council of the City of Kenosha, Wisconsin, authorizes Frank Pacetti, City Administrator, to act on behalf of the City of Kenosha to submit an application to the DNR for financial aid, to sign documents and to take necessary action to undertake, direct and complete approved grant activities.

Adopted this 19th day of July, 2010.

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

H.9. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy 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 #80-4-122-051-0160) at 9525 60th Street in the Town of Somers,(Kenosha County, Wisconsin, in accordance with the City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 of the Wisconsin Statutes, District #17). (Wright/Schmidt) for 2 weeks. On a voice vote, motion carried.

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderperson Nudo, seconded by Alderperson Michalski, to approve:

I.1. Appointment of Brian Hervat to the Keep Kenosha Beautiful Commission to fulfill an unexpired term to expire May 1, 2012.

I.2. Appointment of Robert Johnson to the Redevelopment Authority to fulfill an unexpired term to expire November 15, 2014.

I.3. Appointment of Robert Faelak to the Transit Commission for a term to expire June 7, 2013.

On roll call vote, motion carried unanimously.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

J.1. It was moved by Alderperson Nudo, seconded by Alderperson Michalski, to approve Award of Contracts for Projects:

a. 10-1208 Sidewalk & Curb/Gutter Program (Citywide Locations) to AZAR, LLC, (Racine, Wisconsin) - $450,000.00. (All Districts)

b. 10-1016 Resurfacing Phase III (33rd Avenue - 55th Street to 60th Street, 22nd Avenue - 35th Street to 38th Street, 50th Avenue - 67th Street to 65th Street, 53rd Street - 26th Avenue to 22nd Avenue, 104th Avenue – south of 69th Street to 1375 feet north, Fire Station No. 2) to Cicchini Asphalt, (Kenosha, Wisconsin), in the amount of $915,000.00. (5th, 7th, 9th, 11th, 15th and 17th Districts)

c. 10-1129 Interior Lighting & Electrical Upgrades Truck Wash (3735 65th Street) to Great Lakes Electric, (Kenosha, Wisconsin) - $34,000.00. (11th District)

d. 10-1130 Vehicle Wash System Installation Truck Wash (3735 65th Street) to InterClean Equipment, (Ypsilanti, Michigan) - $275,000.00. (11th District)

J.2. Overpass Painting (Sheridan Road & 11th Avenue, 52nd Street & 13th Avenue, 60th Street & 13th Avenue)

to Mill Coatings, Inc., (Suamico, Wisconsin) in the amount of $70,000. (Districts 7 & 8)
J.3. Municipal Office Building Parking Lot Improvements (625 52nd Street) to Cicchini Asphalt, LLC, in the amount of $350,000.00. (District 2)
On roll call vote, motion carried unanimously.

K. OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderperson Nudo, seconded by Alderperson Michalski, to approve:
K.1. Temporary Limited Easement between the City of Kenosha for the 27th Street Right-of-Way from 39th Avenue to 47th Avenue. (5th District)
a. Paul Evans
b. Kenosha Unified School District
K.2. Acquisition of Rights for the West Frontage Road Project from 60th Street to 71st Street. (17th District)
a. Country Inn of Kenosha
b. Evelyn Roberts
On roll call vote, motion carried unanimously.
K.3. It was moved by Alderperson Michalski, seconded by Alderperson Kennedy to approve Offer to Purchase Agreement by the City of Kenosha to the Bank of Kenosha for the property at 5915 Sheridan Rd in the amount of $75,000. (2nd District) On roll call vote, motion carried (14-1) with Alderperson Michalski voting nay. (Alderperson Marks not present for vote)
It was moved by Alderperson Ruffolo, seconded by Alderperson Juliana to approve:
K.4. Contract between the City and ECC for services regarding Kenosha Chrysler Facility.
K.5. Major Street Setback Encroachment Area Agreement between Stellar Management, Inc., (Norm's Bar 1819 52nd Street) and the City of Kenosha. (District 7)
K.6. 2010 CDBG Subgrantee Agreements
a. Boy Scouts of America - (After School Cub Scout Program)
b. Boys & Girls Club of Kenosha – (Youth Mentoring Program)
c. Bridges Community Center, Inc. - (Mental Health Outreach Specialist)
d. Carpenter's Home Improvement – (Carpentry Career & Tech Ed Program (KUSD))
e. Community Action Agency – (Roof Replacement/Mold Remediation/HVAC)
f. ELCA Urban Outreach Center – (Services for Low-Resource/Homeless)
g. Kemper Center, Inc. - (Ambrose Hall Door/Window Replacement)
h. Kenosha Achievement Center, Inc. - (Handicapped Accessible Entrance Ramp)
i. Kenosha Area Family & Aging Services – (Volunteer Transportation Service)
j. Kenosha Human Development Services – (Kitchen Remodel-Juvenile Shelter Care)
k. Kenosha Literacy Council, Inc. - (Literacy Program)
l. Kenosha Senior Citizens Council – (Masonry Wall Repairs/Mold Remediation)
m. Kenosha YMCA – (Frank Neighborhood Project)
n. Lemon Street Gallery & Art Space – (WiFi in Union Park Neighborhood)
o. New Song Ministries, Inc. - (Services to Reduce Recidivism) (**Alderperson Misner voting nay**)
p. Potter's Center – (Services to Strengthen Family Culture)
q. Shalom Center – (Emergency Family Shelter Program)
r. Spanish Center – (Community Outreach and Translations)
s. Urban League of Racine/Kenosha – (Second Floor Classroom/Office Construction)
t. Urban League of Racine/Kenosha – (Pre-Apprenticeship Training Program)
u. Walkin'In My Shoes, Inc. - (Survival Backpack Outreach Program)
v. WI Women's Business Initiative Corp – (Micro-Enterprise Technical Assistance/Loans)
w. Women & Children's Horizons – (Facility Improvements)
x. Women & Children's Horizons – (Legal Advocacy)
K.7. NSP Developer's Agreement between the City of Kenosha and the Kenosha Housing Authority
a. 1414 59th Street (District #8)

b. 6638 16th Avenue (District #8)
c. 5512 24th Avenue (District #7)
d. 6615 15th Avenue (District #8)
e. 2103 45th Street (District #6)
f. 5126 21st Avenue (District #7) (**f. 5126-21st Avenue- amended by Finance Committee-raze and build new building**)
K.8. Request from Kenosha Human Development Services to extend their 2009 CDBG Subgrantee Agreement.
Items K.9 through K.11 were deferred by the Finance Committee:
K.9. Contract by and between the City and Droprite Tree and Landscaping, LLC (in the amount of $60,000.00).
K.10. Contract by and between the City and Trees "R" US, INC (in the amount of $100,000.00).
K.11. Contract by and between the City and Paul Swartz Nursery and Garden Shop, INC (in the amount of $50,000.00).
K.12. Intergovernmental Agreement with State of Wisconsin Department of Natural Resources to address Leaking Underground Storage Tank(s) at the Chrysler Engine Plant.
On roll call vote, motion carried unanimously.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderperson Ruffolo, seconded by Alderperson Juliana, to approve:
L.1. 2010 Sidewalk Rates.
L.2. 2010 Justice Assistance Grant (JAG) Program.
L.3. Disbursement Record #11 – $5,596,476.18 & Disbursement Record #12 - $4,178,937.80.
On roll call vote, motion carried unanimously.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

M.1. It was moved by Alderperson Ruffolo, seconded by Alderperson Juliana to approve Final Acceptance of:
a. 08-1017 - 38th Street Reconstruction – Phase I (I-94 Frontage Road to CTH S) completed by Lalonde Contractors, (Milwaukee, Wisconsin) - $959,899.21. (PW-Ayes 6: Noes 0)
M.2.b. 09-1120 - Detention Basin Improvements (3500 Block of 39th Avenue) completed by Mann Brothers, Inc., (Elkhorn,Wisconsin), - $515,092.53. (5th District)
c. 09-1411 - Kenosha Sports Complex – Field Drainage (3800 42nd Street) completed by Wanasek Corporation, (Burlington, Wisconsin), - $333,033.00.
On roll call vote, motion carried unanimously.

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

O. REPORTS AND RECOMMENDATIONS OF BOARDS AND COMMISSIONS

It was moved by Alderperson Ruffolo, seconded by Alderperson Juliana to:
O.1. Approve Request from Kenosha History Center to waive the fees for equipment rental for an event to be held on August 7, 2010 at the Lighthouse.
O.2. Requests from St. Vincent de Paul for the following:
a. Approve use of the City's Showmobile on Saturday, September 25, 2010 at St. Therese picnic grounds.
b. DENY request to waive the fees.
O.3. Approve Request to extend the Conditional Use Permit for a contractor's storage yard to be located at 6919 51st Street. (16th District) (Southport Heating & Cooling)
O.4. Approve Request to extend the Conditional Use Permit for a 112-unit multi-family development located south of 60th Street at approximately 126th Avenue. (17th District) (Hawk's Ridge Apartments) On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Michalski, seconded by Alderperson LaMacchia, to adjourn at 12:35 a.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 2, 2010

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

KENOSHA MUNICIPAL BUILDING COUNCIL CHAMBERS ROOM 200 Monday, August 2, 2010

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

The meeting was called to order at 7:14 p.m.

On roll call, the following members of the Common Council were present: Alderpersons Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana, Marks, Green, Kennedy, Nudo, Bostrom, Misner, Prozanski, Orth, Downing and Bogdala. Excused: Alderpersons Haugaard and Marks

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 Alderperson Juliana, seconded by Alderperson Green, to approve the minutes of the meeting held July 19, 2010.

Motion carried unanimously.

Five (5) Citizens spoke during Citizen's Comments: Ed Rosinski, Herb Reuteler, Bob Danbeck, Phyllis McNab, and Mark Lisiecki.

A. REFERRALS

TO THE COMMITTEE ON PUBLIC WORKS COMMITTEE

A.1. Resolution to Amend the Official Map for the City of Kenosha, Wisconsin, to include the Attachment of Parcel #80-4-222-243-0730, located at 3408 30th 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, District #5. (Hayes Family Revocable Trust) (Also Refer to City Plan Commission)

A.2. Temporary Limited Easement between the City of Kenosha and CJVLJV, LLC for property at 6300 120th Avenue, District #17. (West Frontage Road Project)

TO THE LICENSING/PERMIT COMMITTEE

A.3. Proposed Ordinance by Alderperson Steve Bostrom – To Repeal and Recreate Subsection 10.04 C.2. of the Code of General Ordinances Regarding Restrictions.

TO THE CITY PLAN COMMISSION

A.4. Proposed Ordinance by Alderperson G. John Ruffolo, Alderperson Theodore Ruffalo, Alderperson David Bogdala and Alderperson Anthony Nudo – To Repeal and Recreate Section 2.02 A.4. Of the Zoning Ordinances Regarding the Granting of Temporary Uses.

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Kennedy, seconded by Alderperson Green, to approve:

a. 19 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. 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. 2 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.

B.2. It was moved by Alderman Kennedy, seconded by Alderman Ruffalo, to receive and file communication Regarding Beer/Liquor Licenses Declared Null and Void for Failure to Renew.

On a voice vote, motion carried.

B.3. It was moved by Alderman Downing, seconded by Alderman Kennedy, to approve Sign Appeal: Request for relief to install an L.E.D. upgrade on an existing nonconforming sign located at 3012 Washington Road (B-2 / Commercial Business)

On a voice vote, motion carried.

B.4. It was moved by Alderman Juliana, seconded by Alderman Michalski, to defer the request for a Distance and Density Exception for a 6-bed Community Based Residential Facility to be located at 6225-91st Avenue. (17th District) (Crabtree)

After much discussion, the motion to defer was withdrawn.

B.4.1. It was moved by Alderperson Juliana, seconded by Alderperson Green to reconsider.

On a voice vote, motion carried.

B.4.2. It was moved by Alderperson Juliana, seconded by Alderperson Orth to defer 120 days. On a voice vote, motion carried.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderman Bostrom, seconded by Alderman Misner, to defer the application of S&V Partnership, LLP, Himmat S. Gill, Agent, for a new "Class A" Liquor License located at 2830-75th Street (American Plaza Liquor) for 30 days.

A hearing was held. The attorney Thomas Camilli, Jr. for S & V Partnership was present and spoke.

On a voice vote, motion carried.

C.2. It was moved by Alderman Juliana, seconded by Alderman Downing, to approve the application of Dilip V. Prajapati, for a new "Class A" Liquor License located at 6525-26th Ave (One Stop Grocery). A hearing was held. Attorney McTiernan was present and spoke

On a voice vote, motion carried.

C.3. It was moved by Alderman Bostrom, seconded by Alderman Kennedy, to approve the following applications for new Operator's (Bartender) licenses, subject to:

-25 demerit points:

a. John McCarten

-50 demerit points:

b. Helena Zbilut

c. Amanda Stopa

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

C.4. It was moved by Alderman Kennedy, seconded by Alderman Green, to DENY application of Allen Portzen 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.

C.5. It was moved by Alderman Kennedy, seconded by Alderman Juliana, to approve application of Chance Bringman for new Operator's (Bartender) license, subject to 75 demerit points.

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

At this time, Alderperson Bogdala left the meeting and returned for action on item item F.1.

C.6. It was moved by Alderman Kennedy, seconded by Alderman Green, to approve the application of Kelley Eccarius for a new Taxi Driver's license, subject to 40 demerit points.

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

C.7. It was moved by Alderman Juliana, seconded by Alderman Green, to DENY the application of Terrence O'Bannon for a new Taxi Driver's license based on material police record and false application.

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

C.8. It was moved by Alderman Juliana, seconded by Alderman Kennedy, to approve the application of Kavalauskas, LLC, for an Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 2325-52nd Street, (Spanky's Bar & Grill) and approve request to change the closing hours to midnight. (7th District)

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

On a voice vote, motion carried.

C.9. It was moved by Alderman Juliana, seconded by Alderman Michalski, to approve the application of Traci Peterson, for an Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 2425 60th Street (Hattrix) and approve request to change the closing hours to midnight, subject to see-through fence above 4 feet. (7th District)

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

C.10. It was moved by Alderman Michalski, seconded by Alderman Juliana, to approve the application of Jean Campagna, for a Temporary Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 3001 - 60th Street (Shooters) for August 21, 2010 and approve request to change the closing hours to midnight. (11th District)

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

C.11. It was moved by Alderman Green, seconded by Alderman Juliana, to approve the application of Loyal Order of Moose Kenosha Lodge to change the closing hours to midnight for the Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 3003 - 30th Avenue (Moose Club) to midnight. (5th District)

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

C.12. It was moved by Alderman Juliana, seconded by Alderman Green, to approve the application of Robert Verlen, for an Outdoor Area Amplified Music Only License located at 4708 - 22nd Avenue (Flints Inn) August 14th, 2010.

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

On a voice vote, motion carried.

D. ORDINANCES 1ST READING

It was moved by Alderman Kennedy , seconded by Alderman Ohnstad, to send the following ordinances on their way:

D.1. By Public Works Committee- To Create Subsection 1.05 Q. (of the Code of General Ordinances), Entitled "Aldermanic Notice".

D.2. By Public Works Committee - To Create Subsection 1.06 Y. (of the Code of General Ordinances), Entitled "Aldermanic Notice".

D.3. By Alderperson Jesse Downing – To Repeal and Recreate Subsection 10.075 D.3. (of the Code of General Ordinances) Regarding Fencing For Outdoor Areas.

D.4. By Alderperson Anthony Nudo - To Create Subsection 7.126 B. 6. (of the Code of General Ordinances) Entitled "Owner" and to Repeal and Recreate Subsection 7.126 C. (of the Code of General Ordinances), Regarding "Prohibition".

D.5. By Alderperson Steve Bostrom - To Create Section 13.011 (of the Code of General Ordinances) of the City of Kenosha, Wisconsin, Entitled "Recycling Center Activity License"

D.6. By Alderperson Rocco LaMacchia, Sr. - To Repeal and Create Section 4.05 (of the Code of General Ordinances) and to Rename Section 4.05 Smoking Prohibited, Adopting Statewide Smoking Prohibition.

D.7. By the Mayor - Attachment and Zoning District Classification Ordinance (Under Section 66.0307 Wisconsin Statutes, City of Kenosha/Town of Somers Approved Cooperative Plan) #80-4-222-243-0730 located at 3408 30th Street, Town of Somers. (Hayes Family Revocable Trust-Property Owners)

On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

It was moved by Alderperson Kennedy, seconded by Alderperson Green, to send the following ordinances on their way:

E.1. By Alderperson Steve Bostrom – To Repeal and Recreate Subparagraphs 4.06 B.9.f., g., and h. and the Definition of Recycling Collection Center in Section 12.

E.2. By the Mayor - To Create Subsection 18.02 of the Zoning Ordinance to Amend the Comprehensive Plan to Remove a portion of a future right of way from the Official Map. (5th District)

On a voice vote, motion carried.

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Kennedy, seconded by Alderperson Green, to adopt Ordinance 43-10.
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. 43-10
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.125 OF THE CODE OF GENERAL ORDINANCE ENTITLED, "STREETS CONTROLLED BY YIELD SIGNS" TO INCLUDE EAST/WEST YIELD SIGNS ON 18th PLACE BEFORE ENTERING ITS INTERSECTION WITH 16th AVENUE.

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 "18th Place" in Column A and "16th Avenue" 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

F.2. It was moved by Alderperson Kennedy, seconded by Alderperson Green, to adopt Ordinance 44-10.
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. 44-10
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.125 OF THE CODE OF GENERAL ORDINANCE ENTITLED, "STREETS CONTROLLED BY YIELD SIGNS" TO INCLUDE NORTH/SOUTH YIELD SIGNS ON 35th AVENUE BEFORE ENTERING ITS INTERSECTION WITH 53rd 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 "35th Avenue" in Column A and "53rd 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

F.3. It was moved by Alderperson Bogdala, seconded by Alderperson Downing, to adopt Ordinance 45-10.
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. 45-10
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO AMEND SECTION 7.125 OF THE CODE OF GENERAL ORDINANCES ENTITLED, "STREETS CONTROLLED BY YIELD SIGNS" BY RESCINDING THE YIELD SIGN ON 61st STREET AT ITS INTERSECTION WITH 111TH AVENUE AND TO AMEND SECTION 7.12 B OF THE CODE OF GENERAL ORDINANCES ENTITILED "STOP STREETS" TO INCLUDE A FOUR WAY STOP AT THE INTERSECTION OF 111TH AVENUE AND 61ST 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 deleting

therein "61st Street" in Column A and "111th Avenue" in Column B. 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 hereto: All vehicles shall stop before entering the intersections of:
111th Avenue and 61st Street Section Three: This Ordinance shall become effective upon passage and publication.

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

F.4. It was moved by Alderperson Michalski, seconded by Alderperson Green, to adopt the proposed ordinance **BY: ALDERPERSON JAN MICHALSKI -**
TO RENUMBER SECTION 4.07 OF THE CODE OF GENERAL ORDINANCES, ENTITLED "PENALTIES" AS SECTION 4.08; AND, TO CREATE SECTION 4.07 OF THE CODE OF GENERAL ORDINANCES, ENTITLED:"ARTIFICIAL LIGHT AND GLARE".

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

F.4.1. It was then moved by Alderperson Michalski, seconded by Alderperson Juliana to defer. On a voice vote, motion carried.

F.5. It was moved by Alderperson Kennedy, seconded by Alderperson Downing, to adopt Ordinance 46-10.

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. 80-4-122-051-0160
[Property Located 9525 60th Street]
Town of Somers [Wright/Schmidt - Property Owners]
ORDINANCE NO. 46-10
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, does 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 July 10, 2010, 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

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.

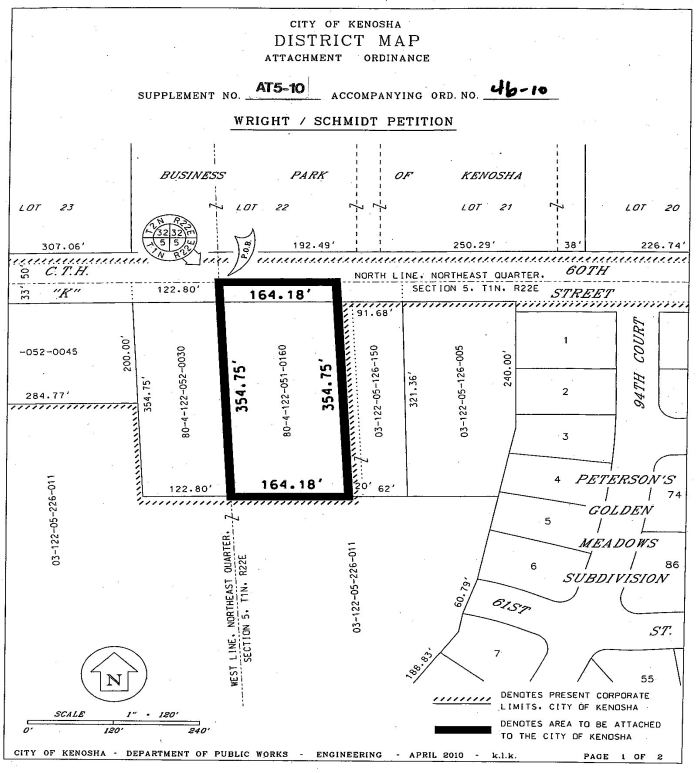
The current population of the territory to be attached as defined by Section 66.0217(5)(a) of the Wisconsin Statutes is 2.

Legal Description:

Part of the Northeast Quarter of Section 5, Town 1 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 northwest corner of said Quarter Section; thence east along the north line of said Quarter Section, 164.18 feet to the northerly extension of the west line of the 20' wide parcel of land described as Parcel No. 2 in Document number 1105180 recorded on July 17, 1998 with the Kenosha County Register of Deeds Office; thence south along the west line of the 20' wide parcel of land described as said Parcel No. 2, being here parallel to the west line of said Quarter Section, 354.75 feet; thence west parallel to the north line of said Quarter Section, and along the present corporate limits of the City of Kenosha, 164.18 feet to the west line of said Quarter Section; thence north along said west line, 354.75 feet to the northwest corner of said Quarter Section and the point of beginning; containing 1.335 acres of land, more or less.

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 50th 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 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



CITY OF KENOSHA
DISTRICT MAP
ATTACHMENT ORDINANCE

SUPPLEMENT NO. AT5-10 ACCOMPANYING ORD. NO. 46-10

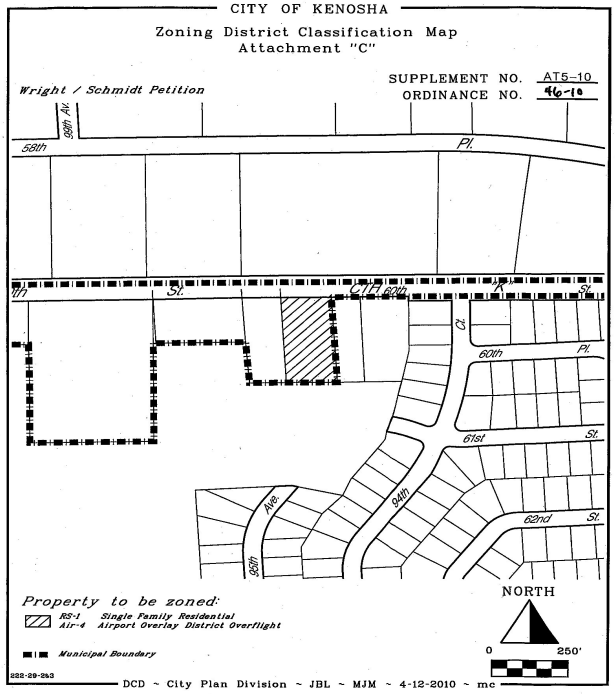
WRIGHT / SCHMIDT PETITION

ATTACHMENT DESCRIPTION

Part of the Northeast Quarter of Section 5, Town 1 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 northwest corner of said Quarter Section; thence east along the north line of said Quarter Section, 164.18 feet to the northerly extension of the west line of the 20' wide parcel of land described as Parcel No. 2 in Document number 1105180 recorded on July 17, 1998 with the Kenosha County Register of Deeds Office; thence south along the west line of the 20' wide parcel of land described as said Parcel No. 2, being here parallel to the west line of said Quarter Section, 354.75 feet; thence west parallel to the north line of said Quarter Section, and along the present corporate limits of the City of Kenosha, 164.18 feet to the west line of said Quarter Section; thence north along said west line, 354.75 feet to the northwest corner of said Quarter Section and the point of beginning; containing 1.335 acres of land, more or less.

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 on July 10, 2010, after passage and publication, as provided by law.

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

G. ZONING ORDINANCES 2ND READING

H. RESOLUTIONS

H.1. It was moved by Alderman Kennedy, seconded by Alderman Juliana, to adopt Resolution 110-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 110-10
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 by Charter Ordinance No.(s) 28, 30, and 33, 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 14, 2010, for the City of Kenosha, a report on file in the Office of the City Clerk/Treasurer 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 by Charter Ordinance No.(s) 28, 30, and 33, special assessments in the total amount of Five Thousand Seven Hundred Thirty-six Dollars and ninety cents ($5,736.90) 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 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.

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

At this time, approximately, 8:15 p.m., It was moved by Alderperson Ohnstad, seconded by Alderperson Kennedy to go into closed session pursuant to §§ 19.85(1)(c), (f), and (g) to consider the compensation or performance evaluation data, the financial, social, personal history, or disciplinary data of specific public employees to discuss:

H.2. The proposed resolution by Alderperson Ray Misner and Alderperson Jesse Downing – To Provide a Contribution for Attorney Fees Incurred by Richard Meeker (Request of Richard F. Meeker for reimbursement of legal fees incurred in prosecuting an employment claim against the City). On roll call vote, motion carried unanimously

At approximately 9:43 p.m., the Council reconvened to open session.

H.2.1. It was moved by Alderperson Bogdala, seconded by Alderperson Ohnstad to defer. On a voice vote, motion carried.

H.3. It was moved by Alderman Kennedy, seconded by Alderman Ohnstad, to adopt Resolution 111-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 111-10
BY: THE MAYOR
TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE ATTACHMENT OF PARCEL NO. 80-4-122-051-0160 LOCATED AT 9525 60th 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
[Wright/Schmidt – 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. 80-4-122-051-0160, located at 9525 60th Street , in the Town of Somers, Kenosha County, Wisconsin, to the City of Kenosha, Wisconsin; and, WHEREAS, on July 7, 2010, 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. 80-4-122-051-0160, located at 9525 60th 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. 80-4-122-051-0160, located at 9525 60th Street, Kenosha, Wisconsin, as depicted on the Attachment and Temporary Zoning District Classification Ordinance, which is incorporated herein by reference.

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

H.4. It was moved by Alderman Ruffolo, seconded by Alderman LaMacchia, to defer the proposed resolution **BY: THE MAYOR - TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO RESCIND THE DESIGNATION OF 21ST STREET FROM 27TH AVENUE TO THE EXISTING TERMINUS, WEST OF 26TH AVENUE AS A FUTURE STREET, PURSUANT TO SECTION 62.23(6), WISCONSIN STATUTES.** On a voice vote, motion carried.

H.5. It was moved by Alderperson Kennedy, seconded by Alderperson Green to approve Resolution 112-10. On roll call vote, motion carried (14-1) with Alderperson Bostrom voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 112-10
BY: MAYOR
TO CHANGE THE LOCATION OF THE ABSENTEE BALLOT SITE FROM THE MUNICIPAL BUILDING TO THE KENOSHA PUBLIC MUSEUM

WHEREAS, September 14, 2010, is the date for the partisan primary election date for the State of Wisconsin; and, WHEREAS, November 2, 2010, is the date for the general election date for the State of Wisconsin; and, WHEREAS, the City Clerk has charge and supervision of elections in the City including, but not limited to, absentee voting. NOW, THEREFORE, BE IT RESOLVED by the Common Council of

the City of Kenosha, Wisconsin, that pursuant to §6.855 of the Wisconsin Statutes, the Kenosha Public Museum located at 5500 first Avenue, shall be the alternate absentee ballot site. As such it shall be the location from which electors may request and vote absentee ballots and to which absentee ballots shall be returned by electors for the September 14, 2010, and November 2, 2010, elections.

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

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

J.1. It was moved by Alderperson Michalski, seconded by Alderperson Ruffalo, to approve Award of Contract for Project 10-1013 CDBG Resurfacing (69th Street - 26th Avenue to 22nd Avenue, 69th Street - 22nd Avenue to 20th Avenue, 69th Street - 16th Avenue to Railroad, 64th Street - 27th Avenue to 26th Avenue) to Payne & Dolan, Inc., (Kenosha, Wisconsin), in the amount of $500,000.00. (8th & 12th Districts)

On roll call vote, motion carried unanimously.

K. OTHER CONTRACTS AND AGREEMENTS

K.1.It was moved by Alderperson Prozanski, seconded by Alderperson Ohnstad, to approve First Industrial Investment II, LLC Indemnity Agreement. On roll call vote, motion carried unanimously.

It was moved by Alderperson Prozanski, seconded by Alderperson Green to:

K.2. Approve Contract by and between the City and Droprite Tree and Landscaping, LLC (in the amount of $60,000.00).

K.3. Approve Contract by and between the City and Trees "R" US, INC (in the amount of $100,000.00).

K.4. Approve Contract by and between the City and Paul Swartz Nursery and Garden Shop, Inc (in the amount of $50,000.00).

K.5. Approve NSP Developer's Agreement between the City of Kenosha and the Kenosha Housing Authority for property at 6105 25th Avenue. (12th District)

On roll call vote, motion carried unanimously.

K.6. It was moved by Alderperson Nudo, seconded by Alderperson Ruffolo to DENY Permanent Limited Easement and Temporary Construction Easement between the City of Kenosha and Kent & Angela Morton for property at 1338 20th Avenue. 1st District. (Morton) On roll call vote, motion carried unanimously.

K.7. It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad to approve Contract by and Between the City and Guelig Waste Removal and Demolition, LLC to Raze Building at 5024 47th Avenue (in the amount of $11,820.00)

On roll call vote, motion carried unanimously.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

L.1. It was moved by Alderperson Prozanski, seconded by Alderperson Green to receive and file KABA 2nd Quarter Loan Reports. On a voice vote, motion carried.

L.2. It was moved by Alderperson Ohnstad, seconded by Alderperosn Juliana to rescind Trash & Debris Removal Special Assessments:

a. Bobby & Anna Sexton, 1902-62nd Street (05-123-06-232-014) $260.00

b. Herbert Reuteler, 1405-44th Street (11-223-30-380-005) $350.00

On roll call vote, motion carried (10-5) with Alderpersons Kennedy, Nudo, Bostrom, Bogdala and Green voting nay.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

O. OTHER AND RECOMMENDATIONS OF BOARDS AND COMMISSIONS

O.1. It was moved by Alderman Nudo, seconded by Alderman Ruffolo, to approve Request to Extend the Conditional Use Permit for a 60-Unit Senior Apartment Complex to be Located at 3508-7th Avenue. (1st District) (Casa Del Mar)

On roll call vote, motion carried unanimously.

P. AND SUCH MATTERS AS ARE AUTHORIZED BY LAW OR REGULAR BUSINESS

It was moved by Alderman Kennedy, seconded by Alderman Juliana, to receive and file:

P.1. Request for an extension for the temporary classroom located at 8560 26th Avenue, District #9. (Kenosha Unified School District/Tremper High School).

P.2. Request for an extension for the temporary classroom located at 3700 Washington Road, District #5. (Kenosha Unified School District/Bradford High School).

P.3. Request for an extension for the temporary classroom located at 1900 15th Street, District #1. (Kenosha Unified School District/Bose Elementary School).

On a voice vote, motion carried.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Michalski, seconded by Alderperson Kennedy, to adjourn at approximately 10:21 p.m.

On roll call vote, motion failed (6-9) with Alderpersons Kennedy, Downing, Michalski, LaMacchia, Ohnstad and Green voting aye.

After aldermen's Comments it was moved by Alderperson Juliana, seconded by Alderperson Green to adjourn at approximately 10:48 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 16, 2010

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

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, August 16, 2010

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

The meeting was called to order at 7:09 pm.

On roll call, the following members of the Common Council were present: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana, Marks, Green, Kennedy, Nudo, Bostrom, Misner, Prozanski, Downing and Bogdala. Excused: Alderperson Orth.

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 Alderperson Ruffalo, seconded by Alderperson LaMacchia, to approve the minutes of the meeting held August 2, 2010.

Motion carried unanimously.

Seven (7) Citizens spoke during Citizen's Comments: Kimberly Garsuch, Susan Anderson, Phyllis McNab, T. H. Christiansen, Donald Moehrke, and Barb Schmidt.

A. REFERRALS

TO THE COMMITTEE ON FINANCE

A.1. Proposed Ordinance by the Mayor - To Repeal and Recreate Subsection 1.06 A. of the Code of General Ordinances for the City of Kenosha Entitled "City Boards and Commissions". (Also refer to City Plan Commission)

A.2. Amendment to Contract of Purchase and Sale and Development Agreement by and between Uptown Brass Development, LLC and the City of Kenosha, Wisconsin and the Redevelopment Authority of the City of Kenosha, Wisconsin. (Also refer to Redevelopment Authority)

TO THE PUBLIC WORKS COMMITTEE

A.3. Proposed Ordinance by the Mayor - To Repeal and Recreate Subsection 17.09 F.3 of the Code of General Ordinances Regarding "Lots". (Also refer to City Plan Commission)

A.4. Proposed Ordinance by Alderperson David Bogdala and Alderperson Anthony Nudo - To Repeal and Recreate Various Sections of the Code of General Ordinances Replacing "City Plan Commission" with "Common Council". (Also refer to Public Safety & Welfare Committee and City Plan Commission)

TO THE CITY PLAN COMMISSION

A.5. Proposed Zoning Ordinance by Alderperson David Bogdala and Alderperson Anthony Nudo -
To Repeal and Recreate Various Sections of the Zoning Ordinance Replacing "City Plan Commission" with "Common Council".

A.6. By Alderperson Steve Bostrom and Alderperson Anthony Nudo - To Add Non-Conforming Use Language in Various Areas of Section 3 ; to Add Non-Conforming Use Language in Table 4.01 at group 1; to Recreate Section 4.03 A; to Amend Subsection 4.04 l.; to Create Subsection 4.06 A. 17 Entitled "Nonconforming Residential Uses"; to Repeal and Recreate Subsection 7.05 A. 1. Entitled "Nonconforming Buildings and Structures"; to Amend Subsection 7.05 A. 3 Entitled "Buildings or Structures Nonconforming to Visual Clearance, Excluding Fences" of the Zoning Ordinance of the City of Kenosha

TO THE LICENSING/PERMIT COMMITTEE

A.7. Proposed Ordinance by Alderperson Lawrence Green - To Create Subsection 14.013 D. Entitled Pet Fancier and to Repeal and Recreate Subsection 14.08 9. to include Penalty Language Therefore.

B. COMMUNICATIONS, PETITIONS, REPORTS

OF DEPARTMENTS

B.1. It was moved by Alderperson Michalski, seconded by Alderperson Green, to approve:
a. 23 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.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderman Nudo, seconded by Alderman Green, to Approve the following applications for Operator's licenses, subject to:
-25 demerit points:
a. Max Cohen
b. Debbie Barnes
-50 demerit points:
c. Edward Bell
d. Brian Gaudio
-75 demerit points:
e. Sean Flatley
f. Katrina Canchola
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
On a voice vote, motion carried.
C.2. It was moved by Alderman Nudo, seconded by Alderman Green, to DENY the following Applications for Operator's (Bartender) licenses, based on:
-material police record:
a. Sylvia Delagarza
-material police record & false application:
b. Adam Usinger
c. Richard Lee
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
On a voice vote, motion carried.
C.3. It was moved by Alderman Michalski, seconded by Alderman Green, to approve Application of Mahmood Hassan for a new Taxi Driver's license, Subject to 80 demerit points.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
On a voice vote, motion carried.
C.4. It was moved by Alderman Kennedy, seconded by Alderman Downing, to approve Amendment of the Class "B" Beer/"Class B" Liquor License located at 3221-60th Street, (Our Kenosha Tap) Naster, Inc., Nasser Museitif, Agent, to include 3219 - 60th Street. A hearing was held. The applicant was present and appeared.
On a voice vote, motion carried.
C.5. It was moved by Alderman Nudo, seconded by Alderman Juliana, to approve Application of GMR Entertainment, LLC, for a Cabaret License (1-year term) located at 6218 22nd Avenue (La Frontera), per the recommendation from Kenosha Police Department.
A hearing was held. The attorney for the applicant, Terry Rose, was present and appeared. On a voice vote, motion carried.
On a voice vote, motion carried.
C.6. It was moved by Alderman Juliana, seconded by Alderman Green, to approve Application of Kathleen A. Bezotte, for an Outdoor Area –Cabaret/Amplified Music Co-Sponsored For Charity Event located at 4619 - 8th Avenue (Cheers) on August 21, 2010.

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

C.7. It was moved by Alderman Juliana, seconded by Alderman Green, to application of Sunset Grille, LLC, for a Daily cabaret License Located at 2500-52nd Street (Sunset Grille & Mulligan's Pub) for August 28, 2010.
A hearing was held. The applicant did not appear.

C.7.1. It was moved by Alderperson Misner, seconded by Alderperson LaMacchia to allow Alderperson Nudo to abstain. On a voice vote, motion carried.
On a voice vote, motion to approve carried.

C.8. It was moved by Alderman Ruffalo, seconded by Alderman Juliana, to approve Application of Paddy O's Pub, LLC, for a Request to Change Closing Hours to 1:30 AM of the Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 5022 7th Avenue, (Paddy O's Pub).
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
On a voice vote, motion carried.

C.9. It was moved by Alderman Nudo, seconded by Alderman Green, to DENY application of Washington Park Tavern, Inc., for a Request to Change Closing Hours to 12:00 AM of the Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 1510 Washington Road, (Stan's Place) due to Ordinance Prohibition (Property Abuts Residential Properties).
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
On a voice vote, motion carried.

C.10. It was moved by Alderman Nudo, seconded by Alderman Green, to DENY application of Scotty's Inc. of Wisconsin, for a Request to Change Closing Hours to 12:00 AM of the Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 2117 - 50th Street, (Scotty's Tavern) due to Ordinance Prohibition (Property Abuts Residential Properties).
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
On a voice vote, motion carried.

C.11. It was moved by Alderman Nudo, seconded by Alderman Juliana, to DENY application of Kathleen A. Bezotte, for a Request to Change Closing Hours to 12:00 AM of the Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 4619 - 8th Avenue (Cheers) due to Ordinance Prohibition (Property Abuts Residential Properties).
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
On a voice vote, motion carried.

C.12. It was moved by Alderman Juliana, seconded by Alderman Nudo, to DENY application of USA Payday Loans, for a Secondhand Jewelry Dealer License, located at 6206 22nd Avenue, (Title Lenders of Wisconsin, Inc.) based on Public Safety & Welfare and Non-Appearance (7th District)
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
On a voice vote, motion carried.

D. ORDINANCES 1ST READING

It was moved by Alderperson Nudo, seconded by Alderperson Green, to send the following ordinances on their way:

D.1. By Committee on Public Safety and Welfare – North/South Yield Control for 55th Avenue and 28th Street (To Amend Section 7.125 of the Code of General Ordinances Entitled, "Streets Controlled by Yield Signs" to Include North/South Yield Signs at 55th Avenue Before Entering its Intersection with 28th Street). (5th District)

D.2. By Committee on Public Safety and Welfare – North/South Yield Control for 19th Avenue and 33rd Street (To Amend Section 7.125 of the Code of General Ordinances Entitled, "Streets Controlled by Yield Signs" to Include North/South Yield Signs on 19th Avenue Before Entering its Intersection with 33rd Street). (6th District)

D.3. By Committee on Public Safety and Welfare – Westbound Yield Control for 16th Place and 16th Avenue (To Amend Section 7.125 of the Code of General Ordinance Entitled, "Streets Controlled by Yield Signs" to Include West Bound Yield Sign at 16th Place Before Entering its Intersection with 16th Avenue). (1st District)

D.4. By Committee on Public Safety and Welfare – Stop Control for 48th Street and 38th Avenue (To Amend

Section 7.12 C. of the Code of General Ordinances, by Adding a Stop Sign for Westbound Traffic on 48th Street Before Entering the Intersection with 38th Avenue). (10th District)

D.5. By Alderperson Ray Misner – To Create Paragraph 5.11 B.5. (of the Code of General Ordinances) Regarding Sidewalks and Alleys to be Kept Clean by Responsible Party.

D.6. By Alderperson Steve Bostrom - To Repeal and Recreate Subsection 10.04 C.2 (of the Code of General Ordinances for the City of Kenosha) Regarding Restrictions.

D.7. By Alderperson Ray Misner - To Add the Following Language to the Title of Section 1.06 Regarding "City Boards and Commissions"; to Repeal and Recreate Section 29.03.3 Paragraph 2 Regarding "Financial Disclosure"; to Repeal and Recreate Section 29.04. and 29.04.2 (of the Code of General Ordinances) Regarding "Time for Filing".

D.8. By Theodore Ruffalo – To Amend Section 10.075 E.1. (of the Code of General Ordinances) Regarding "Use of Outdoor Area".

On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

E.1. It was moved by Alderperson Nudo, seconded by Alderperson Green, to send the following ordinance on it's way:

By Alderperson G. John Ruffolo, Alderperson David Bogdala, Alderperson Theodore Ruffalo, Alderperson Anthony Nudo - to Repeal and Recreate Section 2.02 A.4 (of the Zoning Ordinance of the City of Kenosha) Regarding the Granting of Temporary Uses.

On a voice voice vote, motion carried.

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Nudo, seconded by Alderperson Ruffolo, to adopt Ordinance 47-10.

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

F.1.1. It was moved by Alderperson Bostrom, seconded by Alderperson Michalski to amend sentence: "*Receipt shall be presumed upon delivery to the aldermanic mailbox located within City Hall ~~or~~ and upon sending an electronic message to the alderperson's City issued e-mail account.*" by striking the word "or" and replacing with the word "and". On a voice vote, motion carried.

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

ORDINANCE NO. 47-10
BY: PUBLIC WORKS COMMITTEE
TO CREATE SUBSECTION 1.05 Q. OF THE CODE OF GENERAL ORDINANCES, ENTITLED "ALDERMANIC NOTICE"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Subsection 1.05 Q. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: 1.06 Y. Aldermanic Notice. Whenever a City Board or Commission, or personnel authorized by the Board or Commission, has scheduled a public meeting, which is not a regularly scheduled meeting of the Board or Commission, separate aldermanic written notice shall be given by the Board or Commission to each alderperson at least 72 hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than two (2) hours in advance of the meeting. The written notice shall be on paper or in electronic mail (e-mail) format. The affected alderperson(s) shall be required to give approval for their district. Receipt shall be presumed upon delivery to the aldermanic mailbox located within City Hall and upon sending an electronic message to the alderperson's City issued e-mail account. The notice shall announce the time, place and subject matter of the meeting. "Public Meeting" means the convening of members of a City Board or Commission for the purpose of meeting with the public to discuss a topic which is subject to the responsibility, authority, or duties delegated to the department . Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR

ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

F.2. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to adopt Ordinance 48-10.
A public hearing was held. No one spoke for or against said ordinance.

F.2.1. It was moved by Alderperson Bostrom, seconded by Alderperson Michalski to amend sentence: "*Receipt shall be presumed upon delivery to the aldermanic mailbox located within City Hall ~~or~~ and upon sending an electronic message to the alderperson's City issued e-mail account.*" by striking the word "or" and replacing with the word "and". On a voice vote, motion carried.

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

ORDINANCE NO. 48-10
BY: PUBLIC WORKS COMMITTEE
TO CREATE SUBSECTION 1.06 Y. OF THE CODE OF GENERAL ORDINANCES, ENTITLED "ALDERMANIC NOTICE"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One Subsection 1.06 Y. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: 1.06 Y. Aldermanic Notice. Whenever a City Board or Commission, or personnel authorized by the Board or Commission, has scheduled a public meeting, which is not a regularly scheduled meeting of the Board or Commission, separate aldermanic written notice shall be given by the Board or Commission to each alderperson at least 72 hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than two (2) hours in advance of the meeting. The written notice shall be on paper or in electronic mail (e-mail) format. The affected alderperson(s) shall be required to give approval for their district. Receipt shall be presumed upon delivery to the aldermanic mailbox located within City Hall and upon sending an electronic message to the alderperson's City issued e-mail account. The notice shall announce the time, place and subject matter of the meeting. "Public Meeting" means the convening of members of a City Board or Commission for the purpose of meeting with the public to discuss a topic which is subject to the responsibility, authority, or duties delegated to the Board or Commission. Section Two: This Ordinance shall become effective upon passage and publication.

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

F.3. It was moved by Alderperson Juliana, seconded by Alderperson Green, to adopt Ordinance 49-10.
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. 49-10
BY: ALDERPERSON JESSE L. DOWNING
TO REPEAL AND RECREATE SUBSECTION 10.075 D.3. OF THE CODE OF GENERAL ORDINANCES REGARDING FENCING FOR OUTDOOR AREAS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Subsection 10.075 D.3. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

D. Requirements. 3. There shall be a fence surrounding the outdoor area sought to be within the description of the Class "B", "Class B" and/or "Class C" licensed premises. The fence shall not be less than forty-eight (48") inches high and not more than six (6') feet high. Any fence installed more than forty-eight (48) inches high shall be non-obscuring to permit a view of the outdoor area from the exterior. The Common Council, upon request, may waive that requirement where the licensed premises is operated as a restaurant within the meaning of Section 5.046 A.10 of the Code of General Ordinances. Section Two: This Ordinance shall become effective upon passage and publication.

APPROVED:
KEITH G. BOSMAN, MAYOR

ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

F.4. It was moved by Alderperson Juliana, seconded by Alderperson Green, to adopt Ordinance 50-10. A public hearing was held. No one spoke for or against said ordinance.

F.4.1. It was then moved by Alderperson Kennedy to defer. Motion lost for lack of a second.

On roll call vote, motion carried (15-1) with Alderperson Kennedy voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 50-10
BY: ALDERPERSON ANTHONY NUDO
TO CREATE SUBSECTION 7.126 B. 6. OF THE CODE OF GENERAL ORDINANCES ENTITLED "OWNER" AND TO REPEAL AND RECREATE SUBSECTION 7.126 C. OF THE CODE OF GENERAL ORDINANCES, REGARDING "PROHIBITION".

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Subsection 7.126 B.6 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: 6. "Owner" shall mean a person who holds the legal title of a vehicle, except that if the legal title is held by a secured party with the immediate right of possession of the vehicle vested in the debtor, the debtor is the Owner. Notwithstanding the foregoing with respect to a vehicle that is leased for a period of one year or more, the lessee of the vehicle. Section Two: Subsection 7.126 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin is hereby repealed and recreated as follows: C. Prohibition. It shall be unlawful for the "owner" of a nuisance motor vehicle to keep, place or store any "nuisance motor vehicle" or to perform "repair work" or "street repairs" upon any public thoroughfare, street or highway or upon any private or public property within the City in a manner inconsistent with 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

F.5. It was moved by Alderperson Ruffolo, seconded by Alderperson Downing to adopt Ordinance 51-10. 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. 51-10
BY: ALDERPERSON STEVE BOSTROM
TO CREATE SECTION 13.011 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF KENOSHA, WISCONSIN, ENTITLED "RECYCLING CENTER ACTIVITY LICENSE"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 13.011 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created. A. Definitions 1. Hazardous Waste: has the meaning of the term used in 40 CFR §261.3 unless excluded in §261.4. 2. Person: person, firm, partnership, association, corporation, company, or organization of any kind. 3. Recycling Center: Place upon which Recycling Center Activity conducted by a Licensee under this section takes place. 4. Recycling Center Activity: The commercial collecting of Recycling-Center Material, storing of Recycling-Center-Material, or engaging in Recycling-Center-Material Processing. 5. Recycling-Center Material: Recycling-Center Metals,batteries, catalytic converters, electronic scrap or stainless steel. 6. Recycling-Center-Material Processing: The crushing of metal items or the reduction of the volume of metal items by shredding, chipping, melting, or any other means. 7. Recycling-Center Metal: Aluminum, copper, tin, and all alloys of aluminum, copper, or tin provided that said alloys do not include gold, silver, platinum, palladium, iridium, rhodium, ruthenium, iron, arsenic, mercury, lead, cadmium, antimony, barium, beryllium, osmium, thallium, vanadium, chromium (IV), or radioactive metals. 8. Recycling-Center Yard: The exterior portions of any building associated with a Recycling Center Activity where Recycling-Center Materials are stored. B. License Required. 1. Licenses. It shall be unlawful for any person to conduct Recycling Center Activity within the City, whether personally, by agents or employees, singly, or along with some other business or enterprises without first having obtained a

license therefor from the Common Council in accordance with the provisions of this ordinance. 2. Other Licenses and Permits. A license issued hereunder shall not exempt the holder thereof from obtaining such other licenses and permits as may otherwise be required by the City or by any other governmental agency. C. Application. An applicant for a license under this Ordinance shall file with the City Clerk a written application, which is true, correct and complete, signed by himself, if an individual, by all partners if a partnership, and by the president or chief officer of a corporation or other organization, upon forms provided by the City Clerk, together with a fee as hereinafter prescribed. The application shall be sworn to by each of its signers before a notary public or other officer authorized by law to administer oaths and shall include the following information or material: a. Exact address or location of the place where the business is or is proposed to be carried on, plus a sketch of the actual premises to be used in connection with the business, giving distances in feet and showing fire lanes, property lines, buildings, and abutting roads, particularly identifying the Recycling-Center Yard. b. A description of the type of construction of any building and structure to be used in connection with the licensed business; a sketch showing the location of such buildings or structures on the business premises, with respect to their distance from roads and fire lanes and a diagram or plan giving distances and heights, showing floors, exits, entrances, windows, ventilators, and walls. c. A description of any equipment or machinery which will be utilized to process Recycling Center Material and a description of motor vehicles which will be used to collect or haul Recycling Center Material in the operation of the licensed business, including their Vehicle Identification Number, and any D.M.V. or L.C. numbers, where applicable. d. Such other information as is reasonably necessary to effectuate the purposes of this Ordinance and to arrive at a fair determination of whether the terms of this Ordinance have been complied with. e. Proof of insurance/financial responsibility for all motor vehicles which will be utilized in the operation of the licensed business, in accordance with the requirements of State law. f. Proof of current registration of all motor vehicles to be used in the course of performing licensed activities. g. A list of all persons who will operate motor vehicles in the course of performing licensed activities and proof of their possessing a valid and appropriate Wisconsin Driver's License. D. Application Review. Upon receipt of any application, the City Clerk shall send copies thereof to the Department of Neighborhood Services and Inspections, Fire Department, Health Department and Police Department. The Department of Neighborhood Services and Inspections, Fire Department and Health Department, either jointly or severally, within ten (10) days of receiving such copies, shall make a report, in writing, as to whether the premises meet the requirements hereof, along with any other pertinent information. The Police Department shall report in writing, to the City Attorney, as to any police record of applicant which may reflect upon their good moral character or business responsibility. The City Attorney shall examine said record and make a recommendation based thereon as to whether or not the license should be granted. Such reports shall be delivered to the City Clerk or clerk for the Committee on Licensing who, in turn, shall deliver them with the application, to the Committee on Licensing. Such Committee shall recommend to the Common Council either the granting or denial of the application or such other action as may be appropriate. E. Fee The annual fee for a Recycling Center Activity license is $350, which shall not be pro-rated. F. License Form. The Recycling Center Activity license shall bear the following language on its face: "IMPORTANT - This license applies only to the described premises approved by the Common Council and authorizes the Licensee to operate a Recycling Center Activity in a lawful place and manner only; it is not a substitute for any Certificate of Occupancy, Building Permit, Conditional Use Permit, or other licenses, certificates, or permits that might be required by law of the Licensee, and it does not relieve the Licensee of the responsibility of having all such required licenses, permits, or certificates at all times and of complying with all other laws, rules and regulations affecting the business premises." G. Term/Renewal 1. The term for a Recycling Center Activity licensee is one year, from May 1 or the date of first issue through the ensuing April 30. 2. License renewal applications shall be the same as new license applications, except that Licensee's report of police record need only be updated. 3. Renewal applications must be filed with the City Clerk by March 15th in order to provide for continuous licensing. H. Non-Transferability. Licenses are not transferable or assignable. I. Corrections. Applicants and Licensees shall have the duty to amend and correct their application within ten (10) days of such time as any information stated therein is known by Applicant/Licensee to be untrue, incorrect or incomplete. No material change in personnel, scope of operation, or site of operation shall be effective without the advance approval thereof by the Common Council based upon a specific request for such approval. J. Exemption. The following

are exempted from the provisions of this section: 1. Fund raising efforts by not-for-profit organizations; 2. Community clean up efforts by not-for-profit organizations; 3. Community clean up efforts conducted under the auspices of state Adopt-a-Highway program; 4. Licensed scrap salvage dealers or licensed scrap salvage collectors when operating within the operational limitations of the respective licenses; and 5. The City. K. General Operating Requirements. 1. Recycling Center Activity licensees. The following general operating requirements shall apply to all Recycling Center Activity licensees licensed in accordance with the provisions of this Section: a. The license issued pursuant to this Section shall be plainly displayed on the business premises. b. The Recycling-Center Yard shall, at all times be maintained in as clean, sanitary and neat of a condition as such premises will reasonably permit. c. An area which is not described in the approved license application shall not be used in the conduct of licensed business. d. No water shall be allowed to stand on the premises in such manner as to, in the opinion of the Health Administrator, constitutes a breeding place for insects or disease that may endanger health. e. Grass and other ground cover on the premises shall be kept at a height of not more than eight (8) inches. The premises shall be substantially free of noxious weeds. f. No garbage, refuse or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, except for domestic garbage which shall be kept in containers which are, in the opinion of the Health Administrator, rodentproof, and removed from the premises as often as is necessary to provide a sanitary environment, but at no less an interval than on a weekly basis. g. No Recycling Center Material which is stored on the premises shall be allowed to rest upon or protrude over any public street, walkway, or curb or become scattered about or blown off the premises. h. Recycling Center Material on the premises, which is not stored in racks or containers, shall be stored in piles not exceeding ten feet (10') in height, at an angle of forty degrees (40°) or less from the ground, and shall be arranged so as to permit access to all such Recycling Center Material for firefighting purposes. Recycling Center Material which is stored in racks or containers shall not be stored at a height in excess of ten feet (10'). i. No combustible material of any kind not necessary for the operation of the licensed business, whether within or without a building or structure, shall be kept on the premises, except with the written permission of the Fire Department. The premises shall not be allowed to become a fire hazard. j. Recycling Center Material may not be reduced in volume on the premises through the use of a any apparatus, without Licensee first obtaining a permission therefor from the Common Council which may be granted and issued only upon a showing by Licensee that such activity will be conducted in a manner which is safe and lawful and which will not injure the public health, safety or welfare. Licensee may be requested, as part of the application process, to conduct or arrange for a demonstration, on site if possible, of the acts which are subject to this permit requirement before the Building Inspector or other designee of the Common Council who may make appropriate observations and cause noise, vibration and other tests to be conducted. The Common Council may place reasonable restrictions on the permitted volume-reducing activity, regulating the time, place and manner of operation. k. Licensee may not store or process any elemental metal or alloy of metal on a Recycling Center, unless it is a Recycling-center material. l. Even if volume-reducing apparatus has been otherwise permitted by the Common Council, no process shall be utilized to reduce the volume of Recycling Center Material in a manner that causes vibrations which may damage the property of another or which may be injurious to the public health, safety and welfare. Complaints in this regard shall be processed by the Health Department, which may issue abatement orders, following notice and an opportunity to be heard. m. Licensee shall not directly or indirectly purchase Recycling Center Material from any person that they know, or should know, cannot rightfully or lawfully sell it or deliver clear title thereto. n. Chapter XXIII of the Code of General Ordinances, "Noise Control", shall be strictly complied with. o. The open area of the premises whereupon Recycling Center Material is stored shall be enclosed with a solid, vertical wall or fence of a minimum height of six feet (6') measured from ground level, except where Recycling Center Material is shielded from view by an earthen berm of a minimum height of six feet (6') in which event the required fence need not shield Recycling Center Material from view. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business. Fences must be sturdily constructed, safe vertical straight, well maintained and must shield Recycling Center Material from view. Fences must be protected with paint or other preservatives. Fences must not create an appearance of patchwork which is indicative of a state of disrepair. Fences shall be of uniform color which will not detract from the value of abutting and neighboring real estate. No signs may be painted on or attached to any fence, except for a sign of not more than eight square feet

(8 ft2), located at an entranceway thereto which provides the name of the business. Fences must be constructed in such a fashion and of such materials and color as are approved by the Building Inspector prior to fence construction, repair or replacement. Chain link fencing shall be appropriate where opaque strips are inserted in the fence. No fence may be constructed or replaced without the approval of the Building Inspector, or designee thereof, which approval may be denied if the above standards have not been complied with or if the construction of a proposed new fence or replacement fence would violate any other provision of law. No Recycling Center Material may be stored outside of said fence or may be stored so as to rest against said fence, protrude through it, or hang over it. Fence gates shall be kept closed when not required to be open for ingress or egress, except where a buffer fence is constructed in the vicinity of fence gates within the Recycling-Center Yard which shields Recycling Center Material from view when the gates are open. In all other respects, fences shall be installed and constructed in accordance with City Ordinances. p. No Recycling Center Activity licensee or his or her agent or employee shall, except for aluminum cans, purchase or receive any Recycling Center Material for use in the licensed business from any person under the age of eighteen (18) years without the written consent of a parent or guardian of such person. Such writing shall be held available for inspection by any member, or representative, of the Police Department for one (1) year. q. Each acquisition of such Recycling Center Material as is capable of being used for its original and intended purpose without repair or alteration, including all motor vehicle parts, except for bulk purchases from industrial and commercial concerns, shall be recorded in English in a permanent type register kept on the business premises, giving the name and residence address of the person from whom the acquisition was made, a description of the Recycling Center Material acquired, any identification or serial number, and the date of the transaction. Such data shall be held available for inspection by any member, or representative, of the Police Department for one (1) year. The identification of each seller of a motor vehicle or motor vehicle part shall be checked and the type of identification checked noted, except where the purchase is from a licensed motor vehicle dealer, an insurance company, a City licensed tower or an auction. r. No Recycling-Center Yard shall be allowed to become a public or attractive nuisance; nor shall any Recycling-Center Yard be operated in such manner as to adversely affect the public health, safety, or welfare. s. There shall be full compliance with the City Building, Fire, and Health Codes and with all other City, County, State and Federal laws, rules or regulations which may be applicable. t. The Fire Department may order Licensees to install fire lanes, following notice and opportunity to be heard, and upon providing a reasonable time for compliance. u. The terms of a Conditional Use Permit which are not inconsistent with this Ordinance, shall be complied with at all times as a condition of license maintenance. v. No Recycling Center Material shall be collected which is placed on a City right-of-way for City collection and no Recycling Center Material shall be deposited or sorted on a City right-of-way or removed from the property of any nonconsenting person or party. w. The licensed premises must possess appropriate zoning for the licensed business or constitute a lawful nonconforming use. x. Motor vehicles which are used in the licensed business shall hold and display an L.C. and M.V.D. number where such number is required by State law, rule or regulation, shall be insured or financially responsible in accordance with State law, shall be properly and currently registered with the State Motor Vehicle Department, and shall have the licensee's name conspicuously and legibly printed thereon. y. Hazardous Waste may not be collected, stored, or processed on the business premises. L. Licensees/Responsibility. Recycling Center Activity licensees shall, with respect to the conduct of their business, have a duty to supervise their agents and employees and shall be responsible for the acts thereof. M. Suspected Stolen and Evidentiary Recycling Center Material. The Police Department may order any licensee hereunder to retain any Recycling Center Material upon the premises which is suspected to be stolen for a period not to exceed thirty (30) days pending an investigation. The Police Department, at any time, may seize from the premises, as evidence, any Recycling Center Material which they have probable cause to believe is stolen, and may hold said Recycling Center Material for so long as it shall have evidentiary value. Any seized item shall be released within a reasonable time upon prosecution being denied by any prosecuting attorney. Any enforcing department may order a Licensee to retain Recycling Center Material upon the premises which is suspected of being held in violation of this Ordinance for a period not to exceed thirty (30) days during which an investigation can be conducted. Any enforcing department may take samples of Recycling Center Material for purposes of testing or arrange for any other governmental agency to do so. N. Conditional Use Permits. Conditional Use Permits, as required by the Zoning Ordinance, shall be required prior to any unlicensed premises

being licensed and prior to the expansion of any existing licensed premises, and each license shall be conditioned upon obtaining and complying with the provisions of a Conditional Use Permit, where required. A Conditional Use Permit may contain requirements over and above the requirements of this Ordinance, but may not negate any of the requirements of this Ordinance, and if it would do so, any conflicting provisions thereof shall be null and void. O. Appeals From Orders. A Licensee, where the public health, safety and welfare is not in immediate jeopardy, may appeal to the Common Council any order issued by any enforcing Department under authority of this Ordinance by filing a written Notice of Appeal with said Department within ten (10) days of receipt of said order, or within the compliance period, whichever is shorter. The Common Council may direct that the appeal be heard by a Committee thereof. P. Revocation and Suspension Of Licenses. The Common Council may, for just cause, suspend, revoke or not renew any license herein provided, upon serving such party written notice of the charges forming a basis for the proposed penalty, in the same manner as that for the service of a Summons in a civil action. Just cause shall include, but not be limited to: 1. Failing to maintain a status of good moral character and business responsibility. 2. Obtaining the license through fraud or misrepresentation. 3. Operating contrary to the terms of this Ordinance. 4. Failing to commence doing business within ninety (90) days of being granted a license or within ninety (90) days of the first day of the license term, whichever is longer, unless an extension of time is applied for and granted by the Committee on Licenses and Permits. 5. Suspending doing business for a period of ninety (90) consecutive days, unless permission is applied for and granted by the Committee on Licenses and Permits. Q. Disciplinary Hearings. Disciplinary hearings, including nonrenewal, suspension and revocation hearings, may be held before the Common Council or before the Committee charged with license review responsibilities. The Committee on Licenses and Permits, when it conducts a hearing, shall submit a report to the City Common Council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the City Common Council should take with respect to the license. Said Committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or Licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Common Council. The City Common Council shall determine whether the arguments shall be presented orally or in writing, or both. If the City Common Council, after considering the Committee's report and any arguments presented by complainant or Licensee, finds the complaint to be true, or if there is no objection to a report recommending a suspension, revocation or nonrenewal of the license, it shall be suspended, revoked or not renewed as provided by law. If the City Common Council finds the complaint untrue, the proceedings shall be dismissed without cost to the accused. The City Clerk shall give notice of each suspension, revocation or nonrenewal to the party whose license is affected. The Common Council may also order corrective action to be taken within a specified time as a condition of license maintenance, at any time, following notice and an opportunity to be heard. R. Penalty. Any person who shall violate any of the terms and conditions of this Ordinance shall, upon conviction thereof, forfeit not more than Five Hundred ($500) Dollars, plus the costs of prosecution, and in default of the timely payment thereof be confined in the County Jail for a period not to exceed (30) days. S. Violations. Each day of a violation of this Ordinance shall be considered a separate offense. Section Two: This Ordinance shall become effective upon passage and publication.

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

F.6. It was moved by Alderperson Juliana, seconded by Alderperson Green to adopt Ordinance 52-10. 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. 52-10
BY: ALDERPERSON ROCCO LAMACCHIA, SR.
TO REPEAL AND RECREATE SECTION 4.05 OF THE CODE OF GENERAL ORDINANCES AND TO RENAME SECTION 4.05 SMOKING PROHIBITED, ADOPTING STATEWIDE SMOKING PROHIBITION

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 4.05 of the

Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated in its entirety as follows: 4.5SMOKING PROHIBITED A. Provisions of State Law Adopted by Reference. The provisions of Wisconsin Statute Section 101.123 and any future amendments, revisions or modifications of the Statute are incorporated and are adopted in their entirety. B. Penalties Penalties for violation of this section shall be in accordance with Wisconsin Statute Section 101.123. Statutory court costs, surcharges, fees and assessments shall be added to all forfeitures for such violations. C. Inspection and Enforcement. The County Health Department and City Departments of Neighborhood Services and Inspections, Police Department and Fire Department shall have the authority to enforce the provisions of this section, including the power to enter locations to ensure compliance with this ordinance. Section Two: This Ordinance shall become effective upon passage and publication.

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

F.7. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy to adopt Ordinance 53-10. 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 ZONING DISTRICT CLASSIFICATION ORDINANCE
Under Section 66.0307, Wisconsin Statutes,
City of Kenosha/Town of Somers
State Approved Cooperative Plan
Parcel No. 80-4-222-243-0730
[Property Located 3408 30th Street]
Town of Somers
[Hayes Family Revocable Trust - Property Owners]
ORDINANCE NO. 53-10
BY: THE MAYOR

Attaching to the City of Kenosha, Wisconsin, territory in the Town of Somers, Kenosha County, Wisconsin, and providing 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, does 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 one (1), described on the attached legal description, Attachment "A", and map, Attachment "B", is hereby attached to

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

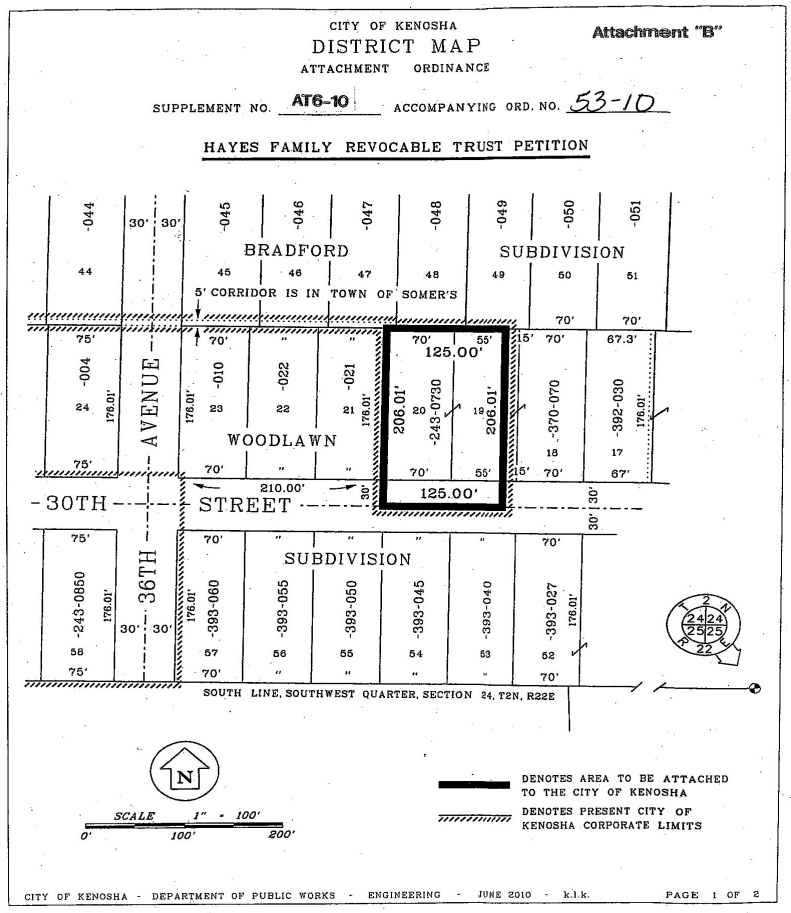
The undersigned, constituting all of the owners of certain real property within the Town of Somers, Kenosha County, Wisconsin, petition the Mayor and Common Council of the City of Kenosha, Wisconsin, to attach the territory described below and shown on the attached scale map to the City of Kenosha, Kenosha 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 1.

Legal Description:

Part of Woodlawn Subdivision, a recorded subdivision in the Southwest Quarter of Section 24, Town 2 North, Range 22 East of the Fourth Principal Meridian lying and being partly in Somers Township and partly in the City of Kenosha, Kenosha County, Wisconsin and said area to be attached to the City of Kenosha being more particularly described as follows:

Commencing at the northeast corner of the intersection of 30th Street and 36th Avenue; thence east along the north line of said 30th Street, 210.00 feet to the southwest corner of Lot 20 in said Woodlawn Subdivision and the point of beginning; thence north along the west line of said Lot 20, a distance of 176.01 feet to the northwest corner of said Lot; thence east along the north line of Lots 20 and 19 of said subdivision, 125.00 feet; thence south parallel to the east line of said Lot 19, and its extension southerly, a distance of 206.01 feet to the centerline of 30th Street; thence west along said centerline, 125.00 feet to the southerly extension of the west line of said Lot 20; thence north along the southerly extension of said west line, 30.00 feet to the point of beginning, containing 0.591 acre of land, more or less.



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

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.

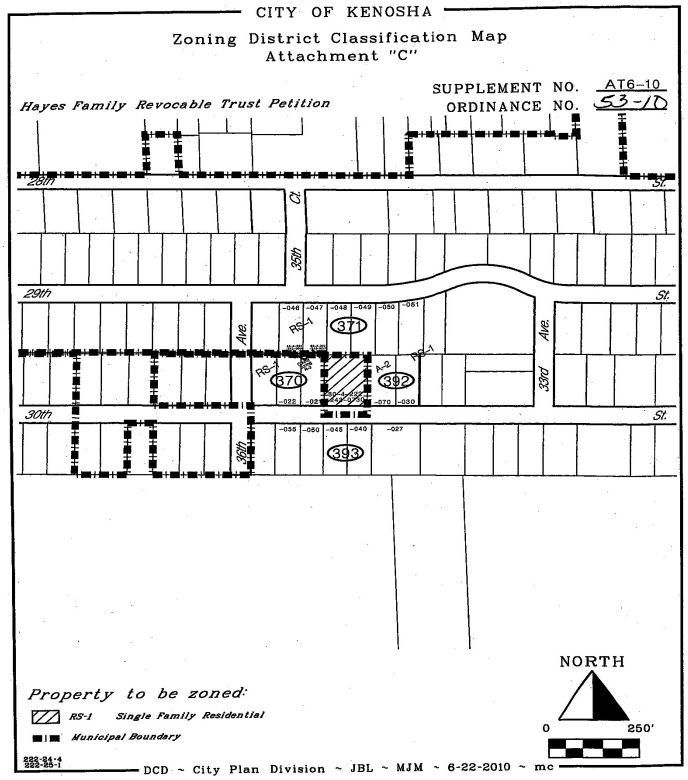
Section Six: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

the City of Kenosha, Wisconsin, as hereinafter provided.

Section Two: Effect of Attachment. From and after August 16, 2010, 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: Zoning District Classifications. The territory described in Section One, upon attachment, shall have the zoning district classifications shown on Attachment "C", which zones the territory under the most restrictive classification of the City Zoning Ordinance. This zoning district classification shall be and remain in effect for each parcel of land described therein until this 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 43rd Ward of the 5th District of the City of Kenosha, subject to



Section Seven: Effective Date. This Ordinance, the Attachment, and the Zoning District Classifications shall take effect on August 20, 2010, after passage and publication, as provided by law.

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

G. ZONING ORDINANCES 2ND READING

It was moved by Alderman Nudo, seconded by Alderman Downing, to adopt Ordinance 54-10.
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:

G.1. ZONING ORDINANCE NO. 54-10
BY: ALDERPERSON STEVE BOSTROM
TO REPEAL AND RECREATE SUBPARAGRAPHS 4.06 B. 9. f., g., AND h. AND THE DEFINITION OF RECYCLING COLLECTION CENTER IN SECTION 12

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Subparagraphs 4.06 B. 9. f., g., and h. of the Zoning Ordinance for the City of Kenosha, Wisconsin, are hereby repealed and recreated as follows: f. Shall be limited to the collection and processing of Recycling-Center Material, as that term is defined in Chapter 13 of the Code of General Ordinances for the City of Kenosha. g. Recycling-Center Material processing shall be limited to those means allowed to a Recycling Center licensee. h. Collection center may be used as an accessory use to an established business. Section Two: The definition of Section 12 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

RECYCLING COLLECTION CENTER. Recycling Center as defined in Chapter 13 of the Code of General Ordinances for the City of Kenosha. Section Three: This Ordinance shall become effective upon passage and publication.

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

G.2. It was moved by Alderman Michalski, seconded by Alderman Haugaard, to adopt Ordinance 55-10.
A public hearing was held. No one spoke for or against said ordinance.
On roll call vote, motion carried (14-2) with Alderpersons Nudo and Bostrom voting nay and said ordinance was thereupon adopted as follows:

ZONING ORDINANCE NO. 55-10
BY: CITY PLAN COMMISSION
TO CREATE SUBSECTION 18.02 OF THE ZONING ORDINANCE TO AMEND THE COMPREHENSIVE PLAN TO REMOVE A PORTION OF A FUTURE RIGHT OF WAY FROM THE OFFICIAL MAP

The Common Council of the City of Kenosha, Wisconsin, does ordain as follows: Section One: Subsection 18.02 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows: 18.02 The comprehensive plan adopted in subsection 18.01 is amended by the following: (a) By Common Council resolution 126-10 on file with the City Clerk Section Two: This Ordinance shall become effective upon passage and publication, as provided by law.

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

H. RESOLUTIONS

H.1. It was moved by Alderman Kennedy, seconded by Alderman Juliana, to adopt Resolutions 113-10 through

119-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 113-10
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 2010, in the total amount of $23,586.70, 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.

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

b. RESOLUTION NO. 114-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Property Maintenance Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2010, in the total amount of $1,626.00, 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.

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

c. RESOLUTION NO. 115-10
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 2010, in the total amount of $2,103.90, 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.

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

d. RESOLUTION NO. 116-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Unpaid Permit Fees

BE IT RESOLVED, that special assessments for unpaid permit fees during 2010, in the total amount of $160.00 (A/C #110-00-44810), 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.

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

e. RESOLUTION NO. 117-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Unpaid Permit Fees

BE IT RESOLVED, that special assessments for unpaid permit fees during 2010, in the total amount of $160.00 (A/C #110-00-44810), 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.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

f. RESOLUTION NO. 118-10
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 2010, in the total amount of $810.00, 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.

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

g. RESOLUTION NO. 119-10
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 2009 & 2010, in the total amount of $30,677.32, 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.

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

H.2. It was moved by Alderperson Ruffolo, seconded by Alderperson Kennedy to adopt Resolution 120-10. On roll call vote, motion carried (14-2) with Alderpersons Nudo and Bostrom voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 120-10
BY: FINANCE COMMITTEE
To Rescind Two (2) Special Assessments for Trash & Debris Removal (Parcels 05-123-06-232-014 and 11-223-30-380-005)

WHEREAS, on April 19, 2010, the Common Council of the City of Kenosha, Wisconsin, adopted Resolution No. 56-10 and on June 7, 2010 adopted Resolution 79-10, levying special assessments for trash and debris removal for various properties within the City of Kenosha, Wisconsin, at the request of the Kenosha County Health Department; and, WHEREAS, on August 2, 2010 the Common Council of the City of Kenosha determined that special assessments should not have been levied on parcel 05-123-06-232-014 (1902-62nd Street) and parcel 11-223-30-380-005 (1405-44th Street), Kenosha, Wisconsin. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the special assessment in the amount of $260.00 levied by Resolution No. 56-10 against Parcel 05-123-06-232-014 (1902-62nd Street) and the special assessment in the amount of $350.00 levied by Resolution 79-10 against Parcel 11-223-30-380-005 (1405-44th Street) Kenosha, Wisconsin, be and hereby are rescinded.

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

H.3. It was moved by Alderperson Juliana, seconded by Alderperson Green to adopt Resolution 121-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

COMMON COUNCIL OF THE CITY OF KENOSHA, WISCONSIN RESOLUTION NO. 121-10
RESOLUTION GRANTING POWER TO PROVIDE HOUSING FOR ELDERLY PERSONS TO THE CITY OF KENOSHA HOUSING AUTHORITY AND APPROVING A SENIOR RENTAL HOUSING PROJECT OF THE CITY OF KENOSHA HOUSING AUTHORITY
(ST. CATHERINE COMMONS II, LLC PROJECT) AND THE ISSUANCE OF BONDS FOR THE FINANCING THEREOF

WHEREAS, the Common Council of the City of Kenosha, Wisconsin (the "City") has heretofore created a housing authority pursuant to Section 66.1201 of the Wisconsin Statutes known as the City of Kenosha Housing Authority (the "Authority"); and WHEREAS, Section 66.1213 of the Wisconsin Statutes ("the Elderly Housing Act") grants the City the power to create a housing authority for elderly persons; and WHEREAS, pursuant to the Elderly Housing Act, an elderly person is defined as a person who is 62 years of age or older on the date on which the person intends to occupy the premises, or a family, the head of which, or that person's spouse, is a person who is 62 years of age or older on the date of the intent to occupy the premises; and WHEREAS, the City has decided to grant the powers to provide housing facilities for elderly persons to the Authority; and WHEREAS, whereas, the Common Council finds that there is a shortage of dwelling accommodations in the City available to elderly persons; and WHEREAS, on March 24, 2010, a public hearing was held before officials of the City of Kenosha Housing Authority, Kenosha County, Wisconsin (the "Authority") with respect to a senior rental housing project (the "Project") to be located at Sheridan Road and 35th Street, in the City of Kenosha; and WHEREAS, notice of such public hearing, in the form attached as Exhibit A hereto and incorporated herein (the "Notice"), was published by at least one insertion in the Kenosha Daily News, the official newspaper of the City of Kenosha (the "City") for the publication of notices pursuant to Chapter 985 of the Wisconsin Statutes and a newspaper of general circulation in the locality of the Project, no less than fifteen (15) days prior to the date of such public hearing; and WHEREAS, such public hearing was conducted in a manner that provided a reasonable opportunity to be heard for persons with differing views on both issuance of the bonds referred to in the Notice (the "Bonds") and the location and the nature of the Project, which is to be financed by the Bonds; and WHEREAS, the Authority has made a report of such public hearing to this body, which report this body has considered; and WHEREAS, the Common Council is an elected legislative body of the City; and WHEREAS, Sections 66.1201 to 66.1205 and 66.1213 of the Wisconsin Statutes, as amended (the "Act"), provides that this body shall approve any housing project to be undertaken by the Authority; and WHEREAS, the Bonds shall not constitute an indebtedness of the City within the meaning of any State constitutional provision or statutory limitation and shall not constitute or give rise to a pecuniary liability, direct or contingent, of any kind or degree whatsoever, of the City or a charge against its general credit or taxing powers. NOW, THEREFORE, be it resolved on behalf of the Authority, for the purposes the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended, the Common Council hereby approves the Project and the issuance of the Bonds therefor; and BE IT FURTHER RESOLVED, that the Common Council hereby grants to the Authority the power to provide housing facilities for elderly persons, to the extent not previously granted.

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

It was moved by Alderperson Ruffolo, seconded by Alderperson Juliana to adopt Resolutions 122-10 and 123-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.4. RESOLUTION NO. 122-10
BY: BOARD OF WATER COMMISSIONERS
CITY OF KENOSHA WATER UTILITY AUTHORIZING CONSTRUCTION AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR SANITARY SEWER/LATERALS and WATER MAIN/STUBS

Whereas, the Common Council of the City of Kenosha, Wisconsin, received a petition and waiver from all interested persons concerning the proposed improvement of the following streets or portion of streets: To service property at 9525 - 60th Street (Parcel Number 80-4-122-051-0160-0) Aldermanic District 17 NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha as follows: 1.That the report of the Board of Water Commissioners pertaining to the construction of the above described public improvements including plans and specifications therefore, as modified, is hereby adopted and approved; 2.That the Board of Water Commissioners is authorized to advertise for bids or order use of force labor to carry out the work of such improvements in accordance with the report of the Board of Water Commissioners; 3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report; 4. That

benefits and damages shown on the report, as modified, are true and correct and are hereby confirmed; 5. That the assessments for all projects included in said report are combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly, for any purpose or purposes; 6. That the assessments may be paid in cash or in ten (10) annual installments 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. The City Clerk is directed to publish this resolution in the official newspaper of the City.

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

H.5. RESOLUTION NO. 123-10
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO LENGTHEN THE "NO PARKING" AREA ON THE SOUTH SIDE OF 27TH STREET FROM 90 FEET TO 160 FEET EAST OF 30TH AVENUE. (DISTRICT 5)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the south side of 27th Street, beginning at 30th Avenue and extending east 160 feet, has been designated as No Parking.

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

At this time, approximately 8:25 pm, it was moved by Alderperson Prozanski, seconded by Alderperson Misner to take a brief recess. On a voice vote, motion carried. The Common Council then reconvened at approximately 8:34 pm.

It was moved by Alderperson Nudo, seconded by Alderperson Ruffolo to go into closed session (8:34 pm). On roll call vote, motion carried (15-0 – Alderperson Misner not present) At approximately 9:17 pm, the Common Council reconvened to open session.

H.6. It was moved by Alderperson Bogdala, seconded by Alderperson Downing to adopt Resolutions 124-10 and 125-10.

It was then moved by Alderperson Kennedy to separate. Motion lost for lack of a second. On roll call vote, motion to adopt resolutions carried unanimously and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 124-10
BY: ALDERPERSON RAY MISNER
ALDERPERSON JESSE DOWNING
TO PROVIDE A CONTRIBUTION FOR ATTORNEY FEES INCURRED BY RICHARD MEEKER

WHEREAS, Richard Meeker has been employed by the City of Kenosha in Protective Services-Fire Fighting since September 6, 1988; and,

WHEREAS, Richard Meeker most recently has been serving in protective service with the title of Division Chief for Quality Control and Public Health, having previously served as Division Chief of Emergency Medical Services; and,

WHEREAS, Richard Meeker indicated in a hearing before the Finance Committee that he perceived persecution from members of the Fire Department while he served in the capacity Division Chief of Emergency Medical Services; and,

WHEREAS, said perception of perceived persecution was in part based upon personal experience and in part upon his observations of others who have served in the Emergency Medical Services Division or had worked closely with this Division; and

WHEREAS, the facts surrounding the perception of Division Chief Meeker were complex to the point that attorneys representing the City came to differing opinions of the potential liability to the City; and,

WHEREAS, Division Chief Meeker's perceptions were settled in full in an agreement signed by Division Chief Meeker wherein no wrong doing was found at the hands of the City: and

WHEREAS, in making a request for reimbursement of his legal expenses, Mr. Meeker indicated to the Finance Committee that he has incurred legal expenses in the approximate amount of about $30,000; and,

WHEREAS, the Common Council finds that Division Chief Meeker's request for reimbursement differs from other instances of requests for reimbursement in that his perception, although erroneous was not unreasonable; that the facts of Division Chief Meeker's situation were complex resulting in certain advice from City officials upon which Division Chief Meeker acted; and that the result of Division Chief Meeker's disagreement with the City was a settlement acceded to by Division Chief Meeker without resort to litigation, which settlement included a full and final resolution that addressed all of his concerns except for his request for attorney fees; and,

WHEREAS, although there was no wrong doing on behalf of City officials with regard to Division Chief Meeker, nonetheless, the Common Council finds this to be an extraordinary circumstance such that some reimbursement could be made without establishing any precedent for reimbursement in any similar circumstance.

NOW THEREFORE, BE IT RESOLVED that despite there be no wrong doing perpetrated by any City official toward Division Chief Meeker, nonetheless, due to the extraordinary circumstances surrounding Division Chief Meeker's hiring of an attorney, the Common Council for the City of Kenosha hereby agrees to reimburse Division Chief Meeker $10,000 toward legal fees incurred with regard to his adverse action toward the City.

BE IT FURTHER RESOLVED that the $10,000 for reimbursement come from the Fire Department administration budget in a manner that does not affect the day-to-day operation of fire-fighting services and/or Emergency Medical Services.

Adopted this 16th day of August, 2010.

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

b. RESOLUTION NO. 125-10
BY: COMMON COUNCIL
MANAGEMENT ISSUES REGARDING JOHN R. THOMSEN, FIRE CHIEF FOR THE CITY OF KENOSHA

WHEREAS, John R. Thomsen has been Fire Chief for the City of Kenosha since December 16, 2006.

WHEREAS, one of Chief Thomsen's subordinates was Richard Meeker, a twenty year veteran of the department who at the time John R. Thomsen became Fire Chief was Division Chief of Emergency Medical Services for the Fire Department; and,

WHEREAS, Division Chief Meeker perceived persecution from members of the Fire Department during Chief Thomsen's tenure as Fire Chief, resulting in a claim against the City, which claim was the subject of a full and final settlement with regard to the substantive issues, which settlement included no admission of liability by the City and no damages paid to Division Chief Meeker; and,

WHEREAS, through its Finance Committee, the Common Council came to understand the basis of Division Chief Meeker's perception of persecution through the course of consideration of a request by Division Chief Meeker for reimbursement of attorney fees expended by Division Chief Meeker in regard to the perceived persecution; and,

WHEREAS, although the actions of Fire Chief Thomsen did not result in a finding by a court of law that Chief Thomsen's actions were illegal, nonetheless, in the opinion of the Common Council Chief Thomsen mishandled the situation; and,

WHEREAS, furthermore in the opinion of the Common Council Fire Chief Thomsen lost objectivity with regard to Division Chief Meeker's situation.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Kenosha, does hereby publicly reprimand John R. Thomsen, Fire Chief for the City of Kenosha for his management methods involving his subordinate, Division Chief Richard Meeker.

BE IT FURTHER RESOLVED that the Common Council does hereby direct the City Clerk to provide a copy of this Resolution to the Mayor of the City of Kenosha along with a request that a copy of this resolution be placed in the personnel file of Fire Chief John R. Thomsen and further requests the Mayor to issue a formal letter of

reprimand to the Fire Chief regarding the substance of this Resolution to also be placed in his personnel file.
Adopted this 16th day of August, 2010.

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

H.7. It was moved by Alderperson Nudo, seconded by Alderperson Bostrom to concur with the Public Works Committee's recommendation to DENY Resolution 126-10.

H.7.1. It was moved by Alderperson LaMacchia, seconded by Alderperson Juliana to hold a public hearing. Alderperson Ruffalo requested a point of order, asking that the rules be suspended, since the item was not scheduled for a public hearing.

H.7.2. It was then moved by Alderperson Juliana, seconded by Alderperson Green to suspend the rules to hold a public hearing (2/3 vote required). On roll call vote, motion carried (10-5) with Alderpersons Nudo, Bostrom, Misner, Bogdala and Ruffolo voting nay. A public hearing was held. One (1) person spoke in favor of said resolution. The public hearing was closed.

H.7.3. It was moved by Alderperson Juliana, seconded by Alderperson LaMacchia to reinstate the rules. On a voice vote, motion carried.

H.7.4. On roll call vote, motion to DENY failed (6-9) with Alderpersons Nudo, Bostrom, Misner, Bogdala, Ruffalo and Ruffolo voting aye.

H.7.5. It was moved by Alderperson Kennedy, seconded by Alderperson Ohnstad to adopt Resolution 121-10. On roll call vote, motion carried (9-6) with Alderpersons Nudo, Bostrom, Misner, Bogdala, Ruffalo and Ruffolo voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 126-10
BY: THE MAYOR
TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO RESCIND THE DESIGNATION OF 21ST STREET FROM 27TH AVENUE TO THE EXISTING TERMINUS, WEST OF 26TH AVENUE AS A FUTURE STREET, PURSUANT TO SECTION 62.23(6), WISCONSIN STATUTES

WHEREAS, Section 62.23(6)(c), 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, 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 Northeast Quarter of Section 24, Town 2 North, Range 22 East of the Fourth Principal Meridian, in the City of Kenosha in Kenosha County, Wisconsin, more generally described as 21st Street from 27th Avenue to the existing terminus west of 26th Avenue; and, WHEREAS, said future street described as 21st Street from 27th Avenue to the existing terminus west of 26th Avenue is no longer reqired to serve the area. 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 by removing therefrom 21st Street from 27th Avenue to the existing terminus west of 26th Avenue as a future street as depicted on Supplement No. FS1-10. 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. FS1-10, in the Office of the Register of Deeds for Kenosha County, Wisconsin. BE IT FURTHER RESOLVED, that this resolution shall not be effective until an ordinance amending the Comprehensive Plan consistent herewith is effective.

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

It was moved by Alderperson Kennedy, seconded by Alderperson Ruffolo to adopt Resolutions 127-10 and 128-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.8.RESOLUTION NO. 127-10

BY: THE MAYOR

TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE ATTACHMENT OF PARCEL NO. 80-4-222-243-0730 LOCATED AT 3408 30th 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 [Hayes Family Revocable Trust – 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. 80-4-222-243-0730, located at 3408 30th Street , in the Town of Somers, Kenosha County, Wisconsin, to the City of Kenosha, Wisconsin; and, WHEREAS, on August 16, 2010, the Common Council for the City of Kenosha, Wisconsin, approved an Attachment and Zoning District Classification Ordinance under Section 66.0307, Wisconsin Statutes, for Parcel No. 80-4-222-243-0730, located at 3408 30th Street, in the Town of Somers, Kenosha, Wisconsin, to be attached to the City of Kenosha, Wisconsin, with the 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. 80-4-222-243-0730, located at 3408 30th Street, Kenosha, Wisconsin, as depicted on the Attachment and Zoning District Classification Ordinance, which is incorporated herein by reference.

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

H.9. RESOLUTION NO. 128-10

BY: MAYOR

TO EXTEND THE MORATORIUM ON THE ISSUANCE OF ZONING PERMITS, CONDITIONAL USE PERMITS, SITE PLAN REVIEW AND SIGN PERMITS FOR ANY OFF-PREMISE SIGN, TO PROVIDE THE DEVELOPMENT, PASSAGE AND IMPLEMENTATION OF REQUIREMENTS FOR OFF-PREMISE SIGNS

WHEREAS, the Common Council for the City of Kenosha imposed a moratorium on March 1, 2010, on the issuance of any Zoning Permit, Conditional Use Permit, Site Plan Approval Review or Sign Permit for any off-premise sign(s) for a exceed six (6) months or until new ordinances and standards are adopted by the Common Council with regard to sign regulation; and,

WHEREAS, it was determined that the current City Code of General Ordinances and Zoning Ordinances do not deal adequately with the issue of off-premises signs; and, WHEREAS, due to extraordinary work loads, City staff has been unable to coordinate its efforts to complete its investigation of the regulation by other communities in order to propose new ordinances and standards to be considered for adoption by the Common Council with regard to sign regulation prior to the expiration of the moratorium. NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Kenosha does hereby extend the moratorium until December 13, 2010.

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

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

K. OTHER CONTRACTS AND AGREEMENTS

K.1. It was moved by Alderperson Michalski, seconded by Alderperson Green, to approve Award of Performance Contract to Johnson Controls, Inc. On roll call vote, motion carried (13-2) with Alderpersons Haugaard and Kennedy voting nay.

It was moved by Alderperson Nudo, seconded by Alderperson Juliana to approve:

K.2. Temporary Limited Easement between the City of Kenosha and CJVLJV, LLC, for property at 6300 120th Avenue. (West Frontage Road Project) (17th District)

K.3. Proposal and Cellular Service Agreement Between US Cellular and the City of Kenosha.

K.4. HOME Program Agreement between the City of Kenosha and Tarantino & Company, LLC for the Casa Del Mare Senior Residential Care Apartment Complex at 3508 7th Avenue. (1st District)

On roll call vote, motion carried unanimously.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

L.1. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve Disbursement Record #13 – $3,342,006.64 and #14 - $26,146,735.39.

On roll call vote, motion carried unanimously.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

M.1. It was moved by Alderperson Nudo, seconded by Alderperson Juliana to approve Final Acceptance of Project 09-1111 Miscellaneous Storm Sewers (50th Avenue - 61st Street to 63rd Street, Gangler Park - 82nd Street approximately 200 ft west of 65th Avenue) completed by A.W. Oakes & Son, Inc., (Racine, Wisconsin) - $162,935.27. (15th District)

On roll call vote, motion carried unanimously.

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Marks, seconded by Alderperson Kennedy, to adjourn at 9:55 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 8, 2010
Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Wednesday, September 8, 2010

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

The meeting was called to order at 7:16 p.m.

On roll call, the following members of the Common Council were present: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana, Marks, Green, Kennedy, Nudo, Bostrom, Misner, Orth, Downing and Bogdala. Excused: Alderperson 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.

It was moved by Alderperson Ruffolo, seconded by Alderperson Ruffalo, to approve the minutes of the meeting held August 16, 2010.

Motion carried unanimously.

Fifteen (15) citizens spoke during Citizen's Comments: Christine Salvatore, Carol & Joe Piasecki, Larry Zdanowicz, Nadia Museitef, Sam & Pat Pacifico, Susan Anderson, Kathy Wilson, Kim Gorsuch, Jason Kent, Phyllis McNab, Bob Danbeck, Mike Martin, Jeffrey Weidner and Chaplain Helen Tobey.

A. REFERRALS

TO THE COMMITTEE ON FINANCE

A.1. Easement Agreement for the 39th Avenue Right-of-Way Project at 3905 24th Street, District #5. (James & Dortha Childers) (Also refer to Public Works Committee)

TO THE PUBLIC WORKS COMMITTEE

A.2. A Mutual Agreement and Release by and between RBC Real Estate Finance, Inc., and the Kenosha Water Utility and the City of Kenosha regarding Strawberry Creek property and related Letter of Credit Termination Agreement, District #17.

A.3. Permanent Limited Easement for storm water drainage at 1338 20th Avenue, District #1. (Kent & Angela Morton)

TO THE CITY PLAN COMMISSION

A.4. Conditional Use Permit for a 70-unit apartment complex to be located south of 63rd Street and east of 18th Avenue, District #8. (Uptown Gardens Apartments)

A.5. Resolution to Amend the Official Map for the City of Kenosha, Wisconsin, to include the Attachment of Parcel #80-4-222-234-0100, located at 3906 24th 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, District #5. (Uttech)

A.6. Petition to rezone property located at 6041 30th Avenue from M-2 Heavy Manufacturing to B-2 Community Business District, District #11. (Pfarr)

A.7. Petition to rezone property located at 7850 Green Bay Road from RS-1 Single-Family Residential to B-2 Community Business District, District #15. (Easton)

A.8. Proposed Ordinance by Alderperson Patrick Juliana – To Repeal and Recreate Subsection 8.01 of the Zoning Code Entitled "Plan Commission"

A.9. Proposed Ordinance by Alderperson Patrick Juliana - To Repeal and Recreate Subsection 1.06 A. (of the Code of General Ordinances) Entitled "City Boards and Commissions" (Also refer to City Plan Commission)

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to separate action on a., b. and d

from c.

B.1.1. It was moved by Alderperson Kennedy, seconded by Alderperson Juliana to approve a. b. and d. On a voice vote, motion carried.

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. On a voice vote, motion carried.

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

B.1.2. It was moved by Alderperson Nudo, seconded by Alderperson Michalski to approve c. 3 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 (the application of St. Therese, and the two applications of Lakeside Players). On a voice vote, motion carried.

B.1.3. It was then moved by Alderperson Nudo, seconded by Alderperson Downing to refer the application of Spanish Center to the Licensing/Permit Committee. On roll call vote, motion carried (10-5) with Alderpersons Haugaard, Kennedy, Michalski, Ohnstad and Juliana voting nay (Alderperson Marks not present for vote, returned for action on item C.4.).

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to approve applications for new Operator's (Bartender) licenses, subject to:

-25 demerit points:

a. Nicholas Ward

b. Samantha Schroeder

-35 demerit points:

c. Joseph Hurst

d. Mary Ann Sacripanti

-50 demerit points:

e. Autumn Evertse

f. Robert Conforti

g. Kelly Montague

A hearing was held.

Applicant a., Nicholas Ward, was present and spoke. On a voice vote, motion carried.

C.2. It was moved by Alderperson Nudo, seconded by Alderperson Green, to DENY applications for new Operator's (Bartender) licenses, based on:

-material police record:

a. Stephanie Covelli

-material police record & false application:

b. Angelica Puente

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

C.3. It was moved by Alderperson Nudo, seconded by Alderperson Michalski, to approve application of Deborah Cook for a new Taxi Driver's license, subject to 40 demerit points.

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

C.4. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve application of Muggshots, Inc., for an Outdoor Extension and Outdoor Dining Area of the Class “B” Beer/”Class B” Liquor License located at 5515 - 6th Ave. (Muggshots), 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) and Approve Request to Change the Closing Hours to Midnight. (2nd District)

A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.5. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve application of Naster, Inc., for an Outdoor Extension of the Class “B” Beer/”Class B” Liquor License located at 3221 - 60th Street (Our Kenosha Tap), and Approve Request to Change the Closing Hours to Midnight, Conditioned Upon a Decorative Fence, According to the Ordinance. (11th District)

A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.6. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve application of Jean Campagna, for an Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 3001 - 60th Street (Shooters), and Approve Request to Change the Closing Hours to Midnight. (11th District)

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

C.7. It was moved by Alderperson Nudo, seconded by Alderperson Green, to DENY Application of PJ Doghouse, LLC, to Change Closing Hours to 12:00 AM of the Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 2621 - 30th Avenue, (Clubhouse Pub & Grille) Due to Zoning Ordinance.

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

C.8. It was moved by Alderperson Green, seconded by Alderperson Ohnstad, to approve application of Elizabeth K. Block, for a Secondhand Jewelry Dealer License located at 7620 Pershing Blvd. (Herberts Ltd.), with no adverse recommendations.

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

C.9. It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad, to Application of McFibber's Pub, Inc., Mary Ruffolo, Agent, for a Temporary Outdoor Extension and a Request to Change Closing Hours to Midnight of the Class "B" Beer/"Class B" Liquor License Located at 2717-60th Street (Screamin' Mimi's Lounge) on September 18, 2010.

A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.10. It was moved by Alderperson Ruffalo, seconded by Alderperson LaMacchia, to application of The Coffee Pot, LLC, Janis Barnhill, Agent, for a Cabaret License to be Located at 4914 - 7th Avenue (The Coffee Pot) on September 11, 2010.

A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.11. It was moved by Alderperson Ohnstad seconded by Alderperson LaMacchia, to approve application of UAW Local 72 (U United Aero & Ag Workers Am Local 72), Curt Wilson, Agent, for a Class "B" Beer/"Class B" Liquor License Located at 3615 Washington Road.

A hearing was held. The applicant was present and spoke.

At approximately 9:02 pm, it was moved by Alderperson Ruffolo, seconded by Alderperson Downing to recess. On a voice vote, motion carried. At approximately 9:20 pm the Council reconvened.

On a voice vote, motion to approve carried.

D. ORDINANCES 1ST READING

It was moved by Alderperson Kennedy, seconded by Alderperson Nudo, to send the following ordinances on their way:

D.1.By Public Works Committee – To Amend Section 1.03 C.1.b. (of the Code of General Ordinances) Regarding "Rules of Council"

D.2. By Alderperson Lawrence Green - To Create Subsection 14.013 D. Entitled Pet Fancier and to Repeal and Recreate Subsection 14.08 9. to Include Penalty Language Therefore.

D.3. By the Mayor - Attachment and Temporary Zoning District Classification (Under Section 66.0307, Wisconsin Statutes, City of Kenosha/Town of Somers Cooperative Plan), Property at 3906 24th Street,(Parcel #80-4-222-234-0100, District #5). (Uttech-Property Owner)

D.4. By the Mayor - To Repeal and Recreate Subsection 17.09 F.3 (of the Code of General Ordinances) regarding "Lots".

D.5. By the Mayor - To Repeal and Recreate Subsection 1.06 A. (of the Code of General Ordinances for the City of Kenosha) entitled "City Boards and Commissions".

D.6. By Alderperson G. John Ruffolo - To Repeal Ordinance 47-10 and to Create Section 1.05 Q. (of the Code of General Ordinances), Entitled "Alderpersonic Notice".

On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

It was moved by Alderperson Kennedy, seconded by Alderperson Nudo, to send the following ordinance on its

way:

E.1. By Alderpersons Steve Bostrom and Anthony Nudo – To Allow Non-Conforming Residential Uses Located Within a Residential Zone to be Reconstructed Upon Receiving a Conditional Use Permit from the Common Council. (To Add Non-Conforming Use Language in Various Areas of Section 3; to Add Non-Conforming Use Language in Table 4.01 at Group 1; to Recreate Section 4.03 A; to Amend Subsection 4.04 L; To Create Subsection 4.06 A.17 entitled "Non-Conforming Residential Uses"; To Repeal and Recreate Subsection 7.05 A.1. entitled"Non-Conforming Buildings and Structures"; To Amend Subsection 7.05 A.3 entitled "Buildings or Structures Non-Conforming to Visual Clearance, Excluding Fences" of the Zoning Ordinance of the City of Kenosha).

On a voice vote, motion carried.

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to adopt Ordinance 56-10.

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. 56-10
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 NORTH/SOUTH YIELD SIGNS AT 55TH AVENUE BEFORE ENTERING ITS INTERSECTION WITH 28TH STREET. [DISTRICT 5]

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 "55th Avenue" in Column A and "28th 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

F.2. It was moved by Alderperson Michalski, seconded by Alderperson Green, to adopt Ordinance 57-10.

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. 57-10
BY: COMMITTEE ON PUBLIC
SAFETY AND WELFARE
TO AMEND SECTION 7.125 OF THE CODE OF GENERAL ORDINANCE ENTITLED, "STREETS CONTROLLED BY YIELD SIGNS" TO INCLUDE NORTH/SOUTH YIELD SIGNS ON 19th AVENUE BEFORE ENTERING ITS INTERSECTION WITH 33rd STREET. [DISTRICT 6]

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 "19th Avenue" in Column A and "33rd 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

F.3. It was moved by Alderperson Kennedy, seconded by Alderperson LaMacchia, to adopt Ordinance 58-10.

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. 58-10

BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE

TO AMEND SECTION 7.125 OF THE CODE OF GENERAL ORDINANCE ENTITLED, "STREETS CONTROLLED BY YIELD SIGNS" TO INCLUDE WEST BOUND YIELD SIGN AT 16th PLACE BEFORE ENTERING ITS INTERSECTION WITH 16th AVENUE [DISTRICT 1]

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 "16th Place" in Column A and "16th Avenue" 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

F.4. It was moved by Alderperson Ohnstad, seconded by Alderperson LaMacchia, to adopt Ordinance 59-10.

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

On roll call vote, motion carried (15-1) with Alderperson Nudo voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 59-10
BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE

TO AMEND SECTION 7.12 C. OF THE CODE OF GENERAL ORDINANCES, BY ADDING A STOP SIGN FOR WESTBOUND TRAFFIC ON 48th STREET BEFORE ENTERING THE INTERSECTION WITH 38th AVENUE.[DISTRICT 10]

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 Westbound on 48th Street shall stop before entering the intersection with 38th Avenue. Section Two: This Ordinance shall become effective upon passage and publication.

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

F.5. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to DENY the proposed ordinance **BY: ALDERPERSON RAY MISNER - TO CREATE PARAGRAPH 5.11 B.5. OF THE CODE OF GENERAL ORDINANCES, REGARDING SIDEWALKS AND ALLEYS TO BE KEPT CLEAN BY RESPONSIBLE PARTY.**

F.5.1. It was then moved by Alderperson LaMacchia, seconded by Alderperson Misner to defer for 60 days. On a voice vote, decision was unclear. On roll call vote, motion carried (9-7) with Alderpersons Kennedy, Nudo, Bostrom, Orth, Ruffalo, Ruffolo and Ohnstad voting nay.

F.6. It was moved by Alderperson Kennedy, seconded by Alderperson Ohnstad, to adopt Ordinance 60-10.

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. 60-10
BY: ALDERPERSON STEVE BOSTROM

TO REPEAL AND RECREATE SUBSECTION 10.04 C.2 OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA REGARDING RESTRICTIONS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Subsection 10.04 C.2 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: 2. Only one (1) "Class A" License shall be granted for every five thousand, six hundred (5,600) inhabitants, or fraction thereof, of the City. Section Two: This Ordinance shall become effective upon passage and publication.

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

F.7. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to adopt Ordinance 61-10.

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

F.7.1. It was then moved by Alderperson Orth, seconded by Alderperson Misner to strike within 30 days and replace with within 10 working days prior to consideration by Common Council. On a voice vote, motion carried.

On roll call vote, motion to adopt ordinance 61-10 carried (14-2) with Alderpersons Kennedy and Ohnstad voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 61-10
BY: ALDERPERSON RAY MISNER
TO ADD THE FOLLOWING LANGUAGE TO THE TITLE OF SECTION 1.06 REGARDING "CITY BOARDS AND COMMISSIONS"; TO REPEAL AND RECREATE SECTION 29.03.3 PARAGRAPH 2 REGARDING "FINANCIAL DISCLOSURE"; TO REPEAL AND RECREATE SECTION 29.04. AND 29.04.2 OF THE CODE OF GENERAL ORDINANCES REGARDING "TIME FOR FILING"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: To add the following language to the title of Section 1.06 of the Code of General Ordinances for the City of Kenosha, Wisconsin, as follows: 1.06 CITY BOARDS AND COMMISSIONS. Each member of a City Board or Commission shall take and file the official oath prior to assuming the position. Section Two: To repeal and recreate Section 29.03.3 Paragraph 2 of the Code of General Ordinances for the City of Kenosha, Wisconsin, as follows: 4. All City Board and Commission members. Section Three: To repeal and recreate Sections 29.04.1 and 29.04.2 of the Code of General Ordinances for the City of Kenosha, Wisconsin, as follows: 29.04 TIME FOR FILING City officers, employees and candidates for office shall file their statement of economic interest within the following time limits: 1. For new officers, employees, Board and Commission Members, ten (10) working days prior to consideration by Common Council. 2. For current officers, employees, Board and Commission Members, within thirty (30) days after the effective date of this Ordinance. 3. For candidates for City elected office, by 4:30 P.M. on the next working day following the last day for the filing of nomination papers. Section Four: This Ordinance shall become effective upon passage and publication.

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

F.8. It was moved by Alderman Michalski, seconded by Alderman Ohnstad, to adopt Ordinance 62-10 as amended in packet.

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

On roll call vote, motion carried (11-5) with Alderpersons Misner, Orth, Bogdala, Ruffalo and Ruffolo voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 62-10
BY: ALDERPERSON JAN MICHALSKI
TO RENUMBER SECTION 4.07 OF THE CODE OF GENERAL ORDINANCES, ENTITLED "PENALTIES″ AS SECTION 4.08; AND, TO CREATE SECTION 4.07 OF THE CODE OF GENERAL ORDINANCES, ENTITLED:"ARTIFICIAL LIGHT AND GLARE″

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 4.07 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby renumbered as Section 4.08. Section Two: Section 4.07 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: 4.07 ARTIFICIAL LIGHT AND GLARE A. Regulation. All outdoor lighting shall be subject to the

following regulation. (1) Outdoor lighting on residential property producing artificial light during periods of darkness shall be directed or shielded appropriately to minimize potential glare and to avoid creating a nuisance to neighboring properties. (2) Illumination Intensity. All luminaries, including light fixtures, with a total luminous flux greater than one thousand (1,000) initial lumens shall be full cutoff, or shall be shielded or installed so that there is not a direct line of sight between the light source and/or lamp or its reflection and a point five (5') feet or higher above the ground at the property boundary. B. Exemption. Low output outdoor lighting of the type having no individual bulb or lamp that has a rating of greater than five watts is exempt from the restrictions of this section. Section Three: This Ordinance shall become effective upon passage and publication.

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

F.9. It was moved by Alderperson Michalski, seconded by Alderperson Ohnstad, to adopt Ordinance 63-10.
A public hearing was held. Three (3) people spoke in favor of said ordinance.

F.9.1. It was moved by Alderperson Ruffalo, seconded by Alderperson Ohnstad to strike the word "acoustic". On a voice vote, motion carried.

F.9.2. It was moved by Alderperson Ohnstad, seconded by Alderperson Juliana to change the hours from 8 pm to 9 pm. On a voice vote, motion carried.

On roll call vote, motion carried (14-2) with Alderpersons Kennedy and Nudo voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 63-10
BY: ALDERPERSON THEODORE RUFFALO
TO AMEND SECTION 10.075 E. 1. OF THE CODE OF GENERAL ORDINANCES REGARDING "USE OF OUTDOOR AREA"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: To amend Section 10.075 E. 1. of the Code of General Ordinances for the City of Kenosha, Wisconsin, as follows: E. Restrictions Governing the Use of the Outdoor Area Included within the Description of a "Class B", Class "B" and/or "Class C" Licensed Premises. 1. Cabaret Licenses shall not be extended thereto, and no activities specified in Section 10.07 A. shall be permitted therein, except music shall be permitted from 10:00 A.M. to 9:00 P.M. and where the outdoor area does not have boundaries within three hundred feet (300') of any residentially zoned property from 10:00 A.M. to 10:00 P.M.. Section Two: This Ordinance shall become effective upon passage and publication.

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

G. ZONING ORDINANCES 2ND READING

G.1. A public hearing was held on the proposed ordinance BY ALDERPERSON G. JOHN RUFFOLO, ALDERPERSON DAVID BOGDALA, ALDERPERSON THEODORE RUFFALO, ALDERPERSON ANTHONY NUDO, ALDERPERSON RAY MISNER
- TO REPEAL AND RECREATE SECTION 2.02 A.4 OF THE ZONING ORDINANCE OF THE CITY OF KENOSHA REGARDING THE GRANTING OF TEMPORARY USES. No one spoke for or against said ordinance. ((Pursuant to Wis. Stats. par. 62.23(7)(d)2., the public hearing may be held, but the Common Council may not take final action until the City Plan Commission has had an opportunity to make a timely recommendation.)

H. RESOLUTIONS

H.1. It was moved by Alderman Kennedy, seconded by Alderman Green, to adopt Resolution 129-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 129-10
BY: FINANCE COMMITTEE
To Rescind One (1) Special Assessment Levied by Resolution No. 115-10 Against Parcel No. 07-222-13-326-002 (3105 15th Street), Kenosha, Wisconsin

WHEREAS, on August 16, 2010, the Common Council of the City of Kenosha, Wisconsin, adapted Resolution No. 115-10 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 one (1) of those parcels; to wit: Parcel No. 07-222-13-326-002 (3105 15th Street), Kenosha, Wisconsin. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the special assessment of $190.12 levied by Resolution No. 115-10 against Parcel No. 07-222-13-326-002 (3105 15th Street) Kenosha, Wisconsin be and hereby is rescinded thereby reducing the total amount of the resolution by $190.12 for a total of $1,913.78. Passed this 8th day of September, 2010.

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

H.2. It was moved by Alderman Kennedy, seconded by Alderman Michalski, to adopt Resolution 130-10 thru 132-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 130-10
BY: FINANCE COMMITTEE
RESOLUTION TO CORRECT RESOLUTION #088-10
FOR SIDEWALK AND/OR DRIVEWAY APPROACHES
PROJECT #09-1016 RESURFACING PHASE III

WHEREAS, Resolution #88-10 for Project #09-1016 Resurfacing Phase III (38th Avenue – Roosevelt Rd to 73rd Street, 41st Place - 19th Avenue to 100' East of 18th Avenue, 18th Avenue - 43rd Street to 41st Place, 87th Place - 35th Avenue to 34th Avenue) in the amount of $12,640.32 was passed by the Kenosha Common Council on June 21, 2010, WHEREAS, it has been determined that a special assessment against Parcel #11-223-30-352-015 in the amount of $316.80 for sidewalk repair was levied in error, WHEREAS, it has been determined that a special assessment against Parcel #11-223-30-352-010 in the amount of $112.00 for sidewalk repair was levied in error, NOW, THEREFORE, BE IT RESOLVED, by the Kenosha Common Council that the resolution be changed from $12,640.32 to $12,211.52.

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

b. RESOLUTION NO. 131-10
BY: FINANCE COMMITTEE
RESOLUTION TO CORRECT RESOLUTION #089-10
FOR SIDEWALK AND/OR DRIVEWAY APPROACH
PROJECT #09-1021 RESURFACING PHASE IV

WHEREAS, Resolution #89-10 for Project #09-1021 Resurfacing Phase IV (26th Avenue - 80th Street to Lincoln Road) in the amount of $4,824.64 was passed by the Kenosha Common Council on June 21, 2010, WHEREAS, it has been determined that a special assessment against Parcel #04-122-12-182-013 in the amount of $112.00 for sidewalk repair was levied in error, WHEREAS, it has been determined that a special assessment against Parcel #04-122-12-182-004 in the amount of $345.60 for sidewalk repair was levied in error, NOW, THEREFORE, BE IT RESOLVED, by the Kenosha Common Council that the resolution be changed from $4,824.64 to $4,367.04.

APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

c. RESOLUTION NO. 132-10
BY: FINANCE COMMITTEE
RESOLUTION TO CORRECT RESOLUTION #090-10 FOR SIDEWALKS AND/OR DRIVEWAY APPROACHES PROJECT #09-1208

WHEREAS, Resolution #90-10 for Project #09-1208 Sidewalk & Curb/Gutter Program (Citywide Locations) in the amount of $ 14,610.03 was passed by the Kenosha Common Council on June 21, 2010, WHEREAS, it has been determined that Parcel #10-223-19-255-016 was incorrectly billed in the amount of $560.00, and should have been billed in the amount of $224.00. NOW, THEREFORE, BE IT RESOLVED, by the Kenosha Common Council that the resolution be changed from $14,610.03 to $14,274.03.

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

H.3. It was moved by Alderman Michalski, seconded by Alderman LaMacchia, to adopt Resolution 133-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 133-10
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 by Charter Ordinance No.(s) 28, 30, and 33, 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 August 16, 2010, for the City of Kenosha, a report on file in the Office of the City Clerk/Treasurer 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 by Charter Ordinance No.(s) 28, 30, and 33, special assessments in the total amount of Four Thousand Four Hundred Fourteen Dollars and forty-five cents ($4,414.45) 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 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.

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

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS
K. OTHER CONTRACTS AND AGREEMENTS

K.1. It was moved by Alderperson Juliana, seconded by Alderperson Marks, to DENY the Contract for Coordination of Remediation by and between Bear Development LLC, (a Wisconsin Limited Liability Company) and the City of Kenosha, (Wisconsin, a Municipal Corporation) and TRC Companies, Inc., (a Delaware Corporation). (8th District)

K.1.2. It was moved by Alderman Bostrom, seconded by Alderman Kennedy, to hold a public hearing. A public

hearing was held. One (1) person spoke in favor of said contract.
K.1.3. It was moved by Alderman Rufollo, seconded by Alderman LaMacchia, to allow Alderman Nudo to abstain. On a voice vote, motion carried.
K.1.4. On roll call vote, motion to deny carried (12-3-1) with Alderpersons Kennedy, Bostrom and Orth voting nay and Alderman Nudo abstaining.
At this time, approximately 11:48 pm, it was moved by Alderperson Haugaard, seconded by Alderperson Ruffalo to extend the meeting. On a voice vote, motion carried.
K.2. It was moved by Alderman Marks, seconded by Alderman Ohnstad, to approve Amendment to Contract of Purchase and Sale and Development Agreement by and between Uptown Brass Development, LLC and the City of Kenosha, Wisconsin and the Redevelopment Authority of the City of Kenosha, Wisconsin.
On roll call vote, motion carried (15-1) with Alderman Juliana voting nay.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderperson Kennedy, seconded by Alderperson Ruffolo, to approve:
L.1. Disbursement Record #15 – $4,554,424.39.
L.2. Request from Kenosha Achievement Center for an Extension to their 2009 CDBG Subgrantee Agreement.
On roll call vote, motion carried unanimously.
L.3. Item L.3.a, Deborah Wilmot, et al vs. City of Kenosha, was deferred by the Finance Committee prior to this meeting.
L.3.1. It was moved by Alderman Ruffolo, seconded by Alderman Kennedy, to go into Closed Session at 11:50 pm. On a voice vote, motion carried.
L.3.2. It was moved by Alderman Ruffolo, seconded by Alderman Kennedy, to go back into Open Session at 11:55 pm.
L.3.3. It was moved by Alderman Bogdala, seconded by Alderman LaMacchia, to approve item b. Malik Moye vs. City of Kenosha.
On roll call vote, motion carried unanimously.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

M.1. It was moved by Alderperson Ruffolo, seconded by Alderperson Green to approve Final Acceptance of Project 09-1751 Downtown Parking Lot (56th Street & 5th Avenue) completed by Cicchini Asphalt, LLC, (Kenosha, Wisconsin), in the amount of $132,070.93. (2nd District)
On roll call vote, motion carried unanimously (Alderperson Marks not present).

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

O. REPORTS AND RECOMMENDATIONS OF BOARDS AND COMMISSIONS

O.1. It was moved by Alderperson Kennedy, seconded by Alderperson Ohnstad, to go into closed session at approximately 11:58 p.m., pursuant to §19.85(1)(g) Wisconsin Statutes, regarding the Status of Litigation Regarding Crabtree Residential Living, Inc., et al. v. City of Kenosha et al., 10CV691(United States District Court for the Eastern District of Wisconsin)
At approximately 12:35 a.m., the Council reconvened to open session.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Juliana, seconded by Alderperson Green, to adjourn at 12:48 a.m.
On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN

MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
September 20, 2010
Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
September 20, 2010

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: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana, Green, Kennedy, Nudo, Bostrom, Misner, Prozanski, Orth, Downing and Bogdala. Excused: Alderperson Marks.

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 Alderperson Ohnstad, seconded by Alderperson LaMacchia, to approve the minutes of the meeting held September 8, 2010.

Motion carried unanimously.

Seven (7) Citizens spoke during Citizen's Comments: Kim Gorsuch, Tami Millager, Bryan Anderson, Jo Wynn, Don Moehrke, Louis Rugani and Mike Gordon.

A. REFERRALS
TO THE COMMITTEE ON FINANCE

A.1. 2011 Community Development Block Grant (CDBG) Fund Allocation Plan. (Also refer to City Plan Commission)

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve:

a. 11 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.

B.2. It was moved by Alderperson Ohnstad, seconded by Alderperson Juliana to approve petition to Install a Replacement Sign on an Existing Nonconforming Sign Structure at 2707 22nd Avenue (Dairy Queen) (6th District) A hearing was held. Don Nummerdor, Sign Effectz Project Manager, was present and spoke. On a voice vote, motion carried.

B.3. It was moved by Alderperson Nudo, seconded by Alderperson Michalski to consider the request for a Distance and Density Exception for a 6-bed Community Based Residential Facility to be located at 6225-91st Avenue. (17th District) (Crabtree) early (*Deferred 8/2/10 to December 6, 2010, public hearing held 7/19/10*). On roll call vote, motion carried unanimously.

B.3.1. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad to approve. On a voice vote, motion carried.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Kennedy, seconded by Alderperson Nudo, to separate a through d from e for consideration of the following Applications for New Operator's (Bartender) Licenses, Subject to:

- 0 demerit points:

a. Marie Skippergosh

- 50 demerit points:

b. Contina Hester
c. Aaron Wermeling
d. Tammie Millager
-75 demerit points:
e. Samantha Traylor
On a voice vote, motion carried.
A hearing was held. Applicants b. and d. were present and spoke.
C.1.1. It was moved by Alderperson Kennedy, seconded by Alderperson Green to concur with the recommendations listed for applications a through d. On a voice vote, motion carried.
C.1.2. It was moved by Alderperson Orth, seconded by Alderperson Juliana to concur with the recommendation listed for application e. On roll call vote, motion carried (12-4) with Alderpersons Kennedy, Nudo, Bogdala and Ruffolo voting nay.
C.2. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve Application of Edwin Nelson for a New Taxi Driver's License, Subject to - 20 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.3. It was moved by Alderperson Juliana, seconded by Alderperson Green, to approve Application of O-Line 50, Inc., Anthony L. Perinne, Agent, for a Class "A" Beer/"Class A" Liquor License Located at 5145 Sheridan Road (Lou Perrine's Gas & Groceries), with Acceptance of a Conditional Surrender of a Similar License at the Same Location from Perrine's Clark Service, Inc.(2nd District) A hearing was held. Louis Perrine and Anthony Perrine were present and spoke. On a voice vote, motion carried.
It was moved by Alderperson Misner, seconded by Alderperson LaMacchia to allow Alderperson Nudo to abstain from voting on items C.4. And C.5. On a voice vote, motion carried.
C.4. It was moved by Alderperson Ruffalo, seconded by Alderperson Juliana, to approve Application of TNT Paddy O's Pub LLC, Heather Bobst, Agent, for a Class "B" Beer/"Class B" Liquor License Located at 5022 7th Ave., (Paddy O's Pub), with Acceptance of a Conditional Surrender of a Similar License at the Same Location from Paddy O's Pub LLC. (2nd District) A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.5. It was moved by Alderperson Ruffalo, seconded by Alderperson Michalski, to approve Application of TNT Paddy O's Pub, LLC, Heather Bobst, Agent, for an Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 5022 - 7th Ave., (Paddy O's Pub) along with a request to change the closing hours to midnight. (2nd District) A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.6. It was moved by Alderperson Michalski, seconded by Alderperson Green, to approve Application of The Coffee Pot LLC, for a Daily Cabaret License located at 4914 - 7th Ave., (The Coffee Pot) for October 9, 2010. (2nd District) A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.7. It was moved by Alderperson Juliana, seconded by Alderperson Green, to approve Application of Flints Inn, Inc., Robert Verlen, Agent, for an Outdoor Area Amplified Music Only license located at 4708 - 22nd Avenue, (Flints Inn) for September 26, 2010. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.8. It was moved by Alderperson Bostrom, seconded by Alderperson Green, to approve application of S&V Partnership LLP, Himmat Gill, Agent, for a "Class A" Retail Liquor License located at 2828 - 75th St., (American Gas). (12th District) A hearing was held. The applicant's attorney, Thomas Camilli, was present and spoke.
C.8.1. It was moved by Alderperson Michalski, seconded by Alderperson Kennedy to amend approval subject to transfer of location of the Class "A" Beer license, On roll call vote, motion carried (15-1) with Alderperson Prozanski voting nay.
C.9. It was moved by Alderperson Kennedy, seconded by Alderperson Green, to approve application of Bindelli's Safari, Inc. for an Annual Cabaret License (expires 6/30/11) Located at 2232 Roosevelt Road (Bindelli's Safari), with No Adverse Recommendations. (12th District) A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.10. It was moved by Alderperson Green, seconded by Alderperson Michalski, to approve application of

Spanish Center of Racine, Kenosha and Walworth, Inc., for a Special Temporary Class "B"/"Class B" Retailer's License to Sell Fermented Malt Beverages for an Event to be Held on September 26, 2010. (12th District) On a voice vote, motion carried.

D. ORDINANCES 1ST READING

It was moved by Alderperson Kennedy, seconded by Alderperson Ohnstad to send the following ordinances on their way:

D.1. By Alderperson Jesse Downing - To Recreate Section 10.03.B. Regarding "Operators and Agents Inspection and Recommendation"; to Recreate 10.03.C.1. Regarding "Retail and Wholesale Establishments"; to Repeal and Recreate Section 10.03.D.1. Regarding "Retail Class A Liquor Licenses"; to Repeal and Recreate Section 10.063.D. (of the Code of General Ordinances) Regarding "Criteria for License Revocation, Nonrenewal or Suspension".

D.2. By Alderperson Patrick Juliana - To Repeal the Introductory Language of Section 1.06 Regarding "City Boards and Commissions"; to Create Paragraph 2 of Subsection 29.03.3 Regarding "Financial Disclosure" to Exempt Members of City Boards and Commissions Therefrom;and to Repeal and Recreate subsection 29.04.1 and Subsection 29.04.2 (of the Code of General Ordinances) Regarding "Time for Filing"

On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

It was moved by Alderperson Kennedy, seconded by Alderperson Ohnstad, to send the following ordinances on their way*:*

E.1. By the Mayor – To Rezone Property Located at 6041 30th Avenue from M-2 Heavy Manufacturing to B-2 Community Business District. (11th District) (Pfarr)

E.2. By the Mayor - To Rezone Property Located at 7850 Green Bay Road from RS-1 Single-Family Residential to B-2 Community Business District. (15th District) (Easton)

On a voice vote, motion carried.

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Nudo, seconded by Alderperson Ruffolo, to adopt Ordinance 64-10.

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

On roll call vote, motion carried unanimously (16-0) and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 64-10
BY: PUBLIC WORKS COMMITTEE
TO AMEND SECTION 1.03 C. 1. b. OF THE CODE OF GENERAL ORDINANCES REGARDING "RULES OF COUNCIL"

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

Section One:To amend Section 1.03 C. 1. b. of the Code of General Ordinances for the City of Kenosha, Wisconsin, as follows:

b. Committee on Public Works which shall be the Board of Public Works and the Board of Water Commissioners. The Board of Public Works shall also serve as the Stormwater Utility Committee. The Committee on Public Works shall be responsible for the management, control, improvement and regulation of all public grounds and grounds belonging to the City except such public grounds as under the laws of this State or the charter provisions or ordinances of the City are otherwise under the care and supervision of other officers, committees, boards or commissions.

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

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

F.2. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to adopt Ordinance 65-10.
A public hearing was held. No one spoke for or against said ordinance.
On roll call vote, motion carried unanimously (16-0) and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 65-10
BY: ALDERPERSON
LAWRENCE GREEN

TO CREATE SUBSECTION 14.013 D. ENTITLED PET FANCIER AND TO REPEAL AND RECREATE SUBSECTION 14.08 9. TO INCLUDE PENALTY LANGUAGE THEREFORE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:
Section One:
Section 14.013 D. of the Code of General Ordinances for the City of Kenosha, Wisconsin, entitled Pet Fancier is hereby created as follows:.
D. Pet Fancier Permit. Notwithstanding the provisions of subsection (B), it shall be lawful to keep up to five (5) dogs, cats or combination thereof, over the age of five (5) months if the owner complies with all of the following requirements:
1. Applies for and receives a pet fancier's permit from the Committee on Licenses and Permits.
2. Files with the City Clerk a fully executed application on a form prescribed by the City Clerk and pays a non-refundable application permit fee of $35.00.
3. Provides proof of a current license as defined by §14.01 for each animal covered by the permit.
4. Is not in violation or has not violated within the previous two (2) years, any provision of this chapter.
5. Does not have a conviction for cruelty, neglect or mistreatment of an animal.
6. Pet fancier's permits shall expire on December 31 each year.
7. The premises upon which the dogs and/or cats are kept is maintained in accordance with §14.014 of the Code of General Ordinances, and said compliance is demonstrated by city personnel empowered to enforce this Ordinance upon request; inspection of the premises and all animals located at the premises shall be permitted at any time.
8. When issued, a permit shall be kept upon the licenses premises and exhibited upon request to city personnel empowered to enforce this Ordinance.
9. Revocation, Suspension and Non-Renewal of Permit. Permits granted hereunder may be revoked, suspended, or not renewed for just cause, upon notice and an opportunity to be heard. The hearing shall be conducted by the Committee on Licenses/Permits.
10. Working dogs such as service dogs, medical alert dogs and certified therapy dogs (must have proof of accreditation) are not included in the pet limit calculation. However, they must remain licensed within the city.
Section Two:
Section 14.08 9. of the Code of General Ordinances for the City of Kenosha,
Wisconsin, is hereby amended to create 9a. and 9b. as follows:
9.a. Any person violating §14.013 or 14.014 of this Chapter or any other provisions of Chapter 14 for which there is no separately listed penalty, shall, upon conviction thereof, forfeit not more than One Hundred ($100.00) Dollars, plus the costs of prosecution, and in default of such payment of forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.
b. Any person violating §14.013 D. of this Chapter shall, upon conviction thereof, forfeit not less than Three Hundred Fifty ($350.00) Dollars and not more than Five Hundred ($500.00) Dollars, together with the costs of the action, and in default of payment of such forfeiture and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.
Section Three:
This Ordinance shall become effective upon passage and publication.

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

F.3. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to adopt Ordinance 66-10.
A public hearing was held. No one spoke for or against said ordinance.
On roll call vote, motion carried unanimously (16-0) and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 66-10
BY: THE MAYOR
ATTACHMENT AND ZONING DISTRICT CLASSIFICATION ORDINANCE
Under Section 66.0307, Wisconsin Statutes,
City of Kenosha/Town of Somers
State Approved Cooperative Plan
Parcel No. 80-4-222-234-0100
[Property Located 3906 24th Street]
Town of Somers
[Uttech - Property Owner]

Attaching to the City of Kenosha, Wisconsin, territory in the Town of Somers, Kenosha County, Wisconsin, and providing 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, does 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 seven (7), 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 September 25, 2010, 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.

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 7.

Legal Description:

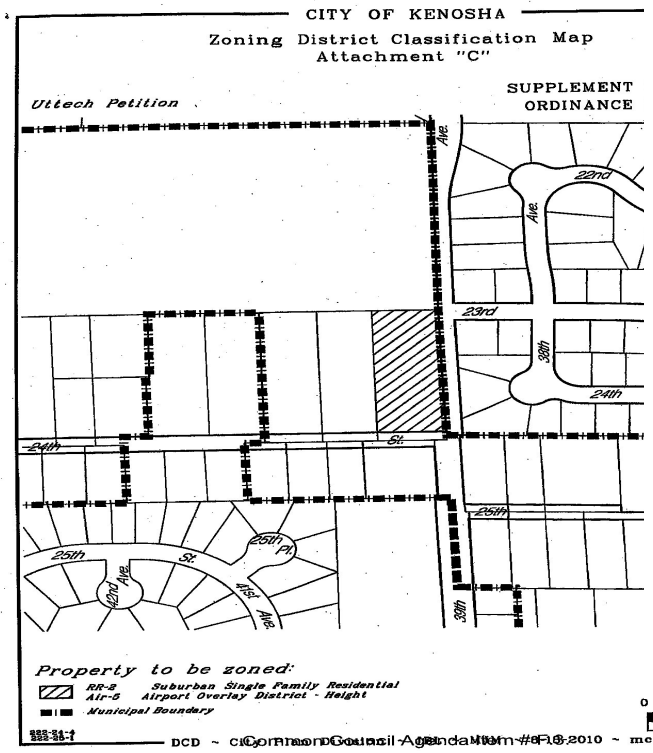
Part of the Southeast Quarter of Section 23, Town 2 North, Range 22 East of the Fourth Principal Meridian lying and being in Somers Township, Kenosha County, Wisconsin and more particularly described as follows:

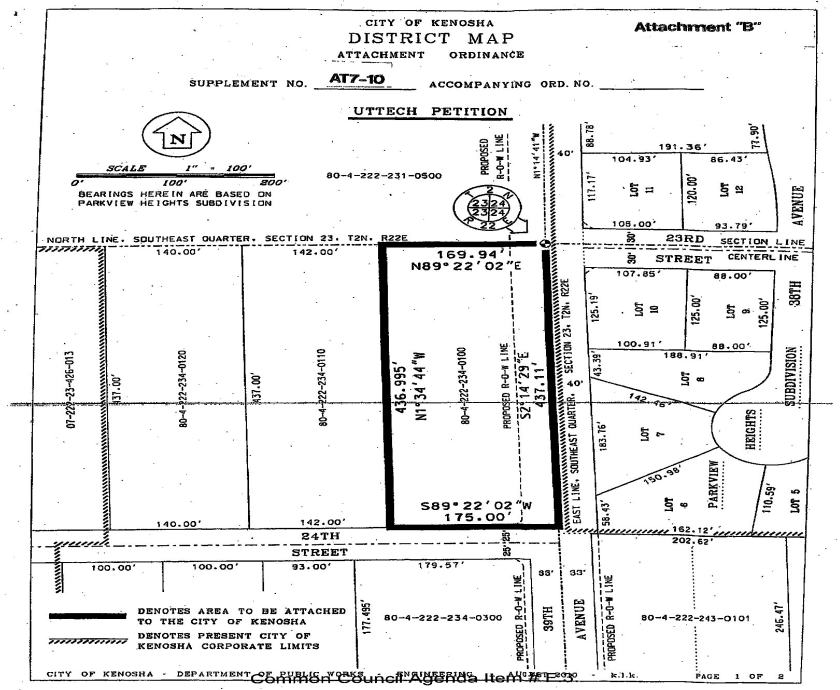
Beginning at the northeast corner of said Quarter Section; thence South 2°14'29" East along the east line of said Quarter Section, and along the present corporate limits of the City of Kenosha, 437.11 feet to the north line of 24th Street; thence South 89°22'02" West along said north line, 175.00 feet to the east line of a parcel of land shown on a September 3, 1991 plat of survey by Michael Kotlarek for Michael Grobalch and filed with the Kenosha County Land Information Office; thence North 1°34'44" West along said east line, 436.995 feet to the north line of said Quarter Section; thence North 89°22'02" East along said north line, 169.94 feet to the point of beginning; containing 1.730 acres of land, more or less.

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

Section Three: Zoning District Classifications. The territory described in Section One, upon attachment, shall have the zoning district classifications shown on Attachment "C", which zones the territory under the most restrictive classification of the City Zoning Ordinance. This zoning district classification shall be and remain in effect for each parcel of land described therein until this 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 Zoning District Classifications shall take effect on September 25, 2010, after passage and publication, as provided by law.

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

F.4. It was moved by Alderperson Nudo, seconded by Alderperson LaMacchia, to adopt Ordinance 67-10.

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

On roll call vote, motion carried unanimously (16-0) and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 67-10
BY: MAYOR
TO REPEAL AND RECREATE SUBSECTION 17.09 F.3 OF THE CODE OF GENERAL ORDINANCES REGARDING "LOTS".

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

Section One: Section 17.09 F. 3 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

3. Every lot shall front or abut a public street for a distance of at least forty (40') feet. Flag lots not meeting the minimum frontage requirement shall be prohibited. Lots on curved public streets or public cul-de-sac streets shall

comply with the lot frontage requirements of Section 3.03 C.4. of the Zoning Ordinance.
Exceptions to the public street lot frontage standards may be made for non-residential land divisions provided all of the following standards are met:
a. Lots may front or abut a private paved street for a distance of at least forty (40') feet where the private street has a minimum width of twenty (20') feet and is constructed with curb and gutter;
b. The private street was approved under a Site Plan Review or a Conditional Use Permit;
c. Recorded access easements and any maintenance agreement are provided to the City with any Land Division application requested under this Section; and,
d. Public street building setback requirements shall apply in the same manner with respect to private streets.
Section Two:
This Ordinance shall become effective upon passage and publication.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
F.5. It was moved by Alderperson Nudo, seconded by Alderperson Bogdala, to adopt Ordinance 68-10.
A public hearing was held. No one spoke for or against said ordinance.
On roll call vote, motion carried unanimously (16-0) and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 68-10
BY: MAYOR
TO REPEAL AND RECREATE SUBSECTION 1.06 A. OFTHE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA ENTITLED "CITY BOARDS AND COMMISSIONS"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:
Section One: Subsection 1.06 A. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:
1.06 CITY BOARDS AND COMMISSIONS
A. City Plan Commission. A City Plan Commission is hereby created pursuant to and in accordance with Section 62.23, Wisconsin Statutes, which is incorporated herein by reference, with the exception that, as authorized by Section 62.23 (1), Wisconsin Statutes, the composition of said body shall consist of the Mayor, who shall be its chairperson and presiding officer, the President of the Common Council, who shall be its vice chairperson, a member of the Board of Park Commissioners to be elected by said Commission, a member of the Committee on Public Works (Board of Public Works) to be elected by the Committee (Board) of Public Works, and six (6) citizens appointed by the Mayor and approved by the Common Council who shall be of recognized experience and qualifications. In the event the President of the Common Council is unable or unwilling to serve, he/she shall immediately notify the Mayor and nominate a member of the Common Council to fill the position. The Mayor shall appoint a member of the Common Council to fill the position, subject to the confirmation of the Common Council. The terms of citizen members shall be staggered over a three (3) year period of time so that the terms of no more than two (2) members shall expire in any given year. The Commission shall perform the functions prescribed in Section 62.23(2), Wisconsin Statutes.
Section Two :
This Ordinance shall become effective upon passage and publication.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
F.6. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to adopt Ordinance 69-10.
A public hearing was held. No one spoke for or against said ordinance.
On roll call vote, motion carried unanimously (16-0) and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 69-10
BY: ALDERPERSON

G. JOHN RUFFOLO

TO REPEAL ORDINANCE 47-10 AND TO CREATE SECTION 1.05 Q. OF THE CODE OF GENERAL ORDINANCES, ENTITLED "ALDERMANIC NOTICE"

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

Section One: Ordinance 47-10 is hereby repealed and Section 1.05 Q of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

1.05 Q. Aldermanic Notice. Whenever a City Department, or personnel authorized by the department, has scheduled a public meeting, separate aldermanic written notice shall be given by the department to each alderperson at least 72 hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than two (2) hours in advance of the meeting. The written notice shall be on paper and in electronic mail (e-mail) format. The affected alderperson(s) shall be required to give approval for their district. Receipt shall be presumed upon delivery to the aldermanic mailbox located within City Hall and upon sending an electronic message to the alderperson's City issued e-mail account. The notice shall announce the time, place and subject matter of the meeting. "Public Meeting" means the convening of employees of a City department for the purpose of meeting with the public to discuss a topic which is subject to the responsibility, authority, or duties delegated to the department .

Section Two:

This Ordinance shall become effective upon passage and publication.

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

G. ZONING ORDINANCES 2ND READING

G.1. It was moved by Alderperson Ohnstad, seconded by Alderperson Nudo, to adopt Ordinance 70-10.

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

On roll call vote, motion carried unanimously (16-0) and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 70-10
BY: ALDERPERSON STEVE BOSTROM
ALDERPERSON ANTHONY NUDO

TO ADD NON-CONFORMING USE LANGUAGE IN VARIOUS AREAS OF SECTION 3 ; TO ADD NON-CONFORMING USE LANGUAGE IN TABLE 4.01 AT GROUP 1; TO RECREATE SECTION 4.03 A; TO AMEND SUBSECTION 4.04 L.; TO CREATE SUBSECTION 4.06 A. 17 ENTITLED "NON-CONFORMING RESIDENTIAL USES"; TO REPEAL AND RECREATE SUBSECTION 7.05 A. 1. ENTITLED "NON-CONFORMING BUILDINGS AND STRUCTURES"; TO AMEND SUBSECTION 7.05 A. 3 ENTITLED "BUILDINGS OR STRUCTURES NON-CONFORMING TO VISUAL CLEARANCE, EXCLUDING FENCES" OF THE ZONING ORDINANCE OF THE CITY OF KENOSHA

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

Section One: Section 3.031C. 5. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled Conditional Uses is hereby created as follows: 5. All non-conforming residential uses in effect at the time of seeking a Conditional Use.

Section Two: Section 3.032 C. 4. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled Conditional Uses is hereby created as follows:

4. All non-conforming residential uses in effect at the time of seeking a Conditional Use.

Section Three: Section 3.033 C. 5. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled Conditional Uses is hereby created as follows:

5. All non-conforming residential uses in effect at the time of seeking a Conditional Use.

Section Four: Section 3.04 C. 5. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled

Conditional Uses is hereby created as follows:
5. All non-conforming residential uses in effect at the time of seeking a Conditional Use.
Section Five: Section 3.05 C. 5. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled Conditional Uses is hereby created as follows:
5. All non-conforming residential uses in effect at the time of seeking a Conditional Use.
Section Six:
Section 3.06 C. 6. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled Conditional Uses is hereby created as follows:
6. All non-conforming residential uses in effect at the time of seeking a Conditional Use.
Section Seven:
Section 3.07 C. 6. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled Conditional Uses is hereby created as follows:
6. All non-conforming residential uses in effect at the time of seeking a Conditional Use.
Section Eight: Section 3.08 C. 6. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled Conditional Uses is hereby created as follows:
6. All non-conforming residential uses in effect at the time of seeking a Conditional Use.
Section Nine: Section 3.09 C. 9. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled Conditional Uses is hereby created as follows:
9. All non-conforming residential uses in effect at the time of seeking a Conditional Use.
Section Ten: Section 3.10 C. 9. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled Conditional Uses is hereby created as follows:
9. All non-conforming residential uses in effect at the time of seeking a Conditional Use.
Section Eleven: Section 3.11 C. 9. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled Conditional Uses is hereby created as follows:
9. All non-conforming residential uses in effect at the time of seeking a Conditional Use.
Section Twelve: Section 3.115 C. 7. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled Conditional Uses is hereby created as follows:
7. All non-conforming residential uses in effect at the time of seeking a Conditional Use.
Section Thirteen: Add the following language to Table 4.01 at Group 1, Residential conditional uses: Continuous non-conforming uses in all residential zoning districts.....CC
Section Fourteen: Section 4.03 A. of the Zoning Ordinance for the City of Kenosha, Wisconsin is hereby recreated as follows:
A. Application. Applications for Conditional Use Permits, other than those for non-conforming residential uses which shall be exempt from the requirement, shall be made in duplicate to the City Plan Division on forms furnished by the City Plan Division and shall include the following:
Section Fifteen: Section 4.04 L. of the Zoning Ordinance for the City of Kenosha, Wisconsin is hereby amended as follows:
L. Non-Conforming Uses of Buildings and Structures and Non-Conforming Uses of Land. All non-conforming uses of buildings and structures and non-conforming uses of land, other than those in residential zoned districts , which are in accordance with §7.0 of this Ordinance, shall not be required to obtain Conditional Use Permits to the extent of the existing operation only. Any alteration, addition, expansion, extension, relocation, or change of a nonresidential non-conforming use shall conform to the provisions of this Ordinance, including the provisions of §4.0 of this Ordinance
Section Sixteen: Section 4.06 A. of the Zoning Ordinance for the City of Kenosha, Wisconsin is hereby created as follows:
A. RESIDENTIAL CONDITIONAL USES
17. Non-conforming Residential Uses
a. Verification, in form and substance, satisfactory to the reviewing authority of the prior existing residential use.
b. Building Plan as required in Sections 4.05B. and 14.07 B. of the Zoning Ordinance.
c. Site Plan as required in Sections 4.05 C. and 14.07 C. of the Zoning Ordinance.

d. Drainage Plan as required in Sections 4.05D. and 14.07 E. of the Zoning Ordinance.
e. Landscape Plan as required in Sections4.05 E. and 14.07 F. of the Zoning Ordinance.
f. Utility Plan as required in Sections 4.05 F. and 14.07 D. 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 .
h. One or more of plans identified hereinabove may be waived in the discretion of reviewing authority.
Section Seventeen: Section 7.05 A.1. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled is hereby repealed and recreated as follows:
1. Non-Conforming Buildings and Structures. Notwithstanding Section 7.02 of this Ordinance where a non-conforming building or structure is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation it may, consistent with Section 62.23 (7)(hc), Wisconsin Statutes, be restored to the size and use it had immediately prior to the occurrence of the damage or destruction without any limitation on the cost of repair, reconstruction or improvement. Such a nonconforming building or structure shall be permitted to be reconstructed to be larger than its size immediately prior to the damage or destruction if necessary for the building or structure to comply with applicable state or federal requirements.
Section Eighteen: Section 7.05 A.3. of the Zoning Ordinance for the City of Kenosha, Wisconsin, entitled is hereby repealed and recreated as follows:
3. Buildings or Structures Non-conforming to Visual Clearance, Excluding Fences. Where a building or structure, non-conforming as to visual clearance, is damaged by a catastrophe or act of God, to the extent equaling more than fifty (50%) percent of its total assessed value, it shall be reconstructed to comply with the visual clearance regulations of §2.06 B. of this Ordinance. Where such a building or structure is damaged by a catastrophe or act of God, to the extent equaling fifty (50%) percent or less of its total assessed value, it may be reconstructed provided that the building or structure meets the following regulations:
Section Nineteen: This Ordinance shall become effective upon passage and publication.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
G.2. It was moved by Alderperson Nudo, seconded by Alderperson Green, to adopt the proposed ordinance by Alderperson G. John Ruffolo, Alderperson David Bogdala, Alderperson Theodore Ruffalo, Alderperson Anthony Nudo, Alderperson Ray Misner - to Repeal and Recreate Section 2.02 A.4 (of the Zoning Ordinance of the City of Kenosha) Regarding the Granting of Temporary Uses. The public hearing was held September 8, 2010.
G.2.1. It was moved by Alderperson Bogdala, seconded by Alderperson Haugaard to defer for two weeks.
On roll call vote, motion carried (12-4) with Alderpersons Kennedy, Orth, LaMacchia and Juliana voting nay.

H. RESOLUTIONS

H.1. It was moved by Alderman Ohnstad, seconded by Alderman Green, to adopt Resolution 134-10.
On roll call vote, motion carried (14-0, Alderpersons LaMacchia and Prozanski not present for vote) and said resolution was thereupon adopted as follows:

RESOLUTION NO. 134-10
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 #10-1012 Resurfacing Phase I (33rd Avenue - 75th Street to Roosevelt Road, 40th Avenue - 65th Street to Taft Road, 45th Avenue - 87th Place to 86th Street, 38th Avenue - 73rd Street to 71st Street) in the total amount of $10,822.59, 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 Nos. 09-10 and 37-10 authorizing such improvements in the street right-of-way.
Adopted this 20th day of September, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.2. It was moved by Alderperson Michalski, seconded by Alderperson Ohnstad to adopt Resolution 135-10. On roll call vote, motion carried unanimously (14-0, Alderpersons LaMacchia and Prozanski not present for vote) and said resolution was thereupon adopted as follows:

RESOLUTION NO. 135-10
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 #10-1015 Resurfacing Phase II (55th Street - 49th Avenue to 51st Avenue, 43rd Street - 22nd Avenue to 17th Avenue) in the total amount of $8,560.11, 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. 38-10 authorizing such improvements in the street right-of-way.
Adopted this 20th day of September, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.3. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad to adopt Resolutions 136-10 through 142-10. On roll call vote, motion carried unanimously (14-0, Alderpersons LaMacchia and Prozanski not present for vote) and said resolutions were thereupon adopted as follows:

a. **RESOLUTION NO. 136-10**
BY: FINANCE COMMITTEE
To Specially Assess a Certain Parcel of Property for Trash and Debris Removal

BE IT RESOLVED, that special assessments for trash and debris removal during 2010, in the total amount of $800.00, be levied against the parcel 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 September, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

b. **RESOLUTION NO. 137-10**
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 2010, in the total amount of $1,882.59, 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 September, 2010
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

c. **RESOLUTION NO. 138-10**

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 2010, in the total amount of $16,800.65, 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 September, 2010.

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

d. **RESOLUTION NO. 139-10**

BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Property Maintenance Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2010, in the total amount of $2,044.00, 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 September, 2010.

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

e. **RESOLUTION NO. 140-10**

BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Trimming/Removing Bushes for Visual Clearance (Miscellaneous Assessment)

BE IT RESOLVED, that special assessments for graffiti removal during 2010, in the total amount of $430.00, 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 September, 2010.

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

f. **RESOLUTION NO. 141-10**

BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for a Locksmith for an Inspection (Miscellaneous Assessment)

BE IT RESOLVED, that special assessments for a locksmith for an inspection during 2010, in the total amount of $154.00, be levied against the respective parcel 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 September, 2010.

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

g. **RESOLUTION NO. 142-10**

BY: FINANCE COMMITTEE

To Specially Assess Certain Parcels of Property for Graffiti Removal
(Miscellaneous Assessment)

BE IT RESOLVED, that special assessments for graffiti removal during 2010, in the total amount of $275.00, be levied against the parcel 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 September, 2010.

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

H.4. It was moved by Alderperson Bogdala, seconded by Alderperson Green to adopt Resolution 143-10. On roll call vote, motion carried unanimously (16-0) and said resolution was thereupon adopted as follows:

RESOLUTION NO. 143-10
BY: FINANCE COMMITTEE
To Rescind One (1) Special Assessment Levied by Resolution No. 117-10 Against Parcel No. 03-122-03-376-037 (7449 Green Bay Road), Kenosha, Wisconsin

WHEREAS, on August 16, 2010, the Common Council of the City of Kenosha, Wisconsin, adapted Resolution No. 117-10 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 one (1) of those parcels; to wit: Parcel No. 03-122-03-376-037 (7449 Green Bay Road), Kenosha, Wisconsin.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the special assessment of $190.00 levied by Resolution No. 117-10 against Parcel No. 03-122-03-376-037 (7449 Green Bay Road) Kenosha, Wisconsin be and hereby is rescinded thereby reducing the total amount of the resolution by $190.00 for a total of $1,308.00.

Passed this 20th day of September, 2010.

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

H.5. It was moved by Alderperson Nudo, seconded by Alderperson Green to adopt Resolution 144-10.

H.5.1. It was moved by Alderperson Ruffolo, seconded by Alderperson Nudo to hold a public hearing. A public hearing was held. Three (3) people spoke in favor: Mike Arsier, Bill Hensley, and Patrick Shea. The public hearing was closed.

It was moved by Alderperson Juliana to refer to Administration to discuss with Walgreen Co. Motion lost for lack of a second.

On roll call vote, motion to approve carried (13-3) with Alderpersons Nudo, Bostrom and Michalski voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 144-10
BY: ALDERPERSON THEODORE RUFFALO
ALDERPERSON G. JOHN RUFFOLO
ALDERPERSON ROCCO LAMACCHIA
ALDERPERSON ANTHONY KENNEDY
ALDERPERSON MICHAEL ORTH
TO REQUEST THE COMMENCEMENT OF REVOCATION PROCEEDINGS FOR THE PERMITS ISSUED BY THE CITY THAT ALLOWED CONSTRUCTION, OCCUPANCY, AND MAINTENANCE OF THE WALGREENS STORE LOCATED AT 7525 SHERIDAN ROAD

WHEREAS, the Walgreen Co. is an Illinois corporation, founded in 1909 as C.R. Walgreen and Co., and has been registered to conduct business in the state of Wisconsin since 1958; and,

WHEREAS, Walgreen Co., through subsidiary corporations, offers retail pharmacy sales, retail drug sales, and general consumer merchandise store services to the neighborhoods in which their Walgreens stores are located; and,

WHEREAS, Walgreen Co., through marketing means directed to the neighbors, through inventory management directed to neighbors, and brand identification strategies, sought reliance of neighborhood communities on their Walgreens stores; and,

WHEREAS, Walgreen Co. has operated a Walgreens store over the past fifty years in the Downtown area of the City of Kenosha, located at 5711 6th Avenue; and,

WHEREAS, the local community has come to rely on the downtown Walgreens store in the Downtown area where it has proved vital to the local residents including: senior citizens and physically challenged citizens for prescriptions drugs and basic daily needs; and,

WHEREAS, the maintenance of the downtown Walgreens store has been an important matter to the City such that when Walgreen Co. came to the City seeking approvals for the construction of a new Walgreens store to be located 7525 Sheridan Road, approximately 1.7 miles from the downtown Walgreens store, as a part of the review process for those approvals, City officials specifically asked whether the grant of permissions for the new Walgreens store would adversely affect the continuing operation of the existing downtown Walgreens store; and,

WHEREAS, on May 23, 2008, Walgreens Co. submitted a letter to City Administration stating, "Walgreens has every intention to continue to operate the downtown store"; and,

WHEREAS, the City Planning Commission, after asking about the economic impact of a potential new Walgreens store on Sheridan Road was informed from City staff that a letter was submitted by the Walgreen Co. stating that, "Walgreens did submit a letter saying they would keep the downtown store open" (City Planning Commission minutes for the meeting of July 24, 2008); and,

HEREAS, Walgreen Co. pitched a pre-prepared visual presentation to the City Plan Commission in support of its requests to construct the new Walgreens store wherein Walgreen Co. affirmatively asserted that it would not close the downtown Walgreens store (see presentation slides provided to the City Plan Commission at their meeting on July 24, 2008);

WHEREAS, Walgreen Co. has publicly stated at the City Planning Commission: "Walgreens is a good neighbor and we stand behind what we say" (as referenced in the City Planning Commission minutes for their meeting on July 24 , 2008); and,

WHEREAS, Walgreen Co. on the multiple occasions that Walgreen Co. presented to the City Planning Commission, it never retracted its representations that it would not be closing any stores throughout the City; and,

WHEREAS, Walgreen Co. was granted building permits and a conditional use permit based on the City Planning Commission hearings, and moreover, was granted a rezoning of parts of the property upon which the new Walgreens store was constructed as a result of the same representations made to the City Plan Commission; and,

WHEREAS, based on the City Planning Commission hearings (which caused the conditional use permit and building permits that are prerequisites to an occupancy permit), on February 8, 2010, an occupancy permit for the building used as the Walgreens store located 7525 Sheridan Road, with the store opening soon thereafter; and,

WHEREAS, on August 10, 2010, Walgreen Co. was publicly quoted by the Kenosha News, a local newspaper of substantial circulation, stating, "The new store is about a mile away from the downtown store. It is a store doing very well and it is a store we built to replace the downtown store"; and,

WHEREAS, the quote of August 10, 2010, makes the prior representations of Walgreen Co. appear duplicitous; and,

WHEREAS, on or about September 9, 2010, Walgreen Co. closed the downtown Walgreens store; and,

WHEREAS, that the departure of the downtown Walgreens has already had a detrimental impact on the unemployment, image, real estate values in the Downtown; and,

WHEREAS, it is incumbent on the City of Kenosha to ensure that businesses keep their word to the citizens of Kenosha; and,

WHEREAS, Walgreen Co. failed to keep its commitment to the City Planning Commission, the City government and the Citizens of Kenosha.

THEREFORE BE IT RESOLVED, that the Kenosha Common Council requests that Mayor Keith G. Bosman

commence the process to revoke the Conditional Use Permit and such other permits that are appropriate that were issued to Walgreen Co. for the Walgreen store located at 7525 Sheridan Road, Kenosha, Wisconsin, due to the false representations made to the City of Kenosha in obtaining the Conditional Use permit and such other permits as are appropriate.

BE IT FURTHER RESOLVED, that the City Clerk is directed to send a copy of this resolution to Gregory D. Wasson, 200 Wilmot Road, Deerfield, Illinois 60015, the last-listed president of the Walgreen Co. and to all local media outlets.

Adopted this 20th day of September, 2010.

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

At this time, approximately 8:53 pm a brief recess was taken. The Council reconvened at approximately 8:58 pm. It was moved by Alderperson Nudo, seconded by Alderperson Green to adopt Resolutions 145-10 through 148-10 (items H.6. Through H.9.). On roll call vote, motion carried unanimously (16-0) and said resolutions were thereupon adopted as follows:

H.6. **RESOLUTION NO. 145-10**
BY: ALDERPERSON PATRICK JULIANA
TO REQUEST THAT THE LEGISLATURE FOR THE STATE OF WISCONSIN REPEAL AND RECREATE SUBSECTION 62.23(7)(i) OF THE WISCONSIN STATUTES IN A MANNER THAT IS CONSISTENT WITH FEDERAL LAW THAT SUPERCEDES WISCONSIN LAW PURSUANT TO THE SUPREMACY CLAUSE OF THE UNITED STATES CONSTITUTION, AND IN A MANNER THAT WILL NOT SUBJECT MUNICIPALITIES TO LIABILITY FOR OBEYING ITS DIRECTIVE.

WHEREAS, despite having Home Rule over matters generally affecting their own city, pursuant to Wisconsin Statutes §66.01.01(4), cities, such as the City of Kenosha, are obligated to follow enactments of the Wisconsin Legislature if the matters are deemed matters of statewide concern; and,

WHEREAS, the Wisconsin Legislature, pursuant to their authority to enact such legislation of statewide concern, enacted Wisconsin Statutes §62.23(7)(i) entitled, "Community and Other Living Arrangements"; and,

WHEREAS, using directory language such as "city shall be subject to the following criteria", Wisconsin Statutes §62.23(7)(i) establishes criteria for the siting of community living arrangements within a municipality, more specifically, establishing distance and density limitations, and imposes the same on cities; and,

WHEREAS, such articulation by the Wisconsin Legislature of distance and density limitations was a clear indication of legislative policy applicable with statewide effect, the absence of which would have allowed municipalities to establish their own criteria; and,

WHEREAS, municipalities across the State have adopted or otherwise followed the directive of the State of Wisconsin with regard to distance and density limitations; and,

WHEREAS, any reliance that cities placed on the representations of the State have been to the detriment of the cities to the extent that cities following the state's pronouncements have been subject to lawsuit; and,

WHEREAS, such cases brought against municipalities for following state directives include, but are not likely limited to, U.S. Village of Marshall (781 F.Supp. 872 (W.D.Wis., 1991)), Oconomowoc Residential Programs, Inc. v. the City of Greenfield, 23 F.Supp.2d 941 (E.D.Wis., 1998)), Oconomowoc Residential Programs, Inc. v. the City of Milwaukee (300 F.3d 775 (7th Cir.,2002)), Options for Community Growth, Inc., the City of Milwaukee, et al. (2006 WL 2645185 (E.D. Wis., 2006)), and "K" Care, Inc. v. Town of Lac du Flambeau (181 Wis.2d 59 (Ct. App., 1993)), and Crabtree Residential Living, Inc., et al., the City of Kenosha, et al. (Case No. 10-C-691 (pending in the Eastern District of Wisconsin, 2010)); and,

WHEREAS, the bases for the litigation matters referenced above are the allegations that pursuant to the Supremacy Clause of the United States Constitution, Congressional enactments in the form of the Americans with Disabilities Act and the Federal Fair Housing Act supersede the enactments of the Wisconsin Legislature causing one court to observe "the subsections [of the Wisconsin Statutes] are an obstacle to the accomplishment and the exclusion of the full purposes and objectives of Congress and to that extent that are preempted" (see,

Oconomowoc Residential Programs, Inc. v. City of Greenfield, 23 F.Supp.2d at page 954); and,

WHEREAS, the price for municipalities' reliance on the state law has been dear, resulting in a judgment of $201,841.00 to the plaintiffs from the City of Milwaukee Residential Programs case and a request for $140,000.00 in damages in the Village of Marshall case (see commentary in Tellurian U.C.A.N., Inc., v. Goodrich, 178 Wis.2d 205 (app 1993) rev. den.); and,

WHEREAS, the City of Kenosha is currently involuntarily involved with such litigation in the pending case referenced above, which has the possibility of subjecting the City to liability; and,

WHEREAS, the State Legislature's motive may have been "pure" by attempting to effectuate the apparent purposes of Congress to allow citizens with mental or physical challenges to locate in mainstream communities without being segregated or institutionalized, nonetheless such "pure" motive on behalf of the State is of no value causing one court to observe with regard to such argument that "the spacing requirement protects disabled people by preventing them from being resegregated into enclaves of group homes, benign intentions on the part of lawmakers cannot justify laws which discriminate against protective groups" (see, Oconomowoc Residential Programs, Inc., the City of Greenfield, 23 F. Supp.2d at page 954).

NOW THEREFORE, BE IT RESOLVED, that the Common Council for the City of Kenosha requests that the State of Wisconsin review and recreate Wisconsin Statutes §62.23(7)(i) entitled, "Community and Other Living Arrangements", in a manner that does not offend federal law in clear terms such that the municipalities will not be subject liability for following the letter of the statute.

BE IT FURTHER RESOLVED, that the Common Council for the City of Kenosha requests that the State of Wisconsin indemnify the City of Kenosha for all losses incurred by the City in the defense of the action pending against it for imposing the distance and/or density siting limitations established for Community and Other Living Arrangements by Wisconsin Statutes.

BE IT FURTHER RESOLVED, that the City Clerk is directed to send a copy of this Resolution to the Governor of the State of Wisconsin, and the legislative delegation representing districts in the City of Kenosha and requesting a response to its content.

Adopted this 20th day of September, 2010.

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

H.7. **RESOLUTION NO. 146-10**
BY: The Mayor
Resolution to Approve a New Labor Agreement for 2010 – 2012
Between the City of Kenosha and
Kenosha Professional Police Association

WHEREAS, a voluntary tentative settlement agreement has been reached between the City of Kenosha and the Kenosha Professional Police Association for 2010-2012; and

WHEREAS, the Association 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 Kenosha Professional Police Association be amended in accordance with the tentative agreements as contained in the attached Appendix A (on file in the office of the City Clerk) effective January 1, 2010.

Dated this 20th day of September, 2010.

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

H.8. **RESOLUTION #147-10**
BY: The Mayor

Resolution to Amend Resolution 59-81
Specifying Benefits and Rights of
Non-Represented Sworn Employees of the Police Department

WHEREAS, it is in the best interest of the City of Kenosha that the non-represented sworn employees (KPSOA) of the Police Department receive employee benefits comparable to the subordinate sworn protective service employees (KPPA); and

WHEREAS, a successor labor agreement between the City of Kenosha and the KPPA has been ratified by the Finance Committee and Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that Resolution 59-81, which specifies benefits and rights of non-represented sworn employees of the Police Department be amended in accordance with the attached changes outlined in Appendix A effective January 1, 2010.

Dated this 20th day of September, 2010.

H.9. **RESOLUTION NO. 148-10**
BY: THE MAYOR
TO AMEND THE OFFICIAL MAP FOR THE CITY OF KENOSHA, WISCONSIN, TO INCLUDE THE ATTACHMENT OF PARCEL NO. 80-4-222-234-0100 LOCATED AT 3906 24th 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
[Uttech – 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. 80-4-222-234-0100, located at 3906 24th Street , in the Town of Somers, Kenosha County, Wisconsin, to the City of Kenosha, Wisconsin; and,

WHEREAS, on September 20, 2010, the Common Council for the City of Kenosha, Wisconsin, approved an Attachment and Zoning District Classification Ordinance under Section 66.0307, Wisconsin Statutes, for Parcel No. 80-4-222-234-0100, located at 3906 24th Street, in the Town of Somers, Kenosha, Wisconsin, to be attached to the City of Kenosha, Wisconsin, with the 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. 80-4-222-234-0100, located at 3906 24th Street, Kenosha, Wisconsin, as depicted on the Attachment and Zoning District Classification Ordinance, which is incorporated herein by reference.

Adopted this 20th day of September, 2010.

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

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

K. OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve:
K.1. Approve Easement Agreement for the 39th Avenue Right-of-Way Project at 3905 24th Street (James & Dortha Childers) (5th District)
K.2. Approve Permanent Limited Easement for Storm Water Drainage at 1338-20th Avenue. (Kent & Angela Morton) (1st District)
K.3. Raze Contract for 1607 50th Street. (7th District)
On roll call vote, motion carried unanimously.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderperson Ohnstad, seconded by Alderperson Juliana, to:
L.1. DENY request to Rescind Grass & Weed Cutting Special Assessment, 6117-12th Avenue (Parcel 05-123-06-131-007) in the Amount of $140.00. On roll call vote, motion carried unanimously (16-0)
L.2. The request to Rescind Trash & Debris Removal Special Assessment, 2910-23rd Avenue (Parcel 07-222-24-489-010) in the Amount of $230.00 was deferred by the Finance Committee prior to this meeting.
L.3. It was moved by Alderperson Ruffolo, seconded by Alderperson Nudo to go into closed session pursuant to §19.85(1)(g), Wisconsin Statutes at approximately 9:44 pm. On a voice vote, motion carried.
At approximately 9:54 pm, the Council reconvened to open session.
It was moved by Alderperson Bogdala, seconded by Alderperson Ruffalo to concur with the recommendations of the Finance Committee to:
a. Approve settlement regarding Deborah Wilmot, et al vs. City of Kenosha
b. Approve settlement regarding Carmen Audeo DeZelada vs. City of Kenosha
c. Receive and file claim of Jorge Guadarrama vs. City of Kenosha
L.3.1. It was moved by Alderperson Juliana, seconded by Alderperson Prozanski to allow Alderperson LaMacchia to abstain. On a voice vote, motion carried.
On roll call vote, motion to concur carried (13-2-1 with Alderpersons Kennedy and Michalski voting nay and Alderperson LaMacchia abstaining)
L.4. It was moved by Alderperson Nudo, seconded by Alderperson Juliana to approve Disbursement Record #16 – $20,494,956.10.
On roll call vote, motion carried unanimously (16-0).

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Michalski, seconded by Alderperson Juliana, to adjourn at 10:02 p.m.
On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
October 18, 2010

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

KENOSHA MUNICIPAL BUILDING COUNCIL CHAMBERS ROOM 200 October 18, 2010

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided. The meeting was called to order at 7:20 p.m.

On roll call, the following members of the Common Council were present: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana, Marks, Green, Kennedy, Nudo, Bostrom, Misner, Orth, Downing and Bogdala. Excused: Alderperson Prozanski. Alderperson Downing left the meeting prior to action on F.2. Alderperson Juliana left prior to action on item H.1.

The invocation was given by Alderperson Bogdala in memory of former Alderperson Kathy Carpenter.

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

It was moved by Alderperson Green, seconded by Alderperson Ohnstad, to approve the minutes of the meeting held September 20, 2010.

Motion carried unanimously.

Six (6) Citizens spoke during Citizen's Comments: Jo Wynn, Bob Waldron, Cassey Bullen, Anna Rohwer, Reverend Michael Coleman and Louis Rugani.

A. REFERRALS

TO THE COMMITTEE ON FINANCE

A.1. second Amendment of Contract of Purchase and Sale By and Between Brookstone Homes, Inc and the City of Kenosha, Wisconsin, District #10 . (KAT Subdivision)

A.2. Amendment to Relocation Order for 39th Avenue from 18th Street south to 27th Street for Right-of-Way Improvements and to Authorize Other actions Necessary to Acquire Fee Title and Interest and Possession of Certain Property, District #5. (Also refer to Public Works Committee and City Plan Commission)

A.3. Request from United Way of Kenosha County for a Contribution from the City to Contract with American City Bureau, Inc. to Provide Professional Fundraising Consulting Services.

TO THE CITY PLAN COMMISSION

A.4. To Repeal and Recreate the Definition in Section 12 of "Shelter Facility" and to Create Paragraph 3.19 A.24 and Amend Subsection 12.0 B. of the Zoning Ordinance to Include "Refuge Center".

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve:

a. 23 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. 3 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.

B.2. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve request for Relief to Install an LED Upgrade on an Existing Nonconforming Sign Structure Located at 3322 Sheridan Road. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

B.3. It was moved by Alderperson Downing, seconded by Alderperson Ohnstad, to approve appeal of Conditional Use Permit for Property Located at 4237 Green Bay Road. (16th District). (Wamboldt) A hearing was held. The applicant was present and spoke. On roll call vote, motion carried (10-6) with

Alderpersons Nudo, Bostrom, Ruffalo, Ruffolo, Marks and Green voting nay.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve the following applications for new Operator's (Bartender) licenses, subject to:
- 50 demerit points:
a. Maria Huddleston
b. Yasmine Perkins
c. Charlene Summers
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.2. It was moved by Alderperson Orth, seconded by Alderperson Green, to approve applications for new Operator's (Bartender) licenses, subject to:
- 25 demerit points:
a. Jeremy Snyder
b. Nicole Michel
- 60 demerit points:
c. Melissa Kreuser
- 50 demerit points:
d. Cody Griffin
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.3. It was moved by Alderperson Ohnstad, seconded by Alderperson Green, to DENY the following applications for new Operator's (Bartender) licenses, based on:
-material police record:
a. Bonnie Kimberly
-material police record & false application:
b. Richard Haight
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.4. It was moved by Alderperson Downing, seconded by Alderperson Ohnstad, to approve application of Brenda Machak for a new Operator's (Bartender) license subject to 75 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.5. It was moved by Alderperson Michalski, seconded by Alderperson Ohnstad, to approve application of Donald Proft for a new Taxi Driver's license, subject to 45 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.6. It was moved by Alderperson Marks, seconded by Alderperson LaMacchia, to refer the application of Raymond Johnson, Jr. for a new Taxi Driver's license, back to the Licensing/Permit Committee. On a voice vote, motion carried.
C.7. The application of Craig Conley for a new Taxi Driver's license was deferred by the Licensing/Permit Committee at their special meeting held before this meeting.
C.8. It was moved by Alderperson Kennedy, seconded by Alderperson Michalski, to defer the application of R.P. Consulting, LLC, Pritesch Patel, Agent, for a Class "B" Beer/"Class B" Liquor License located at 3216 60th Street (Lotus Sports Bar), for two weeks to allow the applicant to amend the economic impact statement. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.
C.9. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to defer the application of R.P. Consulting, LLC, for an Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 3216 - 60th Street (Lotus Sports Bar) and defer request to change the closing hours to midnight. (11th District) for two weeks. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.
C.10. It was moved by Alderperson Downing, seconded by Alderperson Green, to approve application of Guttormsen Recreation Corporation, for an Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 5411 Green Bay Road (Guttormsen Recreation Center) and approve request to change

the closing hours to midnight subject to approval of sign exemption by the Common Council. (16th District) A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.11. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve application of American Society of Interior Designers at Gateway Technical College (ASID/IDK), for a Temporary Class "B" Beer License located at 7825 First Avenue (Southport Beach House) for November 19, 2010. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.12. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to separate action on the following applications for Cabaret Licenses (1-year term) with no adverse recommendations (*separate a, b, c and e from d)*:

a. UAW Local 72 - 3615 Washington Road, (Int U Untd Aero & Ag Wkrs Am L 72, Curtis Wilson, Agent)

b. Muggshots, 5515 – 6th Avenue, (Muggshots, Inc., Michele Biundo, Agent)

c. Lighthouse Bistro, 5130 - 4th Avenue, (STT Lighthouse, LLC, Douglas Crowe, Agent)

e. Sunset Grille, 2500-52nd Street (Sunset Grille, LLC, Stacey West-Rivera, Agent)

On a voice vote, motion caried.

C.12.1. It was moved by Alderperson Ruffolo, seconded by Alderperson Kennedy to allow Alderperson Nudo to abstain from voting on e. On a voice vote, motion carried.

A hearing was held. The applicants did not appear.

On a voice vote, motion to approve C.12.a, b, c and e carried.

C.12.2. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad to defer d. Lotus Sports Bar, 3216 - 60th Street (R.P. Consulting, LLC, Pritesch Patel, Agent) for two weeks

On a voice vote, motion carried.

C.13. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve application of Pattie L. Walton for an Amusement & Recreation Supervisor License, located at 2208 - 60th Street, (Finney's Lounge), with No Adverse Recommendations. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.14. The application of KMart Corporation, Glenn Pflugradt, Agent, for a Class "A" Retail Beer License located at 4100 - 52nd Street (Kmart #3088) (10th District) was deferred by the Licensing/Permit Committee at their special meeting held before this meeting.

C.15. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve application of Gerber's Pub of Kenosha, Inc., Mark T. Gerber, Agent, for a Class "B" Beer/"Class B" Liquor License located at 719 - 50th Street (Champion Sports Bar), with acceptance of a conditional surrender of a similar license at the same location from Jack's Harborside Inn, Inc. (2nd District) A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.16. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to approve application of Eat What You Get, LLC, Kevin J. Ervin, Agent, for a Class "B" Beer/"Class B" Liquor License located at 508 - 58th St. (Frank's Diner), with acceptance of a conditional surrender of a similar license at the same location from Ladies Room3, LLC. (2nd District) A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.17. It was moved by Alderperson Green, seconded by Alderperson Downing, to approve application of Eat What You Get, 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 was present and spoke. On a voice vote, motion carried.

D. ORDINANCES 1ST READING

It was moved by Alderperson Nudo, seconded by Alderperson Haugaard to send the following ordinances on their way after being read:

D.1. By Alderperson Jesse Downing to Repeal, Recreate and Renumber Various Sections (Repeal &

Recreate Section 10.03.D.4.E as 10.03.D.4.F, to Repeal and Recreate Section 10.03.D.5 as 10.03.D.4.E; to Renumber Sections 10.03.D.6 and 10.03.D.7 as 10.03.D.5 and 10.03.D.6; to Recreate Section 10.04.D.2. of the Code of General Ordinances) Entitled "Retail "Class A" Liquor Licenses" and "Separation of Intoxicating Liquor and Fermented Malt Beverage Business From Other Business".

D.2. By Alderperson Patrick Juliana to amend Subsection 10.075.F. (of the Code of General Ordinances) entitled "Closing Hours".

D.3. By Alderperson Theodore Ruffalo - To Renumber Section 13.13 Entitled "Fees" as Section 13.14 and to Create Section 13.13 Entitled "Refuge Centers".

D.4. By Alderperson David Bogdala and Alderperson Anthony Nudo - To Repeal and Recreate Various Sections (of the Code of General Ordinances) Replacing "City Plan Commission" with "Common Council".

D.5. By Alderperson Ray Misner - To Repeal and Recreate Subsection 10.04 C.2 of the Code of General Ordinances for the City of Kenosha Regarding Restrictions (to increase "Class A" Liquor license quota by two (2)).

On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

It was moved by Alderperson Nudo, seconded by Alderperson Haugaard, to send the following ordinance on its way*:*

E.1. By Alderperson David Bogdala and Alderperson Anthony Nudo - To Repeal and Recreate Various Sections of the Zoning Ordinance Replacing "City Plan Commission" with "Common Council".

On a voice vote, motion carried.

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Nudo, seconded by Alderperson Orth, to adopt Ordinance 71-10.

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. 71-10
BY: ALDERPERSON JESSE DOWNING
TO RECREATE SECTION 10.03.B. REGARDING "OPERATORS AND AGENTS INSPECTION AND RECOMMENDATION"; TO RECREATE 10.03.C.1. REGARDING "RETAIL AND WHOLESALE ESTABLISHMENTS"; TO REPEAL AND RECREATE SECTION 10.03.D.1. REGARDING "RETAIL CLASS A LIQUOR LICENSES"; TO REPEAL AND RECREATE SECTION 10.063.D. OF THE CODE OF GENERAL ORDINANCES REGARDING "CRITERIA FOR LICENSE REVOCATION, NONRENEWAL OR SUSPENSION"

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

Section One: Section 10.03.B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby recreated as follows:

B. Operators and Agents Inspection and Recommendation. Applications for agent status or Operator's Licenses shall be referred by the City Clerk to the Police Department. The Police Department shall make a report, in writing, to the City Attorney as to any police record of the applicant which may reflect upon good moral character or business responsibility. The City Attorney shall examine said record and make a recommendation to the Committee on Licenses/Permits based thereon as to whether the license should be granted or agent status approved. In the event the application is determined to be untrue, incorrect or incomplete upon review by the City Attorney, the application shall be denied. Said Committee shall recommend to the Common Council either the granting or denial of the application.

Section Two: Section 10.03.C.1. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby recreated as follows:

C. Retail and Wholesale Establishments.

1. Upon receipt of an application for a new Retail Class "A", Class "B", "Class B" or "Class C" License or combination thereof or Wholesale License, or transfer of any such license under Section 125.04(12)(a),

Wisconsin Statutes, the City Clerk/Treasurer shall send copies thereof to the Department of Neighborhood Services and Inspections, the Fire Department, the Health Department, and Police Department. The Department of Neighborhood Services and Inspections, the Fire Department, and Health Department, either jointly or severally, within ten (10) days of receiving such copies, shall make a report, in writing, to the Committee on Licenses/Permits, as to whether the premises meet the requirements of this Chapter and the Building, Zoning, Fire, and Health Codes. The Police Department shall report, in writing, to the City Attorney as to any police record of the applicant for a new license (not a statutory transfer of a license), which may reflect upon good moral character or business responsibility. The City Attorney shall examine said record and make a recommendation to the Committee on Licenses/Permits based thereon as to whether or not the license should be granted. In the event the application is determined to be untrue, incorrect or incomplete upon review by the City Attorney, the application shall be denied.

Section Three: Section 10.03.D.1. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

D. Retail Class A Liquor Licenses.

1. Upon receipt of an application for a new Retail "Class A" License, or transfer of any such license under Section 125.04(12)(a), Wisconsin Statutes, the City Clerk/Treasurer shall send copies thereof to the Department of Neighborhood Services and Inspections, the Fire Department, the Health Department, and Police Department. The Department of Neighborhood Services and Inspections, the Fire Department, and Health Department, either jointly or severally, within ten (10) days of receiving such copies, shall make a report, in writing, to the Committee on Licenses/Permits, as to whether the premises meet the requirements of this Chapter and the Building, Zoning, Fire, and Health Codes. The Police Department shall report, in writing, to the City Attorney as to any police record of the applicant for a new license (not a statutory transfer of a license), which may reflect upon good moral character or business responsibility. The City Attorney shall examine said record and make a recommendation to the Committee on Licenses/Permits based thereon as to whether or not the license should be granted. In the event the application is determined to be untrue, incorrect or incomplete upon review by the City Attorney, the application shall be denied.

Section Four: Section 10.063.D. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

D. Criteria For License Revocation, NonRenewal Or Suspension.

1. Any Licensee who holds a license subject to a one (1) year term; who within two (2) consecutive License terms, equals or exceeds a total of one hundred (100) demerit points for the below described conduct committed by Licensee, or employee or agent thereof, whether or not charged and/or convicted, shall have their License subject to revocation, nonrenewal or suspension, within the discretion of the Common Council.

2. a. The Common Council may, but is not obligated to, revoke a license, with a term of one (1) year, issued hereunder upon the accumulation of one hundred (100) demerit points within seven hundred thirty (730) consecutive days, subject to the following. With respect to the first accumulation of one hundred (100) demerit points within said seven hundred thirty (730) consecutive days, the disciplinary action shall consist of at a minimum of a license suspension of ten (10) consecutive days, plus an assessment of seventy-five (75) demerit points. With respect to the second accumulation of one hundred (100) demerit points within said seven hundred thirty (730) consecutive days, the disciplinary action shall consist of at a minimum of a license suspension of thirty (30) consecutive days, plus an assessment of seventy-five (75) demerit points. With respect to a third accumulation of one hundred (100) demerit points within said seven hundred thirty (730) consecutive days, the disciplinary action shall consist of revocation.

b. The Common Council may, but is not obligated to, revoke a license, with a term of two (2) years, issued hereunder upon the accumulation of one hundred (100) demerit points within one thousand four hundred sixty (1,460) days,

subject to the following. With respect to the first accumulation of one hundred (100) demerit points within said one thousand four hundred sixty (1,460) days, the disciplinary action shall consist of at a minimum of

a license suspension of ten (10) consecutive days, plus an assessment of seventy-five (75) demerit points. With respect to the second accumulation of one hundred (100) demerit points within said one thousand four hundred sixty (1,460) days, the disciplinary action shall consist of at a minimum of a license suspension of thirty (30) consecutive days, plus an assessment of seventy-five (75) demerit points. With respect to a third accumulation of one hundred (100) demerit points within said one thousand four hundred sixty (1,460) days, the disciplinary action shall consist of revocation.

3. Where a license has been suspended, the license, during the period of suspension, shall not be conditionally surrendered or transferred to another party or place.

4. In the event of license revocation, nonrenewal or suspension hereunder, the City Clerk shall, within ten (10) days of the disciplinary action, mail a report to the State Department of Revenue giving the name of the licensee, the address of the licensed premises and a full description of the discipline imposed.

5. Where a license is revoked hereunder, the revocation shall be recorded by the City Clerk and no other license issued under Chapter 125, Wisconsin Statutes, may be granted within twelve (12) months of the date of revocation to the person/party whose license was revoked. No part of the fee paid for any license so revoked may be refunded.

6. Demerit Points. Demerit points are not deemed a penalty hereunder. Demerit points are a means of tracking the performance of licensees under this Chapter. In determining the accumulated demerit points against a license, the City shall use the date each violation was committed as the basis for the determination.

a. Twenty (20) Demerit Points.

1. Violation of Chapter 125, Wisconsin Statutes.

2. Violation of Chapter X (10) of the Code of General Ordinances.

3. Violation of any City or County Gambling Ordinances or knowingly permitting any person to commit such violation.

4. Operating without a Cabaret License when one is required or operating contrary to the conditions of a required Cabaret License, whether or not one is held.

5. Violation of Chapter XI (11) of the Code of General Ordinances.

6. Violation of any Federal, State or local law regarding licensure unless otherwise specified in this Ordinance.

7. A civil violation of Sections 346.63(1)(a) or (b), Wisconsin Statutes, or any local ordinance in conformity therewith.

8. Violation of a State or Federal misdemeanor criminal law or knowingly permitting any such violation.

9. Possession of marijuana off of a licensed premises, except where the violation is a felony.

10. Violation of any other State, County or Municipal offense, which are substantially similar to those violations listed above.

b. Forty (40) Demerit Points:

1. Obstructing or resisting any law enforcement officer or knowingly permitting any person to engage in such conduct.

2. Failing to appear before the Committee or Common Council when ordered to do so by either such body.

3. A conviction for a criminal violation of §346.63, Wisconsin Statutes, relating to operating a motor vehicle while under the influence of an intoxicant or controlled substance, or with a prohibited blood alcohol concentration.

c. One Hundred (100) Demerit Points:

1. Violation on a licensed premises of any municipal, State, or Federal law prohibiting the possession, attempted possession, trafficking in, delivery, attempted delivery, or possession with intent to deliver any controlled substance or marijuana, or knowingly permitting any person to commit such violation.

2. A conviction for a violation of State or Federal criminal law which is a felony, if the circumstances of the charge substantially relate to the circumstances of the licensed activity.

3. Noncompliance with a Court ordered alcohol and drug assessment and driver safety plan.

4. Violation of an Order of the Common Council.

d. Demerit Points Doubled. In determining the accumulated demerit points against a license, the demerit points for any violation occurring on a third date within 365 consecutive days of a prior violation shall be assigned double the point assessment listed above. Once assigned, points shall not be reduced.

7. Discretionary Demerit Points: Nonscheduled offenses shall be the subject of such number of demerit points as designated by the Common Council, within its discretion.

8. No Demerit Points. Violation of Section 125.68(9)(c), Wisconsin Statutes.

9. Offenses Not Considered. No offenses will be considered respecting new applications for demerit points if the date of the violation is more than five (5) years prior to the date of application, except a felony which is material to the licensed activity.

10. Demerit Point Appearance. During the course of a licensing term, if it is determined that a license has accumulated eighty (80) demerit points within three hundred sixty-five (365) consecutive days, the clerk shall issue licensee an order to appear before the Licensing/Permit Committee. Failure to appear as ordered shall result in the assessment of twenty (20) demerit points. The assessment dates shall be the date of the notice.

Section Five: These Ordinances shall become effective upon passage and publication.

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

At this time, approximately 9:03 p.m., it was moved by Alderperson Juliana, seconded by Alderperson Ohnstad to recess. On a voice vote, motion carried. The Council reconvened at approximately 9:10 p.m. Alderperson Downing left the meeting and did not return.

F.2. It was moved by Alderperson Juliana, seconded by Alderperson LaMacchia, to adopt the proposed ordinance by Alderperson Patrick Juliana - To Repeal the Introductory Language of Section 1.06 Regarding "City Boards and Commissions"; to Create Paragraph 2 of Subsection 29.03.3 Regarding "Financial Disclosure" to Exempt Members of City Boards and Commissions Therefrom;and to Repeal and Recreate subsection 29.04.1 and Subsection 29.04.2 (of the Code of General Ordinances) Regarding "Time for Filing".

A public hearing was held. One spoke against said ordinance.

On roll call vote, motion failed (7-8) with Alderpersons Haugaard, Kennedy, Michalski, LaMacchia, Ohnstad, Juliana and Marks voting nay.

F.3. It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad, to adopt Ordinance 72-10.

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

On roll call vote, motion carried (8-7) with Alderpersons Nudo, Bostrom, Misner, Orth, Bogdala, Ruffalo and Ruffolo voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 72-10
BY: ALDERPERSON PATRICK JULIANA
TO AMEND SUBSECTION 1.03 B. PARAGRAPH 2, OF THE CODE OF GENERAL ORDINANCES REGARDING MAJORITY

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

Section One: Subsection 1.03 B. Paragraph 2 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended as follows:

If the Mayor is absent at the designated time of any meeting, the President of the Council shall preside, and during the absence or inability of the Mayor, shall have the powers and duties of the Mayor excepting that he/she shall not have the power to approve an act of the Council which the Mayor has disapproved by filing an objection with the Clerk. He/she shall, when so officiating, be styled "Acting Mayor". The President shall have a one (1) year term. The President shall be eligible to serve two (2) consecutive terms. The President shall be elected by the Common Council at the organizational meeting on the third Tuesday of April following a regular City Election; and, in off-election years, the President shall be

elected at the second regular meeting during the month of April. Election will be by secret ballot. The ballot will contain the names of all eligible alderpersons. Voting will continue until either one candidate receives a majority of votes legally cast, or in the event of an equally divided Common Council, between only two candidates, the Mayor casts a tie-breaking vote to create a majority of those voting.
Section Two: This Ordinance shall become effective upon passage and publication.

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

At this time, Alderperson Marks left the meeting and returned for action on item F.5.

F.4. It was moved by Alderperson Juliana, seconded by Alderperson Kennedy to adopt the proposed ordinance by Alderperson Patrick Juliana - To Repeal and Recreate Subsection 1.03 C.2. (of the Code of General Ordinances), Regarding Committee Composition. On roll call vote, motion failed (6-8) with Alderpersons Haugaard, Kennedy, Michalski, LaMacchia, Ohnstad and Juliana voting aye. (Alderperson Marks not present for vote)

F.5. It was moved by Alderperson Kennedy, seconded by Alderperson Michalski to adopt the proposed ordinance by by Alderperson Patrick Juliana - To Repeal and Recreate Subsection 1.03 C.6. (of the Code of General Ordinances), Regarding Agenda of Committee.

F.5.1. It was moved by Alderperson Michalski, seconded by Alderperson Kennedy to amend the notification language – 6(a) to include email, and city hall mailbox. On roll call vote, motion carried (8-7) with Alderpersons Bostrom, Misner, Orth, Bogdala, Ruffalo, Ruffolo and Green voting nay.

On roll call vote, motion to adopt the proposed resolution failed (7-8) with Alderpersons Haugaard, Kennedy, Michalski, LaMacchia, Ohnstad, Juliana and Marks voting aye.

G. ZONING ORDINANCES 2ND READING

G.1. It was moved by Alderperson Misner, seconded by Alderperson LaMacchia, to adopt Ordinance 73-10.

G.1.1. It was moved by Alderperson Nudo, seconded by Alderperson Haugaard to suspend the rules. On a voice vote, motion carried.

G.1.2. It was moved by Alderperson Nudo, seconded by Alderperson Bogdala to hold a public hearing. On a voice vote, motion carried.

A public hearing was held. One person spoke regarding said ordinance. The public hearing was closed.

G.1.3. It was moved by Alderperson Nudo, seconded by Alderperson Ruffolo to reinstate the rules. On a voice vote, motion carried.

On roll call vote, motion to adopt Ordinance 73-10 carried (13-2) with Alderpersons Kennedy and Michalski voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 73-10
BY: ALDERPERSON G. JOHN RUFFOLO
ALDERPERSON DAVID BOGDALA
ALDERPERSON THEODORE RUFFALO
ALDERPERSON ANTHONY NUDO
ALDERPERSON RAY MISNER
TO REPEAL AND RECREATE SECTION 2.02 A.4 OF THE ZONING ORDINANCE OF THE CITY OF KENOSHA REGARDING THE GRANTING OF TEMPORARY USES

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:
Section One: Section 2.02 A.4 of the Zoning Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:
4. "Temporary Uses": a. Temporary construction buildings and structures and the storage of building materials and equipment specifically used during the construction of a residence on a lot in any residential

district; roadside stands for the display and sale of agricultural products in the A-1 and A-2 Districts and any Business District; farmer markets in any Business or IP District; temporary cement batch plant on a lot in any district; the use of a lot in any district for the annual display and sale of Christmas trees and ornaments; and temporary carnivals and circuses, as defined by the City under Chapter 12 of the Code of General Ordinances, located in the B-2, B-3, M-1, M-2 or IP Districts, conducted for less than thirty (30) days. Temporary uses shall not exceed twelve (12) months duration and shall be subject to applicable City licensing requirements unless renewed. Each renewal period may not exceed twelve (12) months in duration.

b. The temporary use of a building or trailer for the purpose of operating a business or a building accessible to the public until a permanent conforming building is constructed shall be permitted only upon petition to and approval by the Common Council, subject to the imposition of reasonable conditions, including, but not limited to, duration of use, operational plan and compliance with all City Codes and Ordinances. The Common Council may approve a temporary use and renewals thereof. The temporary use and each renewal thereof may be for a period not to exceed twelve (12) months.

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

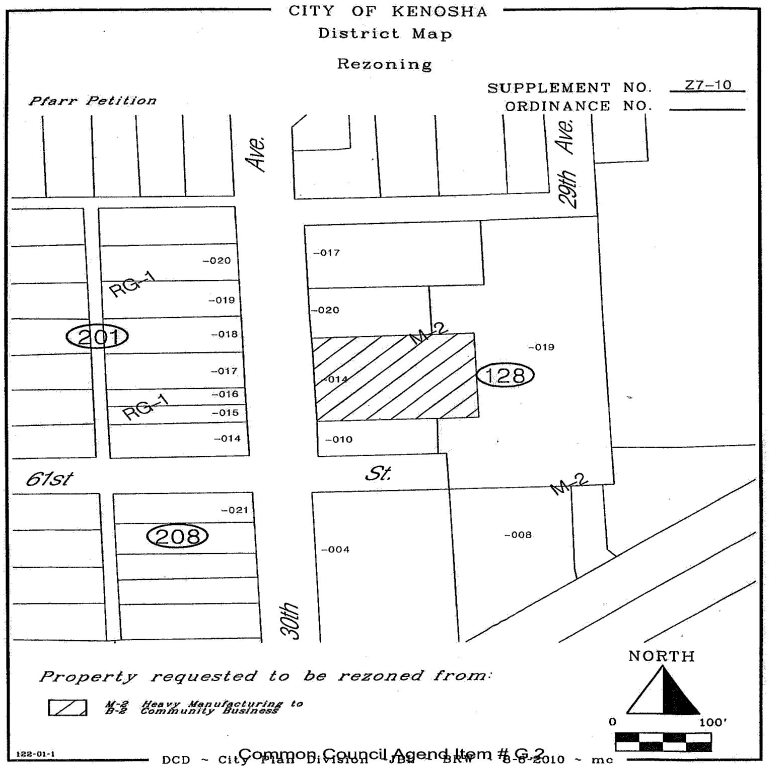
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

G.2. It was moved by Alderperson Nudo, seconded by Alderperson Ruffolo, to adopt Ordinance 74-10.

A public hearing was held. One person spoke regarding said ordinance.

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

REZONING ORDINANCE NO. 74-10
BY: THE MAYOR
Zoning: TO REZONE PROPERTY LOCATED AT 6041 30th AVENUE FROM M-2 HEAVY MANUFACTURING TO B-2 COMMUNITY BUSINESS DISTRICT, IN CONFORMANCE WITH SECTION 10.02 OF THE ZONING ORDINANCE, DISTRICT #11 [PFARR]



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. Z7-10 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.

G.3. It was moved by Alderperson Kennedy, seconded by Alderperson Ruef, to adopt Ordinance 75-10.

A public hearing was held. One

person spoke regarding said ordinance.

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

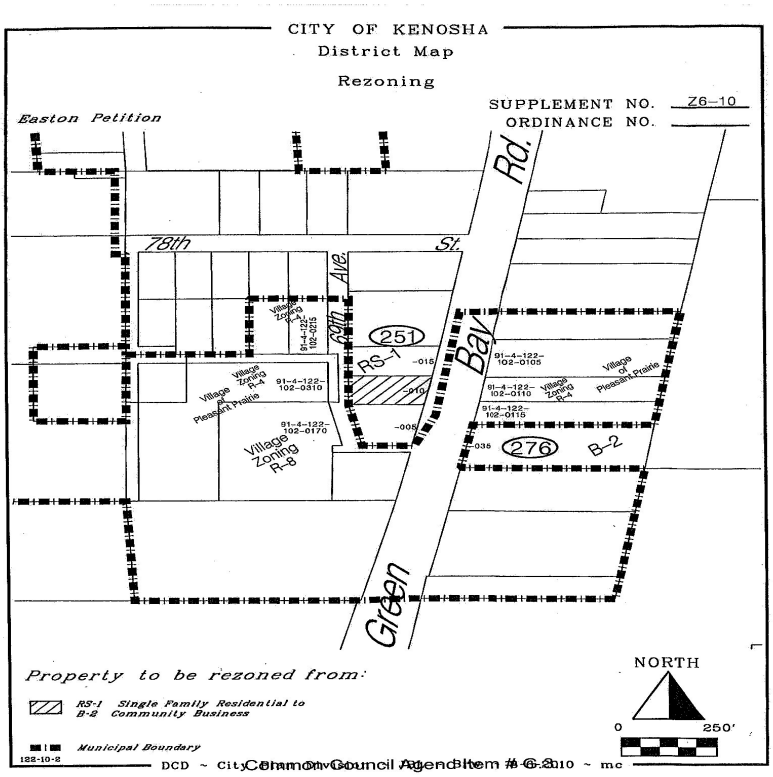
REZONING ORDINANCE NO. 75-10
BY: THE MAYOR
Zoning: TO REZONE PROPERTY LOCATED AT 7850 GREEN BAY ROAD FROM RS-1 SINGLE FAMILY RESIDENTIAL TO B-2 COMMUNITY BUSINESS DISTRICT, IN CONFORMANCE WITH SECTION 10.02 OF THE ZONING ORDINANCE, DISTRICT #15 [EASTON]

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. Z6-10 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.



H. RESOLUTIONS

At this time, Alderperson Juliana left the meeting.

H.1. It was moved by Alderperson Nudo, seconded by Alderperson Green to adopt Resolutions 149-10 through 156-10 (H.1.a., b., c., d., e., f., h. & I – g. was -0-)

a. **RESOLUTION NO. 149-10**
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 2010, in the total amount of $13,079.45, 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 October, 2010.

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

b. RESOLUTION NO. 150-10
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Property Maintenance Reinspection Fees

BE IT RESOLVED, that special assessments for reinspection fees during 2010, in the total amount of $2,214.00, 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 October, 2010
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

c. RESOLUTION NO. 151-10
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 2010, in the total amount of $870.00, 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 October, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

d. **RESOLUTION NO. 152-10**
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 2010, in the total amount of $604.24, 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 18th day of October, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

e. **RESOLUTION NO. 153-10**
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 2009 & 2010, in the total amount of $20,180.64, 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 October, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

f. **RESOLUTION NO. 154-10**
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for
Building and Zoning Reinspection Fees (Account #110-00-44806)

BE IT RESOLVED, that special assessments for reinspection fees during 2010, in the total amount of $12,660.00, 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 October, 2010.
APPROVED:

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

g. Erosion Control Fees -0-

h. **RESOLUTION NO. 155-10**
BY: FINANCE COMMITTEE
To Specially Assess Certain Parcels of Property for Unpaid Permit Fees (Account #110-00-44810)

BE IT RESOLVED, that special assessments for permit fees during 2010, in the total amount of $1,470.00, 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 October, 2010.

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

i. **RESOLUTION NO. 156-10**
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 by Charter Ordinance No.(s) 28, 30, and 33, 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 September 20, 2010, for the City of Kenosha, a report on file in the Office of the City Clerk/Treasurer 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 by Charter Ordinance No.(s) 28, 30, and 33, special assessments in the total amount of Four Thousand Three Hundred Nineteen Dollars and Sixty cents ($4,319.60) 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 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 18th day of October, 2010.

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

H.2. It was moved by Alderperson Marks, seconded by Alderperson Green to adopt Resolution 157-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO.157-10
BY: FINANCE COMMITTEE
To Rescind One (1) Administrative Fee for a Special Assessment Levied by Resolution No. 139-10

Against Parcel No. Parcel No. 05-123-06-201-008 (6025 14th Avenue), Kenosha, Wisconsin

WHEREAS, on September 20, 2010, the Common Council of the City of Kenosha, Wisconsin, adapted Resolution No. 139-10 levying special assessments for property maintenance 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 to rescind the administrative fee for the assessment on one (1) of those parcels; to wit: Parcel No. 05-123-06-201-008 (6025 14th Avenue), Kenosha, Wisconsin.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that one (1) administrative fee in the total amount of $100.00 levied by Resolution No. against Parcel No. Parcel No. 05-123-06-201-008 (6025 14th Avenue) Kenosha, Wisconsin be and hereby is rescinded.

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

H.3. It was moved by Alderperson Nudo, seconded by Alderperson LaMacchia to adopt the proposed resolution by Committee on Public Safety and Welfare – Removal of No Parking, Standing, Stopping Restrictions on East Side of 8th Avenue North of 49th Street (To Remove the Existing "No Parking, Standing or Stopping, 7:30 a.m. - 4:30 p.m., on School Days", Restriction on the East Side of 8th Avenue North of 49th Street Approximately One Hundred Sixty Feet).

H.3.1. It was then moved by Alderperson Nudo, seconded by Alderperson LaMacchia to defer. On a voice vote, motion carried.

It was moved by Alderperson Nudo, seconded by Alderperson Green to adopt Resolutions 158-10 and 159-10. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.4. **RESOLUTION NO. 158-10**

BY: COMMITTEE ON PUBLIC SAFETY AND WELFARE
TO DESIGNATE AS "ONE HOUR PARKING 8 A.M. - 6:00 P.M., MON. - SAT., EXCEPT HOLIDAYS", BOTH SIDES OF 56TH STREET ALONG THE MEDIAN FROM SHERIDAN ROAD TO 11TH AVENUE AND TO DESIGNATE "ONE HOUR PARKING 8 A.M. - 6:00 P.M., MON. - SAT., EXCEPT HOLIDAYS", AT THE EAST SIDE OF 10TH AVENUE, FROM 57TH STREET TO APPROXIMATELY EIGHTY FEET (80') NORTH OF 56TH STREET

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that both sides of 56th Street along the median from Sheridan Road to 11th Avenue, be and hereby is designated as "ONE HOUR PARKING 8 A.M. - 6:00 P.M., MON. - SAT., EXCEPT HOLIDAYS".

BE IT FURTHER RESOLVED that the East side of 10th Avenue from 57th Street to approximately eighty feet (80') North of 56th Street, be and hereby is designated as "ONE HOUR PARKING 8 A.M. - 6:00 P.M., MON. - SAT., EXCEPT HOLIDAYS".

Adopted this 18th day of October, 2010.

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

H.5. **RESOLUTION NO: 159 - 10**

BY: THE MAYOR
TO APPROVE A THREE-LOT CERTIFIED SURVEY MAP
Property located at 6435 Green Bay Road (T Properties)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to three parcels located at 6435 Green Bay 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 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. A digital copy of the Certified Survey Map shall be provided to the City prior to recording.
5. An Ordinance Amendment to the public street frontage requirements of Section 17.09 F.3. of the Code of General Ordinances shall be approved by the Common Council.
6. Include Keith G. Bosman, Mayor and Michael Higgins, City Clerk on the signature line on Sheet 3 of 3.
7. Address all the discrepancies with the formatting of the Certified Survey Map as detailed on the attached review sheet.
8. The Stormwater Management Agreement for the development shall be revised and approved by the Storm Water Utility prior to recording.
9. Separate Sewer and Water service plans and Easements for the service shown for Lot 1 must be approved by the Kenosha Water Utility prior to the recording of the Certified Survey Map.
10. Compliance with all the preceding conditions as a prerequisite for authorizing Mayor and City Clerk-Treasurer to sign the Certified Survey Map.

Adopted this 18th day of October, 2010.

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

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

K. OTHER CONTRACTS AND AGREEMENTS

It was moved by Alderperson Nudo, seconded by Alderperson Ruffolo, to approve:

K.1. Amendment to HOME Program Agreement by and between City of Kenosha and Tarantino & Company, LLC for the property at the 3508 7th Avenue. (1st District) (Casa del Mare Development)

K.2. Mutual Agreement and Release by and between RBC Real Estate Finance, Inc., and the Kenosha Water Utility and the City of Kenosha regarding Strawberry Creek property. (17th District)

K.3. Letter of Credit Termination Agreement for Property located in Strawberry Creek. (17th District)

K.4. Revised Project Agreement with CMAQ for Bike Trail at-Grade Crossing of Washington Road. (Project ID: 1693-29-08/78) (5th &10th Districts)

K.5. Easement with We Energies at Traffic Operations Building for Truck Wash. (11th District)

K.6. Request to Amend a Portion of a Platted Drainage Easement at 6136 83rd Avenue. (17th District)

K.7. Agreement for Purchase and Sale of Real Estate for Fee Acquisition and Easements for the West Frontage Road Project. (Gateway Center, LLC) (17th District)

K.8. Agreement for Purchase and Sale of Real Estate for Fee Acquisition and Easements for the West Frontage Road Project. (Community Development Authority of the Town of Bristol, N/K/A Village of Bristol) (17th District)

K.9. Access Agreement by and between Old Carco Liquidation Trust ("Old Carco") and the City of Kenosha.

On roll call vote, motion carried (13-1) with Alderperson Misner voting nay.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

L.1. It was moved by Alderperson Nudo, seconded by Alderperson Ruffolo, to approve Disbursement

Record #17-$4,995,021.49 and #18–$4,822,579.59. On roll call vote, motion carried (13-1) with Alderperson Misner voting nay.

L.2. It was moved by Alderperson Bogdala, seconded by Alderperson Green to concur with the recommendation of the Finance Committee to DENY requests to Rescind Special Assessments:

a. Joseph Covelli, 2910-23rd Avenue, Trash & Debris Removal, $230.00 (5th District)

b. Christopher & Darcey Visocnik, 5501-36th Avenue, $130.00 (11th District)

L.2.1. It was moved by Alderperson Ruffalo, seconded by Alderperson Haugaard to separate action on L.2.a. from L.2.b. On roll call vote, motion to separate tied (7-7) with Alderperson Haugaard, Kennedy, Nudo, Bostrom, Ruffalo, Ohnstad and Marks voting aye. The Mayor voted aye and motion carried.

L.2.2. It was moved by Alderperson Green, seconded by Alderperson Kennedy to allow Alderperson Nudo to abstain on L.2.a.. On a voice vote, motion carried.

L.2.3. It was moved by Alderperson Marks, seconded by Alderperson Ohnstad to DENY L.2.a. On roll call vote, motion carried (10-3) with Alderpersons Bostrom, Michalski and Ruffolo voting nay (Nudo abstain).

L.2.4. It was moved by Alderperson Marks, seconded by Alderperson Green to DENY L.2.b. On roll call vote, motion carried (13-1) with Alderperson Nudo voting nay.

It was moved by Alderperson Kennedy, seconded by Alderperson Green to extend the meeting beyond 11:30 pm. On a voice vote, motion carried.

L.3. It was moved by Alderperson Ohnstad, seconded by Alderperson LaMacchia to approve the 2011 Community Development Block Grant (CDBG) Fund Allocation Plan.

L.3.1. It was moved by Alderperson Bogdala, seconded by Alderperson Green to allow Alderperson Misner to abstain from voting. On a voice vote, motion carried.

On roll call vote, motion carried (13-0, Misner abstain).

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Nudo, seconded by Alderperson Bostrom, to adjourn at 11:35 p.m.

On roll call vote, motion failed (6-8) with Alderpersons Nudo, Bostrom, Orth, LaMacchia, Marks and Green voting aye.

It was moved by Alderperson Nudo, seconded by Alderperson Bostrom to adjourn at 11:43 p.m. On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
November 1, 2010
Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
November 1, 2010

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: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana, Marks, Green, Kennedy, Nudo, Bostrom, Misner, Prozanski, Orth, Downing and Bogdala.

A moment of silence was observed in memory of Officer Erich Strassbaugh.

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

It was moved by Alderperson LaMacchia, seconded by Alderperson Green, to approve the minutes of the meeting held October 18, 2010.

Motion carried unanimously.

At this time, the Mayor announced that the environmental company, TRC, selected Kenosha to honor. TRC helped transform the Brass Site. They gave Kenosha a prestigious plaque and donated $1,000 to the Shalom Center. The Mayor's Youth Commission then presented awards. A brief recess was taken for pictures and the Council reconvened at 7:30 pm.

Eight (8) Citizens spoke during Citizen's Comments: Bob Danbeck, Larry LeMay, Sue LeMay, Jan Schroeder, Scott Moriarti, Jennifer Heim, Bob Waldron and Susan Anderson.

A. REFERRALS

TO THE COMMITTEE ON FINANCE

A.1. To Amend Resolution #71-10 regarding the Relocation Order for 122nd Avenue from 60th Street South to 71st Street for Right-of-Way Improvements and to Authorize Other Actions Necessary to Acquire Fee Title and Interest and Possession of Certain Property, District #17. (West Frontage Road) (Also refer to Public Works Committee and City Plan Commission)

A.2. Proposed Ordinance by Alderperson G. John Ruffolo - To Repeal and Recreate Subsection 1.03 B. paragraph 2, of the Code of General Ordinances Regarding Majority.

A.3. Resolution to place special assessments against benefited parcels of property on the 2010 real estate tax roll for delinquent storm water bills.

TO THE PUBLIC SAFETY AND WELFARE COMMITTEE

A.4. Proposed Ordinance by Alderperson Anthony Kennedy and Alderperson Michael Orth - To Repeal and Recreate Section 11.026 B. Entitled "Prohibiting the Drinking of Intoxicants on Public Streets and Sidewalks, or Within any Parked Motor Vehicle"; to Create Section 11.026 D. of the Code of General Ordinances Entitled "Underage Persons Under the Influence Prohibited".

A.5. Proposed Ordinance by Alderperson Nudo - To Create Subsection 11.148 C. of the Code of General Ordinances Entitled "Enforcement" (Rummage Sales).

A.6. Proposed Ordinance - To Repeal and Recreate Various Sections of Chapter 15 of the Code of General Ordinances Related to Off-Premises Signs.

A.7. Proposed Ordinance – By the Mayor - To Create Section 13.0112 of the Code of General Ordinances Entitled Non-Structural Demolition.

TO THE CITY PLAN COMMISSION

A.8. Conditional Use Permit for a non-conforming residential use located at 6321 24th Avenue, District #12. (Ogren)

A.9. Proposed Zoning Ordinance by the Mayor - To repeal and recreate various sections of the Zoning Ordinance creating Subsection 2.02 E.4 prohibiting off-premises signs and other sections removing off-premises signs as a Conditional Use in the B-2, M-1 and M-2 Districts; and to create a limitation on the

maintenance of non-conforming off-premises signs; to repeal the defintion of "sign-outdoor advertising" and to create a definition of "off-premises signs" in Section 12 of the Zoning Ordinance.

A.10. Proposed Zoning Ordinance By the Mayor - To Repeal and Recreate Paragraph 2.02D.11.; to Repeal Paragraph 3.18 A.2-17; to Create Paragraph 3.18 C.22-37 and to Repeal and Recreate 4.02 B. Group 3 Table of the Zoning Ordinance for the City of Kenosha, Wisconsin Regarding Scrap Salvage Metals.

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Green, seconded by Alderperson Marks, 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.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderman Nudo, seconded by Alderman LaMacchia, to approve application of Ryan Heusdens for a new Operator's (Bartender) license, subject to -0 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.2. It was moved by Alderman Nudo, seconded by Alderman Green, to approve application of Rian Phillips for a new Operator's (Bartender) license, subject to -60 demerit points. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.3. It was moved by Alderman Green, seconded by Alderman Ohnstad, to approve application of Christina Wagner for a new Taxi Driver's license, subject to - 65 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.4. It was moved by Alderperson Green, seconded by Alderperson Ohnstad, to approve application of Craig Conley for a new Taxi Driver's license, subject to - 75 demerit points. A hearing was held. The applicant was present and spoke.

C.5. It was moved by Alderperson Green, seconded by Alderperson Ohnstad, to approve application of Raymond Johnson, Jr. for a new Taxi Driver's license, subject to - 90 demerit points. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.6. It was moved by Alderperson Nudo, seconded by Alderperson Green, to DENY application of Thomas Holtz for a new Taxi Driver's license, based on – excessive points relative to license. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.7. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve application of Children's Recreational Club DF8 (Yolanda Green/Derosier), for a temporary Theatre License located at 3010 Roosevelt Road , with no adverse recommendations. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.8. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve application of Children's Recreational Club DF8 (Yolanda Green/Derosier), for an Amusement & Recreation Enterprise License located at 3010 Roosevelt Road, with no adverse recommendations. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.9. It was moved by Alderperson Nudo, seconded by Alderperson LaMacchia, to approve application of Kimberly Gorsuch for a Pet Fancier License. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.10. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve application of

R.P. Consulting, LLC, Pritesch Patel, Agent, for a Class "B" Beer/"Class B" Liquor License located at 3216 60th Street (Lotus Sports Bar), with acceptance of a conditional surrender of a similar license at the same location from John Pasquali. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.11. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve application of R.P. Consulting, LLC, for an Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 3216 - 60th Street (Lotus Sports Bar) and approve request to change the closing hours to midnight. (11th District) A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.12. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve applications for a Cabaret License (1-year term) Lotus Sports Bar, 3216 - 60th Street (R.P. Consulting, LLC, Pritesch Patel, Agent) with no adverse recommendations. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.13. It was moved by Alderperson Nudo, seconded by Alderperson LaMacchia, to approve Findings of Fact, Conclusions of Law and Recommendation (reinstate with 75 demerit points) in the Matter of the Operator's (Bartender's) License of Traci L. Dabbs. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.14. It was moved by Alderperson Nudo, seconded by Alderperson Misner, to a approve Findings of Fact, Conclusions of Law and Recommendation (suspend for 30 days) in the Matter of the Operator's (Bartender's) License of Manpreet Kaur. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.15. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve Findings of Fact, Conclusions of Law and Recommendation (to revoke) in the Matter of the Operator's (Bartender's) License of Jenny Melnick. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.16. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve Findings of Fact, Conclusions of Law and Recommendation (reinstate with 75 demerit points) in the Matter of the Operator's (Bartender's) License of William Morgan. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.17. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve Findings of Fact, Conclusions of Law and Recommendation (reinstate with 75 demerit points) in the Matter of the Operator's (Bartender's) License of Shannon Hoffman. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

D. ORDINANCES 1ST READING

D.1. It was moved by Alderperson Kennedy, seconded by Alderperson Nudo, to send the proposed ordinance by Alderperson Juliana - To Repeal and Recreate Subsection 1.06 A. (of the Code of General Ordinances) Entitled "City Boards and Commissions" on its way. On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

It was moved by Alderperson Kennedy, seconded by Alderperson Nudo, to send the following ordinances on their way*:*

E.1. By Alderperson Juliana - To Repeal and Recreate Subsection 8.01 of the Zoning Code Entitled "Plan Commission".

E.2. By Mayor - To Repeal and Recreate the Definition in Section 12 of "Shelter Facility" and to Create Paragraph 3.19 A.24 and Amend Subsection 12.0 B. of the Zoning Ordinance to Include "Refuge Center". On a voice vote, motion carried.

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Ohnstad, seconded by Alderperson Green, to adopt Ordinance 76-10. 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. 76-10
BY: ALDERPERSON JESSE DOWNING
TO REPEAL AND RECREATE SECTION 10.03.D.4.E. AS 10.03.D.4.F. ENTITLED "RETAIL "CLASS A" LIQUOR LICENSES"; TO REPEAL AND RECREATE SECTION 10.03.D.5. AS 10.03.D.4.E.; TO RENUMBER SECTIONS 10.03.D.6. AND 10.03.D.7. AS 10.03.D.5. AND 10.03.D.6.; TO RECREATE SECTION 10.04.D.2. OF THE CODE OF GENERAL ORDINANCES ENTITLED "SEPARATION OF INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGE BUSINESS FROM OTHER BUSINESS"

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

Section One: To repeal and recreate Section 10.03.D.4.e. as 10.03.D.4.f. of the Code of General Ordinances for the City of Kenosha, Wisconsin, as follows:

f. Any other facts which reasonably relate to the public safety and welfare, or the legitimate police power of the City.

Section Two: To repeal and recreate Section 10.03.D.5. as 10.03.D.4.e. of the Code of General Ordinances for the City of Kenosha, Wisconsin, as follows:

e. Whether the area where "Class A" beverages are stored or displayed on "Class A" premises can be physically closed to customers on the premises during the hours that the sale of "Class A" beverages are not permitted.

Section Three: To renumber Sections 10.03.D.6. and 10.03.D.7. as 10.03.D.5. and 10.03.D.6. of the Code of General Ordinances for the City of Kenosha, Wisconsin, as follows:

5. Each "Class A" licensed establishment shall employ a minimum of two (2) employees to be on premises during the hours in which the sale of "Class A" beverages are permitted.

6. Where a license is granted or transferred following review of an Economic Impact Statement, the economic impact of the licensed premises shall be reviewed by the Committee on Licenses/Permits at the license application renewal review following the first full license year.

Section Four: To recreate 10.04.D.2. of the Code of General Ordinances, as follows;

2. No business under a "Class A" License, or under a combination of a "Class A" License and a Class"A" License, shall be conducted in conjunction with any other business on the same premises unless:

The area in which the liquor and/or beer is sold shall be arranged and constructed in a manner as to permit and facilitate its closing during the hours and days in which fermented malt beverages may not be sold as stipulated by the Wisconsin Statutes.

Notwithstanding the proceeding paragraph, a business may maintain "end cap" displays of fermented malt beverages and wine at room temperature during the closing hours and days stipulated by the Wisconsin Statutes.

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

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

F.2. It was moved by Alderperson Ohnstad, seconded by Alderperson Juliana, to adopt Ordinance 77-10.

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

On roll call vote, motion carried (16-1) with Alderperson Ruffalo voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 77-10
BY: ALDERPERSON PATRICK JULIANA
TO AMEND SUBSECTION 10.075.F. OF THE CODE OF GENERAL ORDINANCES ENTITLED "CLOSING HOURS"

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

Section One: Section 10.075.F. of the Code of General ordinances for the City of Kenosha, Wisconsin, is hereby amended as follows:

F. Closing Hours. Any outdoor area included within the description of a Class "B", "Class B" and/or "Class C" licensed premises pursuant to this Section shall be closed for business during the hours of 10:00 P.M. to 8:00 A.M.

The Common Council may, upon written application by the Licensee, limit the closing hours to 12:00 Midnight to 8:00 A.M.

If the licensed premises in the previous licensing term had its outdoor hours extended pursuant to the preceding paragraph, the Common Council may, upon written application by the Licensee, limit the closing hours to 1:30 A.M. to 8:00 A.M.

If the closing hours are so limited, amplified music or sound otherwise permitted under Section 10.075E.2. shall not be allowed after 10:00 P.M.

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

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

F.3. It was moved by Alderperson Ruffalo, seconded by Alderperson Misner to adopt Ordinance 78-10 as amended.

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

F.3.1. It was then moved by Alderperson Nudo, seconded by Alderperson Orth to change the fee to -0- and to eliminate Section F. (reinspection fees remain) On a voice vote, motion carried.

On roll call vote, motion to adopt Ordinance 78-10 carried unanimously and was thereupon adopted as follows:

ORDINANCE NO. 78-10
BY: ALDERPERSON THEODORE RUFFALO
TO RENUMBER SECTION 13.13 ENTITLED "FEES" AS SECTION 13.14 AND TO CREATE SECTION 13.13 ENTITLED "REFUGE CENTERS"

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

Section One: Section 13.13 of the Code of General Ordinances for the City of Kenosha, Wisconsin, entitled "Fees" is hereby renumbered as Section 13.14.

Section Two: Section 13.13 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

13.13 REFUGE CENTERS

A. Purpose.

The purpose of this ordinance is to insure that homeless persons in the City of Kenosha are able to obtain supportive services in safe and structured locations.

B. Definitions.

1. Lodging: Accommodations at which persons are allowed to sleep on mattresses, cots, sleeping bags, or other furnishings primarily designed for the sleeping of persons.

2. Refuge Center: A facility that provides accommodation principally for homeless persons, where the accommodation may include the provision of food, clothing, employment, or other support services, but shall exclude lodging.

3. Staff: Persons, whether paid or unpaid, who regularly and directly assist in the operation of the Refuge Center. The term excludes volunteers who directly assist in the operation of the Refuge Center on an interim basis, but no more than any part of two days in any four-month period.

C. License Required.

1. Unless exempted from the licensing requirement pursuant to paragraph B 2., herein, no person whether personally, by agents or employees, singly, or with another business or enterprise may operate a Refuge

Center within the City of Kenosha, and no person whether personally, by agents or employees, singly, or with another business or enterprise may allow the operation of a Refuge Center, without a license therefore from the Common Council in accordance with the provisions of this Ordinance.

2. The following are exempt from the regulation of this Section 13.13: A facility otherwise within the definition of "Refuge Center" that satisfies all of the following conditions:

a. is operated as a Shelter Facility, as that term is defined in the the Zoning Ordinance for the City of Kenosha;

b. is subject to a conditional use permit as a Shelter Facility and is operating under the terms of that conditional use permit.

3. Separate Licenses. A licensee hereunder who operates more than one (1) "Refuge Center" within the City shall be required to have in effect a separate license for each "Refuge Center".

4. Other Licenses And Permits. A license issued hereunder shall not exempt the holder thereof from obtaining such other licenses and permits as may be relevant and otherwise required by the City or by any other governmental agency.

D. Transfer/Assignment.

Licenses are not transferable or assignable from either person-to-person or from place-to-place.

E. License Term.

Licenses are for up to one year, expiring on the April 30th ensuing the grant of the license by the Common Council.

F. License Application.

1. Name, address, telephone number and e-mail address of Refuge Center license applicant, including all partners, if the applicant is a partnership.

2. Name, address, telephone number and e-mail address of Refuge Center manager, if different from the license applicant.

3. Current list of Board of Directors and Officers, if a corporation; current list of members if a limited liability company.

4. Organizational Chart listing supervisory personnel by name.

5. Complete list of the services and programs provided at the Refuge Center, whether delivered by agency personnel or by outside organizations.

6. Floor plan identifying size and location of all Refuge Center areas.

7. Hours of operation including any periodic or seasonal schedule modifications.

8. Code of Conduct Plan which addresses the expectations and accountability of the clientele, including while on the Refuge Center premises and while off-site.

G. Annual Inspection.

Compliance monitoring by City departments shall occur annually, before action by the Common Council on the license application for each year.

H. Amendment/Correction.

Applicants and Licensees shall have the duty to amend and correct their application within ten (10) days of such time as any information stated therein is known by Applicant/Licensee to be untrue, incorrect or incomplete. No material change in scope of operation or site of operation shall be effective without the advance approval thereof by the Common Council.

I. Recommendation.

Upon receipt of an application for a license under this Section, the City Clerk shall send copies thereof to the Department of Neighborhood Services and Inspections, Fire Department, Health Department, and Police Department. The Department of Neighborhood Services and Inspections, Fire Department, and Health Department, either jointly or severally, within ten (10) days of receiving such copies, shall make a report, in writing, as to whether the premises meet the requirements hereof, along with any other pertinent information. The Police Department shall report in writing, to the City Attorney, as to any police record of applicant which may reflect upon their good moral character or business responsibility. The City Attorney shall examine said record and make a recommendation based thereon as to whether or not the

license should be granted. Such reports shall be delivered to the City Clerk or clerk for the Licensing/Permit Committee who, in turn, shall deliver them with the application, to the Licensing/Permit Committee. Such Committee shall recommend to the Common Council either the granting or denial of the application or such other action as may be appropriate.

J. Conditions of Operation.

1. All supervision, whether paid or unpaid, must be trained in the requirements of this ordinance and in the policies of the Refuge Center.

2. During all operating hours, trained supervisory staff must be on premises and actively providing supervision to other staff, volunteers, and clientele.

a. Staffing provided must be adequate to serve the program needs of the clientele. Adequate staffing shall be determined based upon the professionally accepted standards to address the mental, physical and social needs of the clientele.

b. All staff must be at least 18 years old. Volunteers who assist in the operation of the Refuge Center on an interim basis, but no more than any part of two days in any four-month period may be under 18 years of age.

c. At least one member of staff holding current certification from the American Heart Association or the American Red Cross in first aid must be on premises at all times that the Refuge Center is open for business. A copy of the certification card for each staff member shall be on file at the licensed Refuge Center and subject to inspection.

d. All staff must be trained in fire/emergency procedures including the proper use of fire extinguishers.

e. All staff must have orientation training for the special needs of individuals who are homeless, experience mental health issues, chemical abuse issues, or intimate partner/domestic violence issues.

3. The Refuge Center must operate in compliance with the Fire Prevention Code, the Property Maintenance Code, and all other City ordinances.

4. Provide restrooms in compliance with the federal Americans with Disabilities Act with an adequate number of fixtures for the number of occupants.

5. Allow clientele access for restroom privileges during all hours of operation.

6. If the clientele of the Refuge Center will include minors, all staff shall have a criminal background check conducted annually by the Refuge Center licensee which shall be subject to inspection.

7. If the clientele of the Refuge Center will include minors, the Refuge Center licensee must have procedures in place that assure that no individual minor will be alone in any enclosed space with any one adult who is not the minor's parent, guardian, spouse, or sibling.

8. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public right-of-way, and of an intensity compatible with the neighborhood. The light shall be positioned and maintained in a manner that does not unreasonably provide annoyance to residents of neighboring properties.

K. Enforcement.

The Director of the Department of Neighborhood Services and Inspections, the Fire Chief, the Chief of Police, and the Director of Environmental Health for the County of Kenosha shall have the primary responsibility to enforce this Ordinance within their jurisdiction. In the event that any of the aforementioned directors or chiefs receive a complaint outside of their jurisdiction, they shall refer it to the Department having proper jurisdiction. After normal City Municipal Building working hours, all complaints shall be made to the Police Department, who, where the complaint is outside of its jurisdiction, shall take the complaint and refer it to the Department having proper jurisdiction. This Ordinance shall be enforced by the following City Departments (Enforcing Departments) as follows:

1. By the Director of the Department of Neighborhood Services and Inspections or designee thereof, with respect to the Building Code (Chapter IX of the Code of General Ordinances for the City of Kenosha) the Sign Code (Chapter XV), the Property Maintenance Code (Chapter XVI), the Zoning Ordinance, and other provisions of the Code of General Ordinances not otherwise enforced by other Enforcing Departments, along with the responsibility of investigating complaints to the effect that a person is

engaged in an activity requiring a license hereunder without first having obtained said license.
2. By the Fire Chief, or designee thereof, with respect to the Fire Prevention Code (Chapter III).
3. By the Chief of Police or designee thereof, with respect to Good Order and Conduct Code (Chapter XI) and Noise Control Code (Chapter XXIII).
4. By the Health Director or designee thereof, with respect to the Health Code (Chapter IV) and Noise Control Code (Chapter XXIII).

L. Inspections.

Applicants and Licensees shall permit authorized representatives of any Department of the City or County having enforcement powers hereunder to inspect the premises proposed to be licensed or licensed, with or without advanced notice, as often as may be required to permit said Departments to a perform their duties and assure compliance with this Ordinance, without first obtaining a special inspection warrant. Inspections shall be made during normal hours of business operation unless emergency circumstances require prompt action to protect the public health, safety, or welfare, or to preserve evidence of noncompliance with this Ordinance. The unreasonable failure to permit inspections shall be grounds for license denial, suspension, or revocation. Upon notice of application by the City Clerk to the Enforcing Departments, they shall inspect the premises/equipment of each license applicant and licensee seeking license renewal, where they have duties with respect thereto, as part of the application/license renewal process and prior to application review. The Fire Chief, or designee thereof, shall make periodic inspections of Licensee premises/equipment during the license period and report apparent violations of this Ordinance over which it does not have jurisdiction to any Enforcing Department having jurisdiction thereover. Enforcing Departments may also inspect the premises/equipment of any Licensee upon a complaint being made with respect thereto by any person.

M. Orders.

It shall be unlawful for any licensee to fail to obey any final order of any Enforcing Department which was issued under the authority hereof.

N. Appeals From Orders.

A Licensee, where the public health, safety or welfare is not in immediate jeopardy, may appeal to the Common Council any order issued by any Enforcing Department under authority of this Ordinance. Orders issued pursuant to ordinances subject to specific appeal procedure must be appealed through that specific appeal procedure. All other orders issued pursuant to ordinances that are not subject to a specific appeal procedure, may be appealed to the Common Council by filing a written Notice of Appeal with the Enforcing Department that issued the order within ten (10) days of receipt of said order, or within the compliance period, whichever is shorter. The Common Council may direct that an appeal to it be heard by a Committee thereof.

O. Licensees/Responsibility.

Licensee shall, with respect to the conduct of their operation, have a duty to supervise their employees and clientele, and for purposes of license discipline proceedings, shall be responsible for the acts thereof .

P. Revocation and Suspension Of Licenses.

The Common Council may, for just cause, suspend or revoke any license herein provided, upon serving such party written notice of the charges forming a basis for the proposed penalty, in the same manner as that for the service of a Summons in a civil action. Just cause shall include, but not be limited to:
1. Failing to maintain a status of good moral character and business responsibility.
2. Obtaining the license through fraud or misrepresentation.
3. Operating contrary to the terms of this Ordinance.
4. Failing to commence doing business within ninety (90) days of being granted a license.

Q. Disciplinary Hearings.

Disciplinary hearings, including suspension and revocation hearings, may be held before the Common Council or before the Committee charged with license review responsibilities. The Licensing/Permit Committee, when it conducts a hearing, shall submit a report to the Common Council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the Common Council should

take with respect to the license. Said Committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or Licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Common Council. The Common Council shall determine whether the arguments shall be presented orally or in writing, or both. If the Common Council, after considering the Committee's report and any arguments presented by complainant or Licensee, finds the complaint to be true, or if there is no objection to a report recommending a suspension or revocation of the license, it shall be suspended, revoked, or not renewed as provided by law. If the Common Council finds the complaint untrue, the proceedings shall be dismissed without cost to the accused. The City Clerk shall give notice of each suspension or revocation to the party whose license is affected. The Common Council may also order corrective action to be taken within a specified time as a condition of license maintenance, at any time, following notice and an opportunity to be heard.

R. Penalty.

Any person who shall violate any of the terms and conditions of this Ordinance shall, upon conviction thereof, forfeit not more than Five Hundred ($500) Dollars, plus the costs of prosecution, in addition to all applicable surcharges and assessments, and in default of the timely payment thereof be confined in the County Jail for a period not to exceed thirty (30) days.

Section 3: This Ordinance shall become effective upon passage and publication.

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

F.4. It was moved by Alderperson Green, seconded by Alderperson Nudo to adopt Ordinance 79-10.

F.4.1. It was then moved by Alderperson Juliana, seconded by Alderperson LaMacchia to defer. On roll call vote, motion to defer failed (3-14) with Alderpersons Kennedy, Juliana and Marks voting aye.

F.4.2. On roll call vote, motion to adopt Ordinance 79-10 carried (12-5) with Alderpersons Haugaard, Kennedy, Michalski, Juliana and Marks voting nay and said was adopted as follows:

ORDINANCE NO. 79-10
BY: ALDERPERSON DAVID BOGDALA
ALDERPERSON ANTHONY NUDO
TO REPEAL AND RECREATE VARIOUS SECTIONS OF THE CODE OF GENERAL ORDINANCES REPLACING "CITY PLAN COMMISSION" WITH "COMMON COUNCIL".

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

Section One: Chapter 1.31 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

C. Review Guidelines. The Common Council will review Public Art Proposals and accept only those Proposals which are in the best interest of the City, and meet the goals and criteria and the other requirements of this Ordinance.

Section Two: To eliminate "City Plan Commission" from the title of Chapter 2.02 D. of the Code of General Ordinances for the City of Kenosha, Wisconsin as follows:

5. Review and Report by the Committees of Council and Adoption by the Common Council.

Section Three: Chapter 15.02 "Definitions" of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

Unified Business Center. A shopping center consisting of a group of permitted and/or conditional retail and/or commercial uses which are located in multiple buildings on a single lot or group of lots. The center is planned, developed and functions as a unit with common shared access, building materials and/or architectural features. A Unified Business Center is located on property zoned B-2. A Unified Business Center must be so designated by the Common Council.

Section Four: Chapter 17.04 E. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

E. Land Suitability. No land shall be divided for any use which is determined to be unsuitable for such

use by the Common Council, upon the recommendation of the City Engineer or any other agency consulted by the Common Council, 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 Common Council 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 Common Council may affirm, modify, or withdraw its determination of unsuitability

Section Five: Chapter 17.04 L.1. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

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 Common Council. Such appeal shall be filed with the City Planner within thirty (30) days of the date of the decision by the City Planner.

Section Six: Chapter 17.09 I. Paragraph 2 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

I. Public Sites and Open Spaces. Suitable sites of adequate area shall be dedicated or reserved for schools, parks, environmental corridors, drainage ways and other public purposes as provided in the Development Agreement. If designated on the Comprehensive Plan, such areas shall be made a part of the Plat as stipulated in Section 17.04 C. of this Ordinance. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, woodlands, and other environmentally significant lands.

The Subdivider of land in the City of Kenosha shall, at the discretion and direction of the Common Council, either dedicate public and open space lands designated on the Comprehensive Plan or where no public or open space lands are dedicated, pay a public site fee. The Common Council shall, at the time of reviewing the Preliminary Plat or Certified Survey Map, select one of the following options and record such selection in the minutes of the meeting at which the Land Division is presented for approval.

Section Seven: Chapter 17.10 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

C. Grading. After the installation of the temporary block corner monuments by the Subdivider and establishment of street grades by the City Engineer, the Subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Common Council, upon the recommendation of the City Engineer. The Subdivider shall grade the roadbeds in the street right-of-ways to subgrade. Cut and filled lands shall be graded to a maximum slope of one on four or the soil s angle of repose, whichever is the less, and covered with permanent vegetation.

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

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

F.5. It was moved by Alderperson Misner, seconded by Alderperson Green to adopt Ordinance 80-10. On

roll call vote, motion carried (16-1) with Alderperson Marks voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 80-10
BY: ALDERPERSON RAY MISNER
TO REPEAL AND RECREATE SUBSECTION 10.04 C.2 OF THE CODE OF GENERAL ORDINANCES FOR THE CITY OF KENOSHA REGARDING RESTRICTIONS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:
Section One: Subsection 10.04 C.2 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:
2. Only one (1) "Class A" License shall be granted for every five thousand, (5,000) inhabitants, or fraction thereof, of the City.
Section Two: This Ordinance shall become effective upon passage and publication.

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

G. ZONING ORDINANCES 2ND READING

G.1. It was moved by Alderperson Bogdala, seconded by Alderperson Green to defer the proposed ordinance by Alderperson David Bogdala and Alderperson Anthony Nudo - To Repeal and Recreate Various Sections of the Zoning Ordinance Replacing "City Plan
G.2.Commission" with "Common Council" for two weeks. On a voice vote, motion carried.

H. RESOLUTIONS

H.1. It was moved by Alderpeson Ruffalo, seconded by Alderperson Bostrom to DENY the proposed resolution by Committee on Public Safety and Welfare – Removal of No Parking, Standing, Stopping Restrictions on East Side of 8th Avenue North of 49th Street (To Remove the Existing "No Parking, Standing or Stopping, 7:30 a.m. - 4:30 p.m., on School Days", Restriction on the East Side of 8th Avenue North of 49th Street Approximately One Hundred Sixty Feet).
H.1.1. It was then moved by Alderperson Orth, seconded by Alderperson Kennedy to send the resolution back to the Public Safety & Welfare Committee. On a voice vote, motion carried.
H.2. It was moved by Alderperson Nudo, seconded by Alderperson Michalski to adopt Resolution 160-10.
H.2.1. It was then moved by Alderperson Nudo, seconded by Alderperson Bostrom to add the following paragraph:
BE IT FURTHER RESOLVED, that the Common Council shall sponsor an ordinance to create legislation to ban the sale, possession, and use of synthetic cannabinoid substances within the City of Kenosha.
On a voice vote, motion carried.
H.2.2. It was then moved by Alderperson Nudo, seconded by Alderperson Bostrom to change the sponsor to the Common Council. On a voice vote, motion carried.
On roll call vote, motion to adopt Resolution 160-10 carried unanimously and was adopted as follows:

RESOLUTION NO. 160-10
BY: COMMON COUNCIL
TO REQUEST THAT THE LEGISLATURE FOR THE STATE OF WISCONSIN CREATE A STATEWIDE BAN OF SYNTHETIC CANNABINOID SUBSTANCES

WHEREAS, the Common Council of the City of Kenosha has determined that herbal preparations powdered or sprayed with a chemical synthetic cannabinoid more commonly known as "K2", "Spice" or "synthetic marijuana" are available for sale within the City of Kenosha producing intoxicating affects similar to THC or marijuana; and,
WHEREAS, while these substances are not yet categorized as illegal controlled substances under

Wisconsin or federal law several other communities, states, and municipalities have created laws to prohibit these substances due to the dangers related to overdoses and other negative health concerns:

WHEREAS, while these synthetic cannabinoid substances are often marketed as benign and legal alternatives to marijuana, they are potentially toxic and dangerous to users as the substances can create potency from 3 up to 100 times greater than marijuana, produce severe adverse health conditions such as elevated heart rate, elevated blood pressure, hallucinations, tremors, seizures, paranoia, and vomiting which may be life threatening based upon reported emergency room treatments, and further that long term health effects of use of these substances are not yet known; and,

WHEREAS, it has been determined that the effects of these substances are a health, safety and welfare concern to not only the citizens of the City of Kenosha but also the citizens and visitors of the State of Wisconsin.

NOW THEREFORE, BE IT RESOLVED, that the Common Council for the City of Kenosha requests that the State of Wisconsin create legislation to ban the sale, possession and use of synthetic cannabinoid within the State of Wisconsin.

BE IT FURTHER RESOLVED, that the Common Council shall sponsor an ordinance to create legislation to ban the sale, possession, and use of synthetic cannabinoid substances within the City of Kenosha.

BE IT FURTHER RESOLVED, that the City Clerk is directed to send a copy of this Resolution to the Governor of the State of Wisconsin and the Legislative delegation representing districts in the City of Kenosha requesting action consistent with its content.

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

It was moved by Alderperson Kennedy, seconded by Alderperson Bostrom to allow Alderperson Nudo to abstain from voting on item H.3. On a voice vote, motion carried.

H.3. It was moved by Alderperson Kennedy, seconded by Alderperson Green to adopt Resolution 161-10. On roll call vote, motion carried (16-0, 1 abstain) and said resolution was thereupon adopted as follows:

RESOLUTION # 161-10
BY: THE MAYOR

To Amend Resolution #81-09 regarding the Relocation Order for 39th Avenue from 18th Street South to 27th Street for Right-of-Way Improvements and to Authorize Other Actions Necessary to Acquire Fee Title and Interest and Possession of Certain Property

WHEREAS, It is declared and determined to be in the public interest to acquire fee title interest to certain property necessary for 39th Avenue, approximately 3,266.2 feet from 18th Street south to 24th Street under authority of Section 62.22, Wisconsin Statutes, shown on a map marked Exhibit "A" , and legally described on Exhibit "B", which are on file in the office of the City Clerk, and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, The Director of the Department of City Development, or designee thereof, on behalf of the City of Kenosha and upon compliance with Subsection (2), respecting Appraisal, and Subsection (2.a.) respecting negotiation, shall make and give notice of a Jurisdictional Offer under Subsections (3), (3.m.) and (4) of Section 32.05, Wisconsin Statutes. If any owner has not accepted the Jurisdictional Offer within the periods limited in Subsection (6) or fails to consummate an acceptance as provided therein, the City of Kenosha, through the Director of the Department of City Development, or designee thereof, shall make an award of damages in the manner and sequence of acts provided in Subsection (7) and obtain right to possession with respect to such property under Subsection (8) of Section 32.05, Wisconsin Statutes; and

BE IT FURTHER RESOLVED, The City Attorney or other legal counsel retained by the City shall represent the City of Kenosha in any related actions or proceedings; and

BE IT FURTHER RESOLVED, The Director of the Department of City Development, or designee, in

accordance with Section 32.05(1)(a), Wisconsin Statutes, shall within twenty (20) days of the adoption of the Resolution/Relocation Order, file a copy thereof with the Kenosha County Clerk.
Adopted this 1st day of November, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

I.1. It was moved by Alderperson Kennedy, seconded by Alderperson Green, to approve reappointment of Jennifer Mahone to the Mayor's Youth Commission for a Term to Expire May 1, 2011.
On roll call vote, motion carried unanimously.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

K. OTHER CONTRACTS AND AGREEMENTS

K.1. It was moved by Alderperson Ohnstad, seconded by Alderperson LaMacchia, to approve Second Amendment of Contract of Purchase and Sale By and Between Brookstone Homes, Inc and the City of Kenosha, Wisconsin. (10th District)(KAT Subdivision)
K.1.1. It was then moved by Alderperson Nudo, seconded by Alderperson Bostrom to defer. On a voice vote, motion carried.
K.2. It was moved by Alderperson Orth, seconded by Alderperson Kennedy to Approve of TDS Contract. On a voice vote, motion carried.

RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

It was moved by Alderperson Orth, seconded by Alderperson Kennedy to:
L.1. Approve Disbursement Record #19 – $13,185,268.44.
L.2. Receive and file KABA 2010 3rd Quarter Revolving Loan Fund Report.
On roll call vote, motion carried unanimously.
L.3. The following item was deferred by the Finance Committee at their special meeting held previous to the Council meeting: Request from United Way of Kenosha County for a Contribution from the City to Contract with American City Bureau, Inc. to Provide Professional Fundraising Consulting Services.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Green, seconded by Alderperson Michalski, to adjourn at 10:08 p.m.
On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS

DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
November 15, 2010

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

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
November 15, 2010

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: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana, Marks, Green, Kennedy, Nudo, Bostrom, 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 Alderperson Michalski, seconded by Alderperson Juliana, to approve the minutes of the meeting held November 1, 2010.

Motion carried unanimously.

The Mayor recognized Weebelo Troop 567 in attendance at this meeting.

Eight (8) Citizens spoke during Citizen's Comments: Phyllis McNab, Dawn Bench, Carl Berquist, John O'Leksy, Mary Lou Christiansen, Matt Thompson, Diane Pearson and Louis Rugani.

A. REFERRALS
TO THE COMMITTEE ON FINANCE

A.1.

A.2.A.1. Proposed Ordinance by Alderman Patrick Juliana - To Create Section 1.036, of the Code of General Ordinances, Entitled "Communications During Meetings of the Common Council and Committees of the Common Council". (Also refer to Public Works Committee, Public Safety and Welfare Committee, and Licensing/Permit Committee)

A.3.A.2. Proposed Ordinance by the Licensing/Permit Committee - To Repeal and Recreate Subsection 10.02 B.2B Regarding Class "A" Beer License Fee; Section 13.03 G. Regarding Peddler License Fee; Section 13.07 B. Regarding Taxicab License Permit Fee, and Section 16.14 Regarding Lodging Housing Permit Fee, of the Code of General Ordinances. (Also refer to Licensing/Permit Committee)

A.4.A.3. Amendment to the 2010-2011 labor agreement between the City of Kenosha and AFSCME, Local #71 to include the representation of permanent part-time employees.

TO THE PUBLIC SAFETY COMMITTEE

A.5. To Renumber Sections 11.147 to 11.148; 11.148 to 11.149; 11.149 to 11.15; 11.15 to 11.16; 11.16 to 11.17 and To Create Section 11.147, of the Code of General Ordinances, Entitled "Synthetic Marijuana".

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve:

a. 9 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. 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.

B.2. It was moved by Alderperson Kennedy, seconded by Alderperson Juliana, to approve a Special Exception Request to Maintain a Non-conforming Sign Located at 5411 Green Bay Road (Guttormsen Realty, LLC)

B.2.1. It was then moved by Alderperson Downing, seconded by Alderperson Green to amend the motion by conditioning the approval upon payment of the $364.00 permit fee. On a voice vote, motion carried.
The Mayor held a public hearing. Neil Guttormsen and Jeff Ewens spoke in favor of the request.
On roll call vote, motion to approve with condition carried (16-0; 1 abstain (Kennedy))

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Downing, seconded by Alderperson Green, to approve the following applications for new Operator's (Bartender) licenses, subject to:
-20 demerit points:
a. Christina Ruane
b. Brandon Manske
-40 demerit points:
c. Sasha Mika
d. Atalie Ward
A hearing was held. The applicants did not appear. On a voice vote, motion carried.
C.2. It was moved by Alderperson Prozanski, seconded by Alderperson Green, to DENY application of Ashley Shoop for a new Operator's (Bartender) license, based on -material police record. A hearing was held. The applicant did not appear.
C.2.1. It was then moved by Alderperson Kennedy, seconded by Alderperson Michalski to refer back to the Licensing/Permit Committee. On a voice vote, motion failed.
On a voice vote, motion to deny carried.
C.3. It was moved by Alderperson Michalski, seconded by Alderperson LaMacchia, to approve application of Aimee Crucianelli for a new Taxi Driver's license, subject to -10 demerit points. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.4. It was moved by Alderperson Green, seconded by Alderperson LaMacchia, to approve application of Kryn Inc., for a new 1-day cabaret license (David K. Hamelink, Sr.) located at 7517 22nd Avenue, (Sunnyside Club), for November 20, 2010 with no adverse recommendations. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.5. It was moved by Alderperson , Nudo seconded by Alderperson LaMacchia, to approve application of Gerbers Pub of Kenosha, Inc., (Mark T. Gerber, Agent) located at 719 50th Street, (Champions Sports Bar) for a Cabaret License (1- year term) with no adverse recommendations. A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.6. It was moved by Alderperson Downing, seconded by Alderperson Green, to approve Findings of Fact and Proposed Order with respect to the recurring pattern of disorderly conduct at 2506 - 52nd Street, (Gerolmo's Tavern, Inc.).
A hearing was held. The applicant was present and spoke.
C.6.1. It was moved by Alderperson Nudo, seconded by Alderperson Bogdala to add the order to mandate a closing time of 8:00 pm.
C.6.2. After much discussion, the maker changed his motion to mandate the closing time to Midnight with the understanding that any future incidents and/or police calls reported by the Police Chief would require additional review and possible changes to the orders. The seconder agreed. On roll call vote, motion carried (10-7) with Alderpersons Haugaard, Kennedy, Downing, LaMacchia, Ohnstad, Juliana and Marks voting nay.
On roll call vote, motion to approve orders as amended carried (13-4) with Alderpersons Kennedy, Downing, Juliana and Marks voting nay.
C.7. It was moved by Alderperson Nudo, seconded by Alderperson Kennedy, to concur with the recommendation to approve Findings of Fact, Conclusions of Law and Recommendation in the Matter of the Operator's (Bartender's) License of (to revoke) Sallie McMillan. A hearing was held. The applicant was present and spoke. On roll call vote motion carried (16-1) with Alderperson Kennedy voting nay.
C.8. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to concur with the

recommendation to approve Findings of Fact, Conclusions of Law and Recommendation in the Matter of the Operator's (Bartender's) License (suspend for 15 days) of Andrew Hawbaker. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.9. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to concur with the recommendation to approve Findings of Fact, Conclusions of Law and Recommendation (to revoke) in the Matter of the Operator's (Bartender's) License of Danielle Plante. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.10. It was moved by Alderperson Green, seconded by Alderperson Ruffalo to concur with the recommendation to approve Findings of Fact, Conclusions of Law and Recommendation (to revoke) in the Matter of the Class "B" Beer/"Class B" Liquor License of Hernandez, Hernandez, LLC, Jose D. Hernandez, Agent (Nortap Tequila Lounge). A hearing was held. The applicant did not appear. On roll call vote, motion carried (15-2) with Alderpersons Kennedy and Downing voting nay.

D. ORDINANCES 1ST READING

It was moved by Alderperson Prozanski, seconded by Alderperson Ruffolo to send the following ordinances on their way after being read:

D.1. By Alderpersons Anthony Kennedy and Michael Orth - To Repeal and Recreate Section 11.026 B. Entitled "Prohibiting the Drinking of Intoxicants on Public Streets and Sidewalks, or Within Any Parked Motor Vehicle"; To Create Section 11.026 D., (of the Code of General Ordinances) Entitled "Underage Persons Under the Influence Prohibited".

D.2. By Alderpersons Anthony Nudo and Michael Orth - To Create Subsection 11.148 C. (of the Code of General Ordinances) Entitled "Enforcement".

D.3. By the Mayor - To Create Section 13.0112 (of the Code of General Ordinances) Entitled Non-Structural Demolition.

D.4. By the Mayor - To Repeal and Recreate Various Sections of Chapter 15 (of the Code of General Ordinances) Related to Off-Premise Signs.

D.5. By Alderperson G. John Ruffolo - To Repeal and Recreate Subsection 1.03 B. paragraph 2, (of the Code of General Ordinances) Regarding Majority.

On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

It was moved by Alderperson Prozanski, seconded by Alderperson Ruffolo, to send the following ordinances on their way*:*

E.1. By the Mayor - To Create and Repeal and Recreate Various Sections of the Zoning Ordinance Regarding Off-Premises Signs (Subsection 2.02 E.4 prohibiting off-premises signs and to Repeal and Recreate various sections of the Zoning Ordinance, removing off-premise signs as a conditional use in the B-2, M-1 and M-2 Districts; and To Create a limitation on the maintenance of non-conforming off-premises signs; and to Create a definition of "off-premises signs" in Section 12 of the Zoning Ordinance.)

E.2. By the Mayor - To Create and Repeal and Recreate Various Paragraphs and Table in Various Sections of the Zoning Ordinance Regarding Scrap Salvage Metals (Paragraph 2.02 D.11.; To Repeal Paragraph 3.18 A. 2-17; To Create Paragraph 3.18 C. 22-37; To Create Paragraph 3.18 C.3 K-ee, and to Repeal and Recreate 4.02 B. Group 3 Table of the Zoning Ordinance for the City of Kenosha, Wisconsin Regarding Scrap Salvage Metals.)

On a voice vote, motion carried.

F. ORDINANCES 2ND READING

F.1. Alderperson Misner withdrew his sponsorship from the proposed ordinance by Alderperson Ray Misner – To Create Paragraph 5.11 B.5. (*of the Code of General Ordinances*) Regarding Sidewalks and Alleys to be Kept Clean by Responsible Party.

G. ZONING ORDINANCES 2ND READING

G.1. It was moved by Alderperson Nudo, seconded by Alderperson Bogdala to adopt ordinance 81-10. On roll call vote, motion carried (11-6) with Alderpersons Haugaard, Kennedy, Michalski, Juliana, Marks and Downing voting nay and said ordinance was thereupon adopted as follows:

ZONING ORDINANCE NO. 81.10
BY: ALDERPERSON DAVID BOGDALA
ALDERPERSON ANTHONY NUDO
TO REPEAL AND RECREATE VARIOUS SECTIONS OF THE ZONING ORDINANCE REPLACING "CITY PLAN COMMISSION" WITH "COMMON COUNCIL".

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

Section One: Paragraph 3.29 H.3 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

3. City Plan Commission. The City Plan Commission will review the development application using the standards referenced in this Section after considering the recommendation from the Harborpark Management Team and recommend to the Common Council that it either approve, deny or modify the application. The City Plan Commission, during the review process, may request the applicant or City departments or agents to furnish additional information and reports relevant to the scope and standard of review.

Section Two: Subsection 3.30 H. of the Zoning Ordinance for the City of Kenosha, Wisconsin is hereby repealed and recreated as follows:

H. Review and Decision Process. City Plan Division and City Department Review. The City Plan Division and applicable City departments will review the development application using the standards referenced in this Section, make a written recommendation and forward the recommendation to the Common Council.

Section Three: Paragraphs 3.31 M.1 and M.2 (introduction) of the Zoning Ordinance for the City of Kenosha, Wisconsin, are hereby repealed and recreated as follows:

M. Special Exceptions.

1. Procedure. Special exception requests shall be made in writing to the Department of City Development. Any special exception granted shall be considered unique to the project and will not set any precedent for future decisions. The Common Council is designated the authority for granting a special exception from the requirements of the District. The special exception shall only be granted to the minimum extent practical in order to provide relief to the requirements of the District.

2. Criteria. The Common Council may consider granting a special exception from the requirements of the District, provided that all of the following criteria are met:

Section Four: To eliminate City Plan Commission from the title of Section 4.02 of the Zoning Ordinance for the City of Kenosha, Wisconsin, as follows:

4.02 REVIEW AUTHORITY - CITY PLAN DIVISIONOR COMMON COUNCIL

Section Five: Paragraph 4.05 A.1 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

A. General Provisions.

1. These Development Standards are minimum standards and additional standards or conditions may be required for individual developments when such have a unique set of circumstances. The Common Council may establish and adopt additional standards or conditions for conditional uses, and a copy of such additional standards and conditions shall be on file in the City Plan Division office and available to the public.

Section Six: Subparagraph 4.06 D.13.g.(5) of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

(5) New Communication Towers Utilizing Stealth Design. New Communication Towers utilizing Stealth Design, which do not meet the yard requirements or spacing requirements of Sections 4.06 D.13.g.(1) through (4) may be constructed when so authorized by the Common Council. All equipment facilities

constructed under authorization of this Section shall be located underground or within the principal structure on the Site.

Section Seven: Subparagraph 6.02 A.4.b. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows:

b. New construction within the B-3 District requires loading spaces equal to fifty (50%) percent of the loading requirements of 6.02 D. of this Ordinance, unless reduced loading requirements are authorized by the Common Council through the approval of a Conditional Use Permit. (Refer to Section 4.0 of this Ordinance for the conditional use review procedures.) New construction shall be defined as any new principal building or structure, or any addition to an existing building or structure which exceeds fifty (50%) percent of the total assessed value of the existing building or structure.

Section Eight: Subparagraph 6.02 A.5.a. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

a. New construction within the B-4 District requires loading spaces equal to fifty (50%) percent of the loading requirements of Section 6.02 D. of this Ordinance, unless reduced loading requirements are authorized by the Common Council through the Conditional Use Permit.

Section Nine: Section 6.03 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

6.03 RELIEF FROM PARKING AND LOADING REQUIREMENTS Reduced parking and loading requirements may be approved under a Conditional Use Permit or Site Plan Review, when so authorized by the Common Council. The Common Council shall hold a public hearing on the request and all owners within one hundred (100') feet of the property, excluding street right-of-ways, shall be notified by mail of the hearing.

Section Ten: Subsection 10.05 A. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

10.05 COMMON COUNCIL'S ACTIONS A. Common Council Action. Following such hearing and after careful consideration of the City Plan Commission's recommendations, the Common Council shall vote on the passage of the proposed rezoning. Rezonings, except where a valid protest petition is filed, shall require a simple majority vote of the members of the Common Council voting on the proposed rezoning.

Section Eleven: Subsection 14.06 K. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

K. Appeals. Any petitioner/applicant objecting to any decision of Review Authority - City Plan Division-CPD related to Site Plan Review may appeal the decision to the Common Council . Such appeals shall be filed, accompanied by the fee therefor established by the Common Council, from time to time, by Resolution, with the City Clerk/Treasurer within thirty (30) days of the decision with the City Plan Division. The Common Council shall hold a hearing of an appeal within forty-five (45) days of the filing of the appeal. The Common Council shall notify the appellant of the hearing by mail. At the hearing, the appellant shall appear in person or by agent or attorney.

Section Twelve: Paragraph 14.07 B.12. of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

12. Industrial buildings authorized to be constructed within the City shall conform with the design guidelines hereinafter set forth:

a. Building exteriors of all new industrial buildings shall be constructed entirely of architectural masonry, Exterior Insulated Finish System, architectural composite aluminum or steel panels, glass, or any combination of these materials. Other decorative and textured materials may also be used to meet these requirements when authorized by the Common Council Aviation related buildings located at the Kenosha Regional Airport are exempt from these requirements.

b. Additions to industrial buildings shall be constructed entirely with materials that are comparable with the materials of the existing building. On an existing industrial building that does not have architectural masonry, Exterior Insulated Finish System, architectural composite aluminum or steel panels, glass, or any combination of these materials on a minimum of two-thirds (2/3rds) of the exterior of any side which

abuts a public street or residential district, building additions shall comply with the following requirements:

(1) Any addition to an existing building which creates an exterior side which abuts a public street or a residential district shall consist of architectural masonry, Exterior Insulated Finish System, architectural composite aluminum or steel panels, glass, or any combination of these materials on a minimum of the lower two-thirds (2/3rds) of the building exterior sides of both the addition and existing building which abuts a public street or a residential district. Exceptions to the two-thirds (2/3rds) requirement for any existing building exterior side which abuts a public street or residential district that has less than two-thirds (2/3rds), but at least one-third (1/3rd) architectural masonry, Exterior Insulated Finish System, architectural composite aluminum or steel panels, glass or any combination of these materials, may be granted when so authorized by the Common Council .

(2) Any additions to existing buildings which are subject to the requirements of Paragraph 12.b.(1) above, and have an exterior side which abuts an interior side lot line and is adjacent to the front exterior shall be constructed with architectural masonry, Exterior Insulated Finish System, architectural composite aluminum or steel panels, glass, or any combination of these materials on the lower two-thirds (2/3rds) of the building exterior for a minimum of twenty (20') feet from the building front or to a natural dividing point approved by the City Plan Department. Exceptions to the twenty (20') foot requirement for any existing building exterior side which abuts an interior side lot line and is adjacent to the front exterior that has less than two-thirds (2/3rds), but at least one-third (1/3rd) architectural masonry, Exterior Insulated Finish System, architectural composite aluminum or steel panels, glass or any combination of these materials on the front twenty (20') feet may be granted when so authorized by the Common Council .

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

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

G.2. It was moved by Alderperson Michalski, seconded by Alderperson Kennedy to adopt Ordinance 82-10. On roll call vote, motion carried (16-1) with Alderperson Juliana voting nay and said ordinance was thereupon adopted as follows:

ZONING ORDINANCE NO. 82-10
BY: MAYOR
TO REPEAL AND RECREATE THE DEFINITION IN SECTION 12 OF "SHELTER FACILITY" AND TO CREATE PARAGRAPH 3.19 A.24 AND AMEND SUBSECTON 12.0 B. OF THE ZONING ORDINANCE TO INCLUDE "REFUGE CENTER"

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

Section One: The definition of Shelter Facility in Section12 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and re-created as follows:

Shelter Facility. As defined in §560.9808(1)d., Wisconsin Statutes, if operated by a nonprofit organization or governmental agency.

Section Two: Paragraph 3.19 A24 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows:

24. Refuge Center, licensed in accordance with Chapter 13 of the Code of General Ordinances.

Section Three: Subsection 12.0 B of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby amended to include:

Refuge Center. A facility that is licensed in accordance with Chapter 13 of the Code of General Ordinances which provides accommodation principally for homeless persons, where the temporary accommodation may include the provision of food, clothing, employment or other support services, but shall exclude lodging.

Section Four: This Ordinance shall take effect after passage and publication, as provided by law.

APPROVED:

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

H. RESOLUTIONS

It was moved by Alderperson Nudo, seconded by Alderperson Green to concur with recommendations to adopt Resolutions 162-10 through 165-10 (items H.1. (H.2. Denied) through H.5.) On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.1. RESOLUTION NO. 162-10
By: The Mayor
To Place Special Assessments against Benefited Parcels of Property on the 2010

Real Estate Tax Roll for Delinquent Storm Water Bills in an Amount not to
Exceed $392,292.27 Plus 10% Penalty

BE IT RESOLVED that assessments in an amount not to exceed $392,292.27 plus 10% penalty be levied against benefited pracels of property as shown by the report on file in the Office of the City Clerk of the City of Kenosha for the year 2010.

Adopted this 15th day of November, 2010

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

H.2. The proposed resolution by Public Safety and Welfare Committee – To Remove the Existing "No Parking, Standing or Stopping, 7:30 A.M. - 4:30 P.M., on School Days", Restriction on the East Side of 8th Avenue North of 49th Street Approximately One Hundred Sixty Feet was denied.

H.3. RESOLUTION 163-10
By: BOARD OF WATER COMMISSIONERS
TO PLACE SPECIAL ASSESSMENTS AGAINST BENEFITED PARCELS OF PROPERTY ON THE 2010 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 $1,906,344.00

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 nine hundred six thousand three hundred forty-four and no/100 dollars ($1,906,344.00) be levied against benefited 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 2010 as follows:

Delinquent Water and Sewerage Bills,
Fireline Charges, and Household
Hazardous Waste Bills $1,881,282.00
Water/Sewer Main and Connection/Lateral Assessments $25,062.00
Total $1,906,344.00

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

H.4. RESOLUTION # 164-10
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 the Brownfield Site Assessment Grants (SAG)

WHEREAS, the City of Kenosha, Wisconsin, recognizes that environmental assessment of brownfield

sites is an important part of protection of Wisconsin's resources; and

WHEREAS, the City of Kenosha declares its intent to complete the Brownfield Site Assessment Grant Award Activities described in the application if awarded funds in this action; and

WHEREAS, the City of Kenosha will maintain appropriate records documenting all expenditures made during the Brownfield Site Assessment Grant award period; and

WHEREAS, the City of Kenosha will allow employees from the Department of Natural Resources (DNR) access to inspect the award site or facility and the award records; and

WHEREAS, the City of Kenosha will submit a final report to the DNR which will accompany the final payment request.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kenosha, that the City of Kenosha requests funds and assistance available from the DNR under the Brownfield Site Assessment Grant program and will comply with the State rules for the program.

BE IT FURTHER RESOLVED, that the Common Council of the City of Kenosha, Wisconsin, authorizes Frank Pacetti, City Administrator, to act on behalf of the City of Kenosha to submit an application to the DNR for financial aid, to sign documents and to take necessary action to undertake, direct and complete approved grant activities.

Adopted this 15th day of November, 2010.

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

H.5. **RESOLUTION # 165-10**
BY: THE MAYOR
To Amend Resolution #71-10 regarding the Relocation Order for 122nd Avenue from 60th Street South to 71st Street

for Right-of-Way Improvements and to Authorize Other Actions
Necessary to Acquire Fee Title and Interest and Possession of Certain Property

WHEREAS, the Common Council of the City of Kenosha, Wisconsin approved Resolution #10-10 on February 1, 2010, relating to a Relocation Order for 122nd Avenue, from 60th Street south to 71st Street; and

WHEREAS, the Common Council of the City of Kenosha, Wisconsin approved Resolution #71-10 on May 3, 2010, relating to a Relocation Order for 122nd Avenue, from 60th Street south to 71st Street; and

WHEREAS, the Fee Title and Interest, Limited and Permanent Easements were revised as shown by the legal descriptions labeled Exhibit “A” and the maps labeled as Exhibit “B”;

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin that Resolution #71-10 be amended to include the revisions described in Exhibit “A” and Exhibit "B" (on file in the Office of the City Clerk).

Adopted this 15th day of November, 2010.

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

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

I.1. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve:

I.1. Reappointment of the following persons to the Mayor's Youth Commission for a term to expire November 1, 2012:

a. Alderman G. J. Ruffolo
b. Kacie Cecchi

c. Michael Wamboldt

On roll call vote, motion carried unanimously.

I.2. It was moved by Alderperson Nudo, seconded by Alderperson Green to separate action on the reappointment of the following persons to the Redevelopment Authority for a term to expire November 15, 2015:

a. Bruce McCurdy

b. Eric Migrin

On roll call vote, motion carried (9-8) with Alderpersons Haugaard, Kennedy, Downing, Michalski, LaMacchia, Ohnstad, Juliana and Marks voting nay.

I.2.1. It was moved by Alderperson Nudo, seconded by Alderperson Bogdala to deny the reappointment of Bruce McCurdy. On roll call vote, motion carried (9-8) with Alderpersons Haugaard, Kennedy, Prozanski, Michalski, LaMacchia, Ohnstad, Juliana and Marks voting nay.

I.2.2. It was moved by Alderperson Nudo, seconded by Alderperson Green to approve I.2.b. On a voice vote, motion carried.

I.3. It was moved by Alderperson Bogdala, seconded by Alderperson Green to approve reappointment of Ron Frederick to the Community Development Block Grant committee for a term to expire November 15, 2013. On a voice vote, motion carried.

I.4. It was moved by Alderperson Orth, seconded by Alderperson Misner to defer the appointment of James D. Hawkins to the Police and Fire Commission for a term to expire the first Monday in May, 2014. On roll call vote, motion carried (12-5) with Alderpersons Kennedy, Michalski, LaMacchia, Ohnstad and Juliana voting nay.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

K. OTHER CONTRACTS AND AGREEMENTS

At this time Alderperson Juliana left the meeting.

K.1. It was moved by Alderperson Nudo, seconded by Alderperson Bostrom, to defer Second Amendment of Contract of Purchase and Sale By and Between Brookstone Homes, Inc and the City of Kenosha, Wisconsin. (10th District)(KAT Subdivision) On a voice vote, motion carried.

It was moved by Alderperson Bogdala, seconded by Alderperson Ohnstad to approve:

K.2. Amendment to Professional Service Agreement with Graef for Architectural Services at Washington Park for the Velodrome Restroom. (6th District)

K.3. Access Agreement by and between Carthage College and the City of Kenosha to allow soil testing for parking and related improvements on a portion of the MacWhyte Redevelopment Site.

On roll call vote, motion carried unanimously.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

L.1. It was moved by Alderperson Bogdala, seconded by Alderperson Ohnstad to deny request to rescind Trash & Debris Removal Special Assessment, 820-65th Street (Parcel 05-123-06-177-020) in the Amount of $160.00. (2nd District) A hearing was held. The owners did not appear. On roll call vote, motion carried unanimously.

L.2. The request from United Way of Kenosha County for a Contribution from the City to Contract with American City Bureau, Inc. to Provide Professional Fundraising Consulting Services was withdrawn by the sponsor.

L.3. It was moved by Alderperson Bogdala, seconded by Alderperson Ohnstad to approve Disbursement Record #20 – $5,383,676.85. On roll call vote, motion carried unanimously.

L.4. It was moved by Alderperson Bogdala, seconded by Alderperson Misner to go into closed session pursuant to §19.85(1)(g), Wisconsin Statutes regarding Claim of Bear Development, LLC. Alderperson Nudo was not present in the closed session.

It was moved by Alderperson Bogdala, seconded by Alderperson LaMacchia to concur with the

recommendation of the Finance Committee to deny the claim. It was then moved by Alderperson Bogdala, seconded by Alderperson Green to allow Alderperson Nudo to abstain from voting on this item. On a voice vote, motion carried.

On roll call vote, motion to concur with recommendation to deny the claim carried (15-0; 1 abstain (Nudo))

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

M.1. It was moved by Alderperson Ruffolo, seconded by Alderperson Green to approve Final Acceptance of Project 10-1012 Resurfacing Phase I (33rd Avenue – 75th Street to Roosevelt Rd, 40th Avenue – 65th Street to Taft Rd, 45th Avenue – 87th Place to 86th Street, 38th Avenue – 73rd Street to 71st Street) completed by Cicchini Asphalt, LLC, (Kenosha, Wisconsin), in the amount of $341,068.14.

On roll call vote, motion carried unanimously.

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

O. REPORTS AND RECOMMENDATIONS OF BOARDS AND COMMISSIONS

O.1. It was moved by Alderperson Ruffolo, seconded by Alderperson Green to approve Conditional Use Permit for a non-conforming residential use located at 6321 24th Avenue. (12th District) (Ogren)

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Green, seconded by Alderperson Nudo, to adjourn at 10:30 p.m.

On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK

COMMON COUNCIL
OFFICIAL PROCEEDINGS
Monday, November 29, 2010
Keith G. Bosman, Mayor Michael K. Higgins, City Clerk

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, November 29, 2010

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.
The meeting was called to order at 6:20 p.m.
On roll call, the following members of the Common Council were present: Alderpersons Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana, Marks, Green, Kennedy, Nudo, Bostrom, Misner, Orth, Downing and Bogdala. Excused: Alderpersons Haugaard 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.
One (1) Citizen spoke during Citizen's Comments: Carolyn Kirkby.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

1. It was moved by Alderperson Green, seconded by Alderperson Ohnstad, to approve the Special "Class B" Retailer's License Application of the Sharing Center for an Event to be Held on November 30, 2010. (17th District)
On a voice vote, motion carried.
2. It was moved by Alderperson Green, seconded by Alderperson Misner, to Approve the Temporary Theatre License Application of Carolyn's Coffee Connection West, LLC (Carolyn's Coffee Connection) Located at 1351-52nd Street. (7th District)
On a voice vote, motion carried.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Ruffalo, seconded by Alderperson Nudo, to adjourn at 6:30 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 December 1, 2010

At a meeting of the Common Council held this evening, His Honor, Mayor Keith G. Bosman presided.
The meeting was called to order at 5:07 p.m.
On roll call, the following members of the Common Council were present: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Marks, Green, Kennedy, Nudo, Bostrom, Misner, Prozanski, Orth, Downing and Bogdala. Alderperson Juliana arrived during item 1.
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 Alderperson Bogdala, seconded by Alderperson Ruffolo to suspend the dress code (Section 1.025, Code of General Ordinances). On a voice vote, motion carried.

1. Public Hearing on the 2011 – 2015 Capital Improvement Plan. A Public hearing was held. Three (3) people spoke: Margaret Heller, Robert Fellon and William Anderson. The public hearing was closed.
2. Public Hearing on the 2011 City of Kenosha Budget. A public hearing was held. Eighteen (18) people spoke: Guy Santelli, Larry LeMay, Sue LeMay, Thomas Slater, Al Namath, Larry Capozzo, Liza Thober, Jane Heide, Francis Kavenik, Ken Hassler, Bruce Dentice, Donald Gill, Michael Melmberger, Kit Hoover, Larry Kavalauskas, Bob Danbeck, Nasser Museitif, and Louis Rugani spoke.The public hearing was closed.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderman Ruffolo, seconded by Alderman LaMacchia, to adjourn and convene the Committee of the Whole Meeting at 6:40 p.m.
On a voice vote, motion carried.

KENOSHA MUNICIPAL BUILDING COUNCIL CHAMBERS ROOM 200 Tuesday, December 2, 2010

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: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana Marks, Green, Kennedy, Nudo, Bostrom, Misner, Prozanski, Orth, Downing and Bogdala.
1. 2011 - 2015 Capital Improvement Plan. It was moved by Alderman Bodgala, seconded by Alderman Nudo, to approve as amended by the Committee on Finance.
1.1 It was moved by Alderman Ruffalo, seconded by Alderman Bostrom, to add $50,000 to the CIP for 2011 to pay for a master strategic plan for the downtown. On roll call vote, motion failed (2-15) with Alderpersons Ruffalo and Bostrom voting aye.
1.2 It was moved by Alderperson Ruffolo, seconded by Alderperson Ohnstad to approve LI-07-001 from $90,000 to $125,000 in 2013 for the Parking Lot Replacement and LI-11-002 the Northside Library Community Room Expansion to add $70,000 to the funding amount in 2011. On roll call vote, motion carried (14-1) with Alderperson Juliana voting nay.
1.3 It was moved by Alderman Bogdala, seconded by Alderman Nudo, to approve as amended by the Committee on Finance. On roll call vote, motion carried (16-1) with Alderman Juliana voting nay
2. 2011 City of Kenosha Operating Budget. It was moved by Alderperson Bogdala, seconded by Alderperson Green to approve as amended by the Committee on Finance.

2.1 It was moved by Alderman Bogdala, seconded by Alderman LaMacchia, to reduce line 226 by $2,880 in NSI 3-115. On roll call vote, motion carried (14-3) with Alderpersons Haugaard, Marks, and Kennedy voting nay.

2.2 It was moved by Alderman Bogdala, seconded by Alderman Orth, to freeze the step increase for all non-represented employees across the board. On a roll call, motion carried (14-1) with Alderperson Marks voting nay.

At this time, approximately 7:15 p.m., it was moved by Alderperson Nudo, seconded by Alderperson Bostrom to recess. On a voice vote, motion carried. At approximately 7:28 p.m., it was moved by Alderperson Prozanski, seconded by Alderperson LaMacchia to reconvene. On a voice vote, motion carried.

2.3 It was moved by Alderman Nudo, seconded by Alderman Bostrom, to eliminate the Fire Inspection Fee. On a roll call, motion failed (8-9) with Alderpersons LaMacchia, Ohnstad, Juliana, Marks, Green, Kennedy, Prozanski, Orth, and Downing voting nay.

At this time, approximately 8:45 p.m., it was moved by Alderperson Orth, seconded by Alderperson Kennedy to recess. On a voice vote, motion carried. At approximately 9:00 p.m., it was moved by Alderperson Kennedy, seconded by Alderperson Misner to reconvene. On a voice vote, motion carried.

2.4 It was moved by Alderman Kennedy, seconded by Alderman Juliana, to only allow two (2) free bulk pick ups and a friendly amendment charge after the third pick up. On a roll call, motion failed (4-11) with Alderpersons Haugaard, Ohnstad, Juliana, and Kennedy voting aye.

2.5 It was moved by Alderman Prozanski, seconded by Alderman Orth, to reinstate the Fleet Maintenance Supervisor Position. On a roll call, motion carried (15-2) with Alderpersons Kennedy and Bogdala voting nay.

2.6 It was moved by Alderman Haugaard, seconded by Alderman Marks, to reinstate the Real Estate Agent Position. On a roll call vote, motion failed (8-9) with Alderpersons Ruffalo, Ruffolo, Green, Nudo, Bostrom, Misner, Prozanski, Orth & Bogdala voting nay.

2.7 It was moved by Alderman Misner, seconded by Alderman Green, to raise the Amusement Device fees to $250. This motion was withdrawn.

2.8 It was moved by Alderman Kennedy to raise Amusement Device Fee to $50. Motion failed for lack of a second.

2.9 It was moved by Alderman Ohnstad, seconded by Alderman Juliana, to reinstate five (5) Furlough Days for Non-Represented Employees not to include Police & Fire. On a roll call, motion failed (6-11) with Alderpersons Haugaard, Michalski, LaMacchia, Ohnstad, Marks, and Kennedy voting aye.

At this time, approximately 10: p.m., it was moved by Alderperson Nudo, seconded by Alderperson Ruffolo to recess. On a voice vote, motion carried. At approximately 10:12 p.m., it was moved by Alderperson Ruffalo, seconded by Alderperson LaMacchia to reconvene. On a voice vote, motion carried.

2.10 It was moved by Alderman Prozanski, seconded by Alderman Orth, to end the Debate. On roll call, motion carried (16-1) with Alderperson Kennedy voting nay.

2.11 It was moved by Alderman Marks, seconded by Alderman Kennedy, to lower the Alderman-Technology Stipend on page 3-25 line 115 by 1/17th ($1,680). On a roll call, motion failed (7-10) with Alderpersons LaMacchia, Ohnstad, Juliana, Marks, Kennedy, Nudo, and Bostrom voting aye.

2.12 It was moved by Alderman Haugaard, seconded by Alderman Michalski, to reduce the Alderman-Technology Stipend on page 3-25 line 115 to zero (0). On a roll call, motion failed (7-10) with Alderpersons Haugaard, Michalski, LaMacchia, Juliana, Marks, Kennedy, and Downing voting aye.

2.13 It was moved by Alderman Ohnstad, seconded by Alderman Juliana, to reinstate the Supervisor Position in Public Works. On a roll call, motion failed (7-10) with Alderpersons Michalski, LaMacchia, Julianna, Marks, Kennedy and Dowing voting aye.

2.14 It was moved by Alderperson Prozanski, seconded by Alderperson Haugaard to recommend approval of the 2011 Operating Budget as amended by the Committee of the Whole. On roll call vote, motion carried (11-6) with Alderpersons Ruffalo, Marks, Nudo, Bostrom, Downing, and Bogdala voting nay.

3. 2011 Special Revenue Fund – Recycling & Yard Waste. It was moved by Alderman Bogdala, seconded by Alderman Juliana, to approve as amended by the Committee on Finance. On roll call vote, motion carried unanimously.
4. 2011 Special Revenue Fund – Emergency Medical Services. It was moved by Alderperson Bogdala, seconded by Alderperson LaMacchia to approve as recommended by the Committee on Finance. On roll call vote, motion carried unanimously.
5. 2011 Special Revenue Fund – Community Promotions. It was moved by Alderperson Bogdala, seconded by Alderperson LaMacchia to approve as recommended by the Committee on Finance. On roll call vote, motion carried unanimously.
6. 2011 Public Library Tax Levy. It was moved by Alderman Bogdala, seconded by Alderman Marks, to approve as recommended by the Committee on Finance. On roll call vote, motion carried unanimously.
7. 2011 Public Museum Budget. It was moved by Alderman Bogdala, seconded by Alderman Marks, to approve as recommended by the Committee on Finance. On roll call vote, motion carried unanimously.
8. Resolution By the Mayor - To Approve the 2011 Budget and Operating Plan of the Kenosha Lakeshore Business Improvement District (BID) and to Levy Special Assessments. It was moved by Alderman Bogdala, seconded by Alderman LaMacchia, to approve as amended but hold the payment until February by the Committee on Finance. On roll call vote, motion carried (15-2) with Alderpersons Ruffalo and Michalski voting nay.
9. Resolution By the Mayor – to Approve the Table of Organization for Various City Departments and Modify the 2011 Compensation Plans for Managerial, Supervisory, Professional and Confidential Employees and for Limited Term, Seasonal, Temporary and Part time Employess. It was moved by Alderman Bogdala, seconded by Alderman Bostrom, to approve as amended by the Committee of the Whole. On roll call vote, motion carried unanimously.
10. Resolution By the Mayor – To Establish Stormwater Utility Rates within the City of Kenosha, Wisconsin. It was moved by Alderman Nudo, seconded by Alderman Michalski, to approve as amended by the Committee of the Whole. On roll call vote, motion carried (16-1) with Alderperson Downing voting nay.
11. Resolution 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. It was moved by Alderman Bogdala, seconded by Alderman Marks, to approve as amended by the Committee of the Whole. On roll call, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, committee of the Whole, it was moved by Alderperson Ruffalo, seconded by Alderperson Haugaard, to adjourn at 12:20 a.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 2, 2010

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

The meeting was called to order at 5:08 p.m.

On roll call, the following members of the Common Council were present: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana, Marks, Green, Kennedy, Nudo, Bostrom, 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.

RESOLUTIONS

1. It was moved by Alderman Bogdala, seconded by Alderman Ohnstad, to adopt Resolution 166-10 as amended by the Committee of the Whole.

1.1 It was moved by Alderman Ruffalo, seconded by Alderman LaMacchia, to change the acquisition of Foreclosure & Rehab rather than build new homes. On roll call vote, motion failed (4-13) with Alderpersons Haugaard, Ruffalo, Ruffolo, and LaMacchia voting aye.

On roll call vote, motion to adopt Resolution 166-10 as amended carried (16-1) with Alderman Juliana voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 166-10
BY: FINANCE COMMITTEE
RESOLUTION TO APPROVE THE
2011 – 2015 CAPITAL IMPROVEMENT PLAN

WHEREAS, the 2011 – 2015 Capital Improvement Plan was reviewed by the Public Works Committee on October 25, 2010; and WHEREAS, the 2011 – 2015 Capital Improvement Plan was reviewed by the Storm Water Utility Committee on October 25, 2010; and WHEREAS, the 2011 – 2015 Capital Improvement Plan was reviewed by the Parks Commission on October 26, 2010; and WHEREAS, the 2011 – 2015 Capital Improvement Plan was reviewed by the Public Safety and Welfare Committee on November 3, 2010; WHEREAS, the 2011 – 2015 Capital Improvements Plan was reviewed by the Finance Committee on November 8, 2010; and WHEREAS, the 2011 – 2015 Capital Improvement Plan was reviewed by the Committee as a Whole on December 1, 2010; NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin, that the 2011 – 2015 Capital Improvement Plan is hereby approved with final adoption on December 2, 1010. Dated this 2nd day of December 2010.

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

2. It was moved by Alderman Bogdala, seconded by Alderman Green, to adopt Resolution 167-10 as amended by the Committee of the Whole.

2.1 It was moved by Alderman Haugaard, seconded by Alderman Bogdala, to reinstate the step increase for non-represented employees and propose one (1) furlough day for non-represented employees that do effect the levy. Motion carried (10-7) with Aldermapersons Ruffalo, Michalski, Ruffolo, Ohnstad, Bostrom, Prozanski, and Orth voting nay.

On roll call vote, motion to adopt Resolution 167-10 as amended carried (11-6) with Alderpersons Ruffalo, Juliana, Marks, Nudo, Bostrom and Downing voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 167-10
BY: Committee on Finance
ADOPTING BUDGETS, MAKING APPROPRIATIONS AND LEVYING 2010 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 2011. 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 $44,968,180. Revenues for the City of Kenosha General Fund other than the General Property Tax for the Fiscal Year 2011 are hereby fixed and determined in the amount of $27,372,598. 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 2011 to various accounts comprising the City General Fund Budget in the amount of $72,340,778.

EXPENDITURES

GENERAL GOVERNMENT		
Council	$240,065	
Legal	721,683	
Board of Review	8,086	
Mayor's Youth Commission	1,425	
Independent Audit	49,730	
Assessing	558,098	
Labor Negotiations	10,795	
Budget/Financial Services	773,901	
Information Technology	724,960	
Clerk-Treasurer	413,521	
Administration	564,580	
Human Resources & Labor Relations	609,352	
Mail	114,801	
Department of City Development	643,589	
Municipal Building Facility	486,677	
Other Facilities	23,398	
Elections	73,640	
Municipal Court	314,280	
TOTAL GENERAL GOVERNMENT		**$6,332,581**
PUBLIC SAFETY		
Police Department		
Police Administration	$723,407	
Investigations Division	4,307,768	
Police Patrol	16,060,142	
Counter Services	283,280	
Safety Building Occupancy Expense	139,943	
Planning, Research & Training	585,847	
Auxiliary Services	199,155	
Kenosha Street Crimes Unit	1,244,800	
Community Services	387,761	
Police Share Joint Services Costs	3,064,392	
Total	$26,996,495	
Fire Department		
Fire Administration	$455,287	
Dispatching & Communications	766,098	
Fire Suppression	10,606,615	
Fire Prevention	264,312	
Training & Education	304,988	
Total	$12,397,300	
Neighborhood Services and Inspections		
Total	$1,355,619	
TOTAL PUBLIC SAFETY	**$40,749,414**	

PUBLIC WORKS		
Public Works Administration	$261,935	
Engineering	350,000	
Roadways & Bridges	1,175,314	
Snow & Ice Removal	1,073,711	
Electrical Maintenance and Service	1,633,692	
Street Signs & Markings	215,394	
Auxiliary Services	56,323	
Waste Collections	2,267,731	
Solid Waste Disposal	1,600,413	
TOTAL PUBLIC WORKS	**$8,634,513**	
HEALTH SERVICES		
Health Administration-Professional Services		$1,086,234
Animal Control	325,000	
TOTAL HEALTH SERVICES	**$1,411,234**	
PARKS		
Park Administration	$127,229	
Baseball Diamonds	254,210	
Flower Gardens	115,029	
Soccer	91,102	
Beaches	64,586	
Special Areas & Activities	134,995	
General Maintenance	2,307,084	
Swimming Pools	294,240	
TOTAL PARKS	**$3,388,475**	
CONTRIBUTIONS TO OTHER FUNDS		
Enterprise - Mass Transit	$1,519,344	
Enterprise – Airport	373,701	
I.S.F. - Central Stores	87,649	
TOTAL CONTRIBUTION TO OTHER FUNDS		**$1,980,694**
EMPLOYEE FRINGE BENEFITS		
Group Life Insurance	$85,500	
State Unemployment Compensation	193,314	
Personal Use of City Cars	760	
Flex Benefit Program Costs	7,600	
TOTAL EMPLOYEE FRINGE BENEFITS		**$287,174**
GENERAL INSURANCE		
General Insurance Costs	$299,597	
General Insurance-Administrative	90,005	
General Insurance-Claims Paid	150,000	
General Insurance-Worker's Compensation		572,700
TOTAL GENERAL INSURANCE	**$1,112,302**	
MISCELLANEOUS NON-DEPARTMENTAL		
Tax Roll Refunds	$15,000	
Sales Tax	10,000	
Bad Debt Expense	40,000	
Miscellaneous Expense	20,000	
TOTAL MISCELLANEOUS NON-DEPARTMENTAL		**$85,000**
RESERVES		
Contingency	$250,000	

Salary & Fringe Benefit (Productivity Pay) 36,561
TOTAL RESERVES $286,561
DEBT SERVICE - NET OF REVENUES TOTAL DEBT SERVICE-NET OF REVENUES $8,072,830
TOTAL EXPENDITURES $72,340,778
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 $4,520,155 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 $ 120,000 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 $ 5,076,227 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 $ 1,670,759 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. SECTION NINE For TID No. 11. The Common Council appropriates payment of the Tax Increment Project Revenue Bonds, Series A and Series B (First Industrial Investment, Inc. Project) (the "Bonds") the tax increment revenue ("Tax Increments") generated by the Property in Tax Incremental District No. 11 which is described in the Amended and Restated Development Financing Agreement (Tax Incremental District No. 11) dated as of April 21, 2008 between the City and First Industrial Investment, Inc., to the extent such Tax Increments are necessary to pay the debt service due on the Bonds in 2011. SECTION TEN For TID No. 13. The Common Council appropriates payment of the Tax Increment Project Revenue Bonds, Series A and Series B (Gordon Food Service Project) (the "Bonds") the tax increment revenue ("Tax Increments") derived from the Developer's Property in Tax Incremental District No. 13 which is described in the Development Financing Agreement (Tax Incremental District No. 13) dated as of October 15, 2008 between the City and Chicagoland DC 2008 LLC, to the extent such Tax Increments are necessary to pay the debt service due on the Bonds in 2011. Adopted this 2nd day of December, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
3. It was moved by Alderman Bogdala, seconded by Alderman LaMacchia, to adopt Resolution 168-10 as recommended by the Committee of the Whole. On roll call vote, motion carried (16-1) with Alderman Juliana voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 168-10
BY: THE MAYOR
TO APPROVE THE 2011 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 2011, which is on file in the

office of the City Clerk, be, and is hereby, approved and said 2011 budget shall be funded by special assessments levied against each assessable property within the District at a mill rate of $1,000 of assessed value which will be equal to a total special assessment levy for the Kenosha Lakeshore Business Improvement District of $55,000. Adopted: December 2nd, 2010.

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

4. It was moved by Alderman Bogdala, seconded by Alderman Ohnstad, to adopt Resolution 169-10 as recommended by the Committee of the Whole. . On roll call vote, motion carried (16-1) with Alderman Downing voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 169-10
BY: THE MAYOR
RESOLUTION TO APPROVE
THE TABLE OF ORGANIZATION FOR VARIOUS CITY DEPARTMENTS AND MODIFY THE 2011 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 2011 operating budget; and WHEREAS, modifications to to the City's Table of Organization have been approved as it affects various City of Kenosha Departments; and WHEREAS, the managerial, supervisory, professional and confidential employees salary schedule for 2011 be approved; and WHEREAS, the limited term, seasonal, temporary and part time employees wage schedule for 2011 be approved; and WHEREAS, the modification to non-represented employee benefits for 2010 be approved. 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, and non-represented employee benefits as indicated on Appendices A, B, C, D and E be approved effective January 1, 2011.

Adopted this 2nd day of December, 2010.

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

5. It was moved by Alderman Nudo, seconded by Alderman Bostrom, to adopt Resolution 170-10 as recommended by the Committee of the Whole. . On roll call vote, motion carried (16-1) with Alderman Downing voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 170-10
BY: MAYOR
TO ESTABLISH STORMWATER UTILITY RATES WITHIN THE CITY OF KENOSHA, WISCONSIN

WHEREAS, on December 3, 2008, the Common Council established rates for the Stormwater Utility in Resolution 150-08 pursuant to the authorization in Chapter VIII of the Code of General Ordinances, entitled "Stormwater Utility," which established a Stormwater Utility within the City of Kenosha, Wisconsin; and, WHEREAS, on December 2, 2009, the Common Council reaffirmed the rates in Resolution 159-09; and, WHEREAS, in the establishment of the aforementioned Stormwater Utility, rate classes have been instituted; 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, 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. WHEREAS, there are 32,440 customers and 80,050 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, 2011 a monthly rate shall be $1.19 per month, per customer, for the fixed portion, plus $5.30 per EHU per month for the variable portion. Adopted this 2nd day of December, 2010.

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

6. It was moved by Alderman Bogdala, seconded by Alderman Green, to adopt Resolution 171-10 as recommended by the Committee of the Whole. On roll call vote, motion carried (15-2) with Alderpersons Juliana and Downing voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 171-10

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 attached Schedule of Fees of the Department of Neighborhood Services and Inspections for building permits, plan reviews, assessments, inspections, and services required by the (on file in the Office of the City Clerk); Code of General Ordinances, is hereby adopted. Adopted this 2nd day of December, 2010.

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 Michalski, seconded by Alderman Orth, to adjourn at 5:50 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 6, 2010

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

KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, December 6, 2010

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: Alderpersons Haugaard, Ruffalo, Michalski, Ruffolo, LaMacchia, Ohnstad, Juliana, Green, Kennedy, Nudo, Bostrom, Prozanski, Orth, Downing and Bogdala. Excused: Alderperson Marks. Alderperson Misner arrived during discussion of item C.4.

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 Alderperson Michalski, seconded by Alderperson LaMacchia, to approve the minutes of the meeting held November 15 and 29, 2010.

Motion carried unanimously.

One (1) Citizen spoke during Citizen's Comments: Dayvin Hallmon.

MATTERS REFERRED TO COMMITTEES BY THE MAYOR

a. To the Committee on Finance - proposed ordinance by Alderperson Theodore Ruffalo – To Repeal and Recreate Subsection 1.045 C.1. And C.2. Entitled "Withholding of the Issuance of City Licenses and Permits by the City Clerk".

b. To the Licensing/Permit Committee – proposed ordinance by Alderperson Anthony Nudo – to amend the title of Section 10.062; to create Subsections 10.062 A. and 10.062 B. regarding Surrender of License.

c. To the Committee on Finance – To Amend Section 14.01 B.7., Entitled "Special Revenue Fund".

A. REFERRALS

TO THE COMMITTEE ON FINANCE

A.1. Approval of Contract by and Between the City of Kenosha and Macemon and Sons, Inc. to Raze Building at 2018 45th Street (in the amount of $8,600.00).

A.2. Agreement for Purchase and Sale of Real Estate for Fee Acquisition and Easements for the West Frontage Road Project - Property at 7015 122nd Avenue, District #17. (CBOCS, Inc./Cracker Barrel) (Also refer to Public Works Committee)

TO THE PUBLIC WORKS COMMITTEE

A.3. Resolution to approve a three-lot Certified Survey Map for property on the east side of 28th Avenue, south of 21st Street, District #5. (Kandathil) (Also refer to City Plan Commission)

A.4. Resolution to approve a three-lot Certified Survey Map for property on the west side of 28th Avenue, south of 21st Street, District #5. (Kandathil) (Also refer to City Plan Commission)

A.5. Developers Agreement by and between Thomas V. and Lucy T. Kandathil and the City of Kenosha and the Kenosha Water Utility for property on 28th Avenue, south of 21st Street, District #5. (Kandathil) (Also refer to City Plan Commission and Board of Water Commissioners)

TO THE CITY PLAN COMMISSION

A.6. To Create Subsection 18.02 b. of the Zoning Ordinance to Amend the Land Use Plan Map for the City of Kenosha: 2035, District #17.

A.7. Petition to rezone property at 3217 34th Avenue from A-2 Agricultural Land Holding to IP Institutional Park and C-2 Lowland Resource Conservancy, District #5. (Gateway Technical College)

A.8. Petition to rezone properties at 6419, 6441 and 6515 Green Bay Road from IP Institutional Park to B-2 Community Business, District #17. (T Properties, LLC; Bravo Realty, LLC and Shout, LLC)

A.9. A Conditional Use Permit for an expansion to a truck/freight terminal at 4801 68th Avenue, District

#16. (Expedited Freight Systems)

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Michalski, seconded by Alderperson LaMacchia, 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. 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 Taxi Driver's license per list on file in the office of the City Clerk.
On a voice vote, motion carried.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve the following applications for new Operator's (Bartender) licenses, subject to:
-20 demerit points:
a. Nathon Lamendola
b. Desiree Vasquez
c. Amanda Spersrud
d. Mark Soto
-80 demerit points:
e. Amanda Demicchi
A hearing was held. No one appeared. On a voice vote, motion carried.
C.2. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve application of Ashley Shoop for a new Operator's (Bartender) license, subject to 80 demerit points.
A hearing was held. The applicant did not appear. On a voice vote, motion carried.
C.3. It was moved by Alderperson Nudo, seconded by Alderperson Downing, to DENY the following applications for a new Taxi Driver's license, subject to:
-material police record & false application:
a. Lawrence Ratliff
b. Matthew Buttera
A hearing was held. No one appeared. On a voice vote, motion carried.
C.4. It was moved by Alderperson Nudo, seconded by Alderperson Bostrom, to approve the application of Kmart Corporation, Glenn Pflugradt, Agent, for a Class "A" Retail Beer License located at 4100 - 52nd Street (Kmart #3088),
A hearing was held. The applicant did not appear. On roll call vote, motion carried (9-7) with Alderpersons Haugaard, Kennedy, Downing, Michalski, LaMacchia, Ohnstad and Juliana voting nay.
C.5. The application of La Fogata, LLC, Miguel B. Aguirre, Agent, for a Class "B" Beer/"Class B" Liquor License located at 3300 Sheridan Road, (La Fogata) was deferred by the Licensing/Permit Committee at a special meeting held immediately prior to this meeting.
C.6. The application of 504 Place, LLC, Ronald R. Slaght, Agent, for a Class "B" Beer/"Class B" Liquor License located at 504 57th Street, (Grant's Saloon & Eatery), was deferred by the Licensing/Permit Committee at a special meeting held immediately prior to this meeting.
C.7. It was moved by Alderperson Nudo, seconded by Alderperson Misner, to approve application of GH Holdings, LLC, Michael Honold, Agent, for a Class "B" Beer/"Class B" Liquor License located at 6325 - 120th Ave., (The Hub). (17th District).
A hearing was held. The applicant was present and spoke.
C.7.1. It was moved by Alderperson Haugaard, seconded by Alderperson Ohnstad to defer. On roll call

vote, motion tied (8-8). Mayor Bosman voted nay and motion failed (8-9) with Alderpersons Nudo, Bostrom, Misner, Prozanski, Orth, Downing, Bogdala and Ruffolo voting aye.

C.7.2. On roll call vote, motion to approve tied (8-8). Mayor Bosman voted aye and motion carried (9-8) with Alderpersons Nudo, Bostrom, Misner, Prozanski, Orth, Downing, Bogdala and Ruffolo voting aye.

C.8. It was moved by Alderperson Orth, seconded by Alderperson Prozanski, to approve application of Bragados Banquets, LLC, Marco A. Mendez, Agent, for a Class "B" Beer/"Class C" Wine License located at 4820 75th Street, (Bragados Banquets).

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

C.9. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve application of Washington Park Tavern, Inc., for a Request to Change Closing Hours to 12:00 AM of the Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 1510 Washington Road, (Stan's Place).

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

C.10. It was moved by Alderperson Nudo, seconded by Alderperson Ohnstad, to approve application of Kathleen A. Bezotte, for a Request to Change Closing Hours to 12:00 AM of the Outdoor Extension of the Class "B" Beer/"Class B" Liquor License located at 4619 - 8th Avenue (Cheers).

A hearing was held. The applicant did not appear. On roll call vote, motion carried (12-4) with Alderpersons Haugaard, Prozanski, Ruffalo and Ruffolo voting nay.

C.11. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve application of S&V Partnership, LLP, For Transfer of Licenses For Sale of Fermented Malt Beverages and/or Intoxicating Liquor From One Premises To Another, located at 2830 - 75th Street (American Plaza Liquor).

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

C.12. It was moved by Alderperson Juliana seconded by Alderperson Green, to approve application of Timothy C. Gascoigne, for an Amusement and Recreation Enterprise Supervisor License located at 1714 52nd Street (Coin's Sports Bar), with no adverse recommendations.

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

C.13. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to Application of Amanda Murphy, for an Amusement and Recreation Enterprise Supervisor License located at 4237 Green Bay Road (Monkey Joe's), with no adverse recommendations.

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

C.14. The application of Maria Castanuela, for a Secondhand Article and Jewelry Dealer License located at 6310 - 24th Avenue (Las Hermanitas 2ndhand Store), was deferred by the Licensing/Permit Committee for 30 days at a special meeting held immediately prior to this meeting.

C.15. It was moved by Alderperson Juliana, seconded by Alderperson Green, to DENY application of Janet Steinmetz, for a Secondhand Article and Jewelry Dealer License located at 6223 22nd Avenue (A Piece of Mine Resale Shoppe), based on failure to appear.

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

D. ORDINANCES 1ST READING

It was moved by Alderperson Kennedy, seconded by Alderperson Nudo, to send the following ordinances on their way:

D.1. By Common Council - To Renumber Various Sections and Create Section 11.147 in Chapter 11 of the Code of General Ordinances Entitled "Synthetic Marijuana" (11.147 to 11.148; 11.148 to 11.149; 11.149 to 11.15; 11.15 to 11.16; 11.16 to 11.17 and to Create Section 11.147).

D.2. By Licensing/Permit Committee - To Repeal and Recreate Various Sections and Subsections of the Code of General Ordinances Regarding Fees for Class "A" Beer, Peddler and Taxicab Licenses and Lodging House Permits (Subsection 10.02 B.2.b. Regarding Class "A" Beer License Fee; Section 13.03 G. Regarding Peddler License Fee; Section 13.07 B. Regarding Taxicab License Permit Fee, and Section 16.14 Regarding Lodging House Permit Fee).

D.3. By Alderperson Ray Misner - To Renumber Section 12.05 Entitled "Penalties" to 12.06; To Create Section 12.05 (of the Code of General Ordinances) Entitled "Public Entertainment Licenses".
On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Orth, seconded by Alderperson Green, to adopt Ordinance 83-10.
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. 83-10
BY: ALDERPERSON ANTHONY KENNEDY
ALDERPERSON MICHAEL ORTH
TO REPEAL AND RECREATE SECTION 11.026 B. ENTITLED "PROHIBITING THE DRINKING OF INTOXICANTS ON PUBLIC STREETS AND SIDEWALKS, OR WITHIN ANY PARKED MOTOR VEHICLE"; TO CREATE SECTION 11.026 D. OF THE CODE OF GENERAL ORDINANCES ENTITLED "UNDERAGE PERSONS UNDER THE INFLUENCE PROHIBITED"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 11.026 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: B. Unless otherwise properly licensed, it shall be unlawful for any person to consume any fermented malt beverage or intoxicating liquor or to possess the same in other than a sealed container while upon any public walk, street, public park, other public place in the City or over which the City has any lease or jurisdiction, on any parking lot open to and available to the public, or within a parked vehicle located on any street within the City of Kenosha. However, the sale, service, giving away and consumption of fermented malt beverages, where authorized under City and State law, is permitted upon City streets and sidewalks where said areas are blocked off and in use for a street party authorized under §5.04 B., Ordinances, or where said activity is associated with a community event and where a Special Class "B" Fermented Malt Beverage License has been granted and issued, and where a permit therefor is reviewed by the Committee on Licensing/Permits and approved by the Common Council. Any permit issued must particularly describe the area in which said activity will be permitted and temporary signs must be posted within the permit area informing the public of the terms and limitations of the permit.
Section Two: Section 11.026 D. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: D. Underage Persons Under The Influence Prohibited. 1. No underage person as defined in Section 125.02(20m), Wisconsin Statutes, shall be under the influence of alcohol in the City of Kenosha. Such prohibition is subject to the exceptions in Section 125.07(4)(b), Wisconsin Statutes. 2. For the purpose of this section "under the influence" shall mean any underage person who exhibits one or more of the following indicators: (a) odor of intoxicants on the breath; (b) bloodshot eyes; (c) dilated pupils; (d) unstable balance; (e) slurred speech; (f) failure of Standard Field Sobriety Test; and (g) admission to consumption of alcohol Section Three: This Ordinance shall become effective upon passage and publication.

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

F.2. It was moved by Alderperson Orth, seconded by Alderperson Nudo, to adopt Ordinance 84-10.
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. 84-10

BY: ALDERPERSON NUDO
ALDERPERSON ORTH
TO CREATE SUBSECTION 11.148 C. OF THE CODE OF GENERAL ORDINANCES ENTITLED "ENFORCEMENT"

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Section 11.148 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows: 11.148 RUMMAGE/GARAGE SALES C. Enforcement. The City Departments of Neighborhood Services and Inspection and Police shall have the authority to enforce the provisions of this section. Section Two: This Ordinance shall become effective upon passage and publication.

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

F.3. It was moved by Alderperson Juliana, seconded by Alderperson Green, to adopt the proposed ordinance BY THE MAYOR - TO CREATE SECTION 13.0112 OF THE CODE OF GENERAL ORDINANCES ENTITLED NON-STRUCTURAL DEMOLITION.1

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

F.3.1. It was then moved by Alderperson Bostrom, seconded by Alderperson Michalski to defer for two weeks. On a voice vote, motion carried.

F.4. It was moved by Alderperson Downing, seconded by Alderperson Orth, to defer the proposed ordinance BY THE MAYOR - TO REPEAL AND RECREATE VARIOUS SECTIONS OF CHAPTER 15 OF THE CODE OF GENERAL ORDINANCES RELATED TO OFF-PREMISE SIGNS.

F.4.1. It was then moved by Alderperson Downing, seconded by Alderperson Michalski to refer back to the Public Safety & Welfare Committee. On a voice vote, motion carried.

F.5. It was moved by Alderperson Orth, seconded by Alderperson Nudo, to adopt Ordinance 85-10.

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

F.5.1. It was then moved by Alderperson Orth, seconded by Alderperson Nudo to amend the following sentence in the last paragraph as follows: Election may be by secret ballot upon ~~the~~ a request of ~~the~~ a nominated candidate.

On roll call vote, motion carried (15-1) with Alderperson Kennedy voting nay and said ordinance was thereupon adopted as follows:

ORDINANCE NO. 85-10
BY: ALDERPERSON G. JOHN RUFFOLO
TO REPEAL AND RECREATE SUBSECTION 1.03 B. PARAGRAPH 2, OF THE CODE OF GENERAL ORDINANCES REGARDING MAJORITY

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Subsection 1.03 B. Paragraph 2 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended as follows: If the Mayor is absent at the designated time of any meeting, the President of the Council shall preside, and during the absence or inability of the Mayor, shall have the powers and duties of the Mayor excepting that he/she shall not have the power to approve an act of the Council which the Mayor has disapproved by filing an objection with the Clerk. He/she shall, when so officiating, be styled "Acting Mayor". The President shall have a one (1) year term. The President shall be eligible to serve two (2) consecutive terms. The President shall be elected by the Common Council at the organizational meeting on the third Tuesday of April following a regular City Election; and, in off-election years, the President shall be appointed at the second regular meeting during the month of April. Election may be by secret ballot upon the request of a nominated candidate. If a nominated candidate requests a secret ballot, the clerk shall be responsible for counting the votes. Section Two: This Ordinance shall become effective upon passage and

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

G. ZONING ORDINANCES 2ND READING

G.1. It was moved by Alderperson Downing, seconded by Alderperson Juliana, to defer the proposed ordinance BY THE MAYOR - TO CREATE SUBSECTION 2.02 E.4 PROHIBITING OFF-PREMISES SIGNS AND TO REPEAL AND RECREATE VARIOUS SECTIONS OF THE ZONING ORDINANCE, REMOVING OFF-PREMISE SIGNS AS A CONDITIONAL USE IN THE B-2, M-1 AND M-2 DISTRICTS; AND TO CREATE A LIMITATION ON THE MAINTENANCE OF NON-CONFORMING OFF-PREMISES SIGNS AND TO CREATE A DEFINITION OF "OFF-PREMISES SIGNS" IN SECTION 12 OF THE ZONING ORDINANCE for two weeks. On a voice vote, motion carried.

G.2. It was moved by Alderperson Nudo, seconded by Alderperson Juliana to adopt Zoning Ordinance 86-10. 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. 86-10
BY: THE MAYOR
TO REPEAL AND RECREATE PARAGRAPH 2.02D.11.; TO REPEAL PARAGRAPH 3.18 A.2-17; TO CREATE PARAGRAPH 3.18 C.22-37; TO CREATE PARAGRAPH 3.18 C.3 K-ee, AND TO REPEAL AND RECREATE 4.02 B. GROUP 3 TABLE OF THE ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN REGARDING SCRAP SALVAGE METALS

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows: Section One: Paragraph 2.02 D. 11 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is repealed and recreated as follows: 11. Scrap salvage yard engaged in one or more of the following operations: a. Crushing or reduction by shredding or chipping of metal. b. Reduction of scrap salvage into smaller pieces through the use of a ball or object dropped from a crane or apparatus. c. Reduction of scrap salvage in size which causes vibration which may damage the property of another of which may be injurious to public health, safety and welfare. Section Two: Paragraph 3.18 A. 2-17 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed. Section Three: Paragraph 3.18 C. 22-37 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby created as follows: 22. Blast furnace or coke oven. 23. Boiler works. 24. Ceramic base and pottery material mixing. 25. Construction of Manufactured/Mobile Homes and modular buildings and structures. 26. Feed mill. 27. Foundry or forge plant 28. Grain storage and processing. 29 Machine or welding shop with presses over twenty (20) tons rated capacity and/or drop hammers 30. Metal and ore reduction and refinement, excluding smelting. 31. Planing mill, as a principal use. 32. Plating works. 33. Railroad repair or freight yard, shop or terminal. 34. Rolling mills. 35. Salt works. 36. Self-Service Storage Facilities 37. Ship building and repair. Section Four: Paragraph 3.18 C.3 K-ee of the Zoning Ordinance for the City of Kenosha, is hereby created as follows: k. Abrasive and asbestos. l. Acetylene gas. m. Aircraft and aircraft supplies. n. Automobiles and automobile parts. o. Battery plant, only with previously processed acid and acidic products. p Brick, tile, or terra cotta. q. Chemicals, soaps, alcohol, and vinegar products. r. Graphite. s. Household appliances. t. Insulating materials. u. Linoleum and other hard surface floor coverings. Ceramic floor and wall tile. v. Machinery, tools and dies. w. Motor vehicles and motor vehicle equipment. x. Paint and paint products. y. Paper and allied products, including potash and charcoal. z. Primary metals aa. Pyroxylin. bb. Rubber and miscellaneous plastic products. cc. Stone, glass, and concrete products, excluding cement line or gypsum. dd. Transportation equipment. ee. Wire, rope, cord, twine, and other cordage products. Section Five: Sections 4.02 b. Group 3, Manufacturing Uses of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows: GROUP 3 - MANUFACTURING USES

Development Type Review Authority
Acid manufacturing in the M-2 District CC
Airports and commercial heliports in the M-1 and M-2 Districts CC
Aluminum collection center in the M-1 and M-2 Districts CC
Blast furnace or coke oven in the M-2 District CC
Boiler works in the M-2 District CC
Cement, lime and gypsum manufacturing in the M-2 District CC
Ceramic base and pottery material mixing in the M-2 District CC
Communication towers and antennas in the M-1 and M-2 District CPD
Concrete mixing plant in the M-2 District CC
Construction of manufactured/Mobile Homes and modular buildings and structures in the M-2 District CC
Explosives manufacturing in the M-2 District CC
Fat & oil rendering & refining in the M-2 District CC
Feed mill in the M-2 District CC
Fertilizer manufacturing in the M-2 District CC
Foundry or forge plant in the M-2 District CC
Glue manufacturing in the M-2 District CC
Grain storage and processing in the M-2 District CC Hazardous waste sites and facilities in the M-2 District CC
Incinerator in the M-2 District CC
Leather tanning & finishing in the M-2 District CC
Machine or welding shop with presses over twenty (20) tons rated capacity and/or drop hammers in the M-2 District CC
Manufacturing structures in the FFO District CC
Manufacturing, processing and/or storage of the following in the M-2 District: CC
a. Abrasive and asbestos.
b. Acetylene gas.
c. aircraft and aircraft supplies
d. automobiles and automobile parts.
e. Battery plant, only with previously processed acid and acidic products.
f. Brick, tile or terra cotta.
g. Chemicals, soaps, alcohol, and vinegar products.
h. Graphite.
i. Household appliances.
j. Insulating materials.
k. Linoleum, other hard surface floor coverings, ceramic floor and wall tile.
l. Machinery, tools and dies.
m. Motor vehicles and motor vehicle equipment.
n. Paint and paint products.
o. Paper and allied products, including potash and charcoal.
p. Primary metals.
q. Pyroxylin.
r. Rubber and miscellaneous plastic products.
s. Stone, glass and concrete products.
t. Transportation equipment.
u. wire, rope, cord, twine and other cordage products.
Metal and ore reduction and refinement in the M-2 District CC
Mining operations in the M-2 District CC
Petroleum manufacturing, refining and storage in the M-2 District CC

Planing mill, as a principal use in the M-2 District CC
Plating works in the M-2 District CC
Power generating plant in the M-2 District CC
Radio/Television/Relay Towers and Antenna in the M-1 and M-2 Districts CPD
Railroad repair or freight yard, shop or terminal in the M-2 District CC
Recycling collection center in the M-1 and M-2 Districts CC
Resource recovery plant in the M-2 Districts CC
Rolling Mills in the M-2 District CC
Salt works in the M-2 District CC
Salvage dealers, shops and yards in the M-2 District CC
Self-service storage facilities in the M-1 and M-2 Districts CC
Ship building and repair in the M-2 District CC
Smelting of metals, ores or alloys in the M-2 District CC
Stockyards or slaughter houses in the M-2 District CC
Storage yard for construction equipment and materials used by a contractor in the M-1 and M-2 Districts CC
Storm Water Detention & Retention Basins in M-1 and M-2 Districts CPD
Tar and asphalt, including refining and batch plants in the M-2 District CC
Truck or freight terminal and/or bulk intermodal distribution center related to air, water and/or land transportation in the M-1 and M-2 Districts CC
Utility substations in M-1 and M-2 Districts CPD
Waste disposal, treatment and transportation facility in the M-2 District CC
Section Six: This Ordinance shall become effective upon passage and publication.

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

H. RESOLUTIONS

H.1. It was moved by Alderperson Green, seconded by Alderperson Prozanski to adopt Resolution 172-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION 172-10

BY: Finance Committee - To Amend the City of Kenosha Capital Improvement Program for 2010 By Increasing Line PK10-005 "Parks Master Plan" in the Amount of $15,000 and Reducing Line PK03-001 "Park Renovations" in the Amount of $15,000 For a Net Change of $0

WHEREAS, it has been determined by Engineering that additional funding will be needed for engineering time relating to the CORP and Master Plans; and WHEREAS, the above amendment to the Capital Improvement Program has been approved by the Park Commission on November 29, 2010 and the Finance Committee on December 6, 2010; 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	*Description*	*Authorization*	*AuthorizationAdjustment*	*Amended Authorization*
PK 03-001	Park Renovations	100,000	-15000	85,000
PK 10-005	Parks Master Plan	140000	15,000	155000

Adopted this 2nd day of December, 2010.

APPROVED:

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

H.2. It was moved by Alderperson Nudo, seconded by Alderperson Green to adopt Resolution 173-10. On roll call vote, motion carried (15-1) with Alderperson Kennedy voting nay and said resolution was thereupon adopted as follows:

RESOLUTION NO. 173-10
BY: ALDERPERSON THEODORE RUFFALO
TO DIRECT CITY ADMINISTRATION TO PREPARE A REPORT REGARDING THE POTENTIAL IMPLEMENTATION OF A COMBINATION OF THE DEPARTMENTS OF CITY DEVELOPMENT AND NEIGHBORHOOD SERVICES AND INSPECTIONS

WHEREAS, the City of Kenosha is interested in exploring opportunities to create greater efficiencies and productivity; and, WHEREAS, the City recently realized such greater efficiencies and productivity with decreased costs when the City combined the departments of Public Works and Parks; and, WHEREAS, the current departments of City Development and Neighborhood Services and Inspections have some similar functions which may result in decreased cost and greater productivity if consolidated. NOW THEREFORE, BE IT RESOLVED that City Administration is directed to study the potential greater efficiencies and productivity by combining the departments of City Development and Neighborhood Services and Inspections, and bring forth to the Common Council by April 4, 2011, a report, which report shall include a potential table of organization, cost reductions, services impact, and consideration of civil service and collective bargaining issues, in a manner allowing for implementation by July 1, 2011. Adopted this 6th day of December, 2010.

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

H.3. The proposed resolution **BY: The Mayor - Resolution to Approve a Modification to the 2010 – 2011 Labor Agreement Between the City of Kenosha and AFSCME, AFL-CIO, Local #71** was deferred by the Finance Committee at a special meeting held immediately prior to this meeting.

H.4. It was moved by Alderperson Ruffolo, seconded by Alderperson Green to adopt Resolution 174-10. On roll call vote, motion carried unanimously and said resolution was thereupon adopted as follows:

RESOLUTION NO. 174-10
BY: MAYOR
TO EXTEND THE MORATORIUM ON THE ISSUANCE OF ZONING PERMITS, CONDITIONAL USE PERMITS, SITE PLAN REVIEW AND SIGN PERMITS FOR ANY OFF-PREMISE SIGN, TO PROVIDE THE DEVELOPMENT, PASSAGE AND IMPLEMENTATION OF REQUIREMENTS FOR OFF-PREMISE SIGNS

WHEREAS, the Common Council for the City of Kenosha imposed a moratorium on March 1, 2010, on the issuance of any Zoning Permit, Conditional Use Permit, Site Plan Approval Review or Sign Permit for any off-premise sign(s) for a period not to exceed six (6) months or until new ordinances and standards are adopted by the Common Council with regard to sign regulation; and, WHEREAS, the Common Council for the City of Kenosha extended the moratorium on August 16, 2010 until the period ending December 13, 2010; and, WHEREAS, it was determined that the current City Code of General Ordinances and Zoning Ordinances do not deal adequately with the issue of off-premises signs; and, WHEREAS, the Common Council has under consideration proposals to amend the current ordinances upon which the Common Council is to complete its investigation of the regulation by other communities in order to propose new ordinances and may not take final action prior to the expiration of the moratorium. NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Kenosha does hereby extend the moratorium until January 31, 2011. Adopted this 6th day of December, 2010.

APPROVED:

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

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderperson Kennedy, seconded by Alderperson Nudo, to approve:
I.1. Appointment of Helen Schumacher to the Police and Fire Commission for a term to expire the first Monday in May, 2014.
I.2. Appointment of Barbara Micheln, to the Library Board for a term to expire July 1, 2011.
On a voice vote, motion carried.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

K. OTHER CONTRACTS AND AGREEMENTS

K.1. It was moved by Alderperson Nudo, seconded by Alderperson Ruffolo to DENY Second Amendment of Contract of Purchase and Sale By and Between Brookstone Homes, Inc and the City of Kenosha, Wisconsin. (10th District)(KAT Subdivision)
K.1.1. It was then moved by Alderperson Kennedy, seconded by Alderperson Nudo to defer. On roll call vote, motion carried (9-7) with Alderpersons Nudo, Bostrom, Misner, Prozanski, Orth, Bogdala and Green voting nay.
K.2. It was moved by Alderperson LaMacchia, seconded by Alderperson Michalski to approve Hold Harmless Agreement with the Town of Somers for 39th Avenue -18th Street to 24th Street for Right-of-Way Acquisition.
On roll call vote, motion carried unanimously.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

L.1. It was moved by Alderperson Ruffolo, seconded by Alderperson Ohnstad, to approve Disbursement Record #21 which totals $4,520,697.05.
On roll call vote, motion carried unanimously.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

O. REPORTS & RECOMMENDATIONS OF BOARDS AND COMMISSIONS

LEGISLATIVE REPORT
Letter from State Representative Peter W. Barca (64th District) to Alderpersons Nudo and Misner Regarding Energy Efficiency Improvement Assistance Resources

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson LaMacchia, seconded by Alderperson Green, to adjourn at 9:15 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
December 20, 2010

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

The meeting was called to order at 7:05 p.m.

On roll call, the following members of the Common Council were present: Alderpersons Haugaard, Michalski, LaMacchia, Ohnstad, Juliana, Green, Kennedy, Nudo, Bostrom, Prozanski, Downing and Bogdala. Excused: Ruffalo, Ruffolo Misner and Orth. Alderperson Marks arrived before citizens comments.

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.

Alderperson Bostrom requested a correction to the minutes of December 1, 2010, to item 2.3, page two, second should be Alderperson Bostrom. It was moved by Alderperson Bogdala, seconded by Alderperson Green, to approve the minutes (as amended) of the meetings held December 1, 2 and 6, 2010.

Motion carried unanimously.

Three (3) Citizens spoke during Citizen's Comments: James Parise, Craig Hall, Thomas Kandathil.

MATTERS REFERRED TO THE COMMITTEES BY THE MAYOR

a. Proposed Ordinance to Repeal and Recreate Section 1.06 U. of the Code of General Ordinances Entitled HOME Program Commission to Reconstitute the Composition Thereof.

A. REFERRALS
TO THE COMMITTEE ON FINANCE

TO THE PUBLIC WORKS COMMITTEE

B. COMMUNICATIONS, PETITIONS, REPORTS OF DEPARTMENTS

B.1. It was moved by Alderperson Bogdala, seconded by Alderperson Green, to approve:

a. 8 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 1 application for a Taxi Driver's license per list on file in the office of the City Clerk.

On a voice vote, motion carried.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Nudo, seconded by Alderperson Bogdala, to approve Applications for new Operator's (Bartender) licenses, subject to:

-20 demerit points:

a. Melissa Bellow

b. Richard Covelli

c. Tracy Jesperson

-80 demerit points:

d. Lakisha Mitchell

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

C.2. It was moved by Alderperson Downing, seconded by Alderperson Juliana, to approve Application of Craig Hall for a new Taxi Driver's license, subject to 50 demerit points.

A hearing was held. The applicant was present and spoke. On roll call vote, motion carried (9-4) with Alderpersons Nudo, Bostrom, Bogdala and Marks voting nay.

C.3. It was moved by Alderperson Haugaard, seconded by Alderperson Green, to approve Application of La Fogata, LLC, Miguel B. Aguirre, Agent, for a Class "B" Beer/Reserve "Class B" Liquor License located at 3300 Sheridan Road, (La Fogata). (Applicant to pay reserve license fee upon issuance.) A hearing was held. The applicant (Dino Katris) was present and spoke. On a voice vote, motion carried.

C.4. It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad, to approve Application of Coins Sports Bar, Inc., Janet Gascoigne, Agent for an Amusement and Recreation Enterprise License located at 1714 52nd Street (Coin's Sports Bar), with no adverse recommendations. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.5. It was moved by Alderperson Downing, seconded by Alderperson Juliana, to approve Renewal Application of Gold Diamond & Design, Inc., for a Secondhand Jewelry Dealer License located at 10320 - 75th Street, Suite B. A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

C.6. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve Renewal Application of Sameer Ali, for a Secondhand Jewelry Dealer License located at 3203 - 60th Street, (Westown Foods & Liquor). A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.7. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve Renewal applications for the following licenses with no adverse recommendations per list on file in the Office of the City Clerk:

A. 9 Secondhand Article Dealer
b. 5 Secondhand Jewelry Dealer
c. 1 Massage Therapist

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

C.8. It was moved by Alderperson Nudo, seconded by Alderperson Green, to approve Renewal applications for the following licenses with no adverse recommendations per list on file in the Office of the City Clerk:

a. 4 Kennel
b. 1 Humane Society
c. 2 Pet Shop

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

C.9. It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve Renewal Application of James and Linda Lemke for a Pet Shop License located at 6205 - 75th Street (Jim's Aquarium & Pets), subject to hold from Kenosha Fire Prevention Bureau due to multiple violations since November 5, 2010, that have not been corrected. A hearing was held. The applicant did not appear. On a voice vote, motion carried.

C.10. It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad, to approve Application of James A. Parise for a Recycling Center Activity License located at 6425 - 27th Avenue. (PRC/Parise Recycling Center). A hearing was held. The applicant was present and spoke. On a voice vote, motion carried.

D. ORDINANCES 1ST READING

It was moved by Alderperson Nudo, seconded by Alderperson Juliana to send the following ordinances on their way after being read:

D.1. By Alderpersons Anthony Nudo and David Bogdala - To Amend Section 14.01.B.6. (of the Code of General Ordinances) Entitled "Special Revenue Fund".

D.2. By Alderpersons Anthony Nudo and Ray Misner to Amend the Title of Section 10.062; To Create

Subsections 10.062.A. and 10.062.B. (of the Code of General Ordinances) Regarding Surrender of License.

D.3. By Alderperson Theodore Ruffalo – To Repeal and Recreate Subsection 1.045 C.1. And C.2. (of the Code of General Ordinances) Entitled "Withholding of Licenses and Permits by the City Clerk".

D.4. By Alderperson Ray Misner - To Create Subsection 10.02.3.a. And 10.02.3.b. (of the Code of General Ordinances) Regarding Creation of an Economic Development Grant for Reserve "Class B" Licensees.

On a voice vote, motion carried.

E. ZONING ORDINANCES 1ST READING

It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to send the following ordinances on their way after being read*:*

E.1. By the Mayor - To Rezone Property at 3217 34th Avenue from A-2 Agricultural Land Holding to IP Institutional Park and C-2 Lowland Conservancy (District #5). (Gateway Technical College)

E.2. By the Mayor - To Create Subsection 18.02 b. (of the Zoning Ordinance) to Amend the Land Use Plan Map for the City of Kenosha: 2035. (District #17)

E.3. By the Mayor - To Rezone Properties at 6419, 6441 and 6515 Green Bay Road from IP Institutional Park to B-2 Community Business. (District #17) (T Properties, LLC; Bravo Realty, LLC and Shout, LLC)

On a voice vote, motion carried.

F. ORDINANCES 2ND READING

F.1. It was moved by Alderperson Bogdala, seconded by Alderperson Michalski, to adopt Ordinance 87-10.

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. 87-10
BY: COMMON COUNCIL
TO RENUMBER SECTIONS 11.147 TO 11.148; 11.148 TO 11.149; 11.149 TO 11.15; 11.15 TO 11.16; 11.16 TO 11.17 AND TO CREATE SECTION 11.147 OF THE CODE OF GENERAL ORDINANCES ENTITLED "SYNTHETIC MARIJUANA"

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

Section One: The following Sections of the Code of General Ordinances for the City of Kenosha, Wisconsin are hereby renumbered as: Section11.147 to 11.148; Section 11.148 to 11.149; Section 11.149 to 11.15; Section 11.15 to 11.16; and Section 11.16 to 11.17:

Section Two: Section 11.147 of the Code of General Ordinances for the City of Kenosha, Wisconsin is hereby created as follows:

11.147 SYNTHETIC MARIJUANA – SYNTHETIC CANNABINOID

A. Possession, Sale and Use Prohibited. No person shall possess, purchase, display for sale, attempt to sell, sell, give back or use any chemical derivative of marijuana, or any other substance, designed to mimic the physical, psychological, intoxicating, narcotic or other effects of marijuana. Common street or trade names of said substances which are prohibited include, but are not limited to, "Spice", "K-2", "Genie", "Yucatan Fire", "Blaze", "Red Dawn X", "Zohia", "Dancing Monkey", "Spike Diamond", "Route 69", "Smoke XXXX" and "fake" or "new" marijuana, or by any other name, label or description:

1. (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol - some trade or other names: HU-210;
2. 1-Pentyl-3-(1-naphthoyl) indole - some trade or other names: JWH-018\spice;
3. 1-Butyl-3-(1naphthoyl) indole - some trade or other names: JWH-073;
4. 1-(3{trifluoromethylphenyl}) piperazine - some trade or other names: TFMPP;
5. 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol - some trade or other names: CP 47, 497; 6. 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole – some trade or other names: JWH-200;

7. 1-hexyl-3-(1-naphthoyl)indole – some trade or other names: JWH-019;
8. 1-pentyl-3-(2-methoxyphenylacetyl)indole – some trade or other names: JWH-250;
9. 1-pentyl-3-(4-chloro-1-naphthoyl)indole – some trade or other names: JWH-398;
10. (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone – or some trade or other names: JWH-015;
11. Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol – or some trade or other names: HU-211;
12. or any similar structural analogs.

B. Medical and Dental Use Allowed. Acts prohibited under sub A. shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other health professional authorized to direct or prescribe such acts, provided use is permitted under state and federal laws.

C. Penalties. Persons violating this section shall forfeit not less than $100.00 nor more than $750.00 for each offense, plus the cost of prosecution, and upon default shall be imprisoned in the county jail or house of correction for a period not to exceed ninety (90) days.

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

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

F.2. It was moved by Alderperson Bogdala, seconded by Alderperson Juliana, to adopt Ordinance 88-10.
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. 88-10
BY: LICENSING/PERMIT COMMITTEE
TO REPEAL AND RECREATE SUBSECTION 10.02 B.2b REGARDING CLASS "A" BEER LICENSE FEE; SECTION 13.03 G. REGARDING PEDDLER LICENSE FEE; SECTION 13.07 B. REGARDING TAXICAB LICENSE PERMIT FEE, AND SECTION 16.14 REGARDING LODGING HOUSING PERMIT FEE, OF THE CODE OF GENERAL ORDINANCES

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

Section One: Section 10.02 B. 2 b. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

10.02 B. 2 Fermented Malt Beverages.
1. Wholesaler's License. The fee for a Wholesaler's License is Twenty-Five ($25.00) Dollars.
2. Class "A" License. The annual fee for a Class "A" License is Five Hundred ($500.00) Dollars.
3. Class "B" License. The annual fee for a Class "B" License is One Hundred ($100.00) Dollars,which shall be payable on or before the 15th day of June of each license year.

Section Two: Section 13.03 G. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

13.03 G. License Fee. The license fee shall be Two Hundred Fifty ($250.00) Dollars per person, per license period, or any portion thereof. The full license fee must be submitted with the application in reasonable denominations of lawful United States tender.

Section Three: Section 13.07 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

13.07 B. Permit Fees and Term. Every person, firm or corporation who shall engage in taxicab business shall pay a permit fee of Seventy-five ($75.00) Dollars per vehicle operated in such business.

All permits issued shall expire on the 30th day of June following their issue and may be renewed upon payment of the above fees.

Section Four: Section 16.14 C. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

C. Permit. No person may operate a lodging house unless he/she holds a valid Lodging Housing Permit or

Temporary Lodging House Permit issued by City in the name of the operator or owner and for the specific dwelling or dwelling unit. The annual fee for Lodging House Permits shall be Two Hundred Fifty ($250.00) Dollars. The fee for a Temporary Lodging House Permit for all lodging houses shall be Fifty ($50.00) Dollars. The fees provided herein are not subject to proration. The operator or owner shall apply to the City Clerk for such permit, which shall be issued by the City Clerk, or designee, upon compliance by the operator or owner with the applicable provisions of this Ordinance. Any unexpired permit shall be displayed in a conspicuous place within the lodging house at all times. No such permit shall be transferable. Every Lodging House Permit shall expire on the 31st day of August. Every Temporary Lodging House Permit shall expire thirty (30) days after issuance.

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

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

F.3. It was moved by Alderperson Juliana, seconded by Alderperson Green, to adopt Ordinance 89-10.

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. 89-10
BY: ALDERPERSON RAY MISNER
TO RENUMBER SECTION 12.05 ENTITLED "PENALTIES"TO 12.06; TO CREATE SECTION 12.05 OF THE CODE OF GENERAL ORDINANCES ENTITLED "PUBLIC ENTERTAINMENT LICENSES"

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

Section One: Section 12.05 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby renumbered as follows:

12.06 PENALTIES

Section Two: Section 12.05 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

12.05 PUBLIC ENTERTAINMENT LICENSE

A. License Required. No commercial enterprise shall perform, engage in, or permit, the following activity by employees, patrons, or hired performers upon the business premises without first having obtained a Public Entertainment License from the City Clerk:

1. Live music performances;
2. Live entertainment, including, but not limited to, the performance of any act, play or stunt, dramatic reading, monologue, amateur talent contest, or disc jockey show.

B. Application. Upon application to the City Clerk and the payment of the fee therefor, a Public Entertainment License will be issued subject to the conditions and regulations set forth in this Section. An application for a license provided for in this Section shall be made to the City Clerk in writing, accompanied by the required fee. Applications shall be on City forms and shall be true, correct and complete in all respects. No application for such license shall be accepted unless accompanied by the appropriate fee. In determining whether a Public Entertainment License should be granted, the Common Council shall consider the following factors, giving to each whatever weight is appropriate in the particular factual circumstances:

1. Whether the proposed license will have a substantial negative impact upon the surrounding properties or the neighborhood within 5,280 feet of the licensed premises, in terms of increasing noise, as defined in Chapter 23 of the Code of General Ordinances, and/or traffic congestion.
2. The availability and type of parking on or off the proposed licensed premises.
3. The existing or planned character of the neighborhood.
4. Applicant's compliance and past performance with any/all licensing laws.

C. License Term.

1. Annual License. The Annual License shall expire on June 30th following its issuance. The Annual License is a one (1) term license which is nonrenewable. A new Annual License application shall be filed for review for each subsequent license term.

One (1) Day License. A One Day License may be issued for one (1) day only. The One (1) Day License application shall designate the date the One (1) Day License will be utilized.

D. License Fees.

1. Annual License. The Annual License Fee shall be Three Hundred ($300.00) Dollars.
2. One (1) Day License. The One (1) Day License fee shall be Fifty ($50.00) Dollars.

E. License Application Review and Recommendation. Applications shall be referred by the City Clerk to the Police Department. The Police Department shall make a report, in writing, to the City Attorney as to any police record of the applicant, which may reflect upon good moral character or business responsibility. The City Attorney shall examine said record and make a recommendation to the Committee on Licenses/Permits based thereon as to whether the license shall be granted. The Committee on Licenses/Permits shall review all applications, any reports, the recommendation of the City Attorney and all other information before it. Said Committee shall recommend to the Common Council either the granting or denial of each application.

F. Exemptions from Licensing Requirement. The following shall be exempt from the licensing provisions of this Ordinance:

(i) Premises operated or activities sponsored by a unit of government.

(ii) Premises operated or activities sponsored by any accredited school, school system or college.

(iii) Premises zoned and used exclusively for residential purposes.

(iv) Premises of churches, synagogues, mosques, or other bona fide religious institutions where shows, motion pictures, skits, pageants, or plays are periodically performed or shown with or without charge to the public.

(v) Premises licensed under Section 12.01 of the Code of General Ordinances entitled"Amusement and Recreation Enterprise".

(vi) Premises where the only activity subject to this Ordinance is a live lecture illustrated with projected transparent sheets or slides.

(vii) Premises having and maintaining a Cabaret License under Section 10.07 of the Code of General Ordinances.

(viii) Premises used by a business for business presentations to employees.

(ix) Premises licensed under Section 12.04 of the Code of General Ordinances entitled “Theatres”.

G. Regulations.

1. Good order shall be maintained at all times.
2. The management shall obey all reasonable orders or directions of any police officer.
3. Adequate parking accommodations may be deemed necessary by the Police Department and/or Licensing/Permit Committee for safety reasons; lighted parking facilities may be maintained so as to accommodate anticipated capacities.
4. No license holder personally or through his agent or employee shall permit any patron to participate in any performance with performers who are under the auspices or furnished by the management.
5. No patron shall participate in any performance by performers who appear under the auspices of the management.
6. No Licensee, agent, or employee of the licensee shall permit any person under the age of eighteen (18) years to be present on the licensed premises between the hours of 8:00 A.M. and 2:30 P.M. on days which said minors are scheduled to be in school, unless the school has authorized an absence from school for a specified date and time. The Licensee shall post notice of this prohibition at the entrance of the licensed premises.
7. No alcoholic beverages shall be served, consumed, or permitted on the licensed premises without an appropriate license.
8. There shall be compliance with local, County and State obscenity laws.

9. There shall be no controlled substances permitted on the licensed premises.
10. The Licensee shall comply with City, County, State or Federal laws, rules and regulations which are applicable to the licensed premises.
11. Strict compliance with Chapter XXIII of the Code of General Ordinances, "NOISE CONTROL", shall be required.
12. No Licensee, agent, supervisor or employee of the Licensee shall permit any minor person to be on the licensed premises in violation of §11.05 of the Code of General Ordinances, entitled "Curfew", as said Ordinance now exists or may be amended in the future.
13. Annual License Framed, Posted.
a. Frame. An Annual License shall be enclosed in a frame having a transparent front which allows the license to be clearly read.
b. Display. All Annual Licenses under Paragraph a. shall be conspicuously displayed for public inspection at all times in the room or place where the activity subject to licensure is carried on.
H. 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 12.05 H. of this Ordinance.
I. Revocation of License.
1. Upon written charges made and filed with the City Clerk/Treasurer of Kenosha by the Chief of Police or any citizen, the Common Council may after a public hearing thereof revoke any license issued under this Section.
2. Conviction for the violation of any provision of the Wisconsin State Statutes materially related to the licensed activity, City of Kenosha Code of General Ordinances, Zoning Ordinance or sanitary codes shall be sufficient for the Common Council to revoke or suspend such license. In the event the license is revoked, no other Public Entertainment License shall be granted to such person for said location within twelve (12) months of the date of its revocation. A suspension shall not be for less than ten (10) days, nor more than ninety (90) days from the date of suspension. Any part of the money paid for any license revoked or suspended shall be forfeited and not refunded.
3. The Common Council may, after the hearing described in Subsection I., revoke the Public Entertainment License upon sufficient proof that the Licensee has permitted or suffered the licensed premises to be conducted by himself, his employees, patrons or others in violation of health regulations or in a disorderly or improper manner, or in violation of the laws of the State, or rules and regulations of the Common Council, or for any reasons set forth in Subsection 12.05 H.2.
J. Severability. Should any section, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid, or be repealed, it shall not effect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid or repealed.
Section Three: This Ordinance shall become effective upon passage and publication.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK
F.4. It was moved by Alderperson Juliana, seconded by Alderperson Ohnstad, to adopt the proposed ordinance **BY: MAYOR - TO CREATE SECTION 13.0112 OF THE CODE OF GENERAL ORDINANCES ENTITLED NON-STRUCTURAL DEMOLITION.**
F.4.1. It was then moved by Alderperson Nudo, seconded by Aldeperson Bostrom to defer for 30 days. On roll call vote, motion carried (10-3) with Alderpersons Ohnstad, Juliana and Marks voting nay.

G. ZONING ORDINANCES 2ND READING

G.1. It was moved by Alderperson Downing, seconded by Alderperson Green, to defer the proposed ordinance **BY: MAYOR - TO REPEAL AND RECREATE VARIOUS SECTIONS OF CHAPTER 15 OF THE CODE OF GENERAL ORDINANCES RELATED TO OFF-PREMISE SIGNS.**
On a voice vote, motion carried.

H. RESOLUTIONS

It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to adopt Resolutions 175-10 through 180-10.
On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.1. **RESOLUTION NO.175-10**
BY: Finance Committee
To Amend the City of Kenosha Capital Improvement Program for 2010 By Decreasing Line TR93-010 "Bus Replacements" in the Amount of $239,508 in Local Funding and Creating Line TR10-001 "Metra Station Upgrade" in the Amount of $77,000 In Local Funding For a Net Reduction of $162,508

WHEREAS, the 2010 Bus Replacement CIP was fundined for five (5) buses and due to reduced federal funding only three (3) buses can be purchased; and
WHEREAS, the Transit Department has received additional federal funding approval for the Metra Station Project; and
WHEREAS, the above amendment to the Capital Improvement Program has been approved by the Finance Committee on December 20, 2010;
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:

SIGN DESCRIPTIONS	B-1/B2-/B-3	IP	M-1/M-2	RG/RS/RD/RR	RM
Off-Premise Commercial Signs [Refer to Section 15.15]	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED

(NOTE: TABLE IS ON FILE IN THE OFFICE OF THE CITY CLERK)
Adopted this 20th day of December. 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.2. **RESOLUTION NO.176-10**
By: Mayor
Request to Transfer 2010 Budgeted Funds from the Contingency Reserve Account to Various Budgeted Accounts in the Total Amount of $40,128

WHEREAS, the elimination of various positions from the 2011 budget results in the payment of severance pay to the affected employees for unused vacation and compensatory time earned but not used as of 12/31/10; and
WHEREAS, the payment of severance pay is equivalent to 50% of unused sick hours as of 12/31/10 for employees retiring due to the elimination of their positions; and
WHEREAS, the death of an employee requires funds needed for the payment to beneficiaries of unused vacation, compensatory time and 50% of unused sick hours;
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin that $40,128 be transferred from the 2010 Contingency Reserve budget account to various budgeted

accounts as listed below.
Public Works-Administration Salaries-Permanent $ 2,127
F.I.C.A. $ 132
Medicare $ 31
City Development
Salaries-Permanent $10,729
F.I.C.A $ 665
Medicare $ 156
Parks-Baseball
Salaries-Permanent $ 4,380
F.I.C.A. $ 272
Medicare $ 64
Parks-General Maintenance Salaries-Permanent $ 4,380
F.I.C.A. $ 272
Medicare $ 64
Neighborhood Services
Salaries-Permanent $15,656
F.I.C.A. $ 972
Medicare $ 228
TOTAL $40,128
Adopted this 20th day of December, 2010
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.3. **RESOLUTION # 177-10**
BY: The Mayor
Resolution to Approve a Modification to the
2010 – 2011 Labor Agreement
Between the City of Kenosha and AFSCME, AFL-CIO, Local #71

WHEREAS, the Common Council has previously approved Resolution #68-10 to approve the 2010-2011 collective bargaining agreement between the City of Kenosha and AFSCME ("Union"), Local #71; and

WHEREAS, the Union has exercised its legal rights to organize employees and the City has recognized AFSCME as the legally authorized representative of mutually agreed upon permanent part-time employees; and

WHEREAS, the City and the Union have negotiated in good faith the wages, hours, benefits and working conditions for those newly represented permanent part-time employees; and

WHEREAS, such provisions are incorporated into the existing 2010-2011 collective agreement reached between the parties; and

WHEREAS, the Union has notified the City that their membership has ratified the terms and conditions affecting both full-time and permanent part-time employees as attached hereto as Appendix A (on file in the office of the City Clerk).

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that the existing Agreement with AFSCME, Local #71 be amended in accordance with the tentative agreements as attached (on file in the office of the City Clerk).

Dated this 2nd day of December, 2010.
APPROVED:
KEITH G. BOSMAN, MAYOR
ATTEST:
DEBRA L. SALAS, DEPUTY CITY CLERK

H.4. **RESOLUTION NO. 178-10**
BY: ALDERPERSON DAVID BOGDALA
TO CEASE DISSEMINATION OF FUNDS TO THE KENOSHA LAKESHORE BUSINESS IMPROVEMENT DISTRICT UNTIL FURTHER APPROVAL BY THE COMMON COUNCIL.

WHEREAS, Kenosha Lakeshore Business Improvement District was created pursuant to Section 2.18 of the Code of General Ordinances for the City of Kenosha and §66.1109 of the Wisconsin Statutes for the purpose of creating a business improvement district that would allow business within said district to develop and for the purpose of managing and promoting said district and to establish an assessment method to fund permitted activities; and,

WHEREAS, special assessments are imposed by the City upon the properties within the Kenosha Lakeshore Business Improvement District to fund Kenosha Lakeshore Business Improvement District activities; and,

WHEREAS, pursuant to Subsection 2.18 F. of the Code of General Ordinances special assessments that are received by the City for the benefit of the District are placed in a segregated account in the City Treasury for disbursement to the District for the purposes of the District's execution of its operating plan; and,

WHEREAS, pursuant to Subsection 2.18 D. of the Code of General Ordinances , the Kenosha Lakeshore Business Improvement District shall consist of eleven (11) members, thereby requiring a quorum of six (6) in order to conduct meetings; and

WHEREAS, Kenosha Lakeshore Business Improvement District has less than its quorum and is unable to conduct business.

NOW THEREFORE, BE IT RESOLVED by the Common Council that no disbursements may be made by the City of Kenosha to the Kenosha Lakeshore Business Improvement District until such time as new members are appointed to the BID Board such that a quorum is achieved; the Common Council receives a written request from the BID Board indicating that the BID has a quorum and is requesting that disbursements be reinstated; and the Common Council rescinds this resolution.

Adopted this 20th day of December, 2010.

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

H.5. **RESOLUTION NO: 179 - 10**
BY: THE MAYOR
TO APPROVE A THREE-LOT CERTIFIED SURVEY MAP
Property located at 28th Avenue and 21st Street (Kandathil-East)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to one parcel located at 28th Avenue and 21st 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. The stormwater basin fee in-lieu shall be paid prior to recording.
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. Lot 1 shall not be considered buildable until it is combined with Outlot 1 of the Certified Survey Map to the West. The applicant shall submit and sign a Parcel Combination Affidavit to be recorded with the Certified Survey Map.

7. Compliance with the Kenosha Water Utility memo dated November 10, 2010.
8. Remove the signature block on Sheet 4 of 4 for the "Planning Commission Approval".
9. Compliance with the Public Works memo dated November 29, 2010.
10. Applicant shall enter into a Developers Agreement with the City and Kenosha Water Utility and post all required escrows prior to the City signing the Certified Survey Map.
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 20th day of December, 2010.

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

H.6. **RESOLUTION NO: 180 - 10**
BY: THE MAYOR
TO APPROVE A THREE-LOT CERTIFIED SURVEY MAP
Property located at 28th Avenue and 21st Street (Kandathil-West)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to one parcel located at 28th Avenue and 21st 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. The stormwater basin fee in-lieu shall be paid prior to recording.
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. Outlot 1 shall not be considered buildable lot. The applicant shall submit and sign a Parcel Combination Affidavit to be recorded with the Certified Survey Map.
7. Compliance with the Kenosha Water Utility memo dated November 10, 2010.
8. Remove the signature block on Sheet 3 of 3 for the "Planning Commission Approval".
9. Compliance with the Public Works memo dated November 29, 2010.
10. The applicant shall enter into a Developers Agreement with the City and Kenosha Water Utility and post all required escrows prior to the City signing the Certified Survey Map.
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 20th day of December , 2010.

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

I. APPOINTMENTS/ REAPPOINTMENTS BY THE MAYOR

It was moved by Alderperson Nudo, seconded by Alderperson Juliana, to approve:

I.1. Appointment of John Thibodeau to the Library Board to fulfill an unexpired term which will expire July 1, 2011.

I.2. Appointment of Joseph Catuara to the Lakeshore Business Improvement Board of Directors for a term which will expire November 18, 2013.

I.3.. Appointment of Scott Holloway to the Lakeshore Business Improvement Board of Directors for a three-year term which will expire November 18, 2013.
On roll call vote, motion carried unanimously.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

K. OTHER CONTRACTS AND AGREEMENTS

K.1. It was moved by Alderperson Kennedy, seconded by Alderperson Green, to approve Second Amendment of Contract of Purchase and Sale By and Between Brookstone Homes, Inc and the City of Kenosha, Wisconsin. (10th District)(KAT Subdivision)
K.1.1. It was then moved by Alderperson Bostrom, seconded by Alderperson Nudo to defer for two weeks. On roll call vote, motion failed (5-8) with Alderpersons Nudo, Bostrom, Downing, Bogdala and Green voting aye.
On roll call vote, motion to approve carried (9-4) with Alderpersons Nudo, Bostrom, Downing and Bogdala voting nay.
It was moved by Alderperson Kennedy, seconded by Alderperson Juliana to:
K.2. Approve Contract by and Between the City of Kenosha and Macemon and Sons, Inc. to Raze Building at 2018 45th Street in the amount of $8,600.00.
K.3.. Approve Agreement for Purchase and Sale of Real Estate for Fee Acquisition and Easements for the West Frontage Road Project – Property at 7015-122nd Avenue. (17th District) (CBOCS, Inc./Cracker Barrel)
K.4. The Animal Control Services Agreement By And Between the City of Kenosha (Wisconsin, A Municipal Corporation) And Clawz and Pawz (a Wisconsin General Partnership) was referred to Public Safety & Welfare Committee by the Finance Committee at their meeting held immediately prior to this meeting. The agreement will come back to the Finance Committee.
K.5. Approve Offering Prices for Right-of-Way Acquisition for 39th Avenue Construction Project (18th Street to 24th Street). (District 5)
K.6. Approve Developers Agreement by and between Thomas V. and Lucy T. Kandathil and the City of Kenosha and the Kenosha Water Utility for Property on 28th Avenue, south of 21st Street. (Kandathil) (District 5)
K.7. Approve Land Lease Agreement by and between The Kenosha Transmit Commission (of the City of Kenosha, Wisconsin) and the City of Kenosha (A Municipal Corporation).
K.8. Approve Granicus Agreement (Internet Streaming Software for City of Kenosha Meetings).
K.9. Approve Jurisdictional Transfer Agreements (WisDOT Project I.D. 1310-10-00) 75th Street (STH 50) from I-94 to 43rd Avenue.
K.10. Approve State/Municipal Project Agreement (WisDOT Project I.D. 1310-10-00/20/70/7x) 75th Street (STH 50) from I-94 to 43rd Avenue (Local Cost Shares and Non-Participating Local Project Costs)
K.11. Approve Addendum to Agreement By and Between the City of Kenosha, Wisconsin (a Municipal Corporation), and Waste Management of Wisconsin, Inc. (a Wisconsin Corporation).
On roll call vote, motion carried unanimously.

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

L.1. It was moved by Alderperson Bogdala, seconded by Alderperson Prozanski, to deny request of Ralph Nudi to Rescind Trash & Debris Special Assessment Levied Against Property Located at 2622-63rd Street (01-12-01-132-005) in the Amount of $160.00. On roll call vote, motion carried unanimously.
L.2. It was moved by Alderperson Bogdala, seconded by Alderperson Ohnstad to approve Claim of Brianna Lott and Herman Thomas. On roll call vote, motion carried unanimously.
L.3. It was moved by Alderperson Kennedy, seconded by Alderperson Michalski to approve Change Order for Project 10-2002 Overpass Painting (Sheridan Road & 11th Avenue, 52nd Street & 13th Avenue, 60th Street & 13th Avenue). (Districts 3, 7 & 8) On roll call vote, motion carried (10-3) with

Alderpersons Nudo, Bostrom and Bogdala voting nay.

It was moved by Alderperson Kennedy, seconded by Alderperson Juliana, to:

L.4. Approve Change Order for Project 10-1129 Interior Lights and Electrical Upgrades Truck Wash (3735 65th Street). (District 11) On roll call vote, motion carried unanimously.

L.5. Approve Disbursement Record #22 – $5,932,816.19.

On roll call vote, motion carried unanimously.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

M.1. It was moved by Alderperson Kennedy, seconded by Alderperson Juliana to approve Final Acceptance of projects:

a. 10-1016 Resurfacing Phase III (*33rd Avenue – 60th Street to 55th Street, 22nd Avenue – 38th Street to 35th Street, 50th Avenue – 67th Street to 65th Street, 53rd Street – 26th Avenue to 22nd Avenue, 104th Avenue from south of 69th Street to 1378 feet north, Fire Station No. 2 – 8530 30th Avenue) by Cicchini Asphalt, LLC, (Kenosha, Wisconsin*), in the amount of $908,819.33. (Districts 5, 7, 9, 11, 15, 17)

b. 10-1111 Emergency Multi-Plate Storm Sewer Repair (5131 8th Avenue) by DK Contractors, Inc., (Pleasant Prairie, Wisconsin), in the amount of $196,946.03. (District 2)

M.2. It was moved by Alderperson Nudo, seconded by Alderperson Downing to separate action on the following final acceptance of Paving and Drainage Improvements:

a. Meadows at Hunters Ridge Subdivision. (District 4)

b. Kilbourn Woods Subdvision (District 17)

M.2.1. It was then moved by Alderperson Bostrom, seconded by Alderperson Kennedy to allow Alderperson Nudo to abstain from voting. On a voice vote, motion carried.

M.2.2. It was moved by Alderperson Kennedy, seconded by Alderperson Downing to approve a. On roll call vote, motion carried

12-0 (Nudo Abstain)

M.2.3. It was moved by Alderperson Bogdala, seconded by Alderperson Juliana to approve b. On roll call vote, motion carried unanimously.

N. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC SAFETY & WELFARE

O. REPORTS AND RECOMMENDATIONS OF BOARDS AND COMMISSIONS

O.1. It was moved by Alderperson Bogdala, seconded by Alderperson Juliana, to approve Conditional Use Permit for an expansion to a truck/freight terminal at 4801 68th Avenue. (District #16) (Expedited Freight Systems) On roll call vote, motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Common Council, it was moved by Alderperson Michalski, seconded by Alderperson Green, to adjourn at 8:38 p.m.

On a voice vote, motion carried.

Approved:

KEITH G. BOSMAN
MAYOR

Attest:

DEBRA L. SALAS
DEPUTY CITY CLERK