

**KENOSHA MUNICIPAL
BUILDING COUNCIL
CHAMBERS ROOM 200
Monday, November 16, 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 7:10 p.m.

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

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

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

It was moved by Alderperson Ruffolo, seconded by Alderperson Carpenter, to approve the minutes of the meeting held November 2, 2009.

Motion carried unanimously.

At this time, The Mayor and members of the Mayor's Youth Commission presented 4th Quarter awards. Following the presentation, a brief recess was taken. The Common Council reconvened at 7:30 p.m.

Two (2) Citizens spoke during Citizen's Comments: Ronald R. Frederick and Bob Danbeck.

A. REFERRALS

TO THE COMMITTEE ON FINANCE

A.1. Approval of two (2) raze contracts with AZAR, LLC to raze the following properties: 5210 58th Street in the amount of \$9,004.00 and 6118 54th Avenue in the amount of \$8,510.00.

A.2. Proposed Ordinance by Alderperson David F. Bogdala - To Repeal and Recreate Section 2.02 D.5.a.; 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 by the City Plan Committee and the Common Council. (Also refer to City Plan Commission)

A.3. Proposed Zoning Ordinance By Alderperson Anthony Nudo, Alderperson David Bogdala, Alderperson Ray Misner, Alderperson Jesse Downing - To Repeal and Recreate Section 4.02, Entitled Review Authority "City Plan Division, City Plan Commission or Common Council"; to Repeal and Recreate Section 4.04 f.; to Repeal and Recreate the First Paragraph of Section 4.04 G.; and, to Repeal and Recreate Section 4.04 H., Removing the City Plan Commission as a Decision-Making Authority. (Also refer to City Plan Commission)

TO THE STORMWATER UTILITY COMMISSION

A.4. Proposed Ordinance by the Mayor - To Amend Section 33.07 by Adding the Definition of the

A.5. 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.

**B. COMMUNICATIONS,
PETITIONS, REPORTS
OF DEPARTMENTS**

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

a. 9 applications for an Operator's (Bartenders) license, per list on file in the office of the City Clerk.

b. 3 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.

C. RECOMMENDATIONS FROM THE COMMITTEE ON LICENSING/PERMITS

C.1. It was moved by Alderperson Juliana, seconded by Alderperson Nudo, to approve the Following Applications for New Operator's (Bartender) Licenses, subject to:

-25 demerit points:

a. Laurie Mueller

-50 demerit points:

b. Jill Rzeplinski

-75 demerit points:

c. April Shearer

d. Jacquelyn Sexton

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

C.2. It was moved by Alderperson Juliana, seconded by Alderperson Kennedy, to DENY Application of Tina Cleveland for a New Operator's (Bartender) License, based on Material Police Record & False Application.

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

C.3. It was moved by Alderperson Juliana, seconded by Alderperson Ruef, to approve Application of Glen Ritacca 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.4. It was moved by Alderperson Juliana, seconded by Alderperson Kennedy, to DENY Application of Enrique Quiala for a New Taxi Driver 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.5. It was moved by Alderperson Juliana, seconded by Alderperson Misner, to approve Application of the McCool Corporation, Shawn McHugh, Agent, for a Class "B" Beer/"Class B" Liquor License Located at 1400-52nd Street (Jill's Place) with a Conditional Surrender of a Similar License at the Same Location from Jill's Place, Inc., Jill Rzeplinski, Agent, Subject to 50 Demerit Points.

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

C.6. It was moved by Alderperson Juliana, seconded by Alderperson Kennedy, to approve Application of The Barn, LLC., Todd Rose, Agent, for a Cabaret License Located at 4017-80th Street (Bull & Bear Eatery & Tavern) (term expires 6/30/10) with no Adverse Recommendations. (14th District)

A hearing was held. Chris Gochis was present and spoke. On a voice vote, motion carried.

D. ORDINANCES 1ST READING

E. ZONING ORDINANCES 1ST READING

F. ORDINANCES 2ND READING

G. ZONING ORDINANCES 2ND READING

H. RESOLUTIONS

H.1. It was moved by Alderperson Casey, seconded by Alderperson Holland, to adopt Resolutions 148-09 through 150-09. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

a. RESOLUTION NO. 148-09

BY: FINANCE COMMITTEE

RESOLUTION TO CORRECT RESOLUTION #134-09 FOR SIDEWALKS AND/OR DRIVEWAY APPROACHES PROJECT #09-1012

WHEREAS, Resolution #134-09 for Project #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) in the amount of \$25,112.96 was passed by the Kenosha Common Council on October 5, 2009, WHEREAS, it has been determined that a special assessment against Parcel #09-222-36-408-005 in the amount of \$444.80 for sidewalk repair was levied in error, WHEREAS, it has been determined that a special assessment against Parcel #12-223-31-336-030 in the amount of \$112.00 for sidewalk repair was levied in error, WHEREAS, it has been determined that a special assessment against Parcel #12-223-31-331-003 in the amount of \$120.00 for sidewalk repair was levied in error, WHEREAS, it has been determined that Parcel #09-222-36-410-004 was incorrectly billed in the amount of \$403.20, and should have been billed in the amount of \$201.60, WHEREAS, it has been determined that Parcel #09-222-36-412-008 was incorrectly billed in the amount of \$112.00, and should have been billed in the amount of \$33.60. NOW, THEREFORE, BE IT RESOLVED, by the Kenosha Common Council that the resolution be changed from \$25,112.96 to \$24,156.16. Passed this 16th day of November, 2009.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

b. RESOLUTION NO. 149-09

BY: FINANCE COMMITTEE RESOLUTION TO CORRECT RESOLUTION #136-09 FOR SIDEWALKS AND/OR DRIVEWAY APPROACHES PROJECT #09-1015

WHEREAS, Resolution #136-09 for Project #09-1015 Resurfacing Phase II (5th Avenue – 75th Street to 68th Street, 24th Avenue – 27th Street to 31st Street, 32nd Avenue – 80th Street to north 120 ft) in the amount of \$10,838.13 was passed by the Kenosha Common Council on October 5, 2009, WHEREAS, it has been determined that Parcel #07-222-24-490-007 was incorrectly billed in the amount of \$342.72, and should have been billed in the amount of \$224.00, WHEREAS, it has been determined that Parcel #05-123-06-477-017 was incorrectly billed in the amount of \$224.00, and should have been billed in the amount of \$112.00. NOW, THEREFORE, BE IT RESOLVED, by the Kenosha Common Council that the resolution be changed from \$10,838.13 to \$10,607.41. Passed this 16th day of November, 2009.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

c. RESOLUTION NO. 150-09

BY: FINANCE COMMITTEE

RESOLUTION TO CORRECT RESOLUTION #135-09 FOR SIDEWALKS AND/OR DRIVEWAY APPROACHES PROJECT #09-1208

WHEREAS, Resolution #135-09 for Project #09-1208 Sidewalk & Curb/Gutter Program (67th Street to 71st Street - 47th Avenue to 49th Avenue and Miscellaneous Locations Citywide) in the amount of \$39,702.35 was passed by the Kenosha Common Council on October 5, 2009, WHEREAS, it has been determined that Parcel #06-123-07-231-023 was incorrectly billed in the amount of \$224.00, and should have been billed in the amount of \$112.00. NOW, THEREFORE, BE IT RESOLVED, by the Kenosha Common Council that the resolution be changed from \$39,702.35 to \$39,590.35. Passed this 16th day of November, 2009.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

H.2. It was moved by Alderperson Casey, seconded by Alderperson Holland, to adopt Resolution 151-09. On roll call vote, motion carried unanimously and said resolution was thereupon adopted

as follows:

RESOLUTION NO. 151-09

By: BOARD OF WATER COMMISSIONERS

TO PLACE SPECIAL ASSESSMENTS AGAINST BENEFITED PARCELS OF PROPERTY ON THE 2009 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 \$1,427,630.00

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 four hundred twenty-seven thousand six hundred thirty and no/100 dollars (\$1,427,630.00) 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 2009 as follows:

Delinquent Water and Sewerage Bills, Fireline Charges, and Household Hazardous Waste Bills	\$1,407,513.00	Water/Sewer Main and Connection/Lateral Assessments	\$20,117.00
			\$1,427,630.00

Adopted: November 16, 2009.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

H.3. It was moved by Alderperson Ohnstad, seconded by Alderperson Kennedy to adopt the proposed resolution: ***BY: PARKS COMMISSION - TO ESTABLISH GUIDELINES FOR CITY CONTRIBUTIONS FOR EVENTS CO-SPONSORED BY THE BOARD OF PARK COMMISSIONERS***

H.3.1. It was then moved by Alderperson Ruffolo, seconded by Alderperson Juliana to defer. On a voice vote, motion carried.

It was moved by Alderperson Casey, seconded by Alderperson Juliana, to adopt Resolutions 152-09 and 153-09. On roll call vote, motion carried unanimously and said resolutions were thereupon adopted as follows:

H.4. RESOLUTION NO. 152-09

BY: THE MAYOR

PROVIDING FOR A SPRING PRIMARY FOR CITY ELECTIONS

WHEREAS, the next regular election in the City of Kenosha, Wisconsin, is to be held in said City on the 6th of April, 2010. NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that pursuant to Council's authority under §8.11 of the Wisconsin Statutes, if necessary, a Primary Election for the nomination of candidates for City Offices of the City of Kenosha, Wisconsin shall be held on the 16th of February, 2010, according to the Statutes and Laws of the State of Wisconsin as govern and provide for such primary elections. Adopted this 16th day of November, 2009.

APPROVED:

KEITH G. BOSMAN, MAYOR

ATTEST:

DEBRA L. SALAS, DEPUTY CITY CLERK

H.5. RESOLUTION #153-09

BY: The Mayor

Resolution to Approve a New Labor Agreement for 2009 Between the City of Kenosha and Teamsters, Local #43

WHEREAS, a voluntary tentative agreement to a successor collective bargaining agreement has been reached between the City of Kenosha and Teamsters, Local #43 for 2009; and WHEREAS, the Union has notified the City that their membership has ratified the terms of said tentative settlement agreement (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 between the City of Kenosha and Teamsters, Local #43 be amended in accordance with the terms as attached (Appendix A-on file in the office of the City Clerk) effective January 1, 2009. Dated this 16th day of November, 2009.

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 Juliana, to approve reappointment of the following persons to the Kenosha Lakeshore Business Improvement District Board of Directors for terms to expire November 18, 2012:

- a. Zohrab Khaligian
- b. Carolyn Kirkby
- c. Jennifer Heim

On roll call vote, motion carried unanimously.

J. PUBLIC CONSTRUCTION AND IMPROVEMENT CONTRACTS

K. OTHER CONTRACTS AND AGREEMENTS

L. RECOMMENDATIONS FROM THE COMMITTEE ON FINANCE

L.1. It was moved by Alderperson Marks, seconded by Alderperson Ohnstad, to approve: 2010 – 2014 Consolidated Plan for the CDBG and HOME Programs. On roll call vote, motion carried (11-4) with Alderpersons Nudo, Misner, Bogdala and Ruffolo voting nay.

L.2. It was moved by Alderperson Marks, seconded by Alderperson Ohnstad to approve the 2010 Community Development Block Grant (CDBG) Fund Allocation Plan.

A public hearing was held. Three (3) people spoke. On roll call vote, motion carried (13-2) with Alderpersons Nudo and Ruef voting nay.

L.3. It was moved by Alderperson Casey, seconded by Alderperson Nudo to approve Disbursement Record #20 - \$5,430,138.41.

On roll call vote, motion carried unanimously.

M. RECOMMENDATIONS FROM THE COMMITTEE ON PUBLIC WORKS

M.1. It was moved by Alderperson Casey, seconded by Alderperson Nudo to approve Acceptance of Project 09-1015 Resurfacing Phase II (5th Avenue - 75th Street to 68th Street, 24th Avenue - 27th Street to 31st Street, 63rd Street - 14th Avenue to Sheridan, 32nd Avenue - 80th Street to north 120 ft.) which has been completed Cicchini Asphalt LLC, (Kenosha, Wisconsin), - \$437,929.81. (3rd, 5th, 8th, and 13th Districts)

On roll call vote, motion carried unanimously.

ADJOURNMENT

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

On a voice vote, motion carried.

Approved:

**KEITH G. BOSMAN
MAYOR**

Attest:

**DEBRA L. SALAS
DEPUTY CITY CLERK**