

**AGENDA
PUBLIC WORKS
COMMITTEE**

**MONDAY, JANUARY 6, 2014
ROOM 202
5:30 P.M.**

**Eric Haugaard, Chairman
Jan Michalski, Vice Chairman
Steve Bostrom**

**Scott N. Gordon
Patrick Juliana
G. John Ruffolo**

- A-1 Approval of minutes of regular meeting held on December 16, 2013.
- B-1 Ordinance by Alderperson Kevin Mathewson – To Create Section 1.03 F.18 (*of the Code of General Ordinances*) Regarding the Procedure for a Presiding Officer to Participate in Debate. (*Public Safety & Welfare approved 5-0, License/Permit approved 4-0, Finance approved 4-0*) (*also referred to Storm Water Utility Committee*) (*referred on November 18, 2013 Common Council agenda*) (*deferred at the December 16, 2013 meeting*)
- C-1 Approval of Right of Entry Agreement for material handling from the Army Corps of Engineers 2014 Kenosha Harbor Dredging Project. (*also referred to Board of Water Commissioners and Park Commission*)
- C-2 Change Order for Project 12-1027 Epoxy Pavement Markings. (*also referred to Finance Committee*)

INFORMATIONAL: Project Status Report

CITIZENS COMMENTS/ALDERMAN COMMENTS RELATED ONLY TO JURISDICTION OF PUBLIC
WORKS COMMITTEE

IF YOU ARE DISABLED AND IN NEED OF ASSISTANCE CALL 653-4050 BEFORE NOON ON THE DATE INDICATED FOR THIS
MEETING.

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE
MEETING, AND ALTHOUGH THIS MAY CONSITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE
ANY ACTION AT THIS MEETING.

PUBLIC WORKS COMMITTEE
- MINUTES -

MONDAY, DECEMBER 16, 2013
5:30 P.M.

Eric Haugaard, Chairman
Jan Michalski, Vice Chairman
Steve Bostrom

Scott N. Gordon
Patrick Juliana
G. John Ruffolo

The regular meeting of the Public Works Committee was held on Monday, December 16, 2013 in Room 202 of the Municipal Building. The following members were present: Chairman Eric Haugaard, Vice Chairman Jan Michalski, Aldermen Scott N. Gordon and G. John Ruffolo. Alderman Steve Bostrom was attending another meeting. Alderman Patrick Juliana not present. The meeting was called to order at 5:39 pm. Staff members in attendance were Mike Lemens and Sean Von Bergen.

- A-1 Approval of minutes of regular meeting held on December 2, 2013.
It was moved by Alderman Gordon, seconded by Alderman Michalski to approve. Motion passed 4-0.
- C-1 Ordinance by Alderperson Kevin Mathewson – To Create Section 1.03 F.18 (of the Code of General Ordinances) Regarding the Procedure for a Presiding Officer to Participate in Debate. (Public Safety & Welfare approved 4-0, License/Permit approved 4-0) (also referred to Finance and Stormwater Utility Committees) (referred on November 18, 2013 Common Council agenda)
It was moved by Alderman Michalski to deny. Motion failed due to lack of a second. It was then moved by Alderman Gordon, seconded by Alderman Ruffolo to defer to the next meeting. Motion passed 4-0.
- C-2 Change Order for Project 13-1421 Emerald Ash Borer Phase I (Citywide Locations). (Park Commission approved 4-0) (also referred to Finance Committee)
It was moved by Alderman Michalski, seconded by Alderman Gordon to approve. Motion passed 4-0.
- C-3 Change Order for Project 13-1013 CDBG Resurfacing (CDBG Area (13th Ct - 43rd St to 42nd St, 41st St - 22nd Ave to 21st Ave) Alternate II Area (70th St - 39th Ave to 40th Ave, Lincoln Rd Intersections). (**Districts 6, 13 & 15**) (also referred to Finance Committee)
It was moved by Alderman Gordon, seconded by Alderman Michalski to approve. Motion passed 4-0.
- C-4 Development Agreement between the City of Kenosha, Kenosha Water Utility and Meijer Stores Limited Partnership regarding property at 7701 Green Bay Road. (Meijer) (**District 14**) (City Plan Commission approved 6-0) (also referred to Stormwater Utility Committee and Board of Water Commissioners) (referred on 12/2/13 Common Council agenda)
A public hearing was held. Attorney Brian Randle, 2602 88th Place, Wauwatosa, WI spoke. It was moved by Alderman Gordon, seconded by Alderman Michalski to approve. Motion passed 4-0.

- C-5 Approve Acceptance of Quit Claim Deed from Meijer Stores Limited Partnership to the City of Kenosha for 76th Street right-of-way, west of 64th Avenue. (Meijer) **(District 14)** (City Plan Commission approved 6-0) (referred on 12/2/13 Common Council agenda) It was moved by Alderman Gordon, seconded by Alderman Michalski to approve. Motion passed 4-0.
- C-6 Permanent Sidewalk and Multi-Use Path Easement and Agreement By and Between Meijer Stores Limited Partnership and the City of Kenosha, Wisconsin. (Meijer) **(District 14)** (City Plan Commission approved 6-0) (referred on 12/2/13 Common Council agenda) It was moved by Alderman Gordon, seconded by Alderman Michalski to approve. Motion passed 5-0.
- C-7 Acceptance of Project 13-1019 Joint, Crack Cleaning & Sealing (Citywide Locations) which has been satisfactorily completed by Fahrner Asphalt Sealers (Wauwaukee, Wisconsin). The final amount of the contract is \$123,518.25. **(All Districts)** It was moved by Alderman Ruffolo, seconded by Alderman Gordon to approve. Motion passed 5-0.
- C-8 Acceptance of Project 13-1527 Northside Library Parking Lot Resurfacing (1500 27th Avenue) which has been satisfactorily completed by Cicchini Asphalt, LLC (Kenosha, Wisconsin). The final amount of the contract is \$125,132.31. **(District 4)** It was moved by Alderman Ruffolo, seconded by Alderman Gordon to approve. Motion passed 5-0.

INFORMATIONAL:

1. 2014 Resurfacing Road List – Sean passed out a map showing the locations
 - Alderman Bostrom commented that work on 18th Avenue should be done in summer due to the school.
 - Alderman Haugaard commented that the school should be notified when work is done on 39th Avenue.
 - Alderman Ruffolo asked when 39th Avenue – Washington Rd to 52nd St will be done. He also asked for the PASER rating on each street listed.
2. Project Status Report

CITIZEN COMMENTS:

Diane Konicki, 5700 19th Avenue, Apt 4, commented that 39th Avenue needs resurfacing.

ALDERMAN COMMENTS:

Alderman Michalski commented that it is snowing and to be careful driving. He also spoke about the policy on snow removal.

ADJOURNMENT - *There being no further business to come before the Public Works Committee, it was moved, seconded and unanimously approved to adjourn the meeting at 6:24 pm.*



ENGINEERING DIVISION
SHELLY BILLINGSLEY, P.E.
CITY ENGINEER

PARK DIVISION
JEFF WARNOCK
SUPERINTENDENT

FLEET MAINTENANCE
MAURO LENCI
SUPERINTENDENT

STREET DIVISION
JOHN H. PRIJIC
SUPERINTENDENT

WASTE DIVISION
ROCKY BEDNAR
SUPERINTENDENT

DEPARTMENT OF PUBLIC WORKS

MICHAEL M. LEMENS, P.E., DIRECTOR
SHELLY BILLINGSLEY, P.E., DEPUTY DIRECTOR

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December 12, 2013

To: Eric Haugaard, Chairman, Public Works Committee
Patrick Juliana, Chairman, Stormwater Utility Committee

From: Shelly Billingsley, P.E. *Shelly Billingsley*
Deputy Director of Public Works/City Engineer

Subject: ***Ordinance by Alderperson Kevin Mathewson – To Create Section 1.03 F.18 of the Code of General Ordinances Regarding the Procedure for a Presiding Officer to Participate in Debate***

BACKGROUND/ANALYSIS

Staff received a referral for an Ordinance change by Alderperson Mathewson which was referred to the Public Works Committee and Stormwater Utility Committee on the Common Council agenda for the November 18, 2013 meeting.

RECOMMENDATION

Staff has no recommendation.

ORDINANCE NO. _____

SPONSOR: ALDERPERSON KEVIN MATHEWSON

**TO CREATE SECTION 1.03 F.18 OF THE CODE OF GENERAL
ORDINANCES REGARDING THE PROCEDURE FOR A
PRESIDING OFFICER TO PARTICIPATE IN DEBATE**

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

Section One: Section 1.03 F.18. of the Code of General Ordinances for the

City of Kenosha, Wisconsin, is hereby created as follows:

18. If the presiding officer of the Common Council, a committee of the Common Council, or an authority, board, or commission of the City wishes to participate in the debate, the presiding officer must vacate the chair and pass the gavel to a member of the body who shall temporarily preside in the place of the presiding officer during the pendency of the time the presiding officer holds the floor. Provided that the presiding officer was not the maker of a motion on the matter while holding the floor, upon the presiding officer relinquishing the floor, he or she shall reassume the chair, retake the gavel and continue to preside. In the event that the presiding officer was the maker of a motion, he or she may reassume the chair on the ensuing matter. Nothing herein may be construed to prohibit the presiding officer from seconding motions without vacating the chair.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney



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Date: January 2, 2014

TO: Eric Haugaard, Chairman Michael Orth, Chairman Jan Michalski, Chairmain
Public Works Committee Parks Commission Water Commission

FROM: Sean Von Bergen, P.E.
Assistant City Engineer

Subject: *Approval of Right of Entry Agreement for material handling from the Army Corps of Engineers
2014 Kenosha Harbor Dredging Project:*

BACKGROUND INFORMATION

The Army Corps of Engineers have authorized a dredging project in the Kenosha Harbor for 2014. Staff has been working with the Army Corps to identify locations for offloading and placement of the dredged material. The Right of Entry Agreement gives the Army Corps of Engineers and their contractor access to the following sites:

The property adjacent to the north pier of the harbor has been identified as the preferred location to offload the dredging materials. This property is owned by the City of Kenosha and the City of Kenosha Water Utility. This location has been successfully used in the past to offload dredging materials form previous City of Kenosha dredging projects. The Army Corps of Engineers will fully restore the site to existing conditions once their dredging project is completed.

Pennoyer Park was identified as a suitable placement location for the dredging materials. The city used Pennoyer Park as a placement location in 2012 for the cities dredging project. The Army Corps estimates 20,000 cubic yards of material will be placed as part of their project. It is estimated Pennoyer Park has the capacity to have approximately 40,000 cubic yards to level the area between 7th Avenue and Kennedy Drive. The Army Corps of Engineers will fully restore the site with topsoil and seed once their dredging project is completed.

RECOMMENDATION

Staff recommends approval of the Right of Entry Agreement for material handling from the Army Corps of Engineers 2014 Kenosha Harbor Dredging Project and authorize the Director of Public Works to execute the agreement.



DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVENUE
DETROIT, MICHIGAN 48226-2550

December 20, 2013

IN REPLY REFER TO:
Real Estate Division

Michael Lemens, P.E.
Director of Public Works
City of Kenosha
625 52nd Street, Room 305
Kenosha, Wisconsin 53140

Dear Mr. Lemens:

Please reference your recent communications with the Corps of Engineers regarding a Right of Entry authorizing the Corps of Engineers and its contractors, to enter upon lands owned by the City of Kenosha for use as an offloading/transfer site and a dredged material placement site, in support of maintenance dredging activities at the Kenosha Harbor Federal Navigation Project, Wisconsin.

Attached are four copies of Department of the Army Right of Entry No. W911XK-9-14-3004 and a Certificate of Authority. Please have the responsible party with authority for signature at the City of Kenosha sign and return three (3) copies of the Right of Entry, and complete and return the Certificate of Authority. The fourth copy of the Right of Entry is for your records until a fully executed copy is returned to you.

If you have any questions or concerns, please contact Shawn Sanchez of my staff by e-mail at Shawn.S.Sanchez@usace.army.mil or by phone at (313) 226-1326.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor L. Kotwicki".

Victor L. Kotwicki
Chief, Real Estate Division
Detroit, Buffalo, and Chicago Districts

Enclosures

NOTE: THE CERTIFICATE OF AUTHORITY must be executed by an individual other than by the person who signed the agreement. The individual must certify that the official who signed the agreement was authorized to act in that capacity.

CERTIFICATE OF AUTHORITY

I, _____, do hereby certify that I am the
(someone other than the person signing the agreement)

_____ of the City of
(my position of responsibility within the organization)

Kenosha, Wisconsin, and that _____,

who signed the agreement on behalf of the City was at the time

of signature its _____,
(position held)

and that the person who executed the agreement on behalf

of the City acted within his/her statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification

this _____ day of _____.

(Signature)

DEPARTMENT OF THE ARMY

RIGHT OF ENTRY

City of Kenosha, Wisconsin

(Site Name)

City of Kenosha Offloading Site and
Dredged Material Placement Site

(Tract)

The City of Kenosha, Wisconsin, hereinafter called the "Owner," in consideration for the mutual benefits of the work described below, hereby grants the UNITED STATES OF AMERICA, hereinafter called the "Government," its agents, employees, representatives, contractors, right of entry upon the following terms and conditions:

1. The Owner hereby grants to the Government an irrevocable right to enter upon the lands described in Exhibit "A", attached hereto and made a part hereof, beginning on April 1, 2014, and ending on December 31, 2014, or at the conclusion of the project, whichever is sooner, for use as an offloading/transfer site and dredged material placement site, by mechanical means, in support of maintenance dredging at the Kenosha Harbor Federal Navigation Project, Wisconsin.
2. This Right of Entry includes the right of ingress and egress on other lands of the Owner provided that such ingress and egress is necessary and not otherwise conveniently available to the Government.
3. All tools, equipment, and other property taken or placed upon the lands by the Government shall remain the property of the Government, and may be removed by the Government at any time within a reasonable period after the expiration of this Right of Entry.
4. The Government shall have the right to patrol and police the lands during the period of this Right of Entry.
5. If any action of the Government in the exercise of the rights granted herein results in damage to the property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the Owner. In no event shall such repair or settlement exceed the fair market value of the fee simple title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet any deficiencies. The provisions of this clause are without prejudice to any rights the Owner may have to make a claim under applicable laws for any damages other than those provided for herein.
6. The lands affected by this Right of Entry are located in the State of Wisconsin, County of Kenosha, City of Kenosha, and are shown in Exhibit "A" as attached.

WITNESS MY HAND AND SEAL this _____ day of _____, _____.

CITY OF KENOSHA, WISCONSIN

Signature (SEAL)

Printed Name

Printed Title

Accepted:

UNITED STATES OF AMERICA

By: _____

VICTOR L. KOTWICKI
Real Estate Contracting Officer
Detroit, Buffalo, and Chicago Districts

Date: _____

FY13 Kenosha Harbor MD Overview of Dredging, Offloading, and Placement Area

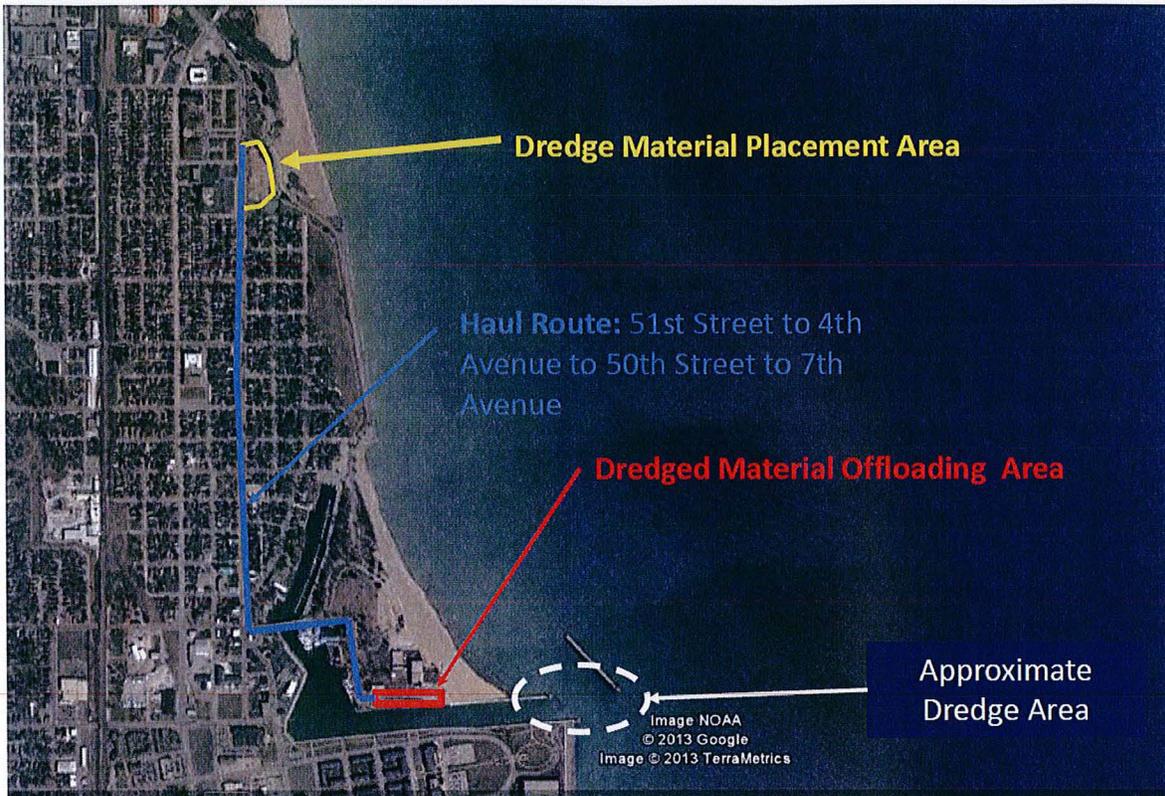


Exhibit "A"
(Sheet 1 of 3)

FY13 Kenosha Harbor MD Detail of Dredged Material Offloading Area

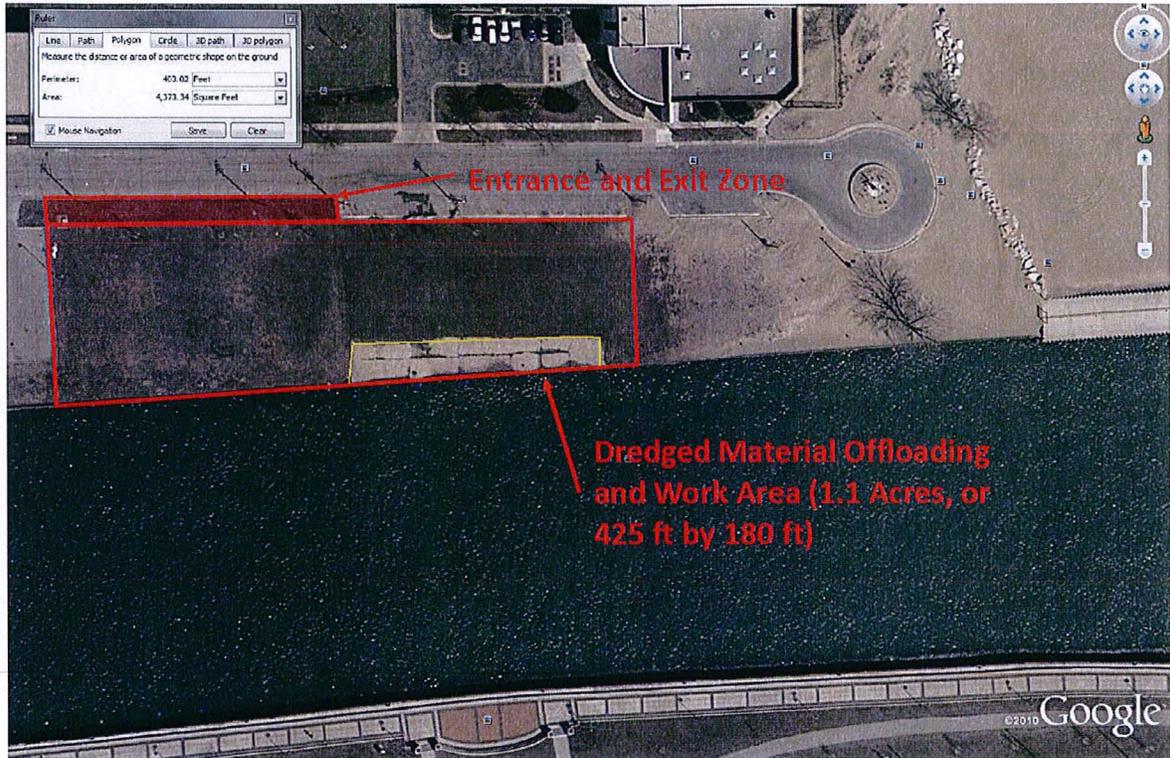


Exhibit "A"
(Sheet 2 of 3)

FY13 Kenosha Harbor MD Detail of Dredged Material Placement Site



Exhibit "A"
(Sheet 3 of 3)



ENGINEERING DIVISION
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Date: January 2, 2013

TO: Eric Haugaard, Chairman
Public Works Committee

Daniel Prozanski Jr., Chairman
Finance Committee

FROM: Sean Von Bergen, P.E.
Assistant City Engineer

Subject: *Change Order for Project 12-1027 Pavement Markings:*

BACKGROUND INFORMATION

Century Fence was awarded the 2012 Pavement Marking contract in the fall of 2012. Work started in 2012 but the majority of the pavement marking was completed in the spring and early summer of 2013. The Contractor agreed to submit daily log of work completed to city staff for review. Staff would tabulate the quantities and let the Contractor know when they were approaching the budget amount and to stop work. Unfortunately, one of the Contractor's painting crews did not turn in their daily quantities to their supervisor or to the city's staff. Staff verified to work was completed by the Contractor.

Staff negotiated a partial payment for the additional work completed by the Contractor and the attached Change Order represents the negotiated final Contract amount for this project.

RECOMMENDATION

Staff recommends approval of the Change Order for Project 12-1027 Pavement Markings increasing the amount of the contract by \$9,825.00 from \$65,500.00 to \$75,325.00.

THE CITY OF KENOSHA

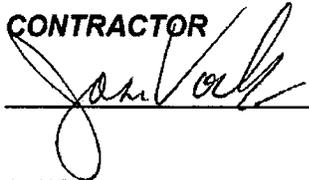
CHANGE ORDER

Project Name: 2012 Pavement Markings
Project Number: 12-1027
C.I.P. Line Item: IN-09-002
Purchase Order #: 121087
Contractor: Century Fence Company
Public Works Committee Action: 01/06/14
Finance Committee: 01/06/14
Date of Common Council Action: 01/06/14

City and contractor agree that the above contract is amended by increasing the amount of the contract by \$9,825.00 from \$65,500.00 to \$75,325.00. This amendment will allow for additional work to be completed by the contractor.

This change order is approved by:

CONTRACTOR



DATE

12-20-13

CITY OF KENOSHA, MAYOR

DATE

TO: Michael M. Lemens, P.E.
Director of Public Works

FROM: Shelly Billingsley, P.E.
Deputy Director of Public Works / City Engineer

SUBJECT: Public Works Project Status Report

- Project # 08-1443 Bike and Pedestrian Connections** - Plans have begun but a major focus on bike paths has been to complete the Bike Path crossing at Washington Road and the extension through Nash Park. Once these projects have been bid, design will be completed on this third phase. (Citywide)
- Project #11-1416 - Petzke Park Mass Grading** – [BCF Construction] Waiting for close out documents. (1)
- Project #09-1121 - Forest Park Evaluation** – Staff has sent final comments to Strand for storm sewer section of report. (1)
- Project #10-1126 - Wetland Mitigation Bank** - [Wetlands and Waterways Consulting LLC] Staff is working with the DNR regarding comments with the recent submittal. (16)
- Project #10-1131 - River Crossing Swale Restoration** – [Applied Ecological Services] Maintenance has been performed. (17)
- Project #11-1128 - Multi-Plate Pipe Storm Sewer Inspection and Evaluation** – [Ruekert-Mielke] Staff is currently reviewing a draft report. (2 and 7)
- Project #11-1125 - Penoyer Beach Outfall Stormwater Infiltration Basin (GLRI Grant)** – Punchlist Items remain. Staff is working with legal regarding items remaining. (1 and 6)
- Project #11-2013 - Harbor and Marina Dredging** – [Ruekert Mielke] Waiting for close out documents (2).
- Project #12-1420 - Shagbark Trail Development** – [Western Contractors] Punchlist items remain. (10)
- Project #12-1027 - Epoxy Pavement Markings** [Century Fence] Waiting for close out documents (City Wide)
- Project #12-1430 - Alford Park Warehouse Demolition** – [Earth Construction] Punchlist items remain. (1)
- Project #11-1025 - 122nd Avenue – 71st Street to 74th Street** – [AW Oakes] Final items remain. (Stormwater Utility funding also) (16)
- Project #13-1012 - Resurfacing I** – [Stark] Saw cutting, storm sewer, removals, curb & gutter and binder are complete on all roads. Pending approval of a change order extending the completion date for this project to June 12th, 2014, surface asphalt will be completed on all streets in the spring of 2014. [Lincoln Road intersection at 28th Avenue, Lincoln Road intersection at 22nd Avenue, 70th Street from 39th Avenue to 40th Avenue] (Stormwater Utility funding also) (13, 15)
- Project #13-1013 - CDBG Resurfacing** – [Stark] Saw cutting, storm sewer, removals, curb & gutter and pavement are complete on all roads. Restoration will be completed in the spring of 2014. [13th Court from Washington Road to 43rd Street, 41st Street from 22nd Avenue to 350 ft. east of 21st Avenue] (Stormwater Utility funding also) (6)
- Project #13-1016 Resurfacing III** – [Cicchini] Punch list items remain on 40th Street. [34th Ave from 86th Place to 88th Place, 44th Avenue Cul-de-Sac south of 87th Place, 87th Place Cul-de-Sac west of 42nd Avenue, 26th Avenue from 34th Street to 31st Street, 40th Street from Sheridan Road to 8th Avenue] (Stormwater Utility funding also) (1, 6, 9, 14)
- Project #13-1019 – Crackfilling** – [Fahrner] Punchlist items remaining. (Citywide)
- Project #13-1024 – 60th Street Resurfacing – 39th Avenue to 30th Avenue** – [Cicchini] Punch list items remain. (Stormwater Utility funding also) (3, 11, 15)
- Project #13-1025 56 Street Resurfacing** – [Cicchini] Saw cutting, storm sewer, removals, curb & gutter and pavement are complete on the north side of 56th Street. The south side of the street will be resurfaced in the spring of 2014. The completion date for this project has been extended to June 12th, 2014. [56th Street from Sheridan Road to 13th Avenue] (Stormwater Utility funding also) (2)
- Project #13-1027 - Pavement Markings** – Work is complete, waiting for close out documents. (Citywide)
- Project #13-1208 - Sidewalk and Curb and Gutter** – [AW Oakes] Project is complete. Punch list items remain. (Stormwater Utility funding also) (Citywide)
- Project #13-1417 - Tree Removal** – Project has begun and Phase II is awaiting award. (Parks funding) (Citywide)
- Project #13-1412 - Simmons Field** – [Camosy] Kenosha Baseball will be requesting for temporary occupancy for their Launch party on November 23rd. Work will continue (12)
- Project #13-2002 - Overpass Painting** – Project is complete, waiting for close out documents. (3, 6)
- Design Work (Public Works)** – Staff is working the following projects: Website Design, GPS Data Forms, Equipment Specifications, and SWU Projects and Parks Projects.