

AGENDA
PUBLIC WORKS COMMITTEE

MONDAY, MARCH 18, 2013
ROOM 202
5:00 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 March 4, 2013.
- B-1 Proposed Ordinance to Repeal Subparagraph 1.03 A.27 (of the Code of General Ordinances) Regarding the Legislative Report as an Item for the Common Council Agenda and to Renumber the Subsequent Subparagraphs; to Repeal and Recreate the Second Paragraph of Section 1.056 (of the Code of General Ordinances) which is Entitled "Eligibility for Appointment to City Boards, Commissions, Authorities and Committees"; and to Repeal Section 1.06 P. (of the Code of General Ordinances) Entitled "Legislative Commission". *(deferred at the 3/4/13 meeting)*
- C-1 Proposed Resolution to Rescind Resolution 140-08 Regarding the Creation of the Technology Committee. *(Referred on 3/4/13 Council Agenda) (also referred to Finance Committee, Licensing/Permit Committee deferred for 30 days, Public Safety & Welfare Committee deferred for 30 days)*
- C-2 Review the location and design of a sculpture to be located at 812 56th Street. (Visitor's Bureau) **(District 2)** *(Referred on 3/4/13 Council Agenda) (City Plan Commission approved 6:0)*
- C-3 Resolution – Intent to Assess for Project 13-1024 60th Street Resurfacing (60th Street – 30th Avenue to 39th Avenue and 39th Avenue – 59th Street to 60th Street) for Hazardous Sidewalk and/or Driveway Approach Repair Only. **(Districts 3, 11 & 15)**
- C-4 Resolution to Correct Resolution #16-12. *(also referred to Finance Committee)*
- C-5 Proposed Snow Route Map changes.

INFORMATIONAL:

1. Status of Policy for using of City Equipment for Events
2. 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 CONSTITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE
ANY ACTION AT THIS MEETING.

PUBLIC WORKS COMMITTEE
- MINUTES -

MONDAY, MARCH 4, 2013
5:00 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, March 4, 2013 in Room 202 of the Municipal Building. The following members were present: Chairman Eric Haugaard, Vice Chairman Jan Michalski, Aldermen Steve Bostrom, Scott N. Gordon and G. John Ruffolo. Alderman Patrick Juliana was excused. The meeting was called to order at 5:02 PM. Staff members in attendance were Mike Lemens, Director of Public Works; Shelly Billingsley, Deputy Director of Public Works; Rocky Bednar, Waste Superintendent; John Prijic, Street Superintendent; Jeff Warnock, Park Superintendent; Mayor Bosman, Alderman Bogdala, Alderman Schwartz, Alderman LaMacchia and Alderman Mathewson.

- A-1 Approval of minutes of regular meeting held February 18, 2013.
It was moved by Alderman Michalski, seconded by Alderman Gordon to approve. Motion passed 5-0.
- C-1 Approval of request for use of Place de Douai by Kenosha Common Markets on Saturdays beginning May 18, 2013 through October 19, 2013 for Kenosha Harbor Market. **(District 2)**
A public hearing was held. Ray Forgianni, 8731 45th Avenue, spoke. It was moved by Michalski, seconded by Alderman Gordon to approve. Motion passed 5-0.
- C-2 Approval of request for use of City-Owned Vacant Lot (Harbor Park Parcel A) by Downtown Kiwanis Club on June 21 – 22, 2013 for the Bloomin Bands event. **(District 2)**
*A public hearing was held. Ron Bursek, 5111 24th Place; Ray Forgianni, 8731 45th Avenue; and Alderman Schwartz, 402 65th Street, Alderman of the 2nd District, spoke. It was moved by Alderman Bostrom, seconded by Alderman Ruffolo to approve. Motion passed 5-0.
Alderman Ruffolo thanked Ron Bursek and Ray Forgianni for holding community events in the downtown area.*
- C-3 Proposed Ordinance to Repeal Subparagraph 1.03 A.27 (of the Code of General Ordinances) Regarding the Legislative Report as an Item for the Common Council Agenda and to Renumber the Subsequent Subparagraphs; to Repeal and Recreate the Second Paragraph of Section 1.056 (of the Code of General Ordinances) which is Entitled "Eligibility for Appointment to City Boards, Commissions, Authorities and Committees"; and to Repeal Section 1.06 P. (of the Code of General Ordinances) Entitled "Legislative Commission".
Mayor Bosman gave an explanation of changes to the ordinance. It was moved by Alderman Bostrom, seconded by Alderman Ruffolo to deny. Motion failed 2-3. Alderman Haugaard passed the gavel. It was then moved by Alderman Haugaard to defer. Motion passed 4-1 with Alderman Bostrom voting no.

- C-4 Acceptance of Project 12-1019 Joint, Crack Cleaning and Sealing (Citywide Locations) which has been satisfactorily completed by Behm Pavement Maintenance, Inc (Crystal Lake, Illinois). The final amount of the contract is \$229,242.72. **(All Districts)**
It was moved by Alderman Ruffolo, seconded by Alderman Michalski to approve. Motion passed 5-0.
- C-5 Acceptance of Project 12-1024 60th Street Resurfacing (60th Street - 22nd Avenue to 8th Avenue) which has been satisfactorily completed by Cicchini Asphalt, LLC (Kenosha, Wisconsin). The final amount of the contract is \$997,076.84 (\$776,895.27 resurfacing funds). **(Districts 2 & 3)**
It was moved by Alderman Ruffolo, seconded by Alderman Michalski to approve. Motion passed 5-0.
- C-6 Resolution to Correct Resolution #9-13. *(also referred to Finance Committee)*
It was moved by Alderman Gordon, seconded by Alderman Bostrom to approve. Motion passed 5-0.
- C-7 Resolution – Intent to Assess for Project 13-1208 Sidewalk & Curb/Gutter Program (Citywide Locations) for Hazardous Sidewalk and/or Driveway Approach Repair Only. **(All Districts)**
It was moved by Alderman Gordon, seconded by Alderman Bostrom to approve. Motion passed 5-0.
- C-8 Resolution to approve a two-lot Certified Survey Map for property at 2216 Roosevelt Road. (Kassel) **(District 3)** *(City Plan Commission approved 6:0)*
It was moved by Alderman Gordon, seconded by Alderman Bostrom to approve. Motion passed 5-0.
- C-9 Discussion of Snow Plow Operations.
A public hearing was held.
- David Bogdala, 7101 96th Avenue, Alderman of the 17th District, said the committee should be looking at snow plow operations as a whole right now and there needs to be several corrections to the operation. Ring Road should not be a priority road. The plow map has huge deficiencies when it comes to newer subdivisions. The grid areas of the city are easier to clear than subdivisions. He doesn't feel that the city is taking care of all citizens the same and plowing is not being done equitably. He showed the committee a screen print of the GPS system showing areas that are being completely neglected. He would like a budget review because the committee needs to know where we are at, he was told that budget information is not available.*
- The public hearing was closed.*
- Alderman Bostrom said he appreciates staffs efforts. He looked at the GPS system during the 2/26/13 snow event and only saw two trucks east of Hwy 31. He feels that this issue should be tackled now.*
 - Alderman Ruffolo said he has had issues on the north side of town. He has had to call John Prijic in the past after citizen complaints. He said the plow map has not been updated with newer neighborhoods (20 years or less). During last weeks storm he saw the downtown area was cleared with streets in other areas not touched.*
 - Alderman Michalski said there is a hierarchy to the operation and he takes issue with those saying that everything east of Green Bay Road gets done first.*
- It was then moved by Alderman Michalski, seconded by Alderman Gordon to open the*

public hearing back up. Motion passed 5-0.

- Alderman Bogdala said full residential plow runs after four inches of snow has fallen is a problem. He feels it should be two inches because cars on snow routes get ticketed after two inches has fallen but the street is not plowed. Smaller snow storms can cause hard pack snow on streets that then cannot be navigated. He would like to see the four inch rule change. When smaller snow storms within a few days accumulate four inches a plow run should be done. Make sure the right equipment is in the right place ie cul-de-sac or curve areas should have loaders in those areas.
- Mayor Bosman said safety is job one during plowing operations. The streets are done according to the manual but may not be done to residents expectations. The city is covered equally during plow runs. Since January 1, 2013 the city has had 36 inches of snow fall and we still have November and December to get through. The committee can change the plowing operations but there will be a cost to do so.

The public hearing was closed.

- Alderman Ruffolo said it seems like cars are not being towed like they used to during snow events. He feels the wrong equipment is being used on main roads that should be used in neighborhoods with narrow streets.
- Alderman Haugaard said some routes may have an inequitable balance. He asked John Prijic what can be done now. John said he is willing to do anything the committee would like but with the equipment the city has, it takes 16 hours to plow every street one time. The last plow run took 50 hours straight, the average is 36 hours. John said there is a problem with citizens and contractors blowing snow into the street. The police department cannot do anything about that unless they catch the person in the act. He also said the police department is in charge of towing not plowing staff. He advised the committee that the reason for alternate side parking is with so many stop signs and hills having to be salted, the plows have to be able to get down the street. John also provided the committee with some costs, salt runs cost \$22,000/run and plow runs cost \$92,000/run. Alderman Haugaard then asked staff how to be more effective. Mike Lemens said staff is bringing forward brine making equipment to help with operations. He said there are some limitations depending on snow type and adjustments are made as necessary. He advised the committee that the plow map was looked at last year for some changes but was not completed. He would like to have the committee look at the plow map at the next meeting taking all comments made tonight into account. Alderman Haugaard asked John if we can make some changes to priority routes. John said some can be changed but the downtown area has always been a priority.

It was then moved by Alderman Bostrom, seconded by Alderman Ruffolo to open the public hearing back up. Motion passed 5-0.

- Alderman Haugaard disagreed with John Prijic over comments made regarding snow route 6.

The public hearing was closed.

It was moved by Alderman Michalski, seconded by Alderman Gordon to receive and file. Motion passed 5-0.

INFORMATIONAL: Project Status Report

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 6:40 pm.

ORDINANCE NO. _____

SPONSOR: THE MAYOR

TO REPEAL SUBPARAGRAPH 1.03 A.27 OF THE CODE OF GENERAL ORDINANCES REGARDING THE LEGISLATIVE REPORT AS AN ITEM FOR THE COMMON COUNCIL AGENDA AND TO RENUMBER THE SUBSEQUENT SUBPARAGRAPHS; TO REPEAL AND RECREATE THE SECOND PARAGRAPH OF SECTION 1.056 OF THE CODE OF GENERAL ORDINANCES, WHICH IS ENTITLED "ELIGIBILITY FOR APPOINTMENT TO CITY BOARDS, COMMISSIONS, AUTHORITIES AND COMMITTEES"; AND TO REPEAL SECTION 1.06 P. OF THE CODE OF GENERAL ORDINANCES ENTITLED "LEGISLATIVE COMMISSION"

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

Section One: Subparagraph 1.03 A. 27 of the Code of General ordinances for the City of Kenosha, Wisconsin, is hereby repealed.

Section Two: Subparagraphs 1.03 A. 28 and 29 of the Code of General Ordinances for the City of Kenosha, Wisconsin are hereby renumbered as subparagraphs 1.03 A. 27 and 28.

Section Three: The second paragraph of Section 1.056 of the Code of General Ordinances for the City of Kenosha, Wisconsin is hereby repealed and recreated as follows:

Notwithstanding the above, and except for the City Plan Commission, Board of Police and Fire Commissioners, ~~Legislative Commission~~, Board of Review and the Zoning Board of Appeal, twenty (20%) percent of the full membership of any Board, Commission, Authority or Committee may reside outside the limits of the City, provided they reside within the limits of the County.

Section Four: Subsection 1.06 P. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

ORDINANCE NO. _____

SPONSOR: THE MAYOR

TO REPEAL SUBPARAGRAPH 1.03 A.27 OF THE CODE OF GENERAL ORDINANCES REGARDING THE LEGISLATIVE REPORT AS AN ITEM FOR THE COMMON COUNCIL AGENDA AND TO RENUMBER THE SUBSEQUENT SUBPARAGRAPHS; TO REPEAL AND RECREATE THE SECOND PARAGRAPH OF SECTION 1.056 OF THE CODE OF GENERAL ORDINANCES, WHICH IS ENTITLED “ELIGIBILITY FOR APPOINTMENT TO CITY BOARDS, COMMISSIONS, AUTHORITIES AND COMMITTEES”; AND TO REPEAL SECTION 1.06 P. OF THE CODE OF GENERAL ORDINANCES ENTITLED “LEGISLATIVE COMMISSION”

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

Section One: Subparagraph 1.03 A. 27 of the Code of General ordinances for the City of Kenosha, Wisconsin, is hereby repealed.

Section Two: Subparagraphs 1.03 A. 28 and 29 of the Code of General Ordinances for the City of Kenosha, Wisconsin are hereby renumbered as subparagraphs 1.03 A. 27 and 28.

Section Three: The second paragraph of Section 1.056 of the Code of General Ordinances for the City of Kenosha, Wisconsin is hereby repealed and recreated as follows:

Notwithstanding the above, and except for the City Plan Commission, Board of Police and Fire Commissioners, Board of Review and the Zoning Board of Appeal, twenty (20%) percent of the full membership of any Board, Commission, Authority or Committee may reside outside the limits of the City, provided they reside within the limits of the County.

Section Four: Subsection 1.06 P. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby repealed.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

C-1

RESOLUTION NO. _____

SPONSOR: THE MAYOR

**TO RESCIND RESOLUTION 140-08 REGARDING THE
CREATION OF THE TECHNOLOGY COMMITTEE**

WHEREAS, a Technology Committee was created by Common Council Resolution 140-08 to recommend desirable technology acquisition to the Common Council and/or Administration; and

WHEREAS, through contracts the City currently has in place with regard to providing information technology service to the City, the Common Council and Administration have directly available to them experts in evolving information technology.

NOW, THEREFORE, BE IT RESOLVED that Resolution 140-08 is rescinded and the Technology Committee hereby abolished.

BE IT FURTHER RESOLVED that the City Administration is designated as the custodian of the records of the former Technology Committee.

Adopted this _____ day of _____, 2013.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Date: _____

Drafted By:
EDWARD R. ANTARAMIAN,
City Attorney

<p>City Plan Division 625 52nd Street Kenosha, WI 53140 262.653.4030</p>	<p>Kenosha City Plan Commission</p> <p style="text-align: center;">FACT SHEET</p>	<p>March 7, 2013</p>	<p>Item 4</p>
<p>Review the location of a sculpture to be located at 812 56th Street. (Visitor's Bureau) (District #2) PUBLIC HEARING</p>			

LOCATION/SURROUNDINGS:

Site: 812 56th Street

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Schwartz, has been notified. This item will also be reviewed by the Public Works Committee and the Common Council.

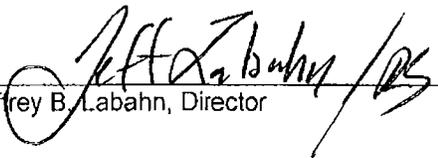
ANALYSIS:

- The proposed sculpture will be located outside the Kenosha Visitor Bureau office at 812 56th Street. It will be placed in the center of the landing between the two (2) sets of stairs to the building entrance on 56th Street.
- Per Chapter 62.23 of the State Statutes, the City Plan Commission is required to review the location of the sculpture. The City Plan Commission would not be reviewing the change in future sculptures.
- The Public Works Committee and Common Council will review the actual sculpture, which is being contracted by the Kenosha Community Foundation and will be changed every two (2) years.

RECOMMENDATION:

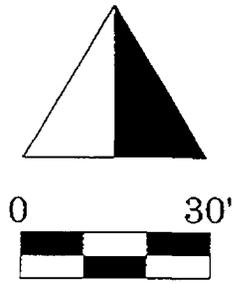
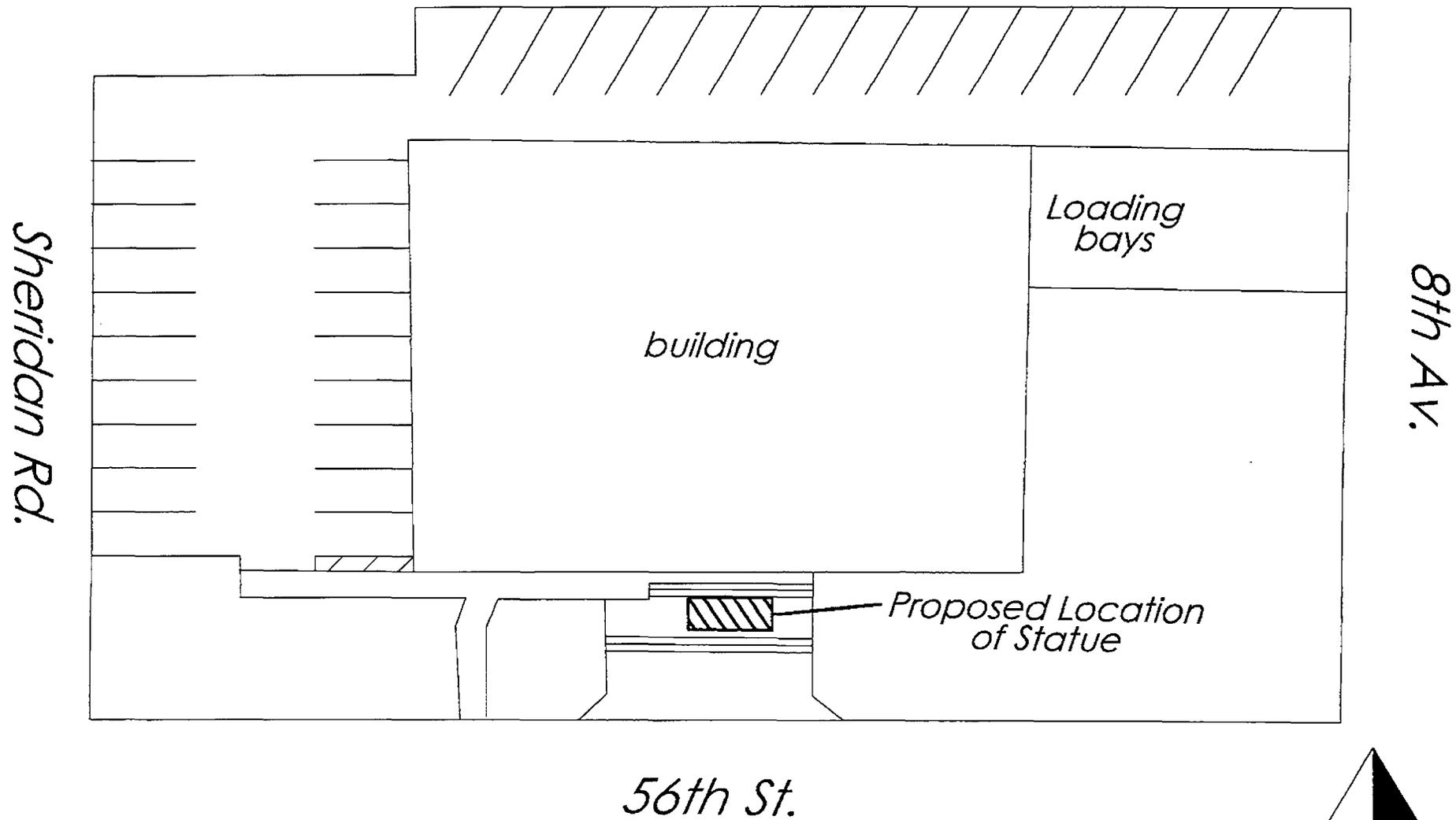
A recommendation is made to approve the sculpture location.

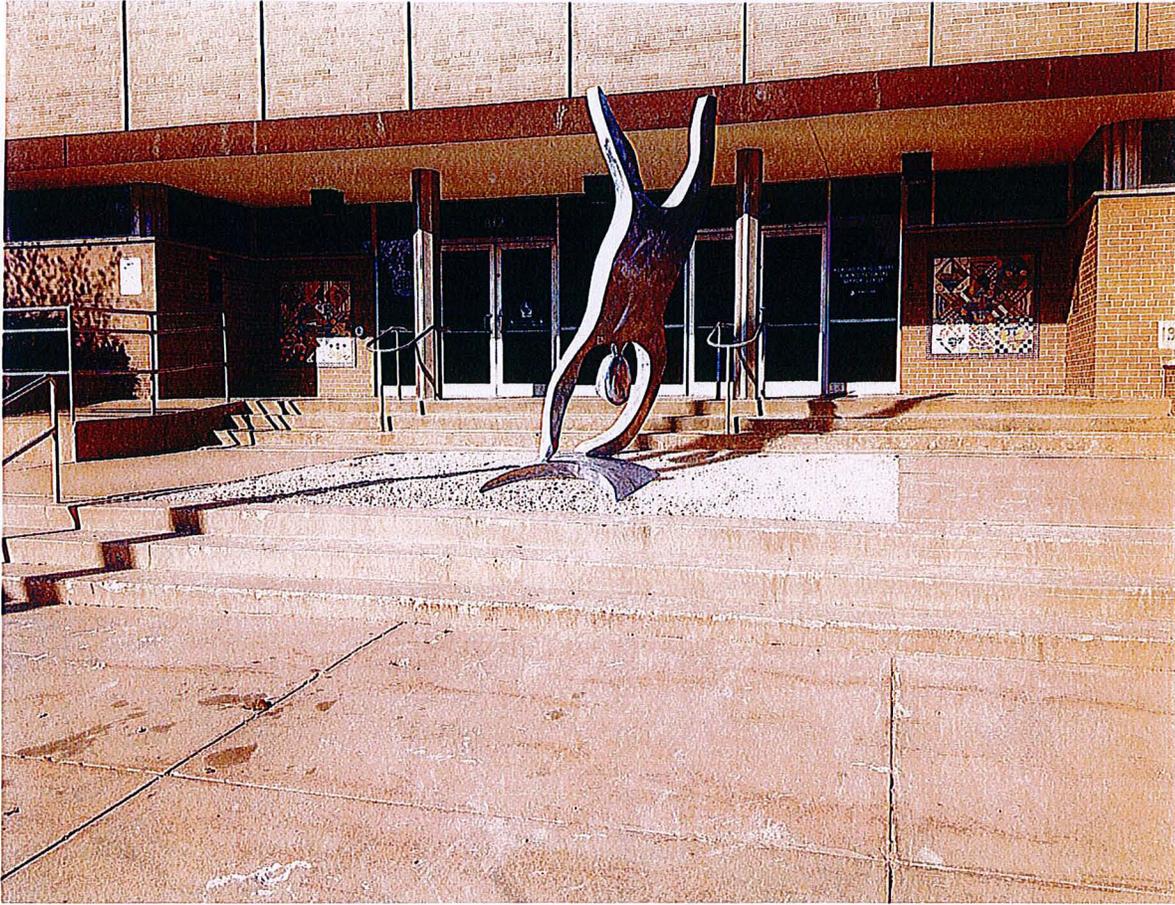

 Rich Schroeder, Deputy Director


 Jeffrey B. Labahn, Director

City of Kenosha

General Location Map







Heels Overhead
84"h x 46"w x 30"d
aluminum
\$11,000



work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts of a master plan. Beginning on January 1, 2010, or, if the city is exempt under s. 66.1001 (3m), the date under s. 66.1001 (3m) (b), if the city engages in any program or action described in s. 66.1001 (3), the master plan shall contain at least all of the elements specified in s. 66.1001 (2). The adoption of the plan or any part, amendment, or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the city plan commission. The resolution shall refer expressly to the elements under s. 66.1001 and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part of the plan by the identifying signature of the secretary of the commission, and a copy of the plan or part of the plan shall be certified to the common council, and also to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. The purpose and effect of the adoption and certifying of the master plan or part of the plan shall be solely to aid the city plan commission and the council in the performance of their duties.

(4) MISCELLANEOUS POWERS OF THE COMMISSION. The commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. It may recommend to the mayor or council, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

(5) MATTERS REFERRED TO CITY PLAN COMMISSION. The council, or other public body or officer of the city having final authority thereon, shall refer to the city plan commission, for its consideration and report before final action is taken by the council, public body or officer, the following matters: The location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the city or within the territory over which the city is given platting jurisdiction by ch. 236; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any ordinance adopted pursuant to this section. Unless such report is made within 30 days, or such longer period as may be stipulated by the common council, the council or other public body or officer, may take final action without it.

(6) OFFICIAL MAP.

(a) As used in this subsection, "waterways" includes rivers, streams, creeks, ditches, drainage channels, watercourses, lakes, bays, ponds, impoundment reservoirs, retention and detention basins, marshes and other surface water areas, regardless of whether the areas are natural or artificial.

(am)

1. In this paragraph:

a. "Airport" means an airport as defined under s. 114.002 (7) which is owned or operated by a county, city, village or town either singly or jointly with one or more counties, cities, villages or towns.

b. "Airport affected area" means the area established by an agreement under s. 66.1009. If a county, city, village or town has not established such an agreement, "airport affected area" in that county, city, village or town means the area located within 3 miles of the boundaries of an airport.

2. If the council of any city which is not located in whole or in part in a county with a population of 500,000 or more has established an official map under par. (b), the map shall show the location of any part of an airport located within the area subject to

RESOLUTION NO. _____

BY: COMMITTEE ON PUBLIC WORKS

**PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS
FOR
HAZARDOUS SIDEWALK AND/OR DRIVEWAY APPROACH**

PROJECT #13-1024 60th STREET RESURFACING

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.

(60th Street - 30th Avenue to 39th Avenue, 39th Avenue - 59th Street to 60th 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 66.0703, 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 18th day of March, 2013.

APPROVED:

MAYOR
KEITH G. BOSMAN

ATTEST:

CITY CLERK/TREASURER
DEBRA L. SALAS

**RESOLUTION NO. _____
BY: FINANCE COMMITTEE**

**RESOLUTION TO CORRECT RESOLUTION #16-12
HAZARDOUS SIDEWALK AND/OR DRIVEWAY APPROACHES**

PROJECT #10-1208 Sidewalk & Curb/Gutter Program

WHEREAS, Resolution #16-12 for Project #10-1208 Sidewalk & Curb/Gutter Program (Citywide Locations) in the amount of \$72,646.43 was passed by the Kenosha Common Council on February 6, 2012,

WHEREAS, it has been determined that a special assessment against Parcel #12-223-31-451-002 in the amount of \$8,931.06 for sidewalk repair was levied in error,

WHEREAS, it has been determined that a special assessment against Parcel #12-223-31-451-002 in the amount of \$2,436.15 for sidewalk repair was levied in error,

NOW, THEREFORE, BE IT RESOLVED, by the Kenosha Common Council that the resolution be changed from \$72,646.43 to \$61,279.22.

Passed this _____ day of March, 2013.

Approved:

Keith G. Bosman, Mayor

Attest:

Debra L. Salas, City Clerk-Treasurer

Zimbra

dsalas@kenosha.org

**Special Assessment Against U.S. Postal Service / Parcel No.
12-223-31-451-002**

From : Jonathan Mulligan <jmulligan@kenosha.org> Thu, Mar 14, 2013 10:15 AM
Subject : Special Assessment Against U.S. Postal Service /
Parcel No. 12-223-31-451-002
To : Debra Salas <dsalas@kenosha.org>
Cc : Ed Antaramian <eantaramian@kenosha.org>

Ms. Salas,

The City levied a sidewalk assessment against the U. S. Postal Service property located at 5605 Sheridan Road more particularly described as Parcel No. 12-223-31-451-002 as part of Project No. 10-1208. The property is exempt from real estate taxation. However, the sidewalk special assessment was levied against the property. The special assessment went unpaid and has now been placed on the tax bill for the parcel.

In a letter dated January 23, 2013, counsel for the Postal Service advised the City that the Postal Service is immune from liability for the payment of special assessments citing various federal cases supporting the Postal Services's position. Based upon my review of those cases and Public Law 91-375, it is my opinion that counsel for the Postal Service is correct. The case law clearly establishes that the property owned by the Postal service is immune from liability for the payment of special assessments including the sidewalk special assessment which is the subject of this inquiry. Accordingly, steps should be taken to remove the special assessment from the property by way of a correcting resolution.

In the event you have any questions regarding this matter, please feel free to contact me.

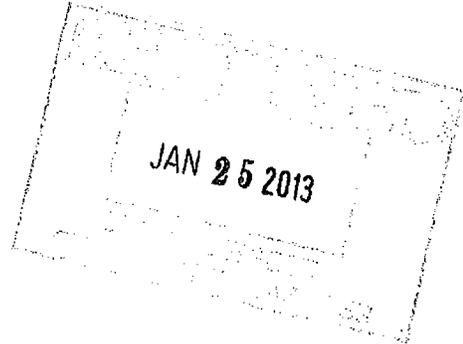
Jonathan A. Mulligan
Assistant City Attorney
City of Kenosha
625 52nd ST., RM 201
Kenosha, WI 53140
Phone: 262-653-4170
Fax: 262-653-4176
Email: jmulligan@kenosha.org



January 23, 2013

Via certified mail, return receipt requested.

City Treasurer
City of Kenosha
625 52nd Street
Kenosha, WI 53140-3480



RE: U.S. Postal Service Owned Property at 5605 Sheridan Road, Kenosha, WI
Parcel No. 12-223-31-451-002

Dear City Treasurer:

This is in response to the Real Estate Property Tax Bill for 2012 related to the above-referenced property, which is owned by the U.S. Postal Service. The bill suggests that while the City recognizes the Postal Service's exemption from Real Estate Property Taxes, the City has failed to recognize that the Postal Service is also exempt from sidewalk assessments. As a result, the City seeks payment of a sidewalk assessment plus interest.

This letter is intended to explain that the City does not have the authority to make such an assessment against the Postal Service. The Postal Service is an independent establishment of the Executive Branch of the federal government and is the owner of the property in question.¹ As a part of the federal government, the Postal Service is not subject to any form of taxation by a state or political subdivision in the absence of express Congressional consent, pursuant to the Supremacy Clause of the U.S. Constitution. See United States v. City of Huntington, 999 F.2d 71 (4th Cir. 1993). In fact, the Postal Service has been found specifically to be immune from sidewalk assessments such as the one the City of Kenosha has attempted to impose. See Mullen Benev. Corp. v. United States, 290 U.S. 89 (1933) (United States is immune from liability for "taxes in the nature of reassessments for sewers and sidewalks"); Federal Reserve Bank v. Metro Center Improvement Dist. #1, 657 F.2d 183 (8th Cir. 1981), aff'd, 455 U.S. 995 (1982)

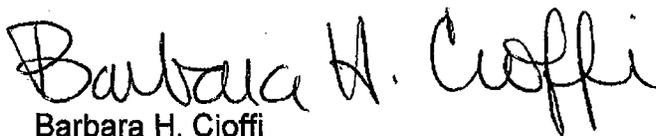
¹ The bill was addressed to "U S of America." Please be advised that this property was conveyed to the U.S. Postal Service by the United States of America by virtue of the provisions of the Postal Reorganization Act, Public Law 91-375, Executive Order No. 11672, dated June 6, 1972, and as specifically noted in the Federal Register, Vol. 36, No. 173, Page 17970, dated September 4, 1971. As such, please update your records to reflect the U.S. Postal Service as the current owner.

(federal immunity from taxation includes immunity from special assessments on real estate owned by a federal instrumentality). Therefore, the sidewalk assessment should not have been levied without the Postal Service's consent.

While the Postal Service desires to be a good neighbor, it should be afforded with advance notice of any sidewalk replacements or repairs in advance of them being made so that the Postal Service can determine whether the work is in fact necessary. Based on the information available to me at this time, the Postal Service was not afforded that opportunity and did not consent to the assessment. As a result, at this time the Postal Service respectfully requests that the assessment be removed from the Real Estate Property Tax Bill for 2012.

If you have any further questions in this regard, please contact me at (314) 345-5822.

Sincerely,

A handwritten signature in black ink that reads "Barbara H. Cioffi". The signature is written in a cursive style with a large, prominent "B" at the beginning.

Barbara H. Cioffi
Attorney

cc: Property File
Postmaster, Kenosha, WI

REAL ESTATE PROPERTY TAX BILL FOR 2012
 Make Check Payable to:
TREASURER
CITY OF KENOSHA
 825-52nd Street, Room 105
 Kenosha, Wisconsin 53140-3480
 262-653-4020

Bill No. 6076
 Parcel No. 12-223-31-451-002
 Property Addr. 05605 SHE RD

FULL PAYMENT DUE BY 01/31/13 \$4,357.43

PLEASE WRITE IN AMOUNT ENCLOSED: \$ _____

U S OF AMERICA
 5605 SHERIDAN RD
 KENOSHA, WI 53140-4063

DETACH AND RETURN WITH PAYMENT

STATE OF WISCONSIN
REAL ESTATE PROPERTY TAX BILL FOR 2012
 City of Kenosha, Kenosha County
 825-52nd Street Kenosha, Wisconsin 53140-3480

Bill No. 6076
 Parcel No. 12-223-31-451-002
 IMPORTANT: Correspondence should refer to parcel number
 See reverse side for important information

U S OF AMERICA
 5605 SHE RD

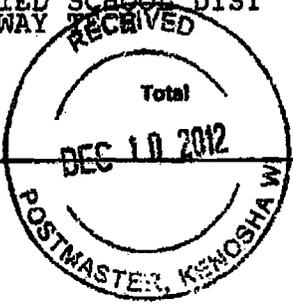
Assessed Value Land	Ass'd Value Improvements	Total Assessed Value	Avg. Assmt. Ratio	Net Assessed Value Rate (Does NOT reflect Credits)
0	0	0	0.9501572	0.02912417
Est. Fair Mkt. Land	Est. Fair Mkt. Improvements	Total Est. Fair Mkt.	<input type="checkbox"/> A Star in This Box Means Unpaid Prior Year Taxes	School taxes reduced by school levy tax credit
0	0	0		0.00

Taxing Jurisdiction	2011		2012		2011 Net Tax	2012 Net Tax	% Tax Change
	Est. State Aids Allocated Tax Dist.		Est. State Aids Allocated Tax Dist.				
STATE OF WIS							
KENOSHA COUNTY	2,281,995		2,396,581				
CITY OF KENOSHA	16,228,969		16,541,915				
UNIFIED SCHOOL DIST	98,215,038		101,394,624				
GATEWAY	854,540		853,619				
Total			121,186,739				
			First Dollar Credit Lottery and Gaming Credit Net Property Tax		N/A		N/A

Full Payment Due On or Before January 31 2013	Net Property Tax	0.00
4,357.43	SIDEWALKS INTEREST	568.36
		3,789.07

Or pay the following installments:
FULL PAYMENT DUE BY 01/31/13 \$4,357.43

WARNING FOR FULL PAYMENT
PAY BY JANUARY 31 2013
 4,357.43
 Warning: If not paid by due dates, installment option is lost and total tax is delinquent subject to interest and penalty.
 (See reverse)



IMPORTANT: BE SURE THAT THIS DESCRIPTION COVERS YOUR PROPERTY. NOTE THAT THIS DESCRIPTION IS FOR TAX BILL ONLY AND MAY NOT BE A FULL LEGAL DESCRIPTION

ENDING PT OF B 33 SE 1/4 SEC 31
 2 R 23 COM AT SE COR OF B33

SAC13PAY

16 FEB 13 12:10 CDEBS

SPECIAL ASSESSMENTS

NAME: U.S. OF AMERICA OLD PARCEL
 ADDRESS: 5605 SHE RD 00-000-00-000-000-0
 PROJECT NO. 10-128 TYPE 07 S.A. TYPE: SIDEWALK
 BREAK 0 ORDER # 000 STREET SHERD PARCEL NO. 12-223-31-451-002-0

RESOLUTION NUMBER	FILE TYPE	ORIGINAL YEARS	REMAINING YEARS	ANNUAL INTEREST RATE	EFFECTIVE BILLING DATE
061-11	A	03	01	07.5	07/01/11

MONTHLY INT CHARGED	ORIGINAL ASMT DUE	JAN 1 BALANCE DUE	ACCRUED INTEREST	TO BE APPLIED TO TAX ROLL
18.61	\$8,931.06	\$2,977.02	\$0.00	\$2,977.02

CURRENT BALANCE DUE	\$2,977.02	CURRENT INTEREST	\$37.22
---------------------	------------	------------------	---------

DATE PAID	PRINCIPAL PAID	INTEREST PAID	JC	RECEIPT NO
00/00/00	0.00	0.00		00000

MSG-WAIT/MENU

XMIT/NEXT RECORD

F3/GEN INFO

F4/PAY INFO

F5/PAY HIST

F6/LEGAL

(0)

SACLSPI

16 FEB 13 12:11 CDBS
PAYMENT HISTORY

SPECIAL ASSESSMENTS

NAME: U.S. OF AMERICA
 ADDRESS: 5605 SHE RD
 PROJECT NO. 10-128 TYPE CODE 07 S.A. TYPE: SIDEWALK
 ORDER # 0000 STREET SHED PARCEL NO. 12-223-31-451-002-0 000

DATE PAID	PRINCIPAL	INTEREST	DATE PAID	PRINCIPAL	INTEREST
13/00/11	\$2,977.02	\$334.92	13/00/12	\$2,977.02	\$446.55
00/00/00	\$0.00	\$0.00	00/00/00	\$0.00	\$0.00
00/00/00	\$0.00	\$0.00	00/00/00	\$0.00	\$0.00
00/00/00	\$0.00	\$0.00	00/00/00	\$0.00	\$0.00
00/00/00	\$0.00	\$0.00	00/00/00	\$0.00	\$0.00

TOTAL PRINCIPAL PAID \$5,954.04 TOTAL INTEREST PAID \$781.47

MSG-WAIT/MENU

XMIT/NEXT RECORD

F3/GEN INFO

F4/PAY INFO

F5/PAY HISTORY

F6/LEGAL

(0)

SA0L3PAY

16 FEB 13 12:31 CDERS

SPECIAL ASSESSMENTS

NAME: U.S. OF AMERICA
 ADDRESS: 5605 SHE RD
 PROJECT NO. 10-128 TYPE 07 S.A. TYPE: SIDEWALK
 BREAK 0 ORDER # 000 STREET SHERD PARCEL NO. 12-223-31-451-002-0
 OLD PARCEL 00-000-00-000-000-0

RESOLUTION NUMBER	FILE TYPE	ORIGINAL YEARS	REMAINING YEARS	ANNUAL INTEREST RATE	EFFEKTIVE BILLING DATE
061-11	A	03	01	07.5	07/01/11

MONTHLY INT CHARGED	ORIGINAL ASMT DUE	JAN 1 BALANCE DUE	ACCRUED INTEREST	TO BE APPLIED TO TAX ROLL
5.08	\$2,436.15	\$812.05	\$0.00	\$812.05

CURRENT BALANCE DUE	CURRENT INTEREST
\$812.05	\$10.16

DATE PAID	PRINCIPAL PAID	INTEREST PAID	JE	RECEIPT NO
00/00/00	0.00	0.00		00000

MSG-WAIT/MENU

XMIT/NEXT RECORD

F3/GEN INFO	F4/PAY INFO	F5/PAY JUST	F6/LEGAL	(0)
-------------	-------------	-------------	----------	-----

SAC03PH

SPECIAL ASSESSMENTS

16 FEB 13 12:11 COORS
PAYMENT HISTORY

NAME: U S OF AMERICA
 ADDRESS: 5605 SIE RD
 PROJECT NO. 10-128 TYPE CODE 07 S.A. TYPE: SIDEWALK
 ORDER # 0000 STREET SHERD PARCEL NO. 12-223-31-451-002-0 001

DATE PAID	PRINCIPAL	INTEREST	DATE PAID	PRINCIPAL	INTEREST
13/00/11	\$812.05	\$91.38	13/00/12	\$812.05	\$121.81
00/00/00	\$0.00	\$0.00	00/00/00	\$0.00	\$0.00
00/00/00	\$0.00	\$0.00	00/00/00	\$0.00	\$0.00
00/00/00	\$0.00	\$0.00	00/00/00	\$0.00	\$0.00
00/00/00	\$0.00	\$0.00	00/00/00	\$0.00	\$0.00

TOTAL PRINCIPAL PAID \$1,624.10 TOTAL INTEREST PAID \$213.19

MSG-WAIT/MENU

XMIT/NEXT RECORD

F3/GEN INFO

F4/PAY INFO

F5/PAY HISTORY

F6/LEGAL

(0)

C-5



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

MUNICIPAL BUILDING · 625 - 52ND ST · RM 305 · KENOSHA, WI 53140
TELEPHONE (262) 653-4050 · FAX (262) 653-4056
EMAIL PUBLICWORKS@KENOSHA.ORG

March 14, 2013

To: Eric Haugaard, Chairman
Public Works Committee
From: Michael M. Lemens, P.E.
Director of Public Works
Subject: *Review of Staff Recommended Snow Plow Route Map Changes*

[Handwritten signature]
3-15-13

BACKGROUND/ANALYSIS

At its regular meeting of March 4, 2013, the Public Works Committee heard complaints from a council member regarding the City snow plowing policy and overall route map design. Public Works staff had actually begun the process of reviewing the snow plow route maps for possible revisions last year, but never presented it to the Committee. Taking into consideration comments from committee members, staff revisited the issue and developed suggestions for changes to the map that we believe will result in the efficiencies desired by the Council.

The list of proposed changes is attached. A map illustrating the proposed changes will be presented at the meeting.

RECOMMENDATION

Receive and file

mml



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

MUNICIPAL BUILDING · 625 - 52ND ST · RM 305 · KENOSHA, WI 53140
TELEPHONE (262) 653-4050 · FAX (262) 653-4056
EMAIL PUBLICWORKS@KENOSHA.ORG

March 13, 2013

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

FROM: John Prijic, JHP
Superintendent of Streets

SUBJECT: Recommended Elimination/Addition of Salt Routes and Map Changes

The snow route supervisors and I have reviewed the snow maps for the purpose of eliminating or adding salt routes and are recommending changes as noted below. Some streets have been added or deleted based on whether or not they are bus routes. Some of these streets might not need to be salted because there are other parallel arterial streets only a few blocks away. Other streets (primarily in the downtown and HarborPark area) can be removed as salt routes because they are residential or are surrounded by other salt routes. Some cul-de-sacs or dead-ends, designated for salt, have low traffic volume and probably could be removed from the salting list.

A.) We recommend the following salt routes be eliminated:

Route 1

- 24th Street from Sheridan Road to 30th Avenue (green)

Route 2

- 13th Court from 43rd Street to Washington Road (green)
- 18th Avenue from 43rd Street to 41st Place (green)
- 41st Place North of 43rd Street (green)

Route 4

- 13th Court from 43rd Street to 45th Street (green)

Route 5

- 64th Street from 26th Avenue to 25th Avenue (school closed – green)
- 25th Avenue from 64th Street to Roosevelt Road (school closed - green)

Route 6

- 77th Avenue North of 75th Street (green)
- 54th Avenue North of 67th Street to 60th Street (green)

Route 8

- 14th Avenue from 75th Street to 80th Street (green)
- 3rd Avenue from 60th Street to 78th Street (green)
- Ring Road from 1st Avenue to 1st Avenue (red)
- 2nd Avenue from 54th Street to 56th Street (red)
- 3rd Avenue from 54th Street to 56th Street (red)
- 4th Avenue from 54th Street to 56th Street (red)

- 7th Avenue from 51st Street to 52nd Street (red)
- 51st Place from 6th Avenue to 7th Avenue (red)
- 5th Avenue from 54th Street to 61st Street (red)
- 57th Street from 5th Avenue to 3rd Avenue (green)
- 59th Street from Sheridan Road to 4th Avenue (red)
- 59th Place from 7th Avenue to 8th Avenue (red)
- 8th Avenue from 65th Street to 66th Street (green)
- 66th Street from Sheridan Road to 7th Avenue (green)

Route 9

- 67th Street from 34th Avenue to 38th Avenue (green)
- 68th Street from 39th Avenue to 38th Avenue (green)
- 38th Avenue from 67th Street to 68th Street (green)

Route 10

- 26th Avenue from 80th Street to 85th Street (no longer bus route - green)

B.) We recommend that the following streets be added as designated salt routes:

Route 3

- 50th Street from 40th Avenue to 38th Avenue (bus route - green)

Route 4

- 57th Street from 22nd Avenue to Sheridan Road (bus route – green)

Route 7

- Martin Luther King Jr. Drive between 22nd Avenue and 18th Avenue (based on usage and access to schools - green)

Route 8

- 1st Avenue from 54th Street to 56th Street (green)

Route 9

- 80th Street from 60th Avenue to 5500 Block (red)

C.) We recommend that the following streets be changed from primary (red) salt routes to secondary (green) salt routes.

Route 8

- 54th Street from Sheridan Road to 1st Avenue
- 55th Street from Sheridan Road to 5th Avenue
- 56th Street from Sheridan Road to 1st Avenue
- 57th Street from Sheridan Road to 5th Avenue
- 58th Street from Sheridan Road to 3rd Avenue
- 6th Avenue A from 58th Street to 59th Place
- 60th Street from 7th Avenue to 3rd Avenue
- 8th Avenue from 52nd Street to 60th Street
- 7th Avenue from 54th Street to 59th Place
- 3rd Avenue from 56th Street to 57th Street
- 62nd Street from Sheridan Road to 8th Avenue

D.) We recommend that Route Section 3B be combined into Route Section 5B to better balance out the routes.

E.) We also recommend that the remainder of Route 3 be split into A, B, C and D sections.



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

MUNICIPAL BUILDING · 625 - 52ND ST · RM 305 · KENOSHA, WI 53140
TELEPHONE (262) 653-4050 · FAX (262) 653-4056
EMAIL PUBLICWORKS@KENOSHA.ORG

March 15, 2013

To: Eric Haugaard, Chairman
Public Works Committee

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

Subject: * * * **INFORMATION ONLY** – *Status of Policy for using City Equipment for Events* * * *

BACKGROUND/ANALYSIS

At its regular meeting of March 4, 2013, it was reported to the Public Works Committee that key city staffs from various departments were working with Administration on a comprehensive policy to deal with the use of city property and equipment for various events. Due to the extensive nature of this project, and the involvement of key personnel from multiple city departments, the policy is not ready to report out to committee(s).

RECOMMENDATION

Information only – no report at this time.

March 15, 2013

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

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



SUBJECT: Project Status Report

- Project #08-1443 – Bike Path Extensions** – Project design is nearly complete. City is waiting for WisDOT approval. (16)
- Project #09-1413 – Washington Park Velodrome Facility** – [Rasch] Railing will be installed this spring. (6)
- Project #11-1416 Petzke Park Mass Grading** – [BCF Construction] Final punchlist items. (1)
- Project #09-1121 Forest Park Evaluation** – Staff is in the final phases of finalizing the report. Final comments are being drafted and will be submitted to Strand in May. (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] Future maintenance will be completed in spring. (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 Pennoyer Beach Outfall Stormwater Infiltration Basin (GLRI Grant)** – Punchlist Items remain.(1 and 6)
- Project #12-1015 Lincoln Road Resurfacing** – Punchlist items remain. (13)
- Project #11-2013 Harbor and Marina Dredging** – [Ruekert Mielke] Seeding Restoration will be evaluated in Spring (2).
- Project #12-1420 Shagbark Trail Development** – [SAA] Design works has been started by SAA as outlined in the Stewardship Grant. Construction is scheduled for Spring. (10)
- Project #12-2032 Underground Storage Tank Area Interim Action at KEP** – [Veit] Closeout Paperwork is being completed by contractor. (7)
- Project #12-1414 Anderson Pool Splashpad** – [Sherrer] Startup is scheduled for May. (9)
- Project #12-1013 CDBG Resurfacing** – [Cicchini]. Punchlist items remain. (2, 3, 8, 12)
- Project #12-1014 Concrete Street Repairs** – [Zignego]. Punchlist items remain. (City Wide)
- Project #12-1027 Epoxy Pavement Markings** [Century Fence] Work on hold until weather is adequate for continuing.(City Wide)
- Project #12-1423/12-1427 Sunrise Park Trail and Phase I Development-** [BCF] Punchlist Items Remaining. (5)
- Project #12-1428 Anderson Pool Equipment Room Re-piping** –[Lee Plumbing] Contractor is nearing completion. (9)
- Project #12-1430 Alford Park Warehouse Demolition** – [Earth Construction] Constructor will continue when weather allows. (1)
- Design Work** – Staff is working the following projects: Miscellaneous Bike Path projects, GIS Survey City Wide, 122nd Ave from 71st Street to 75th Street, Sump Pump Priorities, SWPPP Updates, Website Design, GPS Data Forms, Storm Sewer Investigation for Roadway Projects, Permit Compliance, SWU Reporting, Pollution Prevention Structures, Stormwater Management Facility Inspections, Miscellaneous Storm Sewer projects for contractor and SWU crews, Southport Shoreline Repair, Parks Master Design Contract, Southport Park Master Plan, Strawberry Creek Trail and Shelter Grant, Simmons Island Park Boardwalk Grant, Shagbark Basin Trail Grant, Strawberry Creek Mass Grading and Museum Fountain.