

AGENDA
PUBLIC SAFETY & WELFARE COMMITTEE MEETING
Kenosha Municipal Building - Room 204
Monday, April 8, 2013 - 5:00 pm

Chairman:	Rocco J. LaMacchia, Sr	Vice Chairman:	Chris Schwartz
Aldersperson:	Anthony Kennedy	Aldersperson:	Michael J. Orth
Aldersperson:	Kevin E. Mathewson		

Call to Order
Roll Call

Approval of the minutes of the meeting held on March 25, 2013.

1. Aldermanic request for the removal of “2-Hour Parking 6:00am-7:00pm Daily” signs from the west side of 18th Ave between 61st St & 63rd St. *(District 3) (Staff recommends 90-day Trial)*
2. Proposed Ordinance by the Mayor - To Amend Section 1.03 *(of the City of Kenosha Code of General Ordinances)* Entitled “Order of Business” to Articulate Responsibility for the Creation of the Common Council Agenda and Provide Procedures Therefor. *(Referred from Council on 3/18/13) (Deferred from the 3/25/13 meeting) (Finance and Public Works-DEFERRED, Licensing/Permit-Ayes 4:Noes 1)*
3. Proposed Ordinance by Aldersperson Bostrom – To Amend Subsection 1.03 A. *(of the City of Kenosha Code of General Ordinances)* entitled “Order of Business” to Provide that Items Proposed by Alderspersons be Placed on the Common Council Agenda. *(Referred from Council on 3/18/13) (Deferred from the 3/25/13 meeting) (Finance and Public Works DEFERRED, Licensing/Permit-DENY-Ayes 4:Noes 1)*
4. Proposed Resolution By the Mayor – To Rescind Resolution 140-08 Regarding the Creation of the Technology Committee. *(Referral on the 3/4/12 Common Council) (Deferred from the 3/11/13 meeting) (Finance, Public Works and Licensing/Permit – DEFERRED for 30 days)*

CITIZEN COMMENTS/ALDERMEN COMMENTS/OTHER BUSINESS AS AUTHORIZED BY LAW

IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 653-4050 BEFORE 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 SAFETY & WELFARE COMMITTEE
Minutes of Meeting held Monday, March 25, 2013

A meeting of the Public Safety & Welfare Committee was held on Monday, March 25, 2013 in Room 204 of the Kenosha Municipal Building. The meeting was called to order at 5:33 pm by Chairman LaMacchia.

At roll call, the following members were present: Alderpersons Schwartz, Kennedy, and Mathewson. Alderperson Orth was excused. Staff members in attendance were Shelly Billingsley, Deputy Director of Public Works/City Engineer; Mayor Keith Bosman and Alderperson Steve Bostrom.

It was moved by Alderperson Mathewson, seconded by Alderperson Schwartz, to approve the minutes from the meeting held on Monday, March 11, 2013. Motion carried unanimously.

C-1. Proposed Ordinance by the Mayor - To Amend Section 1.03 (of the City of Kenosha Code of General Ordinances) Entitled "Order of Business" to Articulate Responsibility for the Creation of the Common Council Agenda and Provide Procedures Therefor. (Referred from Council on 3/18/13) (Also referred to Finance, Public Works, and Licensing/Permit)

Staff/Alderperson: Mayor Keith Bosman and Alderperson Steve Bostrom spoke.

At 5:43pm, it was moved by Alderperson Kennedy, seconded by Alderperson Schwartz, to take a 5 minute recess. Motion carried unanimously. At 5:48pm, it was then moved by Alderperson Mathewson, seconded by Alderperson Schwartz to reconvene. After further discussion, it was then moved by Alderperson Kennedy, seconded by Alderperson Schwartz to defer for 2 weeks. Motion carried 3-1 (with Alderperson Mathewson voting nay).

C-2 Proposed Ordinance by Alderperson Bostrom – To Amend Subsection 1.03 A. (of the City of Kenosha Code of General Ordinances) entitled "Order of Business" to Provide that Items Proposed by Alderpersons be Placed on the Common Council Agenda (Referred from Council on 3/18/13) (Also referred to Finance, Public Works, and Licensing/Permit)

It was moved by Alderperson Kennedy, seconded by Alderperson Schwartz, to defer for 2 weeks. Motion carried unanimously.

CITIZEN COMMENTS: George Clark commented on the process & backup of Agendas for the Alderpersons along with the issues as discussed. He doesn't think it's enough time to get the appropriate knowledge & input from the constituents.

ALDERMAN COMMENTS: Alderperson Bostrom commented on the deferral items and would like the Committee to take consideration of them. Alderperson Kennedy commented on Mr. Clarks' comments.

ADJOURNMENT - There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 6:06 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

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

Date: April 5, 2013

To: Rocco J. LaMacchia, Sr, Chairman
Public Safety and Welfare

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

CC: Jan Michalski
District 3

Subject: *Aldermanic Request for the Removal of "2-Hour Parking 6:00 AM – 7:00 PM Daily" signs from the West Side of 18th Avenue Between 61st Street and 63rd Street. (District 3).*

BACKGROUND INFORMATION

Alderman of the third district, Jan Michalski, is requesting on behalf of his constituents, for the removal of the "2-Hour Parking 6:00 AM to 7:00 PM Daily" restriction on the west side of 18th Avenue from 61st Street to 63rd Street.

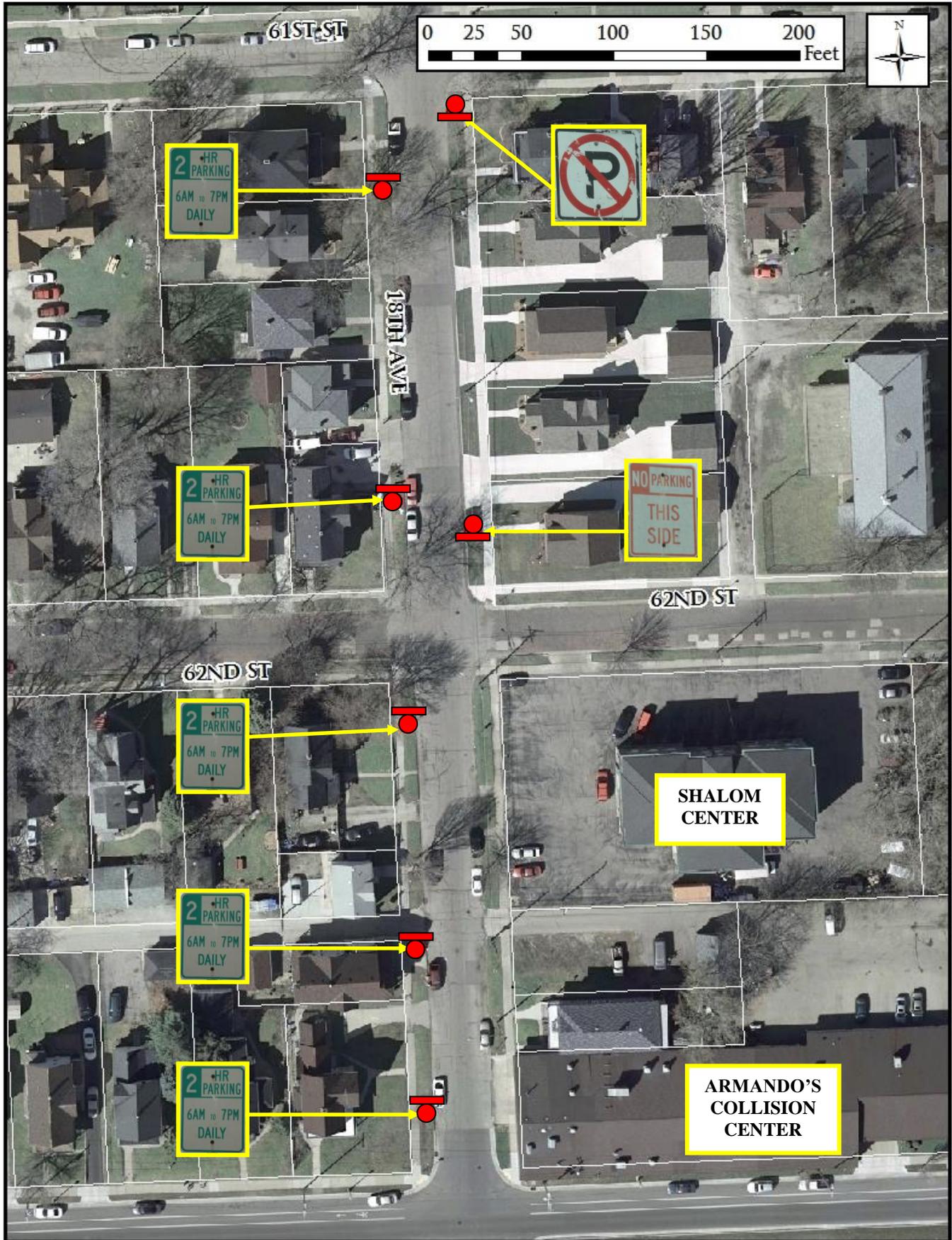
Staff could not find in the City's records, when or why the parking restrictions on this segment of 18th Avenue were installed. Staff does not have any evidence to support resident's suggestion that the parking restriction was installed to prevent employees from American Brass Company from parking on residential streets. The American Brass Company used to be located just south of the said street.

This segment of 18th Avenue is 32 feet wide and fully developed with curb and gutter. Parking is prohibited on the east side and restricted for two hours daily on the west side of the street. A sketch illustrating the layout of the existing signage is attached. There are no businesses in the area that could potentially create parking concerns in this neighborhood. There are no traffic safety advantages for restricting parking at this location. Removing the 2-hour parking restriction will ease parking challenges on 18th Avenue between 61st Street and 63rd Street.

RECOMMENDATION

Staff recommends a 90-day trial for the removal of the "2-Hour Parking 6:00 AM – 7:00 PM Daily" signs on the west side of 18th Avenue between 61st Street and 63rd Street.

**18TH AVENUE: 61ST STREET TO 63RD STREET
2 HOUR PARKING 6 AM TO 7 PM DAILY SIGNAGE LAYOUT**



ORDINANCE NO. _____

SPONSOR: THE MAYOR

**TO AMEND SECTION 1.03 OF THE CITY OF KENOSHA
CODE OF GENERAL ORDINANCES ENTITLED “ORDER
OF BUSINESS” TO ARTICULATE RESPONSIBILITY FOR
THE CREATION OF THE COMMON COUNCIL AGENDA
AND PROVIDE PROCEDURES THEREFOR**

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

Section One: Subsection 1.03 A. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended to remove the following sentence: “Except with permission of the Mayor, no item shall be placed on the Common Council Agenda which has not been filed with the City Clerk by 9:30 A.M. on the Thursday immediately preceding a Common Council meeting.”

Section Two: Subsections 1.03 B., C., D., and E. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby re-lettered as Subsections 1.03 C., D., E., and F., respectively.

Section Three: Subsection 1.03 B. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

1.03 B. Agenda Creation

1. The Mayor is responsible for the creation of the Common Council agenda. The Mayor may delegate ministerial acts associated therewith to the City Clerk.
2. Subject to exceptions in paragraph B.3., no item may be placed on the Common Council agenda without the approval of the Mayor.
3. Subject to compliance with applicable law, including, but not limited to the Wisconsin Open Meetings Law, the following will be placed on the next available Common Council regular meeting agenda:
 - a. the report of a committee, commission, board, or authority when the report is on an item that was referred solely to that committee, commission, board, or authority by the Common Council;
 - b. the reports of the committees, commissions, boards, and/or authorities to which an item was referred by the Common Council after the last reporting committee, commission, board, or authority has made its recommendation to the Common Council;
 - c. consideration for action of an item referred by the Common Council to one or more

committees, commissions, boards, and/or authorities for which full reports have not been made but for which the time for reporting provided in subparagraph 1.03 D.5.b. has expired;

d. the report of a committee, commission, board, or authority of an item under its jurisdiction, the consideration of which was initiated in the committee, commission, board, or authority;

e. the agenda items proposed by at least seven alderpersons calling for a special meeting pursuant to Subsection 1.02 C; and

f. an oral referral shall be made by the presiding officer to the appropriate committee, commission, board, or authority or combination thereof if prior to the completion of the referral item on the agenda pursuant to paragraph 1.03 A.11, an alderperson provides to the presiding officer in writing an item for referral.

4. The Mayor will cause the description of items placed on the Common Council agenda pursuant subparagraphs 3. a., b., c., or d. to be worded to allow the Common Council to take final action.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

In cities operating under the council-manager form of government, a majority of the members of the council constitute a quorum. Sec. 64.29(3). The manager does not have a vote and is not counted for quorum purposes.

Villages

In villages, the trustees of each village constitute a village board. Sec. 61.32. The village president is a trustee by virtue of the office and has a vote. Sec. 61.24. A majority of the members-elect constitute a quorum. Sec. 61.32, Stats. In villages with a village manager, a quorum is still a majority of the trustees. Sec. 64.15.

Vacancies

Does a vacancy reduce the number of members needed for a quorum? Arguably, yes. A vacant office is not a "member or "member-elect." However, this question has not been addressed by the Wisconsin courts or by attorney general opinions and, therefore, cannot be answered with certainty. The majority view in those jurisdictions that have answered the question is that where vacancies occur, the whole number entitled to membership must be counted and not merely the remaining members. 4 McQuillin, LAW OF MUNICIPAL CORPORATIONS, sec. 13.36 (3d ed.). An argument favoring this interpretation is that where the legislature has specified the size of the body and a method for filling vacancies, refusing to reduce quorum requirements due to vacancies encourages governing bodies to act to fill vacancies in the manner prescribed.

The counter-argument, which favors interpreting the calculation of the quorum based on the current membership rather than the entire authorized membership, is that although the legislature contemplated full membership, vacancies can occur for a variety

of reasons. Finding someone qualified and willing to fill the vacancy can be difficult. Therefore, a municipality may try but be unable to fill a vacancy and any construction which has the potential of immobilizing government should be avoided.

Adopting a definition of "member" or "member-elect" similar to the definition of member-elect in Wis. Stat. sec. 59.001 which excludes those whose service has terminated by death, resignation or removal from office might help eliminate uncertainty.

2. Who controls the agenda of a governing body meeting?

Although agendas are not required by any state law, many governmental bodies, by custom or rule, use them. They are commonly published to satisfy the meeting notice requirements of the Wisconsin Open Meetings Law. They also serve important practical purposes by providing a structure that facilitates efficient and effective use of meeting time and curtails unproductive distractions by individual members of an assembly.

State law does not specifically vest agenda control in city councils and village boards. However, city councils and village boards are generally empowered to establish their meeting rules. See Wis. Stat. secs. 62.11(3)(e) and 61.34(1). This meeting rule authority includes the power to develop and enact agenda rules.

Outside of limited authority as presiding officers to deny a proposed agenda item for noncompliance with an Open Meetings Law requirement (e.g., timing), mayors and village presidents are not vested with any agenda control power by any state law or even *Roberts Rules of Order Revised* (10th ed.). See Governing Bodies 391. Accordingly, mayors and village presidents do

not have general subject matter control over city council or village board agendas or unilateral authority to make agenda rules.

Because agendas are not required by any state law, city councils and village boards are not required to exercise their agenda control authority and make any agenda rules. However, if they choose to exercise their agenda control authority and create agenda rules, the rules must comply with all other applicable law including legal principles that prohibit delegation of legislative power, which would prohibit agenda rules that give mayors or village presidents subject matter control over city council or village board agendas. See Governing Bodies 391.

3. Can a member of a governmental body running for an office or position of the body vote for himself or herself?

Probably yes. *Roberts Rules of Order Newly Revised* states in regard to a member voting for himself or herself:

The rule on abstaining from voting on a question of direct personal interest does not mean that a member should not vote for himself for an office or other position to which members generally are eligible, or should not vote when other members are included with him in a motion.

Roberts Rules of Order Newly Revised (10th ed.), p. 394, lines 27-32. Thus, a member of a governmental body which follows *Roberts Rules of Order* and which has not modified this provision of the rules is entitled to vote for himself or herself for an office or other position of the body.

ORDINANCE NO. _____

DRAFT 03/18/13

SPONSOR: ALDERPERSON STEVE G. BOSTROM

TO AMEND SUBSECTION 1.03 A. OF THE CITY OF KENOSHA CODE OF GENERAL ORDINANCES ENTITLED “ORDER OF BUSINESS” TO PROVIDE THAT ITEMS PROPOSED BY ALDERPERSONS BE PLACED ON THE COMMON COUNCIL AGENDA

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

Section One: Subsection 1.03 A. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended to include after the sentence, “ Except with permission of the Mayor, no item shall be placed on the Common Council Agenda which has not been filed with the City Clerk by 9:30 A.M. on the Thursday immediately preceding a Common Council meeting”, the following:

Any item filed by an alderperson with the City Clerk before 9:30A.M. on the Thursday immediately preceding a Common Council meeting will be placed on the Common Council agenda for that meeting. Unless otherwise noted, it shall be assumed that the item be subject to substantive action by the Common Council at that meeting, and the Mayor shall consult with the alderperson in a timely fashion to cause the item to be styled on the agenda in a manner to allow for such action by the Common Council. Notwithstanding the foregoing the placing of the item on the agenda shall comply with and be subject to applicable law including, but not limited to, the Wisconsin Open Meetings Law. Under no circumstance shall the Mayor be allowed to remove or defer an item legally placed on the Common Council agenda without the written consent of the Principal Sponsor of such item. In the event the Mayor violates this provision, the Mayor shall be subject to action and penalties commended under applicable law including, but not limited to, Chapter XXX of the General Code of Ordinances for the City of Kenosha.

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

ORDINANCE NO. _____

SPONSOR: ALDERPERSON STEVE G. BOSTROM

**TO AMEND SUBSECTION 1.03 A. OF THE CITY
OF KENOSHA CODE OF GENERAL ORDINANCES
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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