

**AGENDA
PUBLIC WORKS
COMMITTEE**

**MONDAY, APRIL 13, 2009
ROOM 204
5:00 P.M.**

**G. John Ruffolo, Chairman
Donald K. Holland
Patrick Juliana**

**Ray Misner
Don L. Moldenhauer
Anthony Nudo**

A. APPROVAL OF MINUTES

A-1 Approval of minutes of regular meeting held on March 30, 2009.

B. DEFERRED TO COMMITTEE

B-1 Resolution to approve a two-lot Certified Survey Map for property located at 12304 75th Street. (Brat Stop, Inc.) (District 17) (City Plan Commission approved 7:0) (deferred from March 30, 2009 meeting)

C. REFERRED TO COMMITTEE

C-1 Proposed Ordinance to Create Chapter XXXVII Entitled "Illicit Stormwater Discharges and Connections". (also referred to Stormwater Utility Committee)

C-2 Change Order #1 for Project #08-1208 Sidewalk & Curb/Gutter Program. (All Districts) (also referred to Finance Committee)

C-3 Resolution – Intent to Assess for Project #09-1208 Sidewalk and Curb/Gutter Program Hazardous Walk and Driveway Approach Repair Only (Citywide Locations). (All Districts)

INFORMATIONAL ITEM: Project Status Report

CITIZENS COMMENTS RELATED ONLY TO JURISDICTION OF PUBLIC WORKS
COMMITTEE

ALDERMAN COMMENTS

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 MEMEBERS 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, MARCH 30, 2009
5:00 P.M.

G. John Ruffolo, Chairman
Donald K. Holland
Patrick Juliana

Ray Misner
Don L. Moldenhauer
Anthony Nudo

The regular meeting of the Public Works Committee was held on Monday, March 30, 2009 in Room 204 of the Municipal Building. The following members were present: Chairman G. John Ruffolo, Aldermen Donald K. Holland, Patrick Juliana, and Ray Misner. Aldermen Don L. Moldenhauer and Anthony Nudo were excused. The meeting was called to order at 5:00 PM. Staff members in attendance were Ron Bursek and Mike Lemens.

A-1 Approval of minutes of regular meeting held on March 9, 2009.

It was moved by Alderman Juliana, seconded by Alderman Misner to approve. Motion passed 4-0.

C-1 Preliminary Report/Final Resolution for Project #09-1015 Resurfacing Phase II (52nd Street - 30th Avenue to Sheridan Rd, 5th Avenue - 75th Street to 68th Street, 24th Avenue - 27th Street to 31st Street, 63rd Street - 14th Avenue to Sheridan Rd, 32nd Avenue - 80th Street to North 120 ft.) (District 2, 3, 5, 7, 8, 10 & 13) **PUBLIC HEARING**

Alderman Nudo arrived during during discussion of item C-1.

A public hearing was held, no one spoke.

It was moved by Alderman Holland, seconded by Alderman Juliana to approve preliminary report/final resolution. Motion passed 4-0.

C-2 Alley Variance for Frank's Diner (508 58th Street). (District 2)

It was moved by Alderman Holland, seconded by Alderman Nudo to approve alley variance. Motion passed 5-0.

C-3 Award of Contract for Project #08-1017 38th Street Reconstruction Phase I (38th Street - 194 to CTH S) to Lalonde Contractors, Milwaukee, Wisconsin in the amount of \$953,000.00.

It was moved by Alderman Nudo, seconded by Alderman Juliana to approve award. Motion passed 5-0.

C-4 Award of Contract for Project #09-1221 Waste Transfer Wall Repair (1001 50th Street) to Bane Nelson, Kenosha, Wisconsin in the amount of \$33,600.00. (District 2)

It was moved by Alderman Nudo, seconded by Alderman Holland to approve award. Motion passed 5-0.

C-5 Resolution to approve a two-lot Certified Survey Map for property located at 12304 75th Street. (Brat Stop, Inc.) (District 17) (City Plan Commission approved 7:0)

It was moved by Alderman Holland, seconded by Alderman Misner to defer. Motion passed 5-0.

C-6 Resolution to approve a four-lot Certified Survey Map for properties located at 5001 and 5011 47th Avenue. (Apostoli) **(District 16)** *(City Plan Commission approved 7:0)*

It was moved by Alderman Nudo, seconded by Alderman Misner to approve resolution. Motion passed 5-0.

INFORMATIONAL ITEMS:

1. Sidewalk Snow Removal

Arnie Detloff, Sidewalk Inspector, explained the process for sidewalk snow complaints.

2. 75th Street Reconstruction Project Update

3. 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 5:42 pm.

B-1



ENGINEERING DIVISION
MICHAEL M. LEMENS, P.E.
DIRECTOR/CITY ENGINEER

STREET DIVISION
JOHN H. PRIJIC
SUPERINTENDENT

FLEET MAINTENANCE
MAURO LENCI
SUPERINTENDENT

WASTE DIVISION
JOSEPH BADURA
SUPERINTENDENT

OPERATIONS COORDINATOR
JANICE D. SCHROEDER

DEPARTMENT OF PUBLIC WORKS

RONALD L. BURSEK, P.E., DIRECTOR

MUNICIPAL BUILDING • 625 - 52ND ST. • RM. 305 • KENOSHA, WI 53140
TELEPHONE (262) 653-4050 • FAX (262) 653-4056

April 9, 2009

To: G. John Ruffolo, Chairman
Public Works Committee

From: Michael M. Lemens, P.E. *MML 4-9-09*
Director of Engineering/City Engineer

Subject: *Resolution to approve two-lot Certified Survey Map for Property At 12304 75th Street (Brat Stop)*

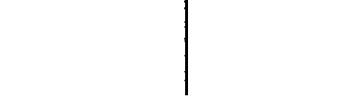
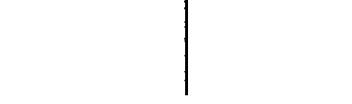
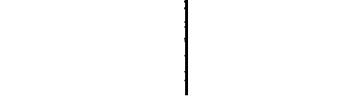
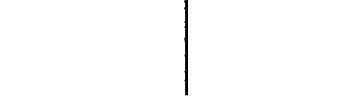
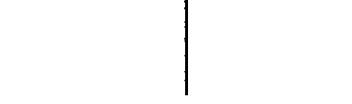
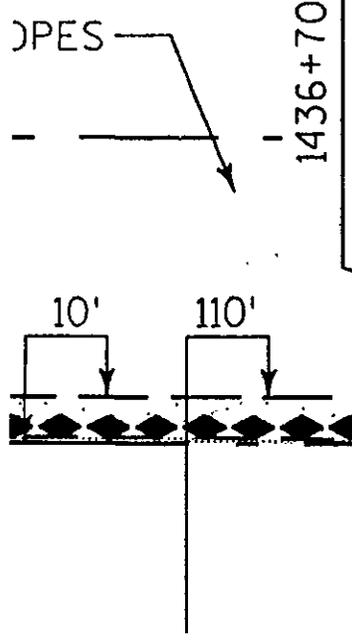
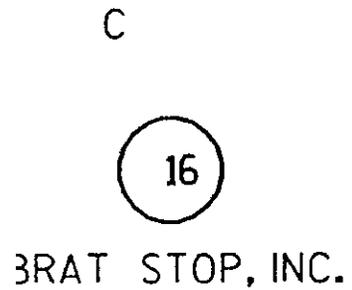
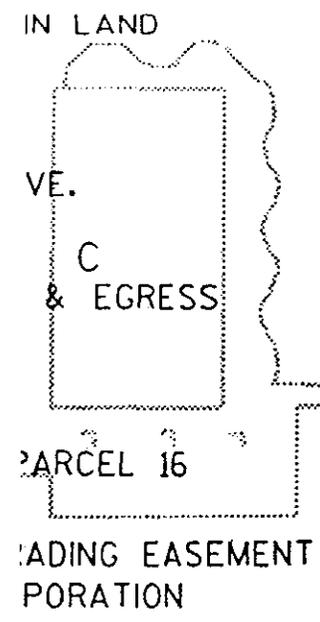
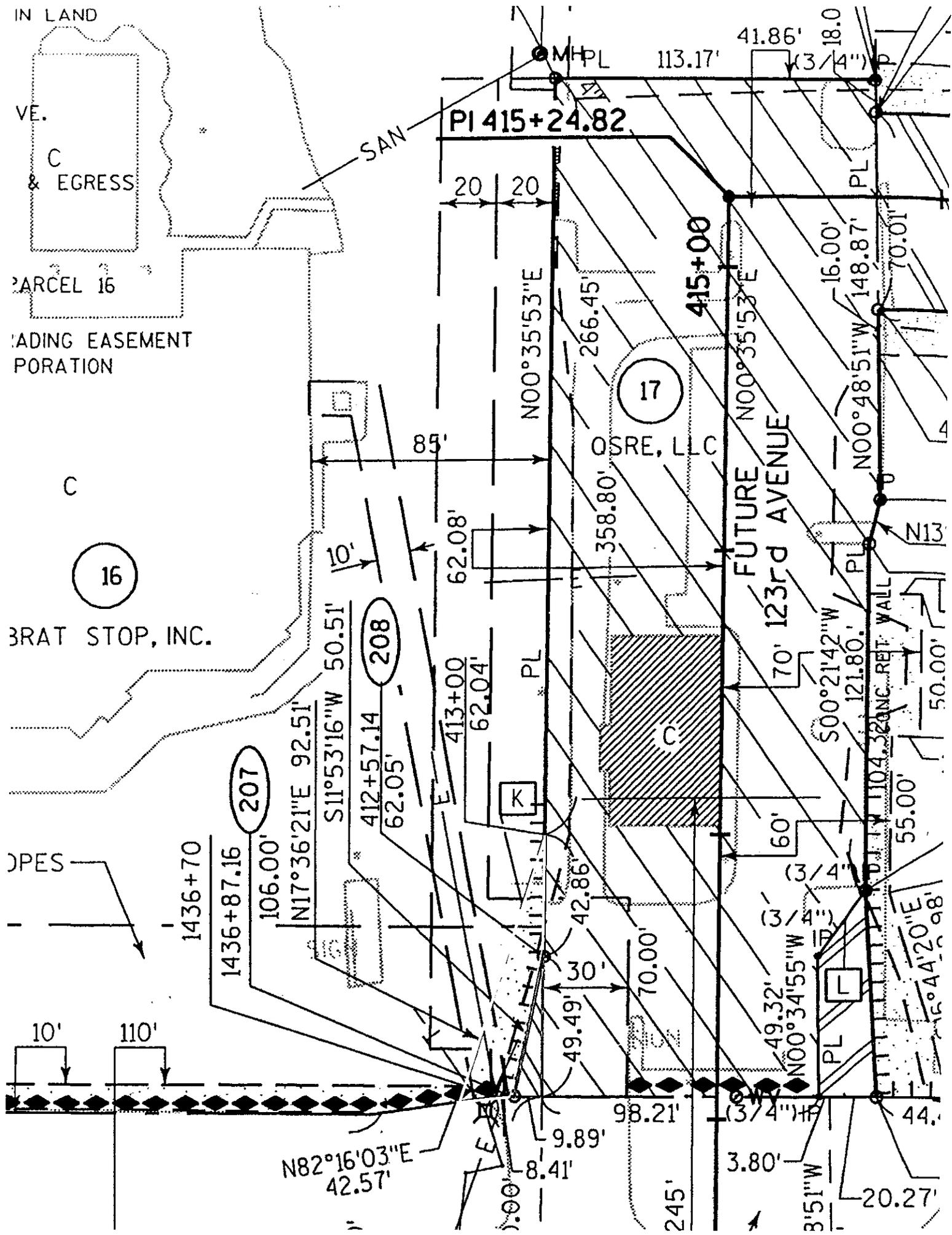
BACKGROUND/ANALYSIS

On March 19, 2009 the City Plan Commission reviewed and approved the request for a certified survey map dividing property owned by the Brat Stop, and at its March 30 meeting the Public Works Committee deferred this matter at the request of the property owner. Concurrently, City staff has been actively working with WisDOT staff on draft revisions to the memorandum of understanding (MOU) between the City and the State regarding respective responsibilities in the reconstruction of the street systems along both sides of I-94 in conjunction with the rebuilding project. One element of the draft MOU requires the City to provide sufficient R/W for the ultimate build-out of 123rd Avenue at STH 50. Plans for construction of 123rd Avenue have been prepared, and WisDOT staff has recommended the area of additional right-of-way that will be required for the final build-out of 123rd Avenue. PW-Engineering Division staff is proposing that the CSM be amended to show the R/W consistent with the plans on file WisDOT recommendations.

RECOMMENDATION

Approve the revisions to the Certified Survey Map and recommend to the Common Council that it be adopted as amended.

MML



DEPARTMENT OF CITY DEVELOPMENT
625 - 52ND STREET - ROOM 308
KENOSHA, WISCONSIN 53140
(262) 653-4030
FAX (262) 653-4045
www.kenosha.org



CITY PLAN
REAL ESTATE
HISTORIC PRESERVATION
COMMUNITY DEVELOPMENT BLOCK GRANT
REDEVELOPMENT

JEFFREY B. LABAHN
Director of City Development

MEMO

TO: Public Works Committee

FROM: Rich Schroeder, Department of City Development 

RE: Resolution to Approve the Two-Lot Certified Survey Map for property at 12304 75th Street (Brat Stop)

DATE: April 8, 2009

Attached is a revised Resolution to Approve the Two-Lot Certified Survey Map for property at 12304 75th Street.

The Resolution was revised per the direction of Mike Lemens, Director of Engineering, to dedicate the additional right-of-way at the southeast corner of Parcel #1.

RS:kas

RESOLUTION NO: ____ - 09

BY: THE MAYOR

TO APPROVE A TWO-LOT CERTIFIED SURVEY MAP
Property located at 12304 75th Street (Brat Stop, Inc.)

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that a Certified Survey Map relating to one parcel located at 12304 75th Street is herein and hereby approved subject to the following conditions:

1. Compliance with all applicable State and City codes and ordinances.
2. Payment of all applicable fees, including recording fees.
3. Payment of all taxes, special assessments and storm water utility fees prior to recording. The Owner shall provide the City Clerk-Treasurer, a certificate from the County Treasurer, stating that there are no past-due real estate taxes or special assessments on the parcel of real estate which is being divided.
4. The Certified Survey Map shall be null and void if not recorded within six (6) months of approval by the Common Council.
5. A digital copy of the Certified Survey Map shall be provided to the City prior to recording.
6. The signature page shall be revised to reflect Keith G. Bosman as Mayor.
7. The Lot Line Adjustment Survey shall be recorded prior to recording of the Certified Survey Map.
8. The Certified Survey Map shall be revised to dedicate additional right-of-way at the southeast corner of Parcel #1 for the intersection of 123rd Avenue and STH 50.
9. Compliance with all the preceding conditions as a prerequisite for authorizing Mayor and City Clerk-Treasurer to sign the Certified Survey Map.

Adopted this ____ day of _____, 2009

ATTEST:

Debra L. Salas, Deputy City Clerk

APPROVE:

Keith G. Bosman, Mayor

C-5



ENGINEERING DIVISION
MICHAEL M. LEMENS, P.E.
DIRECTOR/CITY ENGINEER

STREET DIVISION
JOHN H. PRIJIC
SUPERINTENDENT

FLEET MAINTENANCE
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TELEPHONE (262) 653-4050 • FAX (262) 653-4056

March 26, 2009

To: G. John Ruffolo, Chairman
Public Works Committee

From: Michael M. Lemens, P.E.
Director of Engineering/City Engineer

Subject: *Resolution to approve two-lot Certified Survey Map for Property
At 12304 75th Street (Brat Stop)*

BACKGROUND/ANALYSIS

On March 19, 2009 the City Plan Commission reviewed and approved the request for a certified survey map dividing property owned by the Brat Stop. City staff has also been actively working with WisDOT staff on draft revisions to the memorandum of understanding (MOU) between the City and the State regarding respective responsibilities in the reconstruction of the street systems along both sides of I-94 in conjunction with the rebuilding project. One element of the draft MOU requires the City to provide sufficient R/W for the ultimate build-out of 123rd Avenue at STH 50. Preliminary plans for 123rd Avenue have been prepared, and PW-Engineering division staff is proposing that the CSM be amended to show the R/W consistent with the plans on file.

RECOMMENDATION

Approve the revisions to the Certified Survey Map and recommend to the Common Council that it be adopted as amended.

MML

FARRIS, HANSEN & ASSOC. INC.

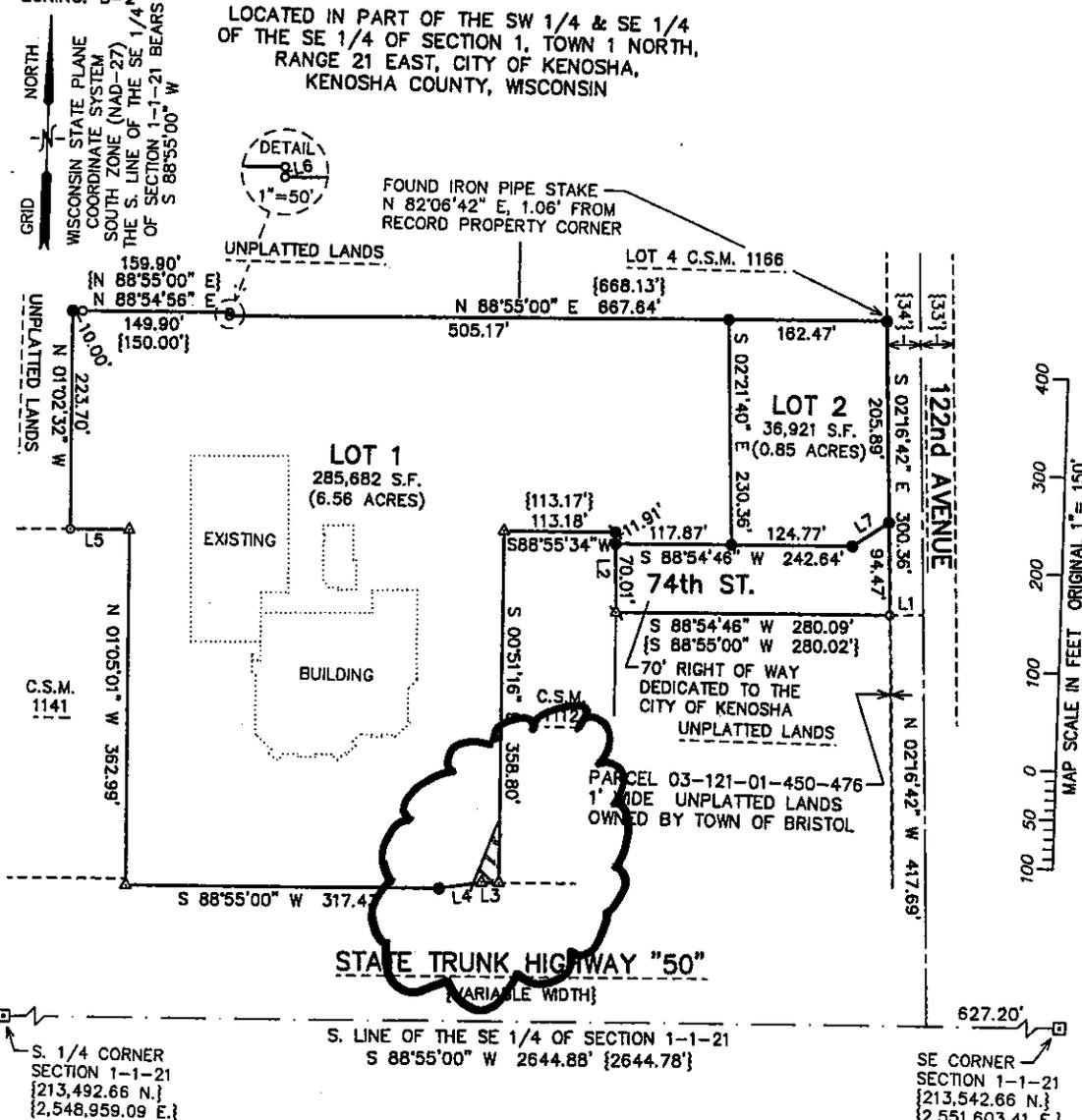
7 RIDGWAY COURT- P.O. BOX 437
 ELKHORN, WISCONSIN 53121
 PHONE (262) 723-2098
 FAX (262) 723-5886

OWNER: BRAT STOP INC.
 12304 75th STREET
 KENOSHA, WI. 53142

ZONING: B-2

CERTIFIED SURVEY MAP NO. _____

LOCATED IN PART OF THE SW 1/4 & SE 1/4
 OF THE SE 1/4 OF SECTION 1, TOWN 1 NORTH,
 RANGE 21 EAST, CITY OF KENOSHA,
 KENOSHA COUNTY, WISCONSIN



S. 1/4 CORNER
 SECTION 1-1-21
 {213,492.66 N.}
 {2,548,959.09 E.}

S. LINE OF THE SE 1/4 OF SECTION 1-1-21
 S 88°55'00" W 2644.88' {2644.78'}

SE CORNER
 SECTION 1-1-21
 {213,542.66 N.}
 {2,551,603.41 E.}

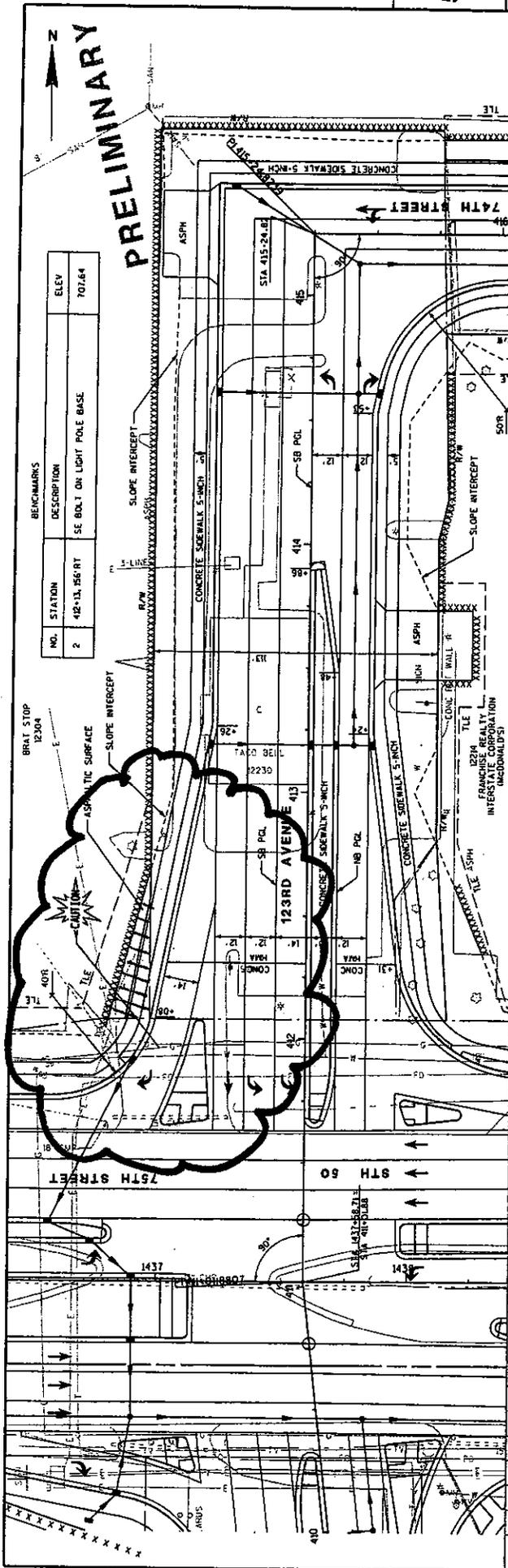
LINE	BEARING	DISTANCE
L1	S 87°43'18" W	34.00'
L2	N 02°13'01" W	81.92' {81.88'}
L3	S 88°55'05" W	17.64'
L4	S 80°54'20" W	43.05'
L5	S 88°55'00" W	60.00'
L6	S 01°57'34" E	3.52' {3.62'}
L7	S 55°21'17" W	44.23'



- LEGEND**
- = FOUND IRON PIPE STAKE
1 3/8" O.D.
 - ⊕ = FOUND IRON REBAR STAKE
3/4" DIA.
 - ⚡ = FOUND "PK" NAIL IN PAVEMENT
 - ⊞ = FOUND CONCRETE COUNTY
MONUMENT W/BRASS CAP
 - = SET IRON REBAR STAKE,
3/4" X 24" X 1.50 lbs./ft.
 - ⚡ = SET "PK" NAIL IN PAVEMENT
 - ⊙ = SET RAILROAD SPIKE IN PAVEMENT
 - {XXX} = RECORDED AS

THIS INSTRUMENT DRAFTED
 BY PETER S. GORDON
 PROJECT NO. 4240.07
 DATED: 06/05/2007
 SHEET 1 OF 4 SHEETS

SEE SHEET 2 FOR EASEMENTS
 & RESTRICTIONS.
 SEE SHEETS 3 & 4 FOR LEGAL
 DESCRIPTION & CERTIFICATES.



NO.	STATION	DESCRIPTION	ELEV.
2	412+11.95	SE BOLT ON LIGHT POLE BASE	707.64

BENCHMARKS

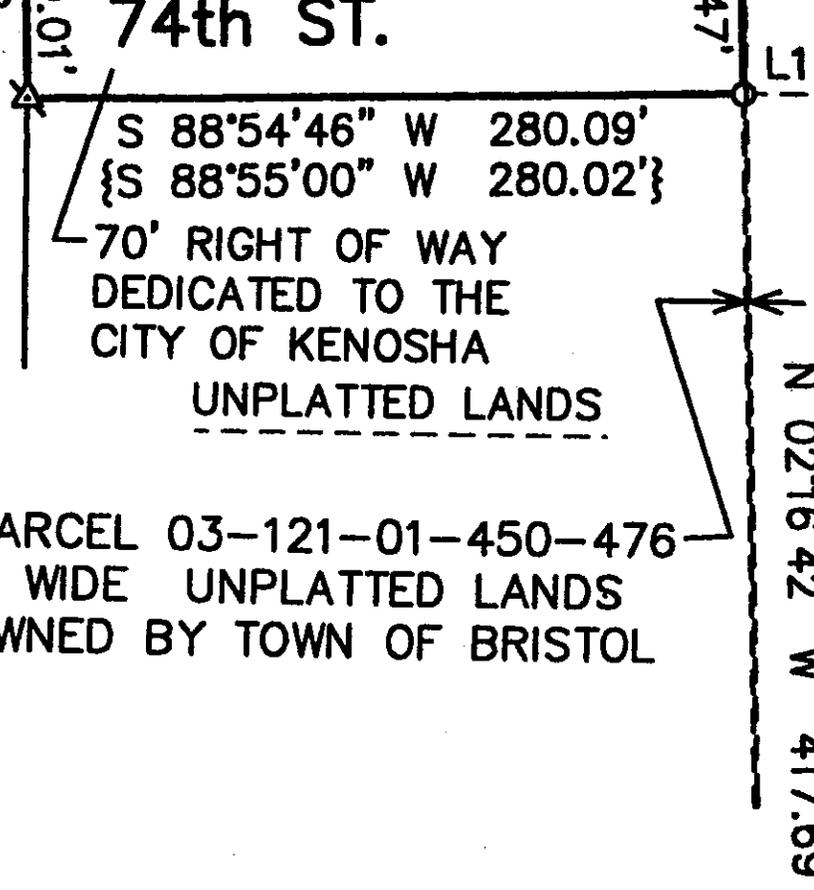
PRELIMINARY

STATION	ELEVATION	STATION	ELEVATION
716	704.82	410+00	710.33
714	705.38	410+10	710.59
712	705.91	410+20	710.89
710	706.40	410+30	711.18
708	706.89	410+40	711.49
706	707.38	410+50	711.80
704	707.87	411+00	712.11
702	708.35	411+10	712.42
	708.84	411+20	712.73
	709.33	411+30	713.04
	709.82	411+40	713.35
	710.31	411+50	713.66
	710.80	412+00	713.97
	711.29	412+10	714.28
	711.78	412+20	714.59
	712.27	412+30	714.90
	712.76	412+40	715.21
	713.25	412+50	715.52
	713.74	413+00	715.83
	714.23	413+10	716.14
	714.72	413+20	716.45
	715.21	413+30	716.76
	715.70	413+40	717.07
	716.19	413+50	717.38
	716.68	414+00	717.69
	717.17	414+10	718.00
	717.66	414+20	718.31
	718.15	414+30	718.62
	718.64	414+40	718.93
	719.13	414+50	719.24
	719.62	415+00	719.55
	720.11		719.86
	720.60		720.17
	721.09		720.48
	721.58		720.79
	722.07		721.10
	722.56		721.41
	723.05		721.72
	723.54		722.03
	724.03		722.34
	724.52		722.65
	725.01		722.96
	725.50		723.27
	725.99		723.58
	726.48		723.89
	726.97		724.20
	727.46		724.51
	727.95		724.82
	728.44		725.13
	728.93		725.44
	729.42		725.75
	729.91		726.06
	730.40		726.37
	730.89		726.68
	731.38		726.99
	731.87		727.30
	732.36		727.61
	732.85		727.92
	733.34		728.23
	733.83		728.54
	734.32		728.85
	734.81		729.16
	735.30		729.47
	735.79		729.78
	736.28		730.09
	736.77		730.40
	737.26		730.71
	737.75		731.02
	738.24		731.33
	738.73		731.64
	739.22		731.95
	739.71		732.26
	740.20		732.57
	740.69		732.88
	741.18		733.19
	741.67		733.50
	742.16		733.81
	742.65		734.12
	743.14		734.43
	743.63		734.74
	744.12		735.05
	744.61		735.36
	745.10		735.67
	745.59		735.98
	746.08		736.29
	746.57		736.60
	747.06		736.91
	747.55		737.22
	748.04		737.53
	748.53		737.84
	749.02		738.15
	749.51		738.46
	750.00		738.77
	750.49		739.08
	750.98		739.39
	751.47		739.70
	751.96		740.01
	752.45		740.32
	752.94		740.63
	753.43		740.94
	753.92		741.25
	754.41		741.56
	754.90		741.87
	755.39		742.18
	755.88		742.49
	756.37		742.80
	756.86		743.11
	757.35		743.42
	757.84		743.73
	758.33		744.04
	758.82		744.35
	759.31		744.66
	759.80		744.97
	760.29		745.28
	760.78		745.59
	761.27		745.90
	761.76		746.21
	762.25		746.52
	762.74		746.83
	763.23		747.14
	763.72		747.45
	764.21		747.76
	764.70		748.07
	765.19		748.38
	765.68		748.69
	766.17		749.00
	766.66		749.31
	767.15		749.62
	767.64		749.93
	768.13		750.24
	768.62		750.55
	769.11		750.86
	769.60		751.17
	770.09		751.48
	770.58		751.79
	771.07		752.10
	771.56		752.41
	772.05		752.72
	772.54		753.03
	773.03		753.34
	773.52		753.65
	774.01		753.96
	774.50		754.27
	774.99		754.58
	775.48		754.89
	775.97		755.20
	776.46		755.51
	776.95		755.82
	777.44		756.13
	777.93		756.44
	778.42		756.75
	778.91		757.06
	779.40		757.37
	779.89		757.68
	780.38		757.99
	780.87		758.30
	781.36		758.61
	781.85		758.92
	782.34		759.23
	782.83		759.54
	783.32		759.85
	783.81		760.16
	784.30		760.47
	784.79		760.78
	785.28		761.09
	785.77		761.40
	786.26		761.71
	786.75		762.02
	787.24		762.33
	787.73		762.64
	788.22		762.95
	788.71		763.26
	789.20		763.57
	789.69		763.88
	790.18		764.19
	790.67		764.50
	791.16		764.81
	791.65		765.12
	792.14		765.43
	792.63		765.74
	793.12		766.05
	793.61		766.36
	794.10		766.67
	794.59		766.98
	795.08		767.29
	795.57		767.60
	796.06		767.91
	796.55		768.22
	797.04		768.53
	797.53		768.84
	798.02		769.15
	798.51		769.46
	799.00		769.77
	799.49		770.08
	799.98		770.39
	800.47		770.70
	800.96		771.01
	801.45		771.32
	801.94		771.63
	802.43		771.94
	802.92		772.25
	803.41		772.56
	803.90		772.87
	804.39		773.18
	804.88		773.49
	805.37		773.80
	805.86		774.11
	806.35		774.42
	806.84		774.73
	807.33		775.04
	807.82		775.35
	808.31		775.66
	808.80		775.97
	809.29		776.28
	809.78		776.59
	810.27		776.90
	810.76		777.21
	811.25		777.52
	811.74		777.83
	812.23		778.14
	812.72		778.45
	813.21		778.76
	813.70		779.07
	814.19		779.38
	814.68		779.69
	815.17		780.00
	815.66		780.31
	816.15		780.62
	816.64		780.93
	817.13		781.24
	817.62		781.55
	818.11		781.86
	818.60		782.17
	819.09		782.48
	819.58		782.79
	820.07		783.10
	820.56		783.41
	821.05		783.72
	821.54		784.03
	822.03		784.34
	822.52		784.65
	823.01		784.96
	823.50		785.27
	823.99		785.58
	824.48		785.89
	824.97		786.20
	825.46		786.51
	825.95		786.82
	826.44		787.13
	826.93		787.44
	827.42		787.75
	827.91		788.06
	828.40		788.37
	828.89		788.68
	829.38		788.99
	829.87		789.30
	830.36		789.61
	830.85		789.92
	831.34		790.23
	831.83		790.54
	832.32		790.85
	832.81		791.16
	833.30		791.47
	833.79		791.78
	834.28		792.09
	834.77		792.40
	835.26		792.71
	835.75		793.02
	836.24		793.33
	836.73		793.64
	837.22		793.95
	837.71		794.26
	838.20		794.57
	838.69		794.88
	839.18		795.19
	839.67		795.50
	840.16		795.81
	840.65		796.12
	841.14		796.43
	841.63		796.74
	842.12		797.05
	842.61		797.36
	843.10		797.67
	843.59		797.98
	844.08		798.29
	844.57		798.60
	845.06		798.91
	845.55		799.22
	846.04		799.53
	846.53		799.84
	847.02		800.15
	847.51		800.46
	848.00		800.77
	848.49		801.08
	848.98		801.39
	849.47		801.70
	849.96		802.01
	850.45		802.32
	850.94		802.63
	851.43		802.94
	851.92		803.25
	852.41		803.56
	852.90		803.87
	853.39		804.18
	853.88		804.49
	854.37		804.80
	854.86		805.11
	855.35		805.42
	855.84		805.73
	856.33		806.04
	856.82		806.35
	857.31		806.66
	857.80		806.97
	858.29		807.28
	858.78		807.59
	859.27		807.90
	859.76		808.21
	860.25		808.52
	860.74		808.83
	861.23		809.14
	861.72		809.45
	862.21		809.76
	862.70		810.07
	863.19		810.38
	863.68		810.69
	864.17		811.00
	864.66		811.31
	865.15		811.62
	865.64		811.93
	866.13		812.24
	866.62		812.55
	867.11		812.86
	867.60		813.17

JILDING

S 00°51'16" E 358.80'

C.S.M. 1112



TO BE DEDICATED TO THE PUBLIC FOR STREET PURPOSES

PARCEL 03-121-01-450-476
1' WIDE UNPLATTED LANDS
OWNED BY TOWN OF BRISTOL

317.43'

L4 L3
20'

STATE TRUNK HIGHWAY "50"

{VARIABLE WIDTH}

S. LINE OF THE SE 1/4 OF SECTION 1-1-21
S 88°55'00" W 2644.88' {2644.78'}



LEGEND

- = FOUND IRON PIPE 1 3/8" O.D.
- = FOUND IRON REB 3/4" DIA.
- ⚡ = FOUND "PK" NAIL
- ◻ = FOUND CONCRETE

FACT SHEET Kenosha City Plan Commission	City Plan Division 625 - 52 nd Street Kenosha, WI 53140 (262) 653-4030	March 19, 2009	Item 5
Resolution to approve a Two-Lot Certified Survey Map for property located at 12304 75th Street, District #17. (Brat Stop, Inc.)			

LOCATION/SURROUNDINGS:

Site: 12304 75th Street
Zoned: B-2 Community Business District
A-2 Agricultural Land Holding District
Air-4 Airport Overlay District

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Bogdala, has been notified. This item will also be reviewed by the Public Works Committee before final approval by the Common Council.

ANALYSIS:

- The applicant is proposing to divide the existing lot into two (2) lots. A portion of the future 74th Street will be dedicated with this Certified Survey Map.
- No immediate development is planned for Lot 2 of the Certified Survey Map. Taco Bell had been looking to relocate to Lot 2, but that Conditional Use Permit application was withdrawn.
- Plans have been forwarded to City departments for their review. Their comments are included in the attached Resolution.
- The Certified Survey Map generally complies with Chapter 17 of the Code of General Ordinances.

RECOMMENDATION:

A recommendation is made to approve the Certified Survey Map



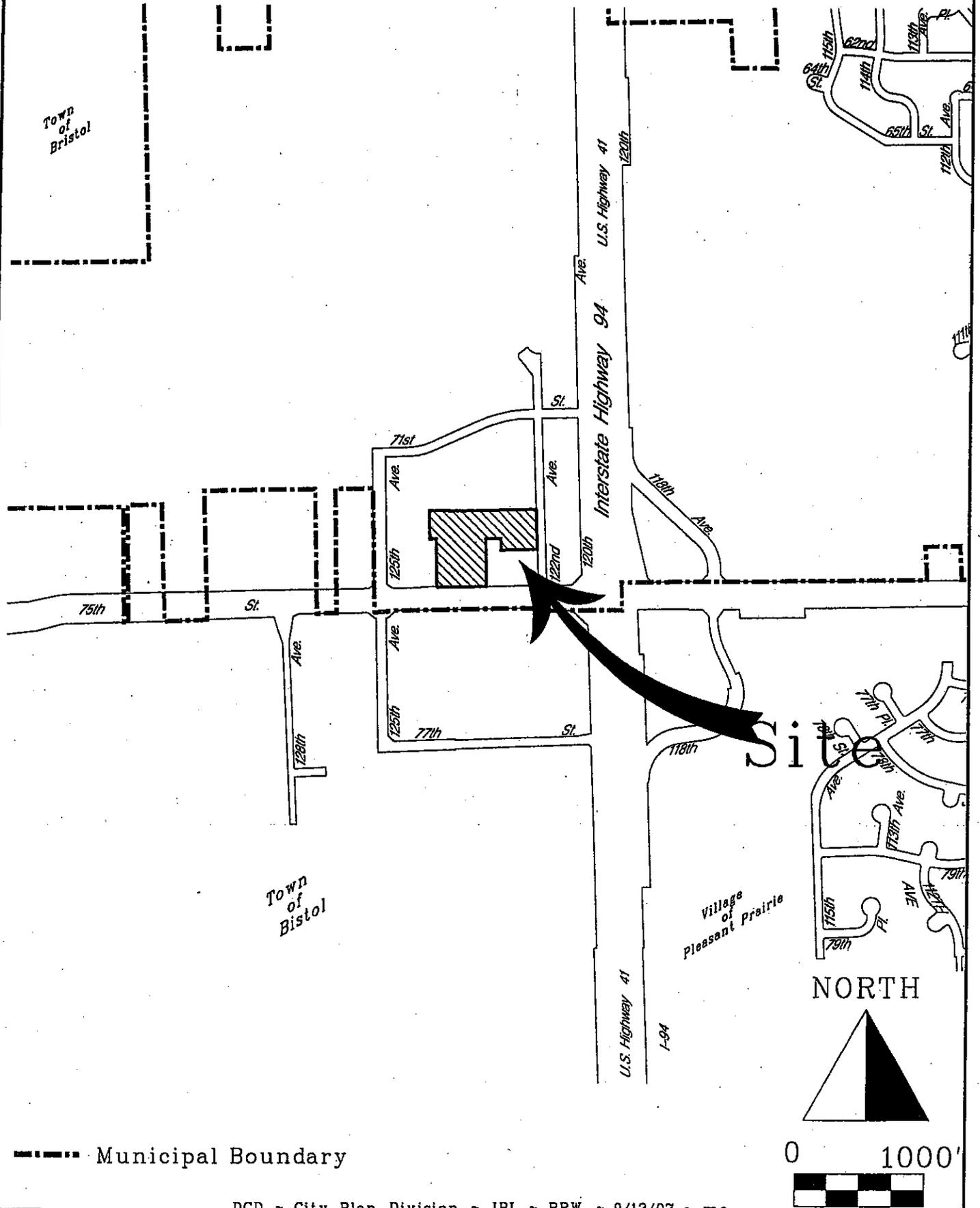
Brian R. Wilke, Development Coordinator
1CPC/2009/Mar19/fact-csm-brat



Jeffrey B. Lapahr, Director of City Development

City of Kenosha

Vicinity Map
Brat Stop CSM



----- Municipal Boundary

**Land Division Application
City of Kenosha, Wisconsin**

Applicant Information

Owner's Name and Address:

Brat Stop Inc.
c/o Gerald Rasmussen
12304 75th St
Kenosha, WI 53142

Phone: 262-857-3457

Developer's Name and Address (if applicable):

Agent: Mills Enterprises
Attn: Jonah Hetland
4011 80th St
Kenosha, WI 53142

Phone: 262-818-8114

Property Information

Type of Land Division (check one):

Preliminary Plat

Final Plat

Certified Survey Map

Lot Line Adjustment Survey

Name of Subdivision (if applicable):

N/A

Location of Land Division (street address or parcel number):

03-121-01-450-456

Number of Lots to be Created:

2

Proposed Use of Property:

Single-family

Two-family

Multi-family

Commercial

Industrial

**Prior to submitting this application to the Department of City Development,
please review the attached list of fees and requirements.**

The completed application and all required plans and information are to be submitted to:

Department of City Development
625 52nd Street, Room 308
Kenosha, WI 53140
262.653.4030 / 262.653.4045 (fax)



February 16th, 2009

City of Kenosha
Department of City Development
Attn: Brian Wilke
625 52nd St
Kenosha, WI 53142

RE: Land Division Application—Brat Stop Inc

Dear Mr. Wilke,

I am formally submitting a request for the approval of a Certified Survey Map for the Brat Stop Inc located on parcel 03-121-01-450-456. This CSM is being proposed to split the parcel into two separate tax id #'s. The following is being submitted as part of this application:

- 1) CSM (1 Original and 10 copies) – prepared by Farris Hansen & Associates
- 2) Land Division Application
- 3) Agent Authorization Letter
- 4) \$650 review fee to City of Kenosha

Mills Enterprises will be acting as agent for Brat Stop Inc. Please place this item on the next available agenda for approval.

If you need anything additional please do not hesitate to contact me at the number listed below.

Thank You,

A handwritten signature in black ink that reads "Jonah P. Hetland" with a long, sweeping horizontal stroke extending to the right.

Jonah P. Hetland
Development Director
Mills Enterprises
262-842-0483

2-13-09

Agent Authorization Letter:

To Whom it May Concern:

I Gerald Rasmussen authorize Jonah Hetland from Mills Enterprises to act as my agent with regards to the land division that is being submitted to the City of Kenosha for the Brat Stop parcel. Please call me at the number listed below with questions.

Thank You,

A handwritten signature in cursive script that reads "Gerald Rasmussen". The signature is written in black ink and includes a horizontal line at the end.

Gerald Rasmussen
262-857-3457

FARRIS, HANSEN & ASSOC. INC.

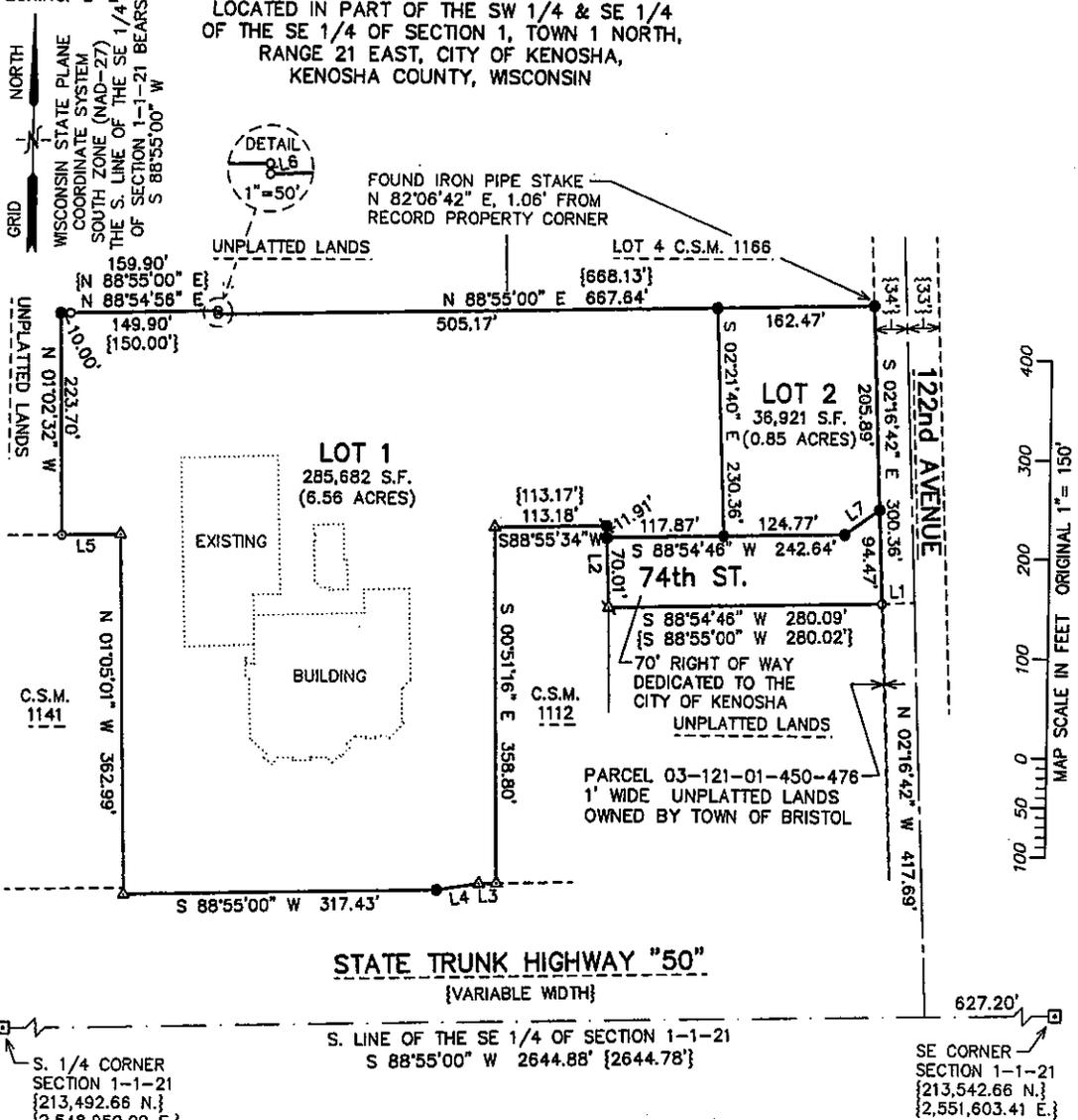
CERTIFIED SURVEY MAP NO. _____

7 RIDGWAY COURT- P.O. BOX 437
 ELKHORN, WISCONSIN 53121
 PHONE (262) 723-2098
 FAX (262) 723-5886

OWNER: BRAT STOP INC.
 12304 75th STREET
 KENOSHA, WI. 53142

ZONING: B-2

LOCATED IN PART OF THE SW 1/4 & SE 1/4
 OF THE SE 1/4 OF SECTION 1, TOWN 1 NORTH,
 RANGE 21 EAST, CITY OF KENOSHA,
 KENOSHA COUNTY, WISCONSIN



S. 1/4 CORNER SECTION 1-1-21 {213,492.66 N.} {2,548,959.09 E.}

S. LINE OF THE SE 1/4 OF SECTION 1-1-21 S 88°55'00" W 2644.88' {2644.78'}

SE CORNER SECTION 1-1-21 {213,542.66 N.} {2,551,603.41 E.}

LINE	BEARING	DISTANCE
L1	S 87°43'18" W	34.00'
L2	N 02°13'01" W	81.92' {81.88'}
L3	S 88°55'05" W	17.64'
L4	S 80°54'20" W	43.05'
L5	S 88°55'00" W	60.00'
L6	S 01°57'34" E	3.52' {3.62'}
L7	S 55°21'17" W	44.23'



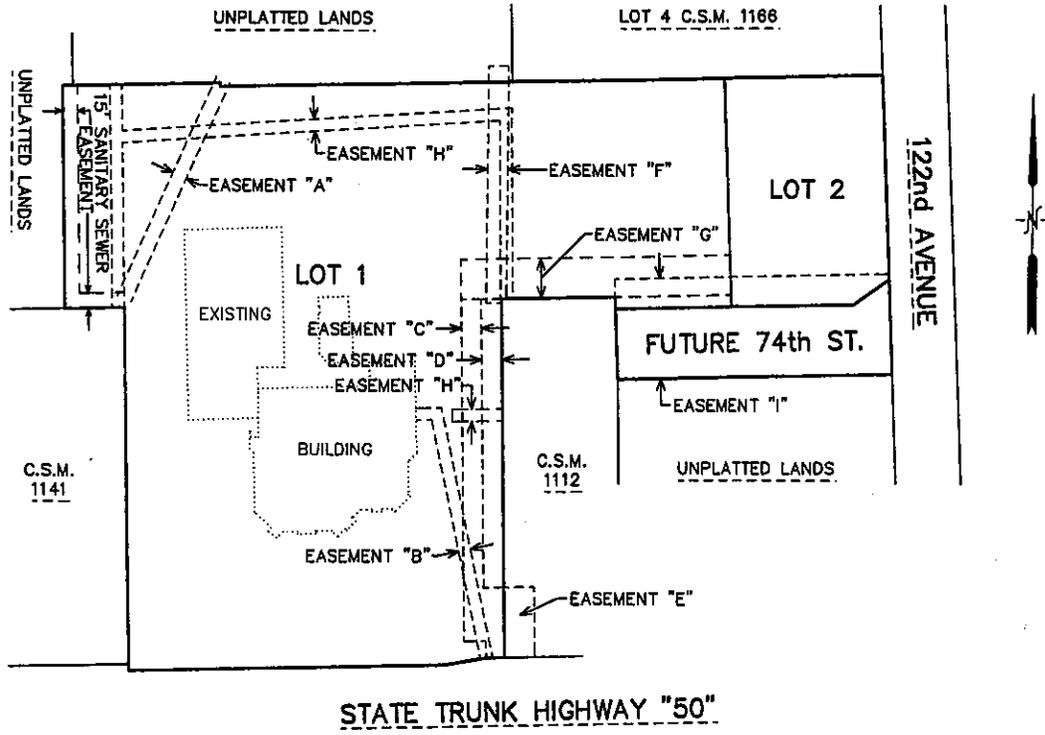
- LEGEND**
- = FOUND IRON PIPE STAKE 1 3/8" O.D.
 - = FOUND IRON REBAR STAKE 3/4" DIA.
 - △ = FOUND "PK" NAIL IN PAVEMENT
 - = FOUND CONCRETE COUNTY MONUMENT W/BRASS CAP
 - = SET IRON REBAR STAKE, 3/4" X 24" X 1.50 lbs./ft.
 - △ = SET "PK" NAIL IN PAVEMENT
 - = SET RAILROAD SPIKE IN PAVEMENT
 - {XXX}' = RECORDED AS

THIS INSTRUMENT DRAFTED
 BY PETER S. GORDON
 PROJECT NO. 4240.07
 DATED: 06/05/2007
 SHEET 1 OF 4 SHEETS

SEE SHEET 2 FOR EASEMENTS
 & RESTRICTIONS.
 SEE SHEETS 3 & 4 FOR LEGAL
 DESCRIPTION & CERTIFICATES.

LOCATED IN PART OF THE SW 1/4 & SE 1/4
 OF THE SE 1/4 OF SECTION 1, TOWN 1 NORTH,
 RANGE 21 EAST, CITY OF KENOSHA,
 KENOSHA COUNTY, WISCONSIN

CERTIFIED SURVEY MAP NO. _____



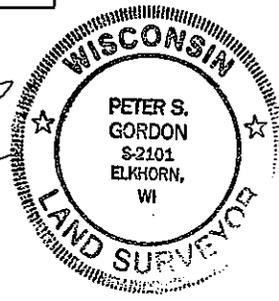
STATE TRUNK HIGHWAY "50"

EASEMENT REFERENCE:

- A: 15' WIDE SANITARY SEWER EASEMENT RECORDED IN VOL. 1274 ON PAGE 501.
- B: 12' WIDE ELECTRIC EASEMENT RECORDED IN VOL. 1174 ON PAGE 489.
- C: INGRESS & EGRESS EASEMENT AS SHOWN ON C.S.M. 1112 FOR LOT 1 OF SAID C.S.M.
- D: 20' PARKING EASEMENT AS SHOWN ON C.S.M. 1112 FOR LOT 1 OF SAID C.S.M.
- E: 30' WIDE INGRESS & EGRESS EASEMENT AS SHOWN ON C.S.M. 1112 FOR LANDS LYING WEST OF SAID LOT 1.
- F: 20' WIDE SANITARY SEWER EASEMENT AS RECORDED IN VOL. 1291 ON PAGE 872.
- G: TEMPORARY 40' WIDE EASEMENT FOR INGRESS & EGRESS OVER LOT 1 FOR THE EXCLUSIVE USE OF THE OWNER OF LOT 2.
- H: 12' WIDE ELECTRIC EASEMENT RECORDED IN 1279 OF RECORDS ON PAGES 7-9 AS DOCUMENT NO. 783591.
- I: 100' EASEMENT FOR SURFACE DRAINAGE RECORDED IN VOL. 1005 OF RECORDS ON PAGE 725 AS DOCUMENT NO. 62728B.

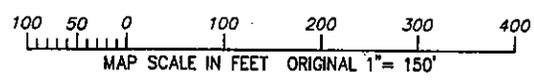
NOTE: NO DEVELOPMENT SHALL BE APPROVED ON LOT 2 UNTIL A DRAINAGE PLAN HAS BEEN APPROVED BY THE CITY OF KENOSHA.

6/5/2007
revised 10/16/2007
Peter S. Gordon



THIS INSTRUMENT DRAFTED
 BY PETER S. GORDON
 PROJECT NO. 4240.07
 DATED: 06/05/2007
 SHEET 2 OF 4 SHEETS

SEE SHEET 1 FOR SURVEY
 DATA.
 SEE SHEETS 3 & 4 FOR LEGAL
 DESCRIPTION & CERTIFICATES.



LOCATED IN PART OF THE SW 1/4 & SE 1/4
OF THE SE 1/4 OF SECTION 1, TOWN 1 NORTH,
RANGE 21 EAST, CITY OF KENOSHA,
KENOSHA COUNTY, WISCONSIN

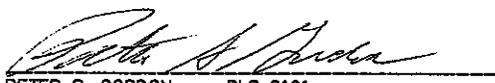
CERTIFIED SURVEY MAP NO. _____

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT AT THE DIRECTION OF JERRY RASMUSSEN, REPRESENTATIVE FOR BRAT STOP INC., OWNER(S), AND IN FULL COMPLIANCE WITH THE PROVISIONS OF CHAPTER 236.34 OF WISCONSIN STATUTES AND THE LAND DIVISION ORDINANCE FOR THE CITY OF KENOSHA, I HAVE SURVEYED, DIVIDED, AND MAPPED THE FOLLOWING DESCRIBED LANDS AND THAT THIS PLAT IS A TRUE REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE PLAT AND OF THE SUBDIVISION THEREOF TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF:

LOCATED IN PART OF THE SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWN 1 NORTH, RANGE 21 EAST, CITY OF KENOSHA, KENOSHA COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A CONCRETE COUNTY MONUMENT FOUND MARKING THE SOUTHEAST CORNER OF SAID SECTION 1; THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, S 88DEG 55MIN 00SEC W, 627.20 FEET TO THE REFERENCE LINE OF 122nd AVENUE; THENCE ALONG SAID REFERENCE LINE, N 02DEG 16MIN 42SEC W, 417.69 FEET; THENCE PERPENDICULAR TO SAID REFERENCE LINE, S 87DEG 43MIN 18SEC W, 34.00 FEET TO AN IRON PIPE STAKE FOUND MARKING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID 122nd AVENUE AND THE POINT OF BEGINNING; THENCE S 88DEG 54MIN 46SEC W, 280.09 FEET TO A "PK" NAIL IN PAVEMENT; THENCE N 02DEG 13MIN 01SEC W, 81.93 FEET TO AN IRON REBAR STAKE FOUND MARKING THE NORTHEAST CORNER OF CERTIFIED SURVEY MAP NO. 1112; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID CERTIFIED SURVEY MAP NO. 1112, S 88DEG 55MIN 34SEC W, 113.18 FEET TO THE NORTHWEST CORNER OF SAID CERTIFIED SURVEY MAP NO. 1112; THENCE ALONG THE WESTERLY BOUNDARY OF SAID CERTIFIED SURVEY MAP NO. 1112, S 00DEG 51MIN 16SEC E, 358.80 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF STATE TRUNK HIGHWAY "50"; THENCE ALONG SAID HIGHWAY, S 88DEG 55MIN 05SEC W, 17.64 FEET; THENCE CONTINUE ALONG SAID HIGHWAY, S 80DEG 54MIN 20SEC W, 43.05 FEET; THENCE CONTINUE ALONG SAID HIGHWAY, S 88DEG 55MIN 00SEC W, 317.43 FEET; THENCE N 01DEG 05MIN 01SEC W, 362.99 FEET; THENCE S 88DEG 55MIN 00SEC W, 60.00 FEET; THENCE N 01DEG 02MIN 32SEC W, 223.70 FEET; THENCE N 88DEG 54MIN 56SEC E, 159.90 FEET TO AN IRON PIPE STAKE; THENCE S 01DEG 57MIN 34SEC E, 3.52 FEET TO AN IRON PIPE STAKE; THENCE N 88DEG 55MIN 00SEC E, 667.64 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID 122nd AVENUE; THENCE ALONG SAID AVENUE, S 02DEG 16MIN 42SEC E, 300.36 FEET TO THE POINT OF BEGINNING. CONTAINING 342,664 SQUARE FEET (7.87 ACRES) OF LAND, MORE OR LESS.

DATED: 6/5/2007 *Revised 10/17/2007*


PETER S. GORDON RLS 2101



OWNER'S CERTIFICATE

AS OWNER(S), I(WE) HEREBY CERTIFY THAT I(WE) HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THE PLAT AND ALSO CERTIFY THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE CITY OF KENOSHA FOR APPROVAL.

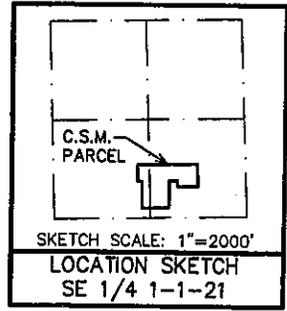
DATED: _____

JERRY RASMUSSEN, REPRESENTATIVE FOR BRAT STOP INC.

STATE OF WISCONSIN)
COUNTY OF _____)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2009 THE ABOVE NAMED JERRY RASMUSSEN, REPRESENTATIVE FOR BRAT STOP INC., TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, _____, WISCONSIN
MY COMMISSION EXPIRES _____



THIS INSTRUMENT DRAFTED
BY PETER S. GORDON
PROJECT NO. 4240.07
DATED: 06/05/2007
SHEET 3 OF 4 SHEETS

LOCATED IN PART OF THE SW 1/4 & SE 1/4
OF THE SE 1/4 OF SECTION 1, TOWN 1 NORTH,
RANGE 21 EAST, CITY OF KENOSHA,
KENOSHA COUNTY, WISCONSIN

CERTIFIED SURVEY MAP NO. _____

CONSENT OF CORPORATE MORTGAGEE

SOUTHPORT BANK, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE LAND DESCRIBED ON THIS PLAT, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING, AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF JERRY RASMUSSEN, REPRESENTATIVE FOR BRAT STOP INC., OWNER(S).

IN WITNESS WHEREOF, THE SAID SOUTHPORT BANK HAS CAUSED THESE PRESENTS TO BE SIGNED BY _____, ITS PRESIDENT AND COUNTERSIGNED BY _____, ITS SECRETARY(CASHIER) AT _____, WISCONSIN AND ITS CORPORATE SEAL TO BE AFFIXED THIS _____ DAY OF _____, 2009.

IN THE PRESENCE OF:

SOUTHPORT BANK _____
CORPORATE SEAL

PRESIDENT DATED

SECRETARY(CASHIER) DATED

STATE OF WISCONSIN)
COUNTY OF _____)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2009 BY _____ PRESIDENT AND _____ SECRETARY(CASHIER) OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND TO ME KNOWN TO BE SUCH PRESIDENT AND SECRETARY(CASHIER) OF SAID CORPORATION AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION BY ITS AUTHORITY.

MY COMMISSION EXPIRES
NOTARY PUBLIC, _____, WISCONSIN

CITY OF KENOSHA APPROVAL

RESOLVED, THAT THE CERTIFIED SURVEY MAP, IN THE CITY OF KENOSHA, BRAT STOP, INC., OWNER, IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF KENOSHA.

APPROVED: _____
JOHN ANTARAMIAN MAYOR

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF RESOLUTION NUMBER _____ ADOPTED BY THE COMMON COUNCIL OF THE CITY OF KENOSHA.

MIKE HIGGINS CITY CLERK

6/5/2007
revised 10/16/2007
Peter S. Gordon

THIS INSTRUMENT DRAFTED
BY PETER S. GORDON
PROJECT NO. 4240.07
DATED: 06/05/2007
SHEET 4 OF 4 SHEETS



C-1

OFFICE OF THE CITY ATTORNEY
MUNICIPAL BUILDING
625 - 52ND STREET
Kenosha, Wisconsin 53140
PHONE (262) 653-4170
FAX (262) 653-4176



PATRICK J. SHEEHAN
CITY ATTORNEY
EDWARD R. ANTARAMIAN
DEPUTY CITY ATTORNEY
MATTHEW A. KNIGHT
ASSISTANT CITY ATTORNEY
WILLIAM K. RICHARDSON
ASSISTANT CITY ATTORNEY

March 27, 2009

TO: Debbie Salas,
Deputy City Clerk/Treasurer

FROM: Edward R. Antaramian,
Acting City Attorney

RE: To Create Chapter XXXVII of the Code of General Ordinances,
Entitled "Illicit Stormwater Discharges and Connections"

Please find attached an original and twelve copies of the above entitled Ordinance. Kindly place the Ordinance on the next Common Council Agenda for referral to the Committee on Public Works and the Stormwater Utility Committee. Thank you.

Edward R. Antaramian
EDWARD R. ANTARAMIAN,
Acting City Attorney

ERA:ri

Attachments

cc: Mayor Keith G. Bosman
Frank J. Pacetti, City Administrator
Ronald Bursek, Director of Public Works

ORDINANCE NO. _____

BY: THE MAYOR

TO CREATE CHAPTER XXXVII OF THE CODE OF GENERAL ORDINANCES, ENTITLED "ILLICIT STORMWATER DISCHARGES AND CONNECTIONS"

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

Section One: Chapter XXXVII of the Code of General Ordinances for the

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

**CHAPTER XXXVII
ILLICIT STORMWATER DISCHARGES AND CONNECTIONS**

- 37.01 Authority**
- 37.02 Findings and Purpose**
- 37.03 Administration**
- 37.04 Applicability of Code**
- 37.05 Definitions**
- 37.06 Prohibitions**
- 37.07 Suspension of Illicit Discharges**
- 37.08 Monitoring**
- 37.09 Presentation With BOPS**
- 37.10 Notification of Spills**
- 37.11 Enforcement**
- 37.12 Appeals**
- 37.13 Severability**

37.01 AUTHORITY

This Ordinance is adopted under the authority granted by Section 62.234, Wisconsin Statutes, that relates to illicit discharges of stormwater and illicit connections. Except as otherwise specified in Section 62.234, Wisconsin Statutes, Section 62.23, Wisconsin Statutes, applies to this Ordinance and to any amendments thereto.

A. Regulatory Powers. The provisions of this Ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

B. Stricter Requirements. The requirements of this Ordinance do not preempt more stringent illicit stormwater discharge and connection requirements that may be imposed by any of the following:

1. Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under Subsections 281.16 and 283.33, Wisconsin Statutes.

2. United States Environmental Protection Agency administrative rules, permits or approvals.

37.02 FINDINGS AND PURPOSE

A. Findings. The City of Kenosha's Separate Storm Sewer Systems (MS4) are municipally-owned

facilities where stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, infiltration and detention basins, natural and unnatural or altered drainage channels, reservoirs, and other drainage structures.

The Common Council finds illicit discharges can carry pollutants to the waters of the State through its MS4s.

B. Purpose. The purposes of this Ordinance are:

1. To provide for the health, safety, and general welfare of the citizens of the City of Kenosha through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by Federal and State law;
2. To reduce the amount of pollutants entering the City's Municipal Separate Storm Sewer System and the waters of the State from the City of Kenosha by prohibiting illicit connections and discharges of stormwater;
3. To establish methods to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process;
4. To protect spawning grounds, and fish and aquatic life;
5. To preserve scenic beauty;
6. To promote sound economic growth by minimizing the amount of pollutants illicitly discharged to waters of the State in the City of Kenosha; and,
7. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Ordinance.

37.03 ADMINISTRATION

The provisions of this Ordinance shall be administered and enforced by the Director of Public Works for the City of Kenosha, Wisconsin, or his/her designee.

37.04 APPLICABILITY OF CODE

A. Applicability. This Ordinance applies to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by the City.

B. Nonapplicability. This Ordinance is not applicable to activities conducted by a State agency, as defined in Section 227.01(1), Wisconsin Statutes. This shall include:

1. The Office of the District Attorney, which is subject to the State plan promulgated or a memorandum of understanding entered into under Section 281.33(2), Wisconsin Statutes.
2. The Wisconsin Department of Transportation (WisDOT) that entered into a memorandum of understanding with the Wisconsin Department of Natural Resources that satisfies Section 281.33(2), Wisconsin Statutes, such that activities directed and supervised by WisDOT are exempt from this Ordinance.

C. Minimum Standards. The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore, this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor the unauthorized discharge of pollutants.

D. WPDES Stormwater Discharge Permit Compliance. Any person subject to an industrial or construction activity WPDES Stormwater Discharge Permit shall comply with all the provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director of Public Works prior to allowing discharges to the MS4.

E. Jurisdiction. This Ordinance applies to waters and lands within the boundaries and jurisdiction of the City of Kenosha, as well as the extraterritorial division of land subject to an Ordinance enacted pursuant to Sections 236.45(2) and (3), Wisconsin Statutes.

37.05 DEFINITIONS

Best Management Practice (BMP) means structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the State.

Business Day means a day the office the Department of Public Works is routinely and customarily open for business.

Cease and Desist Order means a Court issued order to halt illicit stormwater discharge or connection activity that is being conducted.

Construction Activity means activities subject to Erosion Control and Post-Construction Stormwater Permits.

Erosion means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

Hazardous Materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge means any direct or indirect non-stormwater discharge, regardless of intentionality, to the MS4 or to a privately maintained retention basin, except as exempted in this Ordinance. Indirect non-stormwater discharge includes discharges into watercourses or onto driveways, sidewalks, parking lots or other areas that drain into the MS4. Direct non-stormwater discharge includes deposition of solids, including, but not limited to grass, directly into the MS4.

Illicit Connection is defined as either of the following:

- ◆ Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the MS4. This includes, but is not limited to, any conveyances that allow any non-stormwater discharge, including sewage, process wastewater, and wash water to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency.
- ◆ Any drain or conveyance connected from a commercial or industrial land use to the MS4 that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity means activities subject to WPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14) or subject to State of Wisconsin Administrative Code NR 216.20.

MEP or Maximum Extent Practicable means a level of implementing best management practices in order to achieve a performance standard specified in this Chapter which takes into account the best available technology, cost effectiveness and other competing issues, such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility

in the way to meet the performance standards and may vary based on the performance standard and site conditions.

MS4 or Municipal Separate Storm Sewer System means municipally owned facilities where stormwater is collected and/or convey, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and manmade or altered drainage channels, reservoirs, and other drainage structures.

Non-Stormwater Discharge means discharge to the MS4 that is not composed entirely of stormwater.

Performance Standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the Director of Public Works to the applicant to conduct land-disturbing construction activity or to discharge post-construction runoff to waters of the State.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or owner's agent.

Pollutant has the meaning given in Section 283.01(13), Wisconsin Statutes, and means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Pollution has the meaning given in Section 281.01(10), Wisconsin Statutes.

Stormwater Pollution Prevention Plan or SWPPP means a document that describes the BOPS and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Technical Standard means a document that specifies design, predicted performance, operation and maintenance specifications for a material, device or method.

Waters of the State has the meaning given in Section 281.01(18), Wisconsin Statutes.

Wisconsin Pollutant Discharge Elimination System (WPDES) Stormwater Discharge Permit means a permit issued by Wisconsin Department of Natural Resources (as authorized by the EPA under authority delegated pursuant to 33 U.S.C. §1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

37.06 PROHIBITIONS

A. Discharge Prohibitions. No person shall cause, conduct, allow, or allow to continue, an Illegal Discharge.

B. Exemptions. Discharge to the MS4 of the following materials is not illegal:

1. Stormwater that is uncontaminated by pollutants or sedimentation.
2. Waterline flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows; rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped

groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawlspace pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated less than one ppm chlorine), firefighting activities, and any other water source not containing pollutants.

3. Discharges specified in writing by the authorized enforcement agency as being necessary to protect the public health and safety.

4. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

5. Any non-stormwater discharge permitted under a WPDES Permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Wisconsin Department of Natural Resources, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

C. Illicit Connections To Storm Drain System. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

D. Violation. A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

37.07 SUSPENSION OF ILLICIT DISCHARGES

A. Suspension of MS4 Discharge Access. The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, to the MS4, or to waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the State, or to minimize danger to persons.

B. Termination of MS4 Discharge Access. Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Director of Public Works will notify a violator of the proposed termination of its MS4 access. The violator may petition the Director of Public Works for a reconsideration and hearing.

C. Reinstatement of MS4 Access Without Approval. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Director of Public Works.

37.08 MONITORING

A. Applicability. This Section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

B. Access To Facilities.

1. The Director of Public Works, or his/her designee, shall be permitted to enter and inspect facilities subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the Director of Public Works or his/her designee.

2. Facility operators shall allow the Director of Public Works, or his/her designee, ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a WPDES Permit to discharge stormwater, and the performance of any additional duties as defined by State and Federal law.

3. The City shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Director of Public Works to conduct monitoring and/or sampling of the facility's stormwater discharge.

4. The Director of Public Works has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger, at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Director of Public Works and shall not be replaced. The costs of clearing such access shall be borne by the operator.

6. Unreasonable delays in allowing the Director of Public Works, or his/her designee, to a permitted facility is a violation of a Stormwater Discharge Permit and of this Ordinance. A person who is the operator of a facility with a WPDES Permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Director of Public Works, or his/her designee, reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Ordinance.

7. If the Director of Public Works, or his/her designee, has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance, or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director of Public Works may seek issuance of a search warrant from any court of competent jurisdiction.

37.09 PREVENTION WITH BMPS

A. BMP Identification Requirements. The City will adopt requirements identifying BMPs for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the MS4, or waters of the State.

B. Protection From Accidental Discharge. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. The Director of Public Works may require any person responsible for a property or premise that is, or may be the source of an illicit discharge to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4.

C. Compliance. Compliance with all terms and conditions of a valid WPDES Permit authorizing the discharge of stormwater associated with industrial activity, to the maximum extent practicable, shall be deemed compliance with the provisions of this Section. These BMPs shall be part of a SWPPP as necessary for compliance with requirements of the WPDES Permit.

37.10 NOTIFICATION OF SPILLS

A. Notification of Release of Illegal Discharges or Pollutants Into Stormwater. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of

materials that are resulting or may result in illegal discharges or pollutants discharging into stormwater, the MS4 or waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

In the event of a release of nonhazardous materials, said person shall notify the Director of Public Works in person or by telephone or facsimile no later than the next business day.

B. Written Notice Required. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Director of Public Works within three (3) business days of the telephone notice.

C. Written Record Required. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an onsite written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

37.11 ENFORCEMENT

A. Notice of Violation. Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Director of Public Works may order compliance by written notice of violation to the responsible person.

B. Notice of Remediation/Restoration. If abatement of a continuing violation and/or restoration of an affected property is required, notice shall be given to the Responsible Person, which notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remedy or restore within the established deadline, the work will be done by a governmental agency or a contractor designated by the Director of Public Works, and the expense thereof shall be charged to the violator.

C. Abatement/Remediation At Violator's Expense. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to the public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise to compel the cessation of such nuisance, may be taken. It is not necessary to prosecute for forfeiture, or issue a notice or order pursuant to this Chapter before instituting a civil action.

D. Penalty. Any person that has violated or continues to violate a provision of this Chapter shall, upon conviction, be subject to a forfeiture of not more than One Thousand (\$1,000.00) Dollars, in addition to all applicable costs, fees, surcharges, and assessments. Each day that such violation continues shall be considered a separate offense. In addition to other available alternative penalties, failure to pay said forfeiture and all applicable costs, fees, surcharges, and assessments shall subject the violator to a period in the County Jail of not more than ninety (90) days per offense. It is not necessary for notice of violation to be given prior to the issuance of a citation for violation of this Chapter.

E. Cost Recovery. The City may recover all attorney fees, court costs and other expenses associated with enforcement of this Ordinance, including sampling and monitoring expenses.

F. Remedies Not Exclusive. The remedies listed in this Section are not exclusive of each other or of any other remedies available under any applicable Federal, State or local law, and it is within the discretion of the City to seek cumulative remedies.

37.12 APPEAL

A. Notice of Appeal. Any person receiving a Notice of Violation may appeal the determination of the Director of Public Works to the City's Stormwater Utility Committee. The notice of appeal must be delivered to the Director of Public Works within ten (10) working days from the date of the Notice of Violation, who as soon as practicable, will forward the notice of appeal to the Stormwater Utility Committee. Hearing on the appeal shall take place within thirty (30) working days from the date of receipt of the notice of appeal.

B. Abatement. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation; or, in the event of an appeal, within ten (10) working days of the Stormwater Utility Committee's decision to uphold the original decision, then representatives of the Director of Public Works shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Director of Public Works, or his/her designee, or designated contractor, to enter upon the premises for the purposes set forth above.

C. Costs of Abatement/Special Assessments. Within sixty (60) working days after abatement of the violation, the Director of Public Works will notify the owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten (10) working days. If the amount due is not paid within a timely manner as determined by the decision of the Director of Public Works or by the expiration of the time in which to file an appeal, and the costs of abatement or restoration may be directly associated to a particular parcel for which the responsible party is the violator, the costs shall become a special assessment against the property and constitute a lien on the property for the amount of the assessment.

D. Alternative Compensatory Actions. In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the Director of Public Works may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, watercourse cleanup, etc.

37.13 SEVERABILITY

If a court of competent jurisdiction judges any section, clause, provision or portion of this Ordinance unconstitutional or invalid, the remainder of the Ordinance shall remain in force and not be affected by such judgment.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN,
Acting City Attorney



Engineering Division
 Michael M. Lemens, P.E.
 Director/City Engineer
Fleet Maintenance
 Mauro Lenci
 Superintendent
Administrative Supervisor
 Janice D. Schroeder

Street Division
 John H. Prijic
 Superintendent
Waste Division
 Rocky Bednar
 Superintendent

C-2

DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

Municipal Building · 625 52nd ST · RM 305 · Kenosha, WI 53140
 Telephone (262) 653-4050 · Fax (262) 653-4056

April 9, 2009

To: G. John Ruffolo, Chairman
 Public Works Committee

Eric Haugaard, Chairman
 Finance Committee

From: Kevin Risch, P.E. *KR 4-9-09*
 Assistant City Engineer

Subject: **Change Order**
Project 08-1208 – Sidewalk & Curb and Gutter Program
Contractor: AZAR, LLC, DBA Sam's Cement Construction

BACKGROUND/ANALYSIS

The contract Project 08-1208 has been completed for some time, but final measured quantities exceeded the contracted amounts. Numerous requests for additional work submitted by aldermen and administration were taken care of with this contract as well as some curb & gutter and sidewalk repair for the Storm Water Utility and other vendors. In addition, staff assigned curb & gutter repairs and handicap ramp installation done in conjunction with water main relay repairs to this contract and that work was intended to be charged to other accounts. Finally, tree damage and handicap ramp work exceeded estimate quantities. Due to execution of the work, the final measured quantities were not available until work was completed.

RECOMMENDATION

Approve the contract change order for extra quantities and recommend to the Common Council the Mayor be authorized to execute the Change Order.

KKR:kkkr

THE CITY OF KENOSHA

CHANGE ORDER

Project Name: Sidewalk & Curb/Gutter Program
Project Number: 08-1208
C.I.P. Line Item: ST-93-004 & SW-93-004
Purchase Order #: 80999
Contractor: AZAR LLC
Public Works Committee: *April 13, 2009*
Finance Committee: *April 20, 2009*
Common Council: *April 20, 2009*

City and contractor agree that the above contract is amended by increasing the amount of the contract by **\$67,053.24** from **\$518,800.00** to **\$585,853.24**. This amendment will allow for work already completed.

This change order is approved by:

CONTRACTOR

CITY OF KENOSHA, MAYOR

DATE

DATE

RESOLUTION NO. _____

BY: COMMITTEE ON PUBLIC WORKS

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

**PROJECT #09-1208
SIDEWALK & CURB/GUTTER PROGRAM**

WHEREAS, it is expedient, necessary and in the best interest of the City of Kenosha, and for benefit of the property affected thereby that improvements in street right-of-ways: curb and gutter, sidewalk, and/or driveway approaches.

**67th Street to 71st Street - 47th Avenue to 49th Avenue
Miscellaneous Locations**

NOW, THEREFORE, BE IT RESOLVED, By the Common Council of Kenosha, Wisconsin:

1. The Common Council hereby declares its intention to exercise its police power under Section 66.60, Wisconsin Statutes, to levy special assessments on all property fronting upon both sides of the street within the above limits for benefits conferred upon property by improvement of the streets enumerated above.
2. Said public improvement shall include the improvements in street right-of-ways: curb and gutter, sidewalk, and/or driveway approaches.
3. The Common Council determines that the improvements constitute an exercise of the police power and the amount assessed against each parcel shall be based on a per front foot or per square foot rate.
4. The assessments against any parcel may be paid in a lump sum or in three (3) annual installments, at the election of the property owner.

5. The Board of Public Works is directed to prepare a report consisting of:
 - a. Preliminary plans and specifications for said improvements.
 - b. An estimate of entire cost of the proposed improvements and in street right-of-way.
 - c. Schedule of proposed assessments.

6. Upon receiving the report of the Board of Public Works (Public Works Committee), the Clerk is directed to give notice of public hearings on such report, as specified in Section 66.60(7) of the Wisconsin Statutes. The hearings shall be held at the Municipal Office Building at a time set by the Clerk, in accordance with Section 66.60(7), Wisconsin Statutes.

Adopted this 20th day of April, 2009.

APPROVED: _____
MAYOR
KEITH G. BOSMAN

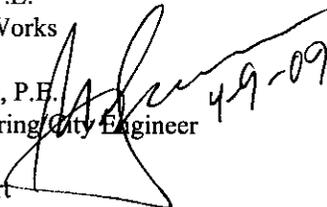
ATTEST: _____
DEPUTY CITY CLERK
DEBRA L. SALAS

April 9, 2009

TO: Ronald L. Bursek, P.E.
Director of Public Works

FROM: Michael M. Lemens, P.E.
Director of Engineering/City Engineer

SUBJECT: Project Status Report



- Project #06-1021 75th Street from 38th Avenue to 7th Avenue** – [LaLonde] State Project. Work is tentatively scheduled to start April 22, 2009.
- Project #07-1110 Storm Water Utility** – Staff is working with other communities in the region on the ROOT-PIKE WIN to coordinate educational and other water quality initiatives. Staff is proceeding with design work for the 2009 work program, and finishing up the annual report. Staff is continuing plan review and drainage complaint activities. (Citywide)
- Project #08-1208 Sidewalk and Curb and Gutter Repair** – [AZAR, LLC] Final landscaping will be completed in the springs. (Citywide)
- Project #05-1416 Anderson Park Skate Board Park** – Work on the base contract is complete. The installation of pre-manufactured structures is expected to begin next week. These are being purchased with private funds and donated to the skate park. (9)
- Project #08-1409 Southport Beach House Restroom Renovations** [Bane Nelson] – Work is in progress. (3)
- Project #08-1215 Street Division Garage Fire Suppression System** – [U.S. Fire Protection] Work is substantially complete. Final punchlist work required. (11)
- Project #08-1015 New Road Construction – KAT Subdivision** – [Reesman's] Work is in progress. (10)
- Project #08-1017 – Street Reconstruction Phase I (38th Street from I-94 to CTH S)** – [LaLonde] Bids were opened March 27, 2009. Work will commence once the sanitary sewer work is complete. Sanitary sewer work is expected to start next week. (16)
- Project #09-1120 – 3500 Bloock 39th Avenue Detention Basin Renovation** – Chapter 30 permit was recently approved, and project will be advertised soon. (10)
- Project #09-1410 – Pool Drains and Heaters** – Staff is working with a consultant to develop plans and specifications for compliance with new federal mandates. (6, 9)
- Project #09-1443 and 08-1443 – Bike Path Extensions** – Project is in design. (16)
- Project #09-1221 – Waste Transfer Wall Repair** – [Bane Nelson] Work will commence soon. (2)
- Project #09-2013 – Harbor Dredging** – Project is being advertised. (2)

PRIVATE DEVELOPER WORK