

AGENDA
PUBLIC SAFETY & WELFARE COMMITTEE MEETING
Kenosha Municipal Building - Room 204
Monday, April 27, 2015 - 5:00 pm

Chairman:	Rocco J. LaMacchia, Sr	Vice Chairman:	Jack Rose
Aldersperson:	Kurt Wicklund	Aldersperson:	Scott N. Gordon
Aldersperson:	Keith W. Rosenberg		

Call to Order
Roll Call

Approval of the minutes of the meetings held on March 9, 2015, March 19, 2015 and April 6, 2015.

1. Request from Patrick Zuchowski installation of Obstructions in Public Right-of-Way at 6606 32nd Avenue.
2. Previous trial for All-Way Stop Signs at the Intersection of 50th Avenue and 58th Street. *(District 11)*

CITIZEN COMMENTS/ALDERPERSON COMMENTS/OTHER BUSINESS AS AUTHORIZED BY LAW
PERTAINING TO PUBLIC SAFETY& WELFARE MATTERS 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 9, 2015

A meeting of the Public Safety & Welfare Committee was held on Monday, March 9, 2015 in Room 204 of the Kenosha Municipal Building. The meeting was called to order at 5:09 pm by Chairman LaMacchia.

At roll call, the following members were present: Alderpersons Wicklund, Rose, Gordon and Rosenberg. Staff members in attendance were: Shelly Billingsley, Acting Director of Public Works/City Engineer; Jeff Warnock, Superintendent of Parks; Deputy Police Chief Dan Miskinis; Alderperson Bob Johnson; Alderperson Anthony Kennedy; Alderperson Curt Wilson; Alderperson Jan Michalski and Deputy City Attorney Matt Knight.

It was moved by Alderperson Rose, seconded by Alderperson Wicklund, to approve the minutes from the meeting held on Monday, February 23, 2015. Motion carried unanimously.

1. Aldermanic Request for the No Parking on the north side of 74th Street from 104th Avenue to the East 710 ft, and No Parking on the South Side of 74th Street from 104th Avenue to the East 130 ft. *(District 16) (Staff recommends 90-Day Trial)*
Staff: Shelly Billingsley spoke. Deputy City Attorney Matt Knight answered a question.
Alderperson: Alderperson Bob Johnson spoke.
It was moved by Alderperson Gordon, seconded by Alderperson Rose, to approve as staff recommended. Motion carried unanimously.
2. Aldermanic Request for the installation of 4-Way Stop Signs at the intersection of 3rd Avenue and 56th Street. *(District 2) (Staff recommends 90-day trial starting April 2015) (Deferred from the meetings on 9/29/14 & 10/13/14)*
Staff: Shelly Billingsley spoke.
Public Hearing: Jan Michalski (not speaking as an Alderperson) spoke.
It was moved by Alderperson Gordon, seconded by Alderperson Rosenberg, to start the trial on May 15. Motion carried unanimously. It was then moved by Alderperson Gordon, seconded by Alderperson Rose to approve as amended. Motion carried unanimously.
3. Request to Rescind and Rewrite the Resolution Governing the Parking Restrictions on 8900 Block of 29th Court During Soccer Events. *(District 9) (Deferred from the meetings on 9/29/14, 10/27/14 & 11/10/14)*
Staff: Shelly Billingsley spoke.
It was moved by Alderperson Rosenberg, seconded by Alderperson Rose, to deny. Motion carried unanimously.
4. Request for the removal of the 2 hour parking restrictions posted on 22nd Avenue between 75th Street and 76th Street. *(District 13) (Staff recommends 90-day Trial)*
Staff: Shelly Billingsley spoke.
Alderperson: Alderperson Curt Wilson spoke.
It was moved by Alderperson Gordon, seconded by Alderperson Rose, to approve. Motion carried unanimously.

5. Resolution by Alderperson Daniel Prozanski, Jr – To Create the Fire Operations Study Committee. (*Oral referral from Council on 2/16/15*)
Public Hearing: Cliff Johnson spoke.
It was moved by Alderperson Rosenberg, seconded by Alderperson Rose, to approve.
Motion carried unanimously.

DISCUSSION ITEM:

1. Discussion of the recent events involving former Officer Baars. (The Committee may go into closed session pursuant to Wis. Stat. sec. 19.85(1)(g) to discuss with counsel civil ramifications of the alleged actions of the former officer.)
It was moved by Alderperson Gordon, seconded by Alderperson Rose, to go into close session at 5:40 pm. Motion carried unanimously. It was then moved by Alderperson Rose, seconded by Alderperson Wicklund to open back into session at 6:24 pm. Motion carried unanimously.

ADJOURNMENT - There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 6:25 pm.

PUBLIC SAFETY & WELFARE COMMITTEE
Minutes of Meeting held Thursday, March 19, 2015

A special meeting of the Public Safety & Welfare Committee was held on Thursday, March 19, 2015 in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 6:28 pm by Chairman LaMacchia.

At roll call, the following members were present: Alderpersons Wicklund, Rose and Gordon. Alderperson Rosenberg was excused. Staff members in attendance were: Shelly Billingsley, Acting Director of Public Works/City Engineer and Jeff Warnock, Superintendent of Parks.

INFORMATIONAL ITEM:

1. Temporary Suspension of the Parking Restrictions on the East Side of 8th Avenue Adjacent to Library Park. (*District 2*)
Shelly Billingsley spoke.

ADJOURNMENT - There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 6:31 pm.

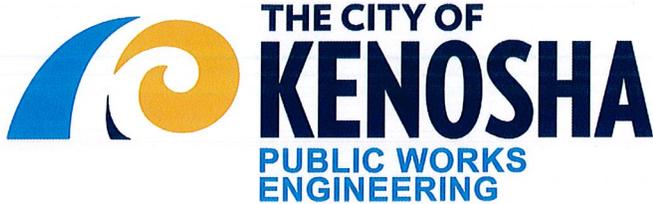
PUBLIC SAFETY & WELFARE COMMITTEE
Minutes of a Special Meeting held Monday, April 6, 2015

A special meeting of the Public Safety & Welfare Committee was held on Monday, April 6, 2015 in Room 204 of the Kenosha Municipal Building. The meeting was called to order at 6:56 pm by Chairman LaMacchia.

At roll call, the following members were present: Alderpersons Wicklund, Rose, Gordon and Rosenberg. Staff members in attendance were: Shelly Billingsley, Acting Director of Public Works/City Engineer; Rich Schroeder, Deputy Director of Public Works; and Martha Schwartz, Senior Property Maintenance Inspector.

1. 2015 Neighborhood Inspection Program Operating Plan.
Staff: Martha Schwartz spoke.
It was moved by Alderperson Gordon, seconded by Alderperson Rose, to approve.
Motion carried unanimously.

ADJOURNMENT - There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 6:57 pm.



April 22, 2015

TO: Rocco LaMacchia, Chairman,
Committee on Public Safety and Welfare

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

CC: Kurt Wicklund, District 8

SUBJECT: Request from Patrick Zuchowski - Installation of obstruction (planter box) in
Public Right-of-Way at 6606 32nd Avenue

BACKGROUND/ANALYSIS

The City has become aware of unpermitted construction in the public right-of-way immediately in front of the property at 6606 32nd Avenue in the form of a 30 foot long by 4 foot wide brick planter box constructed 12 inches high. Construction in the public right-of-way is not allowed unless approved and permitted by the City. Regarding construction of this type, the permit required and the conditions of approval are defined in Code of General Ordinances 5.045 Banners, Signs, Decorations and Obstruction in the Public Right-of-Way.

On December 16, 2014, Public Works Department sent Patrick Zuchowski, owner and resident of property, a letter informing him of City Ordinance 5.045 and requested that the application form be filled out and returned to City.

On March 27, 2015, Patrick Zuchowski came to the Public Works counter to find out what he needs to do and filled out the application at the counter with the exception of the insurance requirement. If the applicant is granted a permit, than per Section C, Paragraph 2 of the ordinance, the applicant would have to procure and maintain during the permit period, a minimum liability insurance of one million (\$1,000,000) dollars single limits, providing coverage for claims involving death, personal injury and property damage.

RECOMMENDATION

Staff recommends denial as the planter box violates 2 foot setback from face of the curb as designated in Code of General Ordinance 5.045, Section D, Paragraph 2.

APPLICATION FORM AND INDEMNITY & HOLD HARMLESS AGREEMENT

Banners, Signs, Decorations & Obstructions in Public Right-of-Ways

(Ordinance No. 5.045)

Is Applicant a partnership individual corporation group of individuals religious organization fraternal organization (check one) pbz@aol.com

Name of Applicant Patrick Zuchowski

Address of Applicant 6606 32 Ave Kenosha, WI 53142

Contact Person (Name, Title, Address, & Phone Number) Above 2629450631

Is banner, sign, decoration or obstruction permanent or temporary in nature?
If temporary in nature, what time will banner, sign, decoration or obstruction be put up? _____
Taken down? _____

Will banner, sign, decoration or obstruction be lighted? YES NO
If yes, attach electrical plans and specifications.

Location: parkway

Size: 30ft x width of parkway Construction (type of materials): brick

Height above public right-of-way 12"

Is banner, sign, decoration or obstruction to be placed on property of another which infringes on a public right-of-way? YES NO

Is the banner, sign, decoration or obstruction to be placed on property of another, such as on a railroad bridge or private walkway connecting two buildings, etc. YES NO
If yes, signed permission from the property owner must be attached hereto.

Attach a picture, diagram or sketch of banner, sign, decoration or obstruction on map to scale.

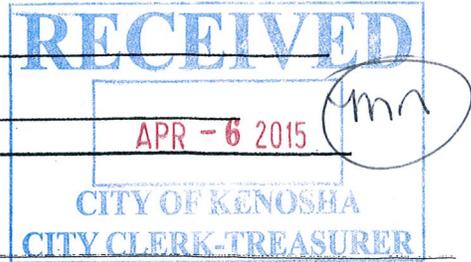
Attach Certificate of General Liability Insurance, with Contractual Liability Endorsement, showing insurance coverage in force and effect. (\$1,000,000 single limits policy). Already done by owner

INDEMNITY AND HOLD HARMLESS AGREEMENT

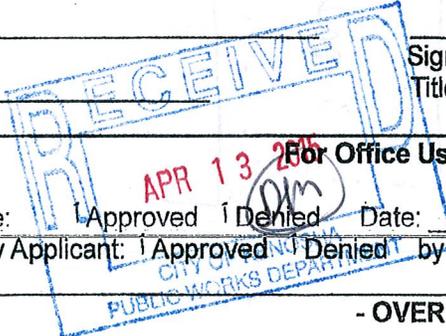
Applicant, in consideration of having the City of Kenosha, Wisconsin grant this application, herein and hereby agrees to indemnify and hold harmless the City of Kenosha, WI and its officers, employees and agents against any and all losses, claims, damages, costs, expenses, judgments, awards, attorney fees, or settlements which they may incur, sustain or be required to pay should any person or party suffer or sustain death, personal injury or property damage as a result of the putting up, taking down, maintaining or utilizing of any banner, sign, decoration or obstruction which is the subject of this agreement.

Executed at Kenosha, WI this 27 day of March, 2015.

Signature of Applicant Title: _____



Public Safety & Welfare: Approved Denied Date: _____
Reviewed & appealed by Applicant: Approved Denied by Common Council Date: _____

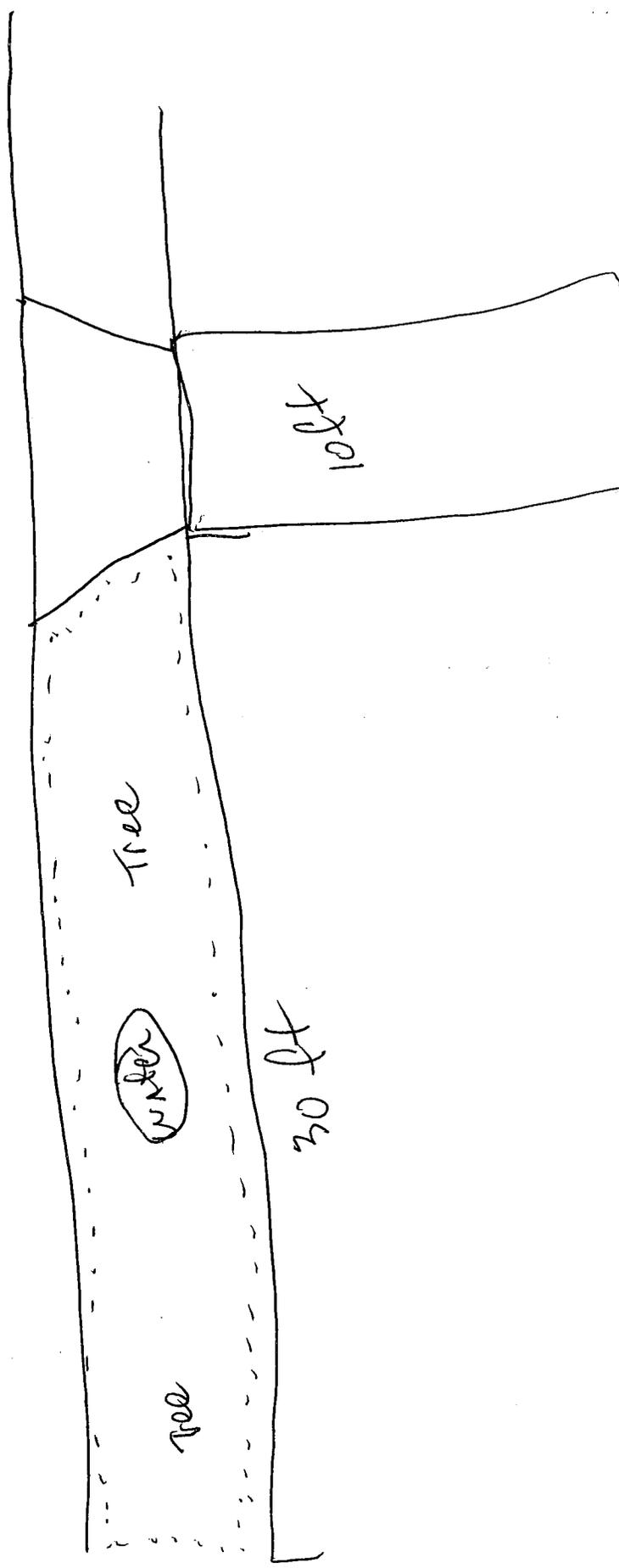


CONDITIONS OF APPROVAL

The Committee on Public Safety & Welfare may impose reasonable permit conditions. The following guidelines shall be used to determine conditions of approval with respect to obstructions in any public right-of-way relative to restaurants, service of food and/or beverages, and outdoor displays or sales tables racks where otherwise permitted:

1. Placement of obstructions shall be limited to areas where the sidewalk width is twelve (12') feet wide from face of curb to building line.
2. The obstruction shall be no closer than two (2') feet to the face of the curb.
3. The obstruction shall occupy no more than five (5') feet of the area between the curb and building line.
4. Nonpermanent obstructions will only be permitted from May 1 through November 1.
5. Portable obstructions shall be adequately secured and anchored so as to prevent them from tipping over from the wind. Table umbrellas shall be secured with a heavy ballast holder.
6. Obstructions greater than three and one-half (3.5') feet in height shall be at least fifteen (15') feet from a corner sidewalk.
7. Obstructions cannot extend beyond the limits of the applicant's property's street frontage.
8. Aisle ways to building doors will be unobstructed so as to ensure a safe fire exit.
9. In accordance with Chapter 32, Rule 06-25 of the Code of General Ordinances, no structure, tree, pole, post, sign or any obstruction shall be placed, located or maintained within a five (5') foot radius of any fire hydrant connected to the Water Utility water supply system.

_____ (initial)

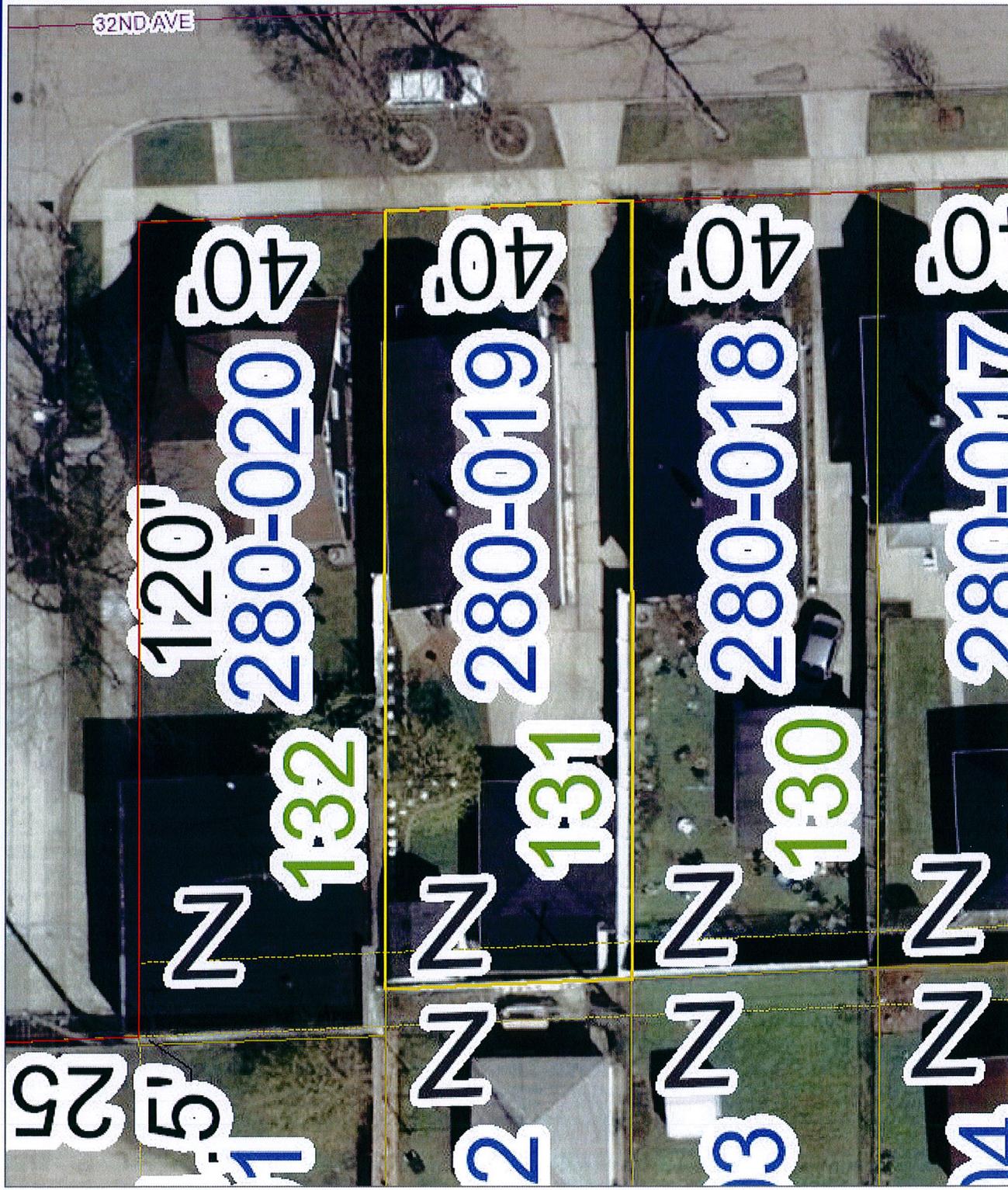




6605 32nd Ave
 Kenosha, Wisconsin
 Street View - Jul 2012

2012 Imagery, work done in 2011

2010 Imagery



- Legend**
- Street Centerlines
 - Right-of-Ways
 - Water Features
 - ⋯ Parcels
 - ⋯ Certified Survey Maps
 - ⋯ Condominiums
 - ⋯ Subdivisions
 - Municipal Boundaries



1 inch = 24 feet

DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are to be found, please contact Kenosha County.

Date Printed: 3/27/2015



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

December 16, 2014

Patrick Zuchowski
6606 32nd Ave
Kenosha, WI 53142-3416

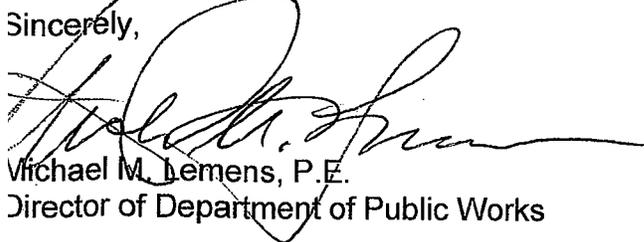
SUBJECT: Obstruction in Public Right-of-Way at 6606 32nd Ave

Dear Patrick Zuchowski,

The City has become aware of an obstruction in the public right-of-way immediately in front of the property at 6606 32nd Avenue. Construction in the public right-of-way is not allowed unless the proper permit is submitted and approved by the City. Regarding obstructions in the public right-of-way, the permit required is defined in City of Kenosha Code of General Ordinances 5.045 Banners, Signs, Decorations and Obstruction in the Public Right-of-Way. We have attached a copy of this ordinance along with the application form that needs to be fully completed and filed with the City Clerk to start the permit process with the City. The City Clerk will forward to Public Works Department for review and comment prior to placing the application on the agenda of the Committee on Public Safety and Welfare. The attached Ordinance will detail out the construction requirements in Section D.

After reviewing the ordinance, you have any remaining question, please contact Greg Holverson, Assistant City Engineer at 262-653-4152.

Sincerely,



Michael M. Lemens, P.E.
Director of Department of Public Works

cc: Alderman Kurt Wickland – District 8
Debra Salas, City Clerk
Shelly Billingsley P.E., Director/City Engineer
Greg Holverson, P.E., Assistant City Engineer

CODE OF GENERAL ORDINANCES, 2014 - KENOSHA, WISCONSIN

5.045 BANNERS, SIGNS, DECORATIONS AND OBSTRUCTIONS IN PUBLIC RIGHT-OF-WAY

A. Permit Required. No person, party, firm or corporation shall place any banner, sign, decoration, or obstruction in any public right-of-way without first obtaining the written permission of the Director of Public Works. The Common Council shall, from time to time, by Resolution, establish permit fees.

B. Exception and Limitation. The requirements of this Ordinance do not apply to:

1. The placement of banners, signs, decorations or obstructions by the City in a right-of-way; and,
2. Outdoor dining areas permitted under **Section 5.046** of the Code of General Ordinances.

C. Requirements. A permit under **Subsection A.** may be granted only where:

1. A City authorized application form has been fully completed, properly executed and filed with the Office of the City Clerk. The City Clerk shall forward said application to the Director of Public Works, or designee thereof, for review and written comment prior to placing the application on the agenda of the Committee on Public Safety and Welfare for action thereon. The application form shall include an indemnity and hold harmless agreement drafted by the City Attorney which protects the City and its officers and employees from liability arising out of acts or omissions herein relevant, and it shall also require the following information: Name of applicant; address of applicant; identification of whether applicant is a partnership, individual, corporation, group of individuals, religious organization, political organization, social organization or fraternal organization; person representing applicant to contact; location, size, construction and height of banner, sign, decoration or obstruction; when banner, sign, decoration will be put up and taken down, if temporary in nature; whether or not lighted; and a picture, diagram or sketch of banner, sign, decoration, or obstruction.

2. The applicant has procured and maintains during the permit period, a minimum liability and contractual liability insurance policy in the amount of One Million (\$1,000,000.00) Dollars single limits, providing coverage for claims involving death, personal injury and property damage. A certificate of such insurance shall be filed with the City Clerk as part of the application. If a sign or decoration is painted upon the property of another which lawfully infringes on a public right-of-way, this requirement shall apply only to the painter during the period of painting. The City Attorney may recommend, and the Committee on Public Safety & Welfare may approve, higher limits of insurance protection on a case by case basis.

3. The written permission of the owner of private property which lawfully infringes on a public right-of-way, such as a railroad bridge, upon which the banner, sign, decoration or obstruction will be placed, has been procured and attached to the application. Banners, signs, decorations and obstructions may not be placed on private property which unlawfully infringes on a public right-of-way.

4. The persons executing the application are authorized to do so by the corporation, partnership or organization in whose name the permission is requested and the application must document said authorization.

5. The placement, maintenance and removal of all banners, signs, decorations or obstructions shall be by applicant, solely at applicant's expense.

6. It shall be unlawful for any applicant obtaining a permit hereunder to fail to promptly remove a banner, sign, decoration or obstruction by the date specified within their application for taking it down, or by such other date as is determined by the Committee on Public Safety & Welfare.

D. Conditions of Approval. The Committee on Public Safety and Welfare may impose reasonable permit conditions.

The following guidelines shall be used to determine conditions of approval with respect to obstructions in any public right-of-way relative to outdoor displays or sales tables or racks where otherwise permitted:

1. Placement of obstructions shall be limited to areas where the sidewalk width is twelve (12') feet wide from face of curb to building line.

CODE OF GENERAL ORDINANCES, 2014 - KENOSHA, WISCONSIN

2. The obstruction shall be no closer than two (2') feet to the face of the curb.
3. The obstruction shall occupy no more than five (5') feet of the area between the curb and building line.
4. Portable obstructions shall be adequately secured and anchored so as to prevent them from tipping over from the wind. Table umbrellas shall be secured with a heavy ballast holder.
5. Obstructions greater than three and one-half (3.5') feet in height shall be at least fifteen (15') feet from a corner sidewalk.
6. Obstructions cannot extend beyond the limits of the applicant's property's street frontage.
7. Aisleways to building doors will be unobstructed so as to ensure a safe fire exit.
8. In accordance with **Chapter 32, Rule 06-25** of the Code of General Ordinances, no structure, tree, pole, post, sign or any other obstruction shall be placed, located or maintained within a five (5') foot radius of any fire hydrant connected to the Water Utility water supply system.

E. Prohibited Content. No banner, sign, decoration or obstruction may be obscene or may tend to discriminate against any person or group protected by law against discrimination.

F. Lighting. The lighting of banners, signs, decorations and obstructions shall be prohibited, unless specified in the application and approved by the Committee on Public Safety & Welfare. Such approval may be granted only if the lighting will not unreasonably interfere with traffic or the peaceful use of property owners and users within the immediate vicinity thereof.

G. Appeal. Should the Committee on Public Safety & Welfare deny the application, applicant, by filing a written notice of appeal with the City Clerk within five (5) business days following, but not including, the day of denial, may appeal said denial to the Common Council. The appeal will be heard at a scheduled Common Council meeting as soon as practicable. However, to be heard at a given Common Council meeting, the notice of appeal must be filed a minimum of two (2) business days prior to said meeting, not including the day of the scheduled meeting.

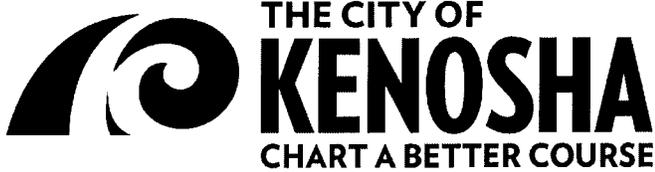
H. Revocation, Suspension and Removal. The Committee on Public Safety & Welfare may suspend or revoke any permit issued hereunder and order the removal of any banner, sign, decoration or obstruction placed in a City right-of-way contrary to the terms of a permit issued under this Ordinance, or contrary to this Ordinance, upon providing permit holder with a reasonable time, not to exceed ten (10) days, in which to file a written request with the City Clerk to be heard in said matter, and show cause why the proposed action should not be taken. However, a banner, sign, decoration or obstruction may be removed without prior notice or opportunity to be heard where it constitutes an immediate danger to the public health, safety or welfare, where it is not in conformance with representations made in the application, where the Certificate of Insurance has expired or where placed within any right-of-way without a permit, contrary to the provisions of this Ordinance. In such cases, an opportunity for a post-removal hearing shall be provided.

I. Other Codes, Permits and Inspections. Permits issued hereunder are conditioned upon compliance with any Building, Health, Fire or Zoning Codes and permits and inspections hereunder, which may be applicable.

J. Penalty. Any person, party, firm or corporation who violates any provision of this Ordinance shall, upon conviction, forfeit not more than Three Hundred (\$300.00) Dollars, plus the cost of prosecution, and in the event of the failure to promptly pay said amounts, the violator shall be imprisoned for not more than ten (10) days in the County Jail. Each day of violation shall be deemed a separate offense.

5.046 OUTDOOR DINING AREA LOCATED IN A PUBLIC RIGHT-OF-WAY, MAJOR STREET SETBACK AREA OR ON PUBLIC PROPERTY.

A. Definitions. The following terms and phrases, for purposes of this Ordinance, shall have the meanings provided.



Shelly Billingsley, P.E.
Acting Director of Public Works
City Engineer

Date: April 24, 2015

To: Alderperson Rocco LaMacchia, Chairman
Public Safety and Welfare Committee

CC: Alderperson Scott N. Gordon
District 11

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

Subject: *Previous trial for All-Way Stop Signs at the Intersection of 50th Avenue and 58th Street. (District 11)*

BACKGROUND INFORMATION:

This request has been on trial as indicated with no complaints or problems reported. Attachment 1 shows the existing conditions at the intersection of 50th Avenue and 58th Street. Attachment 2 shows the nearby traffic control.

RECOMMENDATION:

Staff recommends approval of the all-way stop signs at the intersection of 50th Avenue and 58th Street. This intersection will need to be added to Ordinance 7.12(B) on Stop Streets.



S-CURVE SOUTH OF THE INTERSECTION OF 50TH AVENUE AND 58TH STREET



1 inch = 60 feet
Date Printed: 11/26/2014



DISCLAIMER This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.

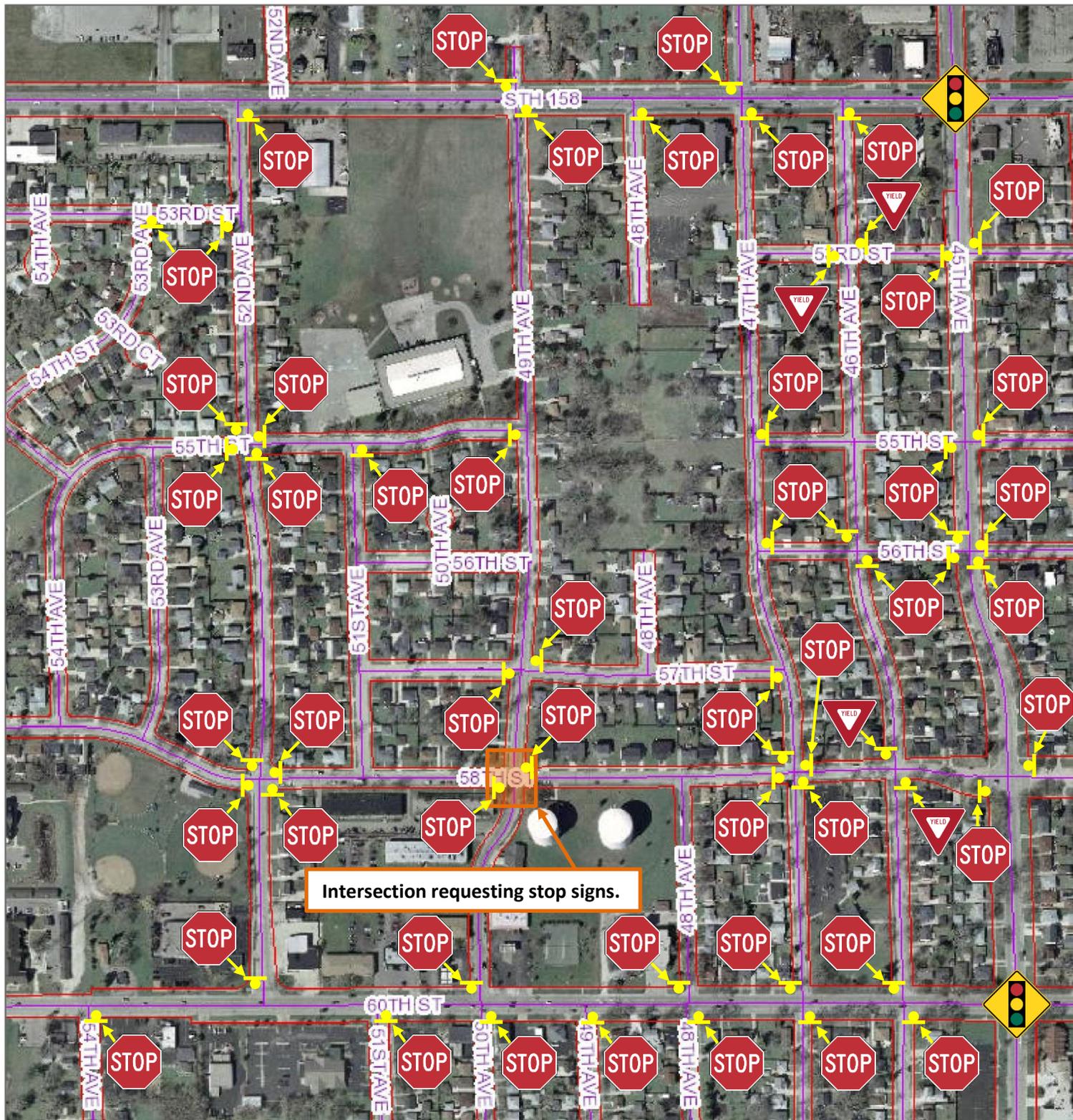


Existing Traffic Control

Near the intersection of 50th Avenue and 58th Street



1 inch = 400 feet
Date Printed: 1/8/2015



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