AGENDA
PUBLIC SAFETY & WELFARE COMMITTEE MEETING
Kenosha Municipal Building - Room 204
Monday, July 29, 2013 - 5:00 pm

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

Call to Order
Roll Call

Approval of the minutes of the meeting held on July 8, 2013 & July 22, 2013.

1. Aldermanic Request for a 4-Way Stop at 18th Avenue and 78th Street Intersection.
   (District 13) (Staff does not recommend approval) (Deferred from the 7/8/13 meeting)

2. Aldermanic Request for a 4-Way Stop at 36th Avenue and 78th Street Intersection.
   (District 13) (Staff does not recommend approval) (Deferred from the 7/8/13 meeting)

3. Resolution by Alderperson Anthony Kennedy - To Urge the United States Congress to Take Action to Re-Effectuate the Preclearance Provision of the Voting Rights Act of 1965.
   (Referred from Council on 7/15/13)

4. Resolution by Alderperson Curt Wilson; Co-Sponsored by Alderperson Keith Rosenberg - To Urge Passage of an Amendment to the United States Constitution to Protect the Rights of Citizens to a Fair Election Process not Tainted by Undue Influence of Large Election Expenditures by Corporations, Labor Unions, and the Most-Affluent Citizens.

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

IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 653-4050 BEFORE THIS MEETING

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

PUBLIC SAFETY & WELFARE COMMITTEE
Minutes of Meeting held Monday, July 8, 2013

A meeting of the Public Safety & Welfare Committee was held on Monday, July 8, 2013 in Room 204 of the Kenosha Municipal Building. The meeting was called to order at 5:00 pm by Chairman LaMacchia.

At roll call, the following members were present: Alderpersons Schwartz, Orth, Kennedy, and Mathewson. Staff members in attendance were Michael Lemens, Director of Public Works; Shelly Billingsley, Deputy Director of Public Works/City Engineer; Jeff Warnock, Superintendent of Parks; Jeff Labahn, Director of Community Development and Inspections; Brian Wilke, Zoning Coordinator; City Attorney Ed Antaramian; Deputy Police Chief Dan Miskins, Captain Thomas Hansche, Alderperson Curt Wilson, Alderperson David Bogdala, and Alderperson Eric Haugaard.

It was moved by Alderperson Orth, seconded by Alderperson Kennedy, to approve the minutes from the meeting held on Monday, June 24, 2013. Motion carried unanimously.

1. Application from Kenosha Area Chamber of Commerce Foundation for a Carnival License to be held on August 22 – 24, 2013 in Celebration Place / Harbor Park. *(District 2) (use of Celebration Place / Harbor Park pending Public Works Committee approval)*
   It was moved by Alderperson Kennedy, seconded by Alderperson Schwartz to approve contingent with proof of insurance. Motion carried unanimously.

2. Aldermanic Request for a 4-Way Stop at 18th Avenue and 78th Street Intersection. *(District 13) (Staff does not recommend approval)*
   Staff/Alderperson: Michael Lemens, Shelly Billingsley and Alderperson Curt Wilson spoke.
   It was moved by Alderperson Kennedy, seconded by Alderperson Orth, to defer for two weeks. Motion carried unanimously.

3. Aldermanic Request for a 4-Way Stop at 36th Avenue and 78th Street Intersection. *(District 13) (Staff does not recommend approval)*
   It was moved by Alderperson Orth, seconded by Alderperson Kennedy, to defer for two weeks. Motion carried unanimously.

4. BJA FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Intergovernmental Agreement by and between the City of Kenosha, Wisconsin and the County of Kenosha, Wisconsin.
   Staff/Alderperson: Deputy Police Chief Dan Miskinis spoke.
   It was moved by Alderperson Orth, seconded by Alderperson Schwartz, to approve. Motion carried unanimously.

DISCUSSION ITEMS:

1. Chickens in the City – Alderperson Orth passed out a Draft Ordinance. Alderperson Orth, City Attorney Ed Antaramian, John Fox and Alderperson Bogdala spoke.
2. Permit Procedures and Application Process – Jeff Labahn spoke. Chairman LaMacchia asked for a report in a month.

3. Status update from Kenosha Police Department regarding Parking issues on Fisherman's Circle Road – Captain Thomas Hansche gave an update. He said there have been less parking problems, issues are more manageable and a re-deduction in tickets.
4. Special Meeting on July 22, 2013 to discuss Proposed Sign Ordinance – Brian Wilke spoke. Chairman LaMacchia would like all Council Members, Sign Contractors and any others interested invited to the meeting.

CITIZEN COMMENTS: John Fox commented on the Chickens in the City. Tom Riley suggested creating a spot North of Sheridan Road before Carthage College for Parking instead of Fisherman's Circle for the kids.

ADJOURNMENT - There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 5:47 pm.

PUBLIC SAFETY & WELFARE COMMITTEE
Minutes of Meeting held Monday, July 22, 2013

A meeting of the Public Safety & Welfare Committee was held on Monday, July 22, 2013 in Room 202 of the Kenosha Municipal Building.

At roll call, the following members were present: Chairman LaMacchia and Alderperson Orth.

Due to a lack of quorum, there was no discussion.

Engineering Division
Shelly Billingsley
Director of Engineering
Fleet Maintenance
Mauro Lenci
Superintendent
Park Division
Jeff Warnock
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

Date: July 25, 2013

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

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

CC: Curt Wilson,
13th District

Subject: ***All-way Stop Control at 78th Street and 18th Avenue.***

BACKGROUND INFORMATION:

Alderman Wilson is requesting, on behalf of his constituents, for an all-way control at 78th Street and 18th Avenue intersection. Residents in this neighborhood believe that converting the two-way control to an all-way control would alleviate speeding on the uncontrolled legs of the intersection.

Staff inspected the intersection and observed that the intersection is stop-controlled on 78th Street. Data collected in May of 2013 shows that both streets have about the same average daily traffic. However, 78th Street is considered the minor street by virtue of having a slightly lower average daily traffic volume of 517 as compared to 532 for 18th Avenue. The existing stop control is consistent with engineering judgment due to 78th Street having a slightly less average daily traffic. The traffic data also indicated no speeding on 18th Avenue. 18th Avenue has an 85th percentile speed of 27MPH.

The attached aerial sketch of the neighborhood illustrates that there is a significant intersection-control in the neighborhood. Staff did not notice any site distance issues and no right-of-way crash was recorded at this intersection in the last five years. Furthermore, the attached table illustrates that the intersection did not meet any of the warrants for an all-way stop control.

RECOMMENDATION:

Staff does not recommend all-way stop at 78th Street and 18th Avenue intersection.

ALL-WAY STOP WARRANTS

78th Street and 18th Avenue Intersection

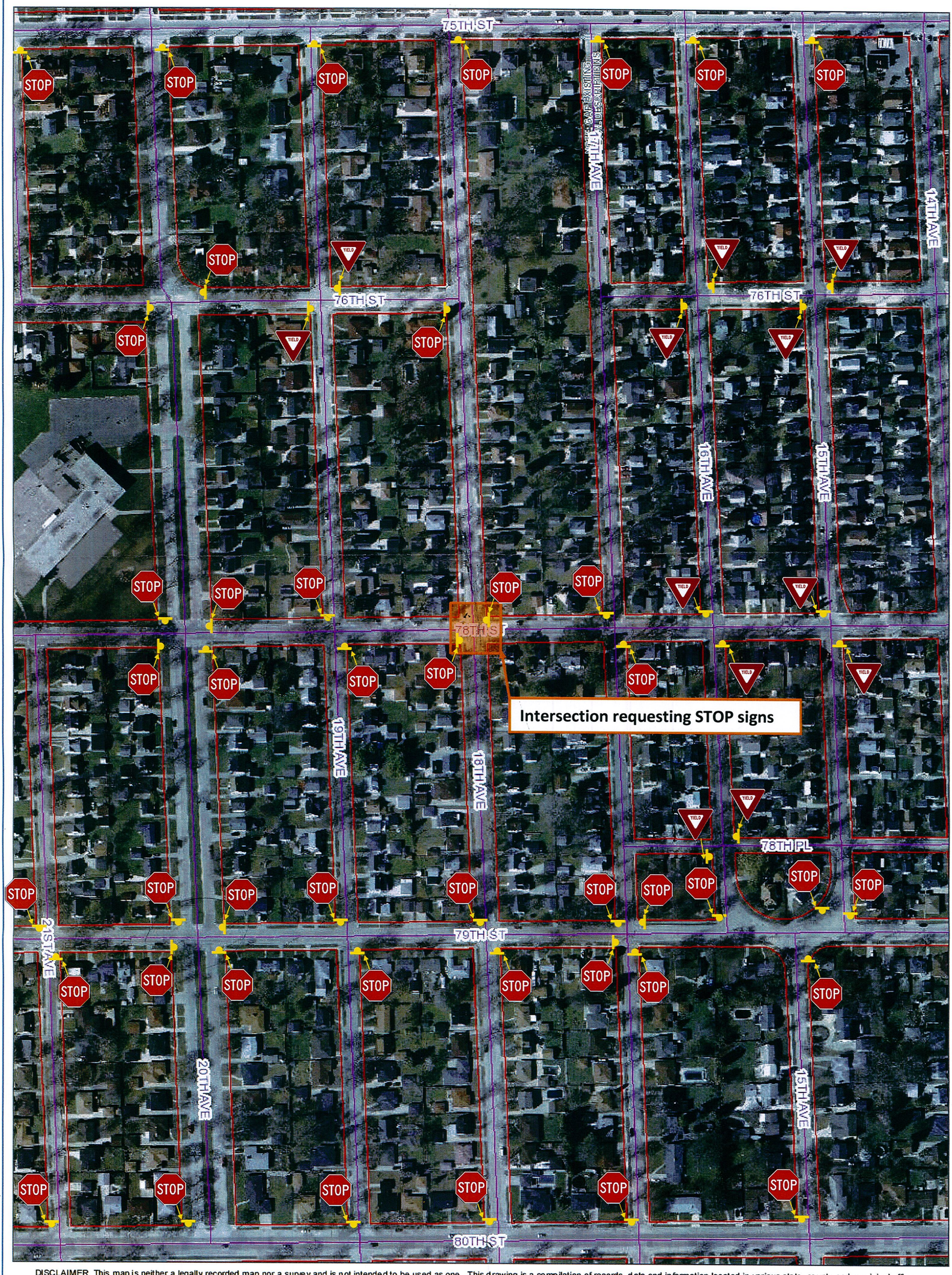
Major Street: **18th Avenue ADT of 532**
Minor Street: **78th Street ADT of 517**

SN	WARRANTS	MINIMUM REQUIREMENT	DATA VALUE	COMMENTS
1	Where traffic control signals are justified, multi-way stop control is an interim measure that can be implemented quickly to control traffic until the signal is designed and installed.	Signal is not required.	NA	Intersection does not meet warrant.
2	The occurrence within a twelve-month period of five or more reported accidents of a type susceptible to correction by multi-way stop control. Such accident types include turn collisions, as well as right-angle collisions.	5 Crashes	0	Intersection does not meet warrant.
3	Minimum volumes:			
	1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day; and	300	67	Intersection does not meet warrant.
	2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but	200	39	Intersection does not meet warrant.
	3. If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the values provided in Items 1 and 2.	40MPH	27MPH	Intersection does not meet warrant.

KENOSHA COUNTY INTERACTIVE MAPPING

Intersection Control near 78th Street and 18th Avenue

1 inch = 200 feet
Date Printed: 7/16/2013



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.

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Director of Engineering
Fleet Maintenance
Mauro Lenci
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Date: July 25, 2013

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

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

CC: Curt Wilson,
13th District

Subject: ***All-way Stop Control at 78th Street and 36th Avenue.***

BACKGROUND INFORMATION:

Alderman Wilson is requesting, on behalf of his constituents, for an all-way control at 78th Street and 36th Avenue intersection. Residents in this neighborhood believe that converting the two-way control to an all-way control would alleviate speeding on the uncontrolled legs of the intersection.

Staff inspected the intersection and observed that the intersection is stop-controlled on 78th Street. This is consistent with engineering judgment because 78th Street is the minor street by virtue of having a lower average daily traffic volume of 237 as compared to 318 for 36th Avenue. The attached sketch illustrates that there is significant intersection-control in the neighborhood. Staff did not notice any site distance issues and no crash was recorded at this intersection in the last five years. Furthermore, the attached table illustrates that the intersection did not meet any of the warrants for an all-way stop control.

RECOMMENDATION:

Staff does not recommend all-way stop at 78th Street and 36th Avenue intersection.

ALL-WAY STOP WARRANTS

78th Street and 36th Avenue Intersection

Major Street: 36th Avenue ADT of 318
Minor Street: 78th Street ADT of 237

SN	WARRANTS	MINIMUM REQUIREMENT	DATA VALUE	COMMENTS
1	Where traffic control signals are justified, multi-way stop control is an interim measure that can be implemented quickly to control traffic until the signal is designed and installed.	Signal is not required.	NA	Intersection does not meet warrant.
2	The occurrence within a twelve-month period of five or more reported accidents of a type susceptible to correction by multi-way stop control. Such accident types include turn collisions, as well as right-angle collisions.	5 Crashes	0	Intersection does not meet warrant.
3	Minimum volumes:			
	1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day; and	300	46	Intersection does not meet warrant.
	2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but	200	32	Intersection does not meet warrant.
	3. If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the values provided in Items 1 and 2.	40MPH	26MPH	Intersection does not meet warrant.

KENOSHA COUNTY INTERACTIVE MAPPING

Intersection Control near 78th Street and 36th Avenue

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1 inch = 200 feet
Date Printed: 7/16/2013

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RESOLUTION _____

SPONSOR: ALDERPERSON ANTHONY KENNEDY

TO URGE THE UNITED STATES CONGRESS TO TAKE ACTION TO RE-EFFECTUATE THE PRECLEARANCE PROVISION OF THE VOTING RIGHTS ACT OF 1965

WHEREAS, the Voting Rights Act of 1965 (42 U.S.C. §§ 1973–1973aa-6; to which is hereinafter referenced as "the Act"), which became effective on August 6, 1965, is a landmark piece of legislation that provided a tool for effectuation of the 15th Amendment to the United States Constitution by outlawing discriminatory voting practices that had been responsible for the widespread disenfranchisement of African Americans; and

WHEREAS, the legislation has continually had bipartisan support, having been originally been introduced in the United States Senate by Senators Mike Mansfield (a member of the Democratic party representing Montana) and Everett Dirksen (a member of the Republican party representing Illinois) on March 18, 1965; and

WHEREAS, the Act has been renewed and amended by Congress four times, but with its original enforcement provisions left intact, the most recent action being a 25-year extension signed into law by President George W. Bush in 2006; and

WHEREAS, the Act states at Section 2 that "[n]o voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color" to address disenfranchising devices that preceded the Act such as literacy tests (with grandfather clauses that permitted otherwise disqualified voters whose grandfathers voted in order to allow some illiterate non-African Americans to vote) and poll taxes; and

WHEREAS, one of the means of accomplishing the Acts' purposes is the preclearance requirement of Section 5 that provides that states with a history of discriminatory voting practices (so-called "covered jurisdictions") could not implement any change affecting voting without first obtaining the approval of the Department of Justice; and

WHEREAS, Section 4 sets out the formula that determines which are covered jurisdictions subject to the preclearance requirements of Section 5; and

WHEREAS, since the initial enactment of the Act in 1965, the formula has not been amended by Congress to take into account strides made by covered states to the extent that some of the states still covered by Section 4 have better evidence of non-discriminatory election practices than others not covered such that African-American voter registration and turnout is now greater in most of the covered states than in many of the uncovered states; and

WHEREAS, in the 2013 case of *Shelby County v. Holder,* the United States Supreme Court struck down Section 4(b) of the Act containing the formula for requiring preclearance as unconstitutional based on current conditions, stating that "history did not end in 1965;" and

WHEREAS, although the preclearance provision in Section 5 was not struck down by the Supreme Court, it currently has no effect unless or until Congress passes a new formula; and

WHEREAS, Congress can act to reinvigorate Section 4 and save Section 5 as applied to the states by adopting a new coverage formula.

NOW THEREFORE BE IT RESOLVED, that the Common Council for the City of Kenosha does urge the United States Congress take swift action to reinvigorate Section 4 of the Voting Rights Act of 1965 by adopting new coverage formulae.

BE IT FURTHER RESOLVED that the City Clerk/Treasurer is directed to send a copy of this Resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, United States Senator Ron Johnson of Wisconsin, United States Senator Tammy Baldwin of Wisconsin, and United States Representative Paul Ryan of Wisconsin's First Congressional District.

Adopted this_____day of _____, 2013.

ATTEST: _____
Deb Salas, City Clerk/Treasurer

APPROVED: _____, Mayor
Keith G. Bosman

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

RESOLUTION _____

SPONSOR: ALDERPERSON CURT WILSON
CO-SPONSOR: ALDERPERSON KEITH ROSENBERG

TO URGE PASSAGE OF AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PROTECT THE RIGHTS OF CITIZENS TO A FAIR ELECTION PROCESS NOT TAINTED BY UNDUE INFLUENCE OF LARGE ELECTION EXPENDITURES BY CORPORATIONS, LABOR UNIONS, AND THE MOST-AFFLUENT CITIZENS

WHEREAS, the preamble to the Constitution of the United States of America reads in its entirety: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America;" and

WHEREAS, government of, by, and for the people has long been a cherished American value, and includes the inalienable right of self-governance; and

WHEREAS, "people" in the words of the Constitution contemplated natural persons needing protections against government intervention, including prohibitions against forced self-incrimination and quartering of troops in homes, and did not contemplate fictitious entities such as corporations and labor unions; and

WHEREAS, free and fair elections participated in by natural persons, are essential to democracy and effective self-governance; and

WHEREAS, in 1990, the United States Supreme Court decided the case of *Austin v. Michigan Chamber of Commerce* in which the Court held that it was not a violation of the First and Fourteenth Amendments for government to prohibit corporations from using treasury money to support or oppose candidates in elections, observing that "[c]orporate wealth can unfairly influence elections when it is deployed in the form of independent expenditures, just as it can when it assumes the guise of political contributions;" and

WHEREAS, in 2010, the United States Supreme Court, in a 5-4 decision, decided the case of *Citizens United v. the Federal Election Commission*, in which the Supreme Court effectively overturned its *Austin* decision, now holding that it was unconstitutional to ban free speech through the limitation of independent communications by corporations, associations, and unions; and

WHEREAS, in asserting that the First Amendment protects *associations* of individuals in addition to individual speakers, the majority decision in *Citizens United* effectively gave corporations and labor unions rights of citizenship reserved for natural persons; and

WHEREAS, the majority decision in *Citizens United* ignored the Court's own cogent reasoning in *Ausin* that "[t]he resources in the treasury of a business corporation . . . are not an indication of popular support for the corporation's political ideas. They reflect instead the economically motivated decisions of

investors and customers. The availability of these resources may make a corporation a formidable political presence, even though the power of the corporation may be no reflection of the power of its ideas;"

WHEREAS, the majority decision in *Citizens United* also ludicrously criticized *Austin's* reasoning that the "distorting effect" of large corporate expenditures constituted a risk of corruption or the appearance of corruption in the election process; and

WHEREAS, the majority decision in *Citizens United* removed the legal limits on contributions and expenditures in elections, thereby creating an unequal playing field and allowing unlimited spending by individual persons, corporations, unions, and other entities to influence elections, candidate selection, and policy decisions; and

WHEREAS, the majority decision in *Citizens United* also forces elected officials to divert their attention from the concerns of human citizens or even vote against the interest of their human constituents, in order to raise campaign funds for their own re-election; and

WHEREAS, corporations and unions are legal entities chartered by the government, which are given by government advantages not accorded natural citizens (such as perpetual life and favorable tax advantages) enabling these legal entities to amass wealth for the benefit of their investors, which, while such legal entities may be useful to the functioning of our economic system, are not human beings and thus do not and should not have the same Constitutional rights as American citizens; and

WHEREAS, allowing for the unlimited contributions and spending money on elections is contrary to the democratic principle of one person, one vote, according those with the most money to have an unfair advantage and undue influence in a political system that was intended to ensure that all citizens have equal access to and influence in the political process; and

WHEREAS, millions of people, and Local, County, and State governments across the nation are expressing sympathy with the Move to Amend Campaign, which is urging an Amendment to the United States Constitution to: (1) eliminate the extension of Constitutional rights – originally reserved for human beings – to corporate entities, and (2) abolish the doctrine that political contributions and expenditures are equivalent to free speech rights.

THEREFORE, BE IT RESOLVED, that the Common Council for the City of Kenosha, Wisconsin calls for reclaiming democracy from the corrupting effects of undue corporate influence by urging passage of an amendment to the United States Constitution to establish that:

1. Only human beings - not corporations, limited liability companies, labor unions, nonprofit organizations, or similar associations and corporate entities - are endowed with Constitutional rights; and

2. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.

BE IT FURTHER RESOLVED that the City Clerk/Treasurer is directed to send a copy of this Resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, United States Senator Ron Johnson of Wisconsin, United States Senator Tammy Baldwin of Wisconsin, United States Representative Paul Ryan of Wisconsin's First Congressional District,

Governor Scott Walker, Senator Robert Wirch, and Assemblypersons Peter Barca, Samantha Kerkman, and Todd Ohnstad.

Adopted this_____day of August, 2013.

ATTEST: _____
Debra Salas, City Clerk/Treasurer

APPROVED: _____
Keith G. Bosman, Mayor

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney