

**AGENDA  
PUBLIC WORKS  
COMMITTEE**

**MONDAY, NOVEMBER 18, 2013  
ROOM 202  
5:30 P.M.**

***Eric Haugaard, Chairman  
Jan Michalski, Vice Chairman  
Steve Bostrom***

***Scott N. Gordon  
Patrick Juliana  
G. John Ruffolo***

- A-1 Approval of minutes of regular meeting held on October 21, 2013 and special meeting held on October 30, 2013.
- C-1 Request for fence installation at Seed to Harvest Community Garden (42<sup>nd</sup> Street & 32<sup>nd</sup> Avenue) by Walkin In My Shoes. **(District 10)** *(signed copy of the Seed to Harvest Community Garden agreement is posted on the Aldermen webpage)*
- C-2 Award of Professional Service Contract for Project 13-1417 Lawn Park Area Tree Removal #2 to Droprite Tree & Landscape (Somers, Wisconsin) in the amount of \$50,000.00. *(Park Commission approved 3-0)*
- C-3 Ordinance by Alderperson David F. Bogdala – To Repeal and Recreate Subparagraph 1.03 A. (of the Code of General Ordinances) entitled “Order of Business”, to Amend Subparagraph 1.03 A.9.c. entitled “Speaker Sign-up” and to Repeal and Recreate Subparagraph 1.03 A.9.e entitled “Public Hearings”. *(also referred to Finance Committee and Stormwater Utility Committee) (PSW & L/P Committees approved as amended 3-0) (referred on the 11/4/13 Common Council agenda)*
- C-4 Approval of Addendum to Agreement By and Between the City of Kenosha (A Municipal Corporation) and Waste Management of Wisconsin, Inc. (A Wisconsin Corporation). *(also referred to Finance Committee)*
- C-5 Change Order for Project 13-1025 56<sup>th</sup> Street Resurfacing (56<sup>th</sup> Street – Sheridan Road to 13<sup>th</sup> Avenue). **(District 2)**

**INFORMATIONAL:**

- 1. Contractor Performance
- 2. Project Status Report

**CITIZENS COMMENTS/ALDERMAN COMMENTS RELATED ONLY TO JURISDICTION OF PUBLIC WORKS COMMITTEE**

**IF YOU ARE DISABLED AND IN NEED OF ASSISTANCE CALL 653-4050 BEFORE NOON ON THE DATE INDICATED FOR THIS MEETING.**

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

PUBLIC WORKS COMMITTEE  
- MINUTES -

MONDAY, OCTOBER 21, 2013  
5:30 P.M.

Eric Haugaard, Chairman  
Jan Michalski, Vice Chairman  
Steve Bostrom

Scott N. Gordon  
Patrick Juliana  
G. John Ruffolo

The regular meeting of the Public Works Committee was held on Monday, October 21, 2013 in Room 202 of the Municipal Building. The following members were present: Chairman Eric Haugaard, Vice Chairman Jan Michalski, Aldermen Scott N. Gordon and Patrick Juliana. Alderman Steve Bostrom and G. John Ruffolo were absent. The meeting was called to order at 6:23pm. Staff members in attendance were Shelly Billingsley, Sean Von Bergen, Assistant City Attorney Jon Mulligan and Alderman Chris Schwartz.

- A-1 Approval of minutes of special meeting held on September 30, 2013 and regular meeting held on October 7, 2013.  
*It was moved by Alderman Gordon, seconded by Alderman Michalski to approve. Motion passed 4-0.*
- C-1 Award of Contract for Project 13-2032 Kenosha Engine Plant Interim Action Soil Remediation (5555 30<sup>th</sup> Avenue) to A.W. Oakes & Son (Racine, Wisconsin) in the amount of \$364,000.00. **(District 7)**  
*It was moved by Alderman Juliana, seconded by Alderman Gordon to approve. Motion passed 4-0.*
- C-2 Ordinance by the Mayor – To Amend Subsection 30.10 A. Regarding Filing of Complaints and to Repeal and Recreate Subsection 30.15 (of the Code of General Ordinances) Regarding Liability of Complainant for Costs and Expenses. *(also referred to Finance Committee and Ethics Board) (PSW approved 3-1, L/P approved 2-1) (referred on 10/7/13 Council Agenda)*  
*A public hearing was held. Doug Williams spoke. It was moved by Alderman Michalski, seconded by Alderman Haugaard who had passed the gavel to move forward without recommendation but to have the attorney consider comments by Aldermen Michalski and Haugaard. Motion passed with Aldermen Haugaard and Michalski voting aye and Aldermen Gordon and Juliana abstaining.*
- C-3 Ordinance by Alderperson Chris Schwartz – To Repeal and Recreate Subsection 7.05 C. (of the Code of General Ordinances) Regarding Parking Limits. *(PSW approved 4-0) (referred on 10/7/13 Council Agenda)*  
*A public hearing was held. Alderman Chris Schwartz spoke. It was moved by Alderman Michalski, seconded by Alderman Juliana to approve. Motion passed 4-0.*
- C-4 Acceptance of Project 12-1208 Sidewalk & Curb/Gutter Program (Citywide Locations) which has been satisfactorily completed by A.W. Oakes & Son (Racine, Wisconsin) in the amount of \$491,835.37. (\$440,670.87 Sidewalk Funds) **(All Districts)**  
*It was moved by Alderman Juliana, seconded by Alderman Gordon to approve. Motion passed 4-0.*

- C-5 Approval of Revised Acceptance of Project 12-1414 Anderson Pool Splashpad Construction (8730 22<sup>nd</sup> Avenue) in the amount of \$274,053.39. **(District 9)**  
*(Park Commission approved 4-0)*  
*It was moved by Alderman Juliana, seconded by Alderman Gordon to approve. Motion passed 4-0.*
- C-6 Approval of Request of the Knights of Columbus to erect Flagpoles at the Piazza Cosenza. **(District 2)**  
*A public hearing was held. John Basel, 6623 43<sup>rd</sup> Avenue, and Alderman Chris Schwartz spoke. It was moved by Alderman Juliana, seconded by Alderman Gordon to approve. Motion passed 4-0.*
- C-7 Approval of Development Agreement between the City of Kenosha, the Kenosha Water Utility and KTR WIS III LLC and KTR WIS IV, LLC (Project Onyx/Amazon) **(District 16)** *(Also referred to Public Works, City Plan and Board of Water Commissioners)*  
*It was moved by Alderman Juliana, seconded by Alderman Michalski to approve agreement conditionally upon concurrence of the Mayor with recommendations from the Director of Public Works, the City Engineer, the Director of Community Development & Inspections, and the City Attorney that the documents are complete, final and satisfactory. Motion passed 4-0.*
- C-8 Set date and time for the 2014 Budget Review.  
*It was moved by Alderman Gordon, seconded by Alderman Juliana to hold the meeting on Wednesday, October 30, 2013 at 5pm. Motion passed 4-0.*

INFORMATIONAL: Project Status Report

ADJOURNMENT - *There being no further business to come before the Public Works Committee, it was moved, seconded and unanimously approved to adjourn the meeting at 6:41pm.*

PUBLIC WORKS COMMITTEE  
-MINUTES-  
WEDNESDAY, OCTOBER 30, 2013  
5:00 P.M.

Eric Haugaard, Chairman  
Jan Michalski, Vice Chairman  
Steve Bostrom

Scott N. Gordon  
Patrick Juliana  
G. John Ruffolo

A meeting of the Public Works Committee was held on Wednesday, October 30, 2013 in Room 202 of the Municipal Building. The following members were present: Chairman Eric Haugaard, Vice Chairman Jan Michalski, Alderpersons Scott N. Gordon, and Patrick Juliana. Alderpersons Steve Bostrom and G. John Ruffolo were excused. Staff members in attendance were Mayor Bosman, City Administrator Frank Pacetti, Finance Director Carol Stancato, Public Works Director Mike Lemens, Shelly Billingsley, John Prijic, Mauro Lenci, Cathy Austin, Sean Von Bergen, Dirk Nelson, Director of Human Resources Steve Stanczak, and Sue Clouthier.

C-1 Public Works 2014 CIP Budget Review

Public Hearing – No one spoke.

Director Lemens gave an overview of the Public Works CIP budget. City Administrator Pacetti commented on the budget process. Alderperson Juliana commented on the roadbed of 60<sup>th</sup> Street. Vice Chairman Michalski questioned the timing of 7<sup>th</sup> Avenue resurfacing. Alderperson Juliana asked about the fuel island upgrade.

*It was moved by Alderperson Gordon, seconded by Alderperson Juliana to approve. Motion passed 4-0.*

C-2 Public Works 2014 Executive Budgets

Public Hearing – No one spoke.

Director Lemens gave an overview of the Public Works Executive budgets. City Administrator Pacetti commented on the management capabilities of the proposed new public interface program. Vice Chairman Michalski asked about temporary and seasonal costs. Director Stancato explained how temporary and seasonal costs are allocated on a historical basis to divisions within the Public Works budget. Vice Chairman Michalski commented on the downtown streetlights. Alderperson Gordon questioned fuel costs. City Administrator Pacetti explained that fuel costs look to be stable. Alderperson Juliana also commented on fuel costs.

*It was moved by Alderperson Juliana, seconded by Alderperson Gordon to approve. Motion passed 4-0.*

Citizen Comments: No one spoke.

Alderperson Comments: No one spoke.

There being no further business to come before the Public Works Committee, it was moved, seconded and unanimously approved to adjourn the meeting at 6:03 PM.

C-1



**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  
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November 13, 2013

To: Eric Haugaard, Chairman  
Public Works Committee

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

cc: Anthony Kennedy  
District 10

Subject: *Request for fence installation at Seed to Harvest Garden by Walkin In My Shoes*

**BACKGROUND/ANALYSIS**

Walkin in My Shoes is requesting the installation of a chain link fence around the perimeter of the garden located at 42<sup>nd</sup> Street and 32<sup>nd</sup> Avenue.

A copy of the Agreement between the City of Kenosha and Walkin In My Shoes is available on the Alderman Page for your use.

Through the Agreement it states the purpose of “temporarily allowing Garden to use city owned land to create a community garden for the citizens of Kenosha...” (pg1 paragraph 1) Therefore if the garden would become fenced it no longer meets the needs of the citizens but only those who have access to the gate. The garden, through the agreement, was also limited in size to a 100’ x 100’ area (pg 2, B1) ,with the installation of the fence, it has been requested that the fence be installed to an area of 120’ x 120’.

**RECOMMENDATION**

Recommend Denial as the fence was not a part of the original agreement between the City of Kenosha and Walkin In My Shoes, Inc. and the gardens purpose was to become a community garden for the citizens.



Walkin' In My Shoes, Inc.

*There's still life in this "Soul"*

October 1, 2013

Michael M. Lemens, P. E.  
Director of Public Works  
City of Kenosha  
Department of Public Works  
625-52<sup>nd</sup> Street  
Kenosha, Wisconsin 53140-3480

RE: Commercial Fence Installation

Dear Mr. Lemens:

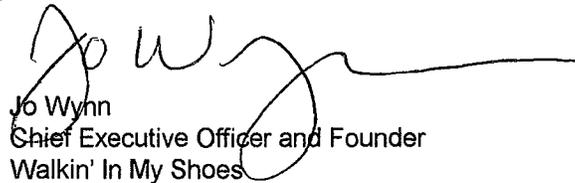
I am writing to request the approval for Yutka Fence Company to install a chain link fence. The fence will be around the perimeter of the Seed to Harvest garden located at 42<sup>nd</sup> street and 32th Avenue, in Kenosha, Wisconsin.

Yutka Fence Company is aware that the completion of an application has to be approved, before they can perform any work on the property. Enclosed are copies of the plan, with sizes and dimensions, and a copy of the contract, the city of Kenosha made with us, for your review.

If you have any questions, please feel free to contact me directly at 262-764-0214 Tuesday and Thursday from 10:00am to 2:00pm or email me at: [jwynn@walkininmyshoes.org](mailto:jwynn@walkininmyshoes.org).

Sincerely,

**"Empowering Youth to Break the Cycle of Poverty"**



Jo Wynn  
Chief Executive Officer and Founder  
Walkin' In My Shoes

Enclosures

6606 34th Avenue  
Kenosha, Wisconsin 53142  
www.yutkafence.com



Phone 262-552-7967  
Fax 262-657-5100  
Serving SE Wisconsin Since 1968

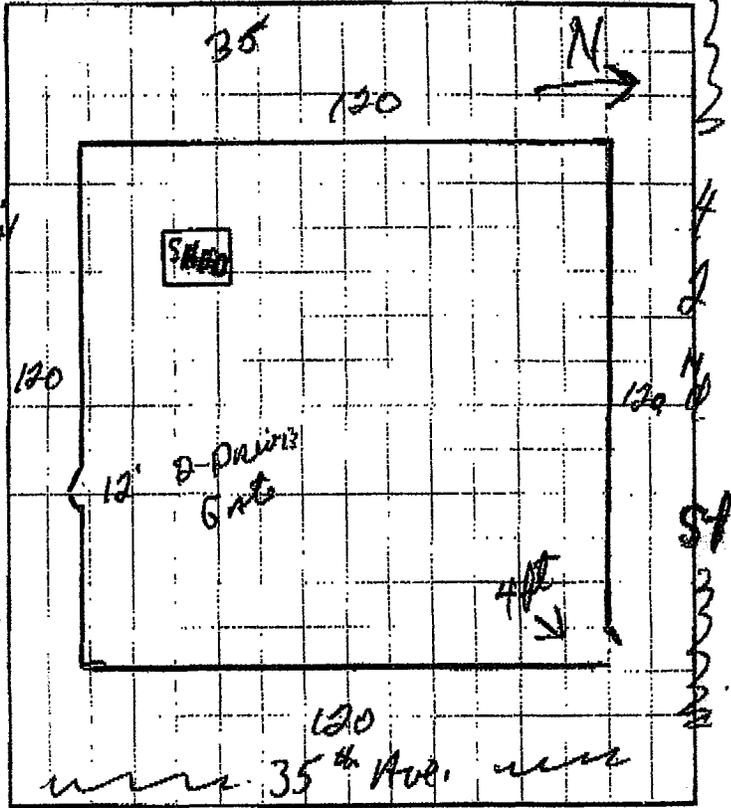


See the Yutka Difference at our Outdoor Display!



Name: 50 WINN Date: 9-20-13  
Street No.: 2211 50th St. City: Kenosha State: WI Zip: 53140  
Phone: 764-0214 Work/Cell: \_\_\_\_\_ Fax: 962-264-0299  
Job Site: \_\_\_\_\_ E-mail: \_\_\_\_\_

Type: CHAIN LINK Height: 10'  
Style: Aluminum/Vinyl <sup>COATED</sup> Color: Black  
Post End: 2 1/2" Line: 2" Post Cap: Domed  
Top Rail / Stringers: 1 5/8 S/G Fabric Gauge: 9ga/8ga  
Gates: Walk 1-4' Drive 1-12' DRIVE  
Total Footage: 450 Removal Ftg. 0  
 Take Down  Haul  Leave Post Base  Remove Post Base  
Dirt Placement:  Pile by holes  Spread by holes  
 Move to other location  Remove dirt (#8 per hole)  
● Customer Obtains Permit ● Yutka Fence Calls Hot Line



NOTES/OPTIONS: \_\_\_\_\_

CONTRACT AMOUNT: \$ \_\_\_\_\_  
OPTIONS / PERMIT: \$ \_\_\_\_\_  
SUB TOTAL: \$ \_\_\_\_\_  
DOWN PAYMENT: \$ \_\_\_\_\_

Approved for Yutka Fence, Inc. Prices valid for 15 days  
Paul Yutka Salesperson 9-21-13 Date

Approved & Accepted for Customer: \_\_\_\_\_  
Customer \_\_\_\_\_ Date \_\_\_\_\_  
**FULL PAYMENT DUE ON COMPLETION**

Stain Estimate (Rustic Oak or Sierra) \$ \_\_\_\_\_  
50% of the Contract Price is due upon signing. The Customer agrees to pay the remaining balance immediately upon completion of the fence work. Interest shall accrue at a rate of 12% per year for all arrearages.  
**PLEASE SEE THE BACK SIDE OF THIS CONTRACT FOR ADDITIONAL TERMS AND CONDITIONS.** Initials \_\_\_\_\_



ENGINEERING DIVISION  
 SHELLY BILLINGSLEY, P.E.  
 CITY ENGINEER

PARK DIVISION  
 JEFF WARNOCK  
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**DEPARTMENT OF PUBLIC WORKS**  
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November 5, 2013

To: Eric J. Haugaard, Chairman, Public Works Committee  
 Michael J. Orth, Chairman, Park Commission

From: Shelly Billingsley, P.E. *Shelly Billingsley*  
 Director of Engineering /City Engineer

Subject: **Professional Service Contract for Parkway Tree Removal Project #13-1417**

**BACKGROUND INFORMATION**

The City of Kenosha Public Works – Park Division has received three proposals to complete list #2 of the Parkway Tree Removal Contract for 2013. Staff has reviewed the proposals and has chosen Droprite Tree & Landscape, LLC, Somers, Wisconsin, based on their references, experience and standard quoted rates.

Contractor	Proposal Amount
Droprite Tree & Landscape, Somers, WI	\$44,306.50
Affordable Tree Care, Sturtevant, WI	\$49,403.00
Asplundh Tree, Schofield, WI	\$52,124.00

The 2013 tree removal list #2 contract includes removing approximately 1129 trees.

**RECOMMENDATION**

Approve the Agreement between the City of Kenosha and Droprite Tree & Landscape, Somers, Wisconsin, for \$50,000.00 to include their quote of \$44,306.50 with \$5,693.50 of contingency and authorize the Director to execute the contract. The funding for this work will be paid for out of CIP PK-93-004 Reforestation/Tree & Stump Removal.

SAB/kjb



ENGINEERING DIVISION  
SHELLY BILLINGSLEY, P.E.  
CITY ENGINEER

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November 12, 2013

To: Eric Haugaard, Chairman, Public Works Committee  
Patrick Juliana, Chairman, Stormwater Utility Committee

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

Cc: David F. Bogdala  
District 17

Subject: ***Ordinance by Alderperson David F. Bogdala – To Repeal and Recreate Subparagraph 1.03 A. of the Code of General Ordinances Entitled “Order of Business”, to Amend Subparagraph 1.03 A.9.c. Entitled “Speaker Sign-Up” and to Repeal and Recreate Subparagraph 1.03 A.9.e Entitled “Public Hearing”***

**BACKGROUND/ANALYSIS**

Staff received a referral from the Legal Department for an Ordinance change by Alderperson Bogdala which was referred to the Public Works Committee and Stormwater Utility Committee on the Common Council agenda for the November 4, 2013 meeting.

**RECOMMENDATION**

Staff has no recommendation.

**DRAFT 11/14/13**

This version represents a change made by the Sponsor pursuant to Paragraph 1.03E.2. of our Code of General Ordinances. It does not reflect amendments recommended by Committees to the prior version.

**SPONSOR: ALDERPERSON DAVID F. BOGDALA**

**TO REPEAL AND RECREATE SUBPARAGRAPH 1.03 A. OF THE CODE OF GENERAL ORDINANCES ENTITLED "ORDER OF BUSINESS", TO AMEND SUBPARAGRAPH 1.03 A.9.c. ENTITLED "SPEAKER SIGN-UP" AND TO REPEAL AND RECREATE SUBPARAGRAPH 1.03 A.9.e. ENTITLED "PUBLIC HEARINGS"**

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

**Section One:** The Subparagraph of 1.03 A. of the Code of General

Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

**A. Order of Business.**

The order of business of the Common Council is not subject to change through a motion to suspend the rules, with the exception of subparagraph 1.03A.9.a. The business of the Council shall be conducted in the following order:

1. Call to order by presiding Officer.
2. Roll Call. If a quorum is not present, the meeting shall thereupon be adjourned to a specific date and hour.
3. Invocation.
4. Pledge of Allegiance.
5. Approval of the minutes, subject to corrections, of the previous meeting and of any other regular or special meeting where the minutes have not been approved.
6. Non-Agenda matters referred to Committees, Boards, Commissions and authorities by the Mayor.
7. Presentations, Commendations and Awards by Mayor.
8. Awards and commendations from Boards, Commissions, Authorities and Committees.
9. Citizen's Comments.
  - a. Maximum Total Time Limit: Forty-five (45) minutes for all speakers. The Common Council by a majority vote of the members present, may extend the time period to permit all speakers who have signed up pursuant to subparagraph 9.c., an opportunity to speak.
  - b. Maximum Individual Time Limit: Five (5) minutes for each individual speaker, with no extension or use of another person's time.
  - c. Speaker Sign-Up: Speakers must personally sign in with the City Clerk/Treasurer between 6:30 P.M. and the 7:00 P.M., prior to commencement of the Common Council meeting and provide their home address, including city, village or town. Only speakers who are timely signed in will be permitted to speak. The City Clerk/Treasurer, during Citizen's Comments, will call speakers forward, two (2) at a time.
  - d. Rules: Citizens are bound by the same rules as the Common Council, with particular reference to "Decorum in Debate", per Robert's Rules of Order, revised.
  - e. Public Hearings: §1.03 E.3.c. of the Code of General Ordinances shall remain applicable to Citizen's Comments on agenda items.
10. Economic Development Reports and other presentations authorized by the Mayor.
11. Agenda matters referred to Committees, Boards, Commissions and Authorities.
12. Communications, Petitions, and Reports of Departments.
13. Reports and recommendations from the Committee on Licenses/Permits.
14. General Ordinances, first reading.
15. Zoning Ordinances, first reading.
16. General Ordinances, second reading.
17. Zoning Ordinances, second reading.
18. Resolutions.

19. Appointments/Reappointments by the Mayor.
20. Public construction and improvement contracts.
21. Other contracts and agreements.
22. Reports and recommendations from Committee on Finance.
23. Reports and recommendations from the Committee on Public Works.
24. Reports and recommendations from the Committee on Public Safety and Welfare.
25. Reports and recommendations of Boards and Commissions
26. Such other matters as are authorized by law or regular business.
27. Legislative report.
28. Mayor's comments.
29. Alderpersons comments

The Mayor shall appoint one (1) or more members of the City Clerk's Office to read the Agenda, take minutes and conduct roll calls at meetings of the Common Council.

~~The order of business of the Common Council is not subject to change through a motion to suspend the rules.~~

**Section Two:** Subparagraph **1.03 A.9.e.** of the Code of General

Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

**e. Public Hearings : §1.03 EF.3.c.** of the Code of General Ordinances shall remain applicable to Citizen's Comments on agenda items.

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

ATTEST: \_\_\_\_\_ City Clerk

APPROVED: \_\_\_\_\_ Mayor

Passed:

Published:

Drafted By:  
 MATTHEW A. KNIGHT  
 Deputy City Attorney

**DRAFT 10/28/13**

**Proposed Changes 11/11/13 Lic. & Permit Mtg.**

**Proposed Change 11/11/13 PSW and Lic. & Permit Mtgs.**

**SPONSOR: ALDERPERSON DAVID F. BOGDALA**

**TO REPEAL AND RECREATE SUBPARAGRAPH 1.03 A. OF THE CODE OF GENERAL ORDINANCES ENTITLED "ORDER OF BUSINESS", TO AMEND SUBPARAGRAPH 1.03 A.9.c. ENTITLED "SPEAKER SIGN-UP" AND TO REPEAL AND RECREATE SUBPARAGRAPH 1.03 A.9.e. ENTITLED "PUBLIC HEARINGS"**

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

**Section One:** The Subparagraph of 1.03 A. of the Code of General

Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

**A. Order of Business.**

The order of business of the Common Council is not subject to change through a motion to suspend the rules. Notwithstanding the previous sentence, the Common Council by a majority vote of the members present, may suspend the rule in subparagraph 1.03 A.9.e. to permit all speakers who have signed up pursuant to that subparagraph an opportunity to speak. The business of the Council shall be conducted in the following order:

1. Call to order by presiding Officer.
2. Roll Call. If a quorum is not present, the meeting shall thereupon be adjourned to a specific date and hour.
3. Invocation.
4. Pledge of Allegiance.
5. Approval of the minutes, subject to corrections, of the previous meeting and of any other regular or special meeting where the minutes have not been approved.
6. Non-Agenda matters referred to Committees, Boards, Commissions and authorities by the Mayor.
7. Presentations, Commendations and Awards by Mayor.
8. Awards and commendations from Boards, Commissions, Authorities and Committees.
9. Citizen's Comments.
  - a. Maximum Total Time Limit: Forty-five (45) minutes for all speakers.
  - b. Maximum Individual Time Limit: Five (5) minutes for each individual speaker, with no extension or use of another person's time.
  - c. Speaker Sign-Up: Speakers must personally sign in with the City Clerk/Treasurer between 6:30 P.M. and the 7:00 P.M., prior to commencement of the Common Council meeting and provide their home address, including city, village or town. Only speakers who are timely signed in will be permitted to speak. The City Clerk/Treasurer, during Citizen's Comments, will call speakers forward, two (2) at a time.
  - d. Rules: Citizens are bound by the same rules as the Common Council, with particular reference to "Decorum in Debate", per Robert's Rules of Order, revised.
  - e. Public Hearings: §1.03 E.3.c. of the Code of General Ordinances shall remain applicable to Citizen's Comments on agenda items.
  - f. The Common Council by a majority vote of the members present, may extend the time period to permit all speakers who have signed up an opportunity to speak.
10. Economic Development Reports and other presentations authorized by the Mayor.
11. Agenda matters referred to Committees, Boards, Commissions and Authorities.
12. Communications, Petitions, and Reports of Departments.
13. Reports and recommendations from the Committee on Licenses/Permits.
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16. General Ordinances, second reading.
17. Zoning Ordinances, second reading.
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21. Other contracts and agreements.
22. Reports and recommendations from Committee on Finance.

- 23. Reports and recommendations from the Committee on Public Works.
- 24. Reports and recommendations from the Committee on Public Safety and Welfare.
- 25. Reports and recommendations of Boards and Commissions.
- 26. Such other matters as are authorized by law or regular business.
- 27. Legislative report.
- 28. Mayor's comments.
- 29. Alderpersons comments.

The Mayor shall appoint one (1) or more members of the City Clerk's Office to read the Agenda, take minutes and conduct roll calls at meetings of the Common Council.

~~The order of business of the Common Council is not subject to change through a motion to suspend the rules.~~

**Section Two:** Subparagraph 1.03 A.9.c of the Code of General Ordinances

for the City of Kenosha, Wisconsin, is hereby amended as follows:

**c. Speaker Sign-Up :** Speakers must personally sign in with the City Clerk/Treasurer between 6:30 P.M. and the 7:00 P.M., prior to commencement of the Common Council meeting and provide their home address, including city, village or town. Only speakers who are timely signed in will be permitted to speak. No person may sign up someone to speak who is not present. The City Clerk/Treasurer, during Citizen's Comments, will call speakers forward, ~~two (2) at a time.~~

**Section Three:** Subparagraph 1.03 A.9.e. of the Code of General

Ordinances for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

**e. Public Hearings :** §1.03 ~~EF~~.3.c. of the Code of General Ordinances shall remain applicable to Citizen's Comments on agenda items.

**Section Four:** This Ordinance shall become effective upon passage and

publication.

ATTEST: \_\_\_\_\_ City Clerk

APPROVED: \_\_\_\_\_ Mayor

Passed:

Published:

Drafted By:  
MATTHEW A. KNIGHT  
Deputy City Attorney



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

November 13, 2013

To: Eric Haugaard, Chairman, Public Works Committee  
Daniel Prozanski Jr., Chairman, Finance Committee

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

Subject: Waste Management Agreement Addendum

**BACKGROUND INFORMATION**

The existing agreement between the City of Kenosha and Pheasant Run Recycling and Disposal Facility, which is a division of Waste Management of Wisconsin, Inc., will terminate on December 31, 2013. Staff is confident that Waste Management still provides the most economically advantageous choice and recommends that the City continue with Waste Management through the attached addendum.

The following are the rates for disposal that are subject to additional taxes and fees:

Base Disposal Rates

Existing 2013 rate: \$22.00 per ton  
Proposed 2014 rate: \$24.20 per ton

Pull Charges for Bulk Waste Collection

Existing 2013 rate: \$158.00 per haul  
Proposed 2014 rate: \$173.80 per haul

Environmental Surcharge

Existing 2013 rate: \$6.00 per load  
Proposed 2014 rate: \$6.00 per load

Wisconsin Solid Waste Taxes and Fees

Existing 2013 rate: \$13.00 per ton  
Proposed 2014 rate: \$13.00 per ton

Fuel Surcharge

Existing 2013 rate: Fluctuates and are subject to Contractor's weekly fluctuating fuel charge (Average 2013 rate was \$2.00 per ton)  
Proposed 2014 rate: Fluctuates and are subject to Contractor's weekly fluctuating fuel charge

Leasing of Compactors for Drop-Off Site

Existing 2013 rate for two compactors: \$653.00 per month  
Proposed 2014 rate for three compactors: \$718.41 per month

Included in this addendum is a clause, that if the Pheasant Run facility closes, the City has the option to discontinue the agreement with Waste Management and go elsewhere or transport solid waste material for disposal to Waste Management's Metro Landfill at the prices stated within the addendum.

**RECOMMENDATION**

Approve the addendum to the agreement between the City of Kenosha and Waste Management of Wisconsin, Inc.

**Addendum to Agreement  
By and Between  
THE CITY OF KENOSHA, WISCONSIN  
A Municipal Corporation,  
And  
WASTE MANAGEMENT OF WISCONSIN, INC.  
A Wisconsin Corporation**

ADDENDUM TO AGREEMENT, effective the first day of January 2014, by and between the City of Kenosha (hereafter called the "Customer") and Pheasant Run Recycling and Disposal Facility, a Division of Waste Management of Wisconsin, Inc. (hereafter called the "Contractor").

The parties agree to extend through December 31, 2016, the existing Agreement between the City of Kenosha and Waste Management of Wisconsin, Inc. dated January, 2003 as amended by the Addenda effective January 1, 2008 and January 1, 2011 subject to the following amendments:

1. Rates

Solid Waste Disposal/Roll-Off Waste Disposal/Sludge/Grit Disposal

Pheasant Run Landfill ("Primary Site")	\$24.20 per ton
Metro Landfill ("Secondary Site")	\$24.20 per ton

Disposal subject to current hours of operation.

Transportation of Roll-off Containers for Bulk Waste Collection

\$173.80 per haul

Leasing of Three (3) Forty-Four (44) Cubic Yard Compactors:

\$718.41 monthly

2. Other Charges

a. Minimum Disposal Tonnage. All deliveries shall be subject to a three (3) ton minimum charge.

b. State of Wisconsin Solid Waste Taxes and Fees. Currently \$13.00 per ton will be charged for the State of Wisconsin solid waste taxes and fees. This rate will be adjusted to reflect any changes to the taxes and fees.

c. Fuel and Environmental Surcharge. The rates are subject to the Contractor's weekly fluctuating fuel surcharge (refer to [www.wm.com](http://www.wm.com)) and an environmental surcharge. The environmental surcharge is fixed and applied on a per load basis. The charge per load is \$6.00.

d. Host Fee Increases. The above rates shall be increased in the event host fees paid to the community where the applicable disposal facility is located increase.

e. Consumer Price Index Increase. The prices shall be subject to change on each anniversary of the date of this Agreement by an amount equal to the percentage change in the Consumer Price Index - Urban Wage Earner for the previous twelve (12) month period published for June of the year preceding the January 1 anniversary date of this Agreement with a minimum increase of 3% and a maximum of 5%.

f. Dig Out Charges. Customer will be responsible for the Contractor's standard charge of \$50.00 for assisting in offloading all Solid Waste delivered for disposal. The Contractor shall not be responsible for any damage to Customer's vehicles or equipment resulting from the Contractor providing such services.

g. Landfill Site Warranty By Contractor. Contractor warrants to Customer that both the Primary and Secondary Sites have in full force and effect all required governmental licenses, permits and approvals to operate in substantial compliance with the terms and conditions contained in said licenses, permits and approvals, in respect to Contractor's obligations hereunder and have the capacity to meet Contractor's obligations for the duration of this term of the contract.

h. Alternative Landfill Site. The parties acknowledge that part of the consideration of the Agreement and of this Addendum for Customer is the close proximity of the Pheasant Run Landfill to the Customer, resulting in minimized costs of transportation for Customer to haul waste and sludge to the landfill. The parties further acknowledge that Pheasant Run Landfill could close operations during the course of the term of this Addendum. Contractor agrees that while Pheasant Run Landfill remains open, Customer may continue to utilize Pheasant Run Landfill. In the event that Pheasant Run Landfill ceases to accept solid waste or sludge or ceases to be able to accommodate the equipment of Customer, Customer shall not be subject to the City Guarantee provision embodied in Section 6 of the January 2003 Agreement and that Customer shall have the right at its sole option: (1) to terminate the January 2003 Agreement and this Addendum, (2) to take either Customer's solid waste or sludge, or both to Metro Landfill at the prices stated herein, or (3) to take either Customer's solid waste or sludge, or both to an alternative licensed and permitted site, that is not necessarily owned or operated by the Contractor. If the Customer opts to take either its solid waste or sludge, or both to an alternative site operated by an entity other than Contractor, Customer shall have no further obligation to Contractor under the January 2003 Agreement or this Addendum with regard to such solid waste and/or sludge.

The term of this Addendum can be extended for an additional period upon the mutual written agreement of the parties. All other terms of the original agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto executed this Addendum

on the dates below given.

**CITY OF KENOSHA, WISCONSIN,**  
A Municipal Corporation

BY: \_\_\_\_\_  
KEITH G. BOSMAN, Mayor  
Date: \_\_\_\_\_

BY: \_\_\_\_\_  
DEBRA L. SALAS, City Clerk/Treasurer  
Date: \_\_\_\_\_

STATE OF WISCONSIN )  
                                  :SS.  
COUNTY OF KENOSHA )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013, **KEITH G. BOSMAN, Mayor,** and **DEBRA L. SALAS, City Clerk/Treasurer,** of the **CITY OF KENOSHA, WISCONSIN,** a municipal corporation, to me known to be such Mayor and City Clerk/Treasurer of said municipal corporation, and acknowledged to me that they executed the foregoing instrument as such officers as the agreement of said City, by its authority.

\_\_\_\_\_  
Notary Public, Kenosha County, WI.  
My Commission expires/is: \_\_\_\_\_

**WASTE MANAGEMENT OF WISCONSIN,  
INC., A Wisconsin Corporation**

BY: \_\_\_\_\_  
MICHAEL E. FLEMING, President

Date: \_\_\_\_\_

STATE OF WISCONSIN )  
                                  :SS.  
COUNTY OF \_\_\_\_\_ )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013  
**MICHAEL E. FLEMING, President of WASTE MANAGEMENT OF WISCONSIN, INC.**, a Wisconsin  
corporation, to me known to be such President of said corporation, and acknowledged to me that he  
executed the foregoing instrument as such officer as the agreement of said corporation, by its  
authority.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, WI.  
My Commission expires/is: \_\_\_\_\_

Drafted By:  
JONATHAN A. MULLIGAN,  
Assistant City Attorney

C-5



**ENGINEERING DIVISION**  
SHELLY BILLINGSLEY, P.E.  
CITY ENGINEER

**PARK DIVISION**  
JEFF WARNOCK  
SUPERINTENDENT

**FLEET MAINTENANCE**  
MAURO LENCI  
SUPERINTENDENT

**STREET DIVISION**  
JOHN H. PRIJIC  
SUPERINTENDENT

**WASTE DIVISION**  
ROCKY BEDNAR.  
SUPERINTENDENT

**DEPARTMENT OF PUBLIC WORKS**  
MICHAEL M. LEMENS, P.E., DIRECTOR  
SHELLY BILLINGSLEY, P.E., DEPUTY DIRECTOR

MUNICIPAL BUILDING · 625 - 52ND ST · RM 305 · KENOSHA, WI 53140  
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EMAIL PUBLICWORKS@KENOSHA.ORG

November 13, 2013

To: Eric Haugaard, Chairman  
Public Works Committee

Patrick Juliana, Chairman  
Stormwater Utility Committee

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

cc: Chris Schwartz  
District 2

Subject: *Change Order for Project 13-1025 56<sup>th</sup> Street Resurfacing*

**BACKGROUND/ANALYSIS**

Staff and the Contractor are requesting Public Works approval to postpone the second phase of 56<sup>th</sup> Street until spring 2014 as the temperatures are becoming unpredictable and waiting until Spring will help ensure an exceptional product.

**RECOMMENDATION**

Recommend Approval of Change Order #1 for a time extension only.

**THE CITY OF KENOSHA**

**CHANGE ORDER**

Project Name: 56<sup>th</sup> Street Resurfacing  
Project Number: 13-1025  
C.I.P. Line Item: IN-13-001 and SW-95-001  
Purchase Order #: 131003  
Contractor: Cicchini Asphalt, LLC  
Public Works Committee Action: **11/18/13**  
Finance Committee: **N/A**  
Date of Common Council Action: **11/18/13**

City and contractor agree that the above contract is amended to specify that contract completion deadline will be extended 237 days. The project will be completed no later than **June 13, 2014**.

This change order is approved by:

**CONTRACTOR**

Michele J. Rue

**CITY OF KENOSHA, MAYOR**

\_\_\_\_\_

**DATE**

11/13/13

**DATE**

\_\_\_\_\_

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

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

SUBJECT: Public Works Project Status Report

- Project # 08-1443 Bike and Pedestrian Connections** - Plans have begun but a major focus on bike paths has been to complete the Bike Path crossing at Washington Road and the extension through Nash Park. Once these projects have been bid, design will be completed on this third phase. (Citywide)
- Project #11-1416 - Petzke Park Mass Grading** – [BCF Construction] Waiting for close out documents. (1)
- Project #09-1121 - Forest Park Evaluation** – Staff is working on final report. (1)
- Project #10-1126 - Wetland Mitigation Bank** - [Wetlands and Waterways Consulting LLC] Staff is working with the DNR regarding comments with the recent submittal. (16)
- Project #10-1131 - River Crossing Swale Restoration** – [Applied Ecological Services] Maintenance has been performed. (17)
- Project #11-1128 - Multi-Plate Pipe Storm Sewer Inspection and Evaluation** – [Ruekert-Mielke] Staff is working with consultant on comments from draft report. (2 and 7)
- Project #11-1125 - Pennoyer Beach Outfall Stormwater Infiltration Basin (GLRI Grant)** – Punchlist Items remain. Staff is working with legal regarding items remaining. (1 and 6)
- Project #11-2013 - Harbor and Marina Dredging** – [Ruekert Mielke] Waiting for close out documents (2).
- Project #12-1420 - Shagbark Trail Development** – [Western Contractors] Punchlist items remain. (10)
- Project #12-1027 - Epoxy Pavement Markings** [Century Fence] Waiting for close out documents (City Wide)
- Project #12-1430 - Alford Park Warehouse Demolition** – [Earth Construction] Punchlist items remain. (1)
- Project #11-1025 - 122<sup>nd</sup> Avenue – 71<sup>st</sup> Street to 74<sup>th</sup> Street** – [AW Oakes] Work has begun. Estimate completion date is mid-November. (Stormwater Utility funding also) (16)
- Project #13-1012 - Resurfacing I** – [Stark] Saw cutting, storm sewer, removals and curb & gutter are complete on both Lincoln Road intersections. Lincoln Road and 22<sup>nd</sup> Avenue closed on Monday, October 7<sup>th</sup>, 2013 and will remain closed throughout construction. Saw cutting, storm sewer, removals and curb & gutter are complete on 70<sup>th</sup> Street. [Lincoln Road intersection at 28<sup>th</sup> Avenue, Lincoln Road intersection at 22<sup>nd</sup> Avenue, 70<sup>th</sup> Street from 39<sup>th</sup> Avenue to 40<sup>th</sup> Avenue] (Stormwater Utility funding also) (13, 15)
- Project #13-1013 -CDBG Resurfacing** – [Stark] Saw cutting, storm sewer, removals, curb & gutter and pavement are complete on 13<sup>th</sup> Court and 41<sup>st</sup> Street. Restoration will be completed in the spring of 2014. [13<sup>th</sup> Court from Washington Road to 43<sup>rd</sup> Street, 41<sup>st</sup> Street from 22<sup>nd</sup> Avenue to 350 ft. east of 21<sup>st</sup> Avenue] (Stormwater Utility funding also) (6)
- Project #13-1016 Resurfacing III** – [Cicchini] All roads are complete. Punch list items remain. [34<sup>th</sup> Ave from 86<sup>th</sup> Place to 88<sup>th</sup> Place, 44<sup>th</sup> Avenue Cul-de-Sac south of 87<sup>th</sup> Place, 87<sup>th</sup> Place Cul-de-Sac west of 42<sup>nd</sup> Avenue, 26<sup>th</sup> Avenue from 34<sup>th</sup> Street to 31<sup>st</sup> Street, 40<sup>th</sup> Street from Sheridan Road to 8<sup>th</sup> Avenue] (Stormwater Utility funding also) (1, 6, 9, 14)
- Project #13-1019 – Crackfilling** – [Fahrner] Punchlist items remaining. (Citywide)
- Project #13-1024 – 60<sup>th</sup> Street Resurfacing – 39<sup>th</sup> Avenue to 30<sup>th</sup> Avenue** – [Cicchini] All road work is complete. Punch list items remain. Both 39<sup>th</sup> Avenue and 60<sup>th</sup> Street are open to two lanes of traffic in each direction. (Stormwater Utility funding also) (3, 11, 15)
- Project #13-1025 56 Street Resurfacing** – [Cicchini] Saw cutting, storm sewer, removals, curb & gutter and pavement are complete on the north side of 56<sup>th</sup> Street. Pending approval of a change order extending the completion date for this project to June 12<sup>th</sup>, 2014, the south side of the street will be completed in the spring of 2014. [56<sup>th</sup> Street from Sheridan Road to 13<sup>th</sup> Avenue] (Stormwater Utility funding also) (2)
- Project #13-1027 - Pavement Markings** – Work is complete. (Citywide)
- Project #13-1208 - Sidewalk and Curb and Gutter** – [AW Oakes] Project is complete. Punch list items remain. (Stormwater Utility funding also) (Citywide)
- Project #13-1417 - Tree Removal** – Phase II is awaiting approval. (Parks funding) (Citywide)
- Project #13-1412 - Simmons Field** – [Camosy] Kenosha Baseball will be requesting for temporary occupancy for their Launch party on November 23<sup>rd</sup>. Work will continue (12)
- Project #13-1527 - Northside Library Parking Lot Resurfacing** – [Cicchini] Project is complete, waiting for close out documents. (4)
- Project #13-2002 - Overpass Painting** – Project is complete, waiting for close out documents. (3, 6)
- Design Work (Public Works)** – Staff is working the following projects: Website Design, GPS Data Forms, Equipment Specifications, and SWU Projects and Parks Projects.