

**AGENDA
PUBLIC WORKS
COMMITTEE**

**MONDAY, DECEMBER 3, 2012
ROOM 202
5:00 P.M.**

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

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

A. APPROVAL OF MINUTES

A-1 Approval of minutes of regular meeting held on November 19, 2012

B. DEFERRED BY COMMITTEE

B-1 Acceptance of Performance Contract with Johnson Controls, Inc. (Arlington Heights, IL) for LED Street Lights. (*deferred from the November 19, 2012 meeting*)

C. REFERRED TO COMMITTEE

C-1 Proposed Ordinance to Create Subsection 5.04 of the Zoning Ordinance, Add Definitions in Chapter 12 for the Setback of Major Streets, and Repeal and Recreate the Definition of Build-to Line. (*approved by City Plan Commission 8:0 (tabled at October 15, 2012 meeting)*)

C-2 Acceptance of Project 11-1127 MacWhyte Site Stormwater Detention Basin (14th Avenue & 31st Street) which has been satisfactorily completed by Cicchini Asphalt, LLC (Kenosha, Wisconsin). The final amount of the contract is \$69,592.12 (Stormwater funds only). **(District 1)**

INFORMATIONAL:

1. Communication from Downtown Kiwanis Club Bloomin' Bands Committee
2. Project Status Report

CITIZENS COMMENTS RELATED ONLY TO JURISDICTION OF PUBLIC WORKS COMMITTEE

ALDERMAN COMMENTS

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

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE 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, NOVEMBER 19, 2012
5:00 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, November 19, 2012 in Room 202 of the Municipal Building. The following members were present: Chairman Eric Haugaard, Vice Chairman Jan Michalski, Aldermen Steve Bostrom, Scott N. Gordon and Patrick Juliana. Alderman G. John Ruffolo was excused. The meeting was called to order at 5:11 PM. Staff members in attendance were Mike Lemens, Shelly Billingsley, Alderman Chris Schwartz and Doug Baker, Library Director.

- A-1 Approval of minutes of regular meeting held on November 5, 2012.
*It was moved by Alderman Michalski, seconded by Alderman Gordon to approve.
Motion passed 5-0.*
- C-1 Request from Douglas Baker, Library Director/Civic Center Building Manager, to have the city pave the lawn park area at 812 56th Street. **(District 2)**
*A public hearing was held, no one spoke.
It was moved by Alderman Gordon, seconded by Alderman Michalski to approve.
Motion passed 5-0.*
- C-2 Award of Contract for Project 12-1430 Alford Park Warehouse Demolition (1819 Sheridan Road) to Earth Construction, LLC (Orfordville, Wisconsin) in the amount of \$58,500. **(District 1)** (also referred to Park Commission)
*It was moved by Alderman Juliana, seconded by Alderman Michalski to approve.
Motion passed 4-0 with Alderman Bostrom abstaining.*
- C-3 Acceptance of Performance Contract with Johnson Controls, Inc. (Arlington Heights, IL) for LED Street Lights.
It was moved by Alderman Juliana, seconded by Alderman Michalski to defer to the meeting on December 3, 2012. Motion passed 5-0.
- C-4 Acceptance of Project 10-1020 39th Avenue Reconstruction (39th Avenue – 67th Street to 75th Street) which has been satisfactorily completed by LaLonde Contractors, Inc. (Milwaukee, Wisconsin) in the amount of \$1,092,424.53. **(Districts 8 & 15)**
*It was moved by Alderman Michalski, seconded by Alderman Gordon to approve.
Motion passed 5-0.*

INFORMATIONAL:

1. Communication from Downtown Kiwanis Club Bloomin' Bands Committee – *No one from Kiwanis could attend the meeting and requested that communication be on the December 3, 2012 agenda.*
2. Project Status Report – *Mike Lemens and Shelly Billingsley gave updates on several projects.*

ADJOURNMENT - *There being no further business to come before the Public Works Committee, it was moved, seconded and unanimously approved to adjourn the meeting at 5:23 pm.*



Engineering Division
Shelly Billingsley, P.E.
Director/City Engineer
Fleet Maintenance
Mauro Lenci
Superintendent
Parks Division
Jeff Warnock
Superintendent

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

B-1

DEPARTMENT OF PUBLIC WORKS
Michael M. Lemens, P.E., Director

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

November 14, 2012

To: Eric Haugaard, Chairman
Public Works Committee

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

Subject: *Acceptance of Performance Contract with Johnson Controls, Inc. (JCI)
for professional services and Installation of JCI provided LED Replacements*

BACKGROUND/ANALYSIS

The City of Kenosha received a \$902,500 grant under the Energy Independence and Security Act of 2007 (EISA) to retrofit and/or relamp city street lights with a more efficient fixture in order to save energy cost & reduce the amount of required maintenance. A performance contract was awarded to Johnson Controls, Inc. to assist with the selection of the retrofit lighting and installation of same.

JCI's original contract called for installation of 721 lights, and addenda to the contract added 84 more lights for a total conversion of 805 fixtures, plus spare stock and extended warranty from the manufacturer, Amerlux. All work has been completed, along with punchlist items.

RECOMMENDATION

Staff recommends final acceptance of the project.

MML



CERTIFICATE OF COMPLETION

Date 9/7/2012	Contract Number 9241-0025
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Project (Name & Address) City of Kenosha LED Street Lights 625 52 nd Street Kenosha, WI 53140	Architect <p style="text-align: center;">N/A</p> <hr/> Engineer <p style="text-align: center;">JCI</p>		
Owner's (Name & Address) City of Kenosha 625 52 nd Street Kenosha, WI 53140	JCI Contract With <p style="text-align: center;">City of Kenosha</p> <hr/> <table style="width: 100%;"> <tr> <td style="width: 50%;">Date of Final Inspection 8/15/2012</td> <td style="width: 50%;">By Keith Sparks</td> </tr> </table>	Date of Final Inspection 8/15/2012	By Keith Sparks
Date of Final Inspection 8/15/2012	By Keith Sparks		
Copies To: <input type="checkbox"/> Architect <input type="checkbox"/> Field <input type="checkbox"/> Contractor <input checked="" type="checkbox"/> Other <u>Owner</u> <input type="checkbox"/> Engineer <input checked="" type="checkbox"/> JCI Area Office <input type="checkbox"/> Construction Manager	Definition of Date of Completion The date of completion of the work or designated portion thereof is the date certified by JCI when construction is sufficiently complete, in accordance with the contract documents, so the owner may engage the system or designated portion thereof for the use for which it is intended.		

Project and/or designated portion(s) thereof covered by this certificate:

LED Street Lights— Provide and install new LED street light fixtures as detailed on the attached list as well as additional phase 2 contract scope of work.

Items Furnished to the Owner with this Certificate of Completion are:

Owner's Manual -Includes: Warranty policy statement, Glossary of Terms, product directories and/or literature, operator's manuals and "as-built" control drawings.

System Operating And Maintenance Instructions: 1 Hours
Persons Instructed: See attached sheet

Proposal For Preventive Maintenance/Service Agreement: Accepted Yes No Date

Contract Warranty information:

1. Contract specifications require a 1 year labor warranty period, beginning on 8/15/2012. **(Material warranty attached)**
2. Project specifications require full service during warranty period which includes preventive maintenance service: Yes No
3. Other specification requirements - **Amerlux material warranty extends out further then the 1 year labor warranty. (Attached)**
4. Was a full service contract after the warranty period specified and included in the original installation contract?
 Yes, No. of Years: No

A list of items to be completed or corrected, prepared by JCI and verified by the owner or his representative is attached hereto. The failure to include any items on such list does not alter the responsibility of JCI to complete all work in accordance with the contract documents.

Owner or owner's representative acknowledges the following with initials:

Changes of fire or alarm points may significantly alter a life safety system, and contribute to a dangerous or life threatening situation. Changes to fire or alarm points may also require approval of local fire authority.

Changes to other points may be linked to the life safety system and affect it. After each such change, the life safety system should be exercised to see that its integrity has not been violated and if functions properly, as was intended.

Johnson Controls, Inc. does not warranty against system malfunction caused by improper use, misuse or wrong entry of data by the customer, nor shall Johnson Controls, Inc. be liable for situations or damages which are the direct or indirect result of user generated data bases.

Additional Notes: The following materials have been delivered to Mr. Bob Potts to be used as attic stock replacements while the warranty materials are being replaced. (8) 250w Drivers, (24) 150w Drivers, (8) 250 LED Fixtures, (8) 150w LED Fixtures, (8) replacement globes for 6th Avenue.

Johnson Controls, Inc. will complete or correct the work on the list of items appended hereto within 30 days from the date of completion.

Johnson Controls, Inc. Representative	By <i>Keith Sparks</i>	Position Project Manager	Date 9/12/12
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The Owner accepts the work or designated portion thereof as complete and will assume full possession thereof

At _____ on _____

Owner or Owner's Representative	Position <i>DR. PUBER WOLFS</i>	Company City of Kenosha	Date 9-12-12
Local Building/Fire Inspection	Date	By NA	Certificate of Occupancy Issued



Johnson Controls, Inc.
3007 Malmo Drive
Arlington Heights, IL 60005
Tel. 847-364-1500
FAX 747-364-1536

PROPOSAL FOR DISTRIBUTION OF CITY OF KENOSHA PERFORMANCE CONTRACT FUNDS

TO: City of Kenosha
625 52nd Street
Kenosha, WI 53140
Attn: Mr. Michael Lemens

Date: 9/7/2012
Project: City of Kenosha PC
JCI #9241-0025

We propose to furnish the materials and/or perform the work described below : **DEDUCT**

(Seventy Eight Thousand Three Hundred Thirty and 00/100 Dollars) (\$78,330.00)

This proposal INCLUDES total costs for:

Deduct of the unused portion of the \$200,000 in funds for work that was as the time undetermined as detailed in our contract on page 8, paragraph Phase two, Part B.

Alternates to the proposal are:

- 1. NA

This proposal DOES NOT include:

- 1. NA

This proposal and alternates listed above are hereby accepted and Johnson Controls is authorized to proceed with work:

This proposal is valid until

10/31/2012

City of Kenosha
Purchaser/ Company Name

Signature

Johnson Controls, Inc.

Signature

Name: Michael M. Lemens
Title: Dir. Public Works
Date: 9-12-12

Name: Keith A Sparks
Title: PROJECT MANAGER
Date: Sept 12, 2012

CERTIFICATE OF FINAL COMPLETION

PARTIES: JOHNSON CONTROLS, INC. ("JCI")
3007 Malmo Drive, Arlington Heights, IL 60005

and

CITY OF KENOSHA ("Customer")
625 52nd Street, Kenosha, WI 53140

PROJECT: City of Kenosha LED Street Light Replacements; Performance Contract dated August 18, 2010 between JCI and Customer.

JCI# 9241-0025

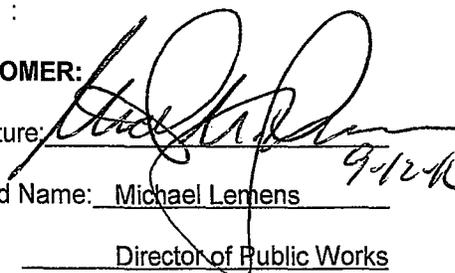
By executing this Certificate of Final Completion, Customer acknowledges the following:

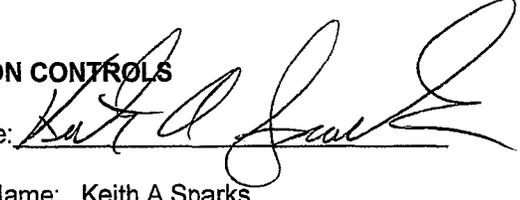
- a. The work set forth in the Performance Contract has been reviewed and determined by Customer to be fully complete.
- b. Customer accepts the work as complete and hereby releases JCI's obligations under any performance and payment bonds posted for the project as of the date set forth below.

Dated :

CUSTOMER:

JOHNSON CONTROLS

Signature: 

Signature: 

Printed Name: Michael Lemens 9-12-10

Printed Name: Keith A Sparks

Title: Director of Public Works

Title: Solutions Project Manager

ORDINANCE NO. _____

Additions by Sponsor 11/26/12

SPONSOR: JAN MICHALSKI
CO-SPONSORS: PATRICK A. JULIANA
TOD OHNSTAD
ROCCO J. LAMACCHIA, SR.

TO CREATE SUBSECTION 5.04 OF THE ZONING ORDINANCE, ADD DEFINITIONS IN CHAPTER 12 FOR SETBACK OF MAJOR STREETS, AND REPEAL AND RECREATE THE DEFINITION OF BUILD-TO LINE

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

Section One: Section 5.04 of the Zoning Ordinance for the City of Kenosha,

Wisconsin, is hereby created as follows:

5.04 Construction of Structures within the Area Setback from Major Streets.

A. Intent. Prior to enactment of this Subsection 5.04 there existed a prohibition on any construction of an encroaching structure to be located between the street right of way and the setback line of any major street. It is the intent of this Subsection 5.04 to allow limited construction of what would otherwise have been a prohibited encroaching structure within that area between the street right of way and the setback line of any major street, subject to conditions and consistent with the general purpose stated in Subsections 1.03 and 1.04 of the Zoning Ordinance.

B. Conditions Necessary to Grant the Special Exception. Construction of the encroaching structure within the area located between the right of way in a major street and the setback line of any major street, which construction is prohibited by other provisions of this Zoning Ordinance, may be allowed as a special exception by the Common Council subject to the following conditions:

(1) a joint application for the special exception must be signed by all of the fee title owners to the property, who will hereinafter be collectively termed "applicant", containing the following:

(a) scale drawings in plan view and appropriate elevation views of the encroaching structure; the plan view must show the location of the encroaching structure on the property, specifically showing dimensions with respect to other existing and proposed structures on the property and the adjacent setback lines of a major street; nevertheless, the filing of drawings required herein does not obviate the need to provide other drawings associated with a review of a conditional use permit application, a site plan review, a building permit, or other required permit;

(b) a statement in a form that is legally enforceable by the City through injunctive relief that the encroaching structure will be built according to the drawings, and once constructed, with the exceptions of the removal of the entirety of the structure or a modification approved by the City Plan Commission to the exterior of the structure, the applicant will not allow modifications to the exterior of the encroaching structure;

(c) a deed restriction in the form attached to and incorporated into the application, addressing those issues required in paragraph B.2; and

(d) evidence of payment by the applicant to the City Clerk of a special exception application fee, the amount of which fee having been established by the Common Council from time to time by resolution, to cover the cost of processing the application and recording the deed restriction.

(2) a deed restriction in recordable form that has been approved by the Office of the City Attorney, that has been executed by the applicant, and that contains provisions addressing the following:

(a) the deed restriction is for the benefit of the City of Kenosha, is enforceable by the City, and may only be released by the City of Kenosha;

(b) the applicant and subsequent property owners will not allow modification to the exterior of the encroaching structure, unless the modification is removal of the entirety of it or unless the modification is approved by the City Plan Commission;

(c) the applicant and subsequent property owners will not allow an occupiable space to be created below the grade of the encroaching structure;

(d) the applicant and subsequent property owners will not allow sanitary sewer and/or water service to be provided to any portion of the encroaching structure; and

(ee) as one of the purposes of prohibiting construction of an encroaching structures in the area between the right of way and the setback line to a major street is to minimize the cost to the public for ultimate expansion of the major street, the deed restriction will require that within thirty (30) days of notification by the City through any means of service of process recognized by then-prevailing Wisconsin law to the fee title owner of the property at the time of the notice that the major street will be widened, the fee title owner of the property will remove the encroaching structure without cost to the City; moreover, should the applicant or their successors-in-interest otherwise be entitled to compensation for other structures or lost business for enforcement of an eminent domain right, the applicant and their successors-in-interest waive compensation for any damages associated with the encroaching structure, such waiver shall specifically include costs for the use, lost business, or relocation of the encroaching structure.

(3) Such other conditions that the Common Council deems necessary.

C. Grant of Special Exception

In its consideration of whether to grant the special exception, the Common Council must: (1) hold a public hearing whereby the Common Council may hear from the applicant and the public; (2) consider the reports of the Police Department, Fire Department, the Department of Public Works, and the Department of Community Development and Inspections as to the propriety of the construction of the proposed encroaching structure; (3) the recommendations made by the City Plan Commission within 45 days of referral to it regarding the propriety of the encroachment, the sufficiency of the deed restriction, and/or other factors the Commission deems should be considered by the Common Council; and (4) have determined to accept the language of the deed restriction, either as proposed by the applicant or as amended by the Common Council.

D. Conditions Subsequent to the Grant of the Special Exception. Prior to the issuance of the special exception and prior to the issuance of any required building permit for construction of the encroaching structure, the executed deed restriction with the language accepted by the Common Council must be recorded with the Register of Deeds.

Section Two: The definition of "Setback Line" in Section 12 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed.

Section Three: Section 12 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby amended to create a definition for "Setback Line of a Major Street":

Setback Line of any Major Street means a boundary on a property that is adjacent to or within a Major Street, which boundary is spaced a distance from a Base Line, the distance of the spacing being specified

in Subsection 5.03 of this Zoning Ordinance.

Section Four: The definition of “Build-To Line” in Section 12 of the Zoning

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

Build-To Line. A line parallel to a lot line or or if adjacent to a major street, parallel to the setback line of any major street, which line is spaced a distance from the lot line or the setback line of any major street, the distance of spacing being specified in Section 3, along which line a portion of a building, determined by use, must be built.

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

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

Planning & Zoning Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	Kenosha City Plan Commission FACT SHEET	September 6, 2012	Item 1
By Alderperson Michalski: To Create Subsection 5.04 of the Zoning Ordinance, Add Definitions in Chapter 12 for the Setback of Major Streets, and Repeal and Recreate the Definition of Build-to Line. PUBLIC HEARING			

LOCATION/SURROUNDINGS:

City-Wide

NOTIFICATIONS/PROCEDURES:

The Common Council is the final review authority.

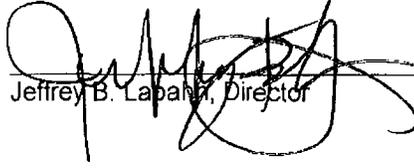
ANALYSIS:

- Chapter 5 of the Zoning Ordinance designates Major Streets and establish base lines and setbacks in the City. Major Streets tend to be the more heavily traveled streets of the City (i.e. 22nd Avenue, 52nd Street, etc.).
- On each of the designated Major Streets, there exists an established base line, and a setback measured from that base line. In some instances, the setback is identical to the existing right-of-way. In other cases, the setback extends past the right-of-way onto private property. In those cases, the Zoning Ordinance does not allow structures to be built within the Major Street setback.
- The attached Zoning Ordinance Amendment would create a Special Exception procedure for anyone who wishes to construct a structure in the Major Street setback. The Common Council would be the designated review authority for the request.
- A condition of any Special Exception granted would be that current or subsequent owners would be required to remove any structures in the Major Street setback at their own expense if the road right-of-way was to be expanded in the future.
- The City Plan Commission is included in the Zoning Ordinance Amendment as having a chance to review the Special Exception request before the request is reviewed by the Common Council.

RECOMMENDATION:

For Commission review and recommendation.


 Brian Wilke, Development Coordinator


 Jeffrey B. Lapinski, Director

ORDINANCE NO. _____

SPONSOR: JAN MICHALSKI
CO-SPONSORS: PATRICK A. JULIANA
TOD OHNSTAD
ROCCO J. LAMACCHIA, SR.

**TO CREATE SUBSECTION 5.04 OF THE ZONING ORDINANCE, ADD
DEFINITIONS IN CHAPTER 12 FOR SETBACK OF MAJOR STREETS,
AND REPEAL AND RECREATE THE DEFINITION OF BUILD-TO LINE**

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Wisconsin, is hereby created as follows:

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A. Intent. Prior to enactment of this Subsection 5.04 there existed a prohibition on any construction of an encroaching structure to be located between the street right of way and the setback line of any major street. It is the intent of this Subsection 5.04 to allow limited construction of what would otherwise have been a prohibited encroaching structure within that area between the street right of way and the setback line of any major street, subject to conditions and consistent with the general purpose stated in Subsections 1.03 and 1.04 of the Zoning Ordinance.

B. Conditions Necessary to Grant the Special Exception. Construction of the encroaching structure within the area located between the right of way in a major street and the setback line of any major street, which construction is prohibited by other provisions of this Zoning Ordinance, may be allowed as a special exception by the Common Council subject to the following conditions:

(1) a joint application for the special exception must be signed by all of the fee title owners to the property, who will hereinafter be collectively termed "applicant", containing the following:

(a) scale drawings in plan view and appropriate elevation views of the encroaching structure; the plan view must show the location of the encroaching structure on the property, specifically showing dimensions with respect to other existing and proposed structures on the property and the adjacent setback lines of a major street; nevertheless, the filing of drawings required herein does not obviate the need to provide other drawings associated with a review of a conditional use permit application, a site plan review, a building permit, or other required permit;

(b) a statement in a form that is legally enforceable by the City through injunctive relief that the encroaching structure will be built according to the drawings, and once constructed, with the exception of the removal of the entirety of the structure, the applicant will not allow modifications to the exterior of the encroaching structure;

(c) a deed restriction in the form attached to and incorporated into the application, addressing those issues required in paragraph B.2; and

(d) evidence of payment by the applicant to the City Clerk of a special exception application fee, the amount of which fee having been established by the Common Council from time to time by resolution, to cover the cost of processing the application and recording the deed restriction.

(2) a deed restriction in recordable form that has been approved by the Office of the City Attorney, that

has been executed by the applicant, and that contains provisions addressing the following:

(a) the deed restriction is for the benefit of the City of Kenosha, is enforceable by the City, and may only be released by the City of Kenosha;

(b) the applicant and subsequent property owners will not allow modification to the exterior of the encroaching structure, unless the modification is removal of the entirety of it;

(c) as one of the purposes of prohibiting construction of an encroaching structures in the area between the right of way and the setback line to a major street is to minimize the cost to the public for ultimate expansion of the major street, the deed restriction will require that within thirty (30) days of notification by the City through any means of service of process recognized by then-prevailing Wisconsin law to the fee title owner of the property at the time of the notice that the major street will be widened, the fee title owner of the property will remove the encroaching structure without cost to the City; moreover, should the applicant or their successors-in-interest otherwise be entitled to compensation for other structures or lost business for enforcement of an eminent domain right, the applicant and their successors-in-interest waive compensation for any damages associated with the encroaching structure, such waiver shall specifically include costs for the use, lost business, or relocation of the encroaching structure.

(3) Such other conditions that the Common Council deems necessary.

C. Grant of Special Exception

In its consideration of whether to grant the special exception, the Common Council must: (1) hold a public hearing whereby the Common Council may hear from the applicant and the public; (2) consider the reports of the Police Department, Fire Department, the Department of Public Works, and the Department of Community Development and Inspections as to the propriety of the construction of the proposed encroaching structure; (3) the recommendations made by the City Plan Commission within 45 days of referral to it regarding the propriety of the encroachment, the sufficiency of the deed restriction, and/or other factors the Commission deems should be considered by the Common Council; and (4) have determined to accept the language of the deed restriction, either as proposed by the applicant or as amended by the Common Council.

D. Conditions Subsequent to the Grant of the Special Exception. Prior to the issuance of the special exception and prior to the issuance of any required building permit for construction of the encroaching structure, the executed deed restriction with the language accepted by the Common Council must be recorded with the Register of Deeds.

Section Two: The definition of "Setback Line" in Section 12 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed.

Section Three: Section 12 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby amended to create a definition for "Setback Line of a Major Street":

Setback Line of any Major Street means a boundary on a property that is adjacent to or within a Major Street, which boundary is spaced a distance from a Base Line, the distance of the spacing being specified in Subsection 5.03 of this Zoning Ordinance.

Section Four: The definition of "Build-To Line" in Section 12 of the Zoning Ordinance for the City of Kenosha, Wisconsin, is hereby repealed and recreated as follows:

Build-To Line. A line parallel to a lot line or or if adjacent to a major street, parallel to the setback line of any major street, which line is spaced a distance from the lot line or the setback line of any major street, the distance of spacing being specified in Section 3, along which line a portion of a building, determined by use, must be built.

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

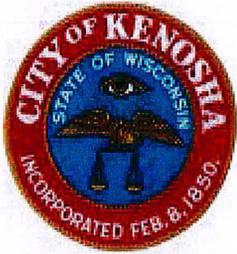
ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney



Engineering Division
Shelly Billingsley, P.E.
Director/City Engineer
Fleet Maintenance
Mauro Lenci
Superintendent

Street Division
John H. Prijic
Superintendent
Waste Division
Rocky Bednar
Superintendent
Parks Division
Jeff Warnock
Superintendent

C-2

DEPARTMENT OF PUBLIC WORKS

Michael M. Lemens, P.E., Director

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

November 28, 2012

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

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

Subject: Acceptance of Project 11-1127 MacWhyte Site Storm Water Detention Basin

Location: 14th Avenue & 31st Street

Please be advised that the above referenced project has been satisfactorily completed by Cicchini Asphalt, LLC, Kenosha, Wisconsin. This project consisted of excavating a storm water detention basin on the former MacWhyte Company site. The work includes the extension of a 42 inch storm sewer, installation of erosion mat on basin slopes, top soiling, seeding and mulching any disturbed areas, stockpiling excavated material for use for future park extension and stabilizing by hydroseeding.

It is recommended that the project be accepted in the final amount of \$69,592.12. Original contract amount was \$69,350.00 plus \$10,400.00 for contingency for a total contract amount of \$79,750.00. Funding was from CIP Line Item SW-08-001.

SAB/kjb



Ronald Bursek
5111 24 Place
Kenosha, WI 53144

November 7, 2012

Eric Hugaard
Chairman of the Public Works Committee
City of Kenosha
625 - 52 Street
Kenosha, WI 53120

Chairman Hugaard:

On behalf of the entire Bloomin' Bands Committee, we would like to formally thank the Public Works Committee for your support of our Bloomin' Bands event on June 22 & 23, 2012. As you may recall, we partnered with the Downtown BID, the Kenosha Boys and Girls Club and Cross Roads of Kenosha. This was a family friendly event featuring music, food and fun. All of the bands, music and staff help and was volunteered.

We were able to earn approximately \$5900. All of the money will be donated back into the community to support deserving children and young adults. One of our projects was recently featured in an article in the Kenosha News. One of our goals was an extreme makeover of the bedroom of a child with serious health concerns. A copy of that article is attached. We will continue to work hard seeking additional donations of money, materials and resources to ensure the completion of this worthwhile project.

Without the support of the Public Works Committee and the City of Kenosha, the success of our Bloomin' Bands event would not have been possible. So again, we want to formally state our deep appreciation for your support and hope that you will be able to provide similar support in 2013.

Sincerely,

Ron Bursek
Bloomin' Bands Committee

Attachments

Copy to: Alderman Chris Schwartz

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Jamming out for a good cause

BY MATTHEW OLSON

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Contributions gathered from a weekend of music are being used to brighten the spirits of a local boy dealing with cerebral palsy.

June's Bloomin' Bands event brought dozens of bands and many visitors to downtown Kenosha. The Downtown Kiwanis Club of Kenosha partnered with the Boys and Girls Club and Crossroads of Kenosha, a group of local musicians, to piece the event together. Sponsorship came in from groups around the city, including: Kenosha Area Convention and Visitor's Bureau, Gruber Law Offices, Dental Associates, Snap-on, Kenosha News, CJW, Uline, the city of Kenosha and TriCity National Bank.

One of the goals of Bloomin' Bands was to use the funds to make over the room of a local youth with serious health concerns.

"The Downtown Kiwanis serves the youth of the community, and if we made money this is how we decided we would use the proceeds," said Ron Bursek, of the Downtown Kiwanis.

The Kiwanis' share of the event's profit was about \$2,000. The organization then came in contact with the Hellwig family of Pleasant Prairie, who attend the same church as Bursek.

Carter Hellwig, who turns 11 later this month, was delivered by emergency Caesarean section four weeks early when doctors determined he was in fetal distress. He was born with 20 percent of the blood he should have had due to a kink in the umbilical cord.

Carter was diagnosed with spastic quadriplegia cerebral palsy at 4 months, which has impaired his vision and breathing and has caused severe scoliosis. His motions are mostly limited to turning his head and moving his eyes.

Carter has undergone at least 18 surgeries. He took part in a five-kilometer run earlier this year at Lambeau Field, where he was pushed in a special wheelchair.

"It seemed like the perfect match for what we wanted to do and to meet their needs," Bursek said of the room remodeling project. "Carter is quite the young man. We met with them and they were surprised we made the offer, but they were enthusiastic about moving forward."

Kathy Hellwig said she and her husband, Dean, cried after Bursek told them of the plan for their son's room.

"Carter was beyond thrilled," Kathy Hellwig said.

Changes welcome

Much of Carter's day is spent in his room. He also has been attending classes through the Wisconsin Virtual Academy from the room for the last two years, but the space for a desk is limited, and glare can make work difficult for Carter.

Carter has two younger sisters, Olivia, 9, and Sophia, 6. Olivia deals with vision and medical issues, and Kathy Hellwig said many of the treatments they have sought for her fall outside of what is covered by insurance. Kathy said that changes are needed for Carter's room as he grows older, but the other medical costs have kept the family from being able to make them.

"It would be a big help to have this room changed sooner rather than later," Kathy Hellwig said. "If we had to do this, it could take five to seven years. The older Carter gets, the more equipment we need. And we need to have more storage because of the medical supplies he needs. He spends enough time in the hospital that his room shouldn't have to look like he's in the hospital, too."

The family compiled a list of changes and additions to the room to make it more accessible and functional for Carter, such as a more accessible bathroom, lighting that is easier on his eyes and a television screen that can be mounted and result in less strain when he's looking at it.

Further assistance needed

The money from Bloomin' Bands will provide the start for this work, and additional contributions — such as a television from Fec's Place and a ceiling bracket from Our Kenosha Tap — are coming in. Bursek said further assistance will be needed to accomplish all of the goals for the bedroom remodeling.

"This is all new to us," Bursek said. "We are very confident that we can get these things done, it just will likely take longer than we had hoped."

Anyone interested in donating time, effort or money to this cause can contact Bursek at 262-605-0805.



[Larger image](#)

KENOSHA NEWS PHOTO BY MATTHEW OLSON

Pleasant Prairie resident Kathy Hellwig talks to her son, Carter, about the planned renovations for his bedroom. The room is being redone by the Downtown Kiwanis Club of Kenosha and Crossroads of Kenosha in part with money raised by this year's Bloomin' Bands event.

November 30, 2012

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

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



SUBJECT: Project Status Report

- Project #08-1443 – Bike Path Extensions** – Project design is nearly complete. City is waiting for WisDOT approval. (16)
- Project #08-1021 – 39th Avenue from 18th Street to 24th Street** – [LaLonde] Project is complete. Closeout by State.
- Project #09-1413 – Washington Park Veleddome Facility** – [Rasch] Railing will be installed this spring. (6)
- Project #11-1416 Petzke Park Mass Grading** – [BCF Construction] Final punchlist items. (1)
- Project #09-1121 Forest Park Evaluation** – Staff is in the final phases of finalizing the report. Final comments are being drafted and will be submitted to Strand in May. (1)
- Project #10-1126 Wetland Mitigation Bank** - [Wetlands and Waterways Consulting LLC] The consultant has received comments from the DNR regarding the proposed plan. Changes have been made to the report and is being reviewed by the DNR before the report can be finalized. (16)
- Project #10-1131 River Crossing Swale Restoration** – [Applied Ecological Services] Applied Ecological Services has begun the treatment of the invasive and non-native species. Future maintenance will be completed next spring. (17)
- Project #11-1128 Multi-Plate Pipe Storm Sewer Inspection and Evaluation** – [Ruekert-Mielke] The consultant will be submitting a draft report for Staff to review and discuss repair alternatives. (2 and 7)
- Project #11-1125 Pennoyer Beach Outfall Stormwater Infiltration Basin (GLRI Grant)** – Punchlist items remain. (1 and 6)
- Project #11-1135 Stormwater Management Plan Development** – [Ruekert-Mielke] Contract has been executed work has begun. Staff met with Consultant to review the progress of the first major drainage area. (City wide)
- Project #11-1137 Pike River Monitoring (WI Coastal Management Grant)** – The City of Racine has begun monitoring. Staff will be receiving the draft report soon. (1 and 4)
- Project #12-1136 Pike River Monitoring (Fund for Lake Michigan Grant)** – The City of Racine has begun monitoring. Staff will be receiving the draft report soon. (1 and 4)
- Project #12-1012 Resurfacing I** – Punchlist items are being completed. (6,11,14)
- Project #12-1024 60th Street Resurfacing: 8th Ave to 22nd Ave** – Punchlist items remain. (2,8).
- Project #12-1015 Lincoln Road Resurfacing** – Punchlist items remain. (13)
- Project #12-1208 Sidewalk Repair Program** – [AW Oakes] Punchlist items remain. (City wide).
- Project #10-1415 Lakefront Water Feature** – [Camosy] Contractor has punchlist items remaining (2).
- Project #11-2013 Harbor and Marina Dredging** – [Ruekert Mielke] Quantities are being compared by soundings taken before the storm. (2).
- Project #12-1420 Shagbark Trail Development** – [SAA] Design works has been started by SAA as outlined in the Stewardship Grant. Construction is scheduled for 2013. (10)
- Project #12-1410 Tree Removal** – [Droprite] The contract has been executed. (Citywide).
- Project #12-2032 Underground Storage Tank Area Interim Action at KEP** – [Veit] The project is currently under construction. (7)
- Project #12-1019 Joint, Crack Cleaning and Sealing** – [Behm Pavement Maintenance] Punchlist items remain. (City Wide)
- Project #12-1414 Anderson Pool Splashpad** – [Sherrer] Work is continuing. (9)
- Project #12-1013 CDBG Resurfacing** – [Cicchini]. Punchlist items remain. (2, 3, 8, 12)
- Project #12-1014 Concrete Street Repairs** – [Zignego]. Punchlist items remain. (City Wide)
- Project #12-1027 Epoxy Pavement Markings** [Century Fence] Staff is watching temperatures and may hold work until spring. (City Wide)
- Project #12-1423/12-1427 Sunrise Park Trail and Phase I Development-** [BCF] Trail system construction is nearing completion. (5)
- Project #12-1428 Anderson Pool Equipment Room Re-piping** –[Lee Plumbing] Contractor is nearing completion. (9)
- Project #12-1430 Alford Park Warehouse Demolition** – [Earth Construction] Preconstruction meeting is set for December 4th. (1)

Design Work – Staff is working the following projects: Miscellaneous Bike Path projects, GIS Survey City Wide, 122nd Ave from 71st Street to 75th Street, Sump Pump Priorities, SWPPP Updates, Website Design, GPS Data Forms, Storm Sewer Investigation for Roadway Projects, Permit Compliance, SWU Reporting, Pollution Prevention Structures, Stormwater Management Facility Inspections, Miscellaneous Storm Sewer projects for contractor and SWU crews, Southport Shoreline Repair, Parks Master Design Contract, Park Fee Study, Southport Beach house Master Plan, Strawberry Creek Trail and Shelter Grant, Simmons Island Park Boardwalk Grant, Shagbark Basin Trail Grant, Strawberry Creek Mass Grading and Museum Fountain.

DOT and County Projects: Staff will discuss at meeting.