

**AGENDA  
STORM WATER UTILITY  
COMMITTEE**

**MONDAY, DECEMBER 21, 2009  
ROOM 202  
6:30 P.M.**

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

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

**A. APPROVAL OF MINUTES**

A-1 Approval of minutes of special meeting held on December 7, 2009.

**C. REFERRED TO COMMITTEE**

C-1 Proposed Ordinance to Amend Section 33.07 by Adding the Definition of the Term Soil Stockpile thereto; to Renumber Sections 33.10 G., H., I. And J. as Sections 33.10 I., J., K., and L.; to Renumber Section 33.10 F. as Section 33.10 G.; to Create Section 33.10 F. Regarding Extensions of Time to Complete Work Regarding Erosion Control; and, to Create Section 33.10 H. Regarding Soil Stockpiles.

INFORMATIONAL: Yardwaste Coupon Status

CITIZENS COMMENTS RELATED ONLY TO JURISDICTION OF PUBLIC WORKS  
COMMITTEE

ALDERMAN COMMENTS

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

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

STORM WATER UTILITY COMMITTEE  
- MINUTES -

MONDAY, DECEMBER 7, 2009  
5:00 P.M.

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

Ray Misner  
Don L. Moldenhauer  
Anthony Nudo

A special meeting of the Storm Water Utility Committee was held on Monday, December 7, 2009 in Room 202 of the Municipal Building. The following members were present: Acting Chairman Donald K. Holland, Aldermen Patrick Juliana, Ray Misner, Don L. Moldenhauer and Anthony Nudo. Chairman G. John Ruffolo was excused. The meeting was called to order at 6:48 pm. Staff members in attendance were Mike Lemens, Jan Schroeder and Shelly Billingsley.

A-1 Approval of minutes of special meeting held on November 10, 2009.  
*It was moved by Alderman Juliana, seconded by Alderman Nudo to approve. Motion passed 5-0.*

*Shelly Billingsley, Assistant City Engineer, explained each item.*

C-1 Professional Services Agreement with H.R. Stewart, Inc.  
*It was moved by Alderman Nudo, seconded by Alderman Juliana to approve. Motion passed 5-0.*

C-2 Amendment #1 for Task Order #5 with HNTB Corporation.  
*It was moved by Alderman Nudo, seconded by Alderman Juliana to approve. Motion passed 5-0.*

C-3 Professional Services Agreement with HNTB Corporation for Task Order #7.  
*It was moved by Alderman Nudo, seconded by Alderman Juliana to approve. Motion passed 5-0.*

INFORMATIONAL: Yardwaste Coupon Update – *Jan Schroeder gave an update on yardwaste coupon use.*

ADJOURNMENT - There being no further business to come before the Storm Water Utility Committee, it was moved, seconded and unanimously approved to adjourn the meeting at 6:51 pm.



**DEPARTMENT OF  
NEIGHBORHOOD SERVICES  
AND  
INSPECTIONS**

**JAMES M. SCHULTZ**  
Director

Building Inspection

Property Maintenance

Zoning Enforcement

**TO:** Chairman G. John Ruffolo and Members of the Stormwater Utility Committee

**FROM:** James M. Schultz, Director  
Department of Neighborhood Services and Inspections

**SUBJECT:** Summary of Proposed Changes to Chapter 33 - Land-disturbing Erosion and Sediment Control

**DATE:** December 9, 2009

The proposed changes to the current ordinance address the ongoing issue of soil stockpiles. We also recognize and address the fact that it is increasingly difficult to find takers for the excess soil left after a construction project is completed.

Soil stockpiles when either left on site or graded out over the site compromise the approved grading and drainage plan; and, in either case, require an amendment to the grading and drainage plan as originally approved by the Department of Public Works, Engineering Division.

33.07-This section has a proposed definition of "Soil Stockpile" added.

33.10 (F) - This proposed change allows for a developer to submit for and after review and approval, obtain an extension to their Erosion Control Permit, for up to a year. This will allow the developer to take the additional time that may be required to facilitate either the removal of the stockpile or to regrade the site to meet the approved grading and drainage plan.

33.10 - This proposed change outlines the requirements to allow soil stockpiles to remain on site subject to the following conditions:

- ✓ Stockpiles shall only be allowed after review of plans and proper permitting; and, shall be located only as approved on the plan.
- ✓ Stockpiles cannot be located near a public street or alley. Any change from the approved location shall require re-submittal of plans and proper approval.
- ✓ All stockpiles shall be removed from the site or graded to meet the approved grading and drainage plan for the site prior to the expiration of the permit, or prior to occupancy of any building or project on the site - whichever occurs first.

33.10(G)(H)(I)(ZJ) - Renumbered to accommodate proposed changes and additions to Chapter 33

33.15 - This proposed change clarifies that the appeal authority would be the Stormwater Utility Committee, and not the Public Works Committee.

These proposed changes will allow the City to maintain control of any soil stockpiles and insure the removal or displacement of them in a timely manner by means of permit restrictions and available permit extensions and escrows, before they become unsightly or in any way disrupt the approved grading and drainage plans and patterns.

NT/kah

ORDINANCE NO. \_\_\_\_\_

BY: THE MAYOR

TO AMEND SECTION 33.07 BY ADDING THE DEFINITION OF THE TERM "SOIL STOCKPILE" THERETO; TO RENUMBER SECTIONS 33.10 G., H., I. AND J. AS SECTIONS 33.10 I., J., K., AND L.; TO RENUMBER SECTION 33.10 F. AS SECTION 33.10 G.; TO CREATE SECTION 33.10 F. REGARDING EXTENSIONS OF TIME TO COMPLETE WORK REGARDING EROSION CONTROL; AND, TO CREATE SECTION 33.10 H. REGARDING SOIL STOCKPILES

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

**Section One:** Section 33.07 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby amended by adding the following definition thereto:

Soil Stockpile means an artificially created accumulation of earth that materially affects water flow across the soil surface in a manner that is inconsistent with the permanent drainage plan.

**Section Two:** Sections 33.10 G., H., I. and J. of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby renumbered as Sections 33.10 I., J., K. and L.

**Section Three:** Section 33.10 F. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby renumbered as Section 33.10 G.

**Section Four:** Section 33.10 F. of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

**F. Extensions of Time To Complete Work.** Any applicant who obtains a permit and fails to complete the work in the time specified in Subsection 33.10 E., may apply to the Code Official for a time extension not to exceed one (1) year. Extensions may be granted if the work commenced has proceeded in a professional and workmanlike manner which exhibits reasonably progress. Extended permits shall not impose new conditions unless required by this Ordinance, or any other State or local law, rule or regulation. In the event that the Code Official denies the request for extension, such denial may be appealed to the Stormwater Utility Committee. Such appeal must be filed in the office of the City Clerk/Treasurer within thirty (30) days of the denial. There is no fee for this appeal. Upon a violation of Subsection 33.10 E., no new work may commence without the issuance of an approved extension or a new permit.

**Section Five:** Section 33.10 H. of the Code of General Ordinances for the

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

**H. Soil Stockpiles.**

1. **Review and Approval Required.** Soil stockpiles are permitted only when reviewed and approved as part of an Erosion Control Permit for site mass grading or new building construction, or other approved land-disturbing activities.

2. **Location.** Soil stockpiles shall not be located in close proximity to any public street or alley, and in all cases shall be located as indicated on the approved plan. Requested changes of location shall require a revised plan and approval of the Code Official.

3. **Removal.** All soil stockpiles shall be removed from the site or graded to meet the approved drainage plan at the time the permit expires, or at the time a Temporary Occupancy Permit is issued to any project connected with that particular site, whichever occurs sooner.

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

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

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

Passed:

Published:

Drafted By:  
EDWARD R. ANTARAMIAN,  
City Attorney

**REDLINE VERSION**

**ORDINANCE NO. \_\_\_\_\_**

**BY: THE MAYOR**

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\_\_\_\_\_

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

Passed:

Published:

Drafted By:  
EDWARD R. ANTARAMIAN,  
City Attorney



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

**STREET DIVISION**  
JOHN H. PRIJIC  
SUPERINTENDENT

**FLEET MAINTENANCE**  
MAURO LENCI  
SUPERINTENDENT

**WASTE DIVISION**  
ROCKY BEDNAR  
SUPERINTENDENT

**PARK DIVISION**  
JEFF WARNOCK  
SUPERINTENDENT

**ADMINISTRATION SUPERVISOR**  
JANICE D. SCHROEDER

**DEPARTMENT OF PUBLIC WORKS**  
RONALD L. BURSEK, P.E., DIRECTOR

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

**TO:** G. John Ruffolo, Chairman  
Public Works Committee

**FROM:** Jan Schroeder 

**SUBJECT:** INFORMATIONAL ITEM: Yardwaste Coupon Status

**DATE:** December 14, 2009

Distributed:

Number of yardwaste coupons distributed: 6100  
(approximate: through Public Works / City Clerk /  
Kenosha Water Utility / Aldermen)

Redeemed:

As of most recent invoice from coupon processing service  
On 12/10/2009: 3465

Amount paid to coupon processing service as of 12/10/2009: \$11,240.35 \*  
(Redemption, Admin, Retailer Incentive, Postage costs)

\* PENDING: Most current invoice submitted to Finance for payment