



# City of Racine

City Hall  
730 Washington Ave.  
Racine, WI 53403  
www.cityofracine.org

## Meeting Minutes - Final Common Council

*Mayor John T. Dickert*  
*Alderman Jeff Coe, Alderman Gregory Holding*  
*Alderman Michael Shields, Alderman Jim Kaplan, Alderman*  
*David L. Maack*  
*Alderman Sandy Weidner, Alderman Terry McCarthy,*  
*Alderman Raymond DeHahn*  
*Alderman Q.A. Shakoor, II, Alderman Aron Wisneski,*  
*Alderman Robert Mozol*  
*Alderman James T. Spangenberg, Alderman Ronald D. Hart,*  
*Alderman Eric Marcus, Alderman Dennis Wiser*

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Tuesday, August 17, 2010

7:00 PM

Room 205, City Hall

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### A. Call To Order

**PRESENT:** 13 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wiser, Maack, Weidner, Wisneski, DeHahn, Spangenberg and Mozol

**EXCUSED:** 2 - McCarthy and Holding

### B. Pledge of Allegiance To The Flag

*Mayor Dickert led the Council in the Pledge of Allegiance to the Flag.*

### C. Approval of Journal of Council Proceedings (Minutes)

*Minutes of the previous meeting were approved as printed on motion of Alderman Coe.*

### D. POST OFFICE PRESENTATION

*Maria Larsen Williams shared information of the future of the Downtown Post Office.*

### E. Public Comments

*George Stinson*  
*Ken Lumpkin*  
*Sue DeKeuster*  
*Aomjai Nuealearn*  
*George Meyers*  
*Joe Harris*  
*Lee Gaither*  
*Norb DeKeuster*  
*Keith Fair*

### F. Communications

*Mayor Dickert made note that item 10-5000 appeared in error on the agenda and it would not come to the Common Council until the Committee of the Whole reported out on it.*

**Refer to Finance and Personnel Committee, by Ald. Spangenberg**

**10-5488**

**Subject:** Communication from the City Attorney submitting the claim of Beatrice Olsen for consideration.

**Recommendation of the Finance & Personnel Committee on**

**8-23-10:** The claim of Beatrice Olsen, 3412 Washington Ave., requesting reimbursement in the amount of \$1,455.00 for alleged damages arising from a sewer backup in her basement on or about June 1, 2010 be denied.

**Fiscal Note:** N/A

**Referred to Finance and Personnel Committee**

**10-5480**

**Subject:** Communication from the Fire Chief requesting permission to accept OJA/UASI Grant 2009-HS-19G-7920 for Technical Rescue Equipment and Training. Grant Control Number 2010-029.

**Recommendation of the Finance & Personnel Committee on**

**8-23-10:** Permission be granted for the Fire Chief to accept OJA/UASI Grant 2009-HS-19G-7920 for Technical Rescue Equipment and Training. Grant Control Number 2010-029.

**Fiscal Note:** There is no local hard or soft match.

**Referred to Finance and Personnel Committee**

**10-5481**

**Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting permission to accept a donation of \$50.00 from Randy and Mary Urick.

**Recommendation of the Finance & Personnel Committee on**

**8-23-10:** Permission be granted for the Director of Parks, Recreation and Cultural Services to accept a donation of \$50.00 from Randy and Mary Urick.

**Fiscal Note:** N/A

**Referred to Finance and Personnel Committee**

**10-5482**

**Subject:** Communication from the Public Health Administrator requesting the City of Racine enter into a memorandum of agreement with the Department of Agriculture, Trade and Consumer Protection for weights and measures inspection services.

**Recommendation of the Finance & Personnel Committee on**

**8-23-10:** The Mayor and City Clerk be authorized to enter into a memorandum of agreement with the Department of Agriculture, Trade and Consumer Protection for weights and measures inspection services.

**Fiscal Note:** The City will be charged for 33 days, for the 2010-2011 fiscal year at \$400 per day to cover the cost of services rendered. Annual fees payable to the Department shall be in the amount of \$13,200, except as otherwise agreed upon for succeeding contract periods.

**Referred to Finance and Personnel Committee**

**Refer to Public Works and Services Committee, by Ald. DeHahn**

[10-5431](#)

**Subject:** Communication from the Alderman of the 1st District requiring the City of Racine Building Department not grant a raze permit or building permit for the property located at 1132 Irving Place for the next 60-days.

**Referred to Public Works and Services Committee**

[10-5467](#)

**Subject:** Communication from St. Edward Parish requesting to close 15th Street and the alley between West Blvd. and Grove Avenue for their Fall Fun Fest from September 24, 2010 to September 26, 2010.

**Referred to Public Works and Services Committee**

[10-5479](#)

**Subject:** Communication from the Alderman of the 9th District, on behalf of his constituent, requesting the alley bounded by Hayes/Blaine/Kinzie/Lindermann be paved and also requests that a preliminary resolution be drafted for a public hearing on this matter.

**Referred to Public Works and Services Committee**

**Refer to Traffic Commission, by Ald. DeHahn**

[10-5483](#)

**Subject:** Communication from the Alderman of the 11th District, on behalf of James Huard (3005 Elm Lane) requesting a turn arrow for traffic turning south on Taylor from Durand.

**Referred to Traffic Commission**

**Refer to City Plan Commission, by Ald. DeHahn**

[10-5432](#)

**Subject:** Communication from the Alderman of the 1st District requiring a 60-day moratorium on all in-fill construction in the City of

Racine to review the policies and procedures involved in selecting property developers and contractors including the role of the City of Racine in a general contractor or similar role to begin immediately upon approval by the Common Council.

**Referred to City Plan Commission**

**10-5435**

**Subject:** Communication from the Alderman of the 1st District requiring a 60-day moratorium on the transfer of property by the City of Racine and the Redevelopment Authority of the City of Racine to Habitat for Humanity to review the policies and procedures of such transfers to begin immediately upon approval by the Common Council.

(Also refer to Redevelopment Authority)

**Referred to City Plan Commission**

**Referred to Redevelopment Authority of the City of Racine**

**Refer to Community Development Committee, by Ald. Coe**

**10-5430**

**Subject:** communication from the Alderpersons of the 1st District, the 2nd District, and the 6th District requiring that the Mayor of the City of Racine appoint at least two (2) Alderman to the City of Racine Loan Review Board and that the Alderman with the most seniority on the Board report out the Board's actions for approval by the Common Council.

*Alderman Coe made a motion to refer 10-5430 to the Committee of the Whole. Motion carried with a voice vote.*

**Referred to Committee of the Whole**

**Refer to Economic Development Committee, by Ald. Spangenberg**

**10-5487**

**Subject:** Communication from the Director of City Development requesting that the City enter into an agreement with Racine County Economic Development Corporation for the administration of a new brownfields cleanup-revolving loan fund (BC-RLF) which was awarded to the City in the form of a grant by the US Environmental Protection Agency.

**Referred to Economic Development Committee**

*Alderman Coe was excused from the meeting at 7:45 PM.*

**Refer to Board of Parks, Recreation, and Cultural Services, by Ald. McCarthy**

[10-5485](#)      **Subject:** Communication from Annmarie G. Klyzub requesting a ban on smoking in City parks.

**Referred to Board of Park, Recreation and Cultural Services**

[10-5501](#)      **Subject:** Communication from Ald. David L. Maack regarding Senior Center Parking only during designated times at Lakeview.

**Referred to Board of Park, Recreation and Cultural Services**

## G. Committee Reports

### Finance and Personnel Committee Report, by Ald. Spangenberg

[10-5415](#)      **Subject:** Communication from the City Attorney submitting the claim of Dennis Thompson for consideration.

**Recommendation of the Finance Department & Personnel Committee on 8-9-10:** The claim of Dennis Thompson, 1753 Park Ave., requesting reimbursement of \$3,000 arising from a warrant recommendation made to the Racine County District Attorney by the Police Department as the result of a complaint received on March 10, 2009 be denied.

**Fiscal Note:** N/A

**A motion was made that this Claim be Received and Filed as Reported. The motion was APPROVED.**

[10-5417](#)      **Subject:** Communication from the City Attorney submitting the claim of Valentin Saldivar and Amelia Saldivar for consideration.

**Recommendation of the Finance Department & Personnel Committee on 8-9-10:** The claim of Valentin Saldivar and Amelia Saldivar requesting \$1,836.61 for repairs after a tree allegedly fell on their parked vehicle during the storm on June 18, 2010 be denied.

**Fiscal Note:** N/A

**A motion was made that this Claim be Received and Filed as Reported. The motion was APPROVED.**

[10-5418](#)      **Subject:** Communication from the City Attorney submitting the claim of Maricela Martinez for consideration.

**Recommendation of the Finance & Personnel Committee on 8-9-10:** The claim of Maricela Martinez, 2037 Franklin St., requesting reimbursement of \$665 for repairs to her vehicle after a tree branch allegedly fell on her parked vehicle during a storm on June 18, 2010

be denied.

**Fiscal Note:** N/A

A motion was made that this Claim be Received and Filed as Reported. The motion was APPROVED.

[10-5331](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/Engineering requesting to apply for the Focus on Energy LED Streetlight Retrofit grant.

**Recommendation of the Finance & Personnel Committee on 8-9-10:** Item to be received and filed because the program for FOE incentive for custom LED incentive grants were eliminated through 12-31-10.

**Fiscal Note:** N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

[10-5396](#)

**Subject:** Communication from the Police Chief, requesting to apply for the 2010 USDOJ, COPS, Child Sexual Predator Program grant (Grant Control # 2010-028). (Res.10-2142)

**Recommendation of the Finance & Personnel Committee 8-9-10:** Permission be granted for the Chief of Police to apply for the \$299,700 2010 United State Department of Justice, COPS, Child Sexual Predator Program grant (Grant Control No. 2010-028).

**Fiscal Note:** There is a soft match required on the part of the City. The City will continue staffing the CAC for a third year being approximately 20 hours each week.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

[10-5421](#)

**Subject:** Communication from Kuko Padilla requesting the waiving of rental fees to use the Skateboard Park and a portion of Pershing Park for the annual Bike Jam on Saturday, September 4, 2010 from 12:00 noon to 10:00 pm. (Res.10-2140)

**Recommendation of the Finance & Personnel Committee on 8-9-10:** Permission be granted for the fees to be waived for Kuko Padilla to utilize the Pershing Skateboard Park and a portion of Pershing Park for the annual "Bike Jam" on Saturday, September 4, 2010 with a Hold Harmless Agreement.

**Fiscal Note:** The Park's Department fee would have been \$318. Mr. Padilla has maintained the Pershing Skateboard Park for the last 13

years at no cost to the City.

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

Council Action

**A motion was made by James T. Spangenberg that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 12 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, DeHahn, Spangenberg and Mozol

**EXCUSED:** 3 - Coe, McCarthy and Holding

10-5416

**Subject:** Communication from the City Attorney submitting the claim of Brian Matsen for consideration.

**Recommendation of the Finance Department & Personnel Committee on 8-9-10:** The claim of Brian Matsen, 2100 Shoop St., requesting reimbursement of \$1,036 for repairs after a tree branch allegedly fell on his fence during the storm on June 18, 2010 be denied.

**Fiscal Note:** N/A

**A motion was made that this Claim be Received and Filed as Reported. The motion was APPROVED by the following vote:**

**AYES:** 11 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Wisneski, DeHahn, Spangenberg and Mozol

**NOES:** 1 - Weidner

**EXCUSED:** 3 - Coe, McCarthy and Holding

10-5451

**Subject:** Communication from the Public Health Administrator requesting permission to accept additional funds from the Division of Public Health, Department of Health Services for the Women, Infants and Children Program. (Grant Control #2006-049) (Res.10-2141)

**Recommendation of the Finance & Personnel Committee on 8-9-10:** The Mayor and City Clerk be authorized and directed to enter into an amended contract with the Division of Public Health, Department of Health Services for the Women, Infants and Children Program grant (Grant Control No. 2006-049).

**Fiscal Note:** The contract has increased in the amount of \$27,863. \$7,909 will be utilized for day-to-day operations of the WIC Program, \$2,298 for the WIC Farmer's Market and \$17,656 for WIC Peer Counseling.

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:**

**AYES:** 11 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Wisneski, DeHahn, Spangenberg and Mozol

**NOES:** 1 - Weidner

**EXCUSED:** 3 - Coe, McCarthy and Holding

### **Public Works and Services Committee Report, by Ald. DeHahn**

#### **10-5375**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 2 on Contract 13-09 (K9-013), Professional Services - Library Renovation Design Services, Architectural Associates, Ltd., consultant. (Res.10-2153)

**Recommendation of the Public Works and Services Committee on 8-12-10:** That Amendment No. 2 to Contract 13-09 (K9-013), Professional Services - Library Renovation Design Services, Architectural Associates, Ltd., consultant, as submitted, be approved in the amount of \$4,800.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 255.699.5020, Library-Remodel 2nd Floor (Trust)

**Fiscal Note:** Funds are available as herein delineated.

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

#### **10-5442**

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting Amendment No. 1 to Contract 3-10 (K0-003), West Canopy Repair & Restoration at State Street Depot, Isthmus Architecture, Inc., consultant. (Res.10-2154)

**Recommendation of the Public Works and Services Committee on 8-12-10:** That Amendment No. 1 to Contract 3-10 (K0-003), West Canopy Repair & Restoration at State Street Depot, Isthmus Architecture, Inc., consultant, as submitted, be approved in the amount of \$7,510.00.

Further recommends that funding to defray the cost of these professional services are available in the 2010 Capital Improvement Program.

**Fiscal Note:** Funds are available as herein delineated.



A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

[10-5411](#)

**Subject:** Communication from Kristin Niemiec, Community Development Manager, requesting a review of the \$30 banner fee. (Res.10-2147)

**Recommendation of the Public Works and Services Committee on 8-12-10:** That the Policy on the Installation of Banners on City-Owned Street Light Poles be amended to waive the deposit for Business Improvement Districts.

**Fiscal Note:** N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

[10-5412](#)

**Subject:** Communication from Kristin Niemiec, Community Development Manager, requesting the installation of dedicated banner poles in the reconstruction of Douglas Avenue from Goid Street to Three Mile Road. (Res.10-2148)

**Recommendation of the Public Works and Services Committee on 8-12-10:** That installation of dedicated banner poles along Douglas Avenue from Goid Street to Three Mile Road be approved subject to the feasibility of installation per Wisconsin Department of Transportation design standards.

**Fiscal Note:** N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

[10-5428](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 1 to Contract 7-09 (K9-007), Professional Services - Repairs to State Street Bridge, Ayres Associates, Inc., consultant. (Res.10-2155)

**Recommendation of the Public Works and Services Committee on 8-12-10:** That Amendment No. 1 to Contract 7-09 (K0-007), Professional Services - Repairs to State Street Bridge, Ayres Associates, Inc., consultant, as submitted, be approved in the amount of \$48,500.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 930.072.5810, State Street Bridge.

**Fiscal Note:** Funds are available as herein delineated.

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

[10-5443](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 34-10 (K0-42), City Hall and Memorial Hall Restoration (R1). (Res.10-2150)

**Recommendation of the Public Works and Services Committee on 8-12-10:** That Contract 34-10 (K0-042), City Hall and Memorial Hall Restoration (R1), be awarded to AZAR LLC, Racine, WI, at their bid price of \$208,456.25, plus Alternate #2 in the amount of \$30,937.50, plus Alternate #3 in the amount of \$21,993.75, plus Alternate #4 in the amount of \$27,956.25, for a total contract amount of \$289,343.75, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 99,290.63 - Account 990.100.5020, City Hall Tuckpointing  
\$ 109,165.62 - Account 989.100.5020, City Hall Tuckpointing  
\$ 80,887.50 - Account 108.990.5510, Memorial Hall Tuckpointing  
\$ 289,343.75 - Total

**Fiscal Note:** Funds are available as herein delineated.

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

[10-5444](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 39-10 (K0-048), Festival Hall Retaining Wall Repairs. (Res.10-2151)

**Recommendation of the Public Works and Services Committee on 8-12-10:** That Contract 39-10 (K0-048), Festival Hall Retaining Wall Repairs, be awarded to Ricchio, Inc., Gurnee, IL, at their bid price of \$29,800.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 108.990.5010, Festival Hall Retaining Wall Repairs.

**Fiscal Note:** Funds are available as herein delineated.

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

[10-5445](#)

**Subject:** Communication from Pentecost Lutheran Church requesting permission to close Jerome Boulevard, from Coolidge Avenue to Case Avenue, on Saturday, August 21, 2010 for a church block party.

(Res.10-2146)

**Recommendation of the Public Works and Services Committee**

**on 8-12-10:** That the Pentecost Lutheran Church be granted permission to close Jerome Boulevard, between Coolidge Avenue and Case Avenue, for an event on Saturday, August 21, 2010, from 7:00 a.m. to 9:00 p.m., in accordance with their request.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250.00 special event fee.

Further recommends that the Commissioner of Public Works/City Engineer and Chief of Police provide limited assistance, in the interest of public safety, to implement this event.

**FISCAL NOTE:** There will be nominal costs to various City departments, on a regular shift basis, to assist in implementing this event.

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

10-5448

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitted Change Order No. 1 to Contract 1-10 (K0-001), Second Floor Remodeling at Racine Public Library, Absolute Construction Enterprises, Inc., contractor. (Res.10-2152)

**Recommendation of the Public Works and Services Committee**

**on 8-12-10:** That Change Order No. 1 on Contract 1-10 (K0-001), Second Floor Remodeling at Racine Public Library, Absolute Construction Enterprises, Inc., contractor, be approved in the amount of \$2,984.72.

Further recommends that funding to defray the cost of this change order be appropriated from Account 255.699.5020, Library-Remodel 2nd Floor (Trust).

**Fiscal Note:** Funds are available as herein delineated.

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

**10-5453**

**Subject:** (Direct Referral) Communication from Michael's Signs on behalf of 3rd Coast Bicycles, 210 Third Street, requesting to place a projecting sign over public right-of-way. (Res.10-2149)

**Recommendation of the Public Works and Services Committee on 8-12-10:** The property owner of 210 Third Street be granted permission to install a stationary, projecting sign and a sandwich board sign, as requested, with the following stipulations:

A. That a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

B. That a minimum 5' clearance on the sidewalk be maintained at all times.

Further recommends that the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

**Fiscal Note:** There will be no cost to the City of Racine.

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

Council Action

**A motion was made by Raymond DeHahn that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 12 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, DeHahn, Spangenberg and Mozol

**EXCUSED:** 3 - Coe, McCarthy and Holding

**Public Safety and Licensing Committee Report, by Ald. Wisneski**

**10-5371**

**Subject:** Communication from Coasters Pub, Michael Kurhajec, Agent, requesting to amend the premises description at 1301 N. Main Street.

**Recommendation of the Public Safety and Licensing Committee on 07-26-10:** That the request to amend the premises description at 1301 N. Main Street be deferred.

**Recommendation of the Public Safety and Licensing Committee on 8-9-10:** That the request to amend the premises description at

1301 N. Main Street be approved.

**Fiscal Note: N/A**

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

[10-5425](#)

**Subject:** Application of G&M Entertainment (Granger's Lounge), Kristina Christensen, for a Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 240B Main Street. (1st District)

**Recommendation of the Public Safety and Licensing Committee on 8-9-10:** That the application of G&M Entertainment (Granger's Lounge), Kristina Christensen, for a Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 240B Main Street be approved.

Fiscal Note: N/A

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

[10-5427](#)

**Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting to present the bids received for Door and Window Replacement at Humble Community Center. (Res. 10-2143)

**Recommendation of the Public Safety and Licensing Committee on 8-9-10:** That the request for Door and Window Replacement at Humble Community Center be approved.

Fiscal Note: Humble Exterior Doors and Windows awarded to Softer Lite Window Company, Waukesha, WI in the amount of \$91,985.00. Funds are available in account 990-650-5010.

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

[10-5439](#)

**Subject:** Communication from the Director of Parks, Recreation and Cultural Services requesting permission to enter into an agreement with Nielsen Madsen & Barber to prepare plans and specifications for Island Park Bridge Renovation. (Res.10-2144)

**Recommendation of the Public Safety and Licensing Committee on 8-9-10:** That permission to enter into an agreement with Nielsen Madsen & Barber to prepare plans and specifications for Island Park Bridge Renovation be approved.

Fiscal Note: Cost not to exceed \$5900.00. Funds are available in account 890-030-5760, 2010 Island Park Bridge Renovation CDBG.

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

**10-5449**

**Subject:** Communication from the Alderman of the 2nd District requesting the Committee determine what distance a day care center may be located from a licensed premise including Class A and Class B licensed premises.

**Recommendation of the Public Safety and Licensing Committee on 8-9-10:** That the item be received and filed.

Motion passed by the following voice vote:

AYES: Maack and Kaplan

NOES: Marcus

NON-VOTING: Wisneski

EXCUSED: Mozol

Fiscal Note: N/A

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

Council Action

**A motion was made by Aron Wisneski that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 12 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, DeHahn, Spangenberg and Mozol

**EXCUSED:** 3 - Coe, McCarthy and Holding

**10-5351**

**Subject:** (Direct Referral) Application of Bourbon Street Blues & Jazz Bar LLC, Joe Harris, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1111 Washington Avenue (1st District)

**Recommendation of the Public Safety and Licensing Committee on 07-26-10:** That the Application of Bourbon Street Blues & Jazz Bar LLC, Joe Harris, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1111 Washington Avenue be deferred

**Recommendation of the Public Safety and Licensing Committee on 08-9-10:** That the Application of Bourbon Street Blues & Jazz Bar LLC, Joe Harris, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1111 Washington Avenue be denied

due to the fragility of the neighborhood, close proximity to a day care and Safe Haven, previous establishment history and police reports relating to tavern incidents.

**Recommendation of the Public Safety and Licensing Committee on 08-23-10:** That the Application of Bourbon Street Blues & Jazz Bar LLC, Joe Harris, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1111 Washington Avenue be approved.

**Fiscal Note: N/A**

*Alderman Wisneski made a motion to change the language of the motion as follows: That the Application of Bourbon Street Blues & Jazz Bar LLC, Joe Harris, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1111 Washington Avenue be denied due to the fragility of the neighborhood, close proximity to a day care and Safe Haven, insufficient parking for patrons.*

*Ayes: Spangenberg, Weidner, Wisneski, Maack and Marcus  
Noes: Mozol, Shakoor, Shields, Wiser, DeHahn, Hart and Kaplan.  
Excused: McCarthy, Coe and Holding.*

*Alderman Shields made a motion to refer back to the Public Safety and Licensing Committee, seconded by Shakoor. After discussion Shakoor withdrew his second, and Weidner made the second. Alderman Shakoor then made a motion to Approve the license request, but then withdrew his motion. Vote on the motion to refer back to the Public Safety and Licensing Committee as follows:*

*Ayes: Shakoor, Shields, Spangenberg, Weidner, Wisneski, Hart and Kaplan  
Noes: Mozol, Wiser, DeHahn, Maack, and Marcus  
Excused: McCarthy, Coe and Holding.*

**This Communication was Referred to the Public Safety and Licensing Committee**

**10-5472**

**Subject:** (Direct Referral) Request for Pythaphone Khampane, agent for Sticky Rice/Gingers, 337 S. Main Street to appear on August 9th, 2010 regarding an extension of previous agreement between the City of Racine and Sticky Rice/Gingers.

**Recommendation of the Public Safety and Licensing Committee 8-9-10:** That the matter of the Sticky Rice/Gingers, 337/345 Main Street be referred to a due process hearing based on the number of police calls, the underage minors on premise, capacity issues and large crowds to determine whether the license should be revoked or suspended.

Fiscal Note: Approximately \$8,000.00.

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:**

**AYES:** 11 - Shakoor, II, Marcus, Hart, Kaplan, Wiser, Maack, Weidner, Wisneski, DeHahn, Spangenberg and Mozol

**NOES:** 1 - Shields

**EXCUSED:** 3 - Coe, McCarthy and Holding

### **City Plan Commission Report, by Ald. DeHahn**

#### [10-5464](#)

**Subject:** (Direct Referral) Transfer of ownership of 1221 Highland Avenue (former Highland Park) to Racine Habitat for Humanity for conversion from parkland to two (2) residential properties. (cross reference Resolution 10-2037 of 05-18-2010)

**Recommendation of the City Plan Commission on 8-6-10:** That the transfer of ownership is not in conflict with City plans and programs.

Further, that the transfer of ownership of lands at 1221 Highland Avenue to Habitat for Humanity be completed, subject to the conditions as specified in Common Council Resolution 10-2037.

**Fiscal Note:** N/A

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

#### [09-3929](#)

**Subject:** (Direct Referral) Request from Nick Fattah of ABC 123 Daycare seeking a conditional use permit for a daycare center with office and playground facilities at 1527 Douglas Avenue, and classroom facilities at 1543 Douglas Avenue.

**Recommendation of the Access Corridor Development Review Committee on 7-23-09:** That the item be deferred.

**Recommendation of the City Plan Commission on 7-29-09:** That the item be deferred.

**Recommendation of the City Plan Commission on 8-11-10:** That the item be received and filed.

**Fiscal Note:** N/A

**A motion was made that this Conditional Use Permit be Received and Filed as Reported. The motion was APPROVED.**

#### [10-5320](#)

**Subject:** (Direct Referral) Request from Dr. Kenneth Kurt for a conditional use permit at 740 College Avenue to accommodate a banquet hall and to allow for sporting events. (Res.10-2145)



**Recommendation of the City Plan Commission on 8-11-10:** That the item be approved subject to staff recommendations.

**Fiscal Note:** N/A

**A motion was made that this Conditional Use Permit be Received and Filed as Reported. The motion was APPROVED.**

#### Council Action

**A motion was made by Eric Marcus that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 12 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, DeHahn, Spangenberg and Mozol

**EXCUSED:** 3 - Coe, McCarthy and Holding

#### Office of the Mayor Report, by Ald. Maack

##### [10-5489](#)

**Subject:** Communication from Mayor Dickert nominating appointments/reaappointments to the following committees, boards and/or commissions:

Appoint Michael Kobyłka 300 5th Street, Racine 53403 to the Racine Economic Development Committee on behalf of the Racine Area Manufacturers And Commerce (RAMAC) for a permanent term.

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:**

**AYES:** 12 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, DeHahn, Spangenberg and Mozol

**EXCUSED:** 3 - Coe, McCarthy and Holding

#### Board of Parks, Recreation, and Cultural Services Report, by Ald. Wisneski

##### [10-5134](#)

**Subject:** Request to the Common Council to revise Ordinance 30-41 to change verbiage relating to composition of Board from "citizens of the City" to "citizens of Racine County".

**Recommendation of the Board of Parks, Recreation & Cultural Services 6-9-10:** Defer

**Fiscal note:** N/A

**Recommendation of the Board of Parks, Recreation & Cultural Services 7-14-10:** To refer to the Committee of the Whole to revise

Ordinance 30-41 to change verbiage that may allow one County of Racine resident to serve on the Cemetery Commission Board.

**Fiscal note:** N/A

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:**

**AYES:** 12 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, DeHahn, Spangenberg and Mozol

**EXCUSED:** 3 - Coe, McCarthy and Holding

## Board of Health Report

### 10-5000

**Subject:** Communication from the Alderman of the 11th District requesting an ordinance that would allow city residents in certain residential districts to safely keep a limited number of chickens to provide eggs for household use.

**Recommendation of the Board of Health on July 13, 2010:** That an ordinance be created that would allow city residents in certain residential districts to safely keep a limited number of chickens to provide eggs for household use.

*Alderman Weidner made a motion to Receive and File 10-5000, after discussion the motion was withdrawn. Alderman Shield made a motion to Receive and File 10-5000. Alderman Wisneski then made a motion to refer 10-5000 to the Committee of the Whole which superceded the previous motion.*

**A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.**

## H. Consent Agenda - Resolutions

### Res.10-2140

Permission granted to waive rental fees for annual Bike Jam at Pershing Park on September 4, 2010

Resolved, that permission be granted for the fees to be waived for Kuko Padilla to utilize the Pershing Skateboard Park and a portion of Pershing Park for the annual "Bike Jam" on Saturday, September 4, 2010 from 12:00 noon to 10:00 p.m., contingent upon entering into a Hold Harmless Agreement with the City.

**Fiscal Note:** The Park's Department fee would have been \$318. Mr. Padilla has maintained the Pershing Skateboard Park for the last 13 years at no cost to the City.

**Sponsors:** James T. Spangenberg

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.10-2142**

Permission granted to the Chief of Police to apply for the 2010 USDOJ, COPS, Child Sexual Predator Program Grant

Resolved, that permission be granted for the Chief of Police to apply for the \$299,700 2010 United States Department of Justice, COPS, Child Sexual Predator Program grant (Grant Control No. 2010-028).

Fiscal Note: There is a soft match required on the part of the City. The City will continue staffing the CAC for a third year being approximately 20 hours each week.

Sponsors: James T. Spangenberg

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.10-2143**

Contract No. 44-10 (K0-053), Door and Window Replacement at Humble Community Center, be awarded to Softer Lite Window Company

Resolved, that Contract 44-10 (K0-053), Door and Window Replacement at Humble Community Center, be awarded to Softer Lite Window Company, at its bid price of \$91,985.00, it being the lowest responsible bidder.

Fiscal Note: Funds are available in Account 990-650-5010, Humble Exterior Doors and Windows.

Sponsors: Aron Wisneski

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.10-2144**

Mayor and City Clerk be authorized to enter into an agreement with Nielsen Madsen & Barber to prepare plans and specifications for Island Park Bridge Renovation

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Nielsen Madsen & Barber to prepare plans and specifications for Island Park Bridge Renovation at a cost not to exceed \$5,930.00 plus reimbursable costs.

Fiscal Note: Funds are available in account 890-030-5760, 2010 Island Park Bridge Renovation CDBG.

Sponsors: Aron Wisneski

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.10-2145**

Amendment to Conditional Use Permit at 740 College Avenue be approved subject to conditions

Resolved, that the request by Dr. Kenneth Kurt for a major amendment to a Conditional Use Permit at 740 College Avenue to allow multiple uses be approved, subject to the following conditions:

1. That the plans presented to the Plan Commission on August 11, 2010 be approved, subject to the conditions contained herein.
2. That all codes and ordinances be complied with and required permits acquired.
3. That within 60 days of this approval, the owner shall schedule a review for all required permits for building modifications and fire access with the Building Inspection Department and Fire Department.
4. That no professional or semi-professional sporting events involving ticket sales or entry fees be allowed. This includes boxing matches, cage fighting, mixed martial arts, or similar events. Youth events and tournaments may be held inside the facility, ending no later than 6:00 p.m. Activity may not overflow into the parking area.
5. No renting of gymnasium or other areas for the purpose of holding receptions, dances, parties, or similar events shall be permitted.
6. That medical offices, including physical therapy, licensed massage, music therapy, acupuncture/pressure, and psychiatry be permitted. Approval for other medical uses shall be approved by the Director of City Development.
7. Sports practice or tournament sessions, including boxing, swimming, basketball, volleyball, or similar types of sessions are permitted and shall occur inside the facility during open hours as listed.
8. That approval from the Downtown Area Design Review Commission shall be obtained for restaurant signage and any additional signage installed or proposed within 60 days of this approval.
9. No flags or banners may be placed on the exterior of the building.
10. That the hours of operation for the building occur between 6:00 a.m. - 8:00 p.m., Monday through Saturday, and 8:00 a.m. - 8:00 p.m. on Sundays.
11. The parking lot shall be re-surfaced, re-stripped, and repair/replacement of the bumper stops along the perimeter shall be completed within 60 days of this approval.
12. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without approval of the Common Council.
13. That this permit is subject to Plan Commission review for compliance

with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.10-2146**

Permission granted to Pentecost Lutheran Church to close Jerome Boulevard between Coolidge Avenue and Case Avenue on August 21, 2010, for a church block party, subject to conditions

Resolved, that Pentecost Lutheran Church be granted permission to close Jerome Boulevard, between Coolidge Avenue and Case Avenue, for an event on Saturday, August 21, 2010, from 7:00 a.m. to 9:00 p.m., in accordance with their request.

Further resolved that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. Proof of liability insurance be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250.00 special event fee.

Further resolved, that the Commissioner of Public Works/City Engineer and Chief of Police provide limited assistance, in the interest of public safety, to implement this event.

Fiscal Note: There will be nominal costs to various City departments, on a regular shift basis, to assist in implementing this event.

Sponsors: Gregory Holding

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.10-2147**

Permission granted to waive the deposit for Installation of Banners for the Business Improvement Districts

Resolved, that the Policy on the Installation of Banners on City-Owned Street Light Poles be amended to waive the deposit for Business Improvement Districts.

Fiscal Note: N/A

Sponsors: Gregory Holding

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.10-2148**

Installation of Dedicated Banner Poles along Douglas Avenue from Goold Street to Three Mile Road be approved subject to conditions

Resolved, that the installation of dedicated banner poles along Douglas Avenue from Goold Street to Three Mile Road be approved subject to the feasibility of installation per Wisconsin Department of Transportation design standards.

Fiscal Note: N/A

Sponsors: Gregory Holding

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.10-2149**

Permission granted to property owner of 210 Third Street to install a projecting sign over public right-of-way contingent upon entering into a Hold Harmless Agreement with the City

Resolved, that the property owner of 210 Third Street be granted permission to install a stationary, projecting sign and a sandwich board sign, as requested, with the following stipulations:

A. That a hold harmless agreement be executed, in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets.

B. That a minimum 5' clearance on the sidewalk be maintained at all times.

Further resolved, that the property owner be charged a \$50.00 fee to cover administrative costs associated with filing this item with the Register of Deeds office.

Fiscal Note: There will be no cost to the City of Racine.

Sponsors: Gregory Holding

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.10-2150**

Contract 34-10 (K0-042), City Hall and Memorial Hall Restoration (R1), be awarded to AZAR, LLC

Resolved, that Contract 34-10 (K0-042), City Hall and Memorial Hall Restoration (R1), be awarded to AZAR LLC, Racine, WI, at its bid price of \$208,456.25, plus Alternate #2 in the amount of \$30,937.50, plus Alternate #3 in the amount of \$21,993.75, plus Alternate #4 in the amount of \$27,956.25, for a total contract amount of \$289,343.75, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 99,290.63 - Account 990.100.5020, City Hall Tuckpointing

\$ 109,165.62 - Account 989.100.5020, City Hall Tuckpointing  
\$ 80,887.50 - Account 108.990.5510, Memorial Hall Tuckpointing  
\$ 289,343.75 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.10-2151**

Contract 39-10 (K0-048), Festival Hall Retaining Wall Repairs, be awarded to Ricchio, Inc.

Resolved, that Contract 39-10 (K0-048), Festival Hall Retaining Wall Repairs, be awarded to Ricchio, Inc., Gurnee, IL, at its bid price of \$29,800.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 108.990.5010, Festival Hall Retaining Wall Repairs.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.10-2152**

Change Order No. 1 to Contract 1-10 (K0-001), Second Floor Remodeling at Racine Public Library, Absolute Construction Enterprises, Inc., be approved

Resolved, that Change Order No. 1 on Contract 1-10 (K0-001), Second Floor Remodeling at Racine Public Library, Absolute Construction Enterprises, Inc., contractor, be approved in the amount of \$2,984.72.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 255.699.5020, Library-Remodel 2nd Floor (Trust).

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.10-2153**

Amendment No. 2 on Contract 13-09 (K9-013), Professional Services - Library Renovation Design Services, Architectural Associates, Ltd., consultant, be approved

Resolved, that Amendment No. 2 to Contract 13-09 (K9-013), Professional Services - Library Renovation Design Services, Architectural Associates,

Ltd., consultant, as submitted, be approved in the amount of \$4,800.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 255.699.5020, Library-Remodel 2nd Floor (Trust).

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.10-2154**

Amendment No 1 to Contract 3-10 (K0-003), West Canopy Repair & Restoration at State Street Depot, Isthmus Architecture, Inc., consultant, be approved

Resolved, that Amendment No. 1 to Contract 3-10 (K0-003), West Canopy Repair & Restoration at State Street Depot, Isthmus Architecture, Inc., consultant, as submitted, be approved in the amount of \$7,510.00.

Further resolved, that funding to defray the cost of these professional services are available in the 2010 Capital Improvement Program.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

**Res.10-2155**

Amendment No. 1 to Contract 7-09 (K9-007), Professional Services - Repairs to State Street Bridge, Ayres Associates, Inc., consultant, be approved

Resolved, that Amendment No. 1 to Contract 7-09 (K9-007), Professional Services - Repairs to State Street Bridge, Ayres Associates, Inc., consultant, as submitted, be approved in the amount of \$48,500.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 930.072.5810, State Street Bridge.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**A motion was made that this Resolution be Adopted. The motion was APPROVED.**

Council Action

**A motion was made by Q.A. Shakoor, II that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**



**AYES:** 12 - Shakoor, II, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, DeHahn, Spangenberg and Mozol

**EXCUSED:** 3 - Coe, McCarthy and Holding

**Res.10-2141**

Permission granted to the Public Health Administrator to accept additional funds from Division of Public Health for the WIC Program, and the Mayor and City Clerk be authorized to enter into the amended contract

Resolved, that permission be granted to the Public Health Administrator to accept additional funding from the Division of Public Health, Department of Health Services for the Women, Infants and Children Program, and the Mayor and City Clerk be authorized and directed to enter into the amended contract with the Division of Public Health, Department of Health Services for the Women, Infants and Children Program Grant (Grant Control No. 2006-049) for the budget period of January 1, 2010 through December 31, 2010.

Fiscal Note: The contract has increased in the amount of \$27,863. \$7,909 will be utilized for day-to-day operations of the WIC Program, \$2,298 for the WIC Farmer's Market and \$17,656 for WIC Peer Counseling.

Sponsors: James T. Spangenberg

**A motion was made by Wisneski that this Resolution be Adopted. The motion was APPROVED by the following Council vote:**

Alderman Coe returned at 8:59p.m. and took his seat.

## **I. Adjourn**

*Alderman Coe returned and thanked the Council Member and others in the support he received during the passing of his father this last week.*

*The meeting was adjourned at 9:00 P.M. by Alderman Shakoor. The next scheduled meeting of the Council is September 7th, 2010..*

ATTEST: JANICE M. JOHNSON-MARTIN  
CITY CLERK