



City of Racine

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

Meeting Minutes - Final Common Council

*Alderman Jeff Coe, Alderman Robert Anderson, 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 Thomas Friedel, Alderman Aron Wisneski, Alderman Gregory Holding
Alderman James T. Spangenberg, Alderman Ronald D. Hart, Alderman Robert Mozol*

Tuesday, September 16, 2008

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 13 - Coe, Anderson, Shields, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Mozol
EXCUSED: 2 - Kaplan and Hart

President Maack presided over the Council meeting as Mayor Becker was excused.

B. Pledge of Allegiance To The Flag

President Maack 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 Friedel.

D. Public Hearings

[ZOrd.006-08](#) An Ordinance to rezone 716 College Avenue

To amend the map of the Zoning Ordinance of the City of Racine.

The Common Council of the City of Racine do ordain as follows:

Part 1:

That the property known as 716 College Avenue and more particularly described as follows:

"Lots 1,7,8, and the East 8.78 feet of the South 49 feet of Lot 2 also Lot 5 excepting the West 52.53 feet of the North 28 feet of said lot in Block 5 of the School Section. Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "O/I" Office Institutional District, to "O/I" with an H-Historic Properties District Overlay, and designated as Supplement No. _____,

which Supplement is hereby made a part of this ordinance.

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

No one appeared.

President Maack declared the public hearing closed

ZOrd.007-08

An Ordinance to rezone 1001 Main Street

To amend the map of the Zoning Ordinance of the City of Racine.

The Common Council of the City of Racine do ordain as follows:

Part 1:

That the property known as 1001 Main Street and more particularly described as follows:

"Block 25 and Lots 1 thru 12 of Block 26 of the School Section. Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "O/I" Office Institutional District , to "O/I" with an H-Historic Properties District Overlay, and designated as Supplement No. _____, which Supplement is hereby made a part of this ordinance.

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

No one appeared.

President Maack declared the public hearing closed

ZOrd.008-08

An Ordinance to rezone 1135 Main Street

To amend the map of the Zoning Ordinance of the City of Racine.

The Common Council of the City of Racine do ordain as follows:

Part 1:

That property known as 1135 Main Street and more particularly described as follows:

"Lot 10 and the South 60 feet of Lot 7 of Block 28 of the School Section. Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "R-2" Single Family Residence District, to "R-2" with an H-Historic Properties District Overlay, and designated as Supplement No. _____, which Supplement is hereby made a part of this ordinance.

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

No one appeared.

President Maack declared the public hearing closed

ZOrd.009-08

An Ordinance to rezone 1611 College Avenue

To amend the map of the Zoning Ordinance of the City of Racine.

The Common Council of the City of Racine do ordain as follows:

Part 1:

That property known as 1611 College Avenue and more particularly described as follows:

"The South 2.6 feet of the West 10 feet of Lot 1 and the South 2.6 feet of the North 40 feet of Lot 3 and the West 10 feet of the North 40 feet of Lot 4 of Block 46 of the School Section. Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "R-2" Single Family Residence District, to "R-2" with an H-Historic Properties District Overlay, and designated as Supplement No. _____, which Supplement is hereby made a part of this ordinance.

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

No one appeared.

President Maack declared the public hearing closed

ZOrd.010-08

An Ordinance to rezone 1423 State Street and 1402 Liberty Street

To amend the map of the Zoning Ordinance of the City of Racine.

The Common Council of the City of Racine do ordain as follows:

Part 1:

Those properties known as 1423 State Street and 1402 Liberty Street and more particularly described as follows:

"Begin at a point which is the intersection of the West line of the Union Pacific Railway row and the South line of State Street, travel thence;89.61 feet Westerly along said line, travel thence; Southerly 133.0 feet, travel thence; Easterly 34.25 feet, travel thence; Southerly 117.6 feet, travel thence; Easterly 40 feet, travel thence; Southerly 123.96 feet to the North line of Liberty Street, travel thence; Easterly 52.75 feet along said line to the intersection of the East line of Randolph Street, travel thence Southeasterly along said line 165.64 feet, travel thence; Easterly 30.72 feet to the West line of to Union Pacific Railway row; travel thence Northwesterly along said line to the point of beginning of this description. Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "B-3" General Business District and "I-2" General Industrial District, to "B-2" Community Shopping District, and designated as Supplement No. _____, which Supplement is hereby made a part of this ordinance.

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

No one appeared.

President Maack declared the public hearing closed

E. Public Comments

George Meyers

F. Communications

[08-2626](#) **Subject:** Monthly Building Report for August, 2008.

Received and Filed

Refer to Finance and Personnel Committee, by Ald. Friedel

[08-2623](#) **Subject:** A communication from the Grant Facilitator requesting permission to apply for the Brownfields Job Training Grant in the amount of \$200,000 (Grant Control No. 2008-032).

Referred to Finance and Personnel Committee

[08-2638](#) **Subject:** communication from the City Attorney submitting the claim of Janelle Jetzer for consideration.

Referred to Finance and Personnel Committee

Refer to Public Works and Services Committee, by Ald. Holding

[08-2604](#) **Subject:** Review of a sign proposal for Upurea, Inc. at 304 Main Street.

Referred to Public Works and Services Committee

[08-2624](#) **Subject:** Communication from Commissioner of Public Works/City Engineer requesting permission to accept a financial incentive of up to \$50,000.00 for a Renewable Energy Project.

Referred to Public Works and Services Committee

[08-2629](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 50-07 (K7-058), City Hall Annex - Photovoltaic Generation System, Magaw Electric Construction, Inc., contractor.

Referred to Public Works and Services Committee

Refer to Public Safety and Licensing Committee, by Ald. Shakoor

[08-2627](#) **Subject: (New)** Application of 1834 Ventures, Ltd., Lyssa King for a Secondhand Jewelry Dealer License for 5538 Durand Avenue. (14th District)

Referred to Public Safety and Licensing Committee

[08-2641](#) **Subject:** (New) Application of PJ Doghouse, Inc. (Dog House Sportsbar Grille), Mario Passarelli, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2322 Lathrop Avenue. (11th District)

Referred to Public Safety and Licensing Committee

Refer to Transit and Parking Commission, by Ald. DeHahn

[08-2632](#)

Subject: Communication from the Alderman of the 7th District requesting to change the BUS weekend service back to its original schedule.

Referred to Transit and Parking Commission

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Friedel

[08-2168](#)

Subject: Presentation of the 2007 Water Utility Audit from Clifton-Gunderson.

Recommendation: (Direct Referral) Recommendation of the Waterworks Commission on August 26, 2008: Refer to the Finance and Personnel Committee for adoption

Recommendation of the Finance & Personnel Committee on 09-08-08: The audited 2006 and 2007 financial statements for Racine Water Utility be received and filed.

Fiscal Note: N/A

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

[08-2174](#)

Subject: Presentation of the 2007 Wastewater Utility Audit from Clifton-Gunderson.

Recommendation: (Direct Referral) Recommendation of the Wastewater Commission on August 26, 2008: Refer to the Finance and Personnel Committee for adoption

Recommendation of the Finance & Personnel Committee on 09-08-08: The audited 2006 and 2007 financial statements for Racine Wastewater Utility be received and filed.

Fiscal Note: N/A

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

[08-2582](#)

Subject: Communication from the City Attorney requesting additional funding for 2008 in the amount of \$100,000 for the Professional

Services Account, 101.160.5610.

Recommendation of the Finance & Personnel Committee on

09-08-08: \$100,000 be transferred from Contingency Fund, 101.990.5970, to City Attorney Professional Services, 101.160.5610, to be utilized for additional funding for professional services.

Fiscal Note: There are sufficient funds available for the transfer.

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

[08-2584](#)

Subject: Communication from the City Attorney submitting the claim of Diamond Malone for consideration.

Recommendation of the Finance & Personnel Committee on

09-08-08: The claim of Diamond Malone requesting reimbursement for injuries and/or property damage on 05-11-08 be denied.

Fiscal Note: N/A

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

[08-2587](#)

Subject: Communication from the City Attorney submitting the claim of Lisa Leight for consideration.

Recommendation of the Finance & Personnel Committee on

09-08-08: The claim of Lisa Leicht, 2812 Manor Ave., requesting reimbursement of \$179.71 for cleanup expenses of her vehicle after she allegedly drove through fresh street marking paint on 06-18-08 be denied.

Fiscal Note: N/A

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

[08-2590](#)

Subject: Communication from the City Attorney submitting the claim of Jill Malvasio for consideration.

Recommendation of the Finance & Personnel Committee on

09-08-08: The claim of Jill Malvasio, 1549 Boyd Ave., requesting reimbursement of \$1,449.96 for repair expenses after a tree limb allegedly fell on her vehicle on 06-07-08 be denied.

Fiscal Note: N/A

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

[08-2592](#)

Subject: Communication from the Commissioner of Public Works/City Engineer regarding a purchasing program as submitted by CNH Global.

Recommendation of the Finance & Personnel Committee on

09-08-08: Permission granted for the City of Racine Purchasing Agent to negotiate with Miller Bradford for the purchasing of a 621 Front End Loader and the Uniloader utilizing the 0% 36 months financing option and further recommends that the savings estimate of \$90,000 be removed from the Equipment Budget and placed into account 101.540.5250 for the 2009 Budget.

Fiscal Note: Payment will be spread over 36 months at zero percent interest.

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

[08-2599](#)

Subject: Communication from Mayor Becker asking that the Committee formulate a policy on how to treat taxation of the Racine Zoological Society acquisitions.

Recommendation of the Finance & Personnel Committee on

09-08-08: The City of Racine budget for and pay the local share of the 2008 Real Estate property tax bill issued in December 2008 for 210 Gould Street (parcel #05937000) owned by the Racine Zoological Society, Inc. Payment to be applied in the 2009 budget year.

Fiscal Note: The estimated local share is \$1,550.00

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

[08-2612](#)

Subject: The Chief of Police requesting permission to enter into an agreement with Property Room.com Inc. for the auction and disposition of unneeded property and evidence.

Recommendation of the Finance & Personnel Committee on

09-08-08: Permission granted for the Chief of Police to enter into an agreement with Property Room.com Inc. for the auction and disposition of unneeded property and evidence.

Fiscal Note: There will be no up-front costs to the City with revenues totaling 50% of the winning bid for each item sold.

Alderman Shakoor requested that item 08-2612 be considered separately.

Alderman Shakoor made a motion that the item be referred to the Public Safety and Licensing Committee for consideration.

Motion passed by the following vote:

AYES: Shakoor, Shields, Weidner, Wisneski, Anderson, Coe, DeHahn and McCarthy
NOES: Mozol, Spangenberg, Friedel and Holding
EXCUSED: Hart and Kaplan
NON-VOTING: Maack

A motion was made that this Communication be Referred to the Public Safety and Licensing Committee, . The motion was APPROVED by the following vote:

AYES: 8 - Coe, Anderson, Shields, Weidner, McCarthy, DeHahn, Shakoor, II and Wisneski

NOES: 4 - Friedel, Holding, Spangenberg and Mozol

EXCUSED: 2 - Kaplan and Hart

NON VOTING: 1 - Maack

[08-2622](#)

Subject: (Direct Referral) A communication from the Director of City Development requesting to amend the development agreement with State at Main Development, LLC, regarding the financing of intersection changes related to 141 Main Street.

Recommendation of the Finance & Personnel Committee on

09-08-08: The Mayor and City Clerk be authorized and directed to enter into an amended development agreement.

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 Alderman Thomas Friedel that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 12 - Coe, Anderson, Shields, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 2 - Kaplan and Hart

NON VOTING: 1 - Maack

Public Works and Services Committee Report, by Ald. Holding

[08-2568](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 65-02 (K2-069), Environmental Remediation Services-State Street Grocery Store, K. Singh and Associates, Inc., consultant.

Recommendation of the Public Works and Services Committee on

9-9-08: That the professional services provided by K. Singh and Associates, Inc., under Contract 65-02 (K2-069), Environmental

Remediation Services-State Street Grocery Store, be accepted and final payment authorized for a total contract amount of \$70,378.69, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution No. 4992, dated December 17, 2002.

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

[08-2552](#)

Subject: Communication from L. Street Properties LLC requesting to install 2 rescue platforms and one canopy over city right-of-way at 506 7th Street and a projecting sign at 505 6th Street.

Recommendation of the Public Works and Services Committee on 9-9-08: That the property owner of 506 7th Street/505 Sixth Street be granted permission to install two (2) rescue platforms and a projecting sign, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

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.

[08-2572](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 16-08 (K8-017), 2008 Sidewalk Construction, Phase I, John's Concrete, Inc., contractor.

Recommendation of the Public Works and Services Committee on 9-9-08: That the work of John's Concrete, Inc., under Contract 16-08 (K8-017), 2008 Sidewalk Construction, Phase I, be accepted and final payment authorized for a total contract amount of \$126,340.33, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution 08-0731, dated April 2, 2008.

Roll Call Vote: Ayes: Ald. Holding, Ald. Hart, Ald. Coe, Ald. DeHahn
Abstained: Ald. Weidner

Alderman Weidner requested that item 08-2572 be considered separately.

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

AYES: 11 - Coe, Anderson, Shields, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 2 - Kaplan and Hart

ABSTENTIONS: 1 - Weidner

NON VOTING: 1 - Maack

08-2591

Subject: Communication from Commissioner of Public Works/City Engineer requesting permission to accept a financial incentive of up to \$100,000.00 for a Renewable Energy Project.

Recommendation of the Public Works and Services Committee on 9-9-08: The Commissioner of Public Works be authorized and directed to enter into a grant agreement on behalf of the City of Racine with WE Energies and to submit any reports necessary to comply with the WE Energies Customer Incentives program which will provide up to \$100,000.00 of funding toward the cost of Phase II of the solar voltaic electric generating system for the City Hall Annex.

Fiscal Note: The City's share of this project is included in the 2009 Capital Improvement Program.

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

08-2597

Subject: Communication requesting permission for HALO to stage an overnight "Homelessness Awareness Demonstration" and donation drive on the front lawn of City Hall on November 7-8, 2008.

Recommendation of the Public Works and Services Committee on 9-9-08: That the request be denied.

Fiscal Note: Not applicable.

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

08-2600

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 2 on Contract 05-08 (K8-005), Oakes Road Paving, A. W. Oakes & Son, contractor.

Recommendation of the Public Works and Services Committee on 9-9-08: That Change Order No. 2 on Contract 05-08 (K8-005), Oakes Road Paving, A. W. Oakes & Son, contractor, as submitted, be approved in the amount of \$44,625.70.

Further recommends that funding to defray the cost of this change

order be appropriated from the Village of Mt. Pleasant.

Fiscal Note: Funds are available as herein delineated.

Alderman McCarthy requested that item 08-2600 be considered separately.

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

AYES: 11 - Coe, Anderson, Shields, Weidner, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Mozol

NOES: 1 - McCarthy

EXCUSED: 2 - Kaplan and Hart

NON VOTING: 1 - Maack

[08-2601](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 2 on Contract 13-08 (K8-014), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor.

Recommendation of the Public Works and Services Committee on 9-9-08: That Change Order No. 2 on Contract 13-08 (K8-014), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor, as submitted, be approved in the amount of \$176,350.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 988.908.5020, Concrete Pavement Replacement, Misc. Locations.

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.

[08-2611](#)

Subject: Communication from the Choral Arts Society of Southeastern Wisconsin requesting to lease office space in the City Hall Annex Building.

Recommendation of the Public Works and Services Committee on 9-9-08: That the Mayor and City Clerk be authorized and directed enter into a lease agreement with the Choral Arts Society of Southeastern Wisconsin for Room 122 at the City Hall Annex, which consists of 500 square feet, which will be leased at a rate of \$2.39 per square foot. The term of the lease will be September 1, 2008 to December 31, 2008.

Fiscal Note: This rental agreement will result in \$398.34 of additional revenue to the City of Racine for 2008.

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

08-2617

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting a right-of-way plat for street dedication of Oakes Road.

Recommendation of the Public Works and Services Committee on 9-9-08: That Oakes Road, from 16th Street to 21st Street, and more particularly described as follows, be dedicated for street right-of-way purposes:

That part of the East ½ of the Northwest ¼ and the North ½ of the Southwest ¼ both of section 23, Township 3 North, Range 22 East; Thence North 89° 36'28" East, 1279.99 feet to the Point of Beginning; thence North 89° 36' 28" East, 40.01 feet; thence South 01° 36'45" East, 55.01 feet; thence North 89° 37' 01" East, 40.01 feet; thence South 01° 36' 45" East, 2433.03 feet; thence North 01° 02' 56" East, 99.16 feet; thence South 00° 29' 07" East, 361.72 feet; thence South 81° 38' 54" West, 32.09 feet; thence North 01° 37' 12" West, 16.62 feet; thence South 81° 38' 34" West, 83.81 feet; thence North 01° 39' 09" West, 99.69 feet; thence North 81° 38'43" East, 37.55 feet: thence north 00° 29' 33" West, 256.17 feet; thence North 01° 02' 56" West, 97.59 feet; thence North 01° 36' 45" West, 2489.75 feet to the Point of Beginning. Said land being in the City of Racine, Racine County, Wisconsin.

Said described tract containing 5.44 acres more-or-less.

Further recommends that a resolution be introduced to the Common Council and referred to the City Plan Commission.

Fiscal Note: Not applicable.

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

Council Action

A motion was made by Alderman Gregory Holding that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 12 - Coe, Anderson, Shields, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 2 - Kaplan and Hart

NON VOTING: 1 - Maack

Public Safety and Licensing Committee Report, by Ald. Shakoor

08-2615

Subject: (New) Application of Andrade Magdalena, for a Class "B" and

"Class C" Wine license for 522 Sixth Street. (1st District)

Recommendation of the Public Safety & Licensing Committee on

09-8-08: The new application of Andrade Magdalena, for "Class C" and Class "B" Wine license for 522 Sixth Street be approved.

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 - Coe, Anderson, Shields, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 2 - Kaplan and Hart

NON VOTING: 1 - Maack

City Plan Commission Report, by Ald. Holding

08-2633

Subject: (Direct Referral) ZOrd.006-08 An ordinance to rezone 716 College Avenue.

Recommendation of the City Plan Commission 09-10-08: That the ordinance be Adopted and Resolution be created.

Fiscal Note: N/A

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

08-2634

Subject: (Direct Referral) ZOrd.007-08 An ordinance to rezone 1001 Main Street.

Recommendation of the City Plan Commission 09-10-08: That the ordinance be Adopted and Resolution be created.

Fiscal Note: N/A

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

08-2635

Subject: (Direct Referral) ZOrd.008-08 An ordinance to rezone 1135 Main Street.

Recommendation of the City Plan Commission 09-10-08: That the ordinance be Adopted and Resolution be created.

Fiscal Note: N/A

A motion was made that this Zoning Item be Received and Filed as Reported.

The motion was APPROVED.

[08-2636](#)

Subject: (Direct Referral) ZOrd.009-08 An ordinance to rezone 1611 College Avenue.

Recommendation of the City Plan Commission 09-10-08: That the ordinance be Adopted and Resolution be created.

Fiscal Note: N/A

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

[08-2637](#)

Subject: (Direct Referral) ZOrd.010-08 An ordinance to rezone 1423 State Street and 1402 Liberty Street.

Recommendation of the City Plan Commission 09-10-08: That the ordinance be Adopted.

Fiscal Note: N/A

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

Council Action

A motion was made by Alderman Gregory Holding that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 12 - Coe, Anderson, Shields, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 2 - Kaplan and Hart

NON VOTING: 1 - Maack

Committee of the Whole Report, by Ald. Friedel

[08-2602](#)

Subject: Resolution No. 08-0835 of May 20, 2008, relating to the acquisition of the former Racine Steel Castings property at 1425 North Memorial Drive.

Recommendation: that Resolution No. 08-0835 be approved.

Fiscal Note: The \$15,000.00 for utility connections is available in the "208" Industrial Development Fund. The \$316,000 to satisfy the purchase agreement will be included in the city's long-range capital improvements budget.

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

AYES: 12 - Coe, Anderson, Shields, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 2 - Kaplan and Hart

NON VOTING: 1 - Maack

Mayor's Report, by Ald. Friedel

08-2628

Subject: Communication from Mayor Becker nominating appointments/reappointments to the following committees, commissions and boards for the City of Racine:

Board of Harbor Commissioners:

Reappoint Timothy Hyland, 4400 17th Street, for a three year term ending in June 2011.

Cable Television Commission:

Reappoint Chase Hendrix, 422 West Boulevard, for a three year term ending May, 2011.

Community Development Committee:

Appoint Betty Larsen, 2250 Layard Avenue, for a three year term ending May, 2011.

Appoint Sammy Rangel, 2031 Slauson Avenue, for a term ending May 2010.

Reappoint Janelle Grammer, for a three year term ending May 2011.

Reappoint Alderman Greg Holding, for a one year term ending May 2009.

Reappoint Alderman David Maack, for a one year term ending May 2009.

Reappoint Alderman Q.A. Shakoor II, for a one year term ending May 2009.

A motion was made by Alderman Thomas Friedel Received and Filed as ReportedThe motion was Approvedby the following vote:

AYES: 12 - Coe, Anderson, Shields, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 2 - Kaplan and Hart

NON VOTING: 1 - Maack

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

08-2539

Subject: Communication from the Wastewater Utility General Manager requesting use of park land for construction of an underground interceptor sewer to aid in relief of flooding in the neighborhood of Virginia Street

Recommendation of the Board of Parks, Recreation & Cultural Services 9-10-08: that the request of the Wastewater Utility General Manager for use

of park land for construction of an underground interceptor sewer to aid in relief of flooding in the neighborhood of Virginia Street be approved with the following stipulations:

- A. Obtain all necessary City of Racine and DNR permits.
- B. Restore ground disturbed and clean up other debris as this area is landfill.
- C. Replace any lost tree cover or vegetation in the area to mitigate the environmental impacts of the project.

Further recommend that the Director of Parks, Recreation & Cultural Services provide limited assistance in the interest of the City to implement this project.

Fiscal note: Any cost associated with afore-named stipulations be covered by the Racine Wastewater Utility.

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

[08-2594](#)

Subject: Communication from Matthew C. Snyder wishing to discuss placing a permanent bronze plaque at Horlick Athletic Field honoring former Racine professional football teams, the Horlick-Racine Legion and the Racine Tornadoes.

Recommendation of the Board of Parks, Recreation & Cultural Services 9-10-98: that the request be approved.

Fiscal note: 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 Alderman Aron Wisneski that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 12 - Coe, Anderson, Shields, Weidner, McCarthy, DeHahn, Shakoore, II, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 2 - Kaplan and Hart

NON VOTING: 1 - Maack

H. Consent Agenda - Resolutions

[Res.08-0835](#)

Agreement with E.G. Developments, LLC to acquire property at 1425 North Memorial Drive

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with E.G. Developments, LLC regarding the former Racine Steel Castings property at 1425 North Memorial Drive.

Further resolved, that the Redevelopment Authority be authorized to accept the transfer of the property from the City.

Fiscal Note: The \$15,000.00 for utility connections is available in the "208" Industrial Development Fund. The \$316,000 to satisfy the purchase agreement will be included in the city's long-range capital improvements budget.

Sponsors: David L. Maack

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

Res.08-1003

Choral Arts Society Lease Agreement at City Hall Annex

Resolved, that the Mayor and City Clerk be authorized and directed enter into a lease agreement with the Choral Arts Society of Southeastern Wisconsin for Room 122 at the City Hall Annex, which consists of 500 square feet, which will be leased at a rate of \$2.39 per square foot. The term of the lease will be September 1, 2008 to December 31, 2008.

Fiscal Note: This rental agreement will result in \$398.34 of additional revenue to the City of Racine for 2008.

Sponsors: Gregory Holding

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

Res.08-1004

Hold Harmless Agreement for 506 Seventh Street/505 Sixth Street

Resolved, that the property owner of 506 7th Street/505 Sixth Street be granted permission to install two (2) rescue platforms and a projecting sign, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets.

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.08-1005

Permission for Commissioner of Public Works to enter into a grant agreement with WE Energies

Resolved, that the Commissioner of Public Works be authorized and directed to enter into a grant agreement on behalf of the City of Racine

with WE Energies and to submit any reports necessary to comply with the WE Energies Customer Incentives program which will provide up to \$100,000.00 of funding toward the cost of Phase II of the solar voltaic electric generating system for the City Hall Annex.

Fiscal Note: The City's share of this project is included in the 2009 Capital Improvement Program.

Sponsors: Gregory Holding

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

Res.08-1006

Professional services accepted and final payment authorized for Environmental Remediation Services - State Street Grocery Store

Resolved, that the professional services provided by K. Singh and Associates, Inc., under Contract 65-02 (K2-069), Environmental Remediation Services-State Street Grocery Store, be accepted and final payment authorized for a total contract amount of \$70,378.69, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution No. 4992, dated December 17, 2002.

Sponsors: Gregory Holding

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

Res.08-1008

Change Order on Contract 05-08 (K8-005), Oakes Road Paving, be approved

Resolved, that Change Order No. 2 on Contract 05-08 (K8-005), Oakes Road Paving, A. W. Oakes & Son, contractor, as submitted, be approved in the amount of \$44,625.70.

Further resolved, that funding to defray the cost of this change order be appropriated from the Village of Mt. Pleasant.

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.08-1009

Change Order on Contract 13-08 (K8-014), Concrete Street Reconstruction, be approved

Resolved, that Change Order No. 2 on Contract 13-08 (K8-014), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor, as submitted, be approved in the amount of \$176,350.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 988.908.5020, Concrete Pavement Replacement, Misc. Locations.

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.08-1011

Racine Landmark, 716 College Avenue (First Presbyterian Church)

Whereas, Section 58-61 of the Municipal Code of the City of Racine establishes criteria for the designation of landmarks or landmark sites; and

Whereas, the property at 716 College Avenue (First Presbyterian Church) meets three criteria:

58-61 a. (1) Exemplifies or reflects the cultural, archaeological, political, economic, social or religious history.

58-61 a. (3) Embodies distinguishing characteristics of architecture, an architect or architectural materials, or craftsmanship reflective of the Greek Revival style of architecture.

58-61 a. (4) In its inherent historical nature provides the citizenry with educational or aesthetic enrichment; and

Whereas, in 1973 the property was placed on the National Register of Historic Places, and in 1975 the property received its initial designation as a Racine Landmark; and

Whereas, on July 3, 2008, the City of Racine Landmarks Preservation Commission voted to recommend that the property be re-designated as a Racine Landmark.

Further resolved by the Common Council of the City of Racine, that the property at 716 College Avenue (First Presbyterian Church) be re-designated a Racine Landmark in accordance with the criteria contained herein and in Common Council Resolution No. 3517 of August 19, 1975.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Res.08-1012

Racine Landmark, 1001 Main Street (East Park and Mary Todd/Abraham Lincoln Statute)

Whereas, Section 58-61 of the Municipal Code of the City of Racine establishes criteria for the designation of landmarks or landmark sites; and

Whereas, the property at 1001 Main Street (East Park and the Mary Todd/Abraham Lincoln Statue) meets two criteria:

58-61 a. (2) Is identified with personages, events or periods of history.

58-61 a. (4) In its inherent historical nature provides the citizenry with educational or aesthetic enrichment; and

Whereas, in 1976 the property received its initial designation as a Racine Landmark, and in 1977 the property (park and statue) was designated as a contributing property to the National Register of Historic Places Southside Historic District; and

Whereas, on July 3, 2008, the City of Racine Landmarks Preservation Commission voted to recommend that the property be re-designated as a Racine Landmark.

Further resolved by the Common Council of the City of Racine, that the property at 1001 Main Street (East Park and the Mary Todd/Abraham Lincoln Statue) be re-designated a Racine Landmark in accordance with the criteria contained herein and in Common Council Resolution No. 4066 of May 4, 1976.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Res.08-1013

Racine Landmark, 1135 Main Street (Eli Cooley/Wm. F. Kuehneman House)

Whereas, Section 58-61 of the Municipal Code of the City of Racine establishes criteria for the designation of landmarks or landmark sites; and

Whereas, the property at 1135 Main Street (Eli Cooley/Wm. F. Kuehneman House) meets two criteria:

58-61 a. (3) Embodies distinguishing characteristics of architecture, an architect or architectural materials, or craftsmanship reflective of the Greek Revival style of architecture.

58-61 a. (4) In its inherent historical nature provides the citizenry with educational or aesthetic enrichment; and

Whereas, in 1973 the property was placed on the National Register of Historic Places, in 1976 the property received its initial designation as a Racine Landmark, and in 1977 the property was designated as a contributing

property to the National Register of Historic Places Southside Historic District;
and

Whereas, on July 3, 2008, the City of Racine Landmarks Preservation Commission voted to recommend that the property be re-designated as a Racine Landmark.

Further resolved by the Common Council of the City of Racine, that the property at 1135 Main Street (Eli Cooley/Wm. F. Kuehneman House) be re-designated a Racine Landmark in accordance with the criteria contained herein and in Common Council Resolution No. 3519 of August 19, 1975.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

[Res.08-1014](#)

Racine Landmark, 1611 College Avenue (Robert M. Boyd House)

Whereas, Section 58-61 of the Municipal Code of the City of Racine establishes criteria for the designation of landmarks or landmark sites; and

Whereas, the property at 1611 College Avenue (Robert M. Boyd House meets two criteria:

58-61 a. (3) Embodies distinguishing characteristics of architecture, an architect or architectural materials, or craftsmanship reflective of the frame Italian Villa style.

58-61 a. (4) In its inherent historical nature provides the citizenry with educational or aesthetic enrichment; and

Whereas, in 1977 the property received its initial designation as a Racine Landmark, and in 1977 the property was designated as a contributing property to the National Register of Historic Places Southside Historic District;
and

Whereas, on July 3, 2008, the City of Racine Landmarks Preservation Commission voted to recommend that the property be re-designated as a Racine Landmark.

Further resolved by the Common Council of the City of Racine, that the property at 1611 College Avenue (Robert M. Boyd House) be re-designated a Racine Landmark in accordance with the criteria contained herein and in Common Council Resolution No. 4628 of March 15, 1977.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Res.08-1015

Permission to accept donation and installation of bronze plaque at Horlick Athletic Field

Resolved, that permission be granted to the Board of Parks to accept the donation and installation from Matthew C. Snyder of a permanent bronze plaque at Horlick Athletic Field honoring former Racine professional football teams, the Horlick-Racine Legion and the Racine Tornadoes contingent upon entering into a Hold Harmless Agreement with the City.

Fiscal Note: No cost to the City.

Sponsors: Aron Wisneski

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

Res.08-1016

Permission for Wastewater Utility to use park land for construction of an underground interceptor near Virginia Street

Resolved, that the request of the Wastewater Utility General Manager for use of park land for construction of an underground interceptor sewer to aid in relief of flooding in the neighborhood of Virginia Street be approved with the following stipulations:

- A. Obtain all necessary City of Racine and DNR permits.
- B. Restore ground disturbed and clean up other debris as this area is landfill.
- C. Replace any lost tree cover or vegetation in the area to mitigate the environmental impacts of the project.

Further resolved, that the Director of Parks, Recreation & Cultural Services provide limited assistance in the interest of the City to implement this project.

Fiscal note: Any cost associated with afore-named stipulations be covered by the Racine Wastewater Utility.

Sponsors: Aron Wisneski

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

Res.08-1017

2008 Real Estate property tax bill for 210 Goold Street

Resolved, that the City of Racine budget for and pay the local share of the 2008 Real Estate property tax bill issued in December 2008 for 210 Goold Street (Parcel #05937000) owned by the Racine Zoological Society, Inc. Payment to be applied in the 2009 budget year.

Fiscal Note: The estimated local share is \$1,550.00.

Sponsors: Thomas Friedel

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

APPROVED.

Res.08-1019

Permission granted for Purchasing Agent to negotiate with Miller Bradford for purchase of a 621 Frontend Loader

Resolved, that permission be granted for the City of Racine Purchasing Agent to negotiate with Miller Bradford for the purchasing of a 621 Frontend Loader and the Uniloader utilizing the 0% 36 months financing option.

Further resolved, that the savings estimate of \$90,000 be removed from the Equipment Budget and placed into Account 101.540.5250 for the 2009 Budget.

Fiscal Note: Payment will be spread over 36 months at zero percent interest.

Sponsors: Thomas Friedel

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

Res.08-1020

Enter into Amended Development Agreement with State at Main Development, LLC

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an amended development agreement with State at Main Development, LLC, regarding the financing of intersection changes related to 141 Main Street.

Fiscal Note: N/A

Sponsors: Thomas Friedel

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

Council Action

A motion was made by Alderman Thomas Friedel that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 12 - Coe, Anderson, Shields, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 2 - Kaplan and Hart

NON VOTING: 1 - Maack

I. Resolutions

Res.08-1021

Transfer funds from Contingency Fund to City Attorney Professional Services Account

Resolved, that \$100,000 be transferred from Contingency Fund, 101.990.5610, to City Attorney Professional Services, 101.160.5761, to be utilized for additional funding for professional services.

Fiscal Note: There are sufficient funds available for the transfer.

Sponsors: Thomas Friedel

A motion was made by Alderman Friedel that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 12 - Coe, Anderson, Shields, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 2 - Kaplan and Hart

NON VOTING: 1 - Maack

Res.08-1007 2008 Sidewalk Construction, Phase I, be accepted and final payment authorized

Resolved, that the work of John's Concrete, Inc., under Contract 16-08 (K8-017), 2008 Sidewalk Construction, Phase I, be accepted and final payment authorized for a total contract amount of \$126,340.33, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution 08-0731, dated April 2, 2008.

Sponsors: Gregory Holding

A motion was made by Alderman Holding that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 11 - Coe, Anderson, Shields, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Mozol

EXCUSED: 2 - Kaplan and Hart

ABSTENTIONS: 1 - Weidner

NON VOTING: 1 - Maack

Res.08-1010 Oakes Road, from 16th Street to 21st Street, be dedicated for street right-of-way

Resolved, that Oakes Road, from 16th Street to 21st Street, and more particularly described as follows, be dedicated for street right-of-way purposes:

"That part of the East ½ of the Northwest ¼ and the North ½ of the Southwest ¼ both of section 23, Township 3 North, Range 22 East; Thence North 89° 36'28" East, 1279.99 feet to the Point of Beginning; thence North 89° 36' 28" East, 40.01 feet; thence South 01° 36'45" East, 55.01 feet; thence North 89° 37' 01" East, 40.01 feet; thence South 01°

36' 45" East, 2433.03 feet; thence North 01° 02' 56" East, 99.16 feet; thence South 00° 29' 07" East, 361.72 feet; thence South 81° 38' 54" West, 32.09 feet; thence North 01° 37' 12" West, 16.62 feet; thence South 81° 38' 34" West, 83.81 feet; thence North 01° 39' 09" West, 99.69 feet; thence North 81° 38' 43" East, 37.55 feet; thence north 00° 29' 33" West, 256.17 feet; thence North 01° 02' 56" West, 97.59 feet; thence North 01° 36' 45" West, 2489.75 feet to the Point of Beginning. Said land being in the City of Racine, Racine County, Wisconsin.
Said described tract containing 5.44 acres more-or-less."

Fiscal Note: N/A

Sponsors: Gregory Holding

A motion was made Referred to the City Plan Commission

Res.08-1018

Permission granted to Chief of Police to enter into agreement for auction and disposition of unneeded property and evidence

Resolved, that permission be granted to the Chief of Police to enter into an agreement with Property Room.com Inc. for the auction and disposition of unneeded property and evidence.

Fiscal Note: There will be no up-front costs to the City with revenues totaling 50% of the winning bid for each item sold.

Sponsors: Thomas Friedel

A motion was made Referred to the Public Safety and Licensing Committee

J. Ordinances

Ord.13-08

To repeal and recreate Sec. 66-57 and to amend Sec. 66-58 of the Municipal Code of the City of Racine, Wisconsin relating to Possession or Discharge of Weaponry; Concealed Weapon - Possessing dangerous weapon.

The Common Council of the City of Racine do ordain as follows:

Part 1:

Section 66-57 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

"Sec. 66-57. Concealed weapon.

No person other than a bona fide peace officer may go armed with a concealed and dangerous weapon, except for retired law enforcement officers licensed under HR 218 (Law Enforcement Officers Safety Act)."

Part 2:

Sec. 66-58 of the Municipal Code of the City of Racine is hereby amended by adding the following sentence at the end of the paragraph: "Also this section shall not apply to retired law enforcement officers licensed under HR 218 (Law Enforcement Officers Safety Act)."

Part 3:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved: _____

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Robert Mozol

Referred to Public Safety and Licensing Committee

K. Miscellaneous Business

L. Adjourn

The meeting was adjourned at 7:55p.m. by Alderman Shakoor. The next scheduled meeting of the Council is October 7, 2008.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK