



City of Racine

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

Meeting Minutes - Final

Common Council

Alderman Jeff Coe
Alderman Mollie Jones
Alderman John Tate II
Alderman Tracey Larrin
Alderman Steve Smetana
Alderman Sandy Weidner
Alderman Raymond DeHahn
Alderman Q.A. Shakoor II
Alderman Terry McCarthy
Alderman Mary Land
Alderman Henry Perez
Alderman James Morgenroth
Alderman Jason Meekma
Alderman Melissa Lemke

Tuesday, September 5, 2017

7:00 PM

City Hall, Room 205

A. Call To Order

PRESENT: 13 - Coe, Jones, Tate II, Larrin, Smetana, Weidner, DeHahn, Shakoor II, McCarthy, Land, Perez, Morgenroth and Meekma

EXCUSED: 1 - Lemke

B. Pledge of Allegiance To The Flag

Mayor Wisner led the Council in the Pledge of Allegiance to the Flag.

C. Approval of Journal of Council Proceedings (Minutes) August 15, 2017

A motion was made by Alderman Shakoor II, seconded by Alderman Coe, that this be approved. The motion PASSED by the following vote:

AYES: 13 - Coe, Jones, Tate II, Larrin, Smetana, Weidner, DeHahn, Shakoor II, McCarthy, Land, Perez, Morgenroth and Meekma

EXCUSED: 1 - Lemke

D. Public Comments

The following people appeared to speak before the Common Council:

Ola Baiyewu
Alfonso Gardner
James Harper
Mercedes Dzindzeleta
Diane Talamantez

E. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

[811-17](#)

Subject: Communication from the City Attorney submitting the claim of Charles House Jr. for consideration.

Recommendation of the Finance & Personnel Committee on 9/11/2017: That the claim of Charles House be denied.

Fiscal Note: N/A

Referred to the Finance and Personnel Committee.

[831-17](#)

Subject: Communication from the Chief of Police requesting to apply for and accept the 2018 Federal Bulletproof Vest Partnership (Grant Control #00141). (Res No. 0310-17)

Recommendation of the Finance & Personnel Committee on 9/11/2017: To apply for and accept the 2018 Federal Bulletproof Vest Partnership (Grant Control #00141).

Fiscal Note: There is no City match required.

Referred to the Finance and Personnel Committee.

[861-17](#)

Subject: Communication from the Purchasing Agent submitting bid results from Official Notice #13-2017, Request for Bids for Asbestos Abatement for 716 Sixth Street. (Res No. 0301-17)

Recommendation of the Finance & Personnel Committee on 9/11/2017: To award Official Notice #13-2017, Request for Bids for Asbestos Abatement for 716 Sixth Street to Balestrieri at their bid price of \$34,610, they being the lowest responsive, responsible bidder for Asbestos and Lead abatement at 716 Sixth St.

Fiscal Note: Funds are available in account #22540-52390, Raze, board, remove Buildings.

Referred to the Finance and Personnel Committee.

[862-17](#)

Subject: Communication from the Public Health Administrator requesting permission to accept the Contract Agreement Amendment and accept funding in the amount of \$13,000 from the WI Dept. of Health Services / Division of Public Health for the AIDS/HIV Partner Service program and services. (Grant Control #00147) (Res No. 0311-17)

Recommendation of the Finance & Personnel Committee on

9/11/2017: Permission be granted to the Public Health Administrator to accept funding in the amount of \$13,000 from the WI Dept. of Health Services/Division of Public Health for the AIDS/HIV Partner Service program and services.

Fiscal Note: There is no City match required.

Referred to the Finance and Personnel Committee.

[863-17](#)

Subject: Communication from the Public Health Administrator requesting permission to accept the Contract Agreement Amendment and accept funding from the WI Dept. of Health Services / Division of Public Health. This agreement includes allocations of \$97,175 for the WI Well Woman Program and \$222,700 for the Infant Mortality/Racine Healthy Babies program. (Grant Control #00148 and #00149) (Res No. 0312-17)

Recommendation of the Finance & Personnel Committee on

9/11/2017: Permission be granted to the Public Health Administrator to accept the Contract Agreement Amendment and accept funding from the WI Dept. of Health Services/Division of Public Health. This agreement includes allocations of \$97,175 for the WI Well Woman Program and \$222,700 for the Infant Mortality/Racine Health Babies program (Grant Control #00148 and #00149).

Fiscal Note: There is no City match required.

Referred to the Finance and Personnel Committee.

[864-17](#)

Subject: Communication from the Public Health Administrator requesting permission to accept funds in the amount of \$4500 from the Department of Health Services for the Racine County Medical Reserve Corps Unit via the Public Health Emergency Preparedness Program funds from the Centers for Disease Control and Prevention Cooperative

Agreement (Grant Control #00146). (Res No. 0313-17)

Recommendation of the Finance & Personnel Committee on

9/11/2017: Permission be granted to the Public Health Administrator to accept funds in the amount of \$4,500 from the Department of Health Services for the Racine County Medical Reserve Corps Unit via the Public Health Emergency Preparedness Program funds from the Centers for Disease Control and Prevention Cooperative Agreement (Grant Control #00146).

Fiscal Note: There is no City match required.

Referred to the Finance and Personnel Committee.

[865-17](#)

Subject: Communication from the Fire Chief requesting permission to apply for a grant from Firehouse Subs to acquire advance aerial video technology (Grant Control #00145).

Recommendation of the Finance & Personnel Committee on

9/11/2017: Receive and File at the request of the Fire Chief. A new communication will be submitted when improved technology is available.

Fiscal Note: N/A

Referred to the Finance and Personnel Committee.

[866-17](#)

Subject: Communication from the Fire Chief requesting permission to sign the Clinical Affiliation Agreement with Gateway Technical College. (Res No. 0307-17)

Recommendation of the Finance & Personnel Committee on

9/11/2017: Permission be granted to the Fire Chief to sign the Clinical Affiliation Agreement with Gateway Technical College.

Fiscal Note: Revenue and Expenses are neutral. There are no additional costs to the City.

Referred to the Finance and Personnel Committee.

[868-17](#)

Subject: Communication from the Director of City Development requesting approval of a development agreement between the City of Racine and Hull Property Group/Racine Mall, LLC for tax incremental

assistance for the Regency Mall. (Res No. 0314-17)

Recommendation of the Finance & Personnel Committee on

9/11/2017: To approve a development agreement between the City of Racine and Hull Property Group/Racine Mall, LLC for tax incremental assistance for the Regency Mall.

Fiscal Note: If approved, Racine Mall, LLC will receive a performance-based tax incremental incentive of \$3,500,000 in the form of a cash funded “pay-as-you-go” annual payment for a maximum of 13 years equal to a maximum of 90% of tax increment generated on properties currently owned by Racine Mall, LLC and its successors. If the maximum incentive request is not provided to the developer before the expiration of the development agreement, the City is not obligated to provide any additional or remaining incentive cash payments to the developer. If, at any time during the agreement, TID 20 does not generate positive increment or if there is not enough annual increment generated from all the properties within TID 20 to fund the sharing of an annual cash incentive within a given year, the City will not be obligated to share any tax increment with the developer.

Referred to the Finance and Personnel Committee.

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

[803-17](#)

Subject: Communication from the Alderman of the 9th District requesting a preliminary resolution for paving the alley bounded by 16th Street to 17th Street; Thurston Avenue to Grange Avenue. (Res No. 0317-17)

Recommendation of the Public Works and Services Committee on

09-12-17: That a preliminary resolution be introduced for the paving of the alley bounded by 16th Street to 17th Street; Thurston Avenue to Grange Avenue.

Fiscal Note: This is an assessable alley project and, therefore, all costs will be paid by the abutting property owners.

Referred to Public Works and Services Committee.

[805-17](#)

Subject: Communication from Ellis Turrentine, McKinley Middle School Directing Principal, requesting to close off the south sidewalk of Rupert Boulevard from Chicago Street west to the cemetery during the

2016-2017 winter season. (Res No. 0316-17)

Recommendation of the Public Works and Services Committee on 09-12-17: That Racine Unified School District be granted permission to close the sidewalk on Rupert Boulevard in front of McKinley Middle School from December 1, 2017 to April 1, 2018 with the requirement that Racine Unified School District holds the City of Racine harmless from any and all injuries caused by conditions of the sidewalk related to this closure.

Fiscal Note: There will be no cost to the City of Racine in granting this permission.

Referred to Public Works and Services Committee.

[839-17](#)

Subject: Communication from the Alderman of the 3rd District requesting a preliminary resolution for paving the (NS) alley bounded by S. Memorial Drive to Packard Avenue; 16th Street to Washington Avenue. (Res No. 0319-17)

Recommendation of the Public Works and Services Committee on 09-12-17: That a preliminary resolution be introduced for the paving of the (NS) alley bounded by S. Memorial Drive to Packard Avenue; 16th Street to Washington Avenue.

Fiscal Note: This is an assessable alley project and, therefore, all costs will be paid by the abutting property owners.

Referred to Public Works and Services Committee.

[840-17](#)

Subject: Communication of the Alderman of the 3rd District requesting a preliminary resolution for paving the (EW and NS) alley bounded by Slauson Avenue to 16th Street; Phillips Avenue to Taylor Avenue. (Res No. 0320-17)

Recommendation of the Public Works and Services Committee on 09-12-17: That a preliminary resolution be introduced for the paving of the (EW and NS) alley bounded by Slauson Avenue to 16th Street; Phillips Avenue to Taylor Avenue.

Fiscal Note: This is an assessable alley project and, therefore, all costs will be paid by the abutting property owners.

Referred to Public Works and Services Committee.

[859-17](#)

Subject: Communication from the Alderman of the 9th District requesting a preliminary resolution for paving the alley bounded by

Deane Boulevard to Quincy Avenue; 15th Street to 16th Street. (Res No. 0318-17)

Recommendation of the Public Works and Services Committee on 09-12-17: That a preliminary resolution be introduced for the paving of the alley bounded by Deane Boulevard to Quincy Avenue; 15th Street to 16th Street.

Fiscal Note: This is an assessable alley project and, therefore, all costs will be paid by the abutting property owners.

Referred to Public Works and Services Committee.

[860-17](#)

Subject: Amendment No. 2 to Contract 20160032, PS - 2016 Sewer Asset Management Services, AECOM, consultant. (Res No. 0321-17)

Recommendation of the Public Works and Services Committee on 09-12-17: That Amendment No. 2 to Contract 20160032, PS - 2016 Sewer Asset Management Services, AECOM, consultant, as submitted, be approved.

Fiscal Note: Amendment No. 2 is in the not-to-exceed amount of \$7,716.00. Funding to defray the cost of this amendment be appropriated from the following Org-Objects:

\$ 200.00 - Org-Object 22640-57560, Sanitary Sewer Var. Loc.
\$3,825.00 - Org-Object 60484-57570, Storm Sewer Misc. Loc.
\$3,691.00 - Org-Object 40102-57560, Water/Wastewater Projects
\$7,716.00 - Total

Referred to Public Works and Services Committee.

[869-17](#)

Subject: Communication from Jason Meekma on behalf of Focus on Community requesting permission to hold a 5K Run/Walk on Saturday, September 9, 2017 from 8:00am to 11:00am.

Alderman McCarthy requested item 869-17 be considered separately. A motion was made by Alderman McCarthy, seconded by Alderman Coe to Suspend the Rules and to take up this item due to time constraints.

Jason Meekma informed the Council members of the correct time being from 4pm. until 7pm. in addition to informing council members that no streets would need to be closed because they would be using curb lengths and bike paths.

A motion was made by Alderman McCarthy, seconded by Alderman Coe, that this Communication be Approved as Presented and correct the time of the event to 4pm. to 7pm. The motion PASSED by the following vote:

AYES: 12 - Coe, Jones, Tate II, Larrin, Smetana, Weidner, DeHahn, Shakoor II, McCarthy, Land, Perez and Morgenroth

EXCUSED: 1 - Lemke

ABSTENTIONS: 1 - Meekma

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

[812-17](#)

Subject:(New) Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Ron's Sports Pub, located at 3422 Douglas Ave, Ronald Stankovic, Agent. (7th District)

Recommendation of the Public Safety and Licensing Committee on 09-12-2017: That the new application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Ron's Sports Pub, located at 3422 Douglas Ave, Ronald Stankovic, Agent be approved.

Fiscal Note: N/A

Referred to the Public Safety and Licensing Committee.

[841-17](#)

Subject: Application of Fifth Street Yacht Club of Racine, Inc., dba Fifth Street Yacht Club, Allen D. Goodman, Agent, for a **Change of Agent** for a "Class B" Club Fermented Malt Beverage and Intoxicating Liquor License for 761 Marquette Street. (4th District)

Recommendation of the Public Safety and Licensing Committee on 09-12-2017: That the application of Fifth Street Yacht Club of Racine, Inc., dba Fifth Street Yacht Club, Allen D. Goodman, Agent, for a **Change of Agent** for a "Class B" Club Fermented Malt Beverage and Intoxicating Liquor License for 761 Marquette Street be approved.

Fiscal Note: N/A

Referred to the Public Safety and Licensing Committee.

[867-17](#)

Subject: (New) Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Culture Bar & Grill, located at 433 Main Street, William Vaughn, Agent. (1st District)

Recommendation of the Public Safety and Licensing Committee on 09-12-2017: That the new application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Culture Bar & Grill, located at 433 Main Street, William Vaughn, Agent be deferred.

Fiscal Note: N/A

Referred to the Public Safety and Licensing Committee.

Refer to Traffic Commission, by Ald. Weidner

[814-17](#) **Subject:** Communication from Joanne Takerian requesting the reinstallation of a "No Parking" sign in the front east side of Gales Manufacturing Corporation, 1541 Owen Avenue. **Joanne Takerian invited to the meeting.**

Referred to the Traffic Commission.

[832-17](#) **Subject:** Communication from the Alderwoman of the 15th District requesting stop signs on Carlton Drive and Charles Street. **Alderwoman Lemke invited to the meeting.**

Referred to the Traffic Commission.

[833-17](#) **Subject:** Communication from the Alderwoman of the 15th District requesting stop signs on Carlton Drive and Carter Street. **Alderwoman Lemke invited to the meeting.**

Referred to the Traffic Commission.

[857-17](#) **Subject:** Communication from the Alderwoman of the 6th District regarding the plea of residents on Golf Avenue, between Northwestern Avenue and Rapids Drive, that the City address their concerns with the speeding that occurs constantly on their street. **Alderwoman Weidner and Mary Ellen Anderson invited to the meeting.**

Referred to the Traffic Commission.

[878-17](#) **Subject:** Communication from Alderwoman of the 2nd District wishing to discuss concerns of her constituents with the constant speeding on Park Avenue from 14th to 16th Street. **Francis Bercher invited to the meeting.**

Referred to the Traffic Commission.

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

[842-17](#) **Subject:** Communication from the Aldermen from the 5th and 6th Districts on August 24, 2017 requesting the development and implementation of a formal policy for citizen donations of park benches to parks and other public spaces.

Recommendation of the Board of Parks, Recreation and Cultural Services on September 13, 2017: To Receive and File the communication from the Aldermen from the 5th and 6th Districts on August 24, 2017 requesting the development and implementation of a

formal policy for citizen donations of park benches to parks and other public spaces.

Fiscal Note: NA

Referred to the Board of Park, Recreation and Cultural Services.

[843-17](#)

Subject: Communication from the Aldermen from the 5th and 6th Districts on August 24, 2017 requesting removal of vegetation, weeds, and invasive trees along the bike trail abutting the overlook area on 6th Street and the bike trails north of the Zoo at the lake front.

Recommendation of the Board of Parks, Recreation and Cultural Services on September 13, 2017: To Receive and File the communication from the Aldermen from the 5th and 6th Districts on August 24, 2017 requesting removal of vegetation, weeds, and invasive trees along the bike trail abutting the overlook area on 6th Street and the bike trails north of the Zoo at the lake front.

Fiscal Note: NA

Referred to the Board of Park, Recreation and Cultural Services.

[855-17](#)

Subject: Communication from WE Energies on July 26, 2017 requesting 12 foot easement areas for underground distribution at N. Owen Davies Park, 1700 West Blvd., Racine WI 53403. (Res No. 0326-17)

Recommendation of the Board of Parks, Recreation and Cultural Service on September 13, 2017: To approve the communication from WE Energies on July 26, 2017 requesting 12 foot easement areas for underground distribution at N. Owen Davies Park, 1700 West Blvd., Racine WI 53403.

Fiscal Note: WE Energies will replant any trees needing removal and will grass seed easement areas.

Referred to the Board of Park, Recreation and Cultural Services.

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor II.

[773-17](#)

Subject: Communication from the City Attorney submitting the claim of Jeffrey House for consideration.

Recommendation of the Finance & Personnel Committee on 8/21/2017: That the claim of Jeffrey House be denied.

Fiscal Note: N/A

A motion was made that this Claim be Denied. The motion was APPROVED on a Voice Vote in Consent

[780-17](#)

Subject: Communication from the City Attorney requesting authorization to enter into a contract with TerraVenture Advisors for relocation services. (Res. 0289-17)

Recommendation of the Finance & Personnel Committee on

8/21/2017: That the City Attorney be authorized to enter into a contract with TerraVenture Advisors for relocation services.

Fiscal Note: The cost to contract with TerraVenture Advisors for relocation services will be an estimated \$150,000. Funding sources are TID 18 and the Intergovernmental Revenue Sharing Fund.

A motion was made that this Communication be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[782-17](#)

Subject: Communication from the City Administrator requesting that the Common Council and Mayor schedule and conduct a 2-day, Work Session Retreat using a professional facilitator, on Friday, November 10th, 2017, and Saturday, November 11th, 2017, at The Johnson Foundation at Wingspread. (Res. 0288-17)

Recommendation of the Finance & Personnel Committee on

8/21/2017: To schedule and conduct a 2-day, off-site strategic planning Work Session of the Common Council on November 10th, 2017 and November 11th, 2017 at the Johnson Foundation at Wingspread Conference center; and to approve the transfer of \$8,150.00 from the FY2017 Contingency Account to cover the professional facilitation thereof.

Fiscal Note: \$8,150 will be transferred from 11202-56200, Misc-Contingency to 11001-52100, Cncl-Professional Services.

A motion was made that this Communication be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[783-17](#)

Subject: Communication from the City Attorney requesting authorization to accept a monetary gift from the Estate of Nickolas Willing for the purchase and maintenance of defibrillators for placement in public municipal facilities throughout the city, and that an appropriate letter of appreciation be sent. (Res. 0290-17)

Recommendation of the Finance & Personnel Committee on

8/21/2017: That the City Attorney be authorized to accept a monetary gift from the Estate of Nickolas Willing for the purchase and maintenance of defibrillators for placement in public municipal facilities throughout the city, and that an appropriate letter of appreciation be sent.

Fiscal Note: There is no City match required.

A motion was made that this Communication be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[792-17](#)

Subject: Communication from the Director of City Development requesting adoption of a Tax Increment Finance (TIF) Assistance Policy and a TIF Assistance application process. (Res. 0287-17)

Recommendation of the Finance & Personnel Committee on

8/21/2017: To adopt the proposed policy and application and direct staff to implement the new policy effective on September 6, 2017.

Fiscal Note: We propose a fee of 1% of total TIF Assistance Request for a maximum of \$25,000 for “pay-as-you-go” requests and a fee of 1.5% of total TIF Assistance Requests for a maximum of \$30,000 for projects that use loans or bonds. The increased fee for loans and bonds takes into account the extra work required by bond counsel and financial analysts.

A motion was made that this Communication be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[806-17](#)

Subject: (Direct Referral) Communication from the Director of Parks, Recreation & Cultural Services requesting to apply & accept Wisconsin DNR 2018 Urban Forestry Grant funds in the amount of \$12,000 for the purposes of hiring a consultant to perform tree ordinance review and revision (Grant Control #00140). (Res. 0286-17)

Recommendation of the Finance & Personnel Committee on

8/21/2017: The Director of Parks, Recreation & Cultural Services apply & accept Wisconsin DNR 2018 Urban Forestry Grant funds in the amount of \$12,000 for the purposes of hiring a consultant to perform tree ordinance review and revision (Grant Control #00140).

Fiscal Note: City match of \$12,000 is required and available through 2018 CIP - Emerald Ash Borer Management Funds (Grant Control #00140)

Alderman Weidner requested that item 806-17 be considered separately.

A motion was made by Alderman Shakoor II, seconded by Alderman Coe, that this Communication be Approved as Presented. The motion PASSED by the

following vote:

AYES: 13 - Coe, Jones, Tate II, Larrin, Smetana, Weidner, DeHahn, Shakoor II, McCarthy, Land, Perez, Morgenroth and Meekma

EXCUSED: 1 - Lemke

[816-17](#)

Subject: (Direct Referral) Communication from the City Attorney requesting to meet with the Finance and Personnel Committee in Closed Session pursuant to Wisconsin Statutes section 19.85(1)(g), to confer with legal counsel concerning *Wilson v. Smetana*, et al., U.S. District Court, Eastern District of Wisconsin Case No. 16-CV-913. (Res. 0291-17)

Recommendation of the Finance & Personnel Committee on

8/21/2017: To approve the settlement of *Wilson v. Smetana*, et al., U.S. District Court, Eastern District of Wisconsin Case No. 16-CV-913, in the amount of \$7,000. \$5,000 will be taken from 11202-53500, Misc-Judgements and Claims and \$2,000 will be paid by Gunta Law Offices.

Fiscal Note: There are sufficient funds available in account 11202-53500, Misc-Judgements and Claims for the settlement.

A motion was made that this Communication be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

Public Works and Services Committee Report, by Ald. McCarthy

[785-17](#)

Subject: Communication from the Alderman of the 3rd District requesting a comprehensive review/modification of alley maintenance policy.

Recommendation to the Public Works and Services Committee on

08-29-17: Refer this item to the Finance and Personnel Committee for alley maintenance funding consideration.

Fiscal Note: N/A

Referred to Finance and Personnel Committee

[788-17](#)

Subject: Communication from Ed Miller, Executive Director of the Racine Revitalization Partnership, requesting permission to close Junction Avenue, from 1430 Junction Avenue to 1530 Junction Avenue, from 8:00 A.M. to 8:00 P.M. on September 30, 2017 for the Treasures of Uptown event. (Res. 0294-17)

Recommendation of the Public Works and Services Committee on

08-29-17: That permission be granted to the Racine Revitalization Partnership to close Junction Avenue, from 1430 Junction Avenue to 1530 Junction Avenue, from 8:00 A.M. to 8:00 P.M. on September 30, 2017 for the Treasures of Uptown event, with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- 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.
- F. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.
- G. If required, sponsor shall provide a detour plan for the closure of all State connecting highways, arterial and collector streets to the City Engineer for approval.
- H. If required, sponsor is responsible for cleaning the streets.
- I. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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 the various City departments, on a regular shift basis, to assist in implementing this event.

A motion was made that this Communication be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[791-17](#)

Subject: Communication from the Assistant Commissioner of Public Works/City Engineer giving an update to the scope for State Project ID: 1693-34-06/26/76, Lake Michigan Pathway - Phase 4.

Recommendation of the Public Works and Services Committee on 08-29-17: That the City Engineer pursue the implementation of the Alternate Route along Durand Avenue and that the communication be received and filed.

Fiscal Note: N/A

A motion was made that this Communication be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[796-17](#)

Subject: Communication from the Downtown Racine Corporation requesting permission to close Main Street from State Street to 7th Street, 6th Street from Lake Avenue to Grand Avenue and Wisconsin Avenue from 4th Street to 7th Street, for Party on the Pavement on September 23, 2017, from 12:00 P.M. to 7:00 P.M. and a "Free Parking Day" in Downtown for this event. (Res. 0295-17)

Recommendation of the Public Works and Services Committee on 08-29-17: That permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 7th Street, 6th Street from Lake Avenue to Grand Avenue and Wisconsin Avenue from 4th Street to 7th Street, on September 23, 2017, from 12:00 P.M. to 7:00 P.M. for Party on the Pavement with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- 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 \$900.00 special event fee.
- F. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval and providing and removing all temporary traffic control devices and detour signs.
- G. If required, sponsor shall provide a detour plan for the closure of all State connecting highways, arterial and collector streets to the City Engineer for approval.
- H. If required, sponsor is responsible for cleaning the streets.
- I. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.
- J. There will be free parking on September 23, 2017 for Downtown, Uptown and West Racine from 12:00 p.m. - 7:00 p.m.

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 the various City departments, on a regular shift basis, to assist in implementing this event.

Alderman DeHahn requested item 796-17 be considered separately.

Alderman DeHahn requested this item be amended to include "Free Parking" for the "Party on the Pavement" event in Downtown, Uptown and West Racine on September 23, 2017 from 12pm. to 7pm.

A motion was made by Alderman DeHahn, seconded by Alderman Weidner, that this Communication be Adopted As Amended: . The motion PASSED by the following vote:

AYES: 13 - Coe, Jones, Tate II, Larrin, Smetana, Weidner, DeHahn, Shakoor II, McCarthy, Land, Perez, Morgenroth and Meekma

EXCUSED: 1 - Lemke

[804-17](#)

Subject: (Direct Referral) Communication from the Alderwoman of the 6th District, on behalf of the property owners on Eaton Lane, petitioning that the bituminous paving be deleted from Resolution 0195-17.

Recommendation of the Public Works and Services Committee on 08-29-17: That Resolution 0195-17, created June 6, 2017, be amended to delete:

Bituminous Concrete Paving

Eaton Lane - Rapids Drive to Cul-De-Sac

And, as amended, Resolution 0195-17, created June 6, 2017, be adopted.

Fiscal Note: N/A

Alderman McCarthy requested that item 804-17 be considered separately.

A motion was made by Alderman McCarthy, seconded by Alderman Coe, that this Communication be Approved as Presented. The motion PASSED by the following vote:

AYES: 7 - Jones, Larrin, Smetana, Weidner, Shakoor II, Land and Perez

NOES: 6 - Coe, Tate II, DeHahn, McCarthy, Morgenroth and Meekma

EXCUSED: 1 - Lemke

[807-17](#)

Subject: (Direct Referral) Communication from Mya Phillips-Robinson, Asst. Pastor/Director of Outreach, on behalf of Christ Community Church, requesting permission to close Holmes Avenue from 16th Street to 17th Street on September 23, 2017, from 10:00 A.M. to 5:00 P.M. for a community festival/celebration. (Res. 0296-17)

Recommendation of the Public Works and Services Committee on

08-29-17: That permission be granted to Christ Community Church to close Holmes Avenue from 16th Street to 17th Street, on September 23, 2017, from 10:00 A.M. to 5:00 P.M. for a community festival/celebration with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- 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.
- F. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval and providing and removing all temporary traffic control devices and detour signs.
- G. If required, sponsor shall provide a detour plan for the closure of all State connecting highways, arterial and collector streets to the City Engineer for approval.
- H. If required, sponsor is responsible for cleaning the streets.
- I. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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 the various City departments, on a regular shift basis, to assist in implementing this event.

A motion was made that this Communication be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[836-17](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting bid results on Official Notice No. 15-2017 RBF, Dock and Pile Removal in Root River. (Res. 0292-17)

Recommendation of the Public Works and Services Committee on

08-29-17: That the Purchasing Agent be authorized and directed to negotiate with Veit & Company, Inc., for the Dock & Piling Removal in Root River, Official Notice No. 15-2017 RBF for the amount of \$191,975.00 for extraction. The City will retain the pricing option for the cut off method with the understanding that not all piling will be able to be

removed with the extraction method.

Fiscal Note: Funding is available in Org-Object 45260-57110, and that the funds be approved in the amount of \$191,975.00 from the land improvements account, funded by I.G. Funds.

Alderman McCarthy requested that item 836-17 be considered separately.

A motion was made by Alderman McCarthy, seconded by Alderman Weidner, that this Communication be Adopted As Amended to state that the funds be approved in the amount of 191,975.00 from the land improvements account, funded by I.G. Funds. The motion PASSED by the following vote:

AYES: 13 - Coe, Jones, Tate II, Larrin, Smetana, Weidner, DeHahn, Shakoor II, McCarthy, Land, Perez, Morgenroth and Meekma

EXCUSED: 1 - Lemke

[838-17](#)

Subject: (Direct Referral) Communication from the Purchasing Agent requesting authorization to negotiate a Professional Services agreement with FGM Architects for the Police and Fire Departments Facilities Programming Study, Official Notice No. 10-2017. (Res. 0293-17)

Recommendation of the Public Works and Services Committee on 08-29-17: That the Purchasing Agent be authorized and directed to negotiate a Professional Services agreement with FGM Architects for the Police and Fire Departments Facilities Programming Study, Official Notice No. 10-2017, for the not-to-exceed amount of \$45,000.00.

Fiscal Note: Funding is available in Org-Object 45031-57200, Pd-Building Improvements Safety Building Facility Study.

A motion was made that this Communication be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[844-17](#)

Subject: (Direct Referral) Communication from the Rhino Bar (1659 N. Main St.) requesting permission to close High Street between Main Street and Chatham Street from 3:00 P.M. to 9:00 P.M. on September 16, 2017 for a fundraiser. (Res. 0297-17)

Recommendation of the Public Works and Services Committee on 08-29-17: That permission be granted to The Rhino Bar to close High Street from Main Street to Chatham Street from 3:00 P.M. to 9:00 P.M. on September 16, 2017, in conjunction with a fundraising event, with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- 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.
- F. No alcoholic beverages will be sold and/or dispensed within the street right-of-way.
- G. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.
- H. If required, sponsor shall provide a detour plan for the closure of all State connecting highways, arterial and collector streets to the City Engineer for approval.
- I. If required, sponsor is responsible for cleaning the streets.
- J. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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 Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

Public Safety and Licensing Committee Report, by Ald. Coe

[725-17](#)

Subject: (New) Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Plush Sports Bar and Lounge, located at 509 Sixth Street, Tamara Young, Agent. (1st District)

Recommendation of the Public Safety and Licensing Committee

on 08-08-17: That the application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Plush Sports Bar and Lounge, located at 509 Sixth Street, Tamara Young, Agent be deferred for two weeks in order for Ms. Young to provide more detail regarding her plans for the establishment.

Recommendation of the Public Safety and Licensing Committee

on 08-22-17: That the application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Plush Sports Bar and

Lounge, located at 509 Sixth Street, Tamara Young, Agent be denied.

Fiscal Note: N/A

A motion was made that this Communication be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[787-17](#)

Subject: [Direct Referral] Application of Aldi, Inc. (Aldi #28), Tracy L. Brewer, Agent, for a **Change of Agent** for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3110 Douglas Avenue. (7th District)

Recommendation of the Public Safety and Licensing Committee on 08-22-17: That the application of Aldi, Inc. (Aldi #28), Tracy L. Brewer, Agent, for a **Change of Agent** for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3110 Douglas Avenue be approved.

Fiscal Note: N/A

A motion was made that this Communication be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

Traffic Commission Report, by Ald. Weidner

[37-17](#)

Subject: Communication from the Alderman of the 8th District, requesting to add a right-turn only lane to the northwest lane of Memorial Drive and West Sixth Street.

Recommendation of the Traffic Commission on 02-20-17: Defer

Recommendation of the Traffic Commission on 03-20-17: Defer

Recommendation of the Traffic Commission on 08-21-17: Receive and file.

Recommendation of the Common Council on 09-05-17:

Recommends that the request to install a mandatory right turn lane on North Memorial Drive, southbound, to West Sixth Street, westbound, be granted.

Further recommends that Section 94-94, Mandatory right turns, be amended to include: The operator of a vehicle proceeding southerly on North Memorial Drive and approaching West Sixth Street in the lane furthest to the right shall turn right onto West Sixth Street and shall not proceed in any other direction.

Fiscal Note: There is an estimated cost of \$1,000 to sign and mark pavement to implement this change.

Alderman Weidner requested item 37-17 be considered separately.

A motion was made by Alderman Shakoor II, seconded by Alderman Weidner to not approve the recommendation of the Traffic Commission on 08-21-17 to receive and file but instead to approve redoing the markings and signs for the section of paving at the intersection of Memorial Drive and West Sixth Street in 2018 . The motion PASSED by the following vote:

AYES: 12 - Coe, Jones, Tate II, Larrin, Smetana, Weidner, DeHahn, Shakoor II, McCarthy, Land, Perez and Meekma

NOES: 1 - Morgenroth

EXCUSED: 1 - Lemke

[350-17](#)

Subject: (Direct Referral) Communication from the Alderman of the 7th District, on behalf of Diane Talamantez, requesting to discuss a 4-way stop at the intersection of Carlisle Avenue and Goold Street.

Recommendation of the Traffic Commission on 05-15-17: Defer

Recommendation of the Traffic Commission on 08-21-17: Receive and file.

Recommendation of the Common Council on 09-05-17:

Recommends four-way stop control be installed at the intersection of Carlisle Avenue and Goold Street.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

Alderman Weidner requested that item 350-17 be considered separately.

A motion was made by Alderman Weidner, seconded by Alderman Smetana, to not approve the Traffic Commission's recommendation on 08-21-17 to receive and file but to instead grant the approval of a 4 way stop sign at the intersection of Carlisle Avenue and Goold Street. The motion PASSED by the following vote:

AYES: 8 - Jones, Smetana, Weidner, DeHahn, Shakoor II, McCarthy, Land and Perez

NOES: 5 - Coe, Tate II, Larrin, Morgenroth and Meekma

EXCUSED: 1 - Lemke

[779-17](#)

Subject: (Direct Referral) Communication from Alderwoman Jones, on behalf of Mie Neumann, requesting parking restriction signs installed at the Lumin Schools Renaissance School - 1510 Villa Street.

Recommendation of the Traffic Commission on 08-21-17:

Recommends that the request to install no parking, loading zone from 7:00 A.M. to 4:30 P.M., on any school day in front of 1510 Villa Street be approved.

Further recommends that Schedule F of Section 94-141 be amended to create "No parking, loading zone from 7:00 A.M. to 4:30 P.M. on any school day".

Further recommends that this new section be amended to include:

1. Villa Street, west side, from 15th Street south 300 feet.

Fiscal Note: The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.

A motion was made that this Communication be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

City Plan Commission Report, by Ald.Shakoor II.

[846-17](#)

Subject: (Direct Referral) A request from Christopher Mack of Lost Soul Studio seeking a conditional use permit to operate a tattoo studio at 611 Sixth Street. (PC-17) (Res. 0299-17)

Recommendation of the City Plan Commission on 8-30-17: That the request from Christopher Mack of Lost Soul Studio for a conditional use permit to operate a tattoo studio at 611 Sixth Street be approved, subject to conditions.

Fiscal Note: N/A

A motion was made that this Conditional Use Permit be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[847-17](#)

Subject: (Direct Referral) A request from Todd Weik of CBC Engineers, representing Racine Lutheran High School, seeking a rezoning from R-3 General Residence District with a Floodplain Overlay District to R-3 General Residence District for adjustment/correction to the 100-year floodplain boundary for a portion of the property at 251 Luedtke Avenue. (PC-17) (ZOrd. 0006-17)

Recommendation of the City Plan Commission on 8-30-17: That an ordinance be prepared and a public hearing before the Common Council scheduled.

Fiscal Note: N/A

A motion was made that this Conditional Use Permit be Approved as

Presented. The motion was **APPROVED** on a Voice Vote in Consent

[848-17](#)

Subject: (Direct Referral) A request from James Wasley and Pamela Schermer seeking a Conditional Use Permit for a ground floor residence and artist's work space at 613 Sixth Street. (PC-17) (Res. 0300-17)

Recommendation of the City Plan Commission on 8-30-17: That the request from James Wasley and Pamela Schermer for a Conditional Use Permit for ground floor residence and artist's work space at 613 Sixth Street be approved, subject to conditions.

Fiscal Note: N/A

A motion was made that this Conditional Use Permit be Approved as Presented. The motion was **APPROVED** on a Voice Vote in Consent

Housing Loan Board Report, by Ald. Land

[768-17](#)

Subject: (Direct Referral) Request of the Director of City Development to accept the offer of Maurice Williams to purchase 1437 Owen Avenue. (Res. 0281-17)

Recommendation of the Loan Board of Review on August 10, 2017: to approve the offer to purchase 1437 Owen Avenue, with contingencies, by Maurice Williams.

Fiscal Note: The City will receive \$119,000 in proceeds minus commissions and closing costs.

A motion was made that this Application be Approved as Presented. The motion was **APPROVED** on a Voice Vote in Consent

Committee of the Whole Report, by Ald. Shakoor II.

[587-17](#)

Subject: Communication from the Commissioner of Public Works submitting revisions to the proposed bulky and yard waste handling systems. (Res. No. 0249-17) (Res No. 0325-17)

Recommendation of the Public Works and Services Committee on 06-27-17: Defer

Recommendation of the Public Works and Services Committee on 07-11-17: Recommend that the Department of Public Works establish a bulky waste handling system to provide Solid Waste System customers means of disposing of large items of non-regulated wastes, and excess volumes of household wastes that can't be fit into solid waste cart(s). This

system shall provide pick-ups of bulky wastes to individual residential customers through a “call in” system requiring the property owner to call the DPW Field Office at (262) 636-9126 to schedule a pick-up. Each residential unit, as determined by the City Assessor, will be allowed four “no charge” bulky waste collections annually. If a residential unit uses more than four bulky waste pickups, the property owner will be charged a \$50 fee per 5 Yard Truck collection. Residential customers shall also have the option of disposing of non-regulated household bulky wastes, at no charge, at three drop-off sites. Proof of residency shall be required when items are dropped off at these sites. The three drop-off sites shall be available as follows:

1. Pearl Street Facility (830 Racine Street) - Main Site - open Tuesday through Saturday, except holidays and Saturdays following a holiday, 52 weeks per year; from 10:00 AM to 6:00 PM.
2. Yout Street and Edgewood Avenue (1936 Edgewood Avenue) - open Mondays and Wednesdays, except holidays, April through November, 10:00 AM to 6:00 PM.
3. 19th Street and West Boulevard (1955 Grove Avenue) - open Tuesdays and Thursdays, except holidays, April through November, 10:00 AM to 6:00 PM.

Recommendation of the Committee of the Whole on 08-16-2017:

that the revisions to the bulky and yard waste handling systems be approved, with the addition of 2 additional pickup dates to the 4 pickup dates, with the 2 additional pickup dates to be after the Christmas and Independence Day holidays, and that the program be reviewed on or around June 30, 2018.

Fiscal Note: Implementing these changes will reduce the City’s Workers Compensation (Org 11201 Object 51500) expenditures by an estimated average of \$100,000 per year.

These changes will allow four workers to be reassigned from the Solid Waste Division (Org 14006) to the Street Maintenance Division (Org 14010). This reassignment will be budget neutral but will result in more street maintenance being accomplished annually.

Alderman Shakoor II requested that item 587-17 be considered separately.

A motion was made by Alderman Meekma, seconded by Alderman Coe, that this Communication be Amended to remove bulky waste pick-up on Christmas from the holiday schedule. The motion PASSED by the following vote:

AYES: 10 - Coe, Tate II, Larrin, Smetana, Weidner, Shakoor II, McCarthy, Land, Morgenroth and Meekma

NOES: 3 - Jones, DeHahn and Perez

EXCUSED: 1 - Lemke

A motion was made by Alderman Meekma, seconded by Alderman Coe, that this Communication be Adopted As Amended. The motion PASSED by the following vote:

AYES: 9 - Coe, Tate II, Larrin, Weidner, Shakoor II, McCarthy, Land, Morgenroth and Meekma

NOES: 4 - Jones, Smetana, DeHahn and Perez

EXCUSED: 1 - Lemke

[660-17](#)

Subject: Communication from the Alderman of the 9th District proposing that the City of Racine consider programs for collecting and disposing yard debris and green or brown waste.

Recommendation of the Committee of the Whole on 08-16-2017:

That the Item be deferred.

Fiscal Note: N/A

A motion was made that this Communication be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

Office of the Mayor Report, by Ald. Shakoor II.

[845-17](#)

Subject: Communication from Mayor Wisner, nominating appointments to complete terms in the following committees, boards and/or commissions:

Appoint Jim DeMatthew, 2908 Chatham St, Racine, 53402, to the Redevelopment Authority to complete the term left vacant by Greg Holding, expiring April 1, 2020;

Appoint Charlie French, 1412 N. Wisconsin Ave, Racine, 53403, to the Traffic Commission to complete the term left vacant by Laurie Kell, expiring May 1, 2020.

A motion was made that this Communication be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

Water Works Committee Report, by Ald. Morgenroth

[822-17](#)

Subject: Comfort Resolution regarding Declaration of Official Intent to Reimburse for Racine Water Distribution System Expansion Project. (Res No. 0302-17)

Recommendation of the Waterworks Commission on 8/29/17: That Mayor Wisner and the City Clerk be authorized to sign a resolution relating

to expenditure of funds for a possible Racine water distribution system expansion project.

Recommendation of the Finance & Personnel Committee on 9/11/2017: That the Mayor and the City Clerk be authorized to sign a resolution relating to expenditure of funds for a possible Racine water distribution system expansion project.

Fiscal Note: The Water Utility to reimburse expenditures with proceeds of a future Safe Drinking Water Loan (SDWL).

Referred to Finance and Personnel Committee

[823-17](#)

Subject: Authorize the General Manager to File Applications for Financial Assistance from State of Wisconsin Environmental Improvement Fund (Res No. 0303-17)

Recommendation of the Waterworks Commission on 8/29/17: That the General Manager be authorized to file application for financial assistance from the State of Wisconsin Environmental Improvement Fund.

Recommendation of the Finance & Personnel Committee on 9/11/2017: That the General Manager of the Racine Water Utility be authorized to file application for financial assistance from the State of Wisconsin Environmental Improvement Fund.

Fiscal Note: This action authorizes the Water Utility General Manager to submit a loan application to the State for a low-interest safe drinking water loan for upcoming work. The Water Utility is responsible for all costs related to this activity.

Referred to Finance and Personnel Committee

[835-17](#)

Subject: Inter-municipal Agreement between the Village of Mt. Pleasant, City of Racine and the Racine Water Utility with regard to the diversion application (Res No. 0304-17)

Recommendation of the Waterworks Commission on 8/29/17: To authorize the Mayor and the City Clerk to enter into an inter-municipal agreement between the Village of Mt. Pleasant, City of Racine and the Racine Water Utility regarding a diversion application.

Recommendation of the Finance & Personnel Committee on 9/11/2017: To Authorize the Mayor and the City Clerk to enter into an inter-municipal agreement between the Village of Mt. Pleasant, City of

Racine and the Racine Water Utility regarding a diversion application.

Fiscal Note: No cost to the City of Racine.

Referred to Finance and Personnel Committee

Wastewater Commission Report, by Ald. Morgenroth

[827-17](#)

Subject: Comfort Resolution regarding Declaration of Official Intent to Reimburse for Racine Wastewater Treatment Plant Expansion (Res No. 0305-17)

Recommendation of the Wastewater Commission on 8/29/17: The Mayor and the City Clerk be authorized to sign a resolution relating to future reimbursement for expenditure of funds for Racine Wastewater Treatment Plant expansion project.

Recommendation of the Finance & Personnel Committee on 9/11/2017: The Mayor and the City Clerk be authorized to sign a resolution relating to future reimbursement for expenditure of funds for Racine Wastewater Treatment Plant expansion project.

Fiscal Note: The Wastewater Utility to reimburse expenditures with proceeds of the Clean Water Fund Loan Program (CWFLP).

Referred to Finance and Personnel Committee

[828-17](#)

Subject: Authorize the General Manager to File Applications for Financial Assistance from State of Wisconsin Environmental Improvement Fund (Res No. 0306-17)

Recommendation of the Wastewater Commission on 8/29/17: That the General Manager be authorized to file application for financial assistance from the State of Wisconsin Environmental Improvement Fund.

Recommendation of the Finance & Personnel Committee on 9/11/2017: That the General Manager of the Racine Wastewater Utility be authorized to file application for financial assistance from the State of Wisconsin Environmental Improvement Fund.

Fiscal Note: This action authorizes the Wastewater Utility General Manager to submit a loan application to the State for a low-interest clean water fund loan for upcoming work and act as the authorizing agent. The Wastewater Utility is responsible for all costs related to this activity.

Referred to Finance and Personnel Committee

City Landmark's Preservation Commission Report, by Ald. Jones

[732-17](#)

Subject: Communication from the Purchasing Agent submitting bid results from Official Notice #12-2017, RFP for Heritage Preservation Plan: Inventory of existing and potential historical sites, properties, districts and legacies and an action plan for their stewardship and celebration. (Res No. 0298-17)

Recommendation of the Landmarks Preservation Commission on 8-14-17: That the sole bidder, The Lakota Group, found to be qualified and responsive to the Request for Proposals be selected to prepare the City of Racine's Heritage Preservation Plan. Further that the Mayor and City Clerk be authorized to enter into a contractual agreement with The Lakota Group.

Recommendation of the Finance & Personnel Committee on 9/11/2017: That the sole bidder, The Lakota Group, found to be qualified and responsive to the Request for Proposals be selected to prepare the City of Racine's Heritage Preservation Plan. Further that the Mayor and City Clerk be authorized to enter into a contractual agreement with The Lakota Group.

Fiscal Note: The Lakota Group has quoted \$29,977.00 as the total budget to prepare the plan. \$30,000.00 was the Department of City Development's total anticipated costs. Funds were set aside in the 2017 Capital Improvement budget.

Referred to Finance and Personnel Committee

G. Consent Resolutions

[Res.0281-17](#)

1437 Owen Avenue

Resolved, that the offer to purchase 1437 Owen Avenue, with contingencies, by Maurice Williams is approved.

Further resolved, that the Mayor, The City Clerk, and the Director of City Development are authorized to execute any documents necessary to complete the sale.

Fiscal Note: The City will receive \$119,000.00 in proceeds less commissions and closing costs.

Sponsors: Mary Land

A motion was made that this Resolution be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[Res.0287-17](#)

Tax Increment Finance (TIF)

Resolved, that adopting the proposed Tax Increment Finance (TIF) Assistance Policy and a TIF Assistance application and the new policy effective on September 6, 2017 is approved.

Fiscal Note: There will be a fee of 1% of total TIF Assistance Request for a maximum of \$25,000.00 for “pay-as-you-go” requests and a fee of 1.5% of total TIF Assistance Requests for a maximum of \$30,000.00 for projects that use loans or bonds. The increased fee for loans and bonds takes into account the extra work required by bond counsel and financial analysts.

Sponsors: Q.A. Shakoor II

A motion was made that this Resolution be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[Res.0288-17](#)

Work Session Retreat - November 10, 2017 & November 11, 2017

Resolved, that scheduling and conducting a 2-day, off-site strategic planning Work Session of the Common Council on November 10, 2017 and November 11, 2017 at the Johnson Foundation at Wingspread Conference Center and the transfer of \$8,150.00 from the FY2017 Contingency Account to cover the professional facilitation thereof is approved.

Fiscal Note: \$8,150.00 will be transferred from 11202-56200, Misc-Contingency to 11001-52100, Cncl-Professional Services.

Sponsors: Q.A. Shakoor II

A motion was made that this Resolution be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[Res.0289-17](#)

TerraVenture Advisors

Resolved, that the City Attorney is approved to enter into a contract with TerraVenture Advisors for relocation services.

Fiscal Note: The cost to contract with TerraVenture Advisors for relocation services will be an estimated \$150,000.00. Funding sources are TID 18 and the Intergovernmental Revenue Sharing Fund.

Sponsors: Q.A. Shakoor II

A motion was made that this Resolution be Approved as Presented. The

motion was APPROVED on a Voice Vote in Consent

[Res.0290-17](#)

Estate of Nickolas Willing Gift

Resolved, that authorization is approved to accept a monetary gift from the Estate of Nickolas Willing for the purchase and maintenance of defibrillators to be placed in public municipal facilities throughout the city and appropriate letter of appreciation be sent.

Fiscal Note: There is no City match required.

Sponsors: Q.A. Shakoor II

A motion was made that this Resolution be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[Res.0291-17](#)

Wilson v. Smetana, Case No. 16-CV-913

Resolved, that the settlement of Wilson v. Smetana, U.S. District Court, Eastern District of Wisconsin Case No. 16-CV-913, in the amount of \$7,000.00 is approved.

Fiscal Note: \$5,000.00 will be taken from 11202-53500, Misc-Judgments and Claims and \$2,000.00 will be paid by Gunta Law Offices. There are sufficient funds available in account 11202-53500, Misc-Judgments and Claims for the settlement.

Sponsors: Q.A. Shakoor II

A motion was made that this Resolution be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[Res.0293-17](#)

Police and Fire Departments Facilities Programming Study, Official Notice No. 10-2017

Resolved, that the purchasing agent is approved and directed to negotiate a professional services agreement with FGM Architects for the Police and Fire Departments Facilities Programming Study, Official Notice No. 10-2017, for the not-to-exceed amount of \$45,000.00.

Fiscal Note: Funding is available in Org-Object 45031-57200, Pd-Building Improvements Safety Building Facility Study.

Sponsors: Terry McCarthy

A motion was made that this Resolution be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[Ord.005-17](#)

Treasures of Uptown

Resolved, that permission is granted to the Racine Revitalization

Partnership to close Junction Avenue, from 1430 Junction Avenue to 1530 Junction Avenue, from 8:00 a.m. to 8:00 p.m. on September 30, 2017 for the Treasures of Uptown event, with the following stipulations:

A. A hold harmless agreement be executed and a \$75.00 processing fee paid.

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 72 hours in advance of this event.

E. The sponsor shall pay a \$250.00 special event fee.

F. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.

G. If required, sponsor shall provide a detour plan for the closure of all state connecting highways, arterial and collector streets to the City Engineer for approval.

H. If required, sponsor is responsible for cleaning the streets.

I. If required, sponsor shall install parking meter hoods or temporary parking signs at least 24 hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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 is approved.

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

Sponsors: Terry McCarthy

A motion was made that this Resolution be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[Res.0296-17](#)

Christ Community Church - Community Festival/Celebration

Resolved, that permission is granted to Christ Community Church to close Holmes Avenue from 16th Street to 17th Street, on September 23, 2017, from 10:00 a.m. to 5:00 p.m. for a community festival/celebration with the following stipulations:

A. A hold harmless agreement be executed and a \$75.00 processing fee paid.

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 72 hours in advance of this event.

E. The sponsor shall pay a \$250.00 special event fee.

F. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval and providing and removing all temporary traffic control devices and detour signs.

G. If required, sponsor shall provide a detour plan for the closure of all State connecting highways, arterial and collector streets to the City Engineer for approval.

H. If required, sponsor is responsible for cleaning the streets.

I. If required, sponsor shall install parking meter hoods or temporary parking signs at least 24 hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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 is approved.

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

Sponsors: Terry McCarthy

A motion was made that this Resolution be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[Res.0297-17](#)

Rhino Bar Fundraiser

Resolved, that permission is granted to The Rhino Bar to close High Street from Main Street to Chatham Street from 3:00 P.M. to 9:00 P.M. on September 16, 2017, in conjunction with a fundraising event, with the following stipulations:

A. A hold harmless agreement be executed and a \$75.00 processing fee paid.

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 72 hours in advance of this event.

E. The sponsor shall pay a \$250.00 special event fee.

F. No alcoholic beverages will be sold and/or dispensed within the street right-of-way.

G. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.

H. If required, sponsor shall provide a detour plan for the closure of all State connecting highways, arterial and collector streets to the City Engineer for approval.

I. If required, sponsor is responsible for cleaning the streets.

J. If required, sponsor shall install parking meter hoods or temporary parking signs at least 24 hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

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 is approved.

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

Sponsors: Terry McCarthy

A motion was made that this Resolution be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[Res.0299-17](#)

Tattoo Shop at 611 Sixth Street

Resolved, that the request from Christopher Mack seeking a conditional use permit to operate a tattoo shop at 611 Sixth Street is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on August 30, 2017 be approved subject to the conditions contained herein.
- b. That all license requirements from the State of Wisconsin and City of Racine be obtained, complied with, and kept current at all times.
- c. That all sharps or other equipment used in administering tattoos shall be disposed of in accordance with State and local regulations.
- d. That no loitering in or around the building shall be permitted.
- e. That the hours of operation shall be 10 a.m.-9 p.m. Monday thru Saturday and noon - 5 p.m. on Sunday.
- f. That all signs shall be professionally made and comply with all zoning ordinance requirements, and be approved by the Downtown Area Design Review Commission prior to issuance of a sign permit.
- g. That all codes and ordinances are complied with and required permits acquired.
- h. That no minor changes be made from the conditions of this permit without approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common council.
- i. That this conditional use permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor II

A motion was made that this Resolution be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

[Res.0300-17](#)

Ground Floor Residence and Artist Work Space at 613 Sixth Street

Resolved, that the request from James Wasley and Pamela Schermer seeking a conditional use permit to allow for a residence and artist works pace on the first floor at 613 Sixth Street is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on August 30, 2017 be approved subject to the conditions contained herein.
- b. That all license requirements from the State of Wisconsin and City of Racine be obtained, complied with, and kept current at all times.
- c. That the hours of operation shall be by appointment and for special events.
- d. That all signs shall be professionally made and comply with all zoning ordinance requirements, and be approved by the Downtown Area Design Review Commission prior to issuance of a sign permit.
- e. That all codes and ordinances are complied with and required permits acquired.
- f. That no minor changes be made from the conditions of this permit without approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common council.
- g. That this conditional use permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor II

A motion was made that this Resolution be Approved as Presented. The motion was APPROVED on a Voice Vote in Consent

H. Resolutions

[Res.0285-17](#)

\$11,800,000 General Obligation Promissory Notes and \$11,800,000 Note Anticipation Notes

Resolved, that the issuance of \$11,800,000 General Obligation Promissory Notes and the issuance and sale of \$11,800,000 Note Anticipation Notes in anticipation thereof is approved.

WHEREAS, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City of Racine, Racine

County, Wisconsin (the "City") to raise funds for public purposes, including paying the cost of various capital improvement and acquisition projects set forth in the City's Capital Improvement Plan and acquisition of municipal equipment (the "Project");

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, cities are authorized by the provisions of Chapter 67, Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purposes;

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and covenant to issue general obligation promissory notes (the "Securities") to provide permanent financing for the Project;

WHEREAS, the Securities have not yet been issued or sold;

WHEREAS, cities are authorized by the provisions of Section 67.12(1)(b), Wisconsin Statutes, to issue note anticipation notes in anticipation of receiving the proceeds from the issuance and sale of the Securities;

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance and sale of note anticipation notes pursuant to Section 67.12(1)(b), Wisconsin Statutes (the "Notes"), in anticipation of receiving the proceeds from the issuance and sale of the Securities, to provide interim financing to pay the cost of the Project; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to sell the Notes to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the terms and conditions of its note purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization and Issuance of Securities. The City hereby authorizes the issuance and declares its intention and covenants to issue the Securities pursuant to the provisions of Chapter 67, Wisconsin Statutes, in an amount sufficient to retire any outstanding note

anticipation notes issued for the purpose of paying the cost of the Project. There is hereby levied on all the taxable property in the City a direct, annual, irrevocable tax sufficient to pay the interest on said Securities as it becomes due, and also to pay and discharge the principal thereof.

Section 2. Authorization and Sale of the Notes. In anticipation of the sale of the Securities, for the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(1)(b), Wisconsin Statutes, the principal sum of ELEVEN MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$11,800,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Notes aggregating the principal amount of ELEVEN MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$11,800,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 3. Terms of the Notes. The Notes shall be designated "Note Anticipation Notes"; shall be issued in the aggregate principal amount of \$11,800,000; shall be dated September 6, 2017; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rate per annum and mature on August 15, 2018 as set forth on the schedule attached hereto as Exhibit B and incorporated herein by this reference. Interest shall be payable at maturity. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 4. Redemption Provisions. The Notes shall be subject to redemption prior to maturity, at the option of the City, on December 15, 2017 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part by lot, at the principal amount thereof, plus accrued interest to the date of redemption

Section 5. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference

Section 6. Security. The Notes shall in no event be a general obligation of the City and do not constitute an indebtedness of the City nor a charge against its general credit or taxing power. No lien is created upon the

Project or any other property of the City as a result of the issuance of the Notes. The Notes shall be payable only from (a) any proceeds of the Notes set aside for payment of interest on the Notes as it becomes due and (b) proceeds to be derived from the issuance and sale of the Securities, which proceeds are hereby declared to constitute a special trust fund, hereby created and established, to be held by the City Clerk and expended solely for the payment of the principal of and interest on the Notes until paid. The City hereby agrees that, in the event such monies are not sufficient to pay the principal of and interest on the Notes when due, if necessary, the City will pay such deficiency out of its annual general tax levy or other available funds of the City; provided, however, that such payment shall be subject to annual budgetary appropriations therefor and any applicable levy limits; and provided further, that neither this Resolution nor any such payment shall be construed as constituting an obligation of the City to make any such appropriation or any further payments.

Section 7. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for Note Anticipation Notes, dated September 6, 2017" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any proceeds of the Notes representing capitalized interest on the Notes or other funds appropriated by the City for payment of interest on the Notes, as needed to pay the interest on the Notes when due; (iii) proceeds of the Securities (or other obligations of the City issued to pay principal of or interest on the Notes); (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due and which are appropriated by the Common Council for that purpose; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided that such monies may be invested in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Said account shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until the Notes are fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 8. Covenants of the City. The City hereby covenants with the owners of the Notes as follows:

(A) It shall issue and sell the Securities as soon as practicable, as necessary to provide for payment of the Notes;

(B) It shall segregate the proceeds derived from the sale of the Securities into the special trust fund herein created and established and shall permit such special trust fund to be used for no purpose other than the payment of principal of and interest on the Notes until paid. After the payment of principal of and interest on the Notes in full, said trust fund may be used for such other purposes as the Common Council may direct in accordance with law; and,

(C) It shall maintain a debt limit capacity such that its combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness and the \$11,800,000 authorized for the issuance of the Securities shall at no time exceed its constitutional debt limit.

Section 9. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above)

shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed or for the payment of the principal of and the interest on the Notes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 10. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 11. Compliance with Federal Tax Laws.

(A) The City represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(B) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in

meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 12. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 13. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

Section 14. Persons Treated as Owners; Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by

surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 15. Record Date. The last business day of the calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the Record Date.

Section 16. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 17. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 18. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 19. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 20. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon

adoption and approval in the manner provided by law.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor II

Mayor Wisner informed the Council members that he was requesting a motion to consider the bond resolution that is listed towards the end of the agenda packet.

Alderman Shakoor II made a motion, seconded by Alderman DeHahn to suspend the rules to take up Resolution 0285-17 so the representative of Robert W. Baird & Co. would not have to attend the whole meeting, seconded by Alderman DeHahn.

A motion was made by Alderman Shakoor II, seconded by Alderman DeHahn, that this Resolution be Adopted. The motion PASSED by the following vote:

AYES: 12 - Coe, Jones, Larrin, Smetana, Weidner, DeHahn, Shakoor II, McCarthy, Land, Perez, Morgenroth and Meekma

NOES: 1 - Tate II

EXCUSED: 1 - Lemke

[Res.0286-17](#)

Wisconsin DNR 2018 Urban Forestry Grant

Resolved, that Parks, Recreation & Cultural Services is approved to apply & accept Wisconsin DNR 2018 Urban Forestry Grant funds in the amount of \$12,000 for the purposes of hiring a consultant to perform tree ordinance review and revision (Grant Control #00140).

Fiscal Note: City match of \$12,000 is required and available through 2018 CIP - Emerald Ash Borer Management Funds (Grant Control #00140).

Sponsors: Q.A. Shakoor II

A motion was made by Alderman Shakoor II, seconded by Alderman DeHahn, that this Resolution be Adopted. The motion PASSED by the following vote:

AYES: 13 - Coe, Jones, Tate II, Larrin, Smetana, Weidner, DeHahn, Shakoor II, McCarthy, Land, Perez, Morgenroth and Meekma

EXCUSED: 1 - Lemke

[Res.0292-17](#)

Official Notice No. 15-2017 RBF, Dock and Pile Removal in Root River

Resolved, that the purchasing agent is approved and directed to negotiate with Veit & Company, Inc., for the Dock & Piling Removal in Root River, Official Notice No. 15-2017 RBF for the amount of \$191,975.00 for extraction. The City will retain the pricing option for the cut off method with the understanding that not all piling will be able to be removed with the extraction method.

Fiscal Note: Funding is available in Org-Object 45260-57110, and that the funds be approved in the amount of \$191,975.00 from the land improvements account, funded by I.G. Funds.

Sponsors: Terry McCarthy

A motion was made that this Resolution be Approved as Presented. The motion PASSED by the following vote:

AYES: 13 - Coe, Jones, Tate II, Larrin, Smetana, Weidner, DeHahn, Shakoor II, McCarthy, Land, Perez, Morgenroth and Meekma

EXCUSED: 1 - Lemke

[Res.0295-17](#)

Party on the Pavement

Resolved, that permission is granted to the Downtown Racine Corporation to close Main Street from State Street to 7th Street, 6th Street from Lake Avenue to Grand Avenue, and Wisconsin Avenue from 4th Street to 7th Street, on September 23, 2017, from 12:00 p.m. to 7:00 p.m. for Party on the Pavement with the following stipulations:

A. A hold harmless agreement be executed and a \$75.00 processing fee paid.

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 72 hours in advance of this event.

E. The sponsor shall pay a \$900.00 special event fee.

F. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval and providing and removing all temporary traffic control devices and detour signs.

G. If required, sponsor shall provide a detour plan for the closure of all State connecting highways, arterial and collector streets to the City Engineer for approval.

H. If required, sponsor is responsible for cleaning the streets.

I. If required, sponsor shall install parking meter hoods or temporary parking signs at least 24 hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation

expenses of the violators.

J. There will be free parking on September 23, 2017 for Downtown, Uptown and West Racine from 12:00 p.m. to 7:00 p.m.

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 is approved.

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

Sponsors: Terry McCarthy

A motion was made by Alderman Shakoor II, seconded by Alderman Coe, that this Resolution be Adopted. The motion PASSED by the following vote:

AYES: 13 - Coe, Jones, Tate II, Larrin, Smetana, Weidner, DeHahn, Shakoor II, McCarthy, Land, Perez, Morgenroth and Meekma

EXCUSED: 1 - Lemke

I. Common Council Vote on Consent Agenda (Communications, Committee Reports, Resolutions)

Council Action on Consent Agenda Items

A motion was made by Alderman Q.A. Shakoor II, seconded by Alderman Jeff Coe, that this be Adopted by the following vote.

AYES: 13 - Coe, Jones, Tate II, Larrin, Smetana, Weidner, DeHahn, Shakoor II, McCarthy, Land, Perez, Morgenroth and Meekma

EXCUSED: 1 - Lemke

J. Ordinances

Refer to Public Safety and Licensing Committee

[Ord.0012-17](#) Ordinance 0012-17 - To repeal and recreate Chapter 22, Article XVII. - HAWKERS AND PEDDLERS

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

Part 1: To amend the title of Chapter 22, Article XVII. - Hawkers and Peddlers to read "STREET VENDORS".

Part 2: To amend the first paragraph of Sec. 22-531. - Street vendor's license - Required by adding the words ", otherwise known as a hawker or peddler license" after the words "without first obtaining a street vendor

license”.

Part 3: To amend the fourth paragraph of Sec. 22-531.- Street vendor’s license - Required by adding the words “for each cart, tent, trailer, wagon, stand, motor vehicle or other substitute for a building” after the words “shall be required to have a street vendor license”.

Part 4: To repeal and replace Sec. 22-532. - Same- Application to read:

“(a) Application for such permit shall be made upon prescribed forms to the city clerk at least 14 days prior to the sale of any goods or services from a hawker or peddler. _

(b) The application for a street vendor license shall include a description of the method of travel to be used, or the location at which sales are made intermittently but permanently, and the manner in which the applicant intends to carry on his trade within the city. No such license shall be issued unless the applicant presents to the city clerk the certificate of the sealer of weights and measures, and/or the appropriate permits or license(s) from the health, public works, parks, building, or fire department, if any is required for such activity.”

Part 5: To amend the second sentence of Sec. 22-534. - Identification badge required to add the words “for him or herself and for any of his or her employees” after the words “Application for such badge shall be made by the licensee”.

Part 6: To amend the footnote reference in Chapter 22, Article XVII. - Hawkers and Peddlers to replace the number “66.083” to read “66.0423”.

Part 7: This ordinance shall take effect upon passage and the day after publication.

Fiscal Note: N/A

Sponsors: Jeff Coe

Referred to Public Safety and Licensing Committee

Refer to Public Safety and Licensing Committee

[Ord.0013-17](#)

Ordinance 0013-17 - Amending Chapter 50 - FIRE PREVENTION AND PROTECTION

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

Part 1: To amend Sec. 50-1. - Applicability by repealing the word

"Uniform" and replacing it with the word "Wisconsin".

Part 2: To amend Sec. 50-36. - Investigating suspicious fires by repealing both instances of the word "suspicious" in the title and body of the text, and replace it with the word "undetermined".

Part 3: To amend Sec. 50-86. - Codes and standards adopted by adding the words "latest version of the" after the words "Those portions of the"; adding the words "(NFPA) and adopted by the State" after the words "National Fire Protection Association"; and adding the words "and herein referenced as NFPA" after the words "as part of this article".

Part 4: To repeal and replace Sec. 50-87. - Statutory provision adopted with the following:

"Wisconsin Administrative Code, Department of Safety and Professional Services chapter 314 inclusive, are hereby adopted by reference as if fully set forth in this article. Any future amendments, revisions, or modifications of the provisions incorporated herein are intended to be a part of this chapter."

Part 5: To repeal and recreate subsection (a) of Sec. 50-125. - Fireworks permit requirements as follows:

"No person, retailer, wholesaler, jobbers or dealers shall sell, distribute or display fireworks or pyrotechnics without first obtaining the appropriate permit from the City of Racine Fire Department. No permit granted hereunder shall be transferable."

Part 6: To amend subsection (c) of Sec. 50-125. - Fireworks permit requirements by repealing the words "A permit to sell or distribute fireworks by a retailer or wholesaler is valid from January 1 through December 31 of each year and shall include the following:" and replace with the words "Application to sell or distribute fireworks by retailer or wholesaler. Application for such permit shall be made in writing at least 30 days in advance of the sale or offer to sell. Such permits shall be valid from January 1 through December 31 of each year. The application shall include the following:"

Part 7: To amend subsection (c)(5) of Sec. 50-125. - Fireworks permit requirements by adding the words "or his or her designee" after the words "fire chief".

Part 8: To amend subsection (d) of Sec. 50-125. - Fireworks permit requirements by repealing the words "A permit to display (use, fire, light,

and etc.) fireworks or pyrotechnics shall be obtained prior to the use or execution of such materials and shall include the following:” and replace with the words “Application to display fireworks or pyrotechnics. Application for such permit shall be made in writing at least 30 days in advance of the date of the display. Such permits shall be lawful only for the permitted purposes stated in the application. The application shall include the following:”

Part 9: To amend subsection (d)(4) of Sec. 50-125. - Fireworks permit requirements by adding the following words after the word “coverages”: “with minimum limits of \$1,000,000 bodily injury and property damage, combined single limit, naming the city, its officers, employees and agents as additional insureds. Said insurance shall indemnify and defend the city, its officers, employees and agents against all claims, liability, loss damages or expenses, whether caused by or contributed to by the negligence of the city, its officers, employees or agents. Said insurance shall provide that the city receive written notice 30 days prior to any cancellation, nonrenewal or material change in the policy.”

Part 10: To amend subsection (d)(6) of Sec. 50-125. - Fireworks permit requirements by adding the words “or site plan” after the words “A diagram”.

Part 11: To amend subsection (d)(8) of Sec. 50-125. - Fireworks permit requirements by repealing the words “material safety data sheet (MSDS)” and replacing with the words “Safety Data Sheets (SDS)”.

Part 12: To amend subsection (d)(14) of Sec. 50-125. - Fireworks permit requirements by adding the words “or his or her designee” after the words “fire chief”.

Part 13: To renumber subsection (d) of Sec. 50-125. - Fireworks permit requirements that appears after (d)(14) to “(e)”.

Part 14: To amend Sec. 50-371. - Conflict of article with other standards by repealing the word “Uniform” and replacing with the word “Wisconsin”.

Part 15: To amend Sec. 50-407. - Definitions by repealing the word “Uniform” and replacing with the word “Wisconsin”.

Part 16: To amend Sec. 50-408. - Where required by repealing the word “Uniform” and replacing with the word “Wisconsin”.

Part 17: To amend subsection (b) of Sec. 50-409. - Application to existing buildings or facilities; appeals by repealing the words “building

board of appeals” and replacing it with the words “board of building appeals”.

Part 18: To amend Sec. 50-410. - Type of system and approval of plans by repealing the word “Uniform” and replacing with the word “Wisconsin”.

Part 19: To amend Sec. 50-427. - Installation by repealing the words “the most recent Chapter” and replacing with the word “NFPA”.

Part 20: To amend Sec. 50-428. - Inspections; maintenance; testing by repealing the words “the most currently revised Chapter” and replacing with the word “NFPA”.

Part 21: To amend Sec. 50-429. - Tags to be attached by repealing the words “the current version of” after the words “required by”.

Part 22: To amend Sec. 50-431. - Same--Permit application by repealing the words “the currently version of” after the words “standards and requirements of”.

Part 23: To amend Sec. 50-447. - Required installation, testing, and maintenance by repealing the word “Uniform” and replacing with the word “Wisconsin”.

Part 24: To amend subsection (b) of Sec. 50-471. - Establishment; prohibited parking by repealing the word “Uniform” and replacing it with the word “Wisconsin”.

Part 25: This ordinance shall take effect upon passage and the day after publication.

Fiscal Note: N/A

Sponsors: Jeff Coe

Referred to Public Safety and Licensing Committee

Refer to Public Safety and Licensing Committee

[Ord.0014-17](#)

Ordinance 0014-17 - To repeal and recreate Chapter 66, Article XIX. - FIREWORKS

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

Part 1: To amend the cross reference in Article XIX. - Fireworks to delete the words “gunpowder, explosives and flammable and combustible liquids, § 50-126” and replace it “open flames and burning, § 50-261”.

Part 2: To amend subsection (2)(g) in Sec. 66-516. - Fireworks defined to add the letter “g” to “1.4” so that it reads “1.4g”

Part 3: To amend subsection (b)(5) in Sec. 66-517. - Sale and possession of fireworks prohibited to delete “167.10(3)1-6” and replace it with “167.10(3)(b)1-7”.

Part 4: To amend subsection (b)(7) in Sec. 66-517. - Sale and possession of fireworks prohibited to change “66-516(a)(2)” to read “66-516(2)”.

Part 5: To repeal and replace subsection (a) in Sec. 66-518. - Pyrotechnic display permits to read “Upon obtaining a permit pursuant to section 50-125 of this Code, a person or entity may display fireworks or pyrotechnics within the provisions of this Article.”

Part 6: To amend subsection (b) in Sec. 66-518. - Pyrotechnic display permits to add the words “the latest version of” before the words “NFPA 1123”.

Part 7: To delete subsection (c) in Sec. 66-518. - Pyrotechnic display permits.

Part 8: To renumber subsection (d) in Sec. 66-518. - Pyrotechnic display permits to subsection (c).

Part 9: To repeal and replace Sec. 66-519. - Retail or wholesale permits to read “Upon obtaining a permit pursuant to section 50-125 of this Code, a retailer or wholesaler may operate within the provisions of this Article.”

Part 10: This ordinance shall take effect upon passage and the day after publication.

Fiscal Note: N/A

Sponsors: Jeff Coe

Referred to Public Safety and Licensing Committee

Refer to Public Safety and Licensing Committee

[Ord.0015-17](#) Ordinance 0015-17

An Ordinance to repeal and recreate Chapter 66, Article XXIX. -

Nuisance Properties of the Code of Ordinances.

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

Part 1: To repeal and recreate sections 66-1001 through 66-1003 of Article XXIX of Chapter 66 to read as follows:

“Sec. 66-1001. - Definitions.

Chief of police means the City of Racine Chief of Police or his or her designee.

Chronic nuisance premises means a premises that has generated at least three or more responses from the police department for public nuisance activities within a ninety day period, whether or not an arrest was made. A police response shall be counted against the premises if the call was in response to a public nuisance activity occurring at or within 200 feet of the premises by a person associated with the premises.

City means the City of Racine in the State of Wisconsin.

Occupant means any person other than the owner who is in actual or constructive possession of a premises, including but not limited to any occupant or licensee of the premises holding the legal right to occupy and control the premises.

Person means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying or using property in the City of Racine.

Person associated with premises means any person who, whenever engaged in a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a premises, or person present on a premises, including without limitation any officer, director, owner, operator, manager, customer, resident, guest, visitor, agent, employee, or any independent contractor of a property, or person in charge of a premises.

Premises means a commercial business establishment, a place of abode, a residence, a house, or multiple dwelling unit for one or more persons, including lodging houses, hotels, motels and tourist rooming houses, and associated common areas, yards and parking lots, or a specific unit of a multi dwelling premise, provided the specific unit meets the requirements of a nuisance premises as defined in this section.

Public nuisance or nuisance activity means a thing, act, occupation, condition, or use of property that continues in the City of Racine for such time as to do any of the following:

1. Substantially annoy, injure, or endanger the comfort, health, repose, peace, order, or safety of the public; or

2. In any way render the public insecure in life or in the use of property; or
3. Greatly offend the public morals or decency; or
4. Unlawfully and substantially interfere with, obstruct, or attempt to obstruct or render dangerous for passage any street, alley, highway, navigable body of water, or other public way, or the use of public property.

Sec. 66-1002.- Public nuisance prohibited.

(a) No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the City of Racine a public nuisance. The following acts, uses, activities, things, occupations, places, or physical conditions are specifically declared to be a public nuisance, but such enumeration shall not be construed to exclude other public nuisance activities:

1. Loud noise areas. Any place in the City where any unreasonably loud, discordant, and unnecessary sound conditions, including sounds from vehicles, equipment, machinery, guns, fireworks, or enclosed domestic or other animals, or from any human-created or -aided sounds, including alleged music, repeatedly occur.
2. Disorderly conduct areas. Any place in the City where unpermitted, abusive, indecent, profane, or boisterous sounds, unpermitted fighting, brawling, or rioting, or other unpermitted disorderly conduct conditions, repeatedly occur.
3. Repeated violations of ordinances or statutes. Any place in the City where City ordinances or state statutes are repeatedly and intentionally violated. This section does not require repeated violations of the same ordinance or statute in every incident.
4. Bawdyhouses. Pursuant to Wis. Stat. § 823.09 <http://docs.legis.wisconsin.gov/document/statutes/823.09>, whoever erects, establishes, continues, maintains, uses, occupies, or leases any building or part of a building, erection, or place to be used for the purpose of lewdness, assignation, or prostitution, or permits the same to be so used, in the town, is guilty of a nuisance and the building, erection, or place in or upon which such lewdness, assignation, or prostitution is conducted, permitted, carried on, continued, or exists, and the furniture, fixtures, musical instruments, and contents used therewith for the same purpose, are declared a nuisance, and shall be enjoined and abated.

5. Illegal drug houses. Any building or structure that is used to facilitate the delivery, distribution, or manufacture, as defined in Wis. Stats. §§ 961.01 (6) <[http://docs.legis.wisconsin.gov/document/statutes/961.01\(6\)](http://docs.legis.wisconsin.gov/document/statutes/961.01(6))>, (9) <[http://docs.legis.wisconsin.gov/document/statutes/961.01\(9\)](http://docs.legis.wisconsin.gov/document/statutes/961.01(9))>, and (13) <[http://docs.legis.wisconsin.gov/document/statutes/961.01\(13\)](http://docs.legis.wisconsin.gov/document/statutes/961.01(13))>, respectively, of a controlled substance as defined in Wis. Stat. § 961.01 (4) <[http://docs.legis.wisconsin.gov/document/statutes/961.01\(4\)](http://docs.legis.wisconsin.gov/document/statutes/961.01(4))>, or a controlled substance analog as defined in Wis. Stat. § 961.01 (4m) <[http://docs.legis.wisconsin.gov/document/statutes/961.01\(4m\)](http://docs.legis.wisconsin.gov/document/statutes/961.01(4m))>, and any building or structure where those acts occur.

6. Criminal gang houses. Any building or structure that is used as a meeting place of a criminal gang, as defined in Wis. Stat. § 939.22 (9), or that is used to facilitate the activities of a criminal gang.

7. Gambling houses. Any gambling place as defined in Wis. Stat. § 945.01 (4) (a) <[http://docs.legis.wisconsin.gov/document/statutes/945.01\(4\)\(a\)](http://docs.legis.wisconsin.gov/document/statutes/945.01(4)(a))>.

8. Illegal alcohol houses. Any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured, or rectified without a valid permit or license issued under Wis. Stats. chapter 125 or 139, or where persons are permitted to drink alcohol beverages in violation of Wis. Stats. ch. 125.

(b) A nuisance activity does not include activities, behaviors or conduct that result in a call for assistance made by the owner or occupant requesting law enforcement services related to any of the following:

1. "Domestic abuse," as defined in Wis. Stat. § 813.12(1)(am).
2. "Sexual assault," as defined in Wis. Stats. § 940.225, 948.02, and 948.025.
3. "Stalking," as defined in Wis. Stat. § 940.32.

(c) Owner of premises responsibility. Any owner or occupant of land in the City is responsible for compliance with this ordinance on the owner's or occupant's land regardless of ownership of and responsibility for the uses, activities, or things located on the land that are subject to this ordinance.

(d) For purposes of this article, the finding of a public nuisance activity does not require an arrest, charge or conviction of any of the above

offenses, so long as the public nuisance activity can be substantiated by police records. Each separate and distinct incident shall constitute a public nuisance activity, and two or more separate and distinct incidents occurring on the same day shall be counted separately.

Sec. 66-1003. - Chronic nuisances prohibited.

(a) Purpose. The common council finds that from time to time certain commercial and residential premises in the City of Racine require a disproportionate amount of police department resources to be devoted to addressing various problems and incidents that occur thereon. A chronic nuisance is a public nuisance. The common council finds that any premises that has generated three or more responses within a ninety day period from the police department for public nuisance activities has received more than the level of general and adequate police service and has placed an undue and inappropriate burden on the taxpayers of the city. Often this disproportionate devotion of police resources is due to property owners' own actions or the failure of property owners to accept and exercise sufficient responsibility for and over the actions of occupants, guests, agents or employees that reside within or frequent the premises. The common council further finds that premises owners and occupants conducting business activities upon the premises, who chronically fail to control the use of their property, substantially interfere with the comfortable enjoyment of life, health and safety of the community. This section is enacted to encourage property owners to recognize their responsibility to ensure that activities occurring on their property conform to the law, and do not unduly burden the city's police resources, and to provide a mechanism for the city to take action against property owners who fail to ensure premises they own or rent do not require a disproportionate devotion of police resources and to recover the costs associated with the disproportionate devotion of police resources to such premises. This article is not intended to discourage crime victims or any person in legitimate need of police services from requesting them.

(b) Determination of chronic nuisance premises. Whenever the minimum criteria for a chronic nuisance premises has been met, the chief of police shall determine from the facts of each incident and considering the purpose of this section as set forth in paragraph (a), whether the premises is a chronic nuisance premises. The chief, in making his determination, shall consider among other factors, whether the nuisance activities resulting in numerous police responses were reported by the owner of the premises in an effort to abate the problems at the premises and whether the nuisance activity was committed by a person having no association with the premises by acquaintance with, relation to or expressed or implied invitation from the owner, occupant, operator, or

agent of the premises. If the chief determines that there exists a chronic nuisance premises and that further action is necessary by the police department in order to abate the nuisance, the chief shall notify the owner of the property that it has been deemed a chronic nuisance premises.

(c) Notice of chronic nuisance premises. The notice shall contain the street address or legal description sufficient for identifying the premises, a description or list of the nuisance activities that have occurred at the premises, a statement that the owner shall, within ten days of the notice, respond to the chief of police in writing and propose an abatement plan, and the potential penalties for failing to reply. Such notice shall be delivered by regular mail to the address on file with the City Assessor's Office. If the owner cannot be located, the notice shall be published as a class 2 notice under Wis. Stats. ch. 985 and a copy left at the premises.

(d) Owner abatement. The owner or responsible party shall respond in writing within ten days of the notice with a specific proposal to abate the nuisance activities at the premises. The chief of police may accept, reject or work with the owner to modify the proposal at his or her discretion. If the owner or responsible party contacts with the chief of police and presents a proposal to abate the nuisance and initiates action in accordance with that abatement plan, the chief may delay further enforcement of this ordinance until the chief determines that the abatement plan or written course of action has failed or is no longer acceptable.

(e) Notice of intent to pursue remedies. If the owner fails to contact the chief of police or present an acceptable abatement plan within the time frame provided, or at any time fails to follow through with an accepted course of action or abatement plan, the chief shall notify the owner of its decision to pursue one or more remedies under sec. 66-1003(f) as a result of the chronic nuisance determination. Delivery of this second notice shall be made in the same manner as the notice in sec. 66-1003(c).

(f) Remedies and forfeitures.

(1) Costs of abatement. The chief of police may calculate the costs of police services for responding and preventing the nuisance activities at the premises and invoice the owner of the real property for such services, beginning on the date of the notice of intent to pursue remedies under sec. 66-1003(e). Until the chronic nuisance has been abated, the chief of police may continue to calculate and invoice the owner for the costs of abating nuisance activities. Such costs may be assessed against the real property for services rendered and incurred by the City to enjoin or abate

the public nuisance as a special charge under Wis. Stat. § 66.0627, unless paid within 30 days of the date on the invoice.

(2) Forfeitures. If after sending out the notice to pursue remedies under sec. 66-1003(e) the chronic nuisance has not been abated, the chief of police may also issue a citation against the property owner or occupant for every nuisance activity thereafter associated with the premises until the chronic nuisance has been abated. A person in violation of this section shall forfeit not less than \$300.00 for the first offense, \$500.00 for the second offense, and \$1000.00 for any subsequent offenses within one year.

(3) Upon declaring a chronic nuisance property, the chief of police shall also refer the matter to the City Attorney's office to determine if a nuisance action under Wis. Stats. ch. 823 is appropriate and to the Public Safety & Licensing Committee to determine if a review of the licensed premises is appropriate.

(g) Appeal. A property owner or occupant who receives notice pursuant to sec. 66-1003(c) and (e) that his or her premises is a chronic nuisance premises or that the chief of police intends to pursue remedies against him or her, may appeal the chief of police's decision within ten days from the date of the notice.

(1) The appeal shall be in writing and must be delivered to the chief of police or his or her designee as indicated in the chief's letter. As soon as practicable thereafter, but not more than 30 days from the date of the written appeal, the Due Process Board shall hear the appeal and allow the property owner or occupant an opportunity to present evidence as to why the premises is not a chronic nuisance property under the ordinance. In doing so, the chairman may allow testimony from any member of the audience having relevant first-hand knowledge regarding the issues at hand.

(2) Within ten days after the appeal is heard, the property owner or occupant shall be notified in writing of the board's decision to either reverse or deny the chief of police's chronic nuisance determination. Any person adversely affected by a decision of the Due Process Board in this respect may seek review by filing a petition in Circuit Court within 30 days of the date of the decision or be forever barred.

(3) For purposes of this section, the city elects not to be bound by Wis. Stats. ch.68 with respect to administrative procedure.

(h) When a chronic nuisance is deemed abated. The public nuisance

created by a chronic nuisance premises shall be deemed abated when no police calls to the premises to address nuisance activities occurs for a period of three consecutive months and the chief of police or his designee deems the property to be in compliance with the abatement plan, if any.

(i) Subsequent notice of nuisance activities. Nothing in this section shall prevent or prohibit the chief of police from issuing or reissuing a notice regarding subsequent nuisance activity or activities which may constitute a chronic nuisance premises.

(j) Other methods not excluded. Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the city or its officials in accordance with the laws of the State of Wisconsin, including, but not limited to, an action under Wis. Stats. ch. 823.

(k) Severability. If any section of this article is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.”

Part 2: To add sections 66-1004 to read as follows:

“Sec. 66-1004. - Eviction or Retaliation Prohibited.

It shall be unlawful for a landlord to terminate the lease agreement or periodic tenancy of any tenant or otherwise retaliate against any tenant because that tenant complained to the chief of police or other city departments about nuisance activities on the landlord’s premises. It shall be unlawful for a landlord or any person acting as an agent for the landlord, to intimidate or actively discourage a tenant and/or persons associated with a tenant, from calling the police to report a nuisance activity associated with a premises. This section shall not be read to prevent landlords from exercising their rights to evict a tenant consistent with local, state and federal landlord tenant laws.”

Part 3: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Fiscal Note: N/A

Sponsors: Jeff Coe

Referred to Public Safety and Licensing Committee

Refer to City Plan Commission

[ZOrd.0006-17](#) ZOrd. 06-17

An Ordinance rezoning a portion of the property located at 251 Luedtke 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 a portion of the property located at 251 Luedtke Avenue, and more particularly described as follows: Block 1 of the Liebenow Subdivision and the adjacent parcel described in Volume 931, Page 672, and the adjacent vacated Robert Avenue, and the adjacent vacated Mary Avenue, all being part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 4, Township 3 North, Range 23 East, in the City of Racine, County of Racine and State of Wisconsin, with excepted lands to be rezoned being described as follow: Begin at the point of intersection of the north right-of-way line of the Glen Street and the East right-of-way line of Luedtke Avenue, proceed northerly along the East right-of-way line of Luedtke Avenue (N 01-55-19 W) for a distance of 503 feet to the point of beginning of the area to be rezoned, then continue north along the East right-of-way line of Luedtke Avenue (N 01-55-19 W) for a distance of 94 feet to a point, then proceed easterly (N 89-5-41 E) for a distance of 175 feet, then southerly (S 1-55-19 E) 381 feet to a point, then West (S 89-5-41 W) 16 feet to a point, then Northwesterly 193 feet +/- to the point of beginning of the area to be rezoned (26,850 +/- square feet), and that the described excepted lands be rezoned from R-3 Limited General Residence District with a FP Flood Plain Overlay District to R-3 Limited General Residence District.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Fiscal Note: N/A

Sponsors: Q.A. Shakoor II

Referred to City Plan Commission

K. Common Council Announcements

Announcements are limited to recognition of City residents and employees, memorials, and non-political community events. Discussion of matters related to governmental business is prohibited.

L. Adjourn

Mayor Wisner adjourned the meeting at 9:15 PM. The next scheduled meeting of the Council is Wednesday, September 20, 2017.

ATTEST: JANICE JOHNSON-MARTIN
CITY CLERK