



# City of Racine

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

## Meeting Agenda - Final Common Council

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

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Tuesday, March 3, 2009

7:00 PM

Room 205, City Hall

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- A. Call To Order**
- B. Pledge of Allegiance To The Flag**
- C. Approval of Journal of Council Proceedings (Minutes)**
- D. Public Comments**
- E. Communications**

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

**09-3240**      **Subject:** Communication from the 5th District Alderman requesting that the procedure for reimbursing the Mayor for certain expenses be reviewed.

**09-3254**      **Subject:** Request from the Department of Fair Housing to accept a \$1,000 donation from S.C. Johnson for use in hosting the 2009 Wisconsin Fair Housing Network Conference and Awards Luncheon on April 23 & 24.

**09-3265**      **Subject:** Communication from M.J.I., Inc. wishing to extend it's contract with the City of Racine for janitorial work at the Community Centers and to discuss a price adjustment and possible increase in hours.

**09-3269**      **Subject:** Communication from Narcotics Anonymous requesting to lower the fees for the use of the Dr. M.L. King, Jr. Community Center and the Tyler-Domer Community Center.

**09-3270**      **Subject:** communication from the City Attorney submitting the claim of Kathleen Ayala for consideration.

[09-3271](#)      **Subject:** communication from the City Attorney submitting the claim of Justin Schurian, Joseph Schurian, and Cynthia Schurian for consideration.

[09-3272](#)      **Subject:** Communication from the City Attorney submitting the claim of Elmer Ricchio for consideration.

[09-3273](#)      **Subject:** communication from the City Attorney submitting the claim of Stefen Ward for consideration.

[09-3279](#)      **Subject:** Communication from Police Chief, requesting to amend the 2009 Asset Forfeiture Spending Plan, by adding \$40,000 for investigation and information.

(Also refer to Public Safety & Licensing Committee.)

[09-3282](#)      **Subject:** A Communication from the Purchasing Agent recommending to award the bid for Self-Contained Breathing Apparatus for the Fire Department to Jefferson Fire and Safety, Inc. for their bid of \$205,982.75. Funds are available in account 213.030.5750 FEMA, SCBA, Communications.

(Also refer to Public Safety and Licensing Committee)

[09-3285](#)      **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting permission to accept a donation in the amount of \$3,712.22 for the Mound Cemetery general fund from the Earl J. Pokorny estate.

[09-3286](#)      **Subject:** Request for the Establishment of a Complete Count Committee for the 2010 U.S. Census.

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

[09-3245](#)      **Subject:** Communication from the Greater Racine Kennel Club, Inc. (GRKC) requesting the use of the parking area along Pershing Park Drive during the All Breed Dog Show on August 9-10, 2009.

[09-3278](#)      **Subject:** Communication from the Executive Director of the Big Fish Bash requesting to use the turn-arounds at Festival Park for parking during the Big Fish Bash on July 16-19, 2009.

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

[09-3260](#)      **Subject:** (New) Application of Mead Street Foods, Patricia Morones,

Agent for Class "A" Retail Fermented Malt Beverage license for 1801 Mead Street (2nd District).

[09-3261](#)      **Subject: (New)** Application for a Class "B" Fermented Malt Beverage License for Mi Lindo Jalisco, Fernando E. Barajas, Agent for 1221 Douglas Avenue. (**4th District**)

[09-3275](#)      **Subject:** Communication from Joseph Hrouda requesting to renew the Boat Launch and Concession contract for three years with a two year option.

[09-3284](#)      **Subject:** Communication from the Purchasing Agent recommending to award the bid for one (1) 4 x 4 Utility Work Machine with Sand and Salt Spreader and Snow Plow to Hwy. C Service, Inc. at their bid price of \$40,279.00.

**Refer to Committee of the Whole, by Ald. Maack**

[09-3242](#)      **Subject:** communication from the 5th District Alderman requesting that a Strategic Planning meeting be held with the Mayor to discuss goals and priorities.

**Refer to Mayor's Office, by Ald. Spangenberg**

[09-3241](#)      **Subject:** communication from the 5th District Alderman, requesting a meeting with Racine County Board members, State legislators representing the Racine area, and City leadership to discuss the Governor's budget and economic stimulus plans.

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

[09-3276](#)      **Subject:** Communication from Dan Bieser, Blue School Principal, Park High School requesting to have a community garden near Park High School.

## **F. Committee Reports**

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

[08-2750](#)      **Subject:** Communication from Friends of Seniors, Inc. requesting permission to extend their rental lease for one year on the property located at 201 Goold Street. (Res.09-1279)

**Recommendation of the Board of Parks, Recreation & Cultural Services 11-20-08:** defer

**Recommendation of the Board of Parks, Recreation & Cultural Services 1-14-09:** that the request be approved and further recommends that the item be referred to the Finance & Personnel Committee.

**Recommendation of the Finance & Personnel Committee on 2-23-09:** Friends of Seniors, Inc. be allowed to extend their lease on the City's property at 201 Goold Street from June 1, 2009 to May 31, 2010 at an annual rate of \$20,000. Further recommends future contract extension negotiations beyond May 2010 may be considered upon building availability.

**Fiscal Note:** The City will forgo the 4.4% lease rate increase that other City tenants are paying, \$880 in this case.

09-3190

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a grant from Root Pike WIN (City Grant Control # 2009-07) for Increasing Public Access to the Root River. (Res.09-1277)

**Recommendation of the Finance & Personnel Committee on 02-23-09:** Permission be granted for the Director of Parks Recreation and Cultural Services apply for a \$9,890 grant from Root Pike WIN, City Grant Control No. 2009-007, to be utilized for increasing public access to the Root River.

**Fiscal Note:** No match required on the part of the City.

09-3192

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a grant from Fiskars Garden and Outdoor Living - Project Orange Thumb (City Grant Control # 2009-008) for a community gardening project. (Res.09-1278)

**Recommendation of the Finance & Personnel Committee on 02-23-09:** Permission be granted for the Director of Parks Recreation and Cultural Services apply for a \$2,300 grant from Fiskars Garden & Outdoor Living - Project Orange Thumb, City Grant Control No. 2009-008, to be utilized for a community gardening project.

**Fiscal Note:** No match required on the part of the City.

09-3209

**Subject:** Communication from the City Attorney submitting the claim of Harry and Joni Christofferson for consideration.

**Recommendation of the Finance & Personnel Committee on 02-23-09:** The claim of Harry and Joni Christofferson, 2307 Hansen

Ave., requesting a reimbursement of \$2,578,92 for replacing a door damaged during an execution of a search warrant be denied.

**Fiscal Note:** N/A

**09-3220**

**Subject:** Communication from the Racine Branch NAACP, ACT-SO Program Chair requesting the use of the Tyler-Domer Community Center at no charge for their local competition and recognition ceremony. (Res.09-1276)

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

**02-23-09:** Permission be granted for the Racine Branch NAACP to utilize the Tyler-Domer Community facility, waiving all fees, on April 25 and 26, 2009 for the local competition and recognition ceremony for the Racine NAACP ACT-SO Program. Further recommends that the organization cleanup after the event.

**Fiscal Note:** The City will forgo \$152 cost for the use on April 26, 2009.

**09-3238**

**Subject:** Communication from the Finance Director requesting the State of Wisconsin Department of Administration to distribute the school tax, lottery and gaming credits directly to the City in accordance with State Statute sec. 79.10(7m)(cm)(2007-08). (Res.09-1281)

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

**02-23-09:** Permission be granted for the Finance Director to request the State of Wisconsin Department of Administration distribute the school tax, lottery and gaming credits on a continual basis directly to the City in accordance with State Statute sec. 79.10(7m)(cm)(2007-08).

**Fiscal Note:** N/A

**09-3243**

**Subject:** Request for authorization to pursue a potential energy saving program in collaboration with the Center on Wisconsin Strategy, University of Wisconsin - Madison. (Res.09-1280)

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

**02-23-09:** Permission be granted for the Director of City Development to pursue a potential energy saving program in collaboration with the Center of Wisconsin Strategy, University of Wisconsin - Madison.

**Fiscal Note:** Expected costs and revenues will be provided submitted when the detailed program description is submitted to the Council.

**Public Works and Services Committee Report, by Ald. Holding****08-2735**

**Subject:** Communication from Mike Matson requesting permission to install an awning over city right-of-way at 107 Fourth Street. (Res.09-1261)

**Recommendation of the Public Works and Services Committee on 2-24-09:** The property owner of 107 Fourth Street be granted permission to install a stationary, projecting awning over street right-of-way, as requested, with the following stipulations:

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

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

C. That all building and electrical permits be secured through the Building Department and that all applicable fees be paid to the Building and Electrical departments.

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

**09-3151**

**Subject:** Communication from Robbin E. Church, 3945 Wood Lane, requesting that sidewalks be installed in front of Dr. Jones Elementary School. (Res.09-1273)

**Recommendation of the Public Works and Services Committee on 2-24-09:** That consideration be given to the construction of a sidewalk on the north side of Chicory Road fronting Dr. Jones Elementary School for the 2010 construction season and that a preliminary resolution be introduced.

**Fiscal Note:** The cost of this sidewalk would be assessed to the abutting property owner.

**09-3224**

**Subject:** Communication from Kapur & Associates, Inc. notifying the City of residual groundwater contamination within the street right-of-way of 749 Erie Street.

**Recommendation of the Public Works and Services Committee on 2-24-09:** The communication be received and filed.

**Fiscal Note:** N/A

09-3225

**Subject:** Communication from the Purchasing Agent submitting bids for Official Notice #1 for Two (2) Dump Trucks with Snowplows and Tailgate Spreaders. (Res.09-1263)

**Recommendation of the Public Works and Services Committee on 2-24-09:** That the contract for Two (2) 35,000 GVW 5 Cubic yard Diesel Dump Trucks with Snowplows and Tailgate Material Spreaders be awarded to Lakeside International Trucks, Janesville, WI, at their bid price of \$178,224.00 with trade-ins, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of these services be appropriated from Account 101.630.5780, Licensed Vehicles.

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

09-3222

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting a proposal from AECOM for 2009 Information Technology Consulting. (Res.09-1269)

**Recommendation of the Public Works and Services Committee on 2-24-09:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services for the 2009 Information Technology Consulting, on an as-needed basis, in the not-to-exceed amount of \$15,000.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 101.130.5610, Professional Services.

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

09-3247

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 17-08 (K8-018), CCTV Services and Manhole Inspection, Green Bay Pipe & TV, contractor. (Res.09-1267)

**Recommendation of the Public Works and Services Committee on 2-24-09:** The work done by Green Bay Pipe & TV, under Contract 17-08 (K8-018), 2008 CCTV Services and Manhole Inspections, be accepted and final payment authorized for a total contract amount of \$354,421.66.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0732, dated April 2, 2008.

09-3248

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 2-09 (K9-002), 2009 Parking Ramp Repairs. (Res.09-1264)

**Recommendation of the Public Works and Services Committee on 2-24-09:** That Contract 2-09 (K9-002), 2009 Parking Ramp Repairs, be awarded to SPS Infrastructure, Inc., St. Paul, MN, at their bid price of \$109,881.88, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 106.987.5120, Ramp Improvements.

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

09-3249

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 18-08 (K8-019), Storm Sewer Investigation - CCTV and Manhole Inspection, Green Bay Pipe & TV, contractor. (Res.09-1268)

**Recommendation of the Public Works and Services Committee on 2-24-09:** The work done by Green Bay Pipe & TV, under Contract 18-08 (K8-019), Storm Sewer Investigation - CCTV and Manhole Inspection, be accepted and final payment authorized for a total contract amount of \$191,685.36.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0733, dated April 2, 2008.

09-3250

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 1 on Contract 46-08 (K8-054), Victorian Drive Stormwater Improvements, G. B. Johnson Company, Inc., contractor. (Res.09-1270)

**Recommendation of the Public Works and Services Committee on 2-24-09:** That Change Order No. 1 on Contract 46-08 (K8-054), Victorian Drive Stormwater Drainage, G.B. Johnson Co., contractor, as submitted, be approved in the deduct amount of \$20,265.30.

**Fiscal Note:** Change Order No. 1 will result in a decrease in contract price.

09-3251

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting Amendment No. 1 on Contract 14-09 (K9-014), PS - Design of Parks Paving Project, Nielsen, Madsen & Barber, consultant. (Res.09-1271)



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

**2-24-09:** That Amendment No. 1 on Contract 14-09 (K9-014), Professional Services - Design of Parks Paving Project, Nielsen, Madsen & Barber, consultant, as submitted, be approved in the amount of \$12,440.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 101.130.5010, Salaries.

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

**09-3253**

**Subject:** Ordinance No. 5-09 to amend Sec. 98-304 (2) of the Municipal Code of the City of Racine, Wisconsin relating to Utilities; Construction Site Erosion - Applicability and Jurisdiction. (Ord.05-09)

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

**2-24-09:** That Ordinance No. 5-09 to amend Sec. 98.304 (2) of the Municipal Code of the City of Racine, Wisconsin relating to Utilities; Construction Site Erosion - Applicability and Jurisdiction, be adopted.

**Fiscal Note:** Not applicable.

**09-3256**

**Subject:** Communication from the Downtown Racine Corporation requesting permission to use city right-of-way on Saturday, March 14, 2009, for a St. Patrick's Day Parade. (Res.09-1262)

**Recommendation:** Permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 8th Street, on Saturday, March 14, 2009, for a St. Patrick's Day Parade, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$700.00 special event fee.

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

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

09-3257

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a proposal from AECOM Technical Services, Inc. for professional services to digitize the City's easement file onto the GIS system on a time and material basis at the not-to-exceed amount of \$20,000.00. (Res.09-1265)

**Recommendation of the Public Works and Services Committee on 2-24-09:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services to digitize the City's easement file onto the GIS system on a time and material basis in the not-to-exceed amount of \$20,000.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 101.130.5830, Computer Software GIS Layers.

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

09-3258

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a proposal for professional services for the migration of the Casual User Interface to a .NET programming language at the not-to-exceed cost of \$8,000.00. (Res.09-1266)

**Recommendation of the Public Works and Services Committee on 2-24-09:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services for the Casual User Interface Migration to .NET (Phase I Specifications), on an as-needed basis, in the not-to-exceed amount of \$8,000.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 101.130.5830, Computer Software GIS Layers.

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

**Public Safety and Licensing Committee Report, by Ald. Shakoor**09-3160

**Subject:** Application of PH Green Bay, LLC, Todd L. Fortier, Agent, for a Change of Agent for a Class "B" license for 5000 Washington Avenue. (12th District)

**Recommendation of the Public Safety and Licensing Committee on 2-23-09:** That the application of PH Green Bay, LLC, Todd L. Fortier, Agent, for a Change of Agent for a Class "B" license for 5000

Washington Avenue be approved.

Fiscal Note: N/A

**09-3210**

**Subject:** (New) Application of Rapids Drive Convenience, Stephen Grebe (Agent) for a Class "A" Retail Fermented Malt Beverage license for 3502 Rapids Drive. (6th District)

**Recommendation of the Public Safety and Licensing Committee on 2-23-09:** That the application of Rapids Drive Convenience, Stephen Grebe (Agent) for a Class "A" Retail Fermented Malt Beverage license for 3502 Rapids Drive be approved.

Fiscal Note: N/A

**09-3221**

**Subject:** (New) Application of SDJJ, LLC., John McAuliffe agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 211- 6th Street. (1st District)

**Recommendation of the Public Safety and Licensing Committee on 2-23-09:** That the application of SDJJ, LLC., John McAuliffe agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 211- 6th Street be approved.

Fiscal Note: N/A

**Traffic Commission Report, by Ald. Holding**

**08-2694**

**Subject:** Communication from the Alderman of the 11th District, on behalf of Cherie Griffin - 2425 Washington Avenue, wishing to discuss her concerns about the intersection of Washington Avenue and Holmes Avenue.

**Recommendation (10-20-08):** Defer

**Recommendation (02-16-09):** Receive and file.

**Fiscal Note:** N/A

**08-2941**

**Subject:** Communication from the Alderman of the 2nd District, wishing to discuss traffic control at the intersection of Franklin Street and 20th Street.

**Recommendation (12-15-08):** Defer

**Recommendation (02-16-09):** Receive and file.

**Fiscal Note:** N/A

[09-3092](#)

**Subject:** Communication from the Assistant Commissioner of Public Works/Engineering wishing to discuss the removal of traffic signals at the intersection of N. Main Street and Walton Avenue.

**Recommendation:** A study to remove the traffic signals at N. Main Street and Walton Avenue in accordance with Section 4B.02 of the 2003 Edition of the Manual on Uniform Traffic Control Devices be approved.

**Fiscal Note:** The study will be done by staff and there is a nominal cost to perform the study.

[09-3144](#)

**Subject:** Communication from the residents of the 900 and 1000 block of Racine Street requesting the alternate side parking restriction on the 900 block of Racine Street during the winter months be lifted.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

#### **Transit and Parking Commission Report, by Ald. DeHahn**

[09-3162](#)

**Subject:** Communication from Rita Lewis, Racine Montessori School, wishing to rent Lakefront Lot No. 5 from 5:30 A.M. to 5:00 P.M. for the Lakefront Artist Fair on Saturday, May 2, 2009. (Res.09-1282)

**Recommendation of the Transit and Parking Commission on 2-25-09:** The Lakefront Artist Fair be granted permission to lease Lakefront Parking Lot No. 5 on May 2, 2009, subject to payment of lease costs of \$1.50 per space for the parking lot in accordance with existing City policies, and subject to the execution of a hold harmless agreement with the City.

**Fiscal Note:** Rental will provide \$180 for the Parking System.

[09-3179](#)

**Subject:** Communication from Sue McKeown, Partners In Employment, wishing to discuss problems with DART service.

**Recommendation of the Transit and Parking Commission on 2-25-09:** That the communication be received and filed.

**Fiscal Note:** N/A

[09-3280](#)

**Subject:** Ordinance No. 3 to amend Section 94-17(b) of the Municipal

Code of the City of Racine, Wisconsin relating to Traffic violation fine schedule - Schedule of forfeitable offenses. (Res.03-09)

**Recommendation of the Transit and Parking Commission on 2-24-09:** That Ordinance No. 3-09 to amend Section 94-17(b) of the Municipal Code of the City of Racine, Wisconsin relating to Traffic violation fine schedule - Schedule of forfeitable offenses, at approved.

**Fiscal Note:** Approval of Ordinance No. 3 will generate approximately \$60,000.00 in revenue for the Parking System.

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

[08-2962](#)

**Subject:** Request that Adams Outdoor Advertising be granted permission for its sign at 1301 West Sixth Street to project over public right-of-way. (Res.09-1238)

**Recommendation of the Public Works and Services Committee on 12-9-08, 1-13-09, and 1-27-09:** Defer

**Recommendation of the Public Works and Services Committee on 2-10-09:** Since public interest requires it, that the following street right-of-way be and hereby is vacated and discontinued:

That part of Block 52 in School Section, a recorded plat in the City of Racine, Racine County, Wisconsin that is part of the Northwest ¼ of Section 16 Township 3 North, Range 23 East described as follows:

Commence at the Northwest corner of the Northwest ¼ of Section 16, Township 3 North, Range 23 East; Thence North 88° 4' 18" East, on the North line of the N/W ¼, 169.75 feet; thence South 01° 55' 42" East, 53.06 feet to the POINT OF BEGINNING; thence South 00° 08' 07" East, 26.95 feet; thence South 88° 14' 18" West, 103.90 feet; thence North 85° 53' 29" West, 95.00; thence North 00° 08' 07" West, 23.17 feet; thence North 89° 51' 53" East, 198.59' to the POINT OF BEGINNING. Said land being in the City of Racine, Racine County, Wisconsin.

Said described tract containing 5,495.67 square feet more-or-less.

Further recommends that this item be referred to the City Plan Commission for their consideration.

**Fiscal Note:** Not applicable at this time.

**Recommendation of the City Plan Commission on 2-25-09:** That recommendation of the Public Works and Services Committee on 2-10-09 is not in conflict with City plans and programs.

**Fiscal Note:** N/A

[09-3262](#)

**Subject:** (Direct Referral) Request from April Carey seeking a conditional use permit at 3131 Taylor Avenue to accommodate a daycare center. (Res.09-1274)

**Recommendation of the City Plan Commission on 2-25-09:** That this item be approved subject to staff recommendations.

**Fiscal Note:** N/A

[09-3263](#)

**Subject:** (Direct Referral) Request from Magdalena Andrade of La Terazza Restaurant seeking consideration of a conditional use permit at 522 Sixth Street for a dance hall and banquet facility. (Res.09-1275)

**Recommendation of City Plan Commission on 2-25-09:** That this item be approved with modifications to staff recommendations and the inclusion of a "Good Neighbor Policy Agreement" (as attached).

**Fiscal Note:** N/A

#### **Executive Committee Report, by Ald Spangenberg**

[09-3234](#)

**Subject:** (Direct Referral) Communication from the Mayor wishing to convene in closed session to discuss with with the Executive Committee, and to confer with legal counsel, concerning strategy with respect to litigation in which the City of Racine is or is likely to become involved.

**Recommended:** that the Item be Received and Filed.

**Fiscal Note:** N/A

[09-3235](#)

**Subject:** (Direct Referral) Communication from the Mayor wishing to convene in closed session to discuss with the Executive Committee employment data regarding employees of the City of Racine.

**Recommendation:** that the Item be Received and Filed.

**Fiscal Note:** N/A

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

[09-3268](#)

**Subject:** Communication from Mayor Friedel nominating appointments to the following committee for the City of Racine:

Access Corridor Development Review Committee:

Appoint Frank Smith, 1200 Hialeah Drive, (replacing Linda Messerschmidt) to fill an unexpired term ending May 1, 2011.

Appoint Kelly Jensen, 3047 Highway 41, (replacing Sally Neitzel) to fill an unexpired term ending May 1, 2011.

**G. Consent Agenda****Res.09-1261** Permission to install an awning over street right-of-way at 107 Fourth Street

Resolved, that the property owner of 107 Fourth Street be granted permission to install a stationary, projecting awning over street right-of-way, as requested, with the following stipulations:

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

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

C. That all building and electrical permits be secured through the Building Department and that all applicable fees be paid to the Building and Electrical departments.

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

Sponsors: Gregory Holding

**Res.09-1262** Permission to use City right-of-way on Saturday, March 14 for St. Patrick's Day Parade

Resolved, that permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 8th Street, on Saturday, March 14, 2009, for a St. Patrick's Day Parade, with the following stipulations:

A. A hold harmless agreement be executed;

B. Proof of liability insurance be filed prior to this event;

C. Any overtime costs incurred by any City department be charged to the sponsor;

D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;

E. The sponsor shall pay a \$700.00 special event fee.

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

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

Sponsors: Gregory Holding

**Res.09-1263** Award Official Notice #1 for Two Dump Truck with Snowplows and Tailgate Spreaders to Lakeside International Trucks

Resolved, that Official Notice #1 for Two (2) Dump Trucks with Snowplows and Tailgate Spreaders be awarded to Lakeside International Trucks, Janesville, WI, at their bid price of \$178,224.00 with trade-ins, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of these services be appropriated from Account 101.630.5780, Licensed Vehicles.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**Res.09-1264** Contract 2-09 (K9-002), 2009 Parking Ramp Repairs be awarded to SPS Infrastructure, Inc.

Resolved, that Contract 2-09 (K9-002), 2009 Parking Ramp Repairs, be awarded to SPS Infrastructure, Inc., St. Paul, MN, at their bid price of \$109,881.88, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 106.987.5120, Ramp Improvements.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**Res.09-1265** Enter into Professional Services Agreement with AECOM Technical Services for the GIS System to digitize the easement file onto GIS System

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services to digitize the City's easement file onto the GIS system on a time and material basis in the not-to-exceed amount of \$20,000.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 101.130.5830, Computer Software GIS Layers.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**Res.09-1266** Enter into Professional Services Agreement with AECOM Technical Services for the Casual User Interface Migration



Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services for the Casual User Interface Migration to .NET (Phase I Specifications), on an as-needed basis, in the not-to-exceed amount of \$8,000.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 101.130.5830, Computer Software GIS Layers.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**Res.09-1267** Work accepted and final payment authorized for Contract 17-08 (K8-018), 2008 CCTV Services and Manhole Inspections

Resolved, that the work done by Green Bay Pipe & TV, under Contract 17-08 (K8-018), 2008 CCTV Services and Manhole Inspections, be accepted and final payment authorized for a total contract amount of \$354,421.66.

Fiscal Note: Contract was authorized under Resolution No. 08-0732, dated April 2, 2008.

Sponsors: Gregory Holding

**Res.09-1268** Work accepted and final payment authorized for Contract 18-08 (K8-019), Storm Sewer Investigation

Resolved, that work done by Green Bay Pipe & TV, under Contract 18-08 (K8-019), Storm Sewer Investigation - CCTV and Manhole Inspection, be accepted and final payment authorized for a total contract amount of \$191,685.36.

Fiscal Note: Contract was authorized under Resolution No. 08-0733, dated April 2, 2008.

Sponsors: Gregory Holding

**Res.09-1269** Enter into Professional Services Agreement with AECOM Technical Services for 2009 Information Technology Consulting

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services for 2009 Information Technology Consulting, on an as-needed basis, in the not-to-exceed amount of \$15,000.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 101.130.5610, Professional Services.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.09-1270 Change Order No. 1 on Contract 46-08 (K8-054), Victorian Drive Stormwater Improvements

Resolved, that Change Order No. 1 on Contract 46-08 (K8-054), Victorian Drive Stormwater Drainage, G.B. Johnson Co., contractor, as submitted, be approved in the deduct amount of \$20,265.30.

Fiscal Note: Change Order No. 1 will result in a decrease in contract price.

Sponsors: Gregory Holding

Res.09-1271 Amendment No. 1 on Contract 14-09 (K9-014), Professional Services - Design of Parks Paving Project

Resolved, that Amendment No. 1 on Contract 14-09 (K9-014), Professional Services - Design of Parks Paving Project, Nielsen, Madsen & Barber, consultant, as submitted, be approved in the amount of \$12,440.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 101.130.5010, Salaries.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.09-1272

Preliminary - Ten (10) Year Benefits and Damages

RESOLVED, by the Common Council of the City of Racine, Wisconsin:

1. The Common Council hereby declares its intention to exercise its power under s. 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following street(s):

All property fronting upon both sides:

**PORTLAND CEMENT CONCRETE PAVING**

**St. Patrick Street** from Summit Avenue to dead end

2. Said public improvement shall consist of **PORTLAND CEMENT CONCRETE PAVING.**

3. The total amount assessed against such district shall not exceed the total cost of the improvements and the amount assessed against any parcel shall not be greater than the benefits accruing thereto from said improvements.

4. The assessments against any parcel may be paid in cash or in ten (10) annual installments.
5. The Commissioner of Public works is directed to prepare a report consisting of:
  - a. Preliminary or final plans and specifications for said improvement.
  - b. An estimate of the entire cost of the proposed work or improvement.
  - c. An estimate, as to each parcel of property within the assessment district, of:
    - (1) The assessment of benefits to be levied.
    - (2) The damages to be awarded for property taken or damaged.
    - (3) The net amount of such benefits over damages or the net amount of such damages over benefits.

Upon completing such report the Commissioner of Public Works is directed to file a copy thereof in the City Clerk's office for public inspection.

6. Upon receiving the report of the Commissioner of Public Works, the City Clerk is directed to give a Class 1 notice of a public hearing on such report as specified in s. 66.60 (7), Wisconsin Statutes.

The hearing shall be held at the Council Chambers in the City Hall at a time set by the Clerk in accordance with S. 66.0703 (7)(a), Wisconsin Statutes.

Sponsors: Gregory Holding

**Res.09-1273** Preliminary - Ten (10) Year  
Benefits and Damages

RESOLVED, by the Common Council of the City of Racine, Wisconsin:

1. The Common Council hereby declares its intention to exercise its power under s. 66.0627, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following street(s):

All property fronting upon:

**SIDEWALK**

**Chicory Road** - north side fronting Dr. Jones Elementary School

1. Said public improvement shall consist of **SIDEWALK CONSTRUCTION**.
2. The total amount assessed against such property shall not exceed the total cost of the improvements and the amount assessed against any parcel shall not be greater than the benefits accruing thereto from said improvements.
3. The assessments against any parcel may be paid in cash or in ten (10) annual installments.

4. The Commissioner of Public Works is directed to prepare a report consisting of:
  - a. Preliminary or final plans and specifications for said improvement.
  - b. An estimate of the entire cost of the proposed work or improvement.
  - c. An estimate, as to each parcel of property within the assessment district, of:
    - (1) The assessment of benefits to be levied.
    - (2) The damages to be awarded for property taken or damaged.
    - (3) The net amount of such benefits over damages or the net amount of such damages over benefits.

Upon completing such report the Commissioner of Public Works is directed to file a copy thereof in the City Clerk's office for public inspection.

1. Upon receiving the report of the Commissioner of Public Works, the City Clerk is directed to give a Class 1 notice of a public hearing on such report as specified in s. 66.60(7), Wisconsin Statutes.

The hearing shall be held before the Committee on Public Works and Services of the Racine Common Council in the City Hall at a time set by the Clerk in accordance with s. 66.60(7), Wisconsin Statutes.

**Sponsors:** Gregory Holding

**Res.09-1274** Conditional Use Permit for 3131 Taylor Avenue

Resolved, that a Conditional Use Permit for a Day Care Center at 3131 Taylor Avenue be approved subject to the following conditions:

- a. That the plans presented to the Plan Commission on February 25, 2009 be approved subject to the conditions contained herein.
- b. That all codes and ordinances be complied with and that all required permits be obtained.
- c. That the number of proposed children to be in attendance at the day care be provided to Staff for their records.
- d. That all staff members providing care be properly trained and licensed as required by the State of Wisconsin.
- e. That a parking plan be submitted showing all parking spaces within the boundaries of the property, all required handicapped parking spaces, and delineating the parking spaces allocated by the property owner to the day care center.
- f. That all grounds be maintained on a daily basis.
- g. That the hours of operation be from 5:00 a.m. through 7:00 p.m., Monday through Friday.

- h. That the loading and unloading of children shall not block any driveways or parking areas within the site, including access to any of the other buildings.
- i. Any proposed signage shall be submitted for review and approval prior to issuance of building permits.
- j. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- k. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.09-1275** Conditional Use Permit for 522 Sixth Street

Resolved, that the request seeking to amend the conditional use permit to establish a dance hall and banquet facility at 522 - 6th Street be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on February 25, 2009 be approved, subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the following shall be accomplished immediately by the applicant and/or owner:
  - 1. Repair or remove the awning along Sixth Street. If the awning fabric is to be changed, fabric samples shall be presented to the Director of City Development for review and approval prior to installation.
  - 2. The shed found at the Sixth Street frontage shall be removed from the property.
  - 3. The dumpster and any other trash receptacles shall be moved back to the approved location in the northwest corner of the parking lot.
- d. That the days and hours of operation of the facility shall be as follows:
  - 1. Dance hall: between the hours of 7:00 p.m. and 1:30 a.m. Friday through Sunday with no music to be played after 1:30 a.m.
  - 2. Banquet Facility: between the hours of 4:00 p.m. to 8:00 p.m. Monday through Sunday.
  - 3. Private bookings: daily between the late morning and early afternoon hours.
- e. That all activities permitted by this conditional use permit shall be confined to the indoor spaces as indicated on the floor plans.

- f. That prior to operation of the dance hall and banquet facility, a comprehensive security plan be provided containing information such as, but not limited to, who will provide services as well as indicating their training and experience, the security policies and enforcement measures to be implemented, times of day when security personnel will be on site, the locations on the property where monitoring and control activities will take place, who will provide insurance coverage and proof thereof. Said security plan shall be provided to the Director of City Development for review and approval, prior to the issuance of an occupancy permit and be retained in effect thereafter.
- g. That all music and associated vibration be contained within the building.
- h. That all codes and ordinances be complied with and required permits acquired.
- i. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- j. That this permit is subject to Plan Commission review for compliance with the listed conditions.
- k. If underground parking is allowed it must be by valet only.
- l. That the "Good Neighbor Policy Agreement" regarding this property is incorporated herein by reference and is enforceable as if reproduced in full in this permit.

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.09-1276** Permission to waive fees for Racine Branch NAACP ACT-SO Program competition and ceremony at Tyler-Domer Community Center

Resolved, that permission be granted for the Racine Branch NAACP to utilize the Tyler-Domer Community facility, waiving all fees, on April 25 and 26, 2009 for the local competition and recognition ceremony for the Racine NAACP ACT-SO Program.

Further resolved, that the organization clean up after the event.

Fiscal Note: The City will forgo \$152 cost for the use on April 26, 2009.

Sponsors: James T. Spangenberg

**Res.09-1277** Permission for Director of Parks to apply for a grant from Root Pike WIN

Resolved, that permission be granted for the Director of Parks Recreation and Cultural Services to apply for a \$9,890 grant from Root Pike WIN, City Grant Control No. 2009-007, to be utilized for increasing public access to the Root River.

Fiscal Note: No match required on the part of the City.

Sponsors: James T. Spangenberg

**Res.09-1278** Permission for Director of Parks to apply for a grant from Fiskars Garden & Outdoor Living - Project Orange Thumb

Resolved, that permission be granted for the Director of Parks Recreation and Cultural Services to apply for a \$2,300 grant from Fiskars Garden & Outdoor Living - Project Orange Thumb, City Grant Control No. 2009-008, to be utilized for a community gardening project.

Fiscal Note: No match required on the part of the City.

Sponsors: James T. Spangenberg

**Res.09-1279** Extension of Friends of Seniors lease at 201 Goold Street

Resolved, that Friends of Seniors, Inc. be allowed to extend their lease on the City's property at 201 Goold Street from June 1, 2009 to May 31, 2010 at an annual rate of \$20,000.

Further resolved, future contract extension negotiations beyond May 2010 may be considered upon building availability.

Fiscal Note: The City will forgo the 4.4% lease rate increase that other City tenants are paying, \$880 in this case.

Sponsors: James T. Spangenberg and Aron Wisneski

**Res.09-1280** Permission for Director of City Development to pursue energy saving program in collaboration with the Center of Wisconsin Strategy and enter into agreement

Whereas, The Center on Wisconsin Strategy of the University of Wisconsin - Madison has proposed a program for financing energy-saving home improvements for households that are not currently eligible for such assistance; and

Whereas, implementation of such a program has the potential to save households money by reducing their energy bills, to employ persons in the installation of improvements that that save energy, and to help the environment by reducing the amount of carbon-based fuels used; and

Whereas, the citizens of Racine can potentially benefit from such a program.

Resolved, that the Mayor and City Clerk are authorized to enter into an agreement with the Center on Wisconsin Strategy of the University of Wisconsin - Madison for the development of a demonstration program in the City of Racine.

Further resolved, that the City of Racine declares its willingness to establish a special assessment program for home-owners that desire to use the program

as a means to repay the cost of the improvements; and

Further resolved, that the City Attorney and Director of City Development are directed to prepare the materials needed to implement the demonstration program for consideration by the Common Council.

Fiscal Note: Expected costs and revenues will be provided and submitted when the detailed program description is submitted to the Council.

Sponsors: James T. Spangenberg

[Res.09-1281](#) Permission for Finance Director to request State of Wisconsin Dept. of Administration to distribute credits directly to the City on a continual basis

Resolved, that permission be granted for the Finance Director to request the State of Wisconsin Department of Administration distribute the school tax, lottery and gaming credits on a continual basis directly to the City in accordance with Wis. Stat. sec. 79.10(7m)(cm)(2007-08).

Fiscal Note: N/A

Sponsors: James T. Spangenberg

[Res.09-1282](#) Permission for Lakefront Artist Fair to rent Lakefront Parking Lot No. 5 on May 2, 2009

Resolved, that Lakefront Artist Fair be granted permission to lease Lakefront Parking Lot No. 5 on May 2, 2009, subject to payment of lease costs of \$1.50 per space for the parking lot in accordance with existing City policies, and subject to the execution of a hold harmless agreement with the City.

Fiscal Note: Rental will provide \$180 for the Parking System.

Sponsors: Raymond DeHahn

## H. Resolutions

[Res.09-1283](#) RESOLUTION SUPPORTING THE SOUTHEASTERN WISCONSIN REGIONAL TRANSIT AUTHORITY

WHEREAS, by enactment of section 59.58(6), Wisconsin Statutes, the Wisconsin State Legislature and the Governor created the Southeastern Wisconsin Regional Transit Authority ("RTA") to serve the counties of Kenosha, Racine and Milwaukee; and

WHEREAS, by its passage of Resolution 07-0313, the Common Council expressed its strong support for extension of commuter rail service from Kenosha to Racine and Milwaukee; and

WHEREAS, pursuant to section 59.58(6), Wisconsin Statutes, the RTA has submitted to the Governor and the Legislature a report that includes, among other things:



- A plan to improve the coordination of expanded mass transit;
- A proposal that specifically identifies a permanent regional funding source for the local portion of mass transit that is not covered by passenger fares;
- A recommendation that the RTA become a permanent body; and

WHEREAS, the KRM commuter rail extension will foster development in the Lincoln-King neighborhood, the State Street area, and Downtown Racine, and will improve access to jobs for the residents of Racine, and will connect the City of Racine to the economic growth in the Chicago-Milwaukee corridor; and

WHEREAS, the Common Council considers it essential that the Governor and the Legislature be aware of its views on this matter of great importance to the residents and taxpayers of the City of Racine.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council again expresses its strong support for development of mass transit in our region, including the KRM commuter rail extension; and

FURTHER RESOLVED, that the Common Council expresses its strong support for the RTA's recommendations to the Governor and Legislature; and

FURTHER RESOLVED, that the City Clerk is directed to send a copy of this resolution to Governor James Doyle and to all state elected representatives serving Racine County.

Fiscal Note: N/A

Sponsors: David L. Maack

## **I. Miscellaneous Business**

## **J. Adjourn**

Office of The City Clerk

If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 636-9171 at least 48 hours prior to this meeting.