



City of Racine

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

Meeting Minutes - Final Common Council

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

Tuesday, September 2, 2008

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

B. Pledge of Allegiance To The Flag

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

C. Approval of Journal of Council Proceedings (Minutes)

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

D. Public Comments

No one appeared.

E. Communications

Refer to Common Council

[08-2598](#)

Subject: Communication to discuss if the City of Racine should place a resolution on the November 4, 2008 ballot relating to the City of Racine being allowed to exceed the levy limits by a total of \$1,000,000 additional dollars for the sole purpose of hiring additional police officers.

Referred to Common Council

Refer to Finance and Personnel Committee, by Ald. Friedel

[08-2582](#)

Subject: Communication from the City Attorney requesting additional funding for 2008 in the amount of \$100,000 for the Professional Services Account, 101.160.5610.

Referred to Finance and Personnel Committee

[08-2584](#) **Subject:** communication from the City Attorney submitting the claim of Diamond Malone for consideration.

Referred to Finance and Personnel Committee

[08-2587](#) **Subject:** communication from the City Attorney submitting the claim of Lisa Leight for consideration.

Referred to Finance and Personnel Committee

[08-2590](#) **Subject:** Communication from the City Attorney submitting the claim of Jill Malvasio for consideration.

Referred to Finance and Personnel Committee

[08-2599](#) **Subject:** Communication from Mayor Becker asking that the Committee formulate a policy on how to treat taxation of the Racine Zoological Society acquisitions.

Referred to Finance and Personnel Committee

[08-2612](#) **Subject:** The Chief of Police requesting permission to enter into an agreement with PropertyRoom.com Inc. for the auction and disposition of unneeded property and evidence.

Referred to Finance and Personnel Committee

[08-2592](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer regarding a purchasing program as submitted by CNH Global.

Referred to the Finance and Personnel Committee

[08-2616](#) **Subject:** Communication from Mayor Becker wishing to discuss the issue of exceeding the number of authorized sworn positions, in the Police Department in anticipation of retirements in 2009.

Referred to the Finance and Personnel Committee

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

[08-2591](#) **Subject:** Communication from Commissioner of Public Works/City Engineer requesting permission to accept a financial incentive of up to \$100,000.00 for a Renewable Energy Project.

Referred to Public Works and Services Committee

[08-2597](#) **Subject:** communication requesting permission for HALO to stage an overnight "Homelessness Awareness Demonstration" and donation drive on the front lawn of City Hall on November 7-8, 2008.

Note: Police Dept., Fire Dept, and Health Dept. to be invited to the

meeting for the purpose of providing guidance to the Committee members.

Referred to Public Works and Services Committee

[08-2611](#)

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

Referred to Public Works and Services Committee

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

[08-2615](#)

Subject: (New) Application of Andrade Magdalena, for a Class "B" and "Class C" Wine license for 522 Sixth Street. (1st District)

Referred to the Public Safety and Licensing Committee

Refer to Traffic Commission, by Ald. Holding

[08-2564](#)

Subject: Communication from the Assistant Commissioner of Public Works/Engineering, on behalf of the Mayor, requesting the removal of parking restrictions on Albert, between Memorial and Blake.

Referred to Traffic Commission

[08-2595](#)

Subject: Communication from the Alderman of the 15th District requesting to meet with the appropriate committee to discuss off-road accidents at South and Main St. where moving a road sign, adding street lights and cutting tree limbs may improve the intersection.

Referred to Traffic Commission

[08-2614](#)

Subject: Communication from the Alderman of the 6th District on behalf of the residents at the intersection of Clarence, Columbia and Carmel Streets for additional traffic signs.

Referred to the Traffic Commission

Refer to Transit and Parking Commission, by Ald. DeHahn

[08-2593](#)

Subject: Communication from the Commissioner of Public Works/City Engineer submitting an Intergovernmental Cooperative Purchasing Agreement with Kenosha Transit.

Referred to the Transit and Parking Commission

Refer to City Plan Commission, by Ald. Holding

[08-2521](#)

Subject: (Direct Referral) Minor amendment to the conditional use permit for Regency Mall at 5538 Durand Avenue for temporary tenant

signage.

Fiscal Note: N/A

Referred to City Plan Commission

[08-2603](#)

Subject: Communication from Extendicare Health Services, Inc., offering to purchase City-owned land bounded by Newman Road, Spring Street, and North Green Bay Road.

Referred to City Plan Commission

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

[08-2594](#)

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

Referred to Board of Park, Recreation and Cultural Services

[08-2596](#)

Subject: Communication from the President of the Racine Raider Alumni Association wishing to discuss the details of a new structure at Horlick Athletic Field to house the Racine Pro, Semi-Pro Minor League Historical Museum.

Referred to Board of Park, Recreation and Cultural Services

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Friedel

[08-2492](#)

Subject: An offer to Quit-claim 1350 & 1354 State Street Properties to the City of Racine (Res.08-1000)

Recommendation of Redevelopment Authority on 8-06-08: That the Common Council, pursuant to sec. 66.1333 (5) (b) Wis. Stats., authorize and direct the Redevelopment Authority to acquire the properties at 1350 and 1354 State Street.

Further Recommends, that the Common Council provide funds in the amount of up to \$50,000.00 for closing costs, demolition of structures on the property, and one-year's costs of holding the property. The Authority recommends that Intergovernmental Revenue Sharing Funds be used for this purpose.

Further Recommends, that this request be referred to the Finance and Personnel Committee of the Common Council for review and approval.

Recommendation of the Finance & Personnel Committee on

8-27-08: That the Quit-claim for 1350 & 1354 State Street Properties to the City of Racine be approved pursuant to sec. 66.1333 (5) (b) Wis. Stats. and that the Intergovernmental Revenue Sharing Fund advance up to \$50,000.00 for closing costs, demolition of structures on the property and one-year's costs of holding the property.

Fiscal Note: The property is being donated to the City at no cost. Inter-governmental shared revenues will be required for the closing and demolition costs.

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

[08-2507](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to accept a \$1,000.00 donation from The Sustainable Racine Fund (Sustainable Neighborhood Partnership) within the Racine Community Foundation for a community garden.

Recommendation of the Finance & Personnel Committee on

8-27-08: Permission granted for the Director of Parks, Recreation & Cultural Services to accept a \$1,000 donation from The Sustainable Racine Fund (Sustainable Neighborhood Partnership) within the Racine Community Foundation for a community garden and that an appropriate letter of thanks be sent.

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

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

[08-2511](#)

Subject: Communication from the Grant Facilitator requesting permission to accept \$96,900 grant from the Wisconsin Office of Justice Assistance. (Res.08-0997)

Recommendation of the Finance & Personnel Committee on

8-27-08: The Mayor and City Clerk be authorized and directed to enter into a \$96,900 agreement with the Wisconsin Office of Justice Assistance (Grant Control No. 2008-023) to support initiatives provided by Racine Vocational Ministry, Safe Haven Gang Crime Diversion Task Force and Why Gangs.

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

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

[08-2538](#)

Subject: David Brown, Finance Director, requesting permission to

have Kathleen Fischer, Assistant Finance Director, Joy Hansche, Accountant, and himself as designated signers on all accounts associated with the Assets of Independence Demonstration Program (IDA). (Res.08-0999)

Recommendation of the Finance & Personnel Committee on

8-25-08: That David Brown, Finance Director, Kathleen Fischer, Assistant Finance Director, and Joy Hansche, Accountant, be appointed as designated signers on all accounts associated with the assets of the Independence Demonstration Program (IDA).

Fiscal Note: N/A

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

[08-2583](#)

Subject: (Direct Referral) Communication from the Fire Chief requesting a transfer of funds to cover the cost of roof repair plans, specifications and construction inspection at Station #7. (Res.08-0998)

Recommendation of the Finance & Personnel Committee on

8-27-08: That \$30,000 be transferred from Account 986.300.5040, Fire Station #1 - Female Locker Room to Account 986.300.5080, Fire Station #7 Roof Replacement to cover the cost of roof repair plans, specifications and construction inspection at Station #7.

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

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

Council Action

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Public Works and Services Committee Report, by Ald. Holding

[08-2493](#)

Subject: Communication from the Alderman of the 8th District requesting brighter lighting in the alley at 1516, 1520 and 1526 Carlisle Avenue.

Recommendation of the Public Works and Services Committee on 8-12-08: Defer

Recommendation of the Public Works and Services Committee on

8-26-08: The communication be received and filed.

Fiscal Note: Not applicable.

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

08-2504

Subject: Communication from the Downtown Racine Corporation requesting to close portions of Main Street and Sixth Street for the 6th Annual Party on the Pavement on Saturday, October 4, 2008, from 12:00 p.m. to 7:00 p.m. (Res. 08-0986)

Recommendation: Permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 7th Street and Sixth Street from Main Street to Grand Avenue, on Saturday, October 4, 2008, from 12:00 p.m. to 7:00 p.m., for the 6th annual "Party on the Pavement" event.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. Sponsor shall notify all abutting property occupants 72 hours in advance of the event;
- E. The sponsor shall be responsible for the signing of the necessary detours for the State Highway route; and
- F. The sponsor shall pay a special event fee of \$700.00.

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 incurred on a regular shift basis to provide limited assistance to implement this event.

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

08-2510

Subject: Request of Adams Outdoor Advertising to lease 1673-75 State Street from the City. (Res. 08-0987)

Recommendation of the Public Works and Services Committee on 8-26-08: That the Mayor and City Clerk be authorized and directed to enter into a lease agreement with Adams Outdoor Advertising for the placement of a billboard at 1673-75 State Street, with the following stipulations:

- A. Signs shall not extend over public right-of-way.
- B. Lessee shall maintain the display boards in excellent condition.
- C. Lessee shall remove any dated or seasonal advertising within one week after the advertised event.
- D. Lessee shall maintain landscaping in accordance with approved plans.

Fiscal Note: Not applicable.

Alderman Holding requested that item 08-2510 be considered separately.

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

AYES: 9 - Coe, Anderson, Shields, Maack, Shakoor, II, Friedel, Holding, Spangenberg and Hart

NOES: 6 - Kaplan, Weidner, McCarthy, DeHahn, Wisneski and Mozol

08-2567

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 24-01 (K1-024), Professional Services-Phase I Environmental Investigation for State Street Corridor - Area IV., K. Singh and Associates, Inc., consultant. (Res.08-0991)

Recommendation of the Public Works and Services Committee on 8-26-08: That the professional services provided by K. Singh and Associates, Inc. on Contract 24-01 (K1-024), Professional Services-Phase I Environmental Investigation for State Street Corridor - Area IV, be accepted and final payment authorized for a total contract amount of \$56,541.77, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution 3875, dated March 20, 2001.

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

08-2533

Subject: Communication from the Assistant Commissioner of Public Works/Engineering requesting to enter into an agreement for underground locating services. (Res.08-0994)

Recommendation of the Public Works and Services Committee on 8-26-08: That the Mayor and City Clerk be authorized and directed to enter into an agreement with Precise Underground Marking Corp., Milwaukee, WI, to mark underground street lighting and traffic signal infrastructure at a per ticket price of \$11.50 per locate with an hourly rate of \$6.25 per quarter hour for any locate that exceeds 60 minutes.

Further recommends that funding for these professional services are available in Account 101.590.5610, Professional Services.

Fiscal Note: Funds are available as herein delineated.

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

[08-2551](#)

Subject: Communication from the Commissioner of Public Works/City Engineer requesting authority to revise the project limits for the Lake Michigan Pathway as part of the CMAQ grant which was previously approved for the Pointe Blue Project. (Res. 08-0989)

Recommendation of the Public Works and Services Committee on 8-26-08: That the Commissioner of Public Works/City Engineer be authorized and directed to request from the Wisconsin Department of Transportation that the CMAQ grant for construction of a bicycle/pedestrian pathway on the Walker Site as part of the pathway project be substituted with construction of a bicycle/pedestrian pathway from DeKoven Avenue along the lake front to the southerly limits of the City of Racine at 24th Street and from Augusta Street to Melvin Avenue with linkage to the existing off street path which was constructed during Phase II of the Lake Michigan Pathway project.

Fiscal Note: The CMAQ grant was previously approved in the amount of \$1,278,750.00, with federal participation in the amount of \$1,023,000.00 and the local share in the amount of \$255,750.00. The alternate project, as described, will fall within these budget constraints.

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

[08-2569](#)

Subject: Communication from the Assistant Commissioner of Public Works/Operations submitting a PECFA reimbursement for underground storage tank remediation at 1420 State Street.

Recommendation of the Public Works and Services Committee on 8-26-08: That the communication be received and filed.

Fiscal Note: The check is in the amount of \$44,072.40.

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

08-2570

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 52-08 (K8-060), Festival Hall AC Replacement. (Res. 08-0990)

Recommendation of the Public Works and Services Committee on 8-26-08: That Contract 52-08 (K8-060), Festival Hall AC Replacement, be awarded to Grunau Co., Inc., Oak Creek, WI, at their bid price of \$34,954.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 108.988.5010, Festival Hall - Replace Rooftop A/C Condenser.

Fiscal Note: Funds are available as herein delineated.

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

08-2571

Subject: (Direct Referral) Communication from the Assistant Commissioner Public Works/ Engineering submitting Change Order No. 1 on Contract 16-08 (K8-017), 2008 Sidewalk Construction, Phase I, John's Concrete, Inc., contractor. (Res.08-0992)

Recommendation of the Public Works and Services Committee on 8-26-08: That Change Order No. 1 on Contract 16-08 (K8-017), 2008 Sidewalk Construction, Phase I, John's Concrete, Inc., contractor, be approved as submitted in the credit amount of \$34,936.97.

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

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

08-2573

Subject: (Direct Referral) Communication from the Commissioner of Public Works/ City Engineer submitting Amendment No. 1 to Contract 38-07 (K7-044), Stormwater Utility Professional Services, Earth Tech AECOM, consultant. (Res.08-0995)

Recommendation of the Public Works and Services Committee on 8-26-08: That Amendment No. 1 to Contract 38-07 (K7-044), Stormwater Utility Professional Services, Earth Tech AECOM, consultant, as submitted, be approved in the amount of \$19,000.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 104.000.5610, Professional Services.

Fiscal Note: Funds are available as herein delineated.

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

08-2574

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting Amendment No. 2 on Contract 11-08 (K8-012), PS - Database for Sanitary Sewer Maintenance Program, Earth Tech AECOM, consultant. (Res.08-0996)

Recommendation of the Public Works and Services Committee on 8-26-08: That Amendment No. 2 to Contract 11-08 (K8-012), Professional Services - Database for Sanitary Sewer Maintenance Program, Earth Tech AECOM, consultant, as submitted, be approved in the amount of \$19,500.00.

Further recommends that funding to defray the cost of these professional services be appropriated from the following accounts:

\$ 9,750.00 - Account 104.988.5420, Storm Sewers, Misc. Loc.

\$ 9,750.00 - Account 287.988.5310, Sanitary Sewer, Misc. Loc.

\$19,500.00 - Total

Fiscal Note: Funds are available as herein delineated.

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

08-2577

Subject: Direct Referral. Communication from the Fire Chief submitting a proposal for roof replacement at Fire Station No. 7. (Res. 08-0988)

Recommendation of the Public Works and Services Committee on 8-26-08: That the Mayor and City Clerk be authorized and directed to execute a contract with Industrial Roofing Services, Inc., Brookfield, WI, for professional engineering services for Roof Replacement at Fire Station No. 7, at a cost not to exceed \$14,000.00.

Further recommends that funds to defray the cost of these professional services are available in Account 986.300.5080, Fire Station 7 Roof.

Fiscal Note: Funds are available as herein delineated.

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

08-2578

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal from The Telephone Co., Inc. to conduct telephone auditing services. (Res.08-0993)

Recommendation of the Public Works and Services Committee on 8-26-08: That the Mayor and City Clerk be authorized and directed to enter into an agreement with The Telephone Company, Inc., for the provision of telephone auditing services.

Fiscal Note: The only cost to the City of Racine would be 50% of any overcharges refunded to the City and 50% of the first six months' billing reduction received by the City due to the audit.

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

Council Action

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Public Safety and Licensing Committee Report, by Ald. Shakoor

[08-2476](#)

Subject: (Direct Referral) The following renewal application for "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor Licenses for 2008-2009.

Wilbur Jones 501 High Street
(Vipers Lounge)

Recommendation of the Public Safety & Licensing Committee on 08-25-08: That the renewal application for "Class B" Fermented and Intoxicating Liquor for Vipers Lounge, 501 High Street, be referred to a due process hearing to consider non-renewal or suspension of the license.

Fiscal Note: The approximate cost is \$8,000.00.

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

[08-2490](#)

Subject: (New) Application of TTDH, Inc. (Better Day BP), Constantin Tousis, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2100 Douglas Avenue. (5th District)

Recommendation of the Public Safety & Licensing Committee on 08-11-08: That the item be deferred.

Recommendation of the Public Safety & Licensing Committee on 08-25-08: That the amended conditional use agreement and the application of TTDH, Inc. (Better Day BP), Constantin Tousis, Agent for

a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2100 Douglas Avenue be approved.

Fiscal Note: N/A

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

[08-2513](#)

Subject: (Direct Referral) Communication from Bravo Realty regarding a request for variance for 3502 Rapids Drive.

Recommendation of the Public Safety & Licensing Committee on 08-11-08: That the item be deferred until 8-25-2008 at the request of the representative for Bravo Realty.

Recommendation of the Public Safety & Licensing Committee on 08-25-08: That the request for a square footage variance for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3502 Rapids Drive be denied.

Fiscal Note: N/A

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

Council Action

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Traffic Commission Report, by Ald. Holding

[08-2501](#)

Subject: Communication from Barb Tylenda, Executive Director of Health Care Network, Inc., requesting to discuss parking restrictions in the 900 block of State Street.

Recommendation: Approve the request to change the limited term parking to 2 hour parking from 8:00 A.M. to 3:30 P.M. except Saturdays, Sundays, and holidays on the north side of State Street from La Salle Street to Marquette 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.

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

[08-2566](#)

Subject: Recommends that Schedule G of Section 94-143 be amended to create "Two-hour parking from 8:00 A.M. to 3:30 P.M.,

except Saturdays, Sundays and holidays."

Further recommends that this new section be amended to include "State Street, north side, from Marquette Street to Superior Street."

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

Council Action

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

City Plan Commission Report, by Ald. Holding

08-2404

Subject: (Direct Referral) Request by Xavier Hernandez seeking a conditional use permit to accommodate an auto body repair and painting facility at 1546 Layard Avenue. (Res.08-1001)

Recommendation of City Plan Commission on 7-09-08: That the item be deferred.

Recommendation of the City Plan Commission on 7-30-08: That the item be deferred.

Recommendation of the City Plan Commission on 8-13-08: That the conditional use permit be approved subject to conditions.

Fiscal Note: N/A

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

08-2408

Subject: (Direct Referral) Consideration of the re-designation of a Racine Landmark at 716 College Avenue; First Presbyterian Church. (ZOrd.0006-08)

Recommendation for the Landmark Preservation Committee on 7-7-08: That the property at 716 College Avenue be re-designated a landmark under criteria 58-61 (a) (3) and (4) of the Historic Properties Ordinance.

Further, that the re-designation be referred to the Plan Commission for a rezoning public hearing, and further review and recommendation.

Recommendation for the City Plan Commission 08-27-08: That the

recommendation of the Landmarks Commission be approved, an Ordinance be created, and a Public Hearing scheduled.

Fiscal Note: N/A

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

08-2409

Subject: (Direct Referral) Consideration of the re-designation of a Racine Landmark at 1001 Main Street; East Park and the Mary Todd/Abraham Lincoln Statue. (ZOrd.0007-08)

Recommendation for the Landmark Preservation Committee on 7-7-08: That the property at 1001 Main Street be re-designated a landmark under criteria 58-61 (a) (3) and (4) of the Historic Properties Ordinance.

Further, that the re-designation be referred to the Plan Commission for a rezoning public hearing , and further review and recommendation.

Recommendation of the City Plan Commission 08-27-08: That the recommendation of the Landmarks Commission be approved, an Ordinance be created, and a Public Hearing scheduled.

Fiscal Note: N/A

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

08-2410

Subject: (Direct Referral) Consideration of the re-designation of a Racine Landmark at 1135 Main Street; Eli Cooley/Wm. F. Kuehneman House. (ZOrd.0008-08)

Recommendation for Landmark Preservation Committee on 7-7-08: That the property at 1135 Main Street be re-designated a landmark under criteria 58-61 (a) (3) and (4) of the Historic Preservation Ordinance.

Further, that the re-designation be referred to Plan Commission for a rezoning public hearing, and further review and recommendation.

Recommendation of the City Plan Commission 08-27-08: That the recommendation of the Landmarks Commission be approved, an Ordinance be created, and a public hearing scheduled.

Fiscal Note: N/A

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

08-2411

Subject: (Direct Referral) Consideration of the re-designation of a Racine Landmark at 1611 College Ave.; Robert M. Boyd/Ellis Gaskell House. (ZOrd.0009-08)

Recommendation of the Landmark Preservation Committee on 7-7-08: That the property at 1611 College Avenue be re-designated a landmark under criteria 58-61 (a) (3) and (4) of the Historic Preservation Ordinance, and that the property be referred to as the Robert M. Boyd House.

Further, that the re-designation be referred to the Plan Commission for a rezoning public hearing, and further review and recommendation.

Recommendation of the City Plan Commission 08-27-08: That the recommendation of the Landmarks Commission be approved, an Ordinance be created, and a public hearing scheduled.

Fiscal Note: N/A

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

08-2576

Subject: (Direct Referral) Consideration of a request to rezone the properties at 1423 State Street from B-3 General Business District and I-2 General Industrial District to B-2 Community Shopping District. (ZOrd.0010-08)

Recommendation of the City Plan Commission 08-27-08: That an ordinance be prepared and a public hearing be scheduled.

Fiscal Note: N/A

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

Council Action

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

Water Works Committee Report, by Ald Hart08-2168

Subject: Presentation of the 2007 Audit from Clifton-Gunderson - Rene Messing invited to the meeting

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

Fiscal Note: N/A

This Communication was Referred to the Finance and Personnel Committee

Wastewater Commission Report, by Ald Hart

[08-2174](#)

Subject: Presentation of the 2007 Audit from Clifton-Gunderson - Rene Messing invited to the meeting

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

This Communication was Referred to the Finance and Personnel Committee

G. Consent Agenda

[Res.08-0986](#)

Party on the Pavement Event

Resolved, that permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 7th Street and Sixth Street from Main Street to Grand Avenue, on Saturday, October 4, 2008, from 12:00 p.m. to 7:00 p.m., for the 6th annual "Party on the Pavement" event.

Further resolved, that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. Sponsor shall notify all abutting property occupants 72 hours in advance of the event;
- E. The sponsor shall be responsible for the signing of the necessary detours for the State Highway route; and
- F. The sponsor shall pay a special event fee of \$700.00.

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 incurred on a regular shift basis

to provide limited assistance to implement this event.

Sponsors: Gregory Holding

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

Res.08-0988

Contract with Industrial Roofing Services, Inc., for roof replacement at Fire Station No. 7

Resolved, that the Mayor and City Clerk be authorized and directed to execute a contract with Industrial Roofing Services, Inc., Brookfield, WI, for professional engineering services for Roof Replacement at Fire Station No. 7, at a cost not to exceed \$14,000.00.

Further resolved, that funds to defray the cost of these professional services are available in Account 986.300.5080, Fire Station 7 Roof.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.08-0989

Permission for Commissioner of Public Works to revise CMAQ Grant project limits for Lake Michigan Pathway

Resolved, that the Commissioner of Public Works/City Engineer be authorized and directed to request from the Wisconsin Department of Transportation that the CMAQ grant for construction of a bicycle/pedestrian pathway on the Walker Site as part of the pathway project be substituted with construction of a bicycle/pedestrian pathway from DeKoven Avenue along the lake front to the southerly limits of the City of Racine at 24th Street and from Augusta Street to Melvin Avenue with linkage to the existing off street path which was constructed during Phase II of the Lake Michigan Pathway project.

Fiscal Note: The CMAQ grant was previously approved in the amount of \$1,278,750.00, with federal participation in the amount of \$1,023,000.00 and the local share in the amount of \$255,750.00. The alternate project, as described, will fall within these budget constraints.

Sponsors: Gregory Holding

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

Res.08-0990

Contract awarded to Grunau Co., Inc., for Festival Hall AC Replacement

Resolved, that Contract 52-08 (K8-060), Festival Hall AC Replacement, be awarded to Grunau Co., Inc., Oak Creek, WI, at their bid price of \$34,954.00, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 108.988.5010, Festival Hall - Replace Rooftop A/C Condenser.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.08-0991

Professional services be accepted and final payment authorized to K. Singh and Associates for Phase I Environmental Investigation for State Street Corridor - Area IV

Resolved, that the professional services provided by K. Singh and Associates, Inc. on Contract 24-01 (K1-024), Professional Services-Phase I Environmental Investigation for State Street Corridor - Area IV, be accepted and final payment authorized for a total contract amount of \$56,541.77, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Resolution 3875, dated March 20, 2001.

Sponsors: Gregory Holding

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

Res.08-0992

Change Order on 2008 Sidewalk Construction, Phase I Contract with John's Concrete, Inc.

Resolved, that Change Order No. 1 on Contract 16-08 (K8-017), 2008 Sidewalk Construction, Phase I, John's Concrete, Inc., contractor, be approved as submitted in the credit amount of \$34,936.97.

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

Sponsors: Gregory Holding

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

Res.08-0993

Agreement with Telephone Company, Inc., for telephone auditing services

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with The Telephone Company, Inc., for the provision of telephone auditing services.

Fiscal Note: The only cost to the City of Racine would be 50% of any overcharges refunded to the City and 50% of the first six months' billing

reduction received by the City due to the audit.

Sponsors: Gregory Holding

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

Res.08-0994

Agreement with Precise Underground Marking Corporation for underground locating services

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Precise Underground Marking Corp., Milwaukee, WI, to mark underground street lighting and traffic signal infrastructure at a per ticket price of \$11.50 per locate with an hourly rate of \$6.25 per quarter hour for any locate that exceeds 60 minutes.

Further resolved, that funding for these professional services are available in Account 101.590.5610, Professional Services.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.08-0995

Amendment to Contract with Earth Tech AECOM for Stormwater Utility Professional Services

Resolved, that Amendment No. 1 to Contract 38-07 (K7-044), Stormwater Utility Professional Services, Earth Tech AECOM, consultant, as submitted, be approved in the amount of \$19,000.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 104.000.5610, Professional Services.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.08-0996

Amendment on Contract with Earth Tech for Professional Services Database for Sanitary Sewer Maintenance Program

Resolved, that Amendment No. 2 to Contract 11-08 (K8-012), Professional Services - Database for Sanitary Sewer Maintenance Program, Earth Tech AECOM, consultant, as submitted, be approved in the amount of \$19,500.00.

Further resolved, that funding to defray the cost of these professional

services be appropriated from the following accounts:

\$ 9,750.00 - Account 104.988.5420, Storm Sewers, Misc. Loc.
\$ 9,750.00 - Account 287.988.5310, Sanitary Sewer, Misc. Loc.
\$19,500.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

Res.08-0997

Permission to accept Grant Award from Wisconsin Office of Justice Assistance

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a \$96,900 agreement with the Wisconsin Office of Justice Assistance (Grant Control No. 2008-023) to support initiatives provided by Racine Vocational Ministry, Safe Haven Gang Crime Diversion Task Force and Why Gangs.

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

Sponsors: Thomas Friedel

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

Res.08-0998

Transfer funds to cover roof repairs at Fire Station #7

Resolved, that \$30,000 be transferred from Account 986.300.5040, Fire Station #1 - Female Locker Room, to Account 986.300.5080, Fire Station #7 Roof Replacement, to cover the cost of roof repair plans, specifications and construction inspection at Station #7.

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

Sponsors: Thomas Friedel

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

Res.08-0999

Permission to have designated signers on all accounts with IDA Program

Resolved, that David Brown, Finance Director, Kathleen Fischer, Assistant Finance Director, and Joy Hansche, Accountant, be appointed as designated signers on all accounts associated with the assets of the Independence Demonstration Program (IDA).

Fiscal Note: N/A

Sponsors: Thomas Friedel

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

Res.08-1000

Quit-claim for 1350 & 1354 State Street properties be approved and authorize funds for closing and demolition costs

Resolved, that the Quit-claim for 1350 & 1354 State Street Properties to the City of Racine be approved pursuant to sec. 66.1333 (5) (b), Wis. Stats., and that the Intergovernmental Revenue Sharing Fund advance up to \$50,000.00 for closing costs, demolition of structures on the property and one-year's costs of holding the property.

Fiscal Note: The property is being donated to the City at no cost. Inter-governmental shared revenues will be required for the closing and demolition costs.

Sponsors: Thomas Friedel

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

Res.08-1001

Conditional Use Permit for 1546 Layard Avenue

Resolved, that a conditional use permit for an auto body repair and painting facility located at 1546 Layard Avenue be approved, subject to the following conditions.

- a. Approval of the use is subject to the site plan submitted and stamped August 20, 2008.
- b. That the hours of operation be limited to Monday through Saturday, 8:00 a.m. through 6:00 p.m.
- c. That no vehicle sales be conducted at this location.
- d. That all vehicles to be stored overnight be stored inside the building at 1546 Layard Ave.
- e. That all proposed signage design be reviewed and approved by the Director of City Development, that it comply with the zoning ordinance and building code, and be professionally installed.
- f. That all required permits for the paint booth, and any other interior or exterior building permits be obtained prior to occupancy of the building.
- g. That all activity and equipment of the business be conducted indoors and that there be no external storage of equipment or work activities done outside the building.
- h. That the building be repainted the blue/grey color prior to occupancy.
- i. That the dumpsters be screened with a minimum of 6' opaque fencing.

This allows for chain link with slats.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Council Action

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

AYES: 15 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

The Council took a brief recess at 7:50p.m.

H. RESOLUTION

Res.08-0987

Lease Agreement with Adams Outdoor Advertising for billboard at 1673-75 State Street

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a lease agreement with Adams Outdoor Advertising for the placement of a billboard at 1673-75 State Street, with the following stipulations:

- A. Signs shall not extend over public right-of-way.
- B. Lessee shall maintain the display boards in excellent condition.
- C. Lessee shall remove any dated or seasonal advertising within one week after the advertised event.
- D. Lessee shall maintain landscaping in accordance with approved plans.

Fiscal Note: Not applicable.

Sponsors: Gregory Holding

Alderman Maack requested that Resolution 08-0987 be considered separately.

The resolution failed by the following vote:

Ayes: Spangenberg, Anderson, Coe, Friedel, Hart, Holding and Maack

Noes: McCarthy, Mozol, Shakoor, Shields, Weidner, Wisneski, DeHahn and Kaplan

Alderman Shakoor made a motion to reconsider the resolution and it passed by the following vote:

Ayes: McCarthy, Mozol, Shakoor, Shields, Spangenberg, Anderson, Coe, DeHahn, Friedel, Hart, Holding and Maack

Noes: Weidner, Wisneski and Kaplan

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

AYES: 9 - Coe, Anderson, Shields, Maack, Shakoor, II, Friedel, Holding, Spangenberg and Hart

NOES: 6 - Kaplan, Weidner, McCarthy, DeHahn, Wisneski and Mozol

I. Ordinances

ZOrd.006-08

An Ordinance to rezone 716 College Avenue

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

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

Part 1:

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

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

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

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

Referred to City Plan Commission

ZOrd.007-08

An Ordinance to rezone 1001 Main Street

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

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

Part 1:

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

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

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

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

Referred to City Plan Commission

ZOrd.008-08

An Ordinance to rezone 1135 Main Street

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

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

Part 1:

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

"Lot 10 and the South 60 feet of Lot 7 of Block 28 of the School Section.

Said land being in the City of Racine, Racine County, Wisconsin"

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

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

Referred to City Plan Commission

[ZOrd.009-08](#)

An Ordinance to rezone 1611 College Avenue

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

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

Part 1:

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

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

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

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

Referred to City Plan Commission

ZOrd.010-08

An Ordinance to rezone 1423 State Street and 1402 Liberty Street

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

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

Part 1:

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

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

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

Part 2:

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

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Gregory Holding

Referred to City Plan Commission

J. Miscellaneous Business

K. Adjourn

The meeting was adjourned at 8:00p.m. by Alderman Shakoor. The next scheduled meeting of the Council is September 16, 2008.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK