



# 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*

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Tuesday, July 15, 2008

7:00 PM

Room 205, City Hall

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### 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 Ald. Maack.*

### D. Public Hearings

#### [ZOrd.0004-08](#)

An Ordinance to Rezone 1439 N. 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:

The property known as 1439 N. Main Street and more particularly described as follows:

"Excepting the east 21 feet 2 inches, Lot 16, Block 44, of the Original Plat of the City of Racine, as recorded in the office of the Racine County Register of Deed's Office Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "O" Restricted Office District, to "O with a FD Flex Development Overlay 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

*No one appeared.*

**His Honor, the Mayor, declared the public hearing closed**

**ZOrd.0005-08**

An Ordinance for Rezoning South Street and Mt. Pleasant 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 3026, 3100 3200 Mt. Pleasant Street & 2100, 2200, 2201, 2227, 2300 South Street and more particularly described as follows:

"3026 Mt. Pleasant Street; Block 1 Huck Industrial Park, as described on page 292-292A, volume 3568. 3100 Mt. Pleasant Street: Block 1 Huck Industrial Park part Lot 1 as described on pages 383-384, volume 2193 aka part Parcel 1 CSM No. 1094 recorded Volume 3, CSM pages 225-226 & excepting parts described Volume 3568 page 292. 3200 Mt. Pleasant Street; Block 1 Huck Industrial Park part Lot 1 as described on pages 886, Volume 1766 aka part Parcel 1 CSM No. 1094 recorded Volume 3, CSM pages 225-226. 2100 South Street; Block 1 Huck Industrial Park Lot 6, 2200 South Street; Block 1 Huck Industrial Park Lot 7, 2201 South Street; Block 1 Huck Industrial Park part Lot 2 CSM 1560 recorded April 16, 1992 Volume 4, pages 787-788. 2227 South Street; Block 1 Huck Industrial Park part Lot 1 & 2, CSM no. 1561 recorded April 16, 1992 Volume 4, CSM pages 789-790. 2300 South Street; Block 1 Huck Industrial Park part Lots 3 & 4, described as parcel 2, CSM No. 1056, recorded Volume 3, CSM pages 141-142, as recorded in the office of the Racine County Register of Deed's Office Said land being in the City of Racine, Racine County, Wisconsin"

be rezoned from "I-2" General Industrial District, to "I-2 with an I-P Industrial Park 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

*No one appeared.*

**His Honor, the Mayor, declared the public hearing closed**

**Ord.10-08**

Ordinance No. 10-08

To repeal and recreate Chapter 62, Article II of the Municipal Code of the City of Racine, Wisconsin, being an Article of the Municipal Code of the City of Racine relating to discrimination.

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

Part 1:

“ARTICLE II. DISCRIMINATION

Sec. 62-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accommodation* means and includes any room, apartment, house, building, or structure, any part of which is used for human habitation on a temporary or permanent basis.

*Aggrieved person* means a person who claims to have been injured by discrimination or believes that he or she will be injured by discrimination that is about to occur.

*Commission* means the Affirmative Action and Human Rights Commission.

*Commissioner* means a member of the Affirmative Action and Human Rights Commission.

*Complainant* means any person who files a complaint with the commission

pursuant to the provisions of this article.

*Department* means the City of Racine Fair Housing Department.

*Disability* means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. *Disability* does not include the current illegal use of a controlled substance, as defined in Wis. Stats. § 961.01 (4), or a controlled substance analog, as defined in Wis. Stats. § 961.01 (4m), unless the individual is participating in a supervised drug rehabilitation program.

*Discriminate, discrimination, and discriminating* refer to any type of act or refusal to act prohibited by this article, which is based to any degree on a consideration by the actor of the age, sex, race, color, veteran's status, disabled veteran's status, religion, disability, national origin, marital status, sexual orientation, familial status, or economic status of any other person.

*Economic status* means the lawful source of income of a person.

*Employer* means and includes every person, firm, corporation, state, county, town, city, village, school district, sewer district, drainage district, and other public or quasi-public corporations as well as any agent, manager, representative, or other person having control or custody of any employment, place of employment, or of any employee.

*Familial status* means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

- (1) A person is pregnant.
- (2) A person is in the process of securing sole or joint legal custody, periods of physical placement, or visitation rights of a minor child.
- (3) A person's household includes one or more minor or adult relatives.
- (4) A person's household includes one or more adults or minor children in his or her legal custody, physical placement, or with whom he or she has visitation rights.
- (5) A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship, or with the written permission of a parent or other person having legal custody of the adult or minor child.

*Hearing* means a hearing under the jurisdiction of the commission, except where otherwise indicated.

*Housing* means and includes any improved property, or any portion thereof,

including a mobile home, manufactured home, or condominium, that is used or occupied, or is intended, arranged, or designed to be used or occupied, as a home or residence. *Housing* includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure, or portion thereof that is used or occupied, or is intended, arranged, or designed to be used or occupied, as a home or residence.

*Interested person* means an adult relative or friend of a person protected under this ordinance, or an official or representative of a private agency, corporation, or association concerned with the welfare of a person protected under this ordinance.

*No probable cause complaint* means a complaint, the insufficiency of which is so manifest on a bare inspection of the complaint, that its character may be determined without argument or research.

*Owner* means and includes the lessee, sublessee, assignee, managing agent, or other person having the right of ownership or possession, or the right to sell, rent, or lease any housing in the city.

*Person* means and includes any individual, partnership, labor or other association, corporation, legal representative, receiver, trustee, trustee in bankruptcy, or other fiduciary, or the lessee, proprietor, manager, employee, or any other agent of any such person.

*Probable cause* means reasonable grounds to believe that a violation of this article, not exempted herein, may have occurred or may be occurring.

*Respondent* means any person who, according to the allegations contained in any complaint filed with the commission, has violated any discriminatory practice prohibited by this article and has been named in the complaint as a respondent.

*Veteran* means a person serving in the active or reserve Army, Navy, Marine Corps, Coast Guard, or Air Force, or National Guard or Air National Guard, or who so served and who was discharged or released therefrom under conditions other than dishonorable.

Sec. 62-27. Declaration of policy.

(a) It is hereby declared to be the public policy of the city to assure equal opportunities and fair housing to all citizens of the city, regardless of age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, sexual orientation, familial status, lawful source of income, or economic status, and to that end to prohibit discrimination based on these factors.

(b) Inasmuch as the prohibition of discriminatory practices is not sufficient to effectuate the principle of equal employment without affirmative and direct action, the city adopts this article designed to

increase the representation of under-represented groups in all departments, job classifications, and salary categories in city employment. The city, in developing the affirmative action plan, shall require an affirmative action plan from vendors, contractors, and firms with which it does business of \$10,000.00 or more per contract.

(c) The fair housing provisions of this article shall be deemed an extension of the exercise of the police powers of this state for the protection of the welfare, health, peace, dignity, and human rights of the people of the city.

Sec. 62-28. Affirmative action officer.

There is hereby created the position of affirmative action officer, who shall have responsibility and authority for the development and implementation of the city's affirmative action plan. The affirmative action officer shall have a background that demonstrates a commitment to the policy of this article. The affirmative action officer shall be appointed by the mayor subject to the confirmation of the common council, shall be under the supervision of the human resources manager, and shall be directly responsible to the mayor and common council. Prior to such appointment, the mayor shall seek recommendations as to the suitable candidates for this position from the affirmative action and human rights commission. The appointment of the affirmative action officer shall be made by the mayor within 90 days after receiving such recommendations from the affirmative action and human rights commission.

Sec. 62-29. Affirmative action and human rights commission.

(a) The mayor, subject to confirmation by the common council, shall appoint a commission on affirmative action and human rights consisting of nine members, two of whom shall be aldermen, and one of whom shall be an attorney. Members shall be city residents, shall be appointed from the entire city, and at no time shall the total of women and ethnic or racial minorities constitute less than a majority of the commission. Commissioners shall receive no compensation for their services. The affirmative action officer is an ex officio member of the commission.

(b) The members of the commission shall be appointed by the mayor, subject to confirmation of the common council. Vacancies shall be filled in the same manner. All appointments shall be made on the first Tuesday of May and shall be for a term of three years. The term of office shall begin on appointment, confirmation, and qualification of a successor. The aldermen members of the commission shall be members thereof only as long as they continue to hold office as aldermen. Every person appointed as a member of the commission shall take and file an official oath.

(c) Each year within 30 days after the time designated for the beginning of terms, the members of the commission shall organize by the election, from among their number, of a president and a secretary and such

other officers as they may deem necessary.

(d) Five members of the commission shall constitute a quorum on all matters requiring consideration by the entire commission.

Sec. 62-30. Affirmative action and human rights commission -- Powers and duties.

The commission shall have the following powers and duties:

(a) To annually review, approve and recommend the affirmative action goals and timetables as proposed by the affirmative action officer.

(b) To advise affected and/or other under-represented groups of their rights under the affirmative action plan.

(c) To disseminate information and to attempt by means of discussion as well as other proper means to educate the people of the city to a greater understanding, appreciation and practice of equal rights, and affirmative action to the end that the city will be a better place in which to live.

(d) To adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this article. Such rules and regulations shall be filed with the city clerk and a copy thereof mailed to each member of the common council.

(e) To develop and review the contract compliance requirements of the city and to develop a policy with respect to vendors and contractors.

(f) To make specific recommendations to the common council so as to bring all appropriate ordinances into conformity with the policies of this article, if necessary.

(g) The commission shall be an advisory body to the mayor and the common council and may study and investigate problems relating to discrimination and denial of rights by reason of age, sex, race, veteran's status, disabled veteran's status, creed, color, national origin, disability or disabilities, marital status, familial status, sexual orientation, or economic status, and shall make such recommendations to the mayor and common council as it deems necessary to eliminate problems of discrimination in the city. The commission shall receive and investigate complaints of and initiate its own investigations of any practice of discrimination against any person within the city because of age, sex, race, disabled veteran's status, creed, color, national origin, disability or disabilities, marital status, sexual orientation, familial status or economic status.

(h) To receive complaints alleging violation of this article arising from bona fide transactions and to attempt to eliminate or remedy any

violation by means of conciliation, education or other means. In those cases where the commission obtains compliance with this article or the commission finds that the complaint is without foundation, no public disclosure shall be made by the commission of the names of the persons named in the complaint, unless requested by the respondent.

(i) To compel the attendance of witnesses and the production of all papers and records by subpoena, when necessary, for the purpose of its hearings.

Sec. 62-31. Financing of commission.

The common council shall provide in the annual city budget for the amount that it deems necessary to carry on the activities of the commission for the ensuing year. The commission shall be subject to the published ordinances of the city and shall have no authority to expend funds other than those appropriated or approved by the common council. All funds received by the commission shall be paid into the general fund of the city. All expenditures made by the commission shall be made in the same manner as other municipal expenditures and in accordance with the laws of the state and this Code.

Sec. 62-32. Other commission personnel.

The commission may employ such staff as may be authorized by the common council. All personnel so authorized shall be recruited and employed under the personnel classification set up by the human resources manager with the approval of the mayor and common council. The commission shall have the right to recommend to the human resources manager individuals for filling the authorized staff positions.

Sec. 62-33. Affirmative action plan--Preparation and scope.

(a) Within 90 days of his appointment, the affirmative action officer in concert with the head of each department, board, commission, or committee shall develop a written affirmative action plan. The plan, to be updated annually, is to be developed pursuant to the federal guidelines, as amended from time to time, which are hereby incorporated by reference, and is to further reflect reasonable goals and timetables for achieving substantially increased employment of affected and/or other under-represented groups. In addition to the above guidelines, the plan should include, but not be limited to, the following employment and career development information concerning the department:

- (1) The available job slots.
- (2) Recruitment policies.
- (3) Selection and placement procedure.
- (4) Testing programs.



- (5) Training programs.
- (6) Promotion policies and procedures.
- (7) Transfer policies.
- (8) Compensation programs.
- (9) Available facilities.
- (10) Layoff and recall policies.
- (11) Procedure for disciplinary action.
- (12) Harassment-free work atmosphere for affected and/or other under-represented groups.

(b) In preparation of the affirmative action plan, the affirmative action officer shall have the full cooperation of the department head, board, commission, or committee and access to all department policies and procedures, administrative rules and regulations, personnel files, and other documents, or information relating to the employment, training, promotion, transfer, termination or discipline of personnel in the city employ. However, no records are to be used in any manner that would divulge the identity of the parties involved. Provided, further, that if the employee or applicant was assured by the city that any of the aforementioned documents were to be held in strict confidence, the permission of the applicant or employee shall be obtained prior to the release of these documents to the affirmative action officer.

Sec. 62-34. Same--Adoption.

(a) The affirmative action officer shall incorporate the goals and timetables of the individual departments into the city's affirmative action plan, which shall be submitted to the commission. This plan shall reflect the reasonable goals and timetables for achieving equal employment opportunities and requirements for affected and/or other under-represented groups at all levels and/or job classifications.

(b) Upon approval by the affirmative action commission, the plan shall be submitted to the mayor and common council for approval and adoption. Once adopted, the plan shall be distributed to all department heads, who shall adhere to the goals, timetables and procedures prescribed therein.

Sec. 62-35. Same--Implementation.

Implementation of the city's affirmative action plan shall include but not be limited to the following:

(a) Recruitment. Every effort shall be made to recruit applicants from under-utilized categories to provide employment lists of qualified candidates that will facilitate the implementation of departmental and affirmative action goals. The human resources manager, with the assistance of the affirmative action officer, shall expand the recruitment programs to include but not be limited to the following:

- (1) Inform members of the affected and/or other

under-represented groups of the affirmative action plan and seek their support in attracting applicants.

(2) Include information about the affirmative action plan on all job and contract announcements.

(3) Prepare a specific brochure summarizing the affirmative action plan and disseminate it throughout the community.

(4) Work with appropriate community resources to develop techniques, models and strategies that will maximize the recruitment of affected and/or other under-represented groups.

(b) Testing, selection and placement policies.

(1) The human resources manager, in conjunction with the affirmative action officer, shall review all testing, selection and placement policies of the city to determine that they are nondiscriminatory and free of cultural bias, and develop other evaluation methods that are task related and that are in accord with the guidelines promulgated by the Federal Equal Employment Opportunity Commission.

(2) The human resources manager, in conjunction with the affirmative action officer, shall develop procedures to establish viable career ladders or bridges between entry level, nonmanagement, and management positions for all city employees with specific emphasis on affected and/or other under-represented groups.

(c) Education and training programs. The affirmative action officer shall, with the cooperation of the human resources manager of the city, develop education and training programs designed to develop the job-related knowledge and skills essential to compensate for past education and opportunity deficiencies. These programs shall be designed to develop each employee's fullest potential and to upgrade the employee's position in the city employ. The affirmative action officer shall work with the affirmative action commission to develop and provide all employees with relevant training to increase their awareness in the areas of cultural perception and human relations.

(d) Analysis of job turnover. The affirmative action officer shall maintain statistics and institute research to identify the reasons for job turnover among all city employees which may have affirmative action ramifications.

Sec. 62-36. Accountability and reports.

(a) The affirmative action officer shall be responsible for the successful implementation and coordination of the affirmative action plan. In turn, each department head shall be accountable to the

affirmative action officer for the successful implementation of the affirmative action plan.

(b) The affirmative action officer shall at least quarterly file a written progress report with the affirmative action commission, the mayor and common council indicating the progress towards achieving the affirmative action goals. The report shall include but not be limited to the following:

(1) A summary of the affirmative action goals as well as any special projects tied to this plan.

(2) Totals of all persons hired, promoted, transferred, demoted, suspended, terminated, interviewed, and/or rejected, indicating affected and/or under-represented groups. Waivers of hiring priority and reasons therefor shall also be provided.

(3) A description of the recruitment and training programs instituted to achieve the objectives of the affirmative action plan.

(4) A summary of survival counseling and other supportive programs provided to resolve and prevent problems.

(5) A review of contract compliance status.

(6) A report listing the number of complaints, the category of discrimination and action taken in investigating complaints.

Sec. 62-37. Review of regulations.

This article is to be reviewed by the city attorney and the commission and reports filed with the common council six months from the date of the adoption of the affirmative action plan.

#### ARTICLE IIA. DISCRIMINATORY PRACTICES

Sec. 62-38. Discriminatory practices prohibited.

It shall be a prohibited discriminatory practice for any person:

(a) To refuse to furnish goods or services to any person when such refusal is based on a consideration of the age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, sexual orientation, familial status, lawful source of income, or economic status of the person refused.

(b) To hire or promote, discharge or make any other personnel transaction when such practice is based on a consideration of the age, sex, race, color, veteran's status, disabled veteran's status,

religion, disability or disabilities, national origin, marital status, sexual orientation, familial status, lawful source of income, or economic status of the person refused.

(c) To do or refuse to do any act which affects the purpose of any activity prohibited by this article.

Sec. 62-39. Complaints.

(a) Form and content. Any complaint charging a violation of any provision of Article IIA shall be in writing and shall be verified and signed by the complainant. Such complaints may be initiated by the aggrieved person as complainant or by an interested person, who shall mail or hand-deliver the complaint to the commission, or dictate it to a commissioner, who shall thereupon reduce the complaint to writing and the complainant shall execute and verify the complaint. The department is authorized and directed to accept complaints on behalf of the commission. All such complaints shall contain the following:

- (1) The name and address of the complainant, and the name and address of the aggrieved person if different from the complainant;
- (2) The name and address of the respondent or respondents;
- (3) A statement setting forth the particulars of the alleged violation or discriminatory practice; and
- (4) The date or dates of the alleged violation or discriminatory practice.

(b) Where filed. Complaints shall be filed with the commission by the complainant or his duly authorized agent and may be filed in person or by mail. Complaints received by department personnel for filing shall be considered properly filed.

(c) When filed. Complaints shall be filed no later than one year after the complainant knew or should reasonably have known the alleged act or acts occurred or terminated. The Commission, on the Commission's own initiative, may also file such a complaint. The Commission may also investigate housing practices to determine whether a complaint should be brought under this section.

(d) Notice to respondent. Upon the filing of a complaint, the commission shall serve a copy thereof, by certified mail with return receipt requested, upon the respondent within 20 days of such filing.

(e) Notice to aggrieved person. Upon the filing of a complaint, if the complainant is not the aggrieved person, the commission shall serve a copy thereof, by certified mail with return receipt requested, upon

the aggrieved person within 20 days of such filing.

(f) Amendment and withdrawal. A complaint may be amended or withdrawn by the complainant at any time with and subject to approval of the commission and under such terms as the commission shall direct. If the aggrieved person is not the complainant, the aggrieved person may seek to withdraw the complaint at any time with and subject to approval of the commission and under such terms as the commission shall direct.

Sec. 62-40. Enforcement procedures.

Except as set forth in Sec. 62-41, the commission shall use the following procedures in acting on complaints of discrimination under article IIA:

(a) The commission shall not accept any complaint filed more than one year after the alleged discrimination occurred or terminated. The commission shall not investigate any complaint unless it is in writing and verified by the complainant, and a copy of the complaint sent to the person or persons complained of, referred to in this article as "respondent," by certified mail.

(b) Reference to panel. If such verified complaint alleges facts sufficient to constitute a violation of the provisions of this article, the chairman of the commission shall designate a panel of three commissioners to make prompt investigation thereof.

(c) If the investigative panel, by affirmative vote of the three members thereof, determines after preliminary investigation that there is probable cause for believing the allegations of the complaint, the commission shall immediately endeavor to eliminate the alleged violation by conference, conciliation or persuasion. In case of failure to so eliminate the discrimination, the commission shall issue a written notice of hearing to all parties, specifying the nature of the discrimination which appears to have been committed, and requiring the respondent to answer the complaint in writing within ten days after receipt of the notice of hearing and to appear at the hearing on the appointed date. The notice shall specify a time of hearing not less than 30 days after service of the notice for hearing. The testimony at the hearing shall be recorded. The hearing shall be held before an adjudicating panel appointed by the chairman, composed of three commissioners, and shall be public. The hearing, at the direction of the chairman, may be held before the full commission. All testimony presented at a hearing shall be under oath and subject to cross examination by the respondent and/or the panel members. A respondent may be represented by counsel.

(d) If, after the hearing, the panel finds that the respondent has engaged in or is engaging in a discriminatory practice or violation of this article, it shall make and submit to the commission written findings of fact and conclusions thereon, and shall recommend such

action to be taken by the respondent and, where necessary, by the complainant as will effect the purposes of this article by eliminating the discriminatory practice of the violation. A copy of such findings, conclusions and recommended action, together with a summary of the findings of fact, shall be mailed to the last known address of the complainant and the respondent by certified mail.

(e) Appeals to commission of panel decision.

(1) If, within ten days following the certified mailing of the panel's decision, the commission does not receive notice of appeal, the findings, conclusions and orders of the panel shall become findings, conclusions and orders of the full commission.

(2) If, within ten days following the certified mailing of the panel's decision, the complainant or respondent serves notice of appeal, such appeal may be had to the full commission. Such appeal shall be on the panel's record. The commission shall have the power to affirm, reverse or modify the determination of the hearing panel.

(f) Transfer of proceedings. At any time after a finding of probable cause, the commission may transfer the proceedings from the three-member panel to the full commission.

(g) The commission shall monitor compliance with its conciliation agreements and orders in such manner as it shall determine appropriate.

(h) Whenever, in the judgment of the commission, judicial enforcement of the article is necessary, the commission shall, in writing, request the city attorney to enforce this article in the name of the city. Upon receipt of such request, the city attorney shall have the power to seek enforcement of this article in a court of competent jurisdiction.

(i) All orders of the commission shall be final administrative determinations and shall be subject to review as provided by law.

(j) An attorney from the city attorney's office shall attend hearings held under this subarticle to act in the capacity as legal advisor to the adjudicating panel or commission in all cases not involving a complaint against the city. This role shall be solely advisory in nature and no voting rights shall attach.

Sec. 62-41. Proceedings on complaints of discrimination filed against the city.

The commission shall use the following procedures in acting on complaints of discrimination filed against the city:

- (a) Upon receipt of a written, verified complaint naming the city as respondent, a copy of such complaint shall be served on the city attorney.
- (b) Reference to panel. If such verified complaint alleges facts sufficient to constitute a violation of the provisions of this article, the chairman of the commission shall designate a panel of three commissioners to make prompt investigation thereof.
- (c) If the investigative panel, by affirmative vote of the three members thereof, determines after preliminary investigation that there is probable cause to believe the allegations of the complaint, the commission shall immediately endeavor to eliminate the alleged violation by conference, conciliation or persuasion. In case of failure to so eliminate the discrimination, the commission shall report its findings and recommendations to the mayor or common council.
- (d) The mayor or common council shall further investigate the matter if needed, and shall approve or disapprove the recommendations of the commission, in whole or in part. The complainant shall be notified of such action.
- (e) No further action shall be taken on the complaint by the commission. A complainant may at any time pursue any other available legal or equitable remedies.

*No one appeared.*

**His Honor, the Mayor, declared the public hearing closed**

## **E. Public Comments**

*George Meyers  
Margaret Brockman  
Paula Boykin  
Jame Brockman  
Keith R. Deschler  
Robert Jarvinen  
Rosie Carothers*

## **F. Communications**

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

**08-2407**

**Subject:** Communication from the City Attorney requesting authorization to represent Racine police officer Joseph Spaulding in the matter of Clara Bridgeman v. City of Racine, et al, Case No. 08-CV-1599.

**Referred to Finance and Personnel Committee**

- [08-2414](#)      **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to accept a \$3,500.00 donation from the Racine Community Foundation for the G.E.D./H.S.E.D. program.  
**Referred to Finance and Personnel Committee**
- [08-2437](#)      **Subject:** Communication from the City Attorney submitting the claim of Rebeccah Jones for consideration.  
**Referred to Finance and Personnel Committee**
- [08-2438](#)      **Subject:** Communication from the City Attorney submitting the claim of Nicholas Chaussee for consideration.  
**Referred to Finance and Personnel Committee**
- [08-2439](#)      **Subject:** Communication from the City Attorney submitting the claim of Ida Hunter for consideration.  
**Referred to Finance and Personnel Committee**
- Refer to Public Works and Services Committee, by Ald. Holding**
- [08-2392](#)      **Subject:** Communication from Project New Life requesting to use city right-of-way on August 23, 2008 for it's 9th annual Back-2-School community event.  
**Referred to Public Works and Services Committee**
- [08-2415](#)      **Subject:** Communication from the Dorie Miller Post of the American Legion, 1234 Douglas Avenue, requesting a variance from the storm sewer requirements.  
**Referred to Public Works and Services Committee**
- [08-2422](#)      **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering submitting a request from the property owners for a preliminary resolution for paving Kings Circle from Oakwood Drive to the cul-de-sac with Bituminous Concrete Paving.  
**Referred to Public Works and Services Committee**
- [08-2440](#)      **Subject:** Communication from the Commissioner of Public Works/City Engineer regarding the Hazard Mitigation Grant Program.  
  
(Also refer to the Finance and Personnel Committee)  
**Referred to Public Works and Services Committee**  
  
**Referred to Finance and Personnel Committee**

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





August 4, 2008 to discuss the terms of the operating agreement between the City and the Society.

Referred to Committee of the Whole

## G. Committee Reports

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

#### 08-2238

**Subject:** Communication from the West Racine Business and Professional Association wishing to discuss the use of the Parks Department snow fencing for Western Days Celebration on July 19, 2008.

**Recommendation of the Board of Parks, Recreation & Cultural Services 6-11-08:** that the request be approved and further recommends that the item be referred to the Finance and Personnel Committee.

**Recommendation of the Finance & Personnel Committee on 07-07-08:** The item be received and filed.

**Fiscal Note:** N/A

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

#### 08-2329

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to accept a \$5,000.00 donation from the Racine Community Foundation for the Stay in School/Back to School program.

**Recommendation of the Finance & Personnel Committee on 07-07-08:** Permission granted for the Director of Parks, Recreation & Cultural Services Department accept a \$5,000 donation from the Racine Community Foundation to be utilized for the Stay in School/Back to School Program and a letter of thanks be sent.

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

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

#### 08-2337

**Subject:** Communication from the Commissioner of Public Works/City Engineer requesting funding for the purchase of salt for the 2008-2009 winter season. (Res.08-0937)

**Recommendation of the Finance & Personnel Committee on 07-07-08:** Permission granted for the FEMA snow emergency

declaration funds be utilized for the purchase of road salt. Further recommends that budgets for accounts 101.540.6870, Disaster Aid Reimbursement and 101.540.5250, Work Supplies be increased by \$109,588.46.

**Fiscal Note:** The City anticipates receiving a total of \$109,588.46 from FEMA which will be utilized for the purchase of road salt.

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

[08-2343](#)

**Subject:** Communication from the Municipal Court Judge requesting authorization and funding in an amount no greater than \$10,000 for the purchase and installation of a recording system for proceedings held in municipal court. (Res. 08-0939)

**Recommendation of the Finance & Personnel Committee on 07-07-08:** Permission granted for the Municipal Court Judge and the Purchasing Agent to purchase recording equipment in an amount up to \$10,000, and if need be, contingent funds be transferred to the Municipal Court Special Revenue fund at the end of the year to cover the amount of the purchase of the recording system.

**Fiscal Note:** Sufficient funds are available for the transfer if need be.

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

[08-2349](#)

**Subject:** Communication from the Public Health Administrator requesting permission to accept additional grant funding from the State of Wisconsin Department of Natural Resources for the Wisconsin Beach Monitoring Program. (Res.08-0934)

**Recommendation of the Finance & Personnel Committee on 07-07-08:** The Mayor and City Clerk be authorized and directed to enter into an amended contract with the State of Wisconsin Department of Natural Resources (Grant Control No. 2008-019).

**Fiscal Note:** The contract has an increased amount of \$5,000 to be utilized for the Wisconsin Beach Monitoring Program with no match required on the part of the City.

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

[08-2350](#)

**Subject:** Communication from the Public Health Administrator requesting permission to accept grant funds from the United Way of Racine for the Home Visitor position for Family Smart/Kid Friendly. (Res. 08-0935)

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

**07-07-08:** The Mayor and City Clerk be authorized and directed to enter into a \$61,242 agreement with the United Way of Racine County, Inc. (Grant Control No. 2008-022) to be utilized for the Family Smart/Kid Friendly-East Home Visitor position.

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

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

**08-2360**

**Subject:** Communication from the Chief of Police, requesting to discuss the waiver of formal bidding for sole-source procurement of ten X3C AutoCite units. (Res. 08-0938)

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

**07-07-08:** Formal bidding procedures be waived and the Purchasing Agent be authorized and directed to negotiate with Duncan Solutions for the purchase of ten (10) X3C AutoCite units to be utilized for parking enforcement.

**Recommendation of the Public Safety & Licensing Committee on**

**07-07-08:** That formal bidding procedures be waived and the Purchasing Agent be authorized to negotiate with Duncan Solutions for the purchase of ten (10) X3C AutoCite units.

**Fiscal Note:** There is sufficient funds available in account 101.311.5840, Autocites.

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

**08-2361**

**Subject:** (Direct Referral) Ord.10-08 of 05-27-08 to repeal and recreate Chapter 62, Article II of the Municipal Code of the City of Racine, Wisconsin relating to discrimination.

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

**07-07-08:** Ordinance 10-08 be adopted.

**Fiscal Note:** N/A

**This Communication was Referred to the Affirmative Action and Human Rights Commission**

**08-2362**

**Subject:** Communication from the Public Health Administrator requesting permission to accept grant funds in the amount of \$29,563 from Wisconsin Coastal Management. (Grant Control #2007-052). (Res. 08-0936)

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

**07-07-08:** The Mayor and City Clerk by authorized and directed to enter into a \$29,563 agreement with the 2008 - 2009 Wisconsin Coastal Management Program Grant (Grant Control No. 2007-52)

**Fiscal Note:** A \$29,670 soft match required on the part of the City.

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

**08-2378**

**Subject:** Communication from Aldermen of the sixth and eighth District requesting that interest and penalties be waived by the City and/or County for the last installment of 2007 real estate property taxes for property owners in flood damaged areas through the end of October 2008.

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

**07-07-08:** The Finance Director be authorized and directed to see if parcels located in the flood damaged area could be eligible for interest and penalties to be waived for the last installment of 2007 real estate property taxes. Further recommends that the Finance Director contact the appropriate individuals with the County and begin the process if possible.

**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 Ald. 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, Shakoore, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

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

**08-1822**

**Subject:** Communication from Mayor Becker wishing to discuss returning Marquette Street and ML King Drive back to two-way streets.

**Recommendation of the Traffic Commission (03-17-08):** Defer

**Recommendation of the Traffic Commission (05-19-08):** Defer

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

**(05-27-08):** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Ayres Associates, Waukesha, WI, for a full traffic impact analysis to examine the feasibility of converting Marquette Street and Dr. ML King, Jr. Drive from one-way to two-way traffic for the lump sum of \$19,000.00.

**Further recommend that since this item was not included in the 2008 budget, that it be referred to the Finance and Personnel Committee for appropriate funding.**

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

**Recommendation of the Traffic Commission (06-30-08):** The traffic study be approved.

**Fiscal Note:** This study was approved by the Public Works and Services Committee and referred to the Finance and Personnel Committee for funding.

**This Communication was Referred to the Finance and Personnel Committee.**

**08-1978**

**Subject:** Communication from Jeffrey L. Oakes requesting to vacate the north-south alley behind 3457 Douglas Avenue in exchange for the demolition of the dwelling at 3449 Douglas Avenue. (Res. 08-0923)

**Recommendation of the Public Works and Services Committee on 7-8-08:** That since public interest requires it, the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

The north-south alley which abuts 1551 North Street and which lies north of the east-west alley, all of which is bounded by Douglas Avenue, North Street, 10th Avenue and Short Street.

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

**Fiscal Note:** Not applicable.

*Alderman Holding asked that Item 08-1978 be considered separately and that a Public Hearing be scheduled.*

**This Communication was Referred to the City Plan Commission to schedule a Public Hearing.**

**08-2095**

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 37-07 (K7-043), Railing Replacement at Safety Building and Memorial Hall, Bane-Nelson, Inc., contractor. (Res. 08-0930)

**Recommendation of the Public Works and Services Committee on 7-8-08:** That the work of Bane-Nelson, Inc. under Contract 37-07 (K7-043), Railing Replacement at Safety Building and Memorial Hall, be accepted and final payment authorized for a total contract amount of \$92,000.00, from funds heretofore appropriated.

**Fiscal Note:** This contract was approved by Resolution 07-0265, dated June 19, 2007.

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

08-2194

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 32-06 (K6-033), Professional Services - Railing Replacement at Memorial Hall and Safety Building, Arnold & O'Sheridan, Inc., consultant. (Res. 08-0929)

**Recommendation of the Public Works and Services Committee on 7-8-08:** That the professional services provided by Arnold & O'Sheridan, Inc. under Contract 32-06 (K6-033), Professional Services - Railing Replacement at Memorial Hall and Safety Building, be accepted and final payment authorized for a total contract amount of \$9,400.00, from funds heretofore appropriated.

**Fiscal Note:** This contract was approved by Resolution 06-7359, dated December 19, 2006.

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

08-2334

**Subject:** Communication from the Pentecost Lutheran Church requesting permission to close Jerome Boulevard, between Coolidge Avenue and Case Avenue, on Saturday, August 16, 2008, from 7 a.m. until 9 p.m., for their 7th Annual Neighborhood Block Party. (Res. 08-0921)

**Recommendation of the Public Works and Services Committee on 7-8-08:** That the Pentecost Lutheran Church be granted permission to close Jerome Boulevard, between Coolidge Avenue and Case Avenue, for an event on Saturday, August 16, 2008, from 7:00 a.m. to 9:00 p.m., in accordance with their request.

Further recommends that permission be granted with the following stipulations:

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

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

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

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

08-2375

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting sanitary sewer easements for Graceland Boulevard and Kentucky Street. (Res. 08-0931)

**Recommendation of the Public Works and Services Committee on 7-8-08:** That the City Attorney take the necessary steps to enter into easement agreements for a 15' wide sewer easement on Lots 1, 2, 3, 4, 5 and 6 of Block 8, Manree Park No. 2, a recorded plat in the City of Racine.

**Fiscal Note:** Not applicable.

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

08-2380

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 40-08 (K8-048), 2008 Sidewalk Replacement, Phase II (R1). (Res. 08-0924)

**Recommendation of the Public Works and Services Committee on 7-8-08:** That Contract 40-08 (K8-048), 2008 Sidewalk Replacement, Phase II (R1), be awarded to A. W. Oakes & Son, Inc., Racine, WI, at their bid price of \$448,000.00, they being the second lowest responsible bidder.

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

\$444,127.50 - Account 906.000.5520, Sidewalk Replacement  
\$ 3,312.50 - Account 988.908.5220, Replacement Curb and Gutter  
\$ 560.00 - Account 988.600.5530, Crosswalk Ramps  
\$448,000.00 - 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.**



08-2381

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 42-08 (K8-050), Roof Replacement at Library, Solid Waste and Incinerator Buildings (R1). (Res. 08-0925)

**Recommendation of the Public Works and Services Committee on 7-8-08:** That Contract 42-08 (K8-050), Roof Replacement at Library, Solid Waste and Incinerator Buildings (R1), be awarded to Walsdorf Roofing Co., Inc., Kiel, WI, at their bid price of \$191,800.00, they being the lowest responsible bidder.

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

\$ 65,000.00 - Account 255.000.5760, Library Replace Roof  
\$ 27,900.00 - Account 988.340.5010, Electrical Storage Roof  
\$ 98,900.00 - Account 988.410.5010, SW Roof Replacement  
\$191,800.00 - 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.**

08-2382

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 44-08 (K8-048), 2008 Sanitary Sewer Relays (R1). (Res. 08-0926)

**Recommendation of the Public Works and Services Committee on 7-8-08:** That Contract 44-08 (K8-048), 2008 Sanitary Sewer Relays (R1), be awarded to A. W. Oakes & Son, Inc., Racine, WI, at their bid price of \$496,958.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the Racine Wastewater Utility.

**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.**

08-2383

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 45-08 (K8-053), Memorial Hall Exterior Renovation. (Res. 08-0927)

**Recommendation of the Public Works and Services Committee on 7-8-08:** That Contract 45-08 (K8-053), Memorial Hall Exterior Renovation, be awarded to Building Restoration & Preservation Corporation, Racine, WI, at their base bid price of \$41,400.00, they

being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 108.988.5510, Memorial Hall Tuckpointing.

**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.**

08-2384

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 46-08 (K8-054), 2008 Victorian Drive Stormwater Drainage. (Res. 08-0928)

**Recommendation of the Public Works and Services Committee on 7-8-08:** That Contract 46-08 (K8-054), 2008 Victorian Drive Stormwater Drainage, be awarded to G.B. Johnson Co., Inc., Burlington, WI, at their bid price of \$169,059.20, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 104.988.5420, Storm Sewers, Miscellaneous Locations.

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

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

08-2394

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 2, Contract 01-08 (K8-001), 2008 Sewer Asset Management Services. (Res. 08-0932)

**Recommendation of the Public Works and Services Committee on 7-8-08:** That Amendment No. 2 on Contract 01-08 (K8-001), 2008 Sewer Asset Management Services, Earth Tech, consultant, as submitted, be approved in the not-to-exceed amount of \$4,200.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 990.630.5610, DPW Flood Professional Services.

**Fiscal Note:** These funds may be reimbursable expenses due to the recent flooding.

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

08-2416

**Subject:** Communication from the Commissioner of Public Works/City Engineer requesting to submit a grant application for Phase II of the City Hall Annex Photovoltaic Generating System. (Res. 08-0933)

**Recommendation of the Public Works and Services Committee on 7-8-08:** That the Commissioner of Public Works/City Engineer be authorized and directed to submit grant applications to WE Energies and Focus on Energy for Phase II of the Photovoltaic Power Generating System located at the City Hall Annex.

Further recommend that the City of Racine's Grant Administrator seek additional grant funding so that the return on the investment is 12 years or less on this project.

**Fiscal Note:** The project is estimated at \$350,000.00. Grants from WE Energies and Focus on Energy will total \$130,000.00, leaving a potential local cost of \$220,000.00. Savings from the generation of electrical power is estimated at \$10,600.00 per year which will result in a 22 year payback period which is essentially the current estimated life of the solar panels. If the Grant Administrator is unsuccessful in securing additional grant funding to achieve a 12 year or less payback period, the project will not move forward.

**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**08-1603

**Subject:** Request of the Committee for the appearance of Rosie's, Rosie H. Carothers, Agent, for 1333 Douglas Avenue for incidents that appeared on the November - December 2007 Licensed Premise Report.

**Recommendation of the Public Safety & Licensing Committee on 01-21-08:** That the matter of Rosie's Bar located at 1333 Douglas Avenue, be referred to a due process hearing to determine whether the license should be revoked or suspended.

**IN THE MATTER OF:**

**Hearing on the License of Rose H. Carothers for "Class B" Intoxicating Liquors and Fermented Malt Beverages License for 1333 Douglas**

Avenue, Racine, Wisconsin.

**Recommendation of the Public Safety & Licensing Committee Due Process Hearing Recommendation on 7-7-08:**

That the "Class B" intoxicating liquors and fermented malt beverage license for Rosie H. Carothers, doing business as Rosie's Bar at 1333 Douglas Avenue, Racine, Wisconsin, be revoked.

Fiscal Note: The approximate cost is \$8,000.

*Alderman Shakoor asked that item 08-1603 be considered separately.*

*Alderman Shakoor made a motion to amend this item from the revocation of the license to a ninety (90) day suspension with conditions.*

*The motion FAILED by the following vote:*

*Ayes: Shakoor, Shields, Coe, DeHahn, Hart*

*Noes: Holding, Kaplan, Maack, McCarthy, Mozol, Spangenberg, Weidner, Wisneski, Anderson, Friedel*

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

**AYES:** 13 - Coe, Anderson, Kaplan, Maack, Weidner, McCarthy, DeHahn, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

**NOES:** 2 - Shields and Shakoor, II

**08-2363**

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services to request permission that formal bidding procedures be waived and to allow the Purchasing Agent to negotiate with H K Sports Fields for the renovation of Horlick Athletic Field and Douglas Park baseball fields. (Res. 08-0942)

**Recommendation of the Public Safety & Licensing Committee on 07-07-08:** That formal bidding procedures be waived and to allow the Purchasing Agent to negotiate with H K Sports Fields for the renovation of Horlick Athletic Field and Douglas Park baseball fields.

**Fiscal Note:** Funds are available in accounts 987.710.507 Horlick Improvements and 988.710.501 Renovate Douglas Ball Diamond.

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

**08-2365**

**Subject:** (Direct Referral) Application of Port of Call Liquors, Chandresh Patel, Agent, for a Change of Agent for a "Class A" license for 918 West Blvd.

**Recommendation of the Public Safety & Licensing Committee on**

**07-07-08:** That the application of Port of Call Liquors, Chandresh Patel, Agent, for a Change of Agent for a "Class A" license for 918 West Blvd be approved.

**Fiscal Note:** N/A

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

[08-2367](#)

**Subject:** (New) Application of Joey's on Lathrop, LLC, Joey LeGath, Agent for "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2054 Lathrop Avenue. (11th District)

**Recommendation of the Public Safety & Licensing Committee on**

**07-07-08:** That the application of Joey's on Lathrop, LLC, Joey LeGath, Agent for "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2054 Lathrop Avenue be approved.

**Fiscal Note:** N/A

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

[08-2385](#)

**Subject: (Direct Referral)** Final payment for engineering services for an HVAC study of Wustum Museum by Southport Consulting. (Res. 08-0943)

**Recommendation of the Public Safety & Licensing Committee on**

**07-07-08:** That final payment for engineering services for an HVAC study of Wustum Museum by Southport Consulting be approved.

**Fiscal Note:** Funds are available in account 655.988.501 Wustum HVAC System Replacement.

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

[08-2386](#)

**Subject:** Request of the Committee for the appearance of Phesal Ckadan, Agent for Twins Food Mart, 1812 Sixteenth Street, due to sales to minor (alcohol) at your establishment on 04/02/2008 and the renewal application for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2008-2009.

**Recommendation of the Public Safety & Licensing Committee on**

**07-07-08:** That the renewal application for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2008-2009 be approved.

**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**

**08-1846**

**Subject:** Communication from the Alderman of the 15th District wishing to discuss upgrading warning lights, for fire trucks, at certain intersections.

**Recommendation (4-28-08):** Defer

**Recommendation (5-19-08):** Defer

**Recommendation (6-30-08):** Receive and file.

**Fiscal Note:** N/A

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

**08-2020**

**Subject:** Communication from the Commissioner of Public Works/City Engineer requesting that the No Parking restriction on Wright Boulevard between Ohio Street and Perry Avenue be removed.

**Recommendation: That the item be referred to the Traffic Commission.**

**Fiscal Note:** Not applicable.

**Recommendation of the Traffic Commission (06-30-08):** The request to remove No Parking at Any Time on Wright Avenue, north side, from Ohio Street to Perry Avenue be granted.

**Fiscal Note:** There is a nominal cost to remove these signs.

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

**08-2145**

**Subject:** Communication from the Alderman of the 9th District wishing to discuss traffic control on Osborne.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

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

[08-2146](#)

**Subject:** Communication from the Alderman of the 9th District wishing to discuss a 4-way stop at the corner of Jefferson and W. High St.

**Recommendation:** Receive and file.

**Fiscal Note:** N/A

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

[08-2316](#)

**Subject:** (Direct Referral) Communication from JoAnne Nissen, Chairperson for the Starving Artists Outdoor Fair, requesting the use of "Temporary No Parking" signs to be used on the east side of S. Main Street, between 10th St. and 11th St. with restriction for the hours of 9:00 A.M. - 4:00 P.M. for Sunday, August 3, 2008; also requesting the "No Parking at Any Time" restrictions on 10th St. and 11th St. east of S. Main Street be waived for daylight hours prior to 9:00 A.M. and for a period not to exceed one (1) hour from 4:00 P.M. - 5:00 P.M. on Sunday, August 3, 2008. (Res. 08-0944)

**Recommendation:** The request to use Temporary No Parking signs on the east side of S. Main Street between 10th and 11th Streets on August 3, 2008 between 9:00 A.M. and 4:00 P.M. be granted.

Further recommends that the request to waive the "No Parking Any Time" restriction on 10th and 11th Streets before 9:00 A.M. and from 4:00 P.M. to 5:00 P.M. on August 3, 2008, in connection with the Starving Artists Outdoor Art Fair, be granted.

**Fiscal Note:** N/A

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

[08-2393](#)

**Subject:** In accordance with Section 2-95 of the Municipal Code of the general ordinances of the City of Racine, recommends that the following requests for changes in traffic code be granted:

**A. Recommends that Section 94-141 (1) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking at any time" be amended:**

**By Deleting:**

**1. Wright Avenue, north side, from Ohio Street to Perry Avenue.**

**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**

**07-0255**

**Subject:** Request of SkyLink Networks, Inc. to discuss placing a cellular tower at Lockwood Park.

**Recommendation of the Board of Parks, Recreation & Cultural Services 3-14-07:** that the request be deferred.

**Recommendation of the Board of Parks, Recreation & Cultural Services 5-9-07:** that the request be deferred.

**Recommendation of the Board of Parks, Recreation & Cultural Services 8-8-07:** that staff work with the City Plan Commission and other City offices to move forward with Skylinks/T-Mobile to negotiate the plan to have a cell tower at Lockwood Park to include the following conditions: easement arrangement, public input from neighbors and suitable compensation to the City.

**Fiscal Note:** To be determined

**Recommendation of City Development on 7-09-08:** That the item be received and filed.

**Fiscal Note:** N/A

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

**08-2203**

**Subject:** (Direct Referral) Review of a request for a conditional use permit to allow the partial conversion of first floor commercial space into residential space at 1639 Douglas Avenue. (Res. 08-0946)

**Recommendation of Access Corridor on 5-22-08:** To recommend to the Plan Commission that the partial conversion of first floor commercial space into residential space at 1639 Douglas Avenue is found to be an acceptable use, subject to the repair and retention of the store front façade, and submittal of detailed scalable plans consistent with the plans presented to the Access Corridor Development Review Committee on May 22, 2008



**Recommendation of City Development on 7-09-08:** That the conditional use permit be approved, subject to conditions.

**Fiscal Note:** N/A

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

[08-2345](#)

**Subject:** (Direct Referral) Request for a conditional use permit at 1439 N. Main Street for a candy and ice cream shop. (Res.08-0949)

**Recommendation of City Plan Commission on 6-25-08:** 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.**

[08-2398](#)

**Subject:** (Direct Referral) Ord.11-08 is to amend Secs. 114-1(b) and 114-273 of the Municipal Code of the City of Racine, Wisconsin relating to Yard/Garage /Rummage Sales.

**Recommendation of the City Plan Commission on 6-25-08:** That the ordinance be amended subject to the following:

In Section 114-273 (16) c., strike the number "3" and replace it with the number "4".

In Section 114-273 (16) e., strike the word "secondhand"

**Further** as amended, the ordinance be adopted.

**Fiscal Note:** N/A

*Alderman Holding requested that Item 08-2398 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:** 13 - Coe, Anderson, Kaplan, Maack, Weidner, McCarthy, DeHahn, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

**NOES:** 2 - Shields and Shakoor, II

[08-2403](#)

**Subject:** (Direct Referral) Use Supplement for a flex development at 1439 N. Main Street for a candy and ice cream shop. (Res. 08-0947)

**Recommendation of City Development on 7-09-08:** That the use supplement be adopted, subject to conditions.

**Fiscal Note:** N/A

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

08-2405

**Subject:** (Direct Referral) Request to amend a conditional use permit to allow building identification signage at the Gateway Technical College Campus at 1001 Main Street. (Res. 08-0948)

**Recommendation of City Development on 7-09-08:** 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.

08-2423

**Subject:** ZOrd.0004-08 is to rezone 1439 N. Main Street

**Recommendation of City Plan Commission on 7-9-08:** That the ordinance be adopted.

**Fiscal Note:** N/A

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

08-2424

**Subject:** ZOrd.0005-08 is to rezone South Street and Mt. Pleasant Street.

**Recommendation of City Plan Commission on 7-9-08.** That the ordinance be adopted.

**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

**Redevelopment Authority of the City of Racine Report, by Ald. Spangenberg****07-0910**

**Subject:** Communication from Alderman Shakoor requesting a status update on the former Racine Steel Casting property.

**Recommendation of Redevelopment Authority on 8-1-07:** That this item be deferred.

**Recommendation of Redevelopment Authority on 5-7-08:** To receive and file the request.

**Fiscal Note:** N/A

**A motion was made by Alderman James T. Spangenberg that this be Received and Filed as Reported. The motion PASSED by the following vote:**

**AYES:** 14 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

**NON VOTING:** 1 - McCarthy

**Office of the Mayor Report, by Ald. Maack****08-2426**

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

Downtown Area Design Review Commission:  
Appoint Ryan M. Rudie, 920 Goulet Street, to fill a vacant unexpired term ending in November 2010.

Civic Centre Commission:  
Appoint Patrick Fineran, 423 Romayne Ave., for a three-year term ending in May 2011.

Loan Board of Review:  
Appoint Finance Director David Brown (replacing Terry Maier) for an indefinite term.

Board of Parks, Recreation and Cultural Services:  
Appoint Pamela Handrow as the Racine Unified School Board representative, (replacing Don Nielsen) for a one-year term ending in April 2009.

Library Board:  
Reappoint Theron Snell, 1611 Park Ave., for a three-year term ending in June 2011.

**A motion was made that this Communication be Received and Filed as**

**Reported. The motion was APPROVED by the following vote:**

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

### **Board of Health Report, by Ald. DeHahn**

#### 08-1945

**Subject:** Communication from Alderman DeHahn, 7th District, requesting the existing vicious dog ordinance be revised.

**Recommendation from the Board of Health on 07-08-08:** That the existing vicious dog ordinance not be revised.

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

#### 08-2240

**Subject:** Communication from the Public Health Administrator requesting permission for the Mayor and City Clerk to sign a contract with Independent Care Health Plan (iCare). (Res.08-0863)

**Recommendation of the Finance & Personnel Committee on 06-09-08:** The Mayor and City Clerk be authorized and directed to sign a contract with Independent Care Health Plan (iCare) allowing the City of Racine Health Department to be reimbursed for services provided to clients with HMOs.

**Recommendation of the Board of Health on 07-08-08:** The Mayor and City Clerk be authorized and directed to sign a contract with Independent Care Health Plan (iCare) allowing the City of Racine Health Department to be reimbursed for services provided to clients with HMOs.

**Fiscal Note:** Approval will allow the Health Department to bill through Medicare.

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

#### 08-2289

**Subject:** Communication from the Public Health Administrator requesting that the Mayor and City Clerk be authorized and directed to enter into an agreement with United Healthcare of Wisconsin, Inc. (Res. 08-0940)

**(Also refer to the Board of Health.)**

**Recommendation of the Finance & Personnel Committee on 06-23-08:** The Mayor and City Clerk be authorized and directed to enter into an agreement with United Healthcare of Wisconsin, Inc. for medicare reimbursement.

**Recommendation of the Board of Health on 07-08-08:** The Mayor and

City Clerk be authorized and directed to enter into an agreement with United Healthcare of Wisconsin, Inc. for medicare reimbursement.

**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 Raymond DeHahn 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

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

**08-2284**

**Subject:** Communication from Mi-Tech Services presenting a request from AT&T to expand their existing easement to place an electronics cabinet (and power pedestal) next to their existing distribution cabinet located at Marino Park. (Res. 08-0941)

**Recommendation of the Board of Parks, Recreation & Cultural Services 7-9-08:** that the request be approved.

**Fiscal note:** \$1,000.00 to the City

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

**08-2368**

**Subject:** Communication from the Ophelia Project of Southeastern Wisconsin requesting to use public right-of-way for a run/walk on August 16, 2008. (Res.08-0922)

**Recommendation of the Public Works and Services Committee on 7-8-08:** That the Ophelia Project of Southeastern Wisconsin be granted permission to use City right-of-way on Michigan Boulevard between Augusta Street and Melvin Avenue, on Saturday, August 16, 2008, for their 5K Run/Walk.

Further recommends that permission be granted with the following stipulations:

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

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

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

**Recommendation of the Board of Parks, Recreation & Cultural Services 7-9-08:** that the request be approved.

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

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

Council Action

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

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

## H. Consent Agenda - Resolutions

### [Res.08-0921](#)

Pentecost Lutheran Church 7th Annual Neighborhood Block Party

Resolved, that Pentecost Lutheran Church be granted permission to close Jerome Boulevard, between Coolidge Avenue and Case Avenue, for an event on Saturday, August 16, 2008, from 7:00 a.m. to 9:00 p.m., in accordance with their request.

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

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

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

Fiscal Note: There will be nominal costs to various City departments, on a

regular shift basis, to assist in implementing this event.

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

**Res.08-0922**

Permission to use right-of-way for Ophelia Project of Southeastern Wisconsin run/walk

Resolved, that the Ophelia Project of Southeastern Wisconsin be granted permission to use City right-of-way on Michigan Boulevard between Augusta Street and Melvin Avenue, on Saturday, August 16, 2008, for their 5K Run/Walk.

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

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

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

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

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

**Res.08-0924**

Contract for 2008 Sidewalk Replacement Phase II awarded to A. W. Oakes & Son

Resolved, that Contract 40-08 (K8-048), 2008 Sidewalk Replacement, Phase II (R1), be awarded to A. W. Oakes & Son, Inc., Racine, WI, at their bid price of \$448,000.00, they being the second lowest responsible bidder.

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

\$444,127.50 - Account 906.000.5520, Sidewalk Replacement  
\$ 3,312.50 - Account 988.908.5220, Replacement Curb and Gutter  
\$ 560.00 - Account 988.600.5530, Crosswalk Ramps  
\$448,000.00 - Total

Fiscal Note: Funds are available as herein delineated.

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

**Res.08-0925**

Contract for Roof Replacement at Library, Solid Waste and Incinerator Buildings be awarded to Walsdorf Roofing Company

Resolved, that Contract 42-08 (K8-050), Roof Replacement at Library, Solid Waste and Incinerator Buildings (R1), be awarded to Walsdorf Roofing Co., Inc., Kiel, WI, at their bid price of \$191,800.00, they being the lowest responsible bidder.

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

\$ 65,000.00 - Account 255.000.5760, Library Replace Roof  
\$ 27,900.00 - Account 988.340.5010, Electrical Storage Roof  
\$ 98,900.00 - Account 988.410.5010, SW Roof Replacement  
\$191,800.00 - Total

Fiscal Note: Funds are available as herein delineated.

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

**Res.08-0926**

Contract for 2008 Sanitary Sewer Relays awarded to A. W. Oakes & Son

Resolved, that Contract 44-08 (K8-048), 2008 Sanitary Sewer Relays (R1), be awarded to A. W. Oakes & Son, Inc., Racine, WI, at their bid price of \$496,958.00, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from the Racine Wastewater Utility.

Fiscal Note: Funds are available as herein delineated.

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

**Res.08-0927**

Contract for Memorial Hall Exterior Renovation awarded to Building Restoration & Preservation Corporation

Resolved, that Contract 45-08 (K8-053), Memorial Hall Exterior Renovation, be awarded to Building Restoration & Preservation Corporation, Racine, WI, at their base bid price of \$41,400.00, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 108.988.5510, Memorial Hall Tuckpointing.

Fiscal Note: Funds are available as herein delineated.

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



**Res.08-0928**

Contract for 2008 Victorian Drive Stormwater Drainage awarded to G.B. Johnson Company

Resolved, that Contract 46-08 (K8-054), 2008 Victorian Drive Stormwater Drainage, be awarded to G.B. Johnson Co., Inc., Burlington, WI, at their bid price of \$169,059.20, they being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 104.988.5420, Storm Sewers, Miscellaneous Locations.

Fiscal Note: Funds are available as herein delineated.

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

**Res.08-0929**

Professional Services - Railing Replacement at Memorial Hall and Safety Building be accepted and final payment authorized to Arnold & O'Sheridan

Resolved, that the professional services provided by Arnold & O'Sheridan, Inc. under Contract 32-06 (K6-033), Professional Services - Railing Replacement at Memorial Hall and Safety Building, be accepted and final payment authorized for a total contract amount of \$9,400.00, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 06-7359, dated December 19, 2006.

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

**Res.08-0930**

Railing Replacement at Safety Building and Memorial Hall be accepted and final payment authorized to Bane-Nelson

Resolved, that the work of Bane-Nelson, Inc. under Contract 37-07 (K7-043), Railing Replacement at Safety Building and Memorial Hall, be accepted and final payment authorized for a total contract amount of \$92,000.00, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 07-0265, dated June 19, 2007.

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

**Res.08-0931**

Enter into sewer easements on Block 8, Manree Park No. 2

Resolved, that the City Attorney's Office be authorized and directed to take the necessary steps to acquire easements for a 15' wide sewer easement on Lots 1, 2, 3, 4, 5 and 6 of Block 8, Manree Park No. 2, a recorded plat in the City of Racine.

Fiscal Note: Not applicable.

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

**Res.08-0932**

Amendment No. 2 to contract for 2008 Sewer Asset Management Services, Earth Tech

Resolved, that Amendment No. 2 on Contract 01-08 (K8-001), 2008 Sewer Asset Management Services, Earth Tech, consultant, as submitted, be approved in the not-to-exceed amount of \$4,200.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 990.630.5610, DPW Flood Professional Services.

Fiscal Note: These funds may be reimbursable expenses due to the recent flooding.

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

**Res.08-0933**

Commissioner of Public Works authorized to submit grant applications to WE Energies and Focus on Energy

Resolved, that the Commissioner of Public Works/City Engineer be authorized and directed to submit grant applications to WE Energies and Focus on Energy for Phase II of the Photovoltaic Power Generating System located at the City Hall Annex.

Further resolved, that the City of Racine's Grant Administrator seek additional grant funding so that the return on the investment is 12 years or less on this project.

Fiscal Note: The project is estimated at \$350,000.00. Grants from WE Energies and Focus on Energy will total \$130,000.00, leaving a potential local cost of \$220,000.00. Savings from the generation of electrical power is estimated at \$10,600.00 per year which will result in a 22 year payback period which is essentially the current estimated life of the solar panels. If the Grant Administrator is unsuccessful in securing additional grant funding to achieve a 12 year or less payback period, the project will not move forward.

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

**Res.08-0934**

Amendment contract with State of Wisconsin DNR for Wisconsin Beach Monitoring Program

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an amended contract with the State of Wisconsin Department of

Natural Resources (Grant Control No. 2008-019) to accept additional funding of \$5,000 for the Wisconsin Beach Monitoring Program.

Fiscal Note: The contract has an increased amount of \$5,000 to be utilized for the Wisconsin Beach Monitoring Program with no match required on the part of the City.

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

**Res.08-0935**

Agreement with United Way of Racine County for Family Smart/Kid Friendly Program

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a \$61,242 agreement with the United Way of Racine County, Inc. (Grant Control No. 2008-022) to be utilized for the Family Smart/Kid Friendly-East Home Visitor position for the period of July 1, 2008 through June 30, 2009.

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

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

**Res.08-0936**

Agreement to accept funding from Wisconsin Coastal Management

Resolved, that the Mayor and City Clerk by authorized and directed to enter into a \$29,563 agreement with Wisconsin Coastal Management for the 2008 - 2009 Wisconsin Coastal Management Program Grant (Grant Control No. 2007-52) for the period of July 1, 2008 through June 30, 2009.

Fiscal Note: A \$29,670 soft match required on the part of the City.

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

**Res.08-0937**

Permission for FEMA snow emergency funds to be utilized for purchase of road salt

Resolved, that permission be granted to accept the FEMA snow emergency declaration funds to be utilized for the purchase of road salt.

Further resolved, that budgets for accounts 101.540.6870, Disaster Aid Reimbursement, and 101.540.5250, Work Supplies, be increased by \$109,588.46.

Fiscal Note: The City anticipates receiving a total of \$109,588.46 from FEMA which will be utilized for the purchase of road salt.

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

**Res.08-0938**

Formal bidding procedures be waived for the purchase of ten X3C

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## AutoCite Units

Resolved, that formal bidding procedures be waived and the Purchasing Agent be authorized and directed to negotiate with Duncan Solutions for the purchase of ten (10) X3C AutoCite units to be utilized for parking enforcement.

Fiscal Note: There are sufficient funds available in Account 101.311.5840, Autocites.

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

Res.08-0939

Permission to purchase recording equipment for Municipal Court

Resolved, that permission be granted for the Municipal Court Judge and the Purchasing Agent to purchase recording equipment in an amount up to \$10,000, and if need be, contingent funds be transferred to the Municipal Court Special Revenue fund at the end of the year to cover the amount of the purchase of the recording system.

Fiscal Note: Sufficient funds are available for the transfer if need be.

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

Res.08-0940

Enter into agreement with United Healthcare of Wisconsin for medicare reimbursement

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with United Healthcare of Wisconsin, Inc., for medicare reimbursement.

Fiscal Note: N /A

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

Res.08-0941

Permission for AT&T to expand existing easement at Marino Park

Resolved, that AT&T be granted permission to expand their existing easement to place an electronics cabinet (and power pedestal) next to their existing distribution cabinet located at Marino Park.

Fiscal Note: The City will receive \$1,000 from AT&T.

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

Res.08-0942

Formal bidding procedures be waived and allow Purchasing Agent to negotiate with H K Sports Fields for renovation of Horlick Athletic Field and Douglas Park baseball fields

Resolved, that formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to negotiate with H K Sports Fields for the renovation of Horlick Athletic Field and Douglas Park baseball fields.

Fiscal Note: Funds are available in accounts 987.710.507, Horlick Improvements, and 988.710.501, Renovate Douglas Ball Diamond.

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

**Res.08-0943**

Final payment for engineering services Wustum Museum by Southport Consulting

Resolved, that final payment for engineering services for an HVAC study of Wustum Museum by Southport Consulting be approved for a total contract amount of \$3,600.00.

Fiscal Note: Funds are available in account 655.988.501, Wustum HVAC System Replacement.

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

**Res.08-0944**

Starving Artists Outdoor Fair request for parking signs

Resolved, that the request to use Temporary No Parking signs on the east side of S. Main Street between 10th and 11th Streets on August 3, 2008 between 9:00 A.M. and 4:00 P.M. be granted.

Further resolved, that the request to waive the "No Parking Any Time" restriction on 10th and 11th Streets before 9:00 A.M. and from 4:00 P.M. to 5:00 P.M. on August 3, 2008, in connection with the Starving Artists Outdoor Art Fair, be granted.

Fiscal Note: N/A

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

**Res.08-0946**

Conditional Use Permit for residence of first floor commercial building at 1639 Douglas Avenue

Resolved, that the request from Michael Jaeger on the behalf of El Perro, LLC seeking a conditional use for a residence in a commercial building in the B-2 community shopping district at 1639 Douglas Avenue be approved subject to the following conditions:

- a. That the plans presented to the Plan Commission on July 9, 2008 be approved subject to the conditions contained herein.
- b. That all applicable permits are obtained from the Building Inspection

Department.

- c. That the commercial space being modified by this application be used solely for a live/work tenancy, with the modified commercial space and new residential space being rented or leased as a single unit, and that the residential space be occupied only by the owner or operator of the business occupying the commercial space.
- d. That the current Douglas Avenue facade window opening and mullion configuration be maintained, that clear glass be utilized, and that the building frontage maintain a commercial appearance.
- e. That the applicant submit detail on where the dumpster will be located and how it will be screened to the Director of City Development prior to issuance of an Occupancy Permit.
- f. That the applicant provides the Director of City Development a clear explanation of the proposed use of the commercial area prior to issuance of a building permit.
- g. That the applicant will adhere to the easement agreement by El Perro and William L. Sorenson, dated January 10, 2007 and recorded at the Racine County Register of Deeds as Document #2117145 on January 16, 2007; and the Easement Amendment dated January 27, 2007 and recorded at the Racine County Register of Deeds as Document 2187615 on April 11, 2007.
- h. That the parking lot and area to the east of the building be paved and striped for parking per the regulations as noted in "g" above and applicable City ordinances, or said areas be landscaped in accordance with plans to be submitted to the Director of City Development for review and approval.
- i. That all codes and ordinances be complied with and required permits acquired.
- 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

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

**Res.08-0947**

Use Supplement for a flex development at 1439 N. Main Street

Resolved, that a use supplement be adopted by a resolution of the Common Council in association with a Flex Development Overlay District at 1439 Main Street, subject to the following conditions:

- a. That all uses listed in the underlying "O" Restricted Office District are permissible by right or by conditional use permit unless otherwise specified herein.
- b. That all applicable permits are obtained from the Building Inspection Department.
- c. That the following flex uses are permitted as conditional use permit by Ordinance No. ZOrd.0004-08 in addition to those permitted in the "O" Restricted Office District: candy and ice cream shop.
- d. That the following uses shall be prohibited: community living arrangements.
- e. That all aspects of the flex uses and all other uses shall be contained on site.
- f. That the Chief Building Inspector or Director of City Development may impose additional conditions on a single or a group of flex uses to mitigate potential negative impacts on the subject or surrounding properties. Decisions in this regard may be appealed by the affected operator(s) to the Plan Commission who will forward a recommendation to the Common Council.
- g. That upon consultation between the Chief Building Inspector and Director of City Development, additional uses not listed in this resolution may be permitted if found to comply with the spirit and intent of this flex development and the Flex Development Overlay District
- h. That all applicable codes and ordinances be complied with and required permits acquired.
- i. That no minor changes be made from the conditions of this flex development without the approval of the Plan Commission, and no major changes be made without the approval of the Common Council.
- j. That this flex development is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

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

**Res.08-0948**

Amendment to Conditional Use Permit for Gateway Technical College Campus 1001 Main Street

Resolved, that the request to amend a conditional use permit to allow building identification signage at the Gateway Technical College Campus at 1001 Main Street be approved subject to the following conditions:

- a. That the plans presented to the Plan Commission on July 9, 2008 be

approved subject to the conditions contained herein.

- b. That the design of the proposed signage be that which has been approved by the Downtown Area Design Review Commission on July 3, 2008.
- c. That the number and total square footage of the proposed building identification signage is found to be appropriate given the number of buildings involved and the size of the campus.
- d. That all applicable permits be obtained from the Building Inspection Department.
- e. 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.
- f. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

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

**Res.08-0949**

Conditional Use Permit for candy and ice-cream shop at 1439 N. Main Street

Resolved, that a conditional use permit for a candy and ice-cream shop at 1439 N. Main Street be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on June 25, 2008 be approved, subject to the conditions contained herein, and as authorized by ZOrd.0004-08 and File 08-2403
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the maximum hours this establishment may be open to the public will be from 10:00 a.m. to 10:00 p.m. Monday through Sunday.
- d. That all driveway openings and curb cuts be approved by the Commissioner of Public Works.
- e. That detailed site, facade and signage plans be submitted for the review and approval of the Director of City Development.
- f. That all trash and recyclables be stored in closed containers and screened from view.
- g. That all codes and ordinances be complied with and required permits acquired.



h. 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.

i. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

**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 the Consent Resolutions be Adopted. Adopted by the following vote:**

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

- I. [Res.08-0835](#) Agreement with E.G. Developments, LLC to acquire property at 1425 North Memorial Drive

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

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

Fiscal Note: Funds for the utility connections are available in the 208 Fund.

**A motion was made by Ald. Maack that this Resolution be referred to the Committee of the Whole.**

- [Res.08-0945](#) Application of Pinnacle Precision Technologies, Inc., for participation in the State of Wisconsin Community Development Zone Program

Resolved, that Pinnacle Precision Technologies, Inc. 2607 Eaton Lane, Racine, Wisconsin is recommended for certification as eligible to participate in the Wisconsin Community Development Zone Program.

Further resolved, that Pinnacle Precision Technologies, Inc. is recommended for certification for State of Wisconsin tax credits under the Wisconsin Community Development Zone Program.

Fiscal Note: N/A

**A motion was made by Ald. DeHahn that this Resolution be referred to the City Development Department.**

- [Res.08-0923](#) Vacation of north-south alley behind 3457 Douglas Avenue

Resolved, that since public interest requires it, the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

"The north-south alley which abuts 1551 North Street and which lies north of the east-west alley, all of which is bounded by Douglas Avenue, North Street, 10th Avenue and Short Street."

Fiscal Note: Not applicable.

**A motion was made by Ald. Maack to refer this Resolution to the City Plan Commission for a Public Hearing.**

## **K. Adjourn**

*The meeting was adjourned at 8:34pm by Alderman Shakoor. The next scheduled meeting of the Council is Monday, August 4, 2008.*

ATTEST: JANICE M. JOHNSON-MARTIN  
CITY CLERK