



# City of Racine

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

## Meeting Agenda - Final Common Council

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

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Tuesday, May 19, 2009

7:00 PM

Room 205, City Hall

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

[09-3560](#)      **Subject:** Monthly Building Report, April, 2009.

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

[09-3562](#)      **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting permission to waive certain fees to promote pre-sales of the new crypts and niches being constructed in Mound Cemetery.

[09-3600](#)      **Subject:** Communication from the Acting Public Health Administrator requesting the Mayor and City Clerk be authorized and directed to enter into an amended agreement to accept additional funding from the State of Wisconsin Department of Health Services for the WIC Program. (Grant Control #2006-049)

[09-3625](#)      **Subject:** Communication from Mayor Friedel presenting the first quarter attendance report from the Belle City Senior Center.

[09-3626](#)      **Subject:** The Finance Director wishing to discuss amending the 2009 budget to add \$365,214 to the Fire Protection Charge as approved by the Public Service Commission on March 25, 2009.

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

[09-3558](#)      **Subject:** (Direct Referral) Communication from Iglesia pentecostal Alarma Int requesting permission to close the 600 block of 17th Street for a church event on June 20, 2009.

[09-3611](#)      **Subject:** Communication from Commissioner of Public Works proposing that the alley bounded by Main, Wisconsin, Fourth and Fifth Street be paved and that a Public Hearing be held.

[09-3612](#)      **Subject:** Communication from City Attorney's Office regarding transfer of land between City of Racine and Racine Unified School District.

[09-3613](#)      **Subject:** Communication from Assistant Commissioner of Public Works/Operations submitting revised AT&T agreement.

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

[09-3566](#)      **Subject:** The following renewal application(s) for a "Class C" and Class "B" Fermented Malt Beverage and Wine License for 2009-2010:

[09-3567](#)      **Subject:** The following renewal application(s) for a Class "A" Retail Fermented Malt Beverage License for 2009-2010:

Lee's Deli, Inc.                      2615 Washington Ave.  
John P. Henes, Agent

Gerardo Flores                      1775 State Street  
(Lincoln Supermarket)

Aziz Abdul                              1347 Lathrop Avenue

Fresh Bands Distributing, Inc.      3900 Erie Street  
Robert G. Helvick, Agent

Max Supermarket, LLC              1200 Villa Street  
Rajinder Kaur, Agent

Abdallah Batayneh                      1600 Dr. M.L. King, Jr. Dr.

[09-3568](#)      **Subject:** The following renewal application(s) for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2009-2010:

Purvi & Mishali, Inc.                      2615 Washington Ave.  
Parit Patel, Agent

Dan's Liquor, Inc. 1856 Taylor Avenue  
Jagdish R. Patel, Agent

Taylor Liquor Inc. 2813 Taylor Avenue  
Ilesh Patel, Agent

Mitraj, Inc. 3711 Douglas Avenue  
Radhhesyam Patel, Agent

Dandee Liquor, Inc. 3700 Meachem Road  
Vishnu Patel, Agent

Mega Marts, LLC 2210 Rapids Drive  
Charles L. Neu, Agent

Mega Marts, LLC 2408 S. Green Bay Road  
Patricia M. Berger, Agent

Sam's East, Inc. 6200 Regency West Drive  
Dana Topples, Agent

Phesal E. Ckadan 1812 Sixteenth Street

Max's Family Supermarket 1201 S Memorial Drive  
Sukjinder Singh, Agent

AD United Petroleum 1917 Sixteenth Street  
**(W/ Gasoline Station)**  
Deepinder S. Dhaliwal, Agent

Piggley Wiggly Midwest, LLC 4011 Durand Avenue  
Joseph M. Ligocki, Agent

Aldi, Inc. 3110 Douglas Avenue  
Lorelei Rasch, Agent

Champion Liquor and Food, LLC 1629 Douglas Avenue  
Jarnail, Singh, Agent

Vishal Corporation 3015 Rapids Drive  
Prabodh Gala, Agent

C&D Peterson Investments, Inc. 3900 Durand Avenue  
**(W/Gasoline Station)**  
Coy Peterson, Agent

09-3569

**Subject:** The following renewal application(s) for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2009-2010:

T.B. Hansen's, Inc. Thomas R. Hansen, Agent	501 Goold Street
Fides F. Wagner-Richardson	1102 Mound Avenue
Yardarm Bar & Grill, Ltd. Laura Tomasek, Agent	920 Erie Street
Steven L. Matson	107 Fourth Street
Mario Aranda Sr.	1244 Washington Avenue
Restaurant of Racine, Inc. Brian K. Grabher	207 Gaslight Avenue
David J. Russell	600 High Street
Hiram's Place Douglas E. Nicholson, Agent	1012 Main Street
Envi Douglas E. Nicholson, Agent	316 Main Street
The Ivanhoe Pub & Eatery Douglas Nicholson, Agent <b>(Sidewalk Cafe Permit w/ alcohol)</b>	231 Main Street
Rojo's Pub Joseph A. Vlasak, Agent	1317 Yout Street
Chartroom "Charlie's" Donna L. Daams, Agent <b>(Publication Fee Only)</b>	209 Dodge Street
American Legion Post #546 James Price, Agent	1234 Douglas Avenue
Roger's Place, Inc. Roger Springsteen, Agent	1843 N. Wisconsin Street
GMRI, Inc (The Olive Garden Italian Restaurant #1371)	6000 Durand Avenue

Jeffery Zimmerman, Agent

Demark's Bar & Restaurant, Inc                      1600 Albert Street  
Sharon Burman, Agent

Infusino Pizzeria & Restaurant, Inc.                      3225 Rapids Drive  
(Infusino's Restaurant)  
Emilio Infusino, Agent

Infusino Pizzeria & Restaurant, Inc.                      3201 Rapids Drive  
(Infusino's Italian Village)  
Emilio Infusino, Agent

Bucket's Pub, Inc.    2031 Lathrop Avenue  
Charles F. Brandt, Agent

WHG Real Estate South, LLC                      2521 S. Green Bay Road  
(Applebee's Neighborhood Grill)  
Timothy Geniesse, Agent

Thang D. Pham    3616 Northwestern Avenue

Castle Lanes of Southeastern WI, Inc.                      5615 Castle Lanes  
Castle Lanes  
Phillip G. Ontko, Agent

Coy & Diane Investments, Inc                      5200 Washington Avenue  
Coy Peterson, Agent

Harbor Lite Yacht Club, Inc.                                      559 State Street  
John Whaley, Agent

**09-3570**

**Subject:** The following renewal application(s) for a Class "B" Retail Fermented Malt Beverage License for 2009-2010:

Shannon J. Curtin                                      100 Kewaunee Street

Clifford Wolosek                                      301 Hamilton Street

Racine Raiders Football Club, Inc.                      1648 N. Memorial Drive  
(Horlick Concessions)  
Lawrence Benjamin, Agent

**09-3583**

**Subject:** (New) Application of Lakeside Pantry LLC, Caroline Chun, Agent for Class "A" Retail Fermented Malt Beverage license for 420 Sixth Street (1st District).

[09-3598](#)      **Subject:** The following renewal applications for a "CLASS B" **CLUB** Retail Fermented Malt Beverage and intoxicating Liquor License for 2009-2010.

Somerset Club, Inc.                      201 Sixth Street  
(Somerset Club)  
David M. Perkins, Agent

[09-3599](#)      **Subject:** Application of Speedway #2089, Timothy D. Justus, Agent, for a Change of Agent for a Class "A" license for 4620 Washington Avenue. (14th District)

**Refer to City Plan Commission, by Ald. Holding**

[09-3582](#)      **Subject:** Request by Lincoln Lutheran of Racine for an extension of a planned development approval for Woodland Point Condominiums.

**Refer to Community Development Committee, by Ald. Maack**

[09-3595](#)      **Subject:** Allocation of Community Development Block Grant Recovery Funds.

[09-3596](#)      **Subject:** Request from the Downtown Racine Corporation for CDBG funding for repairs of the Festival Park playground.

[09-3606](#)      **Subject:** Request for authorization to use HOME funds for a home improvement matching grant program.

**F. Committee Reports**

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

[09-3515](#)      **Subject:** Communication from the Acting Public Health Administrator requesting permission to apply for and accept grant funds from the Great Lakes St. Lawrence Cities Initiative. (Grant Control #2009-017) (Res.09-1412)

**Recommendation of the Finance & Personnel Committee on 5-11-09:** Permission granted for the Acting Public Health Administrator to apply for and accept grant funds from the Great Lakes St. Lawrence Cities Initiative. (Grant Control #2009-017)

**Fiscal Note:** There is no match required on the part of the City.

[09-3549](#)      **Subject:** Communication from the Finance Director requesting to

appear before the Finance and Personnel Committee to discuss budget carry forwards from 2008 to 2009. (Res.09-1414)

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

**5-11-09:** That budgets be carried forward from 2008 to 2009 as follows: Encumbrances in 27 individual funds totaling \$5,197,094.96 in outstanding purchase orders and contracts; 2007 Capital Projects of \$863,668.42; 2008 Capital Projects of \$2,294,967.01; Golf Course Capital Projects of \$272,025.50; Cemetery Capital Projects of \$42,040.10; Façade Grant Program of \$32,860.13; and General Fund operations of \$117,270.88. Further recommend that \$75,000 of 2007 Capital Projects recaptured funds be appropriated for City Hall Facilities Plan Furniture; \$158,434.28 of 2007 Capital Projects recaptured funds and \$363,128.41 of 2008 Capital Projects recaptured funds be appropriated to help cover cost overruns on the Ohio Street 16th Street to 21st Street paving project.

**Fiscal Note:** There are sufficient funds remaining from 2008 to be carried forward to 2009. Detailed account information is on file in the Finance Department.

09-3551

**Subject:** Communication from the General Manager of the Water Utility wishing to meet with the Finance & Personnel Committee to discuss the rescinding of the financial obligations for Resolution No. 9762 dated April 14, 1997. (Res.09-1410)

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

**5-11-09:** To rescind the financial obligations of Resolution No. 9762 dated April 14, 1997.

**Fiscal Note:** The City will forgo a \$400 annual fee but will receive the entire lease payment, up to \$7,500, from the Racine Yacht Club.

09-3556

**Subject:** Communication from the City Clerk submitting the bid received for printing the Common Council Proceedings and legal notices for the period of June 1, 2009 through May 31, 2010. (Res.09-1413)

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

**5-11-09:** Racine Journal Times be awarded the bid of publishing the Common Council proceedings and all legal notices for the period of June 1, 2009 through May 31, 2010, they being the only bidder.

**Fiscal Note:** There are sufficient funds available in account 101.010.5540; City Council Proceedings.

[09-3573](#)

**Subject:** (Direct Referral) from the Interim City Administrator requesting to transfer \$4,500.00 from City Administration Salaries (101.020.5010) to City Administration Furniture (101.020.5800) in order to purchase furniture for the City Administrator's Office. (Res.09-1411)

**Recommendation of the Finance & Personnel Committee on 5-11-09:** \$4,500.00 be transferred from City Administration Salaries (101.020.5010) to City Administration Furniture (101.020.5800) in order to purchase furniture for the City Administrator's Office.

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

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

[09-3521](#)

**Subject:** Communication from the Alderman of the 5th District requesting that an ordinance be drafted to require mobile food canteens to be mobile during the day.

**Recommendation of the Public Works Service Committee on 5-12-09:** The communication be received and filed.

**Fiscal Note:** Not applicable.

[09-3530](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment to Johnson Controls, Inc. for the replacement of boiler control and temperature control equipment at Wustum Museum, Graceland Cemetery, Washington Park Golf Course and the Racine Zoological Gardens. (Res.09-1407)

**Recommendation of the Public Works and Services Committee on 5-12-09:** The work done by Johnson Controls, Inc. for the replacement of the boiler control and temperature control equipment at Wustum Museum, Graceland Cemetery, Washington Park Golf Course and the Racine Zoological Gardens, be accepted and final payment authorized for a total contract amount of \$114,241.00

**Fiscal Note:** Contract was authorized under Resolution No. 08-0785, dated May 6, 2008.

[09-3534](#)

**Subject:** Communication from Braun Intertec, informing the City of Racine of contamination within the City right-of-way at High Street and



Wisconsin Avenue.

**Recommendation of the Public Works and Services Committee on 5-12-09:** That this information be recorded on the City's G.I.S.

Further Recommends that the communication be received and filed.

09-3537

**Subject:** (Direct Referral) Communication from the abutting property owners to vacate the alley from 20th Street/DeKoven Avenue; Jay Eye See/Phillips Avenue. (Res.09-1401)

**Recommendation of the Public Works Services Committee on 5-12-09:** Since public interest requires it, that the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

The east-west alley bounded by DeKoven Avenue, 20th Street, Jay Eye See Avenue and Phillips Avenue.

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

**Fiscal Note:** Not applicable.

09-3545

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 42-08 (K8-050), Roof Replacement at Library, Solid Waste and Incinerator Buildings, Walsdorf Roofing Co., Inc., contractor. (Res.09-1408)

**Recommendation of the Public Works and Services Committee on 5-12-09:** The work done by Walsdorf Roofing Co., Inc. under Contract 42-08 (K8-050), Roof Replacement at Library Solid Waste and Incinerator Buildings (R1), be accepted and final payment authorized for a total contract amount of \$195,050.00.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0925, dated July 15, 2008.

09-3552

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 22-09 (K9-023), 2009 Alley Paving (R1). (Res.09-1404)

**Recommendation of the Public Works and Services Committee on 5-12-09:** That Contract 22-09 (K9-023), 2009 Alley Paving, be awarded to A.W. Oakes & Son, Inc., Racine, WI, at their bid price of \$257,142.75, 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:

\$ 1,277.30 - Account 988.908.5520, Sidewalk Replacement.  
\$ 4,804.45 - Account 989.908.5520, Sidewalk Replacement.  
\$ 40,251.57 - Account 989.908.5010, Concrete Pavement Repl.  
\$ 15,070.00 - Account 104.900.5420, Storm Sewer, Misc.  
\$189,911.93 - Account 906.000.5010, Concrete Paving Assessed  
\$ 5,827.50 - Account 989.908.5320, Replacement Curb & Gutter  
\$257,142.75 - Total

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

09-3553

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 36-09 (K9-037), Colonial Park Streambank Stabilization. (Res.09-1405)

**Recommendation of the Public Works and Services Committee on 5-12-09:** That Contract 36-09 (K9-037), Colonial Park Streambank Stabilization, be awarded to Conservation Land Stewardship, Inc., Elmhurst, IL, at their bid price of \$59,721.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 104.989.5420, Storm Sewer Miscellaneous Location.

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

09-3554

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 34-09 (K9-035), Roof replacement at Tyler-Domer Community Center. (Res.09-1406)

**Recommendation of the Public Works and Services Committee on 5-12-09:** That Contract 34-09 (K9-035), Roof Replacement at Tyler-Domer Community Center, be awarded to The Pennebaker Enterprises, LLC, Milwaukee, WI at their bid price of \$49,569.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 989.670.5020, Tyler - Domer Roof Replacment

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

[09-3557](#)

**Subject:** Communication from the Alderman of the 15th District with a request from the property owner at 3315 Chatham Street to remove his sidewalk. (Res.09-1400)

**Recommendation of the Public Works Service Committee on 5-12-09 :**

That the property owner at 3315 Chatham Street be granted permission to remove the sidewalk north of his driveway fronting his property in accordance with the City's policy for the removal of sidewalks fronting residential property.

**Fiscal Note:** The cost of removing the sidewalk will be borne by the property owner.

[09-3559](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 39-07 (K7-045), Infra/Pave Pavement Management Software, AECOM, consultant. (Res.09-1409)

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

**5-12-09:** The professional service provided by AECOM Technologies, consultant under Contract 39-07 (K7-045), Professional Services. Infra/Pave Pavement Management Software, be accepted and final payment authorized for a total contract amount of \$119,885.78.

**Fiscal Note:** Contract was authorized under Resolution No. 07-0163, dated April 16, 2007.

[09-3575](#)

**Subject:** Resolution No. 09-1381 of May 07, 2009, relating to the following street improvements:

**PORTLAND CEMENT CONCRETE PAVING**

**St. Patrick Street** from Summit Avenue to Carlisle Avenue

**Alley** - Arthur Avenue/Blaine Avenue; Kinzie Avenue/Lindermann Avenue

**Alley** - 15TH Street/Beebe Court; Clark Street/Racine Street

**Alley** - 20th Street/DeKoven Avenue; Hickory Grove Avenue/Case Avenue

**Alley** - 20th Street/DeKoven Avenue; Jay Eye See Avenue/Phillips

**Alley** - 20th Street/DeKoven Avenue; Kearney Avenue/Hickory Grove Avenue.

**Recommendation:** That Resolution No. 09-1381, of May 7, 2009, be amended by deleting:

**Alley** - 20th Street/DeKoven Avenue; Jay Eye See Avenue/Phillips

**Fiscal Note:** The approved streets will be paid 100% by the abutting property owner.

09-3584

**Subject:** (Direct Referral) Request of The Rotary Post Prom Committee of the Downtown Rotary Club, for street closures, use of parking lot 4 and rental of Civic Center Ramps in conjunction with Prom 2009. (Res.09-1403)

**Recommendation:** That the request of the Rotary Post Prom Committee of the Downtown Rotary Club, to close:

Fifth Street, from Lake Avenue to Festival Park Drive,  
Festival Park Drive, from Fifth Street to Sixth Street,  
Sixth Street, from Festival Park Drive to Pershing Park Drive,  
Pershing Park Drive, from Sixth Street to Eleventh Street, and  
Eleventh Street from Pershing Park Drive to Main Street,

from 7:00 p.m., Saturday, May 16, 2009, to 4:30 a.m., Sunday, May 17, 2009, for the Rotary Post Prom, be approved.

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 the event;
- C. The setup and dismantling of barricades will be the responsibility of the sponsor;
- D. Any overtime and/or equipment and material loss will be charged to the sponsor;
- E. Sponsor shall pay a \$350.00 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.

Further Resolved, that the request to use Lakefront Parking Lot #4 on May 16 & 17, 2009 be approved at no cost, subject to execution of a hold harmless agreement with the City.

Further resolved, that the Civic Centre Ramp be rented for event goers from 9:00 p.m. on May 16, 2009 to 4:00 a.m. on May 17, 2009, in conjunction with the event.

**Fiscal Note:** There will be nominal costs to the various City departments, on a regular shift basis, to assist in implementing this event. The ramp rental will generate \$601.50 in revenue for the Parking System.

09-3585

**Subject:** (Direct Referral) Request of Racine Area Veterans Council requesting street closure for the Memorial Day Parade. (Res.09-1402)

**Recommendation:** Permission be granted to the Racine City Veterans Council to use certain City streets for the Memorial Day Parade, to start at Washington Avenue and West Boulevard, then proceed north on West Boulevard to Osborne Boulevard, and Osborne Boulevard to Graceland Cemetery, on Monday, May 25, 2009, between 9:00 a.m and 12:00 p.m. in conjunction with this City- sponsored event. The detour

for STH 20 is Lathrop Avenue, 16th Street and Taylor Avenue.

Further Recommends that the Commissioner of Public Works and Chief of Police, be authorized and directed to provide assistance, in the interest of public safety, to implement this event.

**Fiscal Note:** This event is co-sponsored by the City of Racine; therefore, the requirement for a formal agreement, requiring hold harmless, an insurance certificate and any overtime charges for additional policemen are not needed.

### **Public Safety and Licensing Committee Report, by Ald. Wisneski**

#### **09-3535**

**Subject:** Communication from the Purchasing Agent, submitting bids for Official Notice #8, One (1) Ten-Person Rapid Deployment Vehicle, for the Racine Police Department. (Res.09-1398)

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

**5-11-09:** That the bid be awarded to Ewald Automotive Group, they being the lowest responsible bidder at their bid price of \$66,721.00.

Fiscal Note: Funds are available in account 241.000.5780.

#### **09-3536**

**Subject:** Communication from Fire Chief Hansen requesting a hold harmless agreement for conducting fire department training at 5230 Durand Av, Regency Mall Cinema, before it is razed. (Res. 09-1397)

#### **Recommendation of the Public Safety and Licensing Committee on**

**5-11-09:** That a hold harmless agreement be executed between the City of Racine and Regency Mall Cinema before the building is razed.

Fiscal Note: N/A

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

#### **09-3517**

**Subject:** (Direct Referral) Consideration of a request from Karen Sorenson seeking a conditional use permit for an automobile repair facility at 1801 Quincy Avenue. (Res.09-1415)

**Recommendation of the City Plan Commission on 5-13-09:** That the item be approved subject to staff recommendations as amended.

**Fiscal Note:** N/A

#### **09-3518**

**Subject:** (Direct Referral) Consideration of a request from Karen Sorenson seeking a conditional use permit for a dance studio at 726

Yout Street. (Res.09-1416)

**Recommendation of the City Plan Commission on 5-13-09:** That the item be approved subject to staff recommendations.

**Fiscal Note:** N/A

[09-3577](#)

**Subject:** (Direct Referral) Consideration of a request by Miranda Meyer of Lost Souls Studio, LLC seeking a conditional use permit to operate a tattoo and body piercing establishment at 407 High Street. (Res.09-1417)

**Recommendation of City Plan Commission on 5-13-09:** That the item be approved subject to staff recommendations.

**Fiscal Note:** N/A

[09-3578](#)

**Subject:** (Direct Referral) Consideration of a request by Michael Hefferon of Upurea, Inc. seeking a conditional use permit to offer massage therapy in conjunction with existing spas operations at 304 Main Street. (Res.09-1418)

**Recommendation of the City Plan Commission on 5-13-09:** That the item be approved subject to staff recommendations as amended.

**Fiscal Note:** N/A

#### **Redevelopment Authority of the City of Racine Report, by Ald. Spangenberg**

[09-3493](#)

**Subject:** (Direct Referral) Sale of 1130 Washington Avenue for redevelopment.

**Recommendation of the Redevelopment Authority on 5-6-09:** That a 90-day option on 1130 Washington Avenue be granted to Abdo Markethouse, LLC.

**Fiscal Note:** Sale price for the property will be \$70,000 and will be specified in the development agreement. The developer's costs associated with the option are estimated at \$1,153.00 based on 2007-08 expenses.

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

[09-3414](#)

**Subject:** Communication from the Old Timers Athletic Club requesting to place a concession wagon at Lakeview Park on July 4th. (Res.09-1419)

**Recommendation of the Board of Parks, Recreation & Cultural Services 5-13-09:** that the request be approved with stipulations.

**Fiscal note:** N/A

### **City Landmark's Preservation Commission Report, by Ald. Anderson**

**09-3550**

**Subject:** Consideration of the re-designation of a Racine Landmark at 625 College Avenue, Unitarian Universalist Church of Racine and Kenosha (Historical Name: Church of the Good Shepherd).

**Recommendation of the Landmarks Preservation Commission on 5-4-09:** That the Unitarian Universalist Church of Racine and Kenosha (Church of the Good Shepherd) at 625 College Avenue be re-designated a City of Racine Landmark based on the following criteria:  
(1) Social and Religious history  
(2) Identified with personages  
(3) Distinguishing architecture

**Further,** that this matter be referred to the City Plan Commission.

## **G. Consent Agenda - Resolutions**

**Res.09-1397**

Permission to conduct fire training at Regency Mall Cinema contingent upon execution of a Hold Harmless Agreement

Resolved, that permission be granted to the Racine Fire Department to conduct fire training at the Regency Mall Cinema, 5230 Durand Avenue, before the building is razed, contingent upon execution of a Hold Harmless Agreement between the City of Racine and Regency Mall Cinema.

**Fiscal Note:** N/A

**Sponsors:** Aron Wisneski

**Res.09-1398**

Official Notice #8, One Ten-Person Rapid Deployment Vehicle for Racine Police Department be awarded to Ewald Automotive Group

Resolved, that the bid for Official Notice #8, One (1) Ten-Person Rapid Deployment Vehicle for the Racine Police Department be awarded to Ewald Automotive Group, it being the lowest responsible bidder at its bid price of \$66,721.00.

**Fiscal Note:** Funds are available in Account 241.000.5780.

**Sponsors:** Aron Wisneski

**Res.09-1400** Permission for property owner of 3315 Chatham Street to remove sidewalk

Resolved, that the property owner at 3315 Chatham Street be granted permission to remove the sidewalk north of his driveway fronting his property in accordance with the City's policy for the removal of sidewalks fronting residential property.

Fiscal Note: The cost of removing the sidewalk will be borne by the property owner.

Sponsors: Gregory Holding

**Res.09-1402** Permission to close streets for Memorial Day Parade

Resolved, that permission be granted to the Racine City Veterans Council to use certain City streets for the Memorial Day Parade, to start at Washington Avenue and West Boulevard, then proceed north on West Boulevard to Osborne Boulevard, and Osborne Boulevard to Graceland Cemetery, on Monday, May 25, 2009, between 9:00 a.m and 12:00 p.m. in conjunction with this City- sponsored event. The detour for STH 20 is Lathrop Avenue, 16th Street and Taylor Avenue.

Further resolved, that the Commissioner of Public Works and Chief of Police, be authorized and directed to provide assistance, in the interest of public safety, to implement this event.

Fiscal Note: This event is co-sponsored by the City of Racine; therefore, the requirement for a formal agreement, requiring a hold harmless agreement, an insurance certificate and any overtime charges for additional policemen are not needed.

Sponsors: Gregory Holding

**Res.09-1403** Permission for street closures, use of Parking Lot 4 and rental of Civic Center Ramps for Prom 2009

Resolved, that the request of the Rotary Post Prom Committee of the Downtown Rotary Club, to close:

Fifth Street, from Lake Avenue to Festival Park Drive,  
Festival Park Drive, from Fifth Street to Sixth Street,  
Sixth Street, from Festival Park Drive to Pershing Park Drive,  
Pershing Park Drive, from Sixth Street to Eleventh Street; and  
Eleventh Street from Pershing Park Drive to Main Street,

from 7:00 p.m., Saturday, May 16, 2009, to 4:30 a.m., Sunday, May 17, 2009, for the Rotary Post Prom, be approved.

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 the event;



- C. The setup and dismantling of barricades will be the responsibility of the sponsor;
- D. Any overtime and/or equipment and material loss will be charged to the sponsor;
- E. Sponsor shall pay a \$350.00 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.

Further resolved, that the request to use Lakefront Parking Lot #4 on May 16 & 17, 2009 be approved at no cost, subject to execution of a hold harmless agreement with the City.

Further resolved, that the Civic Centre Ramp be rented for event goers from 9:00 p.m. on May 16, 2009 to 4:00 a.m. on May 17, 2009, in conjunction with the event.

Fiscal Note: There will be nominal costs to the various City departments, on a regular shift basis, to assist in implementing this event. The ramp rental will generate \$601.50 in revenue for the Parking System.

Sponsors: Gregory Holding

**Res.09-1404** Contract 22-09 (K9-023), 2009 Alley Paving, be awarded to A.W. Oakes & Son, Inc.

Resolved, that Contract 22-09 (K9-023), 2009 Alley Paving, be awarded to A.W. Oakes & Son, Inc., Racine, WI, at its bid price of \$257,142.75, it being the lowest responsible bidder.

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

\$ 1,277.30 - Account 988.908.5520, Sidewalk Replacement.  
\$ 4,804.45 - Account 989.908.5520, Sidewalk Replacement.  
\$ 40,251.57 - Account 989.908.5010, Concrete Pavement Repl.  
\$ 15,070.00 - Account 104.900.5420, Storm Sewer, Misc.  
\$ 189,911.93 - Account 906.000.5010, Concrete Paving Assessed  
\$ 5,827.50 - Account 989.908.5320, Replacement Curb & Gutter  
\$ 257,142.75 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**Res.09-1405** Contract 36-09 (K9-037), Colonial Park Streambank Stabilization, be awarded to Conservation Land Stewardship, Inc.

Resolved, that Contract 36-09 (K9-037), Colonial Park Streambank Stabilization, be awarded to Conservation Land Stewardship, Inc., Elmhurst, IL, at its bid price of \$59,721.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 104.989.5420, Storm Sewer Miscellaneous Location.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**Res.09-1406** Contract 34-09 (K9-035), Roof Replacement at Tyler-Domer Community Center, be awarded to The Penebaker Enterprises, LLC

Resolved, that Contract 34-09 (K9-035), Roof Replacement at Tyler-Domer Community Center, be awarded to The Penebaker Enterprises, LLC, Milwaukee, WI at its bid price of \$49,569.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 989.670.5020, Tyler - Domer Roof Replacement

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

**Res.09-1407** Work done by Johnson Controls at Wustum Museum, Graceland Cemetery, Washington Park Golf Course and Racine Zoological Gardens be accepted and final payment authorized

Resolved, that the work done by Johnson Controls, Inc., for the replacement of the boiler control and temperature control equipment at Wustum Museum, Graceland Cemetery, Washington Park Golf Course and the Racine Zoological Gardens, be accepted and final payment authorized for a total contract amount of \$114,241.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0785, dated May 6, 2008.

Sponsors: Gregory Holding

**Res.09-1408** Work done by Walsdorf Roofing, Roof Replacement at Library, Solid Waste and Incinerator Buildings, be accepted and final payment authorized

Resolved, that the work done by Walsdorf Roofing Co., Inc., under Contract 42-08 (K8-050), Roof Replacement at Library, Solid Waste and Incinerator Buildings (R1), be accepted and final payment authorized for a total contract amount of \$195,050.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0925, dated July 15, 2008.

Sponsors: Gregory Holding

**Res.09-1409** Professional services provided by AECOM Technologies, Infra/Pave Pavement Management Software, be accepted and final payment authorized

Resolved, that the professional service provided by AECOM Technologies, consultant, under Contract 39-07 (K7-045), Professional Services, Infra/Pave Pavement Management Software, be accepted and final payment authorized for a total contract amount of \$119,885.78.

Fiscal Note: Contract was authorized under Resolution No. 07-0163, dated April 16, 2007.

Sponsors: Gregory Holding

**Res.09-1410** To amend Resolution No. 9762 of April 14, 1997 by rescinding the financial obligations

Resolved, that Resolution No. 9762 of April 14, 1997, be amended by rescinding the financial obligations of \$400.00 per year.

Fiscal Note: The City will forgo a \$400 annual fee but will receive the entire lease payment, up to \$7,500, from the Racine Yacht Club.

Sponsors: James T. Spangenberg

**Res.09-1411** Transfer of funds for purchase of furniture for City Administrator's Office

Resolved, that \$4,500.00 be transferred from City Administration Salaries (101.020.5010) to City Administration Furniture (101.020.5800) in order to purchase furniture for the City Administrator's Office.

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

Sponsors: James T. Spangenberg

**Res.09-1412** Permission for Acting Public Health Administrator to apply for and accept grant funds from Great Lakes St. Lawrence Cities Initiative

Resolved, that permission be granted to the Acting Public Health Administrator to apply for and accept grant funds in the amount of \$5,000 from the Great Lakes St. Lawrence Cities Initiative for the Root River Environmental Education Center - Connecting Citizens to the Environment grant (Grant Control #2009-017). The funding will be used by the City of Racine Health Department for education, storm water management and site improvements at the REC Center. The contract period is July 1, 2009 through May 31, 2010.

Fiscal Note:

There is no match required on the part of the City.

Sponsors: James T. Spangenberg

**Res.09-1413** Bid for printing Common Council Proceedings be awarded to The Journal Times

Resolved, that The Journal Times be awarded the bid to publish the Common Council Proceedings and all legal notices for the period of June 1, 2009 through May 31, 2010, they being the only bidder.

Fiscal Note: There are sufficient funds available in Account 101.010.5540, City Council Proceedings.

Sponsors: James T. Spangenberg

**Res.09-1414** Permission for Finance Director to carry forward budgets from 2008 to 2009

Resolved, that budgets be carried forward from 2008 to 2009 as follows:

Encumbrances in 27 individual funds totaling \$5,197,094.96 in outstanding purchase orders and contracts; 2007 Capital Projects of \$863,668.42; 2008 Capital Projects of \$2,294,967.01; Golf Course Capital Projects of \$272,025.50; Cemetery Capital Projects of \$42,040.10; Facade Grant Program of \$32,860.13; General Fund operations of \$117,270.88.

Further resolved, that \$75,000 of 2007 Capital Projects recaptured funds be appropriated for City Hall Facilities Plan Furniture; \$158,434.28 of 2007 Capital Projects recaptured funds and \$363,128.41 of 2008 Capital Projects recaptured funds be appropriated to help cover cost overruns on the Ohio Street 16th Street to 21st Street paving project.

Fiscal Note: There are sufficient funds remaining from 2008 to be carried forward to 2009. Detailed account information is on file in the Finance Department.

Sponsors: James T. Spangenberg

**Res.09-1415** Conditional Use Permit for 1801 Quincy Avenue

Resolved, that a Conditional Use Permit be granted to Lisa Hutchins to operate an auto repair at 1801 Quincy Avenue, subject to the following conditions:

- a. That the plans presented to the Plan Commission on May 13, 2009 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the hours the establishment is open to the general public be from 8:00 a.m. to 6:00 p.m. Monday through Saturday, with no hours on Sunday.
- d. No deliveries or car test driving shall occur outside of normal business hours.
- e. That all aspects of the operation of the auto repair must be contained

indoors, including the storage of parts and equipment.

f. Body work and painting is not permitted at this location.

g. Vehicles for repair are limited to private passenger automobiles and personal trucks or vans. No commercial vehicle repair is allowed except for that performed on light duty single axel trucks having a gross weight of less than 6,000 lbs.

h. One towing truck is permitted to bring vehicles to the site, and the truck may be parked or stored at this location in the screened areas at all times, except when being used.

i. All doors to the building must remain closed while vehicle work is being done to lessen the impact of noise on the surrounding neighborhoods.

j. Working on vehicles after or before the approved hours of operation, or working on Sundays, is prohibited.

k. No vehicle sales shall be conducted at this location.

l. There shall be no outdoor display or sales of products or vehicles at this site.

m. No junked or inoperable vehicles may be stored at this location and no vehicle salvage be conducted.

n. That vehicles awaiting service shall be permitted to be stored in the parking area for no longer then 20 days.

o. Parking of any vehicles associated with the business on adjacent streets for any reason is strictly prohibited.

p. That by June 1, 2009 the building must be maintained in a uniform, neutral color to be approved by the Director of City Development.

q. All parking areas are to be paved and striped, and all vehicles are to be parked in designated parking spaces. The amount of paved area is to be determined by the Director of City Development in accordance with an approved site plan.

r. The security plan proposed for the site shall be submitted to the Department of City Development prior to granting of occupancy.

s. A landscape plan is to be submitted for the review and approval of the Director of City Development that provides an appropriate buffer with a solid wood fence and in all other aspects being substantially in conformance to staff recommendations. The site plan is to be modified to show these site requirements. This plan shall include the following:

1. A 6-foot tall solid wood fence shall be installed. The fence shall be set back internally a minimum of 10' from the south and west property lines.

2. A landscape plan shall be submitted with plantings to consist of mostly coniferous trees along the southern property line, outside the fence but within the property line. The coniferous trees must be a minimum of 8' in height when planted.
3. Along the Quincy Avenue frontage, a mixture of coniferous, deciduous, and ground shrubs shall be proposed and to be planted in front of the fence but within the property line boundary. Coniferous trees are to be a minimum of 8' in height when planted, and deciduous trees must be a minimum of 2.5" caliper. A landscape and landscape maintenance plan shall be submitted and are subject to review and approval of the Department of City Development.
- t. If not installed prior to occupancy request, a landscaping letter of credit equal to 100% of the value of the landscaping and fencing shall be submitted for the review and approval of the Director of City Development. All landscaping and fencing shall be installed within six (6) months of occupancy.
- u. That all signs comply with zoning ordinance requirements and be professionally made.
- v. Amend the site plan to indicate how the dumpster area will be enclosed and screened from view.
- w. That all codes and ordinances be complied with and required permits acquired.
- x. 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.
- y. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.09-1416** Conditional Use Permit for 726 Yout Street

Resolved, that a Conditional Use Permit be granted to Heather Kent to open a dance studio at 726 Yout Street, subject to the following conditions:

- a. That the plans presented to the Plan Commission on May 13, 2009 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the studio hours for the public be Monday through Friday, 11:00 a.m. till 8:30 p.m., and Saturdays 10:00 a.m. to 2:00 p.m.
- d. That all codes and ordinances shall be complied with and required permits acquired.

- e. That black awnings shall be installed along the Yout St. and Green St. frontage as shown on the sign plan.
- f. Signage shall be installed in the black/red theme as shown, made of black/white/yellow vinyl as shown on the submitted sign plan, and may not exceed a total sign area of 25 square feet. A revised signage plan is subject to review and approval by the Department of City Development, and is required prior to issuance of a Certificate of Occupancy.
- g. The applicant must submit an accurate site plan and floor plan prior to issuance of an Occupancy Permit.
- 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

Sponsors: Gregory Holding

**Res.09-1417** Conditional Use Permit for 407 High Street

Resolved, that a Conditional Use Permit be granted to Miranda Meyer of Lost Soul Studio, LLC for the operation of a tattoo and piercing establishment at 407 High Street, subject to the following conditions:

- a. That the plans presented to the Plan Commission on May 13, 2009 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Department.
- c. That all the requirements of the State Department of Health and Family Services be complied with.
- d. That the sale of food or drinks shall not be allowed at this location.
- e. That no loitering be allowed in or around the building, and signs to this effect be displayed in the view of patrons and the general public.
- f. That any liter adjacent to the store front removed and disposed of on a daily basis.
- g. That all trash and recyclables be stored in closed containers and stored in the building until pick up.
- h. That the maximum hours the establishment is open to the public be from 10:00 a.m. to 9:00 p.m., Monday through Saturday, Noon to 5:00 p.m. on

Sunday.

- i. That all tattoo activities be confined to areas that are out of public view.
- j. That no flashing lights be incorporated into signage, window accents or window displays.
- k. That total signage not exceed 40 square feet in area, be professionally made, comply with the zoning ordinance requirements and be submitted for review and approval by the Director of City Development.
- l. That all codes and ordinances be complied with and required permits acquired.
- m. 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.
- n. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

**Res.09-1418** Conditional Use Permit for 304 Main Street

Resolved, that a Conditional Use Permit to add massage therapy services at 304 Main Street be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on May 13, 2009 be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the maximum hours the operation is to be open to the public are Monday through Friday, 9:00 a.m. to 9:00 p.m., and from 8:00 a.m. until 6 p.m. Saturdays and Sundays.
- d. That all codes and ordinances be complied with and required permits acquired, that State approvals for massage establishments be obtained if applicable, and that only licensed massage therapists provide such services.
- 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 Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A



**Sponsors:** Gregory Holding

**Res.09-1419** Permission for Old Timers Athletic Club to place a concession wagon at Lakeview Park on July 4th

Resolved, that the Old Timers Athletic Club be granted permission to place a concession wagon at Lakeview Park parking lot south of the tennis courts on July 4th subject to the following stipulations:

- a. A hold harmless agreement be executed;
- b. Proof of liability insurance be filed prior to the event;
- c. All required permits be obtained.

**Fiscal Note:** N/A

**Sponsors:** Aron Wisneski

## H. Resolutions

**Res.09-1399** Final - Ten (10) Year  
Benefits & Damages

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 12th day of May, 2009, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

### **PORTLAND CEMENT CONCRETE PAVING**

**Ravine Drive** from Crabapple Drive to Hickory Way

**Ravine Drive** from North Osborne Boulevard to Crabapple Drive

**Harrington Drive** from Spring Valley Drive to North Osborne Boulevard

**Crabapple Drive** from Ravine Drive to Hickory Way

**Virginia Street** from Ridgeway Avenue to 440' north of Ridgeway Avenue

**Virginia Street** from 440' north of Ridgeway Avenue to Thomas Street

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Racine as follows:

1. That the report of the Commissioner of Public Works pertaining to the construction of the above described public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved.
2. That the Commissioner of Public Works is directed to advertise for bids and to carry out the work of such improvement in accordance with the report of the Commissioner of Public Works.
3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.

4. That benefits and damages shown on the report, as modified, are true and correct, have been determined on a reasonable basis; do not exceed the value accruing to the property therefrom; and are hereby confirmed.
5. That the assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.
6. That the assessments may be paid in cash or if any assessments are over \$200.00 it may be paid in ten (10) annual installments to the City Treasurer, deferred payments to bear interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 9.6% per annum.
7. The City Clerk is directed to publish this resolution in the official newspaper of the City of Racine as a Class I notice in the assessment district.
8. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll, whose post office address is known or can with reasonable diligence be ascertained.

Dated \_\_\_\_\_

Signed \_\_\_\_\_  
Mayor

Published \_\_\_\_\_

Attest \_\_\_\_\_  
City Clerk

**Sponsors:** Gregory Holding

**Res.09-1401** Vacation of alley from 20th Street/DeKoven Avenue; Jay Eye See/Phillips Avenue

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

The east-west alley bounded by DeKoven Avenue, 20th Street, Jay Eye See Avenue and Phillips Avenue.

**Fiscal Note:** Not applicable.

**Sponsors:** Gregory Holding

**Res.09-1420** Racine Common Council appreciation of Mayor Thomas Friedel

WHEREAS, the unexpected, mid-term departure of the previous Mayor created an emergency situation in the City of Racine; and

WHEREAS, following his appointment as Mayor by the Common Council, Tom Friedel took on the difficult job of crisis management and restored calm, public confidence and a sense of order, all the while adeptly addressing complex stimulus and personnel issues as well as maintaining a high level of day to day operations in the City.

NOW, THEREFORE, BE IT RESOLVED, that the members of the Racine Common Council salute, thank and congratulate Mayor Tom Friedel for his outstanding public service during these difficult and trying times.

Fiscal Note: N/A

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

## **I. Miscellaneous Business**

Swearing In of Mayor Elect John T. Dickert

Appointment of Alderman of the Tenth District

## **J. Adjourn**

Office of The City Clerk

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