



City of Racine Meeting Minutes Common Council

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

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

Tuesday, July 3, 2007

7:00 PM

Room 205, City Hall

A. Call To Order

Mayor Becker was excused.

President Spangenberg presided over the meeting.

PRESENT: 14 - Coe, Anderson, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas,
Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 1 - Shields

B. Pledge of Allegiance To The Flag

President Spangenberg led the Council in the Pledge of Allegiance to the Flag.

C. Approval of Journal of Council Proceedings (Minutes)

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

D. Public Comments

*Donna Swift
Quincy Brown
Jonathan Tucker
Mercedes Dzindzletta
Kevin Carrier-Duncan*

E. Communications

Refer to Finance and Personnel Committee, by Ald. Friedel

07-0817

Subject: Communication from the 4th District Alderman requesting the two (2) civil war cannons rightfully be returned to Monument Square.

(Also refer to Board of Parks & Recreation)

(Also refer to Landmarks Preservation Commission)

Referred to Finance and Personnel Committee

Referred to Board of Park, Recreation and Cultural Services

Referred to Landmarks Preservation Commission

[07-0844](#)

Subject: Communication from Chief Wahlen, requesting to discuss extension of a lease agreement, for the period of two years, with Racine Harley Davidson for two motorcycles.

Referred to Finance and Personnel Committee

Referred to Public Safety and Licensing Committee

[07-0851](#)

Subject: Request of the Director of Parks, Recreation & Cultural Services for an increase of \$1,200.00 (\$100.00/mo.) for janitorial contract at Community Centers with MJJ, Inc. for use of green, environmentally safe products.

Referred to Finance and Personnel Committee

[07-0853](#)

Subject: Communication from the Public Health Administrator requesting permission to apply for a grant from the Great Lakes Protection Fund for the Achieving Healthy Great Lakes Beaches program. (Grant Control #2007-036)

(Also refer to the Board of Health.)

Referred to Finance and Personnel Committee

Referred to Board of Health

[07-0856](#)

Subject: Communication from the Public Health Administrator requesting permission to accept funding from the Department of Health and Family Services for the continuation of the Lead Poisoning Prevention Program. (Grant Control #2007-035)

(Also refer to the Board of Health.)

Referred to Finance and Personnel Committee

Referred to Board of Health

[07-0858](#)

Subject: Communication from the Public Health Administrator requesting permission to accept funding from the Division of Employment and Training for the Refugee Health Screening and Education Program. (Grant Control #2007-037)

(Also refer to the Board of Health.)

Referred to Finance and Personnel Committee

Referred to Board of Health

[07-0861](#)

Subject: Communication from Chief Wahlen, requesting to accept the

2007 Bureau of Justice Assistance (BJA) Edward Byrne Justice Assistance Grant (JAG), grant control #2007-001, to be split equally with Racine County Sheriff's Department. The City's share of the award will be \$36,884.50, with no City match required.

Referred to Finance and Personnel Committee

Referred to Public Safety and Licensing Committee

07-0873

Subject: Communication from the Public Health Administrator requesting permission to apply for funds from the Great Lakes and St. Lawrence Cities Initiative on behalf of the City of Grand Rapids, Michigan, for the Small Cities Sustainability Award. (Grant Control #2007-038)

(Also refer to the Board of Health.)

Referred to Finance and Personnel Committee

Referred to Board of Health

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

07-0793

Subject: Communication from the Alderman of the 15th District submitting the request of the residents of Queens Court to have the street repaved.

Referred to Public Works and Services Committee

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

07-0835

Subject: (Change of Agent) Application of Evelyn's Club Main, Catherine R. Kett, Agent, for a Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 331 Main Street. (1st District)

Referred to Public Safety and Licensing Committee

07-0842

Subject: Request of the Director of Parks, Recreation & Cultural Services to waive bidding for Flex Court Installation.

Referred to Public Safety and Licensing Committee

07-0849

Subject: Communication from Timothy York's Bistro, requesting to amend the premises description at 600 6th Street.

Referred to Public Safety and Licensing Committee

07-0864

Subject: (New) Application of Club La Pantera, Pedro Cruz, Agent, for a "Class B" Fermented Malt and Intoxicating Liquor License at 1240 Washington Avenue. (3rd District)

Referred to Public Safety and Licensing Committee

07-0874

Subject: The following **renewal** application for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2007-2008.

Bhupinder Kaur Bhatti
(Sam's Liquor)

965 Dr. M.L. King, Jr. Drive

The following **renewal** application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2007-2008.

The Ice Box Bar & Grill 2328 Douglas Avenue
Richard J. Tempesta, Agent

Referred to Public Safety and Licensing Committee

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

07-0866

Subject: Communication from President & CEO of the Racine Zoological Society requesting the operating agreement between the Racine Zoological Society and the City of Racine be extended for an additional two years.

Referred to Board of Park, Recreation and Cultural Services

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Friedel

07-0660

Subject: Communication from the Assistant Commissioner Public Works/Engineering requesting permission to accept a grant from the Root-Pike Watershed Initiative Network, Grant Control No. 2007-029.

Recommendation of the Finance & Personnel Committee on

06-25-07: Item to 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

07-0700

Subject: Communication from the Commissioner of Public Works/City Engineer requesting to meet with the Finance and Personnel Committee regarding a minor reorganization within the Department of Public Works, Facility Management Division.

Recommendation: That the reorganization plan for the Department of Public Works, Facility Management Division, be approved in concept and referred to the Finance and Personnel Committee.

Recommendation of the Finance & Personnel Committee on

06-25-07: Permission granted for the Commissioner of Public Works/City Engineer to: 1.) eliminate two long-seasonal employee positions and one student position for the 2008 year; 2.) shift the responsibility for maintaining the field operation facility to the Facility Manager, 3.) shift supervisory responsibility for the current Building Maintenance Worker HU-9 from the Equipment Maintenance Manager to the Building Complex Facility Manager, and 4.) to create a Building Maintenance Supervisor position at a NR-11 level with salary midpoint of \$53,658.

Fiscal Note: This reorganization will have no impact in cost to the City's budget.

Alderman Kaplan requested that item 07-0700 be considered separately.

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

NON VOTING: 1 - Spangenberg

AYES: 12 - Coe, Anderson, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

NOES: 1 - Kaplan

EXCUSED: 1 - Shields

07-0746

Subject: Communication from the City Attorney requesting additional funding for the 2007 Budget, account 101.160.5610, Professional Services.

Recommendation of the Finance & Personnel Committee on

06-25-07: Permission granted to transfer \$50,000 from account 101.990.5970, Contingency to cover account 101.160.5610, Professional Services.

Fiscal Note: Sufficient funds are available for the transfer.

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

07-0763

Subject: Communication from the Public Health Administrator requesting permission to accept funding from the United Way of Racine County. (Grant Control #2007-034)

Also refer to the Board of Health.

Staff recommendation to the Finance & Personnel Committee on

06-25-07: The Mayor and City Clerk be authorized and directed to enter

into a \$60,982 agreement with the United Way of Racine County (Grant Control No. 2007-034) to be utilized for the FSKF Home Visitor Program.

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

07-0773

Subject: Communication from the City Attorney submitting the claim of Barbara Thompson for consideration.

Recommendation of the Finance & Personnel Committee on

06-25-07: The claim of Barbara Thompson, of 1737 Howe Street, be settled in the amount of \$17,000 for injuries and damages arising from an auto accident on June 14, 2005 with a DPW vehicle.

Fiscal Note: There are sufficient funds available in account 101.990.5910, Judgment and Claims.

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

07-0794

Subject: Communication from the Director of the Finance Department requesting to discuss the bond issue to cover the 2007 Capital Projects.

Recommendation of the Finance & Personnel Committee on

06-25-07: Authorization be granted to borrow sufficient funds to cover the 2007 Capital Improvement Projects.

Fiscal Note: Note Anticipation Notes issuance of approximately \$7,500,000 for 2007 CIP. Final debt amount will be determined by market conditions and total issuance costs.

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

Council Action

A motion was made by Alderman Thomas Friedel to Adopt the Report.

AYES: 13 - Coe, Anderson, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 1 - Shields

NON VOTING: 1 - Spangenberg

Public Works and Services Committee Report, by Ald. Hart

07-0669

Subject: Direct Referral. Communication from the Commissioner of Public

Works/City Engineer submitting the request of the Village of Mt. Pleasant for the City of Racine to participate in the cost of paving 16th Street from west of Ostergaard Avenue to west of Oakdale Avenue.

Recommendation: That the Mayor and City Clerk enter into an agreement with the Village of Mt. Pleasant for the rubbilization and overlaying of bituminous concrete on 16th Street from STH 31 to Ostergaard Avenue.

Further recommends that the City of Racine agrees to pay 48% of the construction cost for its share of the construction project for the rubbilization and placement of bituminous concrete and 36% of the engineering, legal and administrative costs which are currently estimated at \$106,117.00. The City of Racine's final cost will be based upon the actual cost to perform the work on the City's share of the project based upon actual bid pricing.

Further recommends that funds to defray the cost of this work are available in the intergovernmental shared sewer revenue fund.

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

07-0684

Subject: Communication from the Event Chairperson for the Senor de Tlacolula Celebration requesting permission to close city right-of-way on Saturday, September 8, 2007, for a procession.

Recommendation: That Cristo Rey Parish be granted permission to close Festival Park Drive from 5th Street to 6th Street, Sam Johnson Parkway from Festival Park Drive to Lake Avenue, and Lake Avenue from 6th Street to 5th Street, on Saturday, September 8, 2007, from 3 p.m. to 4 p.m., for the Senor de Tlacolula Celebration procession.

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 pay a \$400.00 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**

07-0736

Subject: Resolution 07-0246 of June 5, 2007 relating to street improvements.

Recommendation of 6-12-07: Resolution No. 07-0246, of June 5, 2007, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING

Alley - Shoreland Drive to South Street; Charles Street to Sixth Avenue
Alley - Shoreland Drive to North Street; Charles Street to Eighth Avenue.
Alley - Shoreland Drive to South Street; Charles Street to Eighth Avenue.
Alley - Shoreland Drive to North Street; Ninth Avenue to Eighth Avenue.
Alley - Shoreland Drive to South Street; Ninth Avenue to Eighth Avenue.

and, as amended , Resolution No. 07-0246, of June 5, 2007, be adopted.

Fiscal Note: Funds will be appropriated in the 2008 C.I.P. for these alley improvements, and special assessments will be paid by the abutting property owners for the alley improvements.

Recommendation of 6-26-07: That Resolution No. 07-0246, of June 5, 2007, be received and filed.

Fiscal Note: Not applicable.

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

07-0750

Subject: Communication from Henry & Wanda's to close Park Avenue between 6th Street and 7th Street on Saturday, August 18, 2007, from 9 a.m. to midnight, for the Wisconsin Harley Owners Group Rally.

Recommendation: That Henry & Wanda's be granted permission to close Park Avenue from 6th Street to 7th Street on Saturday, August 18, 2007, from 9 a.m. to 12 midnight for the Wisconsin Harley Owners Group Rally.

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

F. 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**

07-0752

Subject: Communication from the Assistant Commissioner of Public Works/Engineering submitting a storm sewer easement for the Reservoir Park project.

Recommendation: That the Mayor and City Clerk be authorized and directed to enter into an easement agreement for the installation of a storm sewer on the property commonly known as 4513 Durand Avenue, Tax No. 151 0323 30007000.

Fiscal Note: Not applicable at this time.

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

07-0754

Subject: Communication from the Sales/Marketing Director of the Racine County Convention and Visitors Bureau requesting permission to use city right-of-way on July 22, 2007, for the Spirit of Racine Triathlon.

Recommendation: The Racine County Convention and Visitors Bureau and HFP Racing be granted permission to close the following streets and to utilize certain other City streets as indicated on their race map, for the Spirit of Racine Triathlon to be held on Saturday, July 21, 2007, from 3:00 a.m. to noon, and on Sunday, July 22, 2007, from 3:00 a.m. to 7:00 p.m.,

Barker Street from Main Street to its terminus with Lake Michigan,
Goold Street from Main Street to Michigan Boulevard,
Augusta Street from Main Street to Michigan Boulevard,
Wolff Street from Main Street to Michigan Boulevard,
William Street from Main Street to Michigan Boulevard,
Lombard Avenue from Main Street to Michigan Boulevard,
Lakecrest Drive from Main Street to Michigan Boulevard;

with the following stipulations:

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

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**

07-0766

Subject: Communication from the Commissioner of Public Works/City Engineer wishing to discuss the paving of Victorian Drive from Emstan Hills Road to Maryland Avenue with portland cement concrete.

Recommendation: That a preliminary resolution be introduced for the paving of Victorian Drive from Emstan Hills Road to Maryland Avenue with portland cement concrete, and that the cost of the project be assessed to the abutting property owners.

Fiscal Note: Not applicable at this time. Approval of the preliminary resolution only authorizes the Commissioner of Public Works/City Engineer to conduct a public hearing.

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

07-0786

Subject: Communication from the Executive Director of the Big Fish Bash requesting to use the turn-arounds at Festival Park for parking during the Big Fish Bash on July 19-22, 2007.

Recommendation: That Big Fish Bash be granted permission to close the turnarounds adjacent to Festival Park Drive and Christopher Columbus Causeway, on July 19-22, 2007, 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.

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. Since only a partial street closing is involved, no special event fee will be charged.

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

07-0790

Subject: Communication from the Recreational Leadership Co., LLC, requesting permission to close the Christopher Columbus Causeway for the Racine Boat & RV Show on August 6-12, 2007.

Recommendation: That Recreational Leadership Company, LLC be granted permission to close the Christopher Columbus Causeway, from Lake Avenue east to the water's edge, from 8:00 a.m. on August 6, 2007 to 10:00 p.m. on August 12, 2007, for the Racine Boat & RV Show.

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 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**

07-0791

Subject: Communication from the Alderman of the 15th District requesting the repaving of Lighthouse Drive.

Recommendation: That a preliminary resolution be introduced for the paving of Queens Court from Lighthouse Drive to the dead end.

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

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

07-0798

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 38-06 (K6-040), 2006 Sidewalk Replacement, Phase II, A.W. Oakes & Son, contractor.

Recommendation: The work done by A.W. Oakes & Son, Inc., under Contract 38-06 (K6-040), 2006 Sidewalk Replacement, Phase II, be accepted and final payment authorized for a total contract amount of \$211,349.78, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 06-7176, dated August 15, 2006.

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

07-0819

Subject: Direct Referral. Communication from Kiernan Heating & Air Conditioning, Inc., 3210 Durand Avenue, requesting a variance for facade and storefront renovations.

Recommendation: The property owner of 3210 Durand Avenue be granted permission to install a decorative facade which extends over the public right-of-way by 4", as requested, with the stipulation that no part of the facade extension shall rest on or touch the public sidewalk, and that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

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

Fiscal Note: There will be no cost to the City of Racine.

**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 Ronald D. Hart to Adopt the Report.

AYES: 13 - Coe, Anderson, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 1 - Shields

NON VOTING: 1 - Spangenberg

Public Safety and Licensing Committee Report, by Ald. Shakoor

07-0614

Subject: Request of the Director of Parks, Recreation & Cultural Services to meet with the Public Safety & Licensing Committee for permission to enter into an agreement with Ken Saiki Design Inc. to prepare specifications for the Monument Square enhancements.

Recommendation of Public Safety and Licensing Committee of 5-21-07: That the item be deferred until the June 11, 2007 meeting.

Recommendation of Public Safety and Licensing Committee of 6-11-07: That the item be deferred until the June 25, 2007 meeting.

Recommendation of Public Safety and Licensing Committee of 06-25-07: That permission be granted for the Director of Parks and Recreational Services to enter into an agreement with Ken Saiki Design Inc. to prepare specifications for the Monument Square enhancements.

Fiscal Note: Funds are available in account 207.000.5760, Mound Cemetery maintenance building renovation in an amount not to exceed \$15,000.

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

07-0792

Subject: Direct Referral, Bids for Contract 42-07 (K7-050) Masonry and Wall Repair at Mound and Graceland Cemeteries (R1)

Recommendation of Public Safety and Licensing Committee of 06-25-07: The Director of Parks & Recreation & Cultrual Services be granted permission to enter into an agreement with Pukall Company Inc., for masonry and wall repair at Mound and Graceland Cemeteries in the amount of \$218, 065.00.

Fiscal Note: Funds are available in account 207.000.576, Mound Cemetary crypt renovation.

207.000.5760 Graceland Cemetery War Memorial Renovation - \$26,185.00

207.000.5760 Mound Cemetery Crypt Renovation - \$73,255.00

207.000.5760 Mound Cemetery Maintenance Building Renovation -
\$118,625.00

Alderman Weidner requested that item 07-0792 be considered separately.

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

AYES: 13 - Coe, Anderson, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas,
Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 1 - Shields

NON VOTING: 1 - Spangenberg

07-0755

Subject: (Change of Agent) Application of Aldi's Inc., 3110 Douglas Avenue, Lorelei Rasch, Agent, for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 3110 Douglas Avenue. (7th District)

Recommendation of Public Safety and Licensing Committee of 06-25-07: That the change of agent for Aldi's Inc., for 3110 Douglas Avenue be granted.

Fiscal Note: N/A

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

07-0764

Subject: (Direct Referral) Renewal applications for Massage Establishments for 2007-2008.

Rejuvenations 215 6th Street
Northside Spa 1401 Douglas Avenue

Recommendation of Public Safety and Licensing Committee of 06-25-07: That the renewal licenses be granted.

Fiscal Note: N/A

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

07-0775

Subject: (New) Application of Better Day BP TTDH, Inc., Constantin Tousis, Agent for a Class "A" Retail Fermented Malt Beverage License and Gasoline Station Owner/Managers license for 2100 Douglas Avenue. (5th District)

Recommendation of Public Safety and Licensing Committee of 06-25-07: That the license of Better Day BP TTDH, Inc. be granted with

Wisconsin relating to Hours of Operation of Convenience Stores and Gas Station/Auto Repair Facilities.

Recommendation of Public Safety and Licensing Committee of

6-25-07: That the ordinance which was distributed to committee members at the meeting, be adopted with the following amendments:

- (c) employ such unarmed or armed private security person as defined by Chapter 22, Article XXVII of the Municipal Code of the City of Racine, as may be deemed useful and necessary to ensure the safe operation of such gasoline service station;
- (d) install and operate such additional security measures as may be deemed useful and necessary to ensure the safe operation of such gasoline service station;
- (e) have such premise's conditional use permit(s) revoked or modified;
- (f) be subject to such additional and further sanctions as may be imposed by the Common Council."

Alderman Shakoor requested that item 07-0846 be considered separately.

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

NON VOTING: 1 - Spangenberg

AYES: 12 - Coe, Anderson, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Hart and Mozol

NOES: 1 - Karas

EXCUSED: 1 - Shields

07-0847

Subject: Ordinance No. 14-07

To amend Sec. 6-4(a) and (b) and to create Sec. 6-4(e) of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic beverages; Prohibited sale, possession or consumption of alcohol beverages in certain public places.

Recommendation of the Public Safety and Licensing Committee of

6-25-07: That the ordinance be adopted.

Fiscal Note: N/A

Alderman Karas requested that item 07-0847 be considered separately.

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

NON VOTING: 1 - Spangenberg

AYES: 12 - Coe, Anderson, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Hart and Mozol

NOES: 1 - Karas

EXCUSED: 1 - Shields

07-0848 **Subject:** Ordinance No. 15-07

To create Sections 82-44, 82-45 and 82-46 of the Municipal Code of the City of Racine, Wisconsin relating to Streets, sidewalks and certain other public places - Street festivals; Application for permit; Street closing.

Recommendation of the Public Safety and Licensing Committee of 6-25-07: That the ordinance be adopted.

Fiscal Note: N/A

Alderman Karas requested that item 07-0848 be considered separately.

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

NON VOTING: 1 - Spangenberg

AYES: 12 - Coe, Anderson, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Friedel, Holding, Wisneski, Hart and Mozol

NOES: 1 - Karas

EXCUSED: 1 - Shields

07-0850 **Subject:** Ordinance No. 16-07

To create Article VII of the Municipal Code of the City of Racine, Wisconsin Relating to Regulation of the Sale, Application and Use of Fertilizers.

Recommendation of the Public & Safety & Licensing Committee of 6-25-07: The Common Council be required to hold a public hearing on the ordinance before it is fully adopted.

**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 to Adopt the Report.

AYES: 13 - Coe, Anderson, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 1 - Shields

NON VOTING: 1 - Spangenberg

Transit and Parking Commission Report, by Ald. DeHahn

07-0721 **Subject:** Communication from the Transit Planner submitting the April

2007 operating and financial report for the Belle Urban system.

Recommendation: The communication 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**

07-0722

Subject: Communication from John Mozol Jr., filing a complaint against a Belle Urban System driver for an incident on June 3, 2007.

Recommendation: The communication 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**

07-0723

Subject: Authorization for the Mayor and/or designee to execute and file applications for Federal assistance on behalf of the City of Racine with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. chapter 53, Title 23, United States Code, or other Federal statutes authorizing projects administered by the Federal Transit Administration.

Recommendation: The resolution be adopted.

Fiscal Note: N/A

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

07-0795

Subject: (Direct Referral) Communication from the Transit Planner submitting the May 2007 operating and financial report for the Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service.

Recommendation: The communication 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**

07-0806

Subject: (Direct Referral) Communication from the Transit Planner submitting the May 2007 operating and financial report for the Belle Urban System.

Recommendation: The communication 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**

Council Action

A motion was made by Alderman Raymond DeHahn to Adopt the Report.

AYES: 13 - Coe, Anderson, Kaplan, Maack, Weidner, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 1 - Shields

NON VOTING: 1 - Spangenberg

City Plan Commission Report, by Ald. Holding

07-0607

Subject: (Direct Referral) Request by the Director of City Development to rezone 1300 (odd) Block of Washington Avenue.

Recommendation of the City Plan Commission on 5-30-07: That an ordinance be created and a public hearing scheduled.

Recommendation of the City Plan Commission on 6-27-07: that this 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**

07-0705

Subject: Communication from Sean Dunk, 1436 Summit Avenue, requesting interest in purchasing adjoining property owned by the City of Racine.

Recommendation of the Public Works and Services Committee on 6-12-07: Defer

Recommendation of the City Plan Commission on 6-13-07: That the communication be received and filed because the property is public right-of-way and not a sellable parcel, and that Mr. Dunk request the vacation of the public right-of-way instead.

Recommendation of the Public Works and Services Committee on 6-26-07: The communication 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**

07-0731

Subject: Communication from the State of Wisconsin Department of Natural Resources requesting the reclassification of flood-fringe to flood-storage as it relates to the Pike Creek basin and the Sorenson Creek basin.

Recommendation of the City Plan Commission on 6-27-07: That a letter of understanding be forwarded to the Village of Mt. Pleasant and the Wisconsin DNR, and that an ordinance be prepared.

Fiscal Note: N/A

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

07-0821

Subject: (Direct Referral) Proposed creation of a Business Improvement District for the Uptown Commercial Area.

Recommendation of the City Plan Commission on 6-27-07: That Uptown business Improvement District Operating Plan as presented to the City Plan Commission on June 27, 2007 be approved.

Further that the Mayor be authorized to appoint members to the BID Board.

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 to Adopt the Report.

AYES: 13 - Coe, Anderson, Kaplan, Maack, Weidner, DeHahn, Shakoore II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 1 - Shields

NON VOTING: 1 - Spangenberg

Housing Loan Board Report, by Ald. Spangenberg

07-0617

Subject: Request from Mr. Damian Warshall, Vice President Housing Investments JPMorgan Capital Corporation for City Loan Board of Review to write off loan on Lincoln School Historic Apartments at 1130 Carlisle Avenue, Racine, WI 53404

Recommendation of the Loan Board on 6-28-07: That the Mayor and City Clerk be authorized and direct to execute an Assignment, Assumption and Novation Agreement with Lincoln School Historic Apartments and WHP-Lincoln School, LLC, and a Payment in Lieu of Taxes Agreement for the property.

Fiscal Note: The recommended action revises the city's mortgage on this property. It does not write it off. The revision provides for the city to receive a payment of \$29,296.00 on this currently non-performing mortgage and for the mortgage to be restructured so that principal and interest are forgiven over a 14 year period (1/14th per year) if the apartments remain affordable for low and moderate income persons. The revision allows the property to be sold to a non-profit organization that will improve the property and has agreed to make payments in lieu of property taxes.

Alderman Weidner requested that item 07-0617 be considered separately.

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

NON VOTING: 1 - Spangenberg

AYES: 12 - Coe, Anderson, Kaplan, Maack, Weidner, DeHahn, Shakoore II, Karas, Friedel, Holding, Wisneski and Mozol

NOES: 1 - Hart

EXCUSED: 1 - Shields

Alderman Weidner was excused at 8:25p.m.

07-0859

Subject: Request from Pointe Blue redevelopment project for a City loan guarantee

Recommendation of the Loan Board on 6-28-07: That the City of Racine guarantee a loan from First Wisconsin Bank & Trust to Key Bridge Group, Inc., said guarantee not to exceed \$750,000 for a term of three years.

Further recommends that the appropriate city officials be authorized to execute a Limited Guarantee of Specific Transaction documenting said guarantee.

Fiscal Note: The guarantee is not an expenditure of funds. It will be recorded as a liability against the housing loan portfolio, account 820, until the expiration of the guarantee.

Alderman DeHahn requested that item 07-0859 be considered separately.

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

AYES: 12 - Coe, Anderson, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 2 - Shields and Weidner

NON VOTING: 1 - Spangenberg

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

07-0685

Subject: Request of The West Racine Business and Professional Association for use of the redevelopment property on the 3100 block of Washington Avenue for their Western Days.

Recommendation of Redevelopment Authority on 6-22-07: That the request of the West Racine Business and Professional Association for the use of the Authority's property at 3124 Washington Avenue on July 21, 2007, for activities as part of the Association's Western Days event, be granted subject to the following conditions:

- a. All costs associated with the temporary use of the property are borne by the West Racine Business and Professional Association.
- b. The Association remove any displays, remove and properly dispose of any accumulated trash, and restore the property to its prior condition within 24 hours of the conclusion of the event.
- c. The Association extend its liability insurance to cover the area and name the City of Racine and the Redevelopment Authority as additional insured, and agree to hold the City and the Authority harmless.

Further recommends that the Chairman and Executive Director of the Authority be authorized to execute an agreement with the West Racine Business and Professional Association for the temporary use consistent with the conditions herein.

Further recommends that the communication be received and filed.

Fiscal Note: NA.

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

AYES: 12 - Coe, Anderson, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 2 - Shields and Weidner

NON VOTING: 1 - Spangenberg

Office of the Mayor Report, by Ald. Spangenberg

07-0863

Subject: Communication from Mayor Becker nominating appointments to the following Committees and Commissions for the City of Racine:

Board of Parks, Recreation and Cultural Services:

Reappoint Don Nielson, 3317 N. Wisconsin Avenue, (Racine Unified Representative) for a one-year term ending in April 2008.

Cable Television Commission:

Appoint Gary Alvarado, 1009 College Avenue, for a three-year term ending in May 2010.

Transit and Parking Commission:

Appoint Kristin Niemec, 831 Orchard Street, to fill an unexpired term (replacing Mark Kowbel) ending in October 2009.

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

AYES: 12 - Coe, Anderson, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 2 - Shields and Weidner

NON VOTING: 1 - Spangenberg

Water Works Committee Report, by Ald Hart

07-0782

Subject: Communication from the General Manager of the Water Utility presenting the 2006 audit from Clifton-Gunderson

Recommendation: (Direct Referral) Recommendation of the Waterworks Commission on June 26, 2007: Refer to the Finance and Personnel Committee for adoption

Fiscal Note: N/A

This Communication was Referred to the Finance and Personnel Committee

07-0818

Subject: Communication from the General Manager requesting use of City property for temporary spoils storage

Recommendation: (Direct Referral) Recommendation of the Waterworks Commission on June 26, 2007, requesting to use Rickeman Court as a site for temporary spoils storage. Refer to the City Plan Commission for further consideration.

Fiscal Note: N/A

This Communication was Referred to the City Plan Commission

Wastewater Commission Report, by Ald Hart**07-0783**

Subject: Communication from the General Manager of the Wastewater Utility presenting the 2006 audit from Clifton-Gunderson

Recommendation: (Direct Referral) Recommendation of the Wastewater Commission on June 26, 2007: Refer to the Finance and Personnel Committee for adoption

Fiscal Note: N/A

This Communication was Referred to the Finance and Personnel Committee

Ord.13-07

Ordinance No. 13-07

To create Sec. 98-157 of the Municipal Code of the City of Racine, Wisconsin relating to Utilities; Amalgam Management at Dental Offices.

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

Part 1:

Section 98-157 of the Municipal Code of the City of Racine is hereby created to read as follows:

“98-157. Amalgam Management at Dental Offices

(1) This section applies to any dental office that places or removes amalgam. If work in a dental office is limited to work that does not involve placing or removing amalgam, such as orthodontics, periodontics, oral and maxillo-facial surgery, endodontics, or prosthodontics, then this section does not apply.

(2) All dental offices shall implement best management practices for amalgam as established by the Wisconsin Dental Association.

(3) Within the shortest reasonable time, but not later than February 1, 2008, every vacuum system where amalgam is placed or removed shall include an amalgam separator that meets the criteria of the International Standards Organization (ISO 11143). Dental offices shall install, operate, and maintain the amalgam separator according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.

(4) On or before July 31, 2007, each dental office shall submit a report to the

(POTW) that certifies the implementation of the management practices required by sub. (2) and identifies the contractors used to remove amalgam waste within the last twelve months.

(5) On or before October 1, 2007, each dental office shall provide a schedule for the installation of the amalgam separator required by sub. (3).

(6) On or before November 1, 2007, each dental office shall provide a report providing the following information:

(a) If installation of the amalgam separator is complete, then the report shall identify the installation date, the manufacturer, and the model name.

(b) If installation of the amalgam separator is incomplete, then the report shall briefly explain the delay, provide an installation schedule, and identify the manufacturer and the model name of the amalgam separator that will be installed.

(7) If a dental office has provided a report according to sub. (6)(b), then the dental office shall notify the Racine Wastewater Utility (POTW) of the completion of the installation within five days after completion.

(8) The Racine Wastewater Utility shall provide forms for reporting the information required by subs. (4), (5), (6), and (7).

(9) From the contractors used to remove amalgam waste, dental offices shall obtain records for each shipment showing: the volume or mass of amalgam waste shipped; the name and address of the destination; and the name and address of the contractor. Dental offices shall maintain these records for a minimum of five years. Dental offices shall make these records available to the Racine Wastewater Utility for inspection and copying upon request from the Utility.

(10) Dental offices shall allow the Utility to inspect the vacuum system, amalgam separator, and amalgam waste storage areas.

(11) Inspections shall occur during the normal operating schedule of the dental office. The Utility shall inspect dental offices according to appointments made in advance, as long as this advanced notice does not impede enforcement of this section.

(12) If a dental office is implementing the management practices required by sub. (2) and is operating and maintaining the amalgam separator required by sub. (3), then any

numerical discharge limit for mercury established in any other section of this chapter does not apply.”

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

This Ordinance was Referred to the Public Safety and Licensing Committee

This Ordinance was Referred to the Public Works and Services Committee

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

Alderman Karas made a motion to refer the item to the Public Safety & Licensing Committee for further consideration.

Motion failed by the following vote:

AYES: Karas, Shakoor, Anderson, Coe and DeHahn

NOES: Hart, Holding, Kaplan, Maack, Mozol, Wisneski and Friedel

07-0613

Subject: Communication from Jan Roland, President of Racine Habitat for Humanity, requesting the transfer of the north side of Jones Park to Habitat for Humanity to build homes.

Recommendation of the City Plan Commission on 5-30-07: That this item be deferred.

Recommendation of the Board of Parks, Recreation & Cultural Services 6-13-07: that the request be approved.

Fiscal note: None

Recommendation of the City Plan Commission on 6-27-07: That this

item is not in conflict with City Plans and Programs.

Further that the transfer be approved.

Further that a reversion clause in the City's favor be included in the transfer documents.

Fiscal Note: N/A

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

AYES: 7 - Kaplan, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

NOES: 6 - Coe, Anderson, Maack, DeHahn, Shakoor II and Karas

EXCUSED: 2 - Shields and Weidner

G. Resolutions

Res.07-0297 Settlement of Claim

Resolved, that the claim of Barbara Thompson, of 1737 Howe Street, be settled in the amount of \$17,000 for injuries and damages arising from an auto accident on June 14, 2005 with a DPW vehicle.

Fiscal Note: There are sufficient funds available in account 101.990.5910, Judgment and Claims.

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

AYES: 12 - Coe, Anderson, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 2 - Shields and Weidner

NON VOTING: 1 - Spangenberg

Res.07-0298 Transfer of funds for City Attorney's Office

Resolved, that permission be granted to transfer \$50,000 from Account 101.990.5970, Contingency, to cover Account 101.160.5610, Professional Services.

Fiscal Note: Sufficient funds are available for the transfer.

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

AYES: 12 - Coe, Anderson, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 2 - Shields and Weidner

NON VOTING: 1 - Spangenberg

Res.07-0299 2007 Capital Improvement Projects Funds

Resolved, that the Director of Finance be authorized and directed to borrow sufficient funds to cover the 2007 Capital Improvement Projects.

Fiscal Note: Note Anticipation Notes issuance of approximately \$7,500,000 for 2007 CIP. Final debt amount will be determined by market conditions and total issuance costs.

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

AYES: 12 - Coe, Anderson, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 2 - Shields and Weidner

NON VOTING: 1 - Spangenberg

Res.07-0300 Agreement for Monument Square Enhancements

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Ken Saiki Design Inc. to prepare specifications for the Monument Square enhancements.

Fiscal Note: Funds are available in account 207.000.5760, Mound Cemetery maintenance building renovation, in an amount not to exceed \$15,000.

A motion was made by Alderman Shakoor II that this Resolution be Adopted. The motion was APPROVED

AYES: 12 - Coe, Anderson, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 2 - Shields and Weidner

NON VOTING: 1 - Spangenberg

Res.07-0301 Agreement for wall repair at Mound and Graceland Cemeteries

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Pukall Company Inc., for masonry and wall repair at Mound and Graceland

Cemeteries in the amount of \$218, 065.00.

Fiscal Note: Funds are available in account 207.000.576, Mound Cemetery crypt renovation.

207.000.5760 Graceland Cemetery War Memorial Renovation - \$26,185.00
207.000.5760 Mound Cemetery Crypt Renovation - \$73,255.00
207.000.5760 Mound Cemetery Maintenance Building Renovation - \$118,625.00

A motion was made by Alderman Shakoor II that this Resolution be Adopted. The motion was APPROVED

AYES: 12 - Coe, Anderson, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 2 - Shields and Weidner

NON VOTING: 1 - Spangenberg

Res.07-0302 Big Fish Bash Event

Resolved, that the Big Fish Bash be granted permission to close the turnarounds adjacent to Festival Park Drive and Christopher Columbus Causeway, on July 19-22, 2007, 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.

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. Since only a partial street closing is involved, no special event fee will be charged.

Adopted

Res.07-0303 Henry & Wanda's Event for Wisconsin Harley Owners Group Rally

Resolved, that Henry & Wanda's be granted permission to close Park Avenue from 6th Street to 7th Street on Saturday, August 18, 2007, from 9 a.m. to 12 midnight for the Wisconsin Harley Owners Group Rally.

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 at least seventy-two (72) hours in advance of this event.
- E. No alcoholic beverages will be sold and/or dispensed within the street right-of-way.
- F. 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.

Adopted

Res.07-0304 Racine Boat & RV Show

Resolved, that Recreational Leadership Company, LLC be granted permission to close the Christopher Columbus Causeway, from Lake Avenue east to the water's edge, from 8:00 a.m. on August 6, 2007 to 10:00 p.m. on August 12, 2007, for the Racine Boat & RV Show.

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 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.

Adopted

Res.07-0305 Cristo Rey Parish Tlacolula Celebration

Resolved, that Cristo Rey Parish be granted permission to close Festival Park Drive from 5th Street to 6th Street, Sam Johnson Parkway from Festival Park Drive to Lake Avenue, and Lake Avenue from 6th Street to 5th Street, on

Saturday, September 8, 2007, from 3 p.m. to 4 p.m., for the Señor de Tlacolula Celebration procession.

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 pay a \$400.00 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.

Adopted

[Res.07-0306](#) Spirit of Racine Triathlon

Resolved, that the Racine County Convention and Visitors Bureau and HFP Racing be granted permission to close the following streets and to utilize certain other City streets as indicated on their race map, for the Spirit of Racine Triathlon to be held on Saturday, July 21, 2007, from 3:00 a.m. to noon, and on Sunday, July 22, 2007, from 3:00 a.m. to 7:00 p.m.,

Barker Street from Main Street to its terminus with Lake Michigan,
Goold Street from Main Street to Michigan Boulevard,
Augusta Street from Main Street to Michigan Boulevard,
Wolff Street from Main Street to Michigan Boulevard,
William Street from Main Street to Michigan Boulevard,
Lombard Avenue from Main Street to Michigan Boulevard,
Lakecrest Drive from Main Street to Michigan Boulevard;

with the following stipulations:

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

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.

Adopted

Res.07-0307 Variance request for 3210 Durand Avenue

Resolved, that the property owner of 3210 Durand Avenue be granted permission to install a decorative facade which extends over the public right-of-way by 4", as requested, with the stipulation that no part of the facade extension shall rest on or touch the public sidewalk, and that a hold harmless agreement be executed, in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets.

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

Fiscal Note: There will be no cost to the City of Racine.

Adopted

Res.07-0308 Agreement with Village of Mt. Pleasant for Paving

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with the Village of Mt. Pleasant for the rubbilization and overlaying of bituminous concrete on 16th Street from STH 31 to Ostergaard Avenue.

Further resolved, that the City of Racine agrees to pay 48% of the construction cost for its share of the construction project for the rubbilization and placement of bituminous concrete and 36% of the engineering, legal and administrative costs which are currently estimated at \$106,117.00. The City of Racine's final cost will be based upon the actual cost to perform the work on the City's share of the project based upon actual bid pricing.

Further resolved, that funds to defray the cost of this work are available in the intergovernmental shared sewer revenue fund.

Fiscal Note: Funds are available as herein delineated.

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

AYES: 12 - Coe, Anderson, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 2 - Shields and Weidner

NON VOTING: 1 - Spangenberg

Res.07-0309 Final Payment for 2006 Sidewalk Replacement

Resolved, that the work done by A.W. Oakes & Son, Inc., under Contract 38-06 (K6-040), 2006 Sidewalk Replacement, Phase II, be accepted and final payment authorized for a total contract amount of \$211,349.78, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 06-7176, dated August 15, 2006.

Adopted

Res.07-0310 Storm Sewer Easement Agreement for the Reservoir Park Project

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an easement agreement for the installation of a storm sewer on the property commonly known as 4513 Durand Avenue, Tax No. 151 0323 30007000.

Fiscal Note: Not applicable at this time.

Adopted

Res.07-0311 Preliminary - Ten (10) Year
Benefits and Damages

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

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

All property fronting upon both sides:

Portland Cement Concrete Paving

Oakes Road from Sixteenth Street +/- 3,000 feet

Curb And Gutter

Oakes Road from Sixteenth Street +/- 3,000 feet

Sewer And Water

Oakes Road from Sixteenth Street +/- 3,000 feet

2. Said public improvement shall consist of Portland Cement Concrete Paving, Curb And Gutter And Sewer And Water.
3. The total amount assessed against such district shall not exceed the total cost of the improvements and the amount assessed against any parcel shall not be greater than the benefits accruing thereto from said improvements.
4. The assessments against any parcel may be paid in cash or in ten (10) annual installments.
5. The Commissioner of Public works is directed to prepare a report consisting of:
 - a. Preliminary or final plans and specifications for said improvement
 - b. An estimate of the entire cost of the proposed work or improvement
 - c. An estimate, as to each parcel of property within the assessment district, of:
 - (1) The assessment of benefits to be levied.
 - (2) The damages to be awarded for property taken or damaged.
 - (3) The net amount of such benefits over damages or the net amount of such damages over benefits.

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

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

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

Adopted

Res.07-0312 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 26th day of June, 2007, 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

Savoy Circle from Cecelia Park Drive to the Cul-de-sac.
Georgia Avenue from Goold Street to Cecelia Park Drive.
Domanik Drive from the vacated Fairchild Street to Domanik Drive.
Apple Tree Circle from N. Illinois Street to N. Oregon 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

Referred to the Public Works and Services Committee

Res.07-0313 Resolution in Support of the Extension of Commuter Rail Service From Kenosha to Racine and Milwaukee

Whereas, the Counties and Cities of Milwaukee, Racine, and Kenosha in cooperation with the Wisconsin Department of Transportation have agreed to sponsor a Transit Alternatives Analysis Corridor Study and Draft Environmental Impact Study for enhanced public transit service generally east of I-94 in the Counties of Kenosha, Racine and Milwaukee (KRM); and

Whereas, the Southeastern Wisconsin Regional Planning Commission (SEWRPC), by an intergovernmental agreement, has agreed to serve as project manager for the purpose of managing the Transit Alternatives Analysis/Draft Environmental Impact Statement (AA/DEIS); and

Whereas, the KRM project purpose and need is to provide high quality transit service connecting Kenosha, Racine, and Milwaukee Counties with each other and with northeastern Illinois, thereby improving access to jobs and labor force, encouraging high density mixed use and more efficient land development around stations, and attracting increased transit ridership, potentially reducing highway traffic volumes and congestion and attendant air pollutant emissions; and

Whereas, the Transit AA/DEIS has now been completed and has identified commuter rail as the best alternative for providing improved transportation service and mobility, land use development and redevelopment benefits, and environmental benefits, and as the KRM Commuter Link project, has been recommended to be advanced to implementation as the locally preferred alternative; and

Whereas, the Transit AA/DEIS includes preliminary station area development plans for the commuter rail stations in the City of Racine and Town of Somers which have been developed and included as part of the *KRM Commuter Link Transit Supportive Land-Use Plans and Policies Portfolio*; and

Whereas, the Transit AA/DEIS includes a financial plan for the proposed commuter rail service which identifies the funding source for the local share of the commute rail service costs as recommended by the Southeastern Wisconsin Regional Transit Authority (RTA), and which consists of an increase in the RTA care rental fees to \$15 per transaction; and

Whereas, SEWRPC must meet the requirements of the Federal Transit Administration's (FTA) New Starts program by submitting a Request to Initiate Preliminary Engineering to advance to the next phase of implementation and be eligible for discretionary capital funding; and

Whereas, the City of Racine has reviewed the findings and conclusions of the AA/DEIS including its financial plan and preliminary transit supportive land use plans and policies.

Now, therefore, be it resolved by the Common Council of the City of Racine, Wisconsin, as follows:

Section One. The City of Racine will benefit from the proposed commuter rail service connecting Kenosha, Milwaukee, and Racine Counties with each other and with northeastern Illinois and also from the transit oriented development around its proposed commuter rail stations.

Section Two. The City of Racine therefore endorses and supports the development implementation, and operation of commuter rail service as the locally preferred alternative for providing the best means for expanded and improved transit service in the Kenosha-Racine-Milwaukee (KRM) corridor.

Section Three. The City of Racine endorses and supports the recommendation of the Southeastern Wisconsin Regional Transit Authority (RTA) to increase the RTA fee on car rentals to \$15 per transaction in order to fund the local share of costs for the proposed KRM commuter rail service; and encourages the RTA to provide further recommendations relative to dedicated and permanent funding sources for all public transit services in Kenosha, Milwaukee, and Racine counties.

Section Four. The City of Racine station area plan developed as part of the AA/DEIS and included in the *Transit Supportive Land-Use Plans and Policies Portfolio*, are hereby found to be consistent with the goals and objectives of land use and comprehensive plans for the City of Racine.

Section Five. The City of Racine endorses the station area plans and policies and will take appropriate steps toward implementation as recommended as part of the *Transit Supportive Land-Use Plans and Policies Portfolio* if commuter rail is chosen for implementation.

Section Six. The City of Racine endorses and supports the submission of a Request to Initiate Preliminary Engineering for the KRM Commuter Link project to the FTA New Starts program, towards development and implementation of commuter rail service in the KRM corridor.

Section Seven. The City of Racine urges FTA approval of the Request to Initiate Preliminary Engineering for the KRM Commuter Link project, and acceptance and endorsement of the complete *KRM Commuter Link Transit Supportive Land-Use Plans and Policies Portfolio*.

Fiscal Note: N/A

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

NON VOTING: 1 - Spangenberg

AYES: 11 - Coe, Anderson, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski and Hart

NOES: 1 - Mozol

EXCUSED: 2 - Shields and Weidner

[Res.07-0314](#) Transfer of land to Habitat for Humanity

Resolved, that the transfer of the north side of Jones Park to Habitat for Humanity to build homes be approved as this item is not in conflict with City plans and policies.

Fiscal Note: N/A

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

AYES: 7 - Kaplan, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

NOES: 6 - Coe, Anderson, Maack, DeHahn, Shakoor II and Karas

EXCUSED: 2 - Shields and Weidner

Res.07-0315 Approval of Uptown Business Improvement District Operating Plan

Resolved, that the Uptown Business Improvement District Operating Plan as presented to the City Plan Commission on June 27, 2007 be approved.

Further resolved, that the Mayor be authorized to appoint members to the BID Board.

Fiscal Note: N/A

Referred to the City Plan Commission

Res.07-0316 Hold Harmless Agreement

Resolved, that permission be granted to C.D. Smith Construction, Fond du Lac, Wisconsin, to install groundwater dewatering points at several locations around the tank perimeter in the parking lot west of the underground tank in West Racine, between Grove Avenue and Hayes Avenue, south of Washington Avenue contingent upon entering into a Hold Harmless Agreement with the City.

Fiscal Note: N/A

Adopted

Res.07-0317 Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal transportation assistance authorized by 49 U.S.C. chapter 53, title 23 United States Code, and other Federal statutes administered by the Federal Transit Administration.

Whereas, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project; and

Whereas, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the City of Racine, and may require the City of Racine to provide the local share of the project cost; and

Whereas, City of Racine has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project.

Now, Therefore, Be It Resolved By The City Of Racine:

1. That the Mayor or his/her designee is authorized to execute and file applications for Federal assistance on behalf of the City of Racine with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. chapter 53, Title 23, United States Code, or other Federal statutes authorizing projects administered by the Federal Transit Administration. The City of Racine is the Designated Recipient as defined by 49 U.S.C. § 5307(a)(2).
2. That the Mayor or his/her designee is authorized to execute and file within ninety (90) days of publication in the Federal Register or with its applications (if during that period) the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a Federal assistance grant or cooperative agreement.
3. That the Mayor or his/her designee is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Racine.

Fiscal Note: N/A

Adopted

Res.07-0318 Permission to use Redevelopment Property for Western Days

Resolved, that the request of the West Racine Business and Professional Association for the use of the Authority's property at 3124 Washington Avenue on July 21, 2007, for activities as part of the Association's Western Days event, be granted subject to the following conditions:

- a. All costs associated with the temporary use of the property are borne by the West Racine Business and Professional Association.
- b. The Association remove any displays, remove and properly dispose of any accumulated trash, and restore the property to its prior condition within 24 hours of the conclusion of the event.
- c. The Association extend its liability insurance to cover the area and name the City of Racine and the Redevelopment Authority as additional insured, and agree to hold the City and the Authority harmless.

Further resolved, that the Chairman and Executive Director of the Authority be authorized to execute an agreement with the West Racine Business and Professional Association for the temporary use consistent with the conditions herein.

Fiscal Note: N/A

Adopted**Res.07-0319** Pointe Blue Redevelopment Project Request for City Loan Guarantee

Resolved, that the City of Racine guarantee a loan from First Wisconsin Bank & Trust to Key Bridge Group, Inc., said guarantee not to exceed \$750,000 for a term of three years.

Further resolved, that the appropriate city officials be authorized to execute a Limited Guarantee of Specific Transaction documenting said guarantee.

Fiscal Note: The guarantee is not an expenditure of funds. It will be recorded as a liability against the housing loan portfolio, account 820, until the expiration of the guarantee.

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

AYES: 12 - Coe, Anderson, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski, Hart and Mozol

EXCUSED: 2 - Shields and Weidner

NON VOTING: 1 - Spangenberg

Res.07-0320 Lincoln School Historic Apartments Assignment, Assumption and Novation Agreement

Resolved, that the Mayor and City Clerk be authorized and direct to execute an Assignment, Assumption and Novation Agreement with Lincoln School Historic Apartments and WHP-Lincoln School, LLC, and a Payment in Lieu of Taxes Agreement for the property.

Fiscal Note: The recommended action revises the city's mortgage on this property. It does not write it off. The revision provides for the city to receive a payment of \$29,296.00 on this currently non-performing mortgage and for the mortgage to be restructured so that principal and interest are forgiven over a 14 year period (1/14th per year) if the apartments remain affordable for low and moderate income persons. The revision allows the property to be sold to a non-profit organization that will improve the property and has agreed to make payments in lieu of property taxes.

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

NON VOTING: 1 - Spangenberg

AYES: 11 - Coe, Anderson, Kaplan, Maack, DeHahn, Shakoor II, Karas, Friedel, Holding, Wisneski and Mozol

NOES: 1 - Hart

EXCUSED: 2 - Shields and Weidner

I. Adjourn

The meeting was adjourned at 8:55p.m. by Alderman Coe. The next scheduled meeting of the Council is July 17, 2007.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK