



# City of Racine

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

## Meeting Minutes - Final Common Council

*Mayor John T. Dickert*

*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,*

*Alderman Kelli Stein*

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Tuesday, September 15, 2009

7:00 PM

Room 205, City Hall

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### A. Call To Order

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

### B. Pledge of Allegiance To The Flag

*Mayor Dickert 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 Shakoor.*

### D. Public Comments

*Karen Sorenson  
Van Wanggaard  
John R. goines  
Annette Fazzari  
Tom Reiherzen  
Dan Doperalski  
Keith Fair  
Keith Kemper  
Steve Juzenas  
Al Johnson  
Dean Bouninf  
Josh Garner  
Rich Fistler  
Patrick E. Dunn  
Wesley Gable  
Joe Gould  
Aaron J. Hansen  
Lee DeBrabander  
Robert Sorenson*

### E. Communications

[09-4125](#)

**Subject:** Monthly Building Report for August, 2009

**Received and Filed as Reported****09-4143**

**Subject:** Communication from Council President Q.A. Shakoor, II requesting that the Common Council goes on record that it supports the continued presence of the existing Downtown Racine Post Office Facility.

**Sponsors:** Q.A. Shakoor, II

*Alderman Shakoor requested to suspend the rules and consider item 09-4143.*

*There were no objections to suspension of the rules.*

*Alderman Shakoor made a motion that item 09-4143 be received and filed and that Resolution 09-1591 be adopted.*

**A motion was made by Alderman Q.A. Shakoor, II Received and Filed as ReportedThe motion was Approvedby the following vote:**

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

**Res.09-1591**

Resolution in Support of a Continued Presence of a Downtown Racine Post Office Facility

WHEREAS, the Racine City Council has learned that the United States Post Office has a plan that may include the closing of the Downtown Racine post office; and

WHEREAS, the City's has had a downtown post office since 1874 and it has been at its current location since 1930 and is patronized by over 1,000 on-site customers per month; and

WHEREAS, for decades, the public and private sectors of the community have worked together, investing time and money in order to maintain the downtown as a dynamic and thriving center of community life, and, unlike many other cities, are seeing their efforts succeed; and

WHEREAS, a downtown retail post office is an essential service and is a key component of our community's economic, environmental and cultural vitality; and

WHEREAS, the current post office is an economic engine for our downtown in which the post office and nearby businesses mutually reinforce each other; visitors to the post office often shop, eat and do business at local establishments and, in turn, these local businesses are major consumers of postal services; and

WHEREAS, as residents go about their daily lives, they've come to rely on the handy and friendly presence of a downtown post office retail facility and with the growth of several business, residential and arts initiatives in our downtown, this reliance will only grow; and

WHEREAS, a downtown post office retail facility is key to the City's ethic of sustainability because, unlike a suburban site where up to 50% of the carbon impact is created by commuters, a centrally located facility allows citizens to walk, bike or take the downtown public transportation to and from the post office as well as other downtown establishments, thereby reducing vehicle miles traveled and greenhouse gas emissions for as long as the facility continues to offer its services; and

WHEREAS, a downtown post office also helps the City maximize the value of existing infrastructure by keeping essential services consolidated downtown; and

WHEREAS, the downtown post office is a very busy and vital office whose closure would affect the 12,000 households and 550 post office box patrons that it serves.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE COMMON COUNCIL OF THE CITY OF RACINE, WISCONSIN that it supports the continued presence of the existing Downtown Racine Post Office Facility for the sustainability and service it provides to the citizens of Racine.

FURTHER RESOLVED, that the City Clerk be authorized and directed to send a copy of this resolution to the U.S. Post Office Officials, Congressman Ryan and Senators Kohl and Feingold.

Fiscal Note: N/A

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

**A motion was made by Alderman Shakoor, II that this Resolution be Adopted. The motion was APPROVED by the following vote:**

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

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

[09-4087](#)

**Subject:** communication from the City Attorney submitting the claim of Auto Club Insurance Association, by TransPaC Solutions, (L. Haas) for consideration.

**Referred to Finance and Personnel Committee**

[09-4088](#)

**Subject:** communication from the City Attorney submitting the claim of Lula McLain and Darquan Patton-McLain for consideration.

**Referred to Finance and Personnel Committee**

[09-4132](#)

**Subject:** communication from the City Attorney submitting the claim of Janetta Henderson for consideration.

**Referred to Finance and Personnel Committee**

[09-4133](#)

**Subject:** communication from the City Attorney submitting the claim of Luz Madrigal for consideration.

**Referred to Finance and Personnel Committee**

[09-4086](#)

**Subject:** Communication from the Interim Public Health Administrator requesting permission for the Mayor and City Clerk to enter into an amended contract to accept additional funding with the Wisconsin Division of Public Health, Department of Health Services for the Women, Infants and Children Program. (Grant Control #2006-049)

**Referred to Finance and Personnel Committee**

[09-4089](#)

**Subject:** Communication from the Interim Public Health Administrator requesting permission to apply for funds from the Water Environment Research Foundation (WERF). (Grant Control #2009-047)

**Referred to Finance and Personnel Committee**

[09-4120](#)

**Subject:**Communication from the Police Chief, requesting to apply for and accept the Wisconsin DOT 2010 Alcohol Enforcement Mobilization Grant (Grant Control # 2009-050).

(Also refer to the Public Safety & Licensing Committee.)

**Referred to Finance and Personnel Committee**

**Referred to Public Safety and Licensing Committee**

[09-4121](#)

**Subject:** Communication from the Police Chief, requesting to apply for and accept the Wisconsin DOT 2010 Speed Enforcement Mobilization grant (Grant Control # 2009-051).

(Also refer to the Public Safety & Licensing Committee.)

**Referred to Finance and Personnel Committee**

**Referred to Public Safety and Licensing Committee**

[09-4122](#)

**Subject:** Communication from the Police Chief, requesting to apply for and accept the Wisconsin DOT 2010 Pedestrian Safety Enforcement grant (Grant Control # 2009-052).

(Also refer to the Public Safety & Licensing Committee.)

**Referred to Finance and Personnel Committee**

**Referred to Public Safety and Licensing Committee**

[09-4123](#)

**Subject:**Communication from the Police Chief, requesting to apply for

and accept the Wisconsin DOT 2010 Bicycle Safety Grant (Grant Control # 2009-053).

(Also refer to the Public Safety & Licensing Committee.)

**Referred to Finance and Personnel Committee**

**Referred to Public Safety and Licensing Committee**

**09-4126**

**Subject:** communication from the Grants Facilitator, requesting permission to apply for and accept the Project Safe Neighborhood 2009 Grant through the Wisconsin Office of Justice Assistance (Grant Control No. 2009-055).

**Referred to Finance and Personnel Committee**

**09-4127**

**Subject:** communication from the Grants Facilitator requesting permission to apply for and accept the Pathways Out of Poverty Program, 2009 through the Department of Labor (Grant Control No. 2009-0057).

**Referred to Finance and Personnel Committee**

**09-4128**

**Subject:** communication from the Grants Facilitator requesting permission to apply for and accept the Innovative Law Enforcement Program, 2009 JAG - Recovery Act through the Wisconsin Office of Justice Assistance (Grant Control No. 2009-0056).

**Referred to Finance and Personnel Committee**

**09-4142**

**Subject:** Request of Douglas Avenue Business Improvement District for approval of its 2010 Operating Plan.

**Referred to Finance and Personnel Committee**

**09-4147**

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to accept a \$400.00 donation from Mike & Anne Frontier for trees for the City of Racine.

**Referred to Finance and Personnel Committee**

**09-4149**

**Subject:** Request for permission to apply for and accept a Hazardous Waste and Petroleum Site Assessment Grant.

**Referred to Finance and Personnel Committee**

**09-4150**

**Subject:** Request for permission to apply for and accept a Brownsfields Revolving Loan Fund Grant.

**Referred to Finance and Personnel Committee**

**09-4155**

**Subject:** Communication from the Finance Director wishing to submit and review the report on Federal and State Awards for the year ending

December 31, 2008.

Referred to Finance and Personnel Committee

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

09-4109

**Subject:** Communication from John Mandujano, Jr. requesting permission to close Main Street and Monument Square for a Halloween event.

Referred to Public Works and Services Committee

09-4139

**Subject:** Communication from Downtown Racine Corporation requesting to place a train ride and bouncy house on the City Hall Lawn on October 3, 2009 in conjunction with Party on the Pavement.

*Alderman Holding requested to suspend the rules and consider item 09-4139.*

*There were no objections to suspension of the rules.*

*Alderman Holding stated that due to the timeliness this item needed to be considered tonight as it had come in too late to make it to their meeting and back to council before the event.*

*Alderman Holding made a motion that permission be granted with the following stipulations:*

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

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

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

**A motion was made by Alderman Gregory Holding Received and Filed as ReportedThe motion was Approvedby the following vote:**

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

**NOES:** 1 - Holding

09-4151

**Subject:** Request to repeal the Resolution 08-0835 regarding real property at 1425 N. Memorial Drive.

Referred to Public Works and Services Committee

09-4152

**Subject:** Request to repeal the Resolution 08-0839 regarding Adams Outdoor Advertising.

**Referred to Public Works and Services Committee**[09-4156](#)

**Subject:** Communication from the Alderman of the 11th District requesting the installation of handicap sidewalk ramps at the corner of Olive and Cleveland to facilitate access to Humble Park.

**Referred to Public Works and Services Committee**[09-4170](#)

**Subject:** Communication from Ben Lehner, UW-Parkside, and Mark Mundl, Racine County Workforce Development, requesting permission to place a sculpture along the Root River Pathway.

(Also refer to Commission of Parks, Recreation and Cultural Services Commission)

**Referred to Public Works and Services Committee****Referred to Board of Park, Recreation and Cultural Services****Refer to Public Safety and Licensing Committee, by Ald. Wisneski**[09-4118](#)

**Subject:** (New) Application of Chat & Chew, LLC., Dwight Mosby, Agent "Class B" Fermented Malt Beverage & Intoxicating Liquor License for 1846 Mead Street.

**Referred to Public Safety and Licensing Committee**[09-4119](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to waive formal bidding and allow the Purchasing Agent to negotiate with H K Sports Fields for the renovation of Humble Park Northwest baseball diamond.

**Referred to Public Safety and Licensing Committee**[09-4140](#)

**Subject:** (New) Application of Raytown Roadhouse, Inc., Pete Karas, Agent "Class B" Fermented Malt Beverage & Intoxicating Liquor License for 522 Sixth Street. (1st District)

**Referred to Public Safety and Licensing Committee**[09-4176](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to enter in an agreement with Nielsen Madsen & Barber SC to prepare plans and specifications for a canoe launch at Island Park.

**Referred to Public Safety and Licensing Committee****Refer to City Plan Commission, by Ald. Holding**[09-4158](#)

**Subject:** Communication from Tom Tousis submitting a plan wishing

to negotiate a one year plan for purchase of the property and developers contract on the southwestern corner of Washington Avenue and West Boulevard.

(Also refer to Redevelopment Authority Committee)  
(Also refer to Access Corridor Committee).

**Referred to City Plan Commission**

**Referred to Redevelopment Authority of the City of Racine**

**Referred to Access Corridor Development Review**

### **Refer to Cable TV Commission, by Alderman Coe**

[09-4186](#)

**Subject:** Communication from Alderman Maack, on behalf of Michael Holmes, 4221 Greenbriar Lane requesting the Cable Commission go on record as opposing the decision of Time Warner Cable to remove the Chicago PBS station from their lineup of available stations. Mr. Holmes is also requesting that the City write of formal letter expressing their dissatisfaction of this decision.

**Referred to the Cable Television Commission**

## **F. Committee Reports**

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

[09-3952](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to present the bids for Contract 54-09 (K9-055) Replace Softball Lights - Island Park South. (Res.09-1603)

**Recommendation of the Public Safety and Licensing Committee on 8-10-09:** That the bid for replacement lights (Contract 54-09 (K9-055)) be approved if the Finance and Personnel committee can find the additional funding.

Further recommends that the request for additional funding be referred to the Finance & Personnel Committee.

**Recommendation of the Finance and Personnel Committee on 09-08-09:** That the following funds be transferred from accounts 988.700.5010, Front End Loader, \$1,766.00; 988.700.5050, North Beach Roof, \$33,000.00; 988.700.5070, North Beach Restroom Counters, \$1,730.00; and 988.700.5080, Raze Colonial Park Classroom, \$2,241.00 for a total of \$38,737.00 to account 988.710.5020, Replace Island South Lights.

**Fiscal Note:** There are sufficient funds available.



*Alderman Spangenberg requested that item 09-3952 be considered separately.*

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

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

**09-4055**

**Subject:** Communication from the City Attorney submitting the claim of Emile Mathis II for consideration.

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

**09-08-09:** The claim of Emile Mathis II, 328 Main Street, claiming reimbursement in the amount of \$2,033.00 for April 15, 2009 repair/replacement of the water service line serving at 720 - 8th Street during the reconstruction of the water main in 8th Street be denied.

**Fiscal Note:** N/A

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

**09-4056**

**Subject:** Communication from the City Attorney submitting the claim of William Wilson and Cindy Wilson for consideration.

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

**09-08-09:** The claim of William and Cindy Wilson, 6815 Redstone Cir., claiming reimbursement of an amount in excess of \$500.00 for repair of their vehicle which allegedly slid on snow/ice on Osborne Boulevard on January 14, 2009 be denied.

**Fiscal Note:** N/A

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

**09-4079**

**Subject:** Request from Gorman and Company to amend the development agreement for the State at Main Development to increase the tax increment revenue bond by \$88,000. (Res.09-1604)

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

**09-08-09:** That the Mayor and City Clerk be authorized and directed to enter into an amended development agreement with Gorman and Company for the State and Main Street Development Project in Tax Incremental Financing District #13.

**Fiscal Note:** The amended agreement will allow Gorman and Company the ability to possibly recover an additional \$88,000 of eligible expenses incurred by the project. The total recoverable amount will increase to \$1,888,000.

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

**09-4059**

**Subject:** Communication from the Grant Facilitator requesting permission to apply for and accept the Youth Gang Diversion 2010 Grant Announcement (Grant Control No. 2008-046) through the Wisconsin Office of Justice Assistance in the amount of \$91,000. (Res.09-1606)

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

**09-08-09:** Permission be granted for the Grant Facilitator to apply for and accept the Youth Gang Diversion 2010 Grant Announcement (Grant Control No. 2008-046) through the Wisconsin Office of Justice Assistance in the amount of \$91,000.00.

**Fiscal Note:** No match is required.

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

**09-4065**

**Subject:** Communication from the Assistant Commissioner of Public Works / Engineering requesting to transfer funds in the amount of \$103,500.00 from account 101.590.5750 - Street Light Pole Removal to account 940.000.5810 - Survey & Design for American Recovery and Reinvestment Act (ARRA) Stage 2 & 3 professional services - Contract 41-09. (Res.09-1607)

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

**09-08-09:** \$103,500.00 be transferred from account 101.590.5750 - Street Light Pole Removal to account 101.590.5610 - Professional Services - Street Lighting for American Recovery and Reinvestment Act (ARRA) Stage 2 & 3 professional services - Contract 41-09.

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

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

**09-4076**

**Subject:** Communication from the Assistant Commissioner of Public Works/Engineering requesting to apply for the Focus on Energy LED Streetlight Retrofit grant. (Res.09-1608)

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

**09-08-09:** Permission be granted for the Assistant Commissioner of Public Works/Engineering to apply for the \$28,122.00 Focus on Energy LED Streetlight Retrofit grant. The Grant Control Number is 2009-054.

**Fiscal Note:** The estimated project is \$445,860.00 and will result in an

annual electric cost savings of \$44,528.00. The grant is in the estimated amount of \$28,122.00 resulting in an estimated 10 year payback. Funds for the project are available through the Federal Stimulus Program, ARRA, EECBG and CDBG-R Programs.

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

[09-4084](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering respectfully requesting an appearance before the Finance and Personnel Committee to apply for the Wisconsin Department of Transportation 2009-11 Local Transportation (TE) Program grant. This reimbursement grant in the amount of \$500,000.00 is for streetscape amenities for the reconstruction of Seventh Street and requires a City match of 20%, or \$100,000.00. The grant control number is 2009-049 and has been reviewed by the Finance Department. (Res.09-1609)

**Recommendation of the Finance & Personnel Committee on 09-08-09:** Permission be granted for the Assistant Commissioner of Public Works/Engineering to apply for the Wisconsin Department of Transportation 2009-11 Local Transportation (TE) Program grant (grant control #2009-049) in the amount of \$500,000.00 for streetscape amenities for the reconstruction of Seventh Street.

**Fiscal Note:** A City match of 20% or \$100,000.00 is required.

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

[09-4085](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering respectfully requesting an appearance before the Finance and Personnel Committee to apply for the Wisconsin Department of Transportation 2009-11 Local Transportation (TE) Program grant. This reimbursement grant in the amount of \$400,000.00 is for streetscape amenities for the reconstruction of State Street and requires a City match of 20%, or \$80,000.00. The grant control number is 2009-048 and has been reviewed by the Finance Department. (Res.09-1610)

**Recommendation of the Finance & Personnel Committee on 09-08-09:** Permission be granted for the Assistant Commissioner of Public Works/Engineering to apply for the Wisconsin Department of Transportation 2009-11 Local Transportation (TE) Program grant (grant control #2009-048) in the amount of \$400,000.00 for streetscape amenities for the reconstruction of State Street.

**Fiscal Note:** A City match of 20% or \$80,000.00 is required.

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

**09-4078**

**Subject:** Communication from the Director of City Development requesting a reallocation of funds to cover the demolition of 210 Goold Street. (Res.09-1605)

**Recommendation of the Finance & Personnel Committee on 09-08-09:** Reallocate up to \$10,000.00 from the 208 Industrial/Economic Development Fund for the cost of demolition of 210 Goold Street.

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

**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 James T. Spangenberg that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

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

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

**09-3292**

**Subject:** (Direct Referral) Communication from A & E Incorporated requesting permission to place private communication lines in public right-of-way at 5420 Twentyfirst Street.

**Recommendation of the Public Works and Services Committee on 3-10-09:** Defer

**Recommendation of the Public Works and Services Committee on 9-08-09:** Receive and file.

**Fiscal Note:** N/A

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

**09-3701**

**Subject:** Communication from Neil Thorpe and Ramona Thorpe, as successors to A & N Enterprises, a partnership, offering the real property located at 901 Ninth Street to the City of Racine.

**Recommendation of the Waterworks Commission on 06-30-09:** Received and filed

**Recommendation of the Public Works and Services Committee on 6-30-09, 7-14-09, 7-28-09 and 8-11-09:** Defer

**Recommendation of the Wastewater Commission on 06-30-09:**

The City Attorney be authorized to negotiate with the current owner of the property to pay any and all back taxes and fees that may appear on the current assessment for the property in exchange for the City of Racine taking possession of the subject property.

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

**on 8-25-09:** That 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.

**09-4002**

**Subject:** Communication from Christopher Nelson and Alderman McCarthy requesting a street light be placed on an existing pole in the alley between Grange and Flett.

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

**on 8-25-09:** Defer

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

**on 9-08-09:** Receive and file.

**Fiscal Note:** N/A

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

**09-4023**

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request to vacate Northwestern Court from Northwestern Avenue to its terminus. (Res.09-1602)

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

**on 8-25-09:** Defer

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

**on 9-08-09:** Since public interest requires it, that the following parcels of land, more particularly described as follows, be and hereby is vacated and discontinued:

That part of right-of-way that is in Fox Estate Subdivision No. 2, a recorded plat in the City of Racine, Racine County, Wisconsin, that is part of the Northeast 1/4 of Section 6 Township 3 North, Range 23 East described as follows:

Vacate that part of Northwestern Court from 120' north of the north

line of Fox Drive and 371.58' south of the south line of Fox Drive; lying west of Blocks 5 and 6 , Fox Estate Subdivision No. 2, and east of the City of Racine limits, and;

That part of right-of-way that is in Fox Estate Subdivision No. 2, a recorded plat in the City of Racine, Racine County, Wisconsin, that is part of the Northeast 1/4 of Section 6 Township 3 North, Range 23 East described as follows:

Vacate that part of Fox Drive from relocated Northwestern Avenue to the east line of Northwestern Court; lying between Blocks 5 and 6 , Fox Estate Subdivision No. 2.

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

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

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

09-4049

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/ City Engineer submitting Amendment No. 2 to Contract 38-07 (K7-044), Stormwater Utility Professional Services, Earth Tech AECOM, consultant. (Res.09-1601)

**Recommendation of the Public Works and Services Committee on 8-25-09:** Defer

**Recommendation of the Public Works and Services Committee on 9-08-09:** That Amendment No. 2 to Contract 38-07 (K7-044), Stormwater Utility Professional Services, AECOM Technical Services, Inc., consultant, as submitted, be approved in the amount of \$15,000.00.

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

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

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

09-4080

**Subject:** Communication from Emmaus Lutheran Church requesting to close Summit Avenue on September 20, 2009, from 12:00 noon to 6:00 p.m. for Festival Kermes - Independencia de Mexico. (Res.09-1593)

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

**on 9-08-09:** That Emmaus Lutheran Church be granted permission to close Summit Avenue from English Street to Yout Street, on Sunday, September 20, 2009, from 12:00 noon to 6:00 p.m., for their Festival Kermes-Independencia de Mexico.

Further recommends that permission be granted with the following stipulations:

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

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

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

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

**09-4096**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 1 on Contract 10-09 (K9-010), 2009 Sidewalk Construction, Phase I, Sam's Cement, contractor. (Res.09-1598)

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

**on 9-08-09:** That Change Order No. 1 on Contract 10-09 (K9-010), 2009 Sidewalk Construction, Phase I, Sam's Cement, contractor, as submitted, be approved in the deduct amount of \$7,589.26.

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

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

**09-4098**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 1 on Contract 33-08 (K8-037), 2008 Sanitary Sewer Lining, Michaels Corporation, contractor. (Res.09-1596)

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

**on 9-08-09:** That Change Order No. 1 on Contract 33-08 (K8-037), 2008 Sanitary Sewer Lining, Michaels Corporation, contractor, as submitted, be approved in the deduct amount of \$1,661.88.

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

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

**09-4099**

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 33-08 (K8-037), 2008 Sanitary Sewer Lining, Michel's Corporation, contractor. (Res.09-1597)

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

**on 9-08-09:** The work done by Michaels Corporation under Contract 33-08 (K8-037), 2008 Sanitary Sewer Lining, be accepted and final payment authorized for a total contract amount of \$731,279.12.

**Fiscal Note:** Contract was authorized under Resolution No. 08-0880, dated June 17, 2008.

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

**09-4100**

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 1 on Contract 22-09 (K9-023), 2009 Alley Paving, A. W. Oakes & Son, contractor. (Res.09-1599)

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

**on 9-08-09:** That Change Order No. 1 on Contract 22-09 (K9-23), 2009 Alley Paving, A. W. Oakes & Son, contractor, be approved in the amount of \$35,048.00.

Further recommends that funding to defray the cost of this change order be appropriated from the following accounts:

\$ 1,851.00 - Account 989.908.5530, Crosswalk Ramps  
\$33,197.00 - Account 104.900.5420, Storm Sewers, Misc.  
\$35,048.00 - Total

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

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

**09-4101**

**Subject:** (Direct Referral) Communication from the Assistant



Commissioner of Public Works/Operations submitting Change Order No. 2 on Contract 32-09 (K9-033), Police Impound Lot Renovations (R1), Rasch Construction & Engineering, Inc., contractor. (Res.09-1600)

**Recommendation of the Public Works and Services Committee on 9-08-09:** That Change Order No. 2 on Contract 32-09 (K9-033), Police Impound Lot Renovations (R1), Rasch Construction & Engineering, Inc., contractor, be approved in the amount of \$20,092.50.

Further recommends that funding to defray the cost of this change order be appropriated from Account 988.310.5060, Impound Lot.

**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.**

[09-4102](#)

**Subject:** (Direct Referral) Communication from the Purchasing Agent submitting bids on Official Notice #9, Furniture Systems/Storage for City Development. (Res.09-1594)

**Recommendation of the Public Works and Services Committee on 9-08-09:** That the contract for Furniture Systems/Storage for City Development be awarded to Interior Investments, LLC, Milwaukee, WI, at their bid price of \$57,777.77.

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

\$14,444.44 - Account 811.000.5430, Furniture  
\$14,444.44 - Account 899.211.5510, CD Administration, Misc.  
~~\$28,888.89~~ - Account 987.100.5050, City Hall Furniture  
\$57,777.77 - Total

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

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

[09-4103](#)

**Subject:** Ordinance 18-09, of September 1, 2009, to repeal and recreate Section 94-145 of the Municipal Code of the City of Racine, Wisconsin, relating to Parking Regulations; Parking prohibited between 2:00 a.m. and 6:00 a.m.; exceptions.

**Recommendation of the Public Works and Services Committee on 9-08-09:** That Ordinance No. 18-09, of September 1, 2009, to repeal and recreate Section 94-145 of the Municipal Code of the City

of Racine, Wisconsin, relating to Parking Regulations; Parking prohibited between 2:00 a.m. and 6:00 a.m.; exceptions, be adopted, as amended.

**Fiscal Note:** This change to the alternate side street parking rules will result in average annual savings of approximately \$15,000.00.

*Alderman Holding requested that item 09-4103 be considered separately.*

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

**AYES:** 11 - Coe, Anderson, Kaplan, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Stein

**NOES:** 4 - Shields, Maack, Weidner and Mozol

[09-4124](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bids on Contract 56-09 (K9-057), Safety Building - EIFS Cladding Project. (Res.09-1595)

**Recommendation of the Public Works and Services Committee on 9-08-09:** That Contract 56-09 (K9-057), Safety Building - EIFS Cladding Project, be awarded to Camosy, Inc., Zion, IL, at their bid price of \$22,500.00 plus Alternative Bid #1 in the amount of \$6,200.00, for a total contract amount of \$28,700.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 987.210.5010, Safety Building Precast Panel Replacement.

**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.**

Council Action

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

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

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

[09-4108](#)

**Subject:** (Direct Referral) Communication from the Purchasing Agent submitting the report of bids received on the sale of abandoned vehicles (September 1, 2009)

**Recommendation of the Public Safety and Licensing Committee on 9-8-09:** That the item be received and filed.

**Fiscal Note:** This will generate \$3,781.01 in revenues.

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

09-3870

**Subject: (New)** Application of Tommy's Den, Tommy Daniels, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 901 S. Memorial Drive. (3rd District)

**Recommendation of the Public Safety and Licensing Committee on 7-27-09:** That the application of Tommy's Den, Tommy Daniels, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 901 S. Memorial Drive be deferred.

**Recommendation of the Public Safety and Licensing Committee on 8-10-09:** That the application of Tommy's Den, Tommy Daniels, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 901 S. Memorial Drive be deferred until a business plan and legal information be brought in by Tommy Daniels.

**Recommendation of the Public Safety and Licensing Committee on 8-24-09:** That the application of Tommy's Den, Tommy Daniels, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 901 S. Memorial Drive be deferred and the applicant meet with the City Attorney to work on details of camera system and security personnel that will be used.

**Recommendation of the Public Safety and Licensing Committee on 9-8-09:** That the license be denied due to the fragility of the neighborhood.

**Fiscal Note: N/A**

*Alderman Wisneski requested that item 09-3870 be considered separately.*

*Alderman Wisneski made a motion that the item be referred back to committee on the request of the Alderman of that District.*

**A motion was made that this Communication be Referred to the Public Safety and Licensing Committee, . The motion was APPROVED by the following vote:**

**AYES:** 11 - Coe, Anderson, Shields, Kaplan, McCarthy, DeHahn, Shakoor, II, Wisneski, Spangenberg, Hart and Stein

**NOES:** 4 - Maack, Weidner, Holding and Mozol

09-3877

**Subject: (New)** Application of Rosa Vargas, Agent ( La Kermes) for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 522 Sixth Street. (1st District)

**Recommendation of the Public Safety and Licensing Committee on 7-27-09:** That the application of Rosa Vargas, Agent ( La Kermes) for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 522 Sixth Street be deferred.

**Recommendation of the Public Safety and Licensing Committee on 8-10-09:** That the application be defered until the August 24th, 2009 meeting to give the committee time to review the updated information submitted by Rosa Vargas ( La Kermes) for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 522 Sixth Street.

**Recommendation of the Public Safety and Licensing Committee on 8-24-09:** That the application be defered until the September 8th, 2009 meeting and the applicant obtains a lease from the building owner and provides said copy to the City Clerk's Office.

**Recommendation of the Public Safety and Licensing Committee on 9-8-09:** That the item be received and filed as applicant has withdrew.

**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 Aron Wisneski that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

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

[09-4024](#)

**Subject:** Communication from Baldwinder Singh, Max Magic Supermarket LLC, 1007 Washington Avenue, submitting a petition to exceed the Class A quota limit.

**Recommendation of the Public Safety & Licensing Committee on 9-8-09:** That the item be approved as follows:  
1 - approve petition to exceed quota limit  
2 - City Attorney draft conditions  
3 - Applicant must appear before Public Safety & Licensing Committee to seek approval of the license

**Fiscal Note:** N/A

*Alderman Wisneski requested that item 09-4024 be considered separately.*

*Alderman Hart made a motion to refer the item back to committee. Motion failed by*

*the following votes:*

*AYES: Weidner, Hart, Kaplan and McCarthy*

*NOES: Shakoor, Shields, Spangenberg, Stein, Wisneski, Anderson, Coe, DeHahn, Holding, Maack and Mozol*

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

**AYES:** 11 - Coe, Anderson, Shields, Kaplan, Maack, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg and Stein

**NOES:** 4 - Weidner, McCarthy, Hart and Mozol

**09-4134**

**Subject:** Due process hearing on item 09-3618 of 6-16-09, being the recommendation of the Public Safety and Licensing Committee to consider non-renewal, suspension or revocation of the "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for Sam's Liquor, Bhupinder Kaur Bhati, Agent, 965 Dr. M.L. King Jr. Drive.

**Recommendation of the Public Safety & Licensing Committee on 9-3-09:** That the "Class A" Intoxicating Liquor and Fermented Malt Beverage license for Sam's Liquor, Bhupinder Kaur Bhati, Agent, 965 Dr. M.L. King Jr. Drive, Racine, Wisconsin be nonrenewed.

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

*Alderman Wisneski requested that item 09-4134 be considered separately.*

*Attorney Robert Keller addressed the Council as the applicant is his client. He informed the Council that his client had admitted to the mistakes, but he stated 80% of the business comes from the alcohol sales. He stated his client has a language barrier, and it is his feeling that sometimes she does not understand what is being required of her.*

*Attorney Rusch also addressed the Council. He stated that the applicant was fully aware of the incidents and that she had repeated the same offense within a four month period.*

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

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

**NOES:** 1 - Shields

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

**09-4000**

**Subject:** (Direct Referral) Consideration of a request from Gerald Bester of Dynamite 1 Enterprise, LLC seeking a conditional use permit to accommodate a dining and entertainment establishment at 1501 Washington Avenue. (Res.09-1611)

**Recommendation of the City Plan Commission on 9-9-09:** That this item be approved subject to the amended staff recommendations.

**Fiscal Note:** N/A

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

[09-4130](#)

**Subject:** (Direct Referral) Request from Hua Ying Sun of Body Oasis Massage seeking a conditional use permit to accommodate a foot and body massage establishment at 5538 Durand Avenue, Unit #D-452 (Regency Mall). (Res.09-1612)

**Recommendation of the City Plan Commission on 9-9-09:** That this item be approved subject to conditions.

**Fiscal Note:** N/A

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

[09-4131](#)

**Subject:** (Direct Referral) Request from J. Michael LaGrassa representing JML Healthcare Services, LLC seeking a conditional use permit to accommodate a community based residential facility for developmentally disabled adults in buildings #1 and #5 at 3131 Taylor Avenue. (Res.09-1613)

**Recommendation of the City Plan Commission on 9-9-09:** That this item be approved subject to conditions.

**Fiscal Note:** N/A

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

Council Action

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

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

**Committee of the Whole Report, by Ald. Q. A. Shakoor, II**

[09-3329](#)

**Subject:** (Direct Referral) proposed Ordinance regarding filling any future vacancy in the position of Mayor. (Ord.07-09)

**Recommendation of the Committee of the Whole on 03-17-2009:** the Item be deferred.

**Recommendation of the Committee of the Whole on 08-12-2009:**

the Item be deferred.

**Recommendation of the Committee of the Whole on 09-01-2009:**  
that Ordinance 07-09 be approved.

**Fiscal Note:** N/A

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

09-3429

**Subject:** communication from the 15th District Alderman proposing that aldermanic terms be changed from two years to three years. (Ord. sec. 1-2)

**Recommendation of the Committee of the Whole on 08-20-2009:**  
the Item be deferred.

**Recommendation of the Committee of the Whole on 09-01-2009:**  
the Item be received and filed.

**Fiscal Note:** N/A

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

Council Action

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

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

09-3861

**Subject:** (Direct Referral) Communication from Alderman Wisneski of the 12th District submitting a petition from the neighbors of the 700, 800 and 900 blocks of Lathrop Avenue regarding the lighting. (Res.09-1592)

**Recommendation of the Public Works and Services Committee on 7-14-09:** Defer

**Recommendation of the Public Works and Services Committee on 7-28-09:** That the replacement of the six city-owned street lights with decorative lighting units be approved.

Further recommends that the item be referred to the Finance and Personnel Committee for funding.

**Recommendation of the Finance & Personnel Committee on 08-24-09:** The item to be referred to the Committee of the Whole with action within two weeks.

**Recommendation of the Committee of the Whole on 09-01-2009:**

the Item be approved with funding to come from the 2009 Contingency Fund.

**Fiscal Note:** The current estimate of additional costs for modifying the outstanding contract for decorative poles and lights is \$16,250. The city will also lose an estimated \$200 per year savings in utility costs by not utilizing the LED fixtures already purchased.

*Alderman Shakoor requested that item 09-3861 be considered separately.*

*Alderman Hart made a motion that the item be referred to the Public Works and Services Committee. Motion failed by the following vote:*

*AYES: Shakoor, Shields, Wisneski, DeHahn, Holding and McCarthy*

*NOES: Spangenberg, Stein, Weidner, Anderson, Coe, Hart, Kaplan, Maack and Mozol*

*Alderman Wisneski questioned the amount listed in the fiscal note. Mr. Eeg clarified that the amount should be amended to read \$9,100.00*

*Alderman Weidner made a motion to change the fiscal note and have the funds taken out of the interdepartmental budget for the Public Works Department.*

*Alderman Weidner amended her motion to change the fiscal note and have the funds taken out of the Public Works Capital Projects budget. Motion passed by the following vote:*

*AYES: Shakoor, Shields, Spangenberg, Stein, Weidner, Wisneski, Anderson, Hart and Holding*

*NOES: Coe, DeHahn, Kaplan, Maack, McCarthy and Mozol*

**A motion was made that this Communication be Adopted As Amended: . The motion was APPROVED by the following vote:**

**AYES:** 9 - Anderson, Shields, Weidner, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Stein

**NOES:** 6 - Coe, Kaplan, Maack, McCarthy, DeHahn and Mozol

**Mayor's Office Report, by Ald. Q. A. Shakoor, II****09-4144**

**Subject:** Communication from Mayor Dickert nominating appointments/reappointments to the following committees, boards and/or commissions:

Reappoint Karen Dagg 214 Green Valley Drive Racine, WI 53406 to the Library Board for a 3 year term ending on June 1st, 2012

Appoint Tom Friedel 730 Washington Ave Racine, WI 53403 to the Wastewater Commission as the alternate member filling the current vacancy for a 4 year term ending on October the 1st, 2012



Appoint Dennis Wiser, 2517 Pinhurst Ave Racine, WI 53403 to the Community Development Committee filling the current vacancy for a 3 year term ending on May the 5th, 2011

**A motion was made by Alderman Q.A. Shakoor, II Received and Filed as ReportedThe motion was Approvedby the following vote:**

**AYES:** 13 - Coe, Anderson, Kaplan, Maack, McCarthy, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart, Mozol and Stein

**NOES:** 2 - Shields and Weidner

## G. Consent Agenda-Resolutions

### Res.09-1593

Permission granted to Emmaus Lutheran Church to close Summit Avenue on September 20, 2009

Resolved, that Emmaus Lutheran Church be granted permission to close Summit Avenue from English Street to Yout Street, on Sunday, September 20, 2009, from 12:00 noon to 6:00 p.m., for their Festival Kermes-Independencia de Mexico.

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

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

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

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

Sponsors: Gregory Holding

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

### Res.09-1594

Official Notice #9, Furniture Systems/Storage for City Development, be awarded to Interior Investments, LLC

Resolved, that Official Notice #9, Furniture Systems/Storage for City Development, be awarded to Interior Investments, LLC, Milwaukee, WI, at their bid price of \$57,777.77.

Further resolved, that funding to defray the cost of this furniture be

appropriated from the following accounts:

\$14,444.44 - Account 811.000.5430, Furniture  
\$14,444.44 - Account 899.211.5510, CD Administration, Misc.  
\$28,888.89 - Account 987.100.5050, City Hall Furniture  
\$57,777.77 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

**Res.09-1595**

Contract 56-09 (K9-057), Safety Building - EIFS Cladding Project, be awarded to Camosy, Inc.

Resolved, that Contract 56-09 (K9-057), Safety Building - EIFS Cladding Project, be awarded to Camosy, Inc., Zion, IL, at their bid price of \$22,500.00 plus Alternative Bid #1 in the amount of \$6,200.00, for a total contract amount of \$28,700.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 987.210.5010, Safety Building Precast Panel Replacement.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

**Res.09-1596**

Change Order No. 1 on Contract 33-08 (K8-037), 2008 Sanitary Sewer Lining, Michaels Corporation, contractor, be approved

Resolved, that Change Order No. 1 on Contract 33-08 (K8-037), 2008 Sanitary Sewer Lining, Michaels Corporation, contractor, as submitted, be approved in the deduct amount of \$1,661.88.

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

Sponsors: Gregory Holding

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

**Res.09-1597**

Work done by Michaels Corporation under Contract 33-08 (K8-037), 2008 Sanitary Sewer Lining, be accepted and final payment authorized

Resolved, that the work done by Michaels Corporation under Contract 33-08 (K8-037), 2008 Sanitary Sewer Lining, be accepted and final

payment authorized for a total contract amount of \$731,279.12.

Fiscal Note: Contract was authorized under Resolution No. 08-0880, dated June 17, 2008.

Sponsors: Gregory Holding

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

**Res.09-1598**

Change Order No 1 on Contract 10-09 (K9-010), 2009 Sidewalk Construction, Phase 1, Sam's Cement, contractor, be approved

Resolved, that Change Order No. 1 on Contract 10-09 (K9-010), 2009 Sidewalk Construction, Phase I, Sam's Cement, contractor, as submitted, be approved in the deduct amount of \$7,589.26.

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

Sponsors: Gregory Holding

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

**Res.09-1599**

Change Order No. 1 on Contract 22-09 (K9-023), 2009 Alley Paving, A.W. Oakes & Son, contractor, be approved

Resolved, that Change Order No. 1 on Contract 22-09 (K9-023), 2009 Alley Paving, A. W. Oakes & Son, contractor, be approved in the amount of \$35,048.00.

Further resolved, that funding to defray the cost of this change order be appropriated from the following accounts:

\$ 1,851.00 - Account 989.908.5530, Crosswalk Ramps  
\$33,197.00 - Account 104.900.5420, Storm Sewers, Misc.  
\$35,048.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

**Res.09-1600**

Change Order No. 2 on Contract 32-09 (K9-033), Police Impound Lot Renovations (R1), Rasch Construction, contractor, be approved

Resolved, that Change Order No. 2 on Contract 32-09 (K9-033), Police Impound Lot Renovations (R1), Rasch Construction & Engineering, Inc., contractor, be approved in the amount of \$20,092.50.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 988.310.5060, Impound Lot.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

**Res.09-1601**

Amendment No. 2 to Contract 38-07 (K7-044), Stormwater Utility Professional Services, AECOM Technical Services, consultant, be approved

Resolved, that Amendment No. 2 to Contract 38-07 (K7-044), Stormwater Utility Professional Services, AECOM Technical Services, Inc., consultant, as submitted, be approved in the amount of \$15,000.00.

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

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

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

**Res.09-1604**

Enter into amended development agreement with Gorman and Company for State at Main Street Development Project

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an amended development agreement with Gorman and Company for the State and Main Street Development Project in Tax Incremental Financing District #13.

Fiscal Note: The amended agreement will allow Gorman and Company the ability to possibly recover an additional \$88,000 of eligible expenses incurred by the project. The total recoverable amount will increase to \$1,888,000.

Sponsors: James T. Spangenberg

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

**Res.09-1605**

Approve reallocation of funds to cover demolition of 210 Goold Street

Resolved, that up to \$10,000.00 be reallocated from the 208 Industrial/Economic Development Fund for the cost of demolition of 210 Goold Street.

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

Sponsors: James T. Spangenberg

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

**Res.09-1606**

Permission granted for Grant Facilitator to apply for and accept Youth Gang Diversion 2010 Grant Announcement

Resolved, that permission be granted for the Grant Facilitator to apply for and accept the Youth Gang Diversion 2010 Grant Announcement (Grant Control No. 2008-046) through the Wisconsin Office of Justice Assistance in the amount of \$91,000.00. The grant will support initiatives proposed by the Youth Gang Diversion Collaborative comprised of Racine Vocational Ministry, Safe Haven Gang Crime Diversion Task Force, and Why Gangs.

Fiscal Note: No match is required.

Sponsors: James T. Spangenberg

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

**Res.09-1607**

Transfer of funds be approved for Contract 41-09, Professional Services - Wisconsin DOT Economic Recovery Stage 2 Applications, Nielsen, Madsen & Barber, consultant

Resolved, that \$103,500.00 be transferred from Account 101.590.5750 - Street Light Pole Removal to Account 101.590.5610 - Professional Services - Street Lighting for American Recovery and Reinvestment Act (ARRA) Stage 2 & 3 Professional Services - Contract 41-09.

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

Sponsors: James T. Spangenberg

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

**Res.09-1608**

Permission granted to apply for Focus on Energy LED Streetlight Retrofit Grant

Resolved, that permission be granted for the Assistant Commissioner of Public Works/Engineering to apply for the \$28,122.00 Focus on Energy LED Streetlight Retrofit grant. The Grant Control Number is 2009-054.

Fiscal Note: The estimated project is \$445,860.00 and will result in an annual electric cost savings of \$44,528.00. The grant is in the estimated amount of \$28,122.00 resulting in an estimated 10 year payback. Funds for the project are available through the Federal Stimulus Program, ARRA, EECBG and CDBG-R Programs.

**Sponsors:** James T. Spangenberg

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

**Res.09-1609**

Permission granted to apply Wisconsin DOT Local Transportation 2009-11 Local Transportation (TE) Program Grant for streetscape amenities for reconstruction of Seventh Street

Resolved, that permission be granted for the Assistant Commissioner of Public Works/Engineering to apply for the Wisconsin Department of Transportation 2009-11 Local Transportation (TE) Program Grant (Grant Control #2009-049) in the amount of \$500,000.00 for streetscape amenities for the reconstruction of Seventh Street.

**Fiscal Note:** A City match of 20% or \$100,000.00 is required.

**Sponsors:** James T. Spangenberg

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

**Res.09-1610**

Permission to apply for Wisconsin DOT 2009-11 Local Transportation (TE) Program Grant for streetscape amenities for reconstruction of State Street

Resolved, that permission be granted for the Assistant Commissioner of Public Works/Engineering to apply for the Wisconsin Department of Transportation 2009-11 Local Transportation (TE) Program Grant (Grant Control #2009-048) in the amount of \$400,000.00, for streetscape amenities for the reconstruction of State Street.

**Fiscal Note:** A City match of 20% or \$80,000.00 is required.

**Sponsors:** James T. Spangenberg

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

**Res.09-1611**

Conditional Use Permit to accommodate dining and entertainment establishment at 1501 Washington Avenue be approved with conditions

Resolved, that the request from Gerald Bester of Dynamite 1 Enterprise, LLC seeking a Conditional Use Permit to accommodate a dining and entertainment establishment at 1501 Washington Avenue, be approved, subject to the following conditions:

- a. That the plans presented to the Access Corridor Development Review Committee (ACRDC) on August 27, 2009, and the Plan Commission on September 9, 2009 be approved, subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the

Building Inspection Department.

- c. That the following shall be submitted to the ACDRC for review and approval:
1. A sign plan. All signs shall be professionally made, comply with zoning ordinance requirements.
  2. A dumpster screening plan prior to the issuance of the occupancy permit.
  3. A plan for the use of the second floor outdoor patio area.
- d. That all activities permitted by this conditional use permit be confined to the indoor spaces as indicated on the floor plans submitted with the application.
- e. That the days and hours of operation be Monday through Wednesday from 7:00 a.m. to 11:00 p.m., Thursday through Saturday from 7:00 a.m. to close, and Sunday from 7:00 a.m. to 7:00 p.m.
- f. That plans for the future use of the second floor outdoor patio area be submitted to the ACDRC for review and approval prior to implementation and used in accordance with the conditions of approval for the City of Racine alcohol license.
- g. That the security plan provided in the business plan be implemented and maintained in accordance with said plan unless otherwise authorized by the Plan Commission.
- h. That the window and door glass surfaces not be obstructed in excess of 15% of their surface area.
- i. That the interior and exterior of property be policed at the close of each business day or after each event so that all trash, debris and refuse are properly collected and disposed of in a timely fashion.
- j. That all music and associated vibration be contained within the building.
- k. That all codes and ordinances be complied with and required permits acquired.
- l. 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.
- m. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

**Res.09-1612**

Conditional Use Permit to accommodate a foot and body massage establishment at 5538 Durand Avenue, Unit #D-452, be approved with conditions

Resolved, that the request from Hua Ying Sun Of Body Oasis Massage seeking a Conditional Use Permit to accommodate a foot and body massage establishment at 5538 Durand Avenue, Unit #D-452 (Regency Mall) be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on August 12, 2009 and the Access Corridor development review Committee on August 27, 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 all signs be professionally made.
- d. That the maximum hours of operation not extend beyond those of Regency Mall.
- e. That all treatment areas may be screened from the view of the public passing by in the mall corridors.
- f. That all codes and ordinances be complied with and required permits and state licensing be acquired and maintained.
- g. 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.
- h. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

**Res.09-1613**

Conditional Use Permit to accommodate a community based residential facility for developmentally disabled adults in Buildings #1 and #5 at 3131 Taylor Avenue be approved with conditions

Resolved, that the request from J. Michael LaGrassa representing JML Healthcare Services, LLC seeking a Conditional Use Permit to accommodate a community based residential facility for developmentally disabled adults in



Buildings #1 and #5 at 3131 Taylor Avenue, be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on September 9, 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 this residential facility be confined to Building #1 and Building #5 of the campus, and that no more than eight (8) residents be permitted to occupy each building.
- d. That the facility be professionally staffed 24 hours per day, with visitors' hours between 8:00 a.m. and 8:00 p.m., seven days per week.
- e. That all staff parking be contained on site.
- f. That no resident shall be allowed to have personal vehicles on site.
- g. That all trash and recyclables be stored in closed containers and screened from view.
- h. That if a sign is installed, that it be professionally made, comply with zoning ordinance requirements and be approved by the Director of City Development.
- i. That all codes and ordinances be complied with and required permits acquired.
- j. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- k. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

#### Council Action

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

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

## H. Resolutions

### Res.09-1592

Replacement of six city-owned street lights with decorative lighting units in the 700, 800 and 900 blocks of Lathrop Avenue, be approved

Resolved, that the replacement of six city-owned street lights with decorative lighting units in the 700, 800 and 900 blocks of Lathrop Avenue, be approved with funding available in the 2009 Contingency Fund.

Fiscal Note: The current estimate of additional costs for modifying the outstanding contract for decorative poles and lights is \$16,250. The city will also lose an estimated \$200 per year savings in utility costs by not utilizing the LED fixtures already purchased.

Sponsors: Q.A. Shakoor, II

**A motion was made by Alderman Shakoor, II that this Resolution be Adopted as Amended. The motion was APPROVED by the following vote:**

**AYES:** 10 - Anderson, Shields, Weidner, DeHahn, Shakoor, II, Holding, Wisneski, Spangenberg, Hart and Stein

**NOES:** 5 - Coe, Kaplan, Maack, McCarthy and Mozol

### Res.09-1602

Vacate Northwestern Court from Northwestern Avenue to its terminus

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

That part of right-of-way that is in Fox Estate Subdivision No. 2, a recorded plat in the City of Racine, Racine County, Wisconsin, that is part of the Northeast 1/4 of Section 6 Township 3 North, Range 23 East described as follows:

Vacate that part of Northwestern Court from 120' north of the north line of Fox Drive and 371.58' south of the south line of Fox Drive; lying west of Blocks 5 and 6, Fox Estate Subdivision No. 2, and east of the City of Racine limits, and;

That part of right-of-way that is in Fox Estate Subdivision No. 2, a recorded plat in the City of Racine, Racine County, Wisconsin, that is part of the Northeast 1/4 of Section 6 Township 3 North, Range 23 East described as follows:

Vacate that part of Fox Drive from relocated Northwestern Avenue to the east line of Northwestern Court; lying between Blocks 5 and 6, Fox Estate Subdivision No. 2.

Fiscal Note: Not applicable at this time.

**Sponsors:** Gregory Holding

**A motion was made Referred to the City Plan Commission**

**Res.09-1603**

Contract 54-09 (K9-055), Replace Softball Lights - Island Park South, be awarded to Pieper Electric, Inc.

Resolved, that Contract 54-09 (K9-055), Replace Softball Lights - Island Park South, be awarded to Pieper Electric, Inc., of Milwaukee, Wisconsin at their bid price of \$126,108.00, it being the lowest responsible bidder. Funds are available in Account 988.710.5020, Replace Island South Ball Lights.

Further resolved, that additional funds be transferred from Accounts 988.700.5010, Front End Loader, \$1,766.00; 988.700.5050, North Beach Roof, \$33,000.00; 988.700.5070, North Beach Restroom Counters, \$1,730.00; and 988.700.5080, Raze Colonial Park Classroom, \$2,241.00 for a total of \$38,737.00 to account 988.710.5020, Replace Island South Lights, for the contract.

**Fiscal Note:** There are sufficient funds available.

**Sponsors:** James T. Spangenberg

**A motion was made by Alderman Shakoor, II that this Resolution be Adopted. The motion was APPROVED by the following vote:**

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

## I. Ordinances

**Ord.19-09**

Ordinance No. 19-09

To amend Secs. 98- 33(a) of the Municipal Code of the City of Racine, Wisconsin relating to Waterworks commission; created, composition, term duties.

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

**Part 1:**

Sec. 98-33(a) of the Municipal Code of the City of Racine is hereby amended by adding the following phrase after the word "mayor," in the second sentence: "or, in the mayor's absence, the city administrator,"....

**Part 2:**

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

Passed by the Common Council:

\_\_\_\_\_  
Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

Fiscal Note: N/A

Sponsors: Ronald D. Hart

**Referred to Waterworks Commission**

**J. Miscellaneous Business**

**K. Adjourn**

*The meeting was adjourned at 9:30p.m. by Alderman Shakoor. The next scheduled meeting of the Council is October 6, 2009.*

ATTEST: JANICE M. JOHNSON-MARTIN  
CITY CLERK