



City of Racine

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

Meeting Minutes - Final Common Council

*Mayor John T. Dickert, Alderman Q.A. Shakoor, II, Alderman Eric Marcus,
Alderman Michael Shields, Alderman Ronald D. Hart,
Alderman Jim Kaplan,
Alderman Dennis Wiser, Alderman Aron Wisneski, Alderman Sandy Weidner, Alderman Terry McCarthy, Alderman Raymond DeHahn, Alderman Gregory Holding, Alderman Robert Mozol, Alderman O. Keith Fair, Alderman Melissa Kaprelian-Becker, Alderman James Morgenroth*

Tuesday, March 6, 2012

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 14 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Wisneski, Morgenroth, Hart and Mozol
EXCUSED: 1 - Holding

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

*Albert Herron
Kristen Kaprelian
Karl Fuller
Sue Dekeuster
Dennis Navratil
Rev. Tony Larsen
Ken Brown
Christine Cronin
Francis Adamowic
Rose Russell
George Meyers
Randy Larsen
Jacqueline Lindo
Jason Burns
Jolie McKenna*

E. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor[12-7449](#)

Subject: Communication from the City Administrator requesting to present a recommendation to change the organizational structure of the City's management team regarding the positions of City Engineer, City Assessor and the Building Complex Facilities Manager.

Staff Recommendation to the Finance & Personnel Committee on 3-12-12: To change the organizational structure of the City's Management team regarding the positions of City Engineer, City Assesor, and the Building Complex Facilities Manager.

Fiscal Note: N/A

Referred to Finance and Personnel Committee

Refer to Public Works and Services Committee, by Ald. Weidner[12-7427](#)

Subject: Communication from the Harbor Commission requesting permission to upgrade the dinghy rack structure at the Rooney Recreational Area.

Referred to Public Works and Services Committee

[12-7439](#)

Subject: Communication from the Assistant Commissioner of Public Works/Operations submitting a request from Express Elevator, LLC to renew the elevator service contract.

Referred to Public Works and Services Committee

[12-7442](#)

Subject: Communication from Anchor Fitness requesting permission to use city right-of-way for their Second Annual Marina Mayhem 5K/10K Challenge event on Sunday, September 29, 2012.

Referred to Public Works and Services Committee

Referred to Board of Park, Recreation and Cultural Services

[12-7448](#)

Subject: Communication from the Children's Service Society Racine Child Advocacy Center requesting permission to place ribbons on street light poles during the month of April to draw attention to Child Abuse Prevention Month.

Referred to Public Works and Services Committee

Refer to Public Safety and Licensing Committee, by Ald. Wisneski[12-7428](#)

Subject: (New) Application of Mary's Diamond Corporation, Marilu Perez, Agent for a "Class B" Fermented Malt Beverage and

Intoxicating Liquor License for 1221 Douglas Avenue (4th District)

Referred to Public Safety and Licensing Committee

[12-7429](#)

Subject: Communication from the Interim Director of Park, Recreation and Cultural Services requesting to enter into a Professional Services Agreement with Industrial Roofing Services, Inc. to provide engineering, construction documents and construction management for roof replacement at Colonial Park Restroom Building.

Referred to Public Safety and Licensing Committee

[12-7430](#)

Subject: Communication from the Interim Director of Parks, Recreation and Cultural Services requesting to enter into a Professional Services Agreement with Nielsen Madsen & Barber S.C. to provide engineering, construction documents and construction management for 2012 Parks Asphalt Improvements.

Referred to Public Safety and Licensing Committee

[12-7431](#)

Subject: Communication from the Interim Director of Parks, Recreation and Cultural Services requesting to enter into a Professional Services Agreement with Industrial Roofing Services, Inc. to provide engineering, construction documents and construction management for Roof Replacement Sections 5 & 10 at the Chavez Community Center.

Referred to Public Safety and Licensing Committee

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor

[12-7267](#)

Subject: Communication to the Mayor and City Council from the Alderpersons of the 5th and 15th districts requesting to discuss having the city provide the same health insurance benefits to State-registered domestic partners and their dependants, that is now provided to married couples. (Res. 12-2992)

Recommendation of the Finance & Personnel Committee on

1-23-12: Defer the item until the next scheduled Finance & Personnel Committee meeting pending legal review and financial impact.

Fiscal Note: N/A

Recommendation of the Finance & Personnel Committee on

2-13-12: Item to be referred to the Committee of the Whole.

Fiscal Note: N/A

Recommendation of the Finance & Personnel Committee on 3/1/12 : To approve the request of Alderman Mozol and Alderman Kaprelian-Becker to provide standard benefits to state-registered domestic partners of City employees and the children of those partners, and further that the City Attorney's Office be directed to provide the appropriate resolution.

Fiscal Note: It is anticipated that current and long term fiscal impacts of this policy change will not have any more impact than current ongoing changes in the family status of the rest of the employee base.

Alderman Wisneski requested that item 12-7267 be considered separately.

Alderman Wisneski made a motion seconded by Alderman Kaplan that notwithstanding the committee report the item be referred to the Committee of the Whole. Motion failed on the following vote:

AYES: McCarthy, Morgenroth, Weidner, Wisneski, Hart and Kaplan

NOES: Kaprelian-Becker, Marcus, Mozol, Shakoor, Shields, Wiser, DeHahn and Fair

EXCUSED: Holding

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

AYES: 10 - Fair, Marcus, Shields, Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wiser, Wisneski and Mozol

NOES: 4 - Kaplan, Weidner, Morgenroth and Hart

EXCUSED: 1 - Holding

[12-7347](#)

Subject: Communication submitting the claim of Giraffe Properties LLC, based on the alleged excessive 2011 taxes, for consideration for property located at 2433 South Green Bay Road.

Recommendation of the Finance & Personnel Committee on 2-27-12: The claim of Giraffe Properties LLC, based on the alleged excessive 2011 taxes, for consideration for property located at 2433 South Green Bay Road, be denied.

Fiscal Note: N/A

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

[12-7348](#)

Subject: Communication submitting the claim of Presidential Courts, LLC, based on the alleged excessive 2011 taxes, for consideration for properties located at 3550 Meachem Road and 3610 Meachem Road.

Recommendation of the Finance & Personnel Committee on 2-27-12: The claim of Presidential Courts, LLC, based on the alleged excessive 2011 taxes, for consideration for properties located at 3550

Meachem Road and 3610 Meachem Road, be denied.

Fiscal Note: N/A

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

[12-7349](#)

Subject: Communication submitting the claim of Racine Country Club, LLC, based on the alleged excessive 2011 taxes, for consideration for property located at 2801 and 2801 A Northwestern Ave.

Recommendation of the Finance & Personnel Committee on

2-27-12: The claim of Racine Country Club, LLC, based on the alleged excessive 2011 taxes, for consideration for property located at 2801 and 2801 A Northwestern Ave, be denied.

Fiscal Note: N/A

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

[12-7350](#)

Subject: Communication submitting the claim of Park Vista Apartments, based on the alleged excessive 2011 taxes, for consideration for property located at 4215 Durand Avenue.

Recommendation of the Finance & Personnel Committee on

2-27-12: The claim of Park Vista Apartments, based on the alleged excessive 2011 taxes, for consideration for property located at 4215 Durand Avenue, be denied.

Fiscal Note: N/A

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

[12-7351](#)

Subject: Communication submitting the claim of Target Corporation, based on the alleged excessive 2011 taxes for property located at 5300 Durand Avenue, for consideration.

Recommendation of the Finance & Personnel Committee on

2-27-12: The claim of Target Corporation for reimbursement in the amount of \$130,087.51 arising from an alleged excessive real estate assessment for the property located at 5300 Durand Avenue and for the excessive taxes for the 2011 tax year, be denied.

Fiscal Note: N/A

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

[12-7359](#)

Subject: Communication from the Racine Police Department

requesting a fee waiver for the use of Roosevelt Park's baseball field each Monday and Tuesday, 9:00 a.m. until noon, from June 11, 2012 through July 31, 2012 for a youth baseball clinic free to participants.

Recommendation of the Finance & Personnel Committee on 2-27-12: Receive and File.

Fiscal Note: N/A

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

12-7401

Subject: Communication from the Public Health Administrator requesting the City of Racine Health Department enter into an agreement with the City of Kenosha and accept up to \$29,192 for services rendered. (Res. 12-2991)

Recommendation of the Finance & Personnel Committee on 2-27-12: The Mayor and City Clerk be authorized and directed to enter into an agreement with the City of Kenosha for the City of Racine Health Department Laboratory to monitor non point source pollutants in the Pike River watershed and Kenosha's Lake Michigan shoreline.

Fiscal Note: The Health Department Laboratory will supply all necessary personnel, supplies and equipment to carry out its duties and will receive up to \$29,192 for services rendered.

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, seconded by Alderman Terry McCarthy, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 1 - Holding

12-7407

Subject: Communication from the Alderman of the 2nd District requesting a discussion on why it is necessary to conduct a national search for a new director of parks, recreation and cultural services and whether the City can save money and continue to provide at least the same level of services through reorganization of management responsibilities.

Recommendation of the Finance & Personnel Committee on 2-27-12: Receive and File with the understanding that the Board of Park, Recreation and Cultural Services will be represented on the

interview panel.

Fiscal Note: N/A

Alderman Shakoor requested that item 12-7407 be considered separately.

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

AYES: 9 - Fair, Shields, Weidner, Shakoor, II, McCarthy, Wisner, Wisneski, Morgenroth and Mozol

NOES: 5 - Marcus, Kaplan, Kaprelian-Becker, DeHahn and Hart

EXCUSED: 1 - Holding

Public Works and Services Committee Report, by Ald. Weidner

[12-7310](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 1 to the Professional Services Agreement with Corporate Images to provide website updates relating to recycling services. (Res. 12-3006)

Recommendation of the Public Works and Services Committee on 2-14-12: That the Mayor and City Clerk be authorized and directed to enter into a new professional services agreement with Corporate Images, Inc. for the design of recycling brochures in the not-to-exceed amount of \$5,100.00.

Fiscal Note: Funding is available to defray the cost of these professional services in Account 289.000.5610, Professional Services.

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

[12-7343](#)

Subject: Communication from the Assistant Commissioner of Public Works/Operations submitting a professional services agreement with Business Fitness, Inc., for the provision of telecommunication auditing services. (Res. 12-3005)

Recommendation of the Public Works and Services Committee on 2-14-12: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Business-Fitness, Inc. for the provision of telecommunication auditing services.

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

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

12-7345

Subject: Communication from Karl Fuller, on behalf of the Citizens of Jerome Blvd., submitting a request to discuss further removal of street lights. (Res. 12-2996)

Recommendation of the Public Works and Services Committee on 2-28-12: That the City retain the two (2) street lights on Jerome Boulevard that were recommended for removal and to accept a donation from Karl Fuller to cover the costs for service for the 2012 budget year.

Further recommend that if the resident decides not to continue his donation to retain these lights, the lights be removed.

Fiscal Note: The cost of operating these lights is \$335.04 for 2012 and will be covered by the donation. Funds to be deposited in Account 101.590.6930, Street Lighting Revenue.

Alderman Weidner requested that item 12-7345 be considered separately.

Alderman McCarthy made a motion seconded by Alderman Shields to amend the recommendation by adding sunset the provision to one year. Motion passed by the following vote:

AYES: Marcus, McCarthy, Morgenroth, Mozol, Shakoor, Shields and Fair.

NOES: Kaprelian-Becker, Weidner, Wiser, Wisneski, DeHahn, Hart and Kaplan

EXCUSED: Holding

The vote ended up as a tie vote. Mayor Dickert voted "Aye" and the item passed.

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

The vote ended up as a tie vote. Mayor Dickert voted "Aye" and the item passed.

AYES: 7 - Fair, Marcus, Shields, Shakoor, II, McCarthy, Morgenroth and Mozol

NOES: 7 - Kaplan, Kaprelian-Becker, Weidner, DeHahn, Wiser, Wisneski and Hart

EXCUSED: 1 - Holding

12-7357

Subject: Communication from Focus on Community requesting to use city right-of-way for a run/walk on September 22, 2012. (Res. 12-2993)

Recommendation of the Public Works and Services Committee on 2-28-12: That Focus on Community be granted permission to use city right-of-way for a run/walk on Saturday, September 22, 2012, from 9:00 a.m. to 12:00 p.m.

Further recommends that permission be granted with the following stipulations:

A. A hold harmless agreement be executed and a \$62.50 processing

fee paid.

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 any costs associated with bagging of parking meters.

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.

[12-7369](#)

Subject: (Direct Referral) Discussion regarding adding a Public Comment Period to the agenda. (Res. 12-3008)

Recommendation of the Public Works and Services Committee on 2-28-12: That a public comment period be added to the end of the meeting agenda with a not-to-exceed period of three (3) minutes per speaker.

Fiscal Note: N/A

This item is related to Public Works and Services Committee only.

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

[12-7376](#)

Subject: Communication from Downtown Racine Corporation requesting to use city right-of-way for the St. Patrick's Day Parade on Saturday, March 17, 2012. (Res. 12-2994)

Recommendation of the Public Works and Services Committee on 2-28-12: That permission be granted to the Downtown Racine Corporation to close Main Street from State Street to 6th Street, and State Street from Erie Street to Main Street, on Saturday, March 17, 2012, from 12:00 noon to 2:00 p.m., for a St. Patrick's Day Parade, with the following stipulations:

A. A hold harmless agreement be executed and a \$62.50 processing fee paid;

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 be responsible for all detour signage during the event.

F. The sponsor shall pay a \$500.00 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, in implementing this event.

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

12-7377

Subject: (Direct Referral) Communication from the Human Capital Development Corp., Inc. requesting the purchase of an additional van through the CMAQ grant. (Res. 12-2995)

Recommendation of the Public Works and Services Committee

on 2-28-12: That the City of Racine support the purchase of either two (2) 15 passenger vans or one (1) 30 passenger van for the Human Capital Development Corp., Inc. in conjunction with the Racine Rideshare Shuttle CMAQ grant.

Fiscal Note: Estimated vehicle cost is \$55,000.00 with funding available through the Racine Rideshare CMAQ Grant.

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

12-7406

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 33-11 (K1-035), Sanitary Sewer & Lateral Relining, Musson Brothers, Inc., contractor. (Res. 12-3000)

Recommendation of the Public Works and Services Committee

on 2-28-12: That the work done by Musson Brothers, Inc. under Contract 33-11 (K1-035), Sanitary Sewer & Lateral Relining, be accepted and final payment authorized for a total contract amount of \$664,708.00.

Fiscal Note: Contract was authorized under Resolution No. 11-2591, dated June 7, 2011.

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

12-7409

Subject: (Direct Referral) Communication from the Purchasing Agent submitting a bid for One (1) Three Wheel Broom Type Street Sweeper. (Res. 12-3007)

Recommendation of the Public Works and Services Committee on 2-28-12: That the contract for One (1) Three Wheel Broom Type Street Sweeper be awarded to Bruce Municipal Equipment, at their bid price of \$178,817.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this equipment be appropriated from Account 104.000.5780, Licensed Vehicles, Storm Water.

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

12-7410

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results for Contract 1-12 (K2-001), 2012 Parking Ramp Maintenance (R1). (Res. 12-3001)

Recommendation of the Public Works and Services Committee on 2-28-12: That Contract 1-12 (K2-001), 2012 Parking Ramp Maintenance (R1), be awarded to Truesdell Corp. of WI, Inc., Tempe, AZ, at their bid price of \$533,533.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 106.992.5760, Ramp Improvement Construction.

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

12-7414

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 2 to Contract 54-10 (K0-069), Professional Services - Review HVAC System at Racine Public Library, Arnold & O'Sheridan, consultant. (Res. 12-3002)

Recommendation of the Public Works and Services Committee on 2-28-12: That Amendment No. 2 to Contract 54-10 (K0-069), Professional Services - Review HVAC System at Racine Public Library, Arnold & O'Sheridan, Inc., consultant, as submitted, be approved in the amount of \$641.06.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 255.990.5010, HVAC Engineering, Plans & Specs.

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

12-7415

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 54-10 (K0-069), Professional Services - Review HVAC System at Racine Public Library, Arnold & O'Sheridan, Inc., consultant. (Res. 12-3003)

Recommendation of the Public Works and Services Committee on 2-28-12: That the professional services provided by Arnold & O'Sheridan, Inc., under Contract 54-10 (K0-069), Professional Services - Review HVAC System at Racine Public Library, be accepted and final payment authorized for a total contract amount of \$19,741.06.

Fiscal Note: Contract was authorized under Resolution No. 10-2202, dated October 5, 2010.

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

12-7416

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 16-11 (K1-016), Street Reconstruction (R1), LaLonde Contractors, Inc., contractor. (Res. 12-2997)

Recommendation of the Public Works and Services Committee on 2-28-12: That Change Order No. 1 on Contract 16-11 (K1-016), Street Reconstruction (R1), LaLonde Contractors, Inc., contractor, be approved in the amount of \$180,039.96.

Fiscal Note: Funding to defray the cost of this change order be appropriated from the following accounts:

\$ 133,263.33 - Account 991.908.5220, Asphalt Resurfacing
\$ 1,752.48 - Account 104.991.5420, Storm Sewers, Misc.
\$ 9,024.15 - Account 287.991.5310, Sanitary Sewers, Var. Loc.
\$ 30,000.00 - Account 991.908.5210, Asphalt Street Paving
\$ 6,000.00 - Account 991.908.5030, Concrete Alley Paving
\$ 180,039.96 - Total

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 Sandy Weidner, seconded by Alderman Raymond DeHahn, that this be Considered as Reported to Adopt the Report.

Adopted by the following vote:

AYES: 14 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 1 - Holding

12-7417

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 16-11 (K1-016), Street Reconstruction (R1), LaLonde Contractors, Inc. contractor. (Res. 12-2998)

Recommendation of the Public Works and Services Committee on 2-28-12: That the work done by LaLonde Contractors, Inc. under Contract 16-11 (K1-016), Street Reconstruction (R1), be accepted and final payment authorized for a total contract amount of \$1,462,492.78.

Fiscal Note: Contract was authorized under Resolution No. 11-2476, dated April 6, 2011.

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

12-7419

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a professional services proposal from Ayres Associates, Inc. for painting the Main Street Bridge. (Res. 12-3004)

Recommendation of the Public Works and Services Committee on 2-28-12: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Ayres Associates, Inc. for the design of repairs and painting of the Main Street Bridge, in the not-to-exceed amount of \$19,000.00.

Fiscal Note: Funds to defray the cost of these professional services be appropriated from Account 930.992.5010, Painting Main Street Bridge.

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

12-7420

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 24-11 (K1-024), Spring Street Bridge Restoration, Lunda Construction Co., contractor. (Res. 12-2999)

Recommendation of the Public Works and Services Committee on 2-28-12: That the work done by Lunda Construction Company under Contract 24-11 (K1-024), Spring Street Bridge Restoration, be accepted and final payment authorized for a total contract amount of \$195,939.40.

Fiscal Note: Contract was authorized under Resolution No. 11-2714, dated September 6, 2011.

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 Sandy Weidner, seconded by Alderman Terry McCarthy, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 1 - Holding

Public Safety and Licensing Committee Report, by Ald. Wisneski

12-7361

Subject: (New) Application of Dewey's Restaurant & Sports Bar, LLC, Dan R. DuMont, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 600 Main Street. (1st District)

Recommendation of the Public Safety and Licensing Committee on 2-27-12: That the application of Dewey's Restaurant & Sports Bar, LLC, Dan R. DuMont, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 600 Main Street be approved upon successful completion of the construction outlined in the business plan submitted by the applicant of 2-1-12 pursuant to Sec 6-59 of Racine Ordinances.

Fiscal Note: N/A

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

12-7378

Subject: (New) Application of Ice Box LLC, Ronald Stankovic, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2328 Douglas Avenue. (5th District)

Recommendation of the Public Safety and Licensing Committee on 2-27-12: That the application of Ice Box LLC, Ronald Stankovic, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2328 Douglas Avenue upon successful completion of the construction outlined in the business plan submitted by the applicant of 2-2-12 pursuant to Sec 6-59 of Racine Ordinances.

Fiscal Note: N/A

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

Reported. The motion was **APPROVED**.

[12-7398](#)

Subject: Communication from the Interim Director of Parks, Recreation and Cultural Services to request final payment of professional services contract with Nielsen Madsen & Barber for engineering services and construction management of 2011 Racine Parks Asphalt Improvements. (Res. 12-3000)

Recommendation of the Public Safety and Licensing Committee on 2-27-12: That the final payment of professional services contract with Nielsen Madsen & Barber for engineering services and construction management of 2011 Racine Parks Asphalt Improvements be approved.

Fiscal Note: Funds for the final payment of \$1997.00 are available from 207.000.5750 Cemetary Roads and Walks.

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

[12-7399](#)

Subject: Communication from the Interim Director of Parks, Recreation and Cultural Services requesting final payment of professional services contract with Nielsen Madsen & Barber for engineering services & construction management of 2011 Island Park Pavement Improvements CDBG. (Res. 12-3011)

Recommendation of the Public Safety and Licensing Committee on 2-27-12: That the final payment of professional services contract with Nielsen Madsen & Barber for engineering services & construction management of 2011 Island Park Pavement Improvements (CDBG) be approved.

Fiscal Note: Funds for the final Payment of \$4122.50 are available from 8914.030.5750 Island Park Paving.

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

[12-7400](#)

Subject: Communication from the Interim Director of Parks, Recreation and Cultural Services requesting to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Douglas Softball Field, Softball Lighting upgrades. (Res. 12-3012)

Recommendation of the Public Safety and Licensing Committee on 2-27-12: That the request to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Douglas Softball Field,

Softball Lighting upgrades be approved.

Fiscal Note: Funds not to exceed \$6500.00 are available from account 992.710.5010 Replace Douglas Ball Lights.

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

[12-7402](#)

Subject: Communication from the Interim Director of Parks, Recreation and Cultural Services requesting to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Bryant Community Center Gym Lighting upgrades. (Res. 12-3013)

Recommendation of the Public Safety and Licensing Committee on 2-27-12: That the request to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Bryant Community Center Gym Lighting upgrades be approved.

Fiscal Note: Funds not to exceed \$1400.00 are available from account 992.680.5010 Bryant LED Light Replacement.

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

[12-7403](#)

Subject: Communication from the Interim Director of Parks, Recreation and Cultural Services requesting to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Tyler-Domer gym and exterior lighting upgrades. (Res. 12-3014)

Recommendation of the Public Safety and Licensing Committee on 2-27-12: That the request to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Tyler-Domer gym and exterior lighting upgrades be approved.

Fiscal Note: Funds not to exceed \$2,400.00 are available from account 930.082.5860 Tyler Domer LED Light Replacement.

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

[12-7405](#)

Subject: Communication from the Purchasing Agent requesting to appear before the Public Safety and Licensing Committee to discuss the proposal received in response to Official Notice #2, Concession Services for Pershing Park Boat Launch. (Res. 12-3009)

Recommendation of the Public Safety and Licensing Committee

on 2-27-12: That the Purchasing Agent be granted permission to negotiate a contract with Mr. Caleb Robinson, Top Dog Hot Dogs, LLC, for the concession services for Pershing Park Boat Launch.

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, seconded by Alderman Jim Kaplan, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 1 - Holding

City Plan Commission Report, by Ald. Wisneski

[12-7421](#)

Subject: (Direct Referral) Request by Abdel Karim Yasin for conditional use approval to operate a second-hand sales establishment involving the buying and selling of second hand merchandise and jewelry at 1733 Douglas Avenue. (PC-12) (Res. 12-3015)

Recommendation of the City Plan Commission on 2-29-12: That the 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 by the following vote:

AYES: 14 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wisner, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 1 - Holding

Housing Loan Board Report, by Ald. Wisner

[10-5394](#)

Subject: Request from the Assistant Director of City Development to transfer 1132 Irving Place to Racine Habitat for Humanity, Inc. (Res. 12-3018)

Recommendation of the Loan Board of Review on July 22, 2010:
To approve the transfer of 1132 Irving Place to Racine Habitat for Humanity.

Fiscal Note: There will be a cost of \$30.00 to record the deed. Sufficient funds are available in account no. 804-090-5310.

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

12-7440

Subject: (Direct Referral) Request by the Assistant Director of City Development to transfer 1319 Center Street to Racine Habitat for Humanity (NSP-3). (Res. 12-3016)

Recommendation of the Loan Board of Review on March 1, 2012:

To approve the transfer of 1319 Center Street to Racine Habitat for Humanity.

Fiscal Note: There will be a cost of \$30.00 to record the deed. Sufficient funds are available in account no. 804-301-5310.

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

12-7441

Subject: (Direct Referral) Request by the Assistant Director of City Development to acquire 1236 Schiller Street for the NSP-3 program. (Res. 12-3017)

Recommendation of the Loan Board of Review on March 1, 2012:

To approve the acquisition of 1236 Schiller Street for the NSP-3 program.

Fiscal Note: The cost of acquisition will be \$185.00, along with additional fees. Sufficient funding available in account no. 804-304-5310.

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 Dennis Wiser , seconded by Alderman Michael Shields, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 1 - Holding

G. Consent Agenda-Resolutions

Res.12-2991

Agreement with City of Kenosha

Resolved, that the Mayor and City Clerk are authorized and directed to

enter into an agreement with the City of Kenosha for the City of Racine Health Department Laboratory to monitor non-point source pollutants in the Pike River watershed and Kenosha's Lake Michigan shoreline.

Fiscal Note: The Health Department Laboratory will supply all necessary personnel, supplies and equipment to carry out its duties and will receive up to \$29,192 for services rendered.

Sponsors: Q.A. Shakoor, II

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

Res.12-2993

Use of City right-of-way by Focus on Community

Resolved, that Focus on Community is granted permission to use city right-of-way for a run/walk on Saturday, September 22, 2012, from 9:00 a.m. to 12:00 p.m.

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

- A. A hold harmless agreement is executed and a \$62.50 processing fee paid.
- B. A liability insurance certificate is filed prior to this event.
- C. Any overtime costs incurred by any City department are 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 any costs associated with bagging of parking meters.

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: Sandy Weidner

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

Res.12-2994

Use of City right-of-way for the St. Patrick's Day Parade

Resolved, that permission is granted to the Downtown Racine Corporation to close Main Street from State Street to 6th Street, and State Street from Erie Street to Main Street, on Saturday, March 17,

2012, from 12:00 noon to 2:00 p.m., for a St. Patrick's Day Parade, with the following stipulations:

- A. A hold harmless agreement is executed and a \$62.50 processing fee paid;
- B. A liability insurance certificate is filed prior to this event;
- C. Any overtime costs incurred by any City department are 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 be responsible for all detour signage during the event.
- F. The sponsor shall pay a \$500.00 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, in implementing this event.

Sponsors: Sandy Weidner

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

Res.12-2995

Purchase of an additional van

Resolved, that the City of Racine will support the purchase of either two (2) 15 passenger vans or one (1) 30 passenger van for the Human Capital Development Corp., Inc. in conjunction with the Racine Rideshare Shuttle CMAQ grant.

Fiscal Note: Estimated vehicle cost is \$55,000.00 with funding available through the Racine Rideshare CMAQ Grant.

Sponsors: Sandy Weidner

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

Res.12-2997

Change Order No. 1 on Contract 16-11 (K1-016)

Resolved, that Change Order No. 1 on Contract 16-11 (K1-016), Street Reconstruction (R1), LaLonde Contractors, Inc., Contractor, be approved in the amount of \$180,039.96.

Fiscal Note: Funding to defray the cost of this change order be appropriated from the following accounts:
\$ 133,263.33 - Account 991.908.5220, Asphalt Resurfacing

\$ 1,752.48 - Account 104.991.5420, Storm Sewers, Misc.
\$ 9,024.15 - Account 287.991.5310, Sanitary Sewers, Var. Loc.
\$ 30,000.00 - Account 991.908.5210, Asphalt Street Paving
\$ 6,000.00 - Account 991.908.5030, Concrete Alley Paving
\$ 180,039.96 - Total

Sponsors: Sandy Weidner

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

Res.12-2998

Final payment on Contract 16-11 (K1-016)

Resolved, that the work done by LaLonde Contractors, Inc. under Contract 16-11 (K1-016), Street Reconstruction (R1), is accepted and final payment authorized for a total contract amount of \$1,462,492.78.

Fiscal Note: Contract was authorized under Resolution No. 11-2476, dated April 6, 2011.

Sponsors: Sandy Weidner

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

Res.12-2999

Final payment on Contract 24-11 (K1-024)

Resolved, that the work done by Lunda Construction Company under Contract 24-11 (K1-024), Spring Street Bridge Restoration, is accepted and final payment authorized for a total contract amount of \$195,939.40.

Fiscal Note: Contract was authorized under Resolution No. 11-2714, dated September 6, 2011.

Sponsors: Sandy Weidner

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

Res.12-3000

Final payment on Contract 33-11 (K1-035)

Resolved, that the work done by Musson Brothers, Inc. under Contract 33-11 (K1-035), Sanitary Sewer & Lateral Relining, is accepted and final payment authorized for a total contract amount of \$664,708.00.

Fiscal Note: Contract was authorized under Resolution No. 11-2591, dated June 7, 2011.

Sponsors: Sandy Weidner

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

Res.12-3001 Bid results for Contract 1-12 (K2-001)

Resolved, that Contract 1-12 (K2-001), 2012 Parking Ramp Maintenance (R1), be awarded to Truesdell Corp. of WI, Inc., Tempe, AZ, at their bid price of \$533,533.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from Account 106.992.5760, Ramp Improvement Construction.

Sponsors: Sandy Weidner

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

Res.12-3002 Amendment No. 2 to Contract 54-10 (K0-069)

Resolved, that Amendment No. 2 to Contract 54-10 (K0-069), Professional Services - Review HVAC System at Racine Public Library, Arnold & O'Sheridan, Inc., consultant, as submitted, is approved in the amount of \$641.06.

Fiscal Note: Funding to defray the cost of these professional services be appropriated from Account 255.990.5010, HVAC Engineering, Plans & Specs.

Sponsors: Sandy Weidner

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

Res.12-3003 Final payment on Contract 54-10 (K0-069)

Resolved, that the professional services provided by Arnold & O'Sheridan, Inc., under Contract 54-10 (K0-069), Professional Services - Review HVAC System at Racine Public Library, is accepted and final payment authorized for a total contract amount of \$19,741.06.

Fiscal Note: Contract was authorized under Resolution No. 10-2202, dated October 5, 2010

Sponsors: Sandy Weidner

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

Res.12-3004 Professional services proposal for painting the Main Street Bridge

Resolved, that the Mayor and City Clerk are authorized and directed to

enter into a professional services agreement with Ayres Associates, Inc. for the design of repairs and painting of the Main Street Bridge, in the not-to-exceed amount of \$19,000.00.

Fiscal Note: Funds to defray the cost of these professional services be appropriated from Account 930.992.5010, Painting Main Street Bridge.

Sponsors: Sandy Weidner

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

Res.12-3005

Professional services agreement for the provision of telecommunication auditing services.

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a professional services agreement with Business-Fitness, Inc. for the provision of telecommunication auditing services.

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

Sponsors: Sandy Weidner

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

Res.12-3006

Amendment No. 1 to the Professional Services Agreement with Corporate Images

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a new professional services agreement with Corporate Images, Inc. for the design of recycling brochures in the not-to-exceed amount of \$5,100.00.

Fiscal Note: Funding is available to defray the cost of these professional services in Account 289.000.5610, Professional Services.

Sponsors: Sandy Weidner

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

Res.12-3007

Bid for One (1) Three Wheel Broom Type Street Sweeper

Resolved, that the contract for One (1) Three Wheel Broom Type Street Sweeper is awarded to Bruce Municipal Equipment, at their bid price of \$178,817.00, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this equipment be

appropriated from Account 104.000.5780, Licensed Vehicles, Storm Water.

Sponsors: Sandy Weidner

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

Res.12-3009

Concession Services for Pershing Park Boat Launch

Resolved, that the Purchasing Agent is granted permission to negotiate a contract with Mr. Caleb Robinson, Top Dog Hot Dogs, LLC, for the concession services for Pershing Park Boat Launch.

Fiscal Note: N/A

Sponsors: Aron Wisneski

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

Res.12-3010

Final payment of professional services contract for 2011 Racine Parks Asphalt Improvements

Resolved, that the final payment of professional services contract with Nielsen Madsen & Barber for engineering services and construction management of 2011 Racine Parks Asphalt Improvements is approved.

Fiscal Note: Funds for the final payment of \$1997.00 are available from 207.000.5750 Cemetery Roads and Walks.

Sponsors: Aron Wisneski

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

Res.12-3011

Final payment of professional services contract for 2011 Island Park Pavement Improvements.

Resolved, that the final payment of professional services contract with Nielsen Madsen & Barber for engineering services & construction management of 2011 Island Park Pavement Improvements (CDBG) is approved.

Fiscal Note: Funds for the final Payment of \$4122.50 are available from 8914.030.5750 Island Park Paving.

Sponsors: Aron Wisneski

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

Res.12-3012

Professional Services Agreement for Douglas Softball Field, Softball Lighting upgrades.

Resolved, that the request to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Douglas Softball Field, Softball Lighting upgrades is approved.

Fiscal Note: Funds not to exceed \$6500.00 are available from account 992.710.5010 Replace Douglas Ball Lights.

Sponsors: Aron Wisneski

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

Res.12-3013

Professional Services Agreement for Bryant Community Center Gym Lighting upgrades.

Resolved, that the request to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Bryant Community Center Gym Lighting upgrades is approved.

Fiscal Note: Funds not to exceed \$1400.00 are available from account 992.680.5010 Bryant LED Light Replacement.

Sponsors: Aron Wisneski

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

Res.12-3014

Professional Services Agreement for Tyler-Domer gym and exterior lighting upgrades.

Resolved, that the request to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Tyler-Domer gym and exterior lighting upgrades is approved.

Fiscal Note: Funds not to exceed \$2,400.00 are available from account 930.082.5860 Tyler Domer LED Light Replacement.

Sponsors: Aron Wisneski

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

Res.12-3015

1733 Douglas Avenue

Resolved, that the request from Abdel Karim Yasin for second-hand

sales of merchandise and jewelry at 1733 Douglas Avenue be approved, subject to the following conditions:

- a. That plans presented to the Plan Commission on February 29, 2011 be approved subject to the conditions contained herein.
- b. That the hours of operation shall be from 10:00 a.m. - 6:00 p.m., Monday through Saturday. No Sunday hours are approved.
- c. That the applicant shall provide detail (including the required reinforced concrete and opaque screening material) on the dumpster enclosure to City Development within 30 days of this approval. If the enclosure is not constructed within 30 days of approval, a financial assurance (per approved City Financial Security procedures) shall be provided to City Development in the amount of \$1,500 and held until the enclosure is properly constructed. Citations may be issued by the Building Inspection Department if the plans are not submitted upon the end of the 30 day deadline.
- d. That sole access to the site shall be off of Hagerer Street. The access drive on the property located directly south of this building is for the exclusive use of 1717 Douglas Avenue, owned by Outbreak Billiards, Inc.
- e. That the angled parking spaces at the northeast corner of the lot be re-stripped to be perpendicular spaces (90-degree angle).
- f. That requests for signage shall be submitted to the Building Inspection Department and subject to review by the Department of City Development as the property lies within the Douglas Avenue Access Corridor District. Interior and exterior window sticker/cling-on/poster signage advertising any product or service offered shall be prohibited.
- 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 all codes and ordinances shall be complied with and required permits acquired.
- i. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Aron Wisneski

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

Res.12-3016

1319 Center Street

Resolved, that the transfer of 1319 Center Street to Racine Habitat for Humanity is approved.

Fiscal Note: There will be a \$30.00 cost to record the deed. Sufficient funds are available in account no. 804-301-5310.

Sponsors: Dennis Wiser

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

Res.12-3017

1236 Schiller Street

Resolved, that the acquisition of 1236 Schiller Street for the NSP-3 program is approved.

Fiscal Note: The cost of acquisition will be \$185.00, along with additional fees. Sufficient funding available in account no. 804.304.5310.

Sponsors: Dennis Wiser

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

Res.12-3018

1132 Irving Place

Resolved, that the transfer of 1132 Irving Place to Racine Habitat for Humanity is approved.

Fiscal Note: There will be a cost of \$30.00 to record the deed. Sufficient funds are available in account no. 804-090-5310.

Sponsors: Dennis Wiser

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, seconded by Alderman Raymond DeHahn, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Fair, Marcus, Shields, Kaplan, Kaprelian-Becker, Weidner, DeHahn, Shakoor, II, McCarthy, Wiser, Wisneski, Morgenroth, Hart and Mozol

EXCUSED: 1 - Holding

J. RESOLUTION

[Res.12-2992](#) Health insurance benefits for domestic partners and their children

Resolved, that the City of Racine shall provide standard benefits to state-registered domestic partners of City employees and the children of those partners to the same extent as standard benefits are provided to spouses of City employees and the children of those spouses.

Fiscal Note: It is anticipated that current and long term fiscal impacts of this policy change will not have any more impact than current ongoing changes in the family status of the rest of the employee base.

Sponsors: Q.A. Shakoor, II

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

AYES: 10 - Fair, Marcus, Shields, Kaprelian-Becker, DeHahn, Shakoor, II, McCarthy, Wisner, Wisneski and Mozol

NOES: 4 - Kaplan, Weidner, Morgenroth and Hart

EXCUSED: 1 - Holding

[Res.12-2996](#) Further removal of street lights

Resolved, that the City will retain the two (2) street lights on Jerome Boulevard that were recommended for removal and will accept a donation from Karl Fuller to cover the costs for service for the 2012 budget year.

Further resolved, that if the resident decides not to continue his donation to retain these lights, the lights will be removed.

Fiscal Note: The cost of operating these lights is \$335.04 for 2012 and will be covered by the donation. Funds to be deposited in Account 101.590.6930, Street Lighting Revenue.

Sponsors: Sandy Weidner

A motion was made by Alderman Shakoor, II, seconded by Alderman Shields, that this Resolution be Adopted as Amended. The motion was PASSED by the following vote: Mayor Dickert voted "aye" to break the tie.

AYES: 7 - Fair, Marcus, Shields, DeHahn, Shakoor, II, McCarthy and Mozol

NOES: 7 - Kaplan, Kaprelian-Becker, Weidner, Wisner, Wisneski, Morgenroth and Hart

EXCUSED: 1 - Holding

Res.12-3008

Public Comment Period

Resolved, that a public comment period is to be added to the end of the meeting agenda with a not-to-exceed period of three (3) minutes per speaker.

Fiscal Note: N/A

Sponsors: Sandy Weidner

This item is related to Public Works and Services Committee only.

A motion was made Received and Filed

K. OrdinancesOrd.2-12

Ordinance No. 2-12

To repeal and recreate Sec. 66-1001, repeal and recreate Sec. 66-1002 and create Sec. 66-1004 of the Municipal Code of the City of Racine, Wisconsin relating to Nuisance properties.

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

Part 1:

Sec. 66-1001 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“Sec. 66-1001. Public Nuisance Prohibited.

No person shall erect, contrive, continue, cause, maintain or permit to exist any public nuisance within the City of Racine.

(a) Definitions.

1. Public Nuisance.

A public nuisance is a thing, act, occupation, condition or use of property, which shall continue for such a length of time as, to:

(a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or

(b) In any way render the public insecure in life or in the use of property; or

(c) Greatly offend the public morals or decency; or

(d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.”

Part 2:

Sec. 66-1002 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“Sec. 66-1002. Chronic Nuisance Premises.

(a) Purpose.

The Common Council finds that from time to time certain premises in the City of Racine require a disproportionate amount of Police Department resources to be devoted to addressing various problems and incidents that occur thereon. Often this disproportionate devotion of police resources is due to property owners’ own actions or the failure of property owners to accept and exercise sufficient responsibility for and over the actions of occupants, guests, agents or employees that reside upon or frequent the premises. Such premises, as further described in paragraph (b) below, are deemed chronic nuisance premises and are public nuisances. This section is enacted to encourage property owners to recognize their responsibility to ensure that activities occurring on their property conform to the law, and do not unduly burden the City’s police resources, and to provide a mechanism for the City to take action against property owners who fail to ensure premises they own or rent do not require a disproportionate devotion of police resources and to recover the costs associated with the disproportionate devotion of police resources to such premises. This subsection is not intended to discourage crime victims or any person in legitimate need of police services from requesting them.

(b) Determination of Chronic Nuisance Premises.

1. Any premises to which the Police Department is called to respond to complaints of any nuisance activity, three (3) or more separate times within any thirty (30) day period, is deemed to have received and require more than the general, acceptable level of police services, and places an undue burden upon the taxpayers of the City. For purposes of this subsection, a nuisance activity shall be offenses under Chapter 66 of this Code or their statutory counterparts, or any

offense under state law for which a penalty of forfeiture, fine or imprisonment is provided. An offense shall not be considered a nuisance activity if it is committed by a person having no association with the premises by acquaintance with, relation to, or expressed or implied invitation from the owner, occupant, operator or agent of the premises.

2. Whenever any such premises exist, the Chief of Police shall determine from the facts of each incident and considering the purpose of this subsection as set forth in paragraph (a) above, whether the premises is a chronic nuisance premises. A chronic nuisance is a public nuisance.

(c) Notice.

Whenever the Chief of Police finds a premises constitutes a chronic nuisance premises under paragraph (b), the Chief of Police shall provide written notice of his determination to the owner of the premises as identified by the records of the City Assessor. Such notice shall be delivered by registered mail, return receipt requested or by personal service. If the owner cannot be located, the notice shall be published as a Class 2 notice under Wis. Chap. 985. The notice shall contain the following additional information:

1. The street address, parcel number or legal description sufficient to identify the premises.
2. A brief statement, including a description of the relevant activities, supporting the determination that the premise is a chronic nuisance premises.
3. A statement that the owner shall, within 10 days of receipt of the notice, or last day of publication if published, respond to the Chief of Police requesting a hearing before the Public Safety and Licensing Committee or proposing in writing a course of action that will be taken to abate the nuisance activities.
4. A statement that the owner shall immediately notify the Chief of Police of any change in address to ensure receipt of future notices.

(d) Owner Abatement.

If the owner responds to the notice in paragraph (c) with a nuisance abatement proposal, the Chief of Police may accept, reject or work with the owner to modify the proposal in his or her discretion. If the Chief of Police rejects the abatement proposal, determines that an

agreement on an appropriate abatement proposal cannot be reached or determines that owner abatement is for any reason unsuccessful, the matter shall be referred to the Public Safety and Licensing Committee for hearing.

(e) Hearing.

If a hearing is requested or if the Chief of Police determines that a satisfactory abatement plan cannot be agreed upon, or if the Chief of Police determines that abatement actions taken by the owner are unsuccessful, a hearing shall be held before the Public Safety and Licensing Committee. The owner shall receive ten (10) days written notice of the hearing sent by regular mail or, if the owner cannot be located, by publication of a Class 2 notice under Wis. Stats. Chap. 985. The Public Safety and Licensing Committee shall hear any and all evidence it deems relevant and shall affirm or reverse the determination of the Chief of Police.

(f) Penalties and Remedies.

1. If the Chief of Police's determination is affirmed by the Public Safety and Licensing Committee and approved by the Common Council, the Council may order the owner to pay the actual cost of any police call for any nuisance activities occurring after the three (3) police responses that lead to the determination that the premises was a chronic nuisance premises. Such costs shall be presented to the Common Council and may include cost incurred prior to the Common Council's determination. The Common Council may order costs of all such police calls to the chronic nuisance premises be paid until the public nuisance is abated under paragraph (g). Such costs shall be billed to the owner by invoice sent by regular mail and if not paid within thirty (30) days of the date on the invoice, shall be charged to the property as a special charge pursuant to Wis. Stats. §66.0627.

2. Forfeitures under Section 66-1003 may be imposed for each police call for any nuisance activities occurring after the three (3) police responses that lead to the determination that the premises was a chronic nuisance premises, however, no forfeiture shall be imposed for any nuisance activity that occurred prior to the Common Council affirming the decision of the Chief of Police.

3. The Common Council may authorize any other penalty or remedy authorized by law.

(g) When nuisance is deemed abated.

The public nuisance created by a chronic nuisance premises shall be deemed abated when no police calls to the premises to address nuisance activities occurs for a period of six (6) consecutive months and the Chief of Police or his designee deems the property to be in compliance with the abatement agreement.

(h) Other methods not excluded.

Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State of Wisconsin including, but not limited to an action under Wis. Stats. Chap. 823.”

Part 3:

Section 66-1004 of the Municipal Code of the City of Racine is hereby created to read as follows:

“Sec. 66-1004. Cost of abatement.

In addition to any other penalty imposed by this chapter for the erection, contrivance, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.”

Part 4:

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: Aron Wisneski and Gregory Holding

Referred to Public Safety and Licensing Committee

L. Adjourn

The meeting was adjourned at 10:20p.m. by Alderman Shakoor. The next scheduled meeting of the Council is March 20, 2012.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK