



City of Racine

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

Meeting Minutes - Final Common Council

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

Tuesday, January 20, 2009

7:00 PM

Room 205, City Hall

A. Call To Order

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

EXCUSED: 2 - Shields and Shakoor, II

B. Pledge of Allegiance To The Flag

Acting Mayor David Maack led the Council in the Pledge of Allegiance to the Flag.

C. Approval of Journal of Council Proceedings (Minutes)

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

D. Public Hearings

[ZOrd.015-08](#)

An Ordinance

To amend the City's comprehensive plan and adopt the Live Towerview Plan.

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

Part 1:

The report *Live Towerview Plan* (August, 2008), as recommended for adoption by the City Plan Commission on December 10, 2008, is hereby adopted as part of the comprehensive plan of the City of Racine and is added to the list of comprehensive plan reports maintained by the Director of City Development.

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: Gregory Holding

No one appeared.

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

E. Public Comments

- Wil Levenson*
- Beth David*
- Dave Bybee*
- Sue DeKeuster*
- Norb DeKeuster*
- Mercedes Dzindzeleta*
- Diane Lange*

F. Communications

Refer to Finance and Personnel Committee, by Ald. Friedel

09-3075

Subject: Communication from the Public Health Administrator requesting permission to accept \$240,663 from the Department of Health Services for the Consolidated Contract. (Grant Control #2008-049)

Referred to Finance and Personnel Committee

09-3078

Subject: Communication from the Public Health Administrator requesting permission to accept \$98,371 from the Department of Health Services for the Tobacco Prevention and Control Program. (Grant Control #2008-052)

Referred to Finance and Personnel Committee

09-3081

Subject: Communication from the Public Health Administrator requesting permission to accept \$61,160 from the Department of Health Services for Center of Disease Control (CDC) Preparedness. (Grant Control #2008-050)

Referred to Finance and Personnel Committee

[09-3082](#)

Subject: Communication from the Public Health Administrator requesting permission to accept \$35,590 from the Department of Health Services for the Cities Readiness Initiative (CRI) Preparedness. (Grant Control #2008-051)

Referred to Finance and Personnel Committee

[09-3093](#)

Subject: Communication from the Grant Facilitator requesting permission to accept Project Safe Neighborhood 2008 Grant Award (Grant Control No. 2008-042) in the amount of \$25,000 to support the Community Re-Entry Program.

Referred to Finance and Personnel Committee

[09-3094](#)

Subject: Communication from the Grant Facilitator requesting permission to apply for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Gang Prevention Coordination Assistance Program 2009 Grant Announcement (Grant Control No. 2009-001) in the amount of \$200,000.

Referred to Finance and Personnel Committee

[09-3095](#)

Subject: Communication from the Grant Facilitator requesting permission to apply for the 21st Century Community Learning Center Program 2009 Grant Announcement (Grant Control No. 2009-002) in the amount of \$300,000.

Referred to Finance and Personnel Committee

[09-3096](#)

Subject: Communication from the City Attorney requesting authorization for the continuation of the self-insured worker's compensation program, in compliance with Wisconsin Administrative Code DWD 80.60(3).

Referred to Finance and Personnel Committee

[09-3097](#)

Subject: Communication from the Community Health Director requesting the Mayor and City Clerk be authorized and directed to enter into a fee-for-service contract with the Children's Hospital of Wisconsin for Children and Youth with Special Health Care Needs.

Referred to Finance and Personnel Committee

[09-3120](#)

Subject: Communication from the Executive Director and Curator of Collections of the Racine Art Museum requesting to negotiate the next long-term agreement for Wustum Museum.

(Also refer to the Board of Parks, Recreation & Cultural Services)

Referred to Finance and Personnel Committee

Referred to Board of Park, Recreation and Cultural Services

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

[09-3079](#)

Subject: Communication from the Rotary Foundation of Racine West, Inc., requesting permission to utilize various parks for the 6th annual Great Midwest Dragon Boat Festival, on July 10 and 11, 2009, for the use of selling beverages, beer, food items and providing live entertainment, to close city streets and parking lanes for a parade and race administration and to utilize the parking lot at the south end of Pershing Drive. Also, sponsoring organizations request permission to place posters on or about city streets and parks regarding this free event.

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

Referred to Public Works and Services Committee

Referred to Board of Park, Recreation and Cultural Services

[09-3105](#)

Subject: Communication from Reefpoint Marina requesting permission to close the Christopher Columbus Causeway for the Racine Boat Show from August 3, 2009 through August 9, 2009.

Referred to Public Works and Services Committee

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

[09-3101](#)

Subject: (New) Application of 6200 West, Inc. (Envi), Doug Nicholson, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 316 Main Street. (1st District)

Referred to Public Safety and Licensing Committee

[09-3109](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to enter in an agreement with Southport Consulting to prepare plans and specifications for HVAC replacement at Wustum Museum.

Referred to Public Safety and Licensing Committee

Refer to Traffic Commission, by Ald. Holding

[09-3092](#)

Subject: Communication from the Assistant Commissioner of Public Works/Engineering wishing to discuss the removal of traffic signals at the intersection of N. Main Street and Walton Avenue.

Referred to Traffic Commission

Refer to Transit and Parking Commission, by Ald. DeHahn[08-3064](#)

Subject: Communication from the Assistant Commissioner of Public Works/Operations wishing to inform the Transit & Parking Commission of the Mayor's decision to authorize the 2009 Auto Show free parking for the duration of their event - January 9 - 11, 2009.

Referred to Transit and Parking Commission

G. Committee Reports**Finance and Personnel Committee Report, by Ald. Friedel**[08-3007](#)

Subject: Communication from the City Attorney requesting additional funding for the 2008 budget year for Judgment & Claims, 101.990.5910, and Attorney Professional Services, 101.160.5610. (Res.09-1172)

Recommendation of the Finance and Personnel Committee on 01-12-09: 2008 budgets be amended as follows: \$63,661.49 be transferred from account 101.820.5900, General Liability, to account 101.160.5610, Attorney - Professional Services, and that \$38,500.00 be transferred from account 101.300.5010, Fire Department Salaries, to account 101.990.5910, Judgments and claims.

Fiscal Note: There are sufficient remaining 2008 funds available for these transfers.

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

[08-3013](#)

Subject: Communication from the Fire Chief requesting permission to transfer funds to cover the City's match for the 2008 Federal Emergency Management Agency Fire Act Grant EMW-2008-FO-09001. (Res.09-1174)

Recommendation of the Finance and Personnel Committee on 01-12-09: Funds be transferred in the 2008 budget to cover the City's match for the 2008 Federal Emergency Management Agency Fire Act Grant EMW-2008-FO-09001 as follows: \$30,000.00 from account 101.300.5010, Fire Department Salaries and \$30,000.00 from account 101.300.5180, Fire Department Longevity, to account 101.300.5770, Fire Department Machinery and Equipment and that these funds be carried forward to 2009.

Fiscal Note: There are sufficient remaining 2008 funds available for these transfers.

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

08-3014

Subject: (Direct Referral) Communication from the Director of PTMR recommending the City of Racine issue an RFP for a fixed-price contract for diesel fuel purchases in 2009.

Recommendation of the Finance and Personnel Committee on 01-12-09: To Receive and File this item.

Fiscal Note: N/A

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

08-3029

Subject: Request from the Director of City Development to apply for federal Housing and Economic Recovery Act funding. (Res.09-1175)

Recommendation of the Finance and Personnel Committee on 01-12-09: That permission be granted for the Director of City Development to apply for federal Housing and Economic Recovery Act funding in an amount of \$2,075,025.

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

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

08-3030

Subject: Communication from the City Attorney submitting the claim of J&J Properties Racine, LLC for consideration.

Recommendation of the Finance and Personnel Committee on 01-12-09: The claim of J&J Properties Racine, LLC be denied.

Fiscal Note: N/A

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

08-3037

Subject: Request from the Director of City Development to apply for a Blight Elimination & Brownfield Redevelopment Grant. (Res.09-1176)

Recommendation of the Finance and Personnel Committee on 01-12-09: That permission be granted to apply for a Blight Elimination & Brownfield Redevelopment Grant.

Fiscal Note: A 50% cost share is required and will be funded through TID 14, existing grants past expenditures.

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

08-3049

Subject: Communication from the City Attorney submitting the claim of Stephanie King and Duane Bedford for consideration.

Recommendation of the Finance and Personnel Committee on 01-12-09: The claim of Stephanie King and Duane Bedford be denied.

Fiscal Note: N/A

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

08-3051

Subject: Communication from the City Attorney submitting the claim of Steven Gutierrez for consideration.

Recommendation of the Finance and Personnel Committee on 01-12-09: The claim of Steven Gutierrez be denied.

Fiscal Note: N/A

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

08-3066

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works / Engineering requesting permission to accept additional funding from the Wisconsin Department of Natural Resources for the cost overruns through the Clean Vessel Act as Amendment No. 1 to Project Number V-1-16D. (Res.09-1171)

Recommendation of the Finance and Personnel Committee on 01-12-09: That the Mayor and City Clerk be authorized to enter into the amended agreement for additional funding from the Wisconsin Department of Natural Resources for the cost overruns through the Clean Vessel Act as Amendment No. 1 to Project Number V-1-16D.

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

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

09-3083

Subject: (Direct Referral) Communication from the City Attorney requesting concurrence for the continued retention of the Davis & Kuelthau, SC law firm to represent the City in Wisconsin Equal Rights Division Case No. CR200802482, Sandra Tingle v. City of Racine. (Res.09-1173)

Recommendation of the Finance and Personnel Committee on 01-12-09: The City Attorney be granted concurrence for the continued retention of the Davis & Kuelthau, SC law firm to represent the City in

Wisconsin Equal Rights Division Case No. CR200802482, Sandra Tingle v. City of Racine.

Fiscal Note: There are sufficient funds in account 101.160.5610 Attorney Professional Services.

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

Council Action

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

AYES: 12 - Coe, Anderson, Kaplan, Weidner, McCarthy, DeHahn, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 2 - Shields and Shakoor, II

NON VOTING: 1 - Maack

Public Works and Services Committee Report, by Ald. Holding

08-2765

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 12-07 (K7-012), 2007 Asphalt Paving, C.D.B.G., Payne & Dolan, Inc., contractor. (Res.09-1190)

Recommendation of the Public Works and Services Committee on 10-14-08, 10-28-08, 11-11-08, 11-25-08 and 12-9-08: Defer

Recommendation of the Public Works and Services Committee on 1-13-09: The work done by Payne & Dolan, Inc. under Contract 12-07 (K7-012), 2007 Asphalt Paving, C.D.B.G., be accepted and final payment authorized for a total contract amount of \$184,828.56.

Fiscal Note: Contract was authorized under Resolution No. 07-0165, dated April 16, 2007.

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

08-2784

Subject: Communication from the Commissioner of Public Works/City Engineer requesting to meet with the Public Works and Services Committee in closed session regarding a settlement agreement with the Union Pacific Railroad for repairs to the Mound Avenue railroad bridge. (Res.09-1183)

Recommendation of the Public Works and Services Committee on 10-28-08, 11-11-08 and 12-9-08: Defer

Recommendation of the Public Works and Services Committee

on 1-13-09: That the settlement agreement as presented by Atty. Robert Hankel be approved, in concept, with final verbiage to be approved by the City Attorney's office. The settlement agreement terms are as follows:

1. With respect to the Mound Avenue Bridge, the Union Pacific Railroad Company will:

A. Maintain and repair the tie, rail and ballast conditions and, in addition, will maintain and repair the deck drainage systems;

B. The bridge retaining walls within the track embankment support structure will be repaired and additional required repairs of the bridge structure disclosed during the process, if any, will also be completed;

C. The bridge deck handrail will be maintained.

D. The middle steel column will be maintained and repaired, as will all support concrete structures for said column support located in the middle of the paved portion of the roadway; and

E. Handrails underneath the bridge and concrete sidewalk to the extent necessary, any concrete abutments and supporting structures will be repaired for that area spanned by the bridge and all supporting structures, including concrete retaining walls that are part of the bridge; for these purposes, a straight line will be drawn from the farthest edge of each structure on each side of the roadway to determine the area of the railroad's responsibility, such structure including the extension of concrete supporting walls beyond the "shadow of the bridge."

2. With regard to the Sixth Street Bridge, the railroad will complete the following:

A. The bridge and deck ties will be repaired and the deck drainage systems will be maintained and repaired;

B. Corrosion damage to the top and bottom flanges will be maintained and repaired; and

C. The middle steel column will be maintained and repaired.

3. With regard to the Ninth Street Bridge, the railroad will complete the following:

A. The bridge deck hand railing will be completely repaired;

B. The south middle steel column currently suffering from corrosion will be maintained and repaired; and

C. The wooden retaining wall on the northwest side of the bridge will be repaired so that it will be functional and will not extend over the pedestrian sidewalk.

4. All maintenance and repair activities, including the approaches to the bridge structures, other than as stated above and all public roads will be the responsibility of the City to be repaired by persons or entities selected by the City on a schedule coordinated with the maintenance and repairs to be accomplished by the Union Pacific Railroad Company as described above. Maintenance and repair activities shall be accomplished using a consistent timeline.

5. All repairs described in paragraphs 1, 2 and 3 shall be accomplished during the budget year including calendar 2009 for Union Pacific Railroad; and

6. The Railroad will certify the safety of structures described in the report previously provided by the City to Union Pacific Railroad Company from HNTB, dated July 16, 2007, to the extent not involved in the repairs described above.

Fiscal Note: The City of Racine will be required to coordinate with the railroad for repair to the railing and sidewalks on Mound Avenue beyond the bridge structure and funds are available in Account 988.520.5010, Mound Avenue Railing Replacement.

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

[08-2972](#)

Subject: Request on behalf of Adams Outdoor Advertising that its lease for 830 Racine Street and 841 South Marquette Street be extended. (Res.09-1182)

Recommendation of the Public Works and Services Committee on 12-9-08: Defer

Recommendation of the Public Works and Services Committee on 1-13-09: Recommends that the Mayor and City Clerk be authorized and directed to enter into a Lease Agreement with Adams Outdoor Advertising for the leasing of billboards on City-owned property at the following locations:

- A. Eighth Street and Marquette Street, and
- B. Ninth Street and Elm Street,

For a five-year period of time commencing on September 1, 2009 and ending August 31, 2014, with a yearly rental beginning at \$2,145.00 which will be raised annually in accordance with the consumer price index, with the following stipulations:

Lessee shall maintain the display boards in excellent condition,

Lessee shall remove any dated or seasonal advertising within one week after the advertised event.

Fiscal Note: This Lease Agreement will generate \$2,145.00 in rental income in the first year of the agreement.

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

08-2979

Subject: Communication from the Alderman of the 5th District on behalf of Jenni Chap, 1906 Erie Street, requesting a "no parking" restriction on Erie Street during snow emergencies.

Recommendation of the Traffic Commission (12-15-08): Refer to the **Public Works and Services Committee**.

Recommendation of the Public Works and Services Committee on 1-13-09: 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.

08-3018

Subject: Communication from Heritage Group, LLC requesting permission to install stationary, projecting awnings on the buildings at 3208-3210 Washington Avenue. (Res.09-1180)

Recommendation of the Public Works and Services Committee on 1-13-09: The property owner of 3208-3210 Washington Avenue be granted permission to install a projecting, retractable awning, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with State Statute 66.0425, Privileges in Streets.

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

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

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

08-3025

Subject: Communication from a representative of Thoughts for Food requesting permission to close the 300 block of Hamilton Street on Saturday, March 7, 2009, for their annual event. (Res.09-1181)

Recommendation of the Public Works and Services Committee

on 1-13-09: The owner of George's Tavern be granted permission to close Hamilton Street from Main Street to Chatham Street, from 6:00 p.m., Saturday, March 7, 2009 to 2:00 a.m., Sunday, March 8, 2009, in conjunction with the Thoughts for Food Fundraiser, with the following stipulations:

- A. A hold harmless agreement be executed;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;
- E. No alcoholic beverages will be sold and/or dispensed within the street right-of-way;
- F. In the event of snow, the sponsor shall remove all barricades from the street.
- G. Sponsor shall be responsible for all detour signage during the event.
- H. The sponsor shall pay a \$250.00 special event fee.

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

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

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

08-3039

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal from Industrial Roofing Services, Inc. to provide plans and specifications to reroof the Central Heating Plant, Equipment Maintenance Garage, and Tyler Domer Community Center. (Res.09-1192)

Recommendation of the Public Works and Services Committee

on 1-13-09: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Industrial Roofing Services, Inc. for reroofing the Central Heating Plant, Equipment

Maintenance Garage and Tyler Domer Community Center at a price not-to-exceed \$9,400.00.

Further recommend that funds to defray the cost of these professional services be appropriated from the following accounts:

\$2,150.00 - Account 989.220.5010, Central Htg Plant-Replace Roof
\$2,000.00 - Account 401.989.5760, Equip. Maint. Roof Replacement
\$5,250.00 - Account 989.670.5020, Tyler Domer Roof
\$9,400.00 - Total

Fiscal Note: Funds are available as herein delineated.

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

08-3050

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 1 to Contract 23-08 (K8-027), Professional Services - Bridge Inspection Services, Ayres Associates, Inc., consultant.
(Res.09-1199)

Recommendation of the Public Works and Services Committee on 1-13-09: That Amendment No. 1 to Contract 23-08 (K8-027), Professional Services - Bridge Inspection Services, Ayres Associates, Inc., consultant, as submitted, be approved in the amount of \$2,576.81.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 930.063.5810, Lift Bridge Underwater Inspection.

Fiscal Note: Funds are available as herein delineated.

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

08-3060

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 53-08 (K8-061), City Hall Renovations - Phase II (R1), Absolute Construction Enterprises, Inc., contractor.
(Res.09-1196)

Recommendation of the Public Works and Services Committee on 1-13-09: That Change Order No. 1 on Contract 53-08 (K8-061), City Hall Renovations - Phase II (R1), Absolute Construction Enterprises, Inc., contractor, be approved in the amount of \$40,292.00.

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

\$14,838.21 - Account 989.100.5010, City Hall-Facilities Plan Implementation

\$23,353.79 - Account 987.100.5010, City Hall Renovations-Phase II

\$ 2,100.00 - Account 101.191.5760, Finance Dept. Building Improvements

\$40,292.00 - Total

Fiscal Note: Funds are available as herein delineated.

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

08-3061

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 1 to Contract 31-08 (K8-035), Professional Services - Festival Hall AC Replacement, Graef Anhalt Schloemer and Associates, Inc., consultant. (Res.09-1187)

Recommendation of the Public Works and Services Committee on 1-13-09: That Amendment No. 1 to Contract 31-08 (K8-035), Professional Services - Festival Hall AC Replacement, Graef Anhalt Schloemer and Associates, Inc., consultant, as submitted, be approved in the amount of \$43.29.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 108.988.5010, Festival Hall AC 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.

08-3062

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 31-08 (K8-035), Professional Services - Festival Hall AC Replacement, Graef Anhalt Schloemer and Associates, Inc., consultant. (Res.09-1188)

Recommendation of the Public Works and Services Committee on 1-13-09: The professional services provided by Graef Anhalt Schloemer and Associates, Inc. under Contract 31-08 (K8-035), Professional Services - Festival Hall AC Replacement, be accepted and final payment authorized for a total contract amount of \$7,393.29.

Fiscal Note: Contract was authorized under Resolution No. 08-0763,

dated April 14, 2008.

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

08-3063

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 52-08 (K8-060), Festival Hall AC Replacement, Grunau Co., Inc., contractor. (Res.09-1189)

Recommendation of the Public Works and Services Committee on 1-13-09: The work done by Grunau Co., Inc. under Contract 52-08 (K8-060), Festival Hall AC Replacement, be accepted and final payment authorized for a total contract amount of \$34,954.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0990, dated September 2, 2008.

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

08-3065

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting the 2009 Be Smart Municipal Partner Membership agreement. (Res.09-1197)

Recommendation of the Public Works and Services Committee on 1-13-09: The City of Racine enter into an agreement with the Wisconsin Be Smart Coalition for the provision of regional and local recycling education and conservation programs in the amount of \$12,608.80.

Fiscal Note: By being part of this cooperative partnership the City of Racine will qualify for a Recycling Efficiency Grant from the State of Wisconsin which will result in revenues totaling \$50,000.00 which are included in the 2009 budget.

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

08-3067

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works submitting Change Order No. 4 on Contract 13-08 (K8-014), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor. (Res.09-1185)

Recommendation of the Public Works and Services Committee on 1-13-09: That Change Order No. 4 on Contract 13-08 (K8-014), Concrete Street Reconstruction, LaLonde Contractors, contractor, be approved in the amount of \$84,023.40.

Further recommends that funding to defray the cost of this change

order be appropriated from the following accounts:

\$65,841.31 - Account 988.908.5020, Conc. Pvmt. Repl. Misc.
Locations

\$15,852.77 - Account 986.908.5020, Conc. Pvmt. Repl. Misc.
Locations

\$ 2,329.32 - Water Utility

\$84,023.40 - Total

Fiscal Note: Funds are available as herein delineated.

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

08-3068

Subject: Direct Referral. Communication from the Commissioner of Public Works submitting a request for final payment on Contract 13-08 (K8-014), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor. (Res.09-1186)

Recommendation of the Public Works and Services Committee on 1-13-09: The work done by LaLonde Contractors, Inc. under Contract 13-08 (K8-014), Concrete Street Reconstruction, be accepted and final payment authorized for a total contract amount of \$1,715,137.21.

Fiscal Note: Contract was authorized under Resolution No. 08-0760, dated April 14, 2008.

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

08-3069

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bids received by the Purchasing Agent for work at the Park Service Center due to 2008 flooding. (Res.09-1184)

Recommendation of the Public Works and Services Committee on 1-13-09: That the bid for repairs to the Quonset Hut at 710 Rickeman Court, as submitted to the Purchasing Agent, be awarded to The Azarian Companies at their price of \$28,977.00, they being the lowest responsible bidder.

Further recommends that funds to defray the cost of these repairs be appropriated from Account 990.700.5760, Parks Flood Building Repairs.

Fiscal Note: Funds are available as herein delineated. A portion of these costs may be reimbursable through FEMA.

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

08-3070

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal from Industrial Roofing Services, Inc. for professional services for provision of contract documents and contract administration services for insulating the Solid Waste Garage. (Res.09-1193)

Recommendation of the Public Works and Services Committee on 1-13-09: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Industrial Roofing Services, Inc. for provision of contract documents and contract administration services for insulating the Solid Waste Garage, at a price not-to-exceed \$7,000.00

Further recommend that funds to defray the cost of these professional services be appropriated from Account 989.410.5010, Solid Waste Garage-Insulation.

Fiscal Note: Funds are available as herein delineated.

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

08-3071

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal from Industrial Roofing Services, Inc. for professional services for provision of contract documents and contract administration services for tuckpointing and waterproofing Memorial Hall. (Res.09-1194)

Recommendation of the Public Works and Services Committee on 1-13-09: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Industrial Roofing Services, Inc. for provision of contract documents and contract administration services for restoration of the exterior of Memorial Hall, at a price not-to-exceed \$5,250.00.

Further recommend that funds to defray the cost of these professional services be appropriated from Account 108.989.5510, Memorial Hall-Tuckpointing.

Fiscal Note: Funds are available as herein delineated.

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

08-3074

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No.

1 to Contract 27-08 (K8-031), Professional Services, City Hall Exterior Restoration, Industrial Roofing Services, Inc., consultant.
(Res.09-1191)

Recommendation of the Public Works and Services Committee on 1-13-09: That Amendment No. 1 to Contract 27-08 (K8-031), Professional Services - City Hall Exterior Restoration, Industrial Roofing Services, Inc., consultant, as submitted, be approved in the amount of \$4,250.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 987.100.5020, City Hall-Tuckpointing.

Fiscal Note: Funds are available as herein delineated.

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

[09-3076](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/ Engineering submitting the typical section options for WisDOT Project ID: 2290-12-00; STH 38 (State Street) Memorial Drive to LaSalle Street. (Res.09-1201)

Recommendation of the Public Works and Services Committee on 1-13-09: That the typical section for the State Street project, from Memorial Drive to LaSalle Street, as selected by the Citizens Advisory Committee, be approved.

Further recommends that the Commissioner of Public Works/City Engineer inform the State of Wisconsin Department of Transportation of the typical section as approved by the City of Racine.

Fiscal Note: The recommended typical section has wider sidewalks and a narrower pavement than the typical section preferred by the State of Wisconsin Department of Transportation which requires wider pavements and narrower sidewalks in order to accommodate a bicycle lane.

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

[09-3077](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting to waive formal bidding for repairs to the spare tip lock for the Main Street Bridge.
(Res.09-1198)

Recommendation of the Public Works and Services Committee on 1-13-09: That, due to the specialized nature of the repairs to the

Main Street Bridge tip lock, formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to negotiate with RACO International, L.P. for repairs to the tip lock which is estimated at \$28,500.00.

Fiscal Note: All costs associated with the Main Street Bridge are 100% reimbursable by the State of Wisconsin.

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

09-3080

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal for professional services for provision of contract documents and contract administration services for window replacement at the City Hall Annex. (Res.09-1195)

Recommendation of the Public Works and Services Committee on 1-13-09: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with ARC Architectural Group, LLC for provision of contract documents and contract administration services for window replacement at the City Hall Annex, at a price not-to-exceed \$5,680.00.

Further recommend that funds to defray the cost of these professional services be appropriated from Account 989.200.5020, Annex-Stairwell Windows.

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.

09-3089

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting a proposal from HNTB for public relations consulting for the 2009 reconstruction of Sixth Street. (Res.09-1200)

Recommendation of the Public Works and Services Committee on 1-13-09: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with HNTB for public relations consulting for the 2009 reconstruction of Sixth Street, at a price not-to-exceed \$14,085.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 989.908.5080, Sixth-Main to Grand.

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: 12 - Coe, Anderson, Kaplan, Weidner, McCarthy, DeHahn, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 2 - Shields and Shakoob, II

NON VOTING: 1 - Maack

Public Safety and Licensing Committee Report, by Ald. Wisneski

08-3009

Subject: (New)Application of Asiana Restaurant Kyo Soon Yoon, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 423 Sixth Street. (1st District)

Recommendation of the Public Safety & Licensing Committee on 1-12-09: That the application of Asiana Restaurant, Kyo Soon Yoon, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 423 Sixth Street be granted.

Fiscal Note: N/A

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

08-3038

Subject: Communication from the Fire Chief requesting permission to accept a donation from RAMAC and the St. Luke's Hospital Trustees Advised Fund to acquire and install radio equipment for an Emergency Medical Services Communications System within the Racine Area Emergency Medical Services Group.

Recommendation of the Finance and Personnel Committee on 01-12-09: That permission be granted for the Fire Chief to accept a donation from RAMAC and the St. Luke's Hospital Trustees Advised Fund to acquire and install radio equipment for an Emergency Medical Services Communications System within the Racine Area Emergency Medical Services Group and that an appropriate letter of thanks be sent.

Recommendation of the Public Safety & Licensing Committee on 01-12-09: That the Fire Chief be granted permission to accept a donation from RAMAC and the St. Luke's Hospital Trustees Advised Fund to acquire and install radio equipment for an Emergency Medical Services Communications System within the Racine Area Emergency Medical Services Group.

Fiscal Note: There is no cost to the City.

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

08-3057

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to enter in an agreement with Industrial Roofing Services, Inc. to prepare plans and specifications and project administration for Window and Door Replacement at Tyler-Domer Community Center. (Res.09-1177)

Recommendation of the Public Safety & Licensing Committee on 1-12-09: That the Director of Parks, Recreation & Cultural Services be granted permission to enter in an agreement with Industrial Roofing Services, Inc. to prepare plans and specifications and project administration for Window and Door Replacement at Tyler-Domer Community Center.

Fiscal Note: Funds are available in Account 989.670.5010, Tyler-Domer Doors & Windows.

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

08-3058

Subject: (Direct Referral): Final payment for engineering services for Masonry Restoration at Graceland Cemetery War Memorial by Industrial Roofing Services Inc. (Res.09-1178)

Recommendation of the Public Safety & Licensing Committee on 1-12-09: That final payment for engineering services for Masonry Restoration at Graceland Cemetery War Memorial by Industrial Roofing Services Inc., be approved.

Fiscal Note: The cost is not to exceed \$3,100.00 plus reimbursable costs. Funds are available in Account 207.000.5760, Graceland War Memorial.

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

08-3059

Subject: (Direct Referral): Final Payment on Contract 36-08 (K8-040), War Memorial Restoration at Graceland Cemetery by Holton Brothers, Inc. (Res.09-1179)

Recommendation of the Public Safety & Licensing Committee on 1-12-09: That final payment on Contract 36-08 (K8-040), War Memorial Restoration at Graceland Cemetery by Holton Brothers, Inc., be authorized and accepted.

Fiscal Note: Funds are available in Account 207.001.5760, Graceland War Memorial.

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: 12 - Coe, Anderson, Kaplan, Weidner, McCarthy, DeHahn, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 2 - Shields and Shakoor, II

NON VOTING: 1 - Maack

City Plan Commission Report, by Ald. Holding

09-3106

Subject: (Direct Referral) ZOrd.014-08 An ordinance to rezone 6200 Regency West Drive from B-3 General Commercial District to I-1 Restricted Industrial District with an I-P Industrial Park District overlay.

Recommendation of the City Plan Commission on 1-14-09: That the ordinance be Adopted.

Fiscal Note: N/A

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

09-3107

Subject: (Direct Referral) ZOrd.015-08 An ordinance to amend the City's comprehensive plan and adopt the Live Towerview Plan.

Recommendation of the City Plan Commission on 1-14-09: That the ordinance be Adopted.

Fiscal Note: N/A

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

Council Action

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

AYES: 12 - Coe, Anderson, Kaplan, Weidner, McCarthy, DeHahn, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 2 - Shields and Shakoor, II

NON VOTING: 1 - Maack

Redevelopment Authority of the City of Racine Report, by Ald. Spangenberg[08-3053](#)

Subject: (Direct Referral) Request of Landmark Group for an option on Redevelopment Authority owned property in the Washington Avenue - West Boulevard Redevelopment Area.

Recommendation of the Redevelopment Authority on 1-07-09:

That the Common Council, pursuant to sec. 66.1333 (9) (a) 1. d., Wis. Stats., approve the report of the Authority concerning the granting of a 12-month option for the properties at 3101-3121 block of Washington Avenue to the Landmark Group.

Fiscal Note: The cost of the option to the developer shall be the Authority's direct costs of holding the property, such as mowing, snow shoveling, storm water utility fee, etc., during the period. Sale price for the property will be specified in the development agreement to be negotiated.

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

AYES: 12 - Coe, Anderson, Kaplan, Weidner, McCarthy, DeHahn, Friedel, Helling, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 2 - Shields and Shakoor, II

NON VOTING: 1 - Maack

[08-3054](#)

Subject: (Direct Referral) Request of the Executive Director for approval of a contract with RCEDC for commercial corridor development services.

Recommendation of the Redevelopment Authority on 1-07-09:

That \$69,400.00 from the Intergovernmental Revenue Sharing Fund be used for the renewal of the RCEDC commercial corridor contract for 2009.

Further, that the Mayor and City Clerk be authorized and directed to enter into the agreement with RCEDC.

Further, that the proposed agreement be referred to the Finance and Personnel Committee of the Common Council for review and approval.

Fiscal Note: The funds are available in the city's 2009 capital budget.

This Communication was Referred to the Finance and Personnel Committee

City Development Committee Report, by Ald. Hart[09-3108](#)

Subject: (Direct Referral) Application of Strategic Manufacturing

Partner, LLC (d.b.a. JSA Tool & Mfg., trade name), 5626 21st Street, Racine, Wisconsin for participation in the State of Wisconsin Community Development Zone Program. (Res.09-1202)

In accordance with the procedures adopted by the Common Council as item 29(2) of June 3, 1997, the Racine County Economic Development Corporation and the Department of City Development have reviewed the application of Strategic Manufacturing Partner, LLC.

Recommendation of the Department of City Development on January 15, 2009: That Strategic Manufacturing Partner, LLC (d.b.a. JSA Tool & Mfg., trade name) be recommended for certification as eligible to participate in the Wisconsin Community Development Zone Program and that Strategic Manufacturing Partner, LLC (d.b.a. JSA Tool & Mfg., trade name) be recommended for certification for State of Wisconsin tax credits under the Wisconsin Community Development Zone Program.

Fiscal Note: Participation in the program is tied to increase in employment. The company is anticipating adding 27 jobs over the next 3 years. The assistance is in the form of Wisconsin corporate tax credits. There is no cost to the City of Racine.

A motion was made by Alderman Ronald D. Hart that this be Received and Filed as Reported. The motion PASSED by the following vote:

AYES: 12 - Coe, Anderson, Kaplan, Weidner, McCarthy, DeHahn, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 2 - Shields and Shakoor, II

NON VOTING: 1 - Maack

Committee of the Whole Report, by Ald. Friedel

08-2969

Subject: To amend Sec.66-1001, and to 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.

Recommendation of Public Safety and Licensing Committee on 11-24-08: That ordinance 19-08 be adopted.

Recommendation of the Committee of the Whole on 01-14-2009: 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 by the following vote:

AYES: 8 - Coe, Anderson, Weidner, McCarthy, DeHahn, Friedel, Holding and Spangenberg

NOES: 4 - Kaplan, Wisneski, Hart and Mozol

EXCUSED: 2 - Shields and Shakoor, II

NON VOTING: 1 - Maack

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

06-1530

Communication from the City Attorney requesting that renters of community centers and park shelters who serve alcohol be required to provide insurance for their events.

Recommendation: Defer

Recommendation of the Board of Parks, Recreation & Cultural Services 1-14-09: 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 by the following vote:

AYES: 12 - Coe, Anderson, Kaplan, Weidner, McCarthy, DeHahn, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 2 - Shields and Shakoor, II

NON VOTING: 1 - Maack

08-2750

Subject: Communication from Friends of Seniors, Inc. requesting permission to extend their rental lease for one year on the property located at 201 Goold Street.

Recommendation of the Board of Parks, Recreation & Cultural Services 11-20-08: defer

Fiscal Note: N/A

Recommendation of the Board of Parks, Recreation & Cultural Services 1-14-09: that the request be approved.

Further recommend to refer to the Finance & Personnel Committee

Fiscal Note: \$20,000.00 to the City

This Communication was Referred to the Finance and Personnel Committee

H. Consent Agenda - Resolutions

[Res.09-1171](#) Enter into amended agreement for additional funding from Wisconsin Dept. of Natural Resources for Project V-1-16D

Resolved, that the Mayor and City Clerk be authorized to enter into the amended agreement for additional funding from the Wisconsin Department of Natural Resources for the cost overruns through the Clean Vessel Act as Amendment No. 1 to Project Number V-1-16D.

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

Sponsors: Thomas Friedel

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

[Res.09-1172](#) Additional funding for City Attorney's Office be approved

Resolved, that the 2008 budgets be amended as follows: \$63,661.49 be transferred from account 101.820.5900, General Liability, to account 101.160.5610, Attorney - Professional Services, and that \$38,500.00 be transferred from account 101.300.5010, Fire Department Salaries, to account 101.990.5910, Judgments and claims, to cover the additional funding requested.

Fiscal Note: There are sufficient remaining 2008 funds available for these transfers.

Sponsors: Thomas Friedel

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

[Res.09-1173](#) Approval of retention of Davis & Kuelthau law firm for Equal Rights Case

Resolved, that the City Attorney be granted concurrence for the continued retention of the Davis & Kuelthau, SC Law Firm to represent the City in Wisconsin Equal Rights Division Case No. CR200802482, Sandra Tingle v. City of Racine.

Fiscal Note: There are sufficient funds in account 101.160.5610 Attorney Professional Services.

Sponsors: Thomas Friedel

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

[Res.09-1174](#) Transfer of funds for Fire Department be approved

Resolved, that funds be transferred in the 2008 budget to cover the City's match for the 2008 Federal Emergency Management Agency Fire Act Grant EMW-2008-FO-09001 as follows: \$30,000.00 from Account 101.300.5010, Fire Department Salaries, and \$30,000.00 from Account 101.300.5180, Fire Department Longevity, to Account 101.300.5770, Fire Department Machinery and Equipment, and that these funds be carried forward to 2009.

Fiscal Note: There are sufficient remaining 2008 funds available for these transfers.

Sponsors: Thomas Friedel

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

[Res.09-1175](#)

Permission be granted for the Director of City Development to apply for Federal Housing and Economic Recovery Act funding

Resolved, that permission be granted for the Director of City Development to apply for Federal Housing and Economic Recovery Act funding in an amount of \$2,075,025.

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

Sponsors: Thomas Friedel

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

[Res.09-1176](#)

Permission for Director of City Development to apply for a Blight Elimination & Brownfield Redevelopment Grant

Resolved, that the Director of City Development be granted permission to apply for a Blight Elimination & Brownfield Redevelopment Grant.

Fiscal Note: A 50% cost share is required and will be funded through TID 14, existing grants past expenditures.

Sponsors: Thomas Friedel

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

[Res.09-1177](#)

Enter into agreement with Industrial Roofing for plans and specifications for window and door replacement at Tyler-Domer Community Center

Resolved, that the Mayor and City Clerk be authorized and directed to enter in an agreement with Industrial Roofing Services, Inc. to prepare plans and specifications and project administration for Window and Door Replacement at Tyler-Domer Community Center at a cost not to exceed \$10,800.00 plus reimbursable costs.

Fiscal Note: Funds are available in Account 989.670.5010, Tyler-Domer Doors & Windows.

Sponsors: Q.A. Shakoor, II

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

Res.09-1178

Final payment authorized for Masonry Restoration at Graceland Cemetery to Industrial Roofing

Resolved, that final payment for engineering services for Masonry Restoration at Graceland Cemetery War Memorial by Industrial Roofing Services Inc., be approved.

Fiscal Note: The cost is not to exceed \$3,100.00 plus reimbursable costs. Funds are available in Account 207.000.5760, Graceland War Memorial.

Sponsors: Q.A. Shakoor, II

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

Res.09-1179

Final payment authorized for War Memorial Restoration at Graceland Cemetery to Holton Brothers

Resolved, that final payment on Contract 36-08 (K8-040), War Memorial Restoration at Graceland Cemetery by Holton Brothers, Inc., be authorized and accepted for a total contract amount of \$31,900.00.

Fiscal Note: Funds are available in Account 207.001.5760, Graceland War Memorial.

Sponsors: Q.A. Shakoor, II

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

Res.09-1180

Hold Harmless Agreement for projecting awning at 3208-3210 Washington Avenue

Resolved, that the property owner of 3208-3210 Washington Avenue be granted permission to install a projecting, retractable awning, as requested, with the stipulation that a hold harmless agreement be executed, in accordance with Wis. Stat. sec. 66.0425, Privileges in Streets.

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

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

Sponsors: Gregory Holding

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

Res.09-1181

Permission for Thoughts for Food Event with stipulations

Resolved, that the owner of George's Tavern be granted permission to close Hamilton Street from Main Street to Chatham Street, from 6:00 p.m., Saturday, March 7, 2009 to 2:00 a.m., Sunday, March 8, 2009, in conjunction with the Thoughts for Food Fundraiser, 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. No alcoholic beverages will be sold and/or dispensed within the street right-of-way;
- F. In the event of snow, the sponsor shall remove all barricades from the street;
- G. Sponsor shall be responsible for all detour signage during the event;
- H. 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.09-1182

Enter into Lease Agreement with Adams Outdoor Advertising

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a Lease Agreement with Adams Outdoor Advertising for the leasing of billboards on City-owned property at the following locations:

- A. Eighth Street and Marquette Street; and
- B. Ninth Street and Elm Street,

For a five-year period of time commencing on September 1, 2009 and ending August 31, 2014, with a yearly rental beginning at \$2,145.00 which will be raised annually in accordance with the consumer price index, with

the following stipulations:

Lessee shall maintain the display boards in excellent condition.

Lessee shall remove any dated or seasonal advertising within one week after the advertised event.

Fiscal Note: This Lease Agreement will generate \$2,145.00 in rental income in the first year of the agreement.

Sponsors: Gregory Holding

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

[Res.09-1183](#)

Settlement Agreement with Union Pacific Railroad for repairs to Mound Avenue railroad bridge be approved

Resolved, that the settlement agreement as presented by Atty. Robert Hankel be approved, in concept, with final verbiage to be approved by the City Attorney's office. The settlement agreement terms are as follows:

1. With respect to the Mound Avenue Bridge, the Union Pacific Railroad Company will:

A. Maintain and repair the tie, rail and ballast conditions and, in addition, will maintain and repair the deck drainage systems;

B. The bridge retaining walls within the track embankment support structure will be repaired and additional required repairs of the bridge structure disclosed during the process, if any, will also be completed;

C. The bridge deck handrail will be maintained;

D. The middle steel column will be maintained and repaired, as will all support concrete structures for said column support located in the middle of the paved portion of the roadway; and

E. Handrails underneath the bridge and concrete sidewalk to the extent necessary, any concrete abutments and supporting structures will be repaired for that area spanned by the bridge and all supporting structures, including concrete retaining walls that are part of the bridge; for these purposes, a straight line will be drawn from the farthest edge of each structure on each side of the roadway to determine the area of the railroad's responsibility, such structure including the extension of concrete supporting walls beyond the "shadow of the bridge."

2. With regard to the Sixth Street Bridge, the railroad will complete the following:

- A. The bridge and deck ties will be repaired and the deck drainage systems will be maintained and repaired;
- B. Corrosion damage to the top and bottom flanges will be maintained and repaired; and
- C. The middle steel column will be maintained and repaired.

3. With regard to the Ninth Street Bridge, the railroad will complete the following:

- A. The bridge deck hand railing will be completely repaired;
- B. The south middle steel column currently suffering from corrosion will be maintained and repaired; and
- C. The wooden retaining wall on the northwest side of the bridge will be repaired so that it will be functional and will not extend over the pedestrian sidewalk.

4. All maintenance and repair activities, including the approaches to the bridge structures, other than as stated above and all public roads will be the responsibility of the City to be repaired by persons or entities selected by the City on a schedule coordinated with the maintenance and repairs to be accomplished by the Union Pacific Railroad Company as described above. Maintenance and repair activities shall be accomplished using a consistent timeline.

5. All repairs described in paragraphs 1, 2 and 3 shall be accomplished during the budget year including calendar 2009 for Union Pacific Railroad; and

6. The Railroad will certify the safety of structures described in the report previously provided by the City to Union Pacific Railroad Company from HNTB, dated July 16, 2007, to the extent not involved in the repairs described above.

Fiscal Note: The City of Racine will be required to coordinate with the railroad for repair to the railing and sidewalks on Mound Avenue beyond the bridge structure and funds are available in Account 988.520.5010, Mound Avenue Railing Replacement.

Sponsors: Gregory Holding

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

[Res.09-1184](#)

Azarian Companies awarded contract for repairs to Quonset Hut at 710 Rickeman Court

Resolved, that the bid for repairs to the Quonset Hut at 710 Rickeman Court, as submitted to the Purchasing Agent, be awarded to The Azarian Companies at their price of \$28,977.00, they being the lowest responsible bidder.

Further resolved, that funds to defray the cost of these repairs be appropriated from Account 990.700.5760, Parks Flood Building Repairs.

Fiscal Note: Funds are available as herein delineated. A portion of these costs may be reimbursable through FEMA.

Sponsors: Gregory Holding

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

Res.09-1185

Change Order for Concrete Street Reconstruction, LaLonde Contractors be approved

Resolved, that Change Order No. 4 on Contract 13-08 (K8-014), Concrete Street Reconstruction, LaLonde Contractors, contractor, be approved in the amount of \$84,023.40.

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

\$65,841.31 - Account 988.908.5020, Conc. Pvmt. Repl. Misc. Locations
\$15,852.77 - Account 986.908.5020, Conc. Pvmt. Repl. Misc. Locations
\$ 2,329.32 - Water Utility
\$84,023.40 - 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.09-1186

Work accepted and final payment authorized for Concrete Street Reconstruction work, LaLonde Contractors

Resolved, that the work done by LaLonde Contractors, Inc. under Contract 13-08 (K8-014), Concrete Street Reconstruction, be accepted and final payment authorized for a total contract amount of \$1,715,137.21.

Fiscal Note: Contract was authorized under Resolution No. 08-0760, dated April 14, 2008.

Sponsors: Gregory Holding

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

Res.09-1187

Amendment on contract for professional services - Festival Hall AC Replacement, Graef Anhalt Schloemer and Associates, be approved

Resolved, that Amendment No. 1 to Contract 31-08 (K8-035), Professional Services - Festival Hall AC Replacement, Graef Anhalt Schloemer and Associates, Inc., consultant, as submitted, be approved in the amount of \$43.29.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 108.988.5010, Festival Hall AC 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.09-1188

Professional services for Festival Hall AC Replacement, Graef Anhalt Schloemer and Associates, be accepted and final payment authorized

Resolved, that the professional services provided by Graef Anhalt Schloemer and Associates, Inc. under Contract 31-08 (K8-035), Professional Services - Festival Hall AC Replacement, be accepted and final payment authorized for a total contract amount of \$7,393.29.

Fiscal Note: Contract was authorized under Resolution No. 08-0763, dated April 14, 2008.

Sponsors: Gregory Holding

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

Res.09-1189

Work accepted and final payment authorized for Festival Hall AC Replacement, Grunau Company

Resolved, that the work done by Grunau Co., Inc. under Contract 52-08 (K8-060), Festival Hall AC Replacement, be accepted and final payment authorized for a total contract amount of \$34,954.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0990, dated September 2, 2008.

Sponsors: Gregory Holding

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

Res.09-1190

Work accepted and final payment authorized to Payne & Dolan for 2007 Asphalt Paving contract

Resolved, that the work done by Payne & Dolan, Inc. under Contract 12-07 (K7-012), 2007 Asphalt Paving, C.D.B.G., be accepted and final payment authorized for a total contract amount of \$184,828.56.

Fiscal Note: Contract was authorized under Resolution No. 07-0165, dated April 16, 2007.

Sponsors: Gregory Holding

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

Res.09-1191

Amendment to professional services contract - City Hall Exterior Restoration, Industrial Roofing Services

Resolved, that Amendment No. 1 to Contract 27-08 (K8-031), Professional Services - City Hall Exterior Restoration, Industrial Roofing Services, Inc., consultant, as submitted, be approved in the amount of \$4,250.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 987.100.5020, City Hall-Tuckpointing.

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.09-1192

Enter into Professional Services Agreement with Industrial Roofing Services for reroofing Central Heating Plant

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Industrial Roofing Services, Inc. for reroofing the Central Heating Plant, Equipment Maintenance Garage and Tyler Domer Community Center at a price not-to-exceed \$9,400.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from the following accounts:

\$2,150.00 - Account 989.220.5010, Central Htg Plant-Replace Roof
\$2,000.00 - Account 401.989.5760, Equip. Maint. Roof Replacement
\$5,250.00 - Account 989.670.5020, Tyler Domer Roof
\$9,400.00 - 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.09-1193

Professional services agreement with Industrial Roofing Services for insulating Solid Waste Garage

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Industrial Roofing Services, Inc. for provision of contract documents and contract administration services for insulating the Solid Waste Garage, at a price not-to-exceed \$7,000.00

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 989.410.5010, Solid Waste Garage-Insulation.

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.09-1194

Professional services agreement with Industrial Roofing Services for restoration of exterior of Memorial Hall

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Industrial Roofing Services, Inc. for provision of contract documents and contract administration services for restoration of the exterior of Memorial Hall, at a price not-to-exceed \$5,250.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 108.989.5510, Memorial Hall-Tuckpointing.

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.09-1195

Professional services agreement with ARC for window replacement at City Hall Annex

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with ARC Architectural Group, LLC for provision of contract documents and contract administration services for window replacement at the City Hall Annex, at a price not-to-exceed \$5,680.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 989.200.5020, Annex-Stairwell Windows.

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.09-1196

Change Order on contract for City Hall Renovations - Phase II, Absolute Construction

Resolved, that Change Order No. 1 on Contract 53-08 (K8-061), City Hall Renovations - Phase II (R1), Absolute Construction Enterprises, Inc., contractor, be approved in the amount of \$40,292.00.

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

\$14,838.21 - Account 989.100.5010, City Hall-Facilities Plan Implementation

\$23,353.79 - Account 987.100.5010, City Hall Renovations-Phase II

\$ 2,100.00 - Account 101.191.5760, Finance Dept. Building Improvements

\$40,292.00 - 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.09-1197

Agreement with Wisconsin Be Smart Coalition for recycling education and conservation programs

Resolved, that the City of Racine enter into an agreement with the Wisconsin Be Smart Coalition for the provision of regional and local recycling education and conservation programs in the amount of \$12,608.80.

Fiscal Note: By being part of this cooperative partnership the City of Racine will qualify for a Recycling Efficiency Grant from the State of Wisconsin which will result in revenues totaling \$50,000.00 which are included in the 2009 budget.

Sponsors: Gregory Holding

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

Res.09-1198

Waive formal bidding for repairs to Main Street Bridge

Resolved, that due to the specialized nature of the repairs to the Main Street Bridge tip lock, formal bidding procedures be waived and that the Purchasing Agent be authorized and directed to negotiate with RACO International, L.P. for repairs to the tip lock which is estimated at \$28,500.00.

Fiscal Note: All costs associated with the Main Street Bridge are 100% reimbursable by the State of Wisconsin.

Sponsors: Gregory Holding

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

Res.09-1199

Amendment to professional services contract with Ayres Associates for Bridge Inspection Services

Resolved, that Amendment No. 1 to Contract 23-08 (K8-027), Professional Services - Bridge Inspection Services, Ayres Associates, Inc., consultant, as submitted, be approved in the amount of \$2,576.81.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 930.063.5810, Lift Bridge Underwater Inspection.

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.09-1200

Professional services agreement with HNTB for public relations consulting for 2009 reconstruction of Sixth Street

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with HNTB for public relations consulting for the 2009 reconstruction of Sixth Street, at a price not-to-exceed \$14,085.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 989.908.5080, Sixth-Main to Grand.

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.09-1201

Typical section for the State Street project from Memorial Drive to LaSalle Street be approved

Resolved, that the typical section for the State Street project, from Memorial Drive to LaSalle Street, as selected by the Citizens Advisory Committee, be approved.

Further resolved, that the Commissioner of Public Works/City Engineer inform the State of Wisconsin Department of Transportation of the typical section as approved by the City of Racine.

Fiscal Note: The recommended typical section has wider sidewalks and a narrower pavement than the typical section preferred by the State of Wisconsin Department of Transportation which requires wider pavements and narrower sidewalks in order to accommodate a bicycle lane.

Sponsors: Gregory Holding

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

Res.09-1202

Application of Strategic Manufacturing Partner, LLC (d.b.a. JSA Tool & Mfg., trade name) for participation in the State of Wisconsin Community Development Zone Program

Resolved, that Strategic Manufacturing Partner, LLC (d.b.a. JSA Tool & Mfg., trade name), 5626 - 21st Street, Racine, Wisconsin is recommended for certification as eligible to participate in the Wisconsin Community Development Zone Program.

Further resolved, that Manufacturing Partner, LLC (d.b.a. JSA Tool & Mfg., trade name), is recommended for certification for State of Wisconsin tax credits under the Wisconsin Community Development Zone Program.

Fiscal Note: N/A

Sponsors: Ronald D. Hart

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

Council Action

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

AYES: 12 - Coe, Anderson, Kaplan, Weidner, McCarthy, DeHahn, Friedel, Holding, Wisneski, Spangenberg, Hart and Mozol

EXCUSED: 2 - Shields and Shakoob, II

NON VOTING: 1 - Maack

J. Ordinances

Ord.1-09

Ordinance No. 1-09

To amend Sec. 114-34(d) and (g) of the Municipal Code of the City of Racine, Wisconsin relating to Board of Appeals - Hearings; Determinations.

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

Part 1:

Section 114-34(d) of the Municipal Code of the City of Racine is hereby amended by deleting the word "four" in the fourth sentence and inserting the phrase "a majority of the members" in its place.

Part 2:

Section 114-34(g) of the Municipal Code of the City of Racine is hereby amended by deleting the phrase "four members of the board of appeals" in the first sentence and inserting the phrase "a majority of the members present at the meeting" in its place.

Part 3:

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: Gregory Holding

Referred to City Plan Commission

Ord.2-09

Ordinance No. 2-09

To repeal and recreate Section 46-36 and to repeal Secs. 46-38, 46-39 and 46-40 of the Municipal Code of the City of Racine, Wisconsin relating to Public works contracts.

Part 1:

Section 46-36 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

“Section 46-36. Public works contracts .

The City shall comply with all statutory requirements contained in Sections 66-0901 -- 66.0903, Wis. Stats., and all administrative rules promulgated by the Department of Workforce Development pursuant to Section 66.0903(12) (e), Wis. Stats.”

Part 2:

Sections 46-38, 46-39 and 46-40 are repealed.

Part 3:

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: Gregory Holding

Referred to Public Works and Services Committee

K. Miscellaneous Business

None

L. Adjourn

The meeting was adjourned at 7:55p.m. by Alderman Coe. The next scheduled meeting of the Council is February 3, 2009.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK