



City of Racine

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

Meeting Agenda - 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, May 6, 2008

7:00 PM

Room 205, City Hall

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

1. [08-2083](#) **Subject:** Public Hearing on Retired Officers Carrying Concealed Weapons

The proposed is as follows:

That permission be granted for the Chief of Police, pursuant to Federal Law Officers Safety Act of 2004 HR218, to allow retired police officers to carry concealed weapons after passing firearm qualifications and the Police Chief's approval.

2. [Ord.07-08](#) Ordinance No. 07-08

To amend Sec. 114-1(b), to amend the title of Sec. 114-182, and to amend Sec. 114-468 (24) of the Municipal Code of the City of Racine, Wisconsin relating to Zoning - Rules of construction and definitions; conditional uses.

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

Part 1:

Sec. 114-1(b) of the Municipal Code of the City of Racine is hereby amended by repealing the definition of "*Drive-in, takeout, or fast food establishment*" and by adding the following definitions as follows:

Insert the following definition after the definition of "*Day care home*":

"*Delicatessen or butcher* means an establishment whose primary intent is to offer for retail sale to patrons prepared or unprepared meal components to carry away for off premise consumption at a later time."

Insert the following definition after the definition of "*Drainage system*":

"*Drive-in or Drive-through establishment* means an establishment where either all or a portion of the operation affords the patron the ability to receive or consume goods, services, entertainment, or conduct business while seated in or on a vehicle."

Insert the following definition after the definition of "*Mezzanine*":

"*Mixed use development* means a building or grounds intended to accommodate more than one use, either by right or by conditional use permits within a zoning district."

Insert the following definition after the definition of "*Mixed use development*":

"*Mixed use - flex development* means a building or group of buildings and/or grounds redeveloped to accommodate uses that may not be included as those uses permitted either by right or by conditional use permit, within the zoning district in which it is located."

Insert the following definition after the definition of "*Mixed use - flex development*":

"*Mixed use - planned development* as defined in 114-182."

Insert the following definition after the definition of "*Substantial improvement*":

"*Takeout - carryout restaurant*" means an establishment where the areas devoted to food preparation, related activities, and other areas not accessible to the public (walk-in coolers, food lockers, etc.), totals over 50% of the floor area of the occupancy, or where it is anticipated that over 50% of patron visits involves the ability of patrons to order and carry away prepared foods for off premise consumption."

Part 2:

Sec. 114-182 of the Municipal Code is hereby amended by changing the title to read: "Mixed use."

Part 3:

Sec. 114-468 (24) of the Municipal Code of the City of Racine is hereby amended by changing the number "10,000" to read "5,000".

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: Gregory Holding

3. [Ord.05-08](#)

Ordinance No. 05-08

To create Sec. 94-21 of the Municipal Code of the City of Racine, Wisconsin relating to Traffic and Vehicles - Neighborhood Electric Vehicles.

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

Part 1:

Sec. 94-21 of the Municipal Code of the City of Racine is hereby created to read as follows:

"94-21. Neighborhood Electric Vehicles.

(a) *Definitions.* A *neighborhood electric vehicle* (NEV) means a self-propelled electrically-powered motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the federal department of energy and that conforms to the definition and requirements for low-speed vehicles, as adopted in the federal motor vehicle safety standards for "low-speed vehicles" under 49 CFR 571.3(b) and 571.500. Electric golf carts are not included within the foregoing definition.

A neighborhood electric vehicle shall be 4-wheeled and have a speed range of at least 20 miles per hour and not more than 25 miles per hour on a paved surface and have a gross vehicle weight of less than 2,500 pounds.

Neighborhood electric vehicles shall have all of the following specifications:

- (1) Headlamps;
- (2) Front and rear turn signals;

- (3) Stop lamps;
- (4) Reflex reflectors; one red on each side as far to the rear as practicable and one red on the rear;
- (5) An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;
- (6) Parking brake;
- (7) A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing materials (49 CFR 571.205);
- (8) A vehicle identification number (VIN) that complies with federal law as provided in 949 CFR 565;
- (9) A type 1 or type 2 seatbelt assembly conforming to 49 CFR 571.209 and federal motor vehicle standard no. 209 for each designated seating position; and
- (10) Meets the general test conditions under 49 CFR 571.50056.

(b) *Use permitted on city streets.*

A licensed individual may operate a neighborhood electric vehicle on those city streets having a posted speed limit of 35 miles per hour or less, and headlamps must be on during operation.

(c) *License.*

Neighborhood electric vehicles shall be registered, titled and license by the State of Wisconsin.

(d) *Permitted users.*

Any person who operates a neighborhood electric vehicle on any City street must hold a valid State of Wisconsin operator's license. The operation of a neighborhood electric vehicle must in all respects comply with Chapter 94 of the Racine Code of Ordinances.

(e) *Penalty.*

Any person convicted of violating any of the provisions of this chapter shall forfeit an amount as provided in sec.1-15."

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 and Aron Wisneski

F. Communications

4. [08-2084](#) **Subject:** Communication from the Chairman of the City of Racine Board of Ethics submitting their 2007-2008 Annual Report.

Refer to Finance and Personnel Committee, by Ald. Friedel

5. [08-2005](#) **Subject:** Communication from Chief of Police Wahlen, requesting to add items to the 2008 Asset Forfeiture Spending Plan.

(Also refer to Public Safety & Licensing Committee.)
6. [08-2007](#) **Subject:** Communication from Chief of Police Wahlen, requesting to apply for the Wisconsin Department of Transportation 2008 Alcohol Enforcement Mobilization grant (Grant Control # 2008-014).

(Also refer to Public Safety & Licensing Committee.)
7. [08-2009](#) **Subject:** Communication from Chief of Police Wahlen, requesting to apply for the Wisconsin Department of Transportation 2008 Pedestrian Safety Enforcement grant (Grant Control # 2008-015).

(Also refer to Public Safety & Licensing Committee.)
8. [08-2013](#) **Subject:** Communication from Chief of Police Wahlen, requesting to apply for the Wisconsin Department of Transportation 2008 Bicycle Safety Grant (Grant Control # 2008-016).

(Also refer to Public Safety & Licensing Committee.)
9. [08-2070](#) **Subject:** communication from the City Attorney submitting the claim of Adam Modrow and Jessie Modrow for consideration.
10. [08-2074](#) **Subject:** Communication from the Aldermen of the 6th and 14th District requesting to meet with the appropriate committee to discuss reviewing the interest rate and changing the 10-year street assessment pay-off to a 20-year for street paving.
11. [08-2076](#) **Subject:** Communication from the President and CEO of the Racine

Zoo wishing to discuss the financial terms of the operating agreement between the Society and the City of Racine.

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

12. [08-2092](#) **Subject:** Communication from the Finance Director requesting to appear before the Finance & Personnel Committee to discuss modifications to the position description and classification of the City Clerk and Treasury Manager.
13. [08-2096](#) **Subject:** Communication from Terry Parker, Human Resources Manager requesting additional funding in the amount of \$14,490.00 from the Contingency Fund for advertising in 2008.
14. [08-2104](#) **Subject:** Communication from the City Clerk submitting the bid received for printing the Common Council Proceedings and legal notices.

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

15. [08-2020](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer requesting that the No Parking restriction on Wright Boulevard between Ohio Street and Perry Avenue be removed.
16. [08-2021](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer recommending an increase in the street opening permit fee from \$125 to \$150.
17. [08-2023](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer requesting that the alley bounded by Racine Street, DeKoven Avenue, 18th Street and Clark Street be paved.
18. [08-2069](#) **Subject:** Communication from the Alderman of the 13th District submitting a petition on behalf of the residents of the 1300 Block of West Lawn & Monroe Avenue appealing the decision to pave the alley fronting their properties.
19. [08-2073](#) **Subject:** Communication from the Greater Racine Kennel Club, Inc. (GRKC) requesting the use of the parking area along Pershing Park Drive during the All Breed Dog Show on August 10-11, 2008.
20. [08-2091](#) **Subject:** Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 51-07 (K7-059), State Street Bridge Sidewalk Replacement.
21. [08-2097](#) **Subject:** Communication from the Purchasing Agent submitting bid

results on Official Notice #7, Radio Communication Tower Replacement.

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

22. [08-2082](#) **Subject:** Application of Mega Marts, LLC, David J. Babcock, Agent, for a Change of Agent for a "Class A" license for 2406 S. Greenbay Road.

Refer to Traffic Commission, by Ald. Holding

23. [08-2061](#) **Subject:** Communication from Second District Alderman wishing to discuss if a four way stop sign is warranted at 18th & Center Street.

G. Committee Reports

Finance and Personnel Committee Report, by Ald. Friedel

24. [08-1947](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a grant from The Sustainable Racine Fund (Sustainable Neighborhood Partnership) within the Racine Community Foundation (City Grant Control # 2008-010) for a community gardening project. (Res. 08-0774)

Recommendation of the Finance & Personnel Committee 04-21-08: Permission granted for the Director of Parks, Recreation and Cultural Services to apply for a \$2,000 grant with the Sustainable Racine Fund (Sustainable Neighborhood Partnership) within the Racine Community Foundation (Grant Control No. 2008-010) to be utilized for the community gardening project.

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

25. [08-1949](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a grant from The Sustainable Racine Fund (Sustainable Neighborhood Partnership) within the Racine Community Foundation (City Grant Control #2008-012) for a Reforest Racine project. (Res. #08-0773)

Recommendation of the Finance & Personnel Committee 04-21-08: Permission granted for the Director of the Parks, Recreation and Cultural Services to apply for a \$2,000 grant with the Sustainable Racine Fund (Sustainable Neighborhood Partnership) within the Racine Community Foundation (Grant Control No. 2008-012) to be utilized for the Reforest Racine project.

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

26. [08-1964](#) **Subject:** Communication from the Public Health Administrator requesting permission to apply for funding from the Sustainable Racine Fund in the amount of \$2,000. (Grant Control #2008-011) (Res. 08-0771)

Recommendation of the Finance & Personnel Committee 04-21-08:

Permission granted for the Public Health Administrator to apply for a \$2,000 grant with the Sustainable Racine Fund (Grant Control No. 2008-011) to be utilized for the purchase of 143 1-gallon containers of Blue Dune Lyme Grass to be utilized at the south end of North Beach.

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

27. [08-1966](#) **Subject:** Communication from the Public Health Administrator requesting permission to accept funding from the Root-Pike Watershed Initiative Network. (Grant Control #2008-008) (Res. #08-0772)

Recommendation of the Finance & Personnel Committee 04-21-08:

The Mayor and City Clerk be authorized and directed to enter into a \$9,431.41 agreement with the Root-Pike Watershed Initiative Network (Grant Control No. 2008-008). Funds to be utilized for the 2007 biological and chemical indicator assessment on the Root River from the Horlick Dam to the mouth of the river.

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

28. [08-1976](#) **Subject:** Communication from the City Attorney submitting the claim of Maurie Gomez, of 5706 - 61st St, Kenosha, for consideration.

Recommendation to the Finance & Personnel Committee on

04-21-08: The claim of Maurie Gomez, of 5706 - 61st St., Kenosha, requesting reimbursement for the replacement of a car tire rim and hubcap damaged by a pothole on Lathrop Avenue be denied.

Fiscal Note: N/A

29. [08-1986](#) **Subject:** Communication from the City Attorney submitting the claim of Tyrone Johnson, of 2516 Ashland Avenue, regarding a damaged fence at 1915 Jay Eye See Avenue for consideration.

Recommendation of the Finance & Personnel Committee on

04-21-08: The claim of Tyrone Johnson, of 2516 Ashland Ave., requesting reimbursement of \$525 for the repairs to his fence that was

dislodged by force of snow when the plows came through the alley be denied.

Fiscal Note: N/A

30. [08-1991](#) **Subject:** Communication from the Deputy City Attorney to discuss amending the City of Racine Code of Ordinances to reflect changes in the Human Resources Department. (COrd.0001-08 and Ord.08-08)

Recommendation of the Finance & Personnel Committee on

04-21-08: Amend the Charter Ordinances sections as follows: Charter Ordinance Section 2-1; Charter Ordinance Section 2-2; Charter Ordinance Section 2-52; Charter Ordinance Section 2-76;

Approve the amendment of the Charter Ordinances as indicated;

Amend the following Code of Ordinances sections: Section 2-208; Section 2-437; Section 26-23; Section 62-29; Section 62-36; Section 62-46; Section 62-48; Section 70-53; Section 74-36; Section 74-37; Section 74-67; Section 98-32; Section 98-33;

Create the following Ordinance: Chapter II, Article IV, Division 7;

Repeal the following Ordinance: Chapter II, Article V, Division 7

Approve the amendment, creation and repeal of the portions of the Code of Ordinances indicated.

Fiscal Note: N/A

31. [08-1992](#) **Subject:** Communication from the Deputy City Attorney, Finance Director, and Human Resource Manager to discuss adding an additional HR Benefits Coordinator to the Human Resources Department.

Recommendation of the Finance & Personnel Committee on

04-21-08: Permission granted for the creation of an additional Human Resource Benefits Coordinator position for the Human Resources Department.

Fiscal Note: The position's annual cost of approximately \$90,000 will be funded from the 405 Health Insurance Fund. The 2008 cost will be \$45,000.

32. [08-1993](#) **Subject:** Communication from the Deputy City Attorney submitting the claim of Mary Ann Glassen for consideration. (Res. 08-0775)

Recommendation of the Finance & Personnel Committee on

04-21-08: The claim of Mary Ann Glassen requesting reimbursement for a fall in the crosswalk at the intersection of 15th Street and Grove Avenue be settled in the amount of \$27,500.

Fiscal Note: There are sufficient funds available in account 101-160-5910 Judgment & Claims.

33. [08-1994](#)

Subject: Communication from the Deputy City Attorney requesting to meet in Closed Session pursuant to s. 19.85(1)(c), to discuss the collective bargaining agreement between the City of Racine and Local 430, AFL-CIO, International Brotherhood of Electrical Workers, for June 1, 2008 through December 31, 2008. (Res.08-0777)

Recommendation of the Finance & Personnel Committee on

04-21-08: Permission granted for the city members of the Local 430, AFL-CIO, International Brotherhood of Electrical Workers to receive a 3.5% raise and be paid \$29.82 per hour from June 1, 2008-December 31, 2008.

Fiscal Note: Funds are available in the Department of Public Works-electricians budget.

34. [08-1999](#)

Subject: Communication from the Assistant Finance Director requesting to appear before the Finance & Personnel Committee wishing to discuss the transfer of funds from the general fund to various special revenue funds to offset accumulated deficits in those funds for the year ended December 31, 2007. (Res. 08-0776)

Recommendation of the Finance & Personnel Committee on

4-21-08: Permission granted for the Assistant Finance Director transfer \$28,285.96 from the general fund to the bulky waste site special revenue fund to cover the 2007 deficit in the fund and to transfer \$19,105.77 from the general fund to the municipal court special revenue fund to cover an accumulated deficit in the fund.

Fiscal Note: Total transfer out of the general fund will be \$47,391.73 and will be appropriated from the contingency fund. Funds are available in the contingency fund.

35. [08-2001](#)

Subject: Communication from the Finance Director wishing to appear before the Finance & Personnel Committee to discuss adopting a single unified job description, title change and reclassification of the existing Accountant I & II positions within the Finance Department.

Recommendation of the Finance & Personnel Committee on

04-21-08: Permission granted for the Accountant 1 and Accountant II

positions within the Finance Department be reclassified under a single unified job description title.

Fiscal Note: N/A

Public Works and Services Committee Report, by Ald. Holding

36. [08-1950](#) **Subject:** Communication from the Alderman of the 6th District, on behalf of the residents in the 1700-1900 blocks of Mt. Pleasant Street, to delete the proposed boulevard from the 2008 City Resurfacing project.

Recommendation: That the proposed boulevard to be constructed on Mt. Pleasant Street from High Street to Yout Street be deleted from the construction contract.

Fiscal Note: Not applicable.

37. [08-1946](#) **Subject:** Communication from the Apostolic Ministries Church, 933 LaSalle Street, requesting to close the 900 block of LaSalle Street on Sunday, June 22, 2008, for a special event. (Res. #08-0780)

Recommendation: Apostolic Ministries Church be granted permission to close LaSalle Street, between State Street and Prospect Street, on Sunday, June 22, 2008, from 10:00 a.m. to 3:00 p.m., for a church event.

Further recommends that permission be granted with the following stipulations:

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

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

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

38. [08-1962](#) **Subject:** Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting professional

services proposals for Police Impound Lot Renovations.

Recommendation: That the Mayor and City Clerk be authorized and directed to execute a contract with Butterfield, Rudie & Seitz, Racine, WI, for professional engineering services for renovations at the Police Department Impound Lot, at a cost not-to-exceed \$37,600.00.

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

Fiscal Note: Not applicable at this time.

39. [08-1963](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting Amendment No. 1 to Contract 11-08 (K8-012), Develop Database for Sanitary Sewer Maintenance Program, Phase II, Earth Tech, Inc., consultant. (Res.#08-0787)

Recommendation: That Amendment No. 1 to Contract 11-08 (K8-012), Develop Database for Sanitary Sewer Maintenance Program, Phase II, Earth Tech, Inc., consultant, be approved in the amount of \$34,850.00.

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

\$17,425.00 - Account 104.988.5420, Storm Sewers, Misc.

\$17,425.00 - Account 288.988.5310, Sanitary Sewer - Var. Loc.

\$34,850.00 - Total

Fiscal Note: Funds are available as herein delineated.

40. [08-1968](#)

Subject: Ordinance No. 5-08, of April 2, 2008, to create Sec. 94-21 of the Municipal Code of the City of Racine, Wisconsin, relating to Traffic and Vehicles - Neighborhood Electric Vehicles.

Recommendation: That Ordinance No. 5-08, of April 2, 2008, to create Sec. 94-21 of the Municipal Code of the City of Racine, Wisconsin, relating to Traffic and Vehicles - Neighborhood Electric Vehicles, be adopted and a public hearing scheduled.

Fiscal Note: Not applicable.

41. [08-1977](#)

Subject: Direct Referral. Communication from Iglesia Evangelica Pentecostal Alarma Int. requesting to close the 600 block of 17th Street on Saturday, June 7, 2008, for a church event. (Res. #08-0781)

Recommendation: Iglesia Evangelica Pentecostal Alarma Int. be

granted permission to close 17th Street, between Grand Avenue and Villa Street, on Sunday, June 7, 2008, from 10:00 a.m. to 8:00 p.m., for a church event.

Further recommends that permission be granted with the following stipulations:

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

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

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

42. [08-2015](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 on Contract 15-07 (K7-018), Racine Public Library - Interior Remodeling, Imagine That GC LLC, contractor. (Res.#08-0788)

Recommendation: That Change Order No. 1 on Contract 15-07 (K7-018), Racine Public Library - Interior Remodeling, Imagine That GC LLC, contractor, as submitted, be approved in the amount of \$3,461.75.

Further recommends that funding to defray the cost of this change order be appropriated from Account 771.000.5950, Misc. Expenses.

Fiscal Note: Funds are available as herein delineated.

43. [08-2024](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 34-07 (K7-040), PS - 2007 NR 216 Stormwater Permit Compliance, Earth Tech, Inc., consultant. (Res.#08-0786)

Recommendation: The professional services provided by Earth Tech, Inc., under Contract 34-07 (K7-040), PS - 2007 NR 216 Stormwater Permit Compliance, be accepted and final payment authorized for a total contract amount of \$49,500.00, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Res. 07-0119, dated

March 20, 2007.

44. [08-2025](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer requesting to amend Res. 08-0737, dated April 2, 2008, for final payment on Contract 53-07 (K7-063), PS - Storm Sewer Inspection for 16th Street and Park Avenue, Earth Tech, Inc., consultant.

Recommendation: That Res. 08-0737, dated April 2, 2008, be amended by changing the final payment amount from \$14,922.11 to \$15,258.00, and, as amended, Res. 08-0737 be adopted.

Fiscal Note: The contract was approved by Res. 07-0431, dated October 2, 2007.

45. [08-2026](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 19-08 (K8-021), 2008 Asphalt Resurfacing C.D.B.G. (Res. #08-0783)

Recommendation: That Contract 19-08 (K8-021), 2008 Asphalt Resurfacing C.D.B.G., be awarded to A.W. Oakes & Son, Inc., Racine, WI, at their bid price of \$214,652.00, they being the lowest responsible bidder.

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

\$182,701.90 - Account 898.030.5520, CDBG Asphalt
\$ 29,500.10 - Account 104.900.5420, Storm Sewers, Misc. Loc.
\$ 2,450.00 - Account 988.600.5010, Traffic Signal Replacements
\$214,652.00 - Total

Fiscal Note: Funds are available as herein delineated.

46. [08-2027](#) **Subject:** Direct Referral. Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 22-08 (K8-026), 2008 City Resurfacing (R1). (Res. #08-0784)

Recommendation: That Contract 22-08 (K8-026), 2008 City Resurfacing (R1), be awarded to A.W. Oakes & Son, Inc., Racine, WI, at their bid price of \$928,982.02, they being the lowest responsible bidder.

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

\$500,000.00 - Account 988.908.5130, Asphalt Resurfacing
\$ 12,133.16 - Account 987.908.5130, Asphalt Resurfacing
\$237,531.56 - Account 104.987.5420, Storm Water
\$ 53,542.40 - Account 987.907.5310, Sanitary Sewer
\$ 4,871.53 - Account 287.988.5310, Sanitary Sewer - Var. Loc.
\$ 39,457.60 - Account 986.907.5320, Sanitary Manhole Reconstruction
\$ 75,000.00 - Account 988.590.5010, Replace City Circuits
\$ 3,977.33 - Account 986.908.5210, New Curb & Gutter
\$ 2,468.44 - Account 986.600.5030, LED Traffic Signals
\$928,982.02 - Total

Fiscal Note: Funds are available as herein delineated.

47. [08-2028](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a proposal for inspection of the City's bridges. (Res.08-0790)

Recommendation: That the Mayor and City Clerk be authorized and directed to execute a contract with Ayres Associates for professional services for 2008 Bridge Inspection Services, at a cost not-to-exceed \$18,170.51.

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

\$ 8,799.48 - Account 101.520.5770, Fixed Bridge Inspections
\$ 9,371.04 - Account 930.063.5810, Lift Bridge Underwater Inspection
\$18,170.51 - Total

Fiscal Note: Funds are available as herein delineated.

48. [08-2035](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a three-party design agreement between the City, State and Bonestroo, Inc. for State Project ID: 2290-12-00, STH 38 (State Street) North Memorial Drive to LaSalle Street. (Res.#08-0791)

Recommendation: That the Mayor and City Clerk be authorized and directed to enter into a 3-party contract with the State of Wisconsin Department of Transportation and Bonestroo, Inc. for professional engineering services for reconstructing State Street (STH 38) from N. Memorial Drive to LaSalle Street, State Project ID: 2290-12-00, for the not-to-exceed cost of \$349,966.48, which is funded 75% by the State of Wisconsin, or \$262,474.86, and 25% by the City of Racine, or \$87,491.62.

Further recommends that funds to defray the cost of these professional

services be appropriated from Account 988.908.5040, State Street - Memorial to LaSalle.

Fiscal Note: Funds are available as herein delineated.

49. [08-2036](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a grant agreement from the Wisconsin Dept. of Natural Resources, Grant No. USC-SE03-51276-08, Colonial Park Root River Stabilization. (Res.#08-0792)

Recommendation: The Commissioner of Public Works/City Engineer be authorized and directed to sign a Colonial Park Root River Stabilization Grant agreement, on behalf of the City of Racine, in the amount of \$41,000.00, with the Wisconsin Department of Natural Resources for the installation of streambank restoration and stabilization practices on the Root River between Colonial Park and Lincoln Park at an estimated project cost of \$102,500.00.

Fiscal Note: The local share of this project is estimated at \$61,500.00 and funding is available in Account 104.900.5420, Replacement Storm Sewer Construction.

50. [08-2037](#)

Subject: Direct Referral. Communication from the Commissioner of Public Works/City Engineer requesting to waive formal bidding for upgrading the Building Automation System (BAS) for the Department of Public Works. (Res.#08-0785)

Recommendation: That the request to waive formal bidding procedures be approved in accordance with State Statutes that allow for the waiving of public bids for the purpose of maintaining uniformity of equipment and services.

Further recommends that the Mayor and City Clerk be authorized and directed to enter into an agreement with Johnson Controls, Inc. for the replacement of boiler control and temperature control equipment at Wustum Museum, Graceland Cemetery, Washington Park Golf Course and the Racine Zoological Gardens for the not-to-exceed price of \$114,241.00.

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

\$ 17,657.00 - Account 107.000.5780, Building Automation Upgrade Washington Park

\$ 20,870.00 - Account 207.000.5770, Building Automation Upgrade Graceland Cemetery

\$ 28,945.00 - Account 988.740.5040, Zoo Building Automation Upgrade
\$ 46,769.00 - Account 655.000.5970, Building Automation Upgrade
Wustum Museum
\$114,241.00 - Total

Fiscal Note: Funds are available as herein delineated.

51. [08-2066](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 3-08 (K8-003), Sixth Street Utility Construction (R1), Globe Contractors, Inc., contractor. (Res.#08-0789)

Recommendation: That Change Order No. 1 on Contract 3-08 (K8-003), Sixth Street Utility Construction (R1), Globe Contractors, Inc., contractor, as submitted, be approved in the amount of \$11,916.50.

Further recommends that funding to defray the cost of this change order be appropriated from the Racine Water Utility.

Fiscal Note: Funds are available as herein delineated.

52. [08-2067](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Engineering submitting a revised state project agreement for Ohio Street, Durand Avenue (STH 11) to 21st Street, Project ID: 2704-05-00/70. (Res.#08-0793)

Recommendation: That the Mayor and City Clerk be authorized and directed to sign the revised project agreement for reconstructing Ohio Street (LOC STR) from Durand Avenue (STH 11) to 21st Street, State Project ID: 2704-05-00/70.

Fiscal Note: This amended agreement is to add the maximum federal participation for all phases to be limited to \$1,872,640.00. Project costs in excess of this federal cap will be the responsibility of the City of Racine.

53. [08-2071](#)

Subject: Direct Referral. Communication from the Assistant Commissioner of Public Works/Operations submitting a proposal for awnings at Festival Hall.

Recommendation: That the Mayor and City Clerk be authorized and directed to execute a contract with Hartmann Design, Inc., Racine, WI, for professional engineering services for new awnings at Festival Hall, at a cost not-to-exceed \$2,500.00.

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

Fiscal Note: Not applicable at this time.

54. [08-2089](#) **Subject:** Direct Referral. Communication from the Purchasing Agent submitting bids for razing the building at 1130 Washington Avenue. (Res. #08-0782)

Recommendation: That Official Notice #9, Razing and Removal of the Schaeffer Pontiac Auto Sales building at 1130 Washington Avenue, Racine, WI, be awarded to Macemon, Inc., Racine, WI, at their bid price of \$27,500.00, they being the lowest responsible bidder.

Funds to defray the cost of this project are available in Account 719.000.5950, Miscellaneous Expenses.

Fiscal Note: Funds are available as herein delineated.

Public Safety and Licensing Committee Report, by Ald. Shakoor

55. [08-1604](#) **Subject:** Request of the Committee for the appearance of Cerafin Davalos, Agent for Cera's Tequilla Bar, 607 Sixth Street for incidents that appeared on the November - December 2007 Licensed Premise Report.

Recommendation of the Public Safety & Licensing Committee on 01-21-08: That the matter of the Cera's Tequilla Bar located at 607 Sixth Street, be referred to a due process hearing to determine whether the license should be revoked or suspended.

IN THE MATTER OF:

Hearing on the License of Cerafin Davalos for "Class B" Intoxicating Liquors and Fermented Malt Beverages License for 607 Sixth Street, Racine, Wisconsin.

Recommendation of the Public Safety & Licensing Committee Due Process Hearing on 04-16-08:

That the "Class B" intoxicating liquors and fermented malt beverages license for Cerafin Davalos, doing business as Cera's Tequilla Bar at 607 Sixth Street, Racine, Wisconsin, be revoked.

Fiscal Note: The approximate cost is \$8,000.

56. [08-1920](#) **Subject:** Communication from Chief of Police Wahlen requesting to use Federal law to allow qualified retired officers to carry concealed

weapons. (Res. #08-0752)

Recommendation of the Finance & Personnel Committee on

04-07-08: Permission granted for the Chief of Police, pursuant to Federal Law Officers Safety Act of 2004 HR218, to allow retired police officers to carry concealed weapons after passing firearm qualifications and the Police Chief's approval and further recommends that the Finance Department create a separate account for the \$100 fee required from the retired officers.

Recommendation of the Public Safety and Licensing Committee on

4-7-08: That the request of Chief of Police Wahlen, to use the Federal law to allow qualified retired officers to carry concealed weapons, be approved.

Recommendation of the Public Safety and Licensing Committee on

4-21-08: That the Chief of Police be granted the authority to allow qualified retired officers to carry concealed weapons.

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

57. [08-1981](#)

Subject: Communication from Police Chief Wahlen, requesting to apply for the 2008 Bulletproof Vest Partnership Grant (Grant Control # 2008-013). (Res. #08-0768)

Recommendation of the Finance & Personnel Committee on

04-21-08: Permission granted for the Chief of Police to apply for a \$9,652.50 2008 Bulletproof Vest Partnership Grant (Grant Control No. 2008-013) with the State of Wisconsin to be utilized for 50% reimbursement costs for vests purchased in 2008.

Recommendation of the Public Safety and Licensing Committee on

4-21-08: That permission be granted for Chief Wahlen to apply for a \$9,652.50 2008 Bulletproof Vest Partnership Grant (Grant Control No. 2008-013) with the Federal Government to be utilized for 50% reimbursement costs for vests purchased in 2008.

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

58. [08-1985](#)

Subject: Direct Referral, Change Order #2 Contract 52-07 (K7-061), Remodel Racine Zoological Gardens, Phase III, by Seater Construction Co., Inc. (Res. #08-0770)

Recommendation of the Public Safety and Licensing Committee on

4-21-08: That Change Order #2 Contract 52-07 (K7-061), Remodel Racine Zoological Gardens, Phase III, by Seater Construction Co., Inc. be approved.

Fiscal Note: Funds are available in account 987.740.5030, Entrance Complex/Parking, \$293,266.00 for the City's portion of the project. The remaining funds will be provided by the Racine Zoological Society.

59. [08-1998](#) **Subject:** Communication from the Fire Chief requesting permission for the Mayor and City Clerk to sign an Intergovernmental Agreement, between Kenosha County Emergency Government and the City of Racine, to provide Level-B Hazardous Materials Response Services to Kenosha County. (Res. #08-0769)

Recommendation of the Finance & Personnel Committee on

04-21-08: The Mayor and City Clerk be authorized and directed to enter into an Intergovernmental Agreement Between Kenosha County and City of Racine for Level "B" Hazardous Material Response Services to commence 1-1-08 through 12-31-08.

Recommendation of the Public Safety and Licensing Committee on

4-21-08: The Mayor and City Clerk be authorized to enter into an Intergovernmental Agreement Between Kenosha County and City of Racine for Level "B" Hazardous Material Response Services to commence 1-1-08 through 12-31-08.

Fiscal Note: The City shall provide 20% of in-kind contributions as allowed under the terms of the EPCRA grant.

60. [08-2006](#) **Subject:** (Direct Referral) (New) Application of Uncorkt, LLC, Cheryl A. Etes, Agent for a "Class B" Fermented Malt Beverage and intoxicating Liquor License for 240 Main Street. (1st District)

Recommendation of the Public Safety and Licensing Committee on

4-21-08: That the application of Uncorkt, LLC, Cheryl A. Etes, Agent for a "Class B" Fermented Malt Beverage and intoxicating Liquor License for 240 Main Street (1st District) be granted.

Fiscal Note: N/A

61. [08-2083](#) **Subject:** Public Hearing on Retired Officers Carrying Concealed Weapons

The proposed is as follows:

That permission be granted for the Chief of Police, pursuant to Federal Law Officers Safety Act of 2004 HR218, to allow retired police officers to carry concealed weapons after passing firearm qualifications and the Police Chief's approval.

Traffic Commission Report, by Ald. Holding

62. [08-1935](#) **Subject:** Communication from the Mayor requesting to appear before the Traffic Commission to discuss a No Parking restriction on the east side of Phillips south of 17th Street.
- Recommendation:** The request to approve No Parking at Anytime on Phillips Avenue, east side from 17th Street to 18th Street be granted.
- Fiscal Note:** The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.
63. [08-1990](#) **Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering to modify Section 94-141 of the Municipal Parking Code regarding Festival Park Drive and Library Drive.
- Recommendation:** The request to approve No Parking at Any Time on Festival Park Drive, both sides, from Fifth Street to Sixth Street; and Library Drive, both sides, from Sixth Street to south terminus be granted.
- Fiscal Note:** The estimated cost of this signage will result in an installation cost of \$200.00 and an annual maintenance cost of \$80.00.
64. [08-2093](#) **Subject:** In accordance with Section 2-95 of the Municipal Code of the general ordinances of the City of Racine, recommends that the following requests for changes in traffic code be granted:
- A. Recommends that Section 94-141(1) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking at any time" be amended:**
- By Including:**
1. Phillips Avenue, east side, from 17th Street to 18th Street.
 2. Festival Park Drive, both sides, from Fifth Street to Sixth Street.
 3. Library Drive, both sides, from Sixth Street to south terminus.

Transit and Parking Commission Report, by Ald. DeHahn

65. [08-1948](#) **Subject:** Communication from Linda Budlow requesting permission to rent Lakefront Lot No. 5 for the Monument Square Art Fair on Saturday, June 7, 2008, and Sunday, June 8, 2008. This lot will provide parking for the artists participating in the art fair. (Res.#08-0795)

Recommendation: The Monument Square Art Fair be granted permission to lease Lakefront parking Lot No. 5 on Saturday June 7 & Sunday June 8, 2008, subject to payment of the lease costs for the parking lot in accordance with existing policies, and subject to the execution of a hold harmless agreement with the City.

Fiscal Note: The agreement will generate \$360 in revenue for the Parking System.

66. [08-1982](#) **Subject:** Communication from the Transit Planner regarding the State of Wisconsin's 2008 funding for the Belle Urban System. (Res.08-0797)

Recommendation: The Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City of Racine.

Fiscal Note: The City of Racine will receive up to \$1,932,434 to assist with the operating costs of the Belle Urban System for 2008.

67. [08-1983](#) **Subject:** Communication from the Transit Planner regarding the State of Wisconsin's 2008 funding for the Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service. (Res.#08-0798)

Recommendation: That the Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City of Racine.

Fiscal Note: The City of Racine will receive up to \$642,925 to assist with the operating costs of the Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service for 2008. No city funding is involved.

68. [08-1989](#) **Subject:** Communication from the Transit Planner regarding the pass through of State funding for the Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service. (Res.#08-0799)

Recommendation: The Mayor and City Clerk be authorized and directed to execute the contract on behalf of the City of Racine.

Fiscal Note: The contract will allow the City of Racine to pass through \$642,925 in State aid to Wisconsin Coach Lines for Kenosha-Racine-Milwaukee intercity bus service. No City funds will be expended for the provision of this service.

69. [08-2068](#) **Subject:** (Direct Referral) Communication from the Transit Planner regarding a contract amendment to the City's 2003 Federal Capital grant. (Res.08-0800)

Recommendation: The Mayor and City Clerk be authorized and directed to execute the amendment to the 2003 State capital assistance contract for the

Belle Urban System.

Fiscal Note: The amendment will provide an additional \$92,000 previously promised to the Belle Urban System from older Federal grants, for the use in constructing the expansion of the Belle Urban System administrative offices.

70. [08-2072](#)

Subject: (Direct Referral) Communication from Kristin Niemiec, on behalf of the Uptown Improvement Organization, requesting the rental of Uptown Lot # 5 (1300 Washington Ave), for the Uptown Artist Festival on Saturday, June 14, 2008. (Res.#08-0796)

Recommendation: The Uptown Improvement Organization be granted permission to lease Uptown Parking Lot No. 5 on Saturday June 14, 2008, subject to payment of the lease costs for the parking lot in accordance with existing policies, and subject to the execution of a hold harmless agreement with the City.

Fiscal Note: The agreement will generate \$46.50 in revenue for the Parking System

71. [08-2085](#)

Subject: (Direct Referral) Communication from the Transit Planner wishing to discuss an amendment to the professional services agreement between the City of Racine and Architectural Associates, LTD. (Res.#08-0801)

Recommendation: That the amendment be approved and that the Mayor and City Clerk be authorized and directed to execute the amendment on behalf of the City of Racine.

Fiscal Note: The amendment will increase the agreement by \$19,800, to \$79,200, providing funds for additional work previously authorized, and to provide construction administration services beyond those previously contemplated in the original agreement. Federal grant funds are available to offset 80% of the cost, and the Belle Urban System CIP will provide the remaining funding.

72. [08-2087](#)

Subject: (Direct Referral) Communication from the Transit Planner wishing to discuss an amendment to the 2007 State operating assistance agreement between WISDOT and the City of Racine for the Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service.
(Res.#08-0802)

Recommendation: The Mayor and City Clerk be authorized and directed to execute the amendment to the 2007 State assistance contract for pass through funds to Wisconsin Coach Lines for the Kenosha-Racine-Milwaukee intercity bus service.

Fiscal Note: The amendment will correct a mistake in the original agreement that was technical in nature and would not change the amount of 2007 funding.

73. [08-2088](#) **Subject:** (Direct Referral) Communication from the Transit Planner wishing to discuss an amendment to the 2007 State operating assistance agreement between WISDOT and the City of Racine for the Belle Urban System. (Res.#08-0803)

Recommendation: The Mayor and City Clerk be authorized and directed to execute the amendment to the 2006 State assistance contract for the Belle Urban System.

Fiscal Note: The amendment will correct a mistake in the original agreement that was technical in nature and would not change the amount of 2007 funding.

City Plan Commission Report, by Ald. Holding

74. [08-1931](#) **Subject:** Communication from the Director of City Development requesting to amend the project plan and boundary of Tax Incremental District No. 10. (Res.#08-0807)

Recommendation of City Plan Commission on 4-30-08: That the proposed amendment to the Project Plan and Boundary for TID No. 10 is found feasible and in conformity with the master plan of the City of Racine.

Further, that the amendment to the Project Plan and Boundary for TID No. 10 be adopted.

Fiscal Note: N/A

75. [08-1934](#) **Subject:** Subject: Communication from the Director of City Development requesting to amend the project plans of Tax Incremental Districts No. 2, No. 5, and No. 7. (Res.#08-0806)

Recommendation of City Plan Commission on 4-30-08: That the proposed amendment to the Project Plans for TIDs Nos. 2, 5 and 7 to allow increment sharing with TIDs No. 3, 6, and 8 is found feasible and in conformity with the master plan of the City of Racine.

Further, that the amendment to the Project Plans for TIDs Nos. 2, 5 and 7 be adopted.

Fiscal Note: N/A

76. [08-1969](#) **Subject:** Request to amend the project plan of Tax Incremental District No. 15. (Res.#08-0808)

Recommendation of City Plan Commission on 4-30-08: That the proposed amendment to the Project Plan for TID No. 15 is found feasible and in conformity with the master plan of the City of Racine.

Further, that the amendment to the Project Plan for TID No. 15 be adopted.

Fiscal Note: N/A

77. [08-2079](#) **Subject:**(Direct Referral) Request by Kevin Libby representing Cardinal Fitness of Racine seeking a conditional use permit for a Physical Fitness Center at 2323 S. Green Bay Road. (Res.#08-0809)

Recommendation of City Plan Commission on 4-30-08: That a request from Kevin Libby seeking a conditional use permit to operate a fitness center at 2323 S. Green Bay Road be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on April 25, 2008 be approved subject to the conditions contained herein.
- b. That the hours the establishment is open to the general public be Monday through Thursday, 5 a.m. to 10 p.m.; Friday 5 a.m. to 9 p.m.; and Saturday and Sunday, 7 a.m. to 5 p.m.
- c. That all signs be professionally made, comply with the zoning ordinance requirements, High Ridge Centre sign standards, and be submitted to the Director of City Development for review and approval.
- d. That no occupancy permit be issued for this business until such time as a three party agreement between the owners of the High Ridge Centre, Toys-R-Us and Regency Mall be submitted to the Director of City Development for review and approval. Said agreement shall address the construction design, scheduling, and maintenance of a cross access drive, and contain a construction completion date of no later than November 1, 2008.
- e. That all trash and recyclables be stored in closed containers and screened from view.
- f. That all codes and ordinances be complied with and required permits

acquired.

g. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.

h. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

78. [08-2081](#)

Subject: (Direct Referral) Request by James McCann representing Tinita, LLC seeking a conditional use permit for a night club at 500 Sixth Street. (Res.08-0810)

Recommendation of City Plan Commission on 4-30-08: That the request by James McCann, representing Tinita LLC., seeking a conditional use permit at 500 Sixth Street for a night club be approved, subject to the following conditions:

a. That the plans presented to the Plan Commission on April 30, 2008 be approved, subject to the conditions contained herein.

b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.

c. That facilities for instruction, special events, and seminars be permitted as listed in the business plan.

d. That all activities permitted by this conditional use permit be confined to the indoor spaces as indicated on the floor plans submitted with the application.

e. That the security plan provided in the business plan be implemented and maintained in accordance with said plan unless otherwise authorized by the Plan Commission.

f. That the window and door glass surfaces not be obstructed in excess of 15% of their surface area.

g. That all signs be professionally made, comply with zoning ordinance requirements, and be presented to the Downtown Area Design Review Commission for review and approval.

h. That the interior and exterior of property be policed at the close of each business day or after each event so that all trash, debris and

refuse are properly clean up and disposed of in a timely fashion.

i. That all music and associated vibration be contained within the building.

j. That all codes and ordinances be complied with and required permits acquired.

k. 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.

l. That this permit is subject to Plan Commission review for compliance with the listed conditions.

m. That the Good Neighbor Policy Agreement for the night club is included by reference in these conditions. In interpreting similar conditions in the Agreement and this conditional use permit, the more restrictive condition shall apply.

Fiscal Note: N/A

79. [08-2094](#) **Subject:** Ordinance No. 07-08 is an amendment to drive-in/drive-through and mixed use establishment.

Recommendation of City Plan Commission on 4-30-08: That the ordinance be adopted.

Office of the Mayor Report, by Ald. Maack

80. [08-2099](#) **Subject:** Communication from Mayor Becker nominating appointments/reappointments to the following committees, commissions and boards for the City of Racine:

Cable Commission:
Appoint Walter Feldt, 1843 Wisconsin Ave., to fill an unexpired term ending in May 2009.

Board of Parks, Recreation and Cultural Services:
Appoint Kelli Stein, 2325 Gilson St., for a three-year term ending in April 2011.

Appoint Darryl Carter, 828 Jackson St., for a three-year term ending in April 2011.

Appoint Joey LeGath, 1423 Hickory Way, to fill an unexpired term ending in April 2010.

Affirmative Action Human Rights Commission:

Appoint Marie Hargrove, 4144 LaSalle St., to fill an unexpired term ending in May 2009.

Library Board:

Appoint Donna Maldonado, 800 8th St., Apt 117, to fill an unexpired term ending in June 2010.

Civic Centre Commission:

Appoint Chris Terry, 6051 Regency West Dr., for a three-year term ending in May 2011.

Appoint John J. McAuliffe, 1003 Grove Avenue for a three-year term ending in May 2011.

Racine Sister City Planning Council:

Appoint Amy Maack, 2019 Erie St., to fill an unexpired term ending in April 2009.

Wastewater Commission Report, by Ald Hart

81. [08-2056](#) **Subject:** Request to Amend 2008 Capital Improvement Program (CIP) by Adding an Item to Furnish and Install SCADA Equipment at Mt. Pleasant and Sturtevant Metering Points

Recommendation: Recommendation of the Wastewater Commission on April 29, 2008: Refer to the Finance and Personnel Committee for approval

Fiscal Note: Funds are available in the Wastewater Utility reserves

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

82. [07-1480](#) **Subject:** Request of Wayne Clingman to meet with the Board of Parks, Recreation & Cultural Services to present a long term programming proposal benefiting the Parks Department and the City of Racine.

Recommendation of the Board of Parks, Recreation & Cultural Services 12-12-07: that the request be deferred.

Fiscal Note: To be determined

Recommendation of the Board of Parks, Recreation & Cultural Services 4-23-08: that the communication be received and filed.

Fiscal note: N/A

83. [08-1859](#) **Subject:** Communication from the Relay Director of the Madison-Chicago 200 Relay requesting the use of the parking lots at North Park Beach from 2:00 a.m. - 8:00 a.m. on June 7, 2008. (Res. #08-0779)

Recommendation of the Board of Parks, Recreation & Cultural Services 4-23-08: that the ordinance be waived and request be approved.

Fiscal note: Minimal cost for staff to open the parking lot gate.

84. [08-1879](#) **Subject:** Communication from the Executive Director, Racine Arts Council wishing to discuss placing a mosaic with a Hispanic flair on an exterior wall of the North Beach Oasis. The mosaic would be created by the Main Gallery program. The Hispanic Business Association would raise \$3,000 for the project. (Res.08-0778)

Recommendation of the Board of Parks, Recreation & Cultural Services 4-23-08: that the request be approved.

Fiscal Note: \$3,000.00 to be raised by the Hispanic Round Table

85. [08-1951](#) **Subject:** Communication from a representative of the Downtown Rotary Club requesting a special events noise variance and permission to extend the curfew, use the 5th Street Parking Ramp, hang banners at Civic Centre and Festival Hall, use city streets for a parade, and operate a spotlight and run interactive games at Festival Park on May 17 & 18, 2008 in connection with the Rotary Post Prom. (Res.#08-0794)

Recommendation of the Public Works and Services Committee 04-8-08: The request of the Rotary Post Prom Committee of the Downtown Rotary Club, to close:

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

from 7:00 p.m., Saturday, May 17, 2008, to 4:30 a.m., Sunday, May 18, 2008, for the Rotary Post Prom, be approved.

FURTHER RESOLVED, that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to the event;
- C. The setup and dismantling of barricades will be the responsibility of the sponsor;
- D. Any overtime and/or equipment and material loss will be charged to the sponsor;
- E. Sponsor shall pay a \$350.00 special event fee.

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

Recommendation of the Police and Fire Commission 04-8-08: That the Chief of Police provide limited assistance in the interest of public safety to implement this event.

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

Recommendation of the Board of Parks, Recreation & Cultural Services 4-23-08: that the communication be received and filed.

Recommendation of the Transit and Parking Commission (4-30-08): The request to use Lakefront Parking Lot #4 on May 17 & 18, 2008 be approved at no cost, subject to execution of a hold harmless agreement with the City, and

Further recommends that the Civic Centre Ramp be rented for event goers from 9:00 P.M. on May 17, 2008 to 4:00 A.M. on May 18, 2008, in conjunction with the event.

Fiscal Note: The ramp rental will generate \$601.50 in revenue for the Parking System.

86. [08-1953](#)

Subject: Communication from the Downtown Rotary Club of Racine requesting the City provide 950 linear feet of wood slat fencing with 95 fencing stands for the 54th Annual Post Prom May 17, 2008.

Recommendation of the Board of Parks, Recreation & Cultural Services 4-23-08: that the request be approved on an ongoing basis.

Further recommend the request be referred to the Finance Committee

Fiscal Note: Fence to be picked up by Rotary

87. [08-1984](#)

Subject: Communication from Brett Kaydo wishing to discuss a water

sport rental company for North Beach.

Recommendation of the Board of Parks, Recreation & Cultural Services 4-23-08: that the request be referred to the City Attorney for review and that the item come back before the Board of Parks, Recreation & Cultural Services with the Attorney's recommendation for the committee's final approval.

Fiscal note: TBD

Affirmative Action & Human Rights Commission Report, by Ald. DeHahn

88. [08-1952](#) **Subject:** Fair Housing Action Plan 2008

Recommendation of Affirmative Action and Human Rights Commission on 4-10-08: That the City's Fair Housing Action Plan for 2008 be adopted.

Fiscal Note: N/A

Board of Harbor Commissioners Report, by Ald. Wisneski

89. [08-2000](#) **Subject:** (Direct Referral) Communication from Gaslight Pointe Marina regarding a floating platform.

Recommendation: Approval of the floating dock installation.

Fiscal Note: N/A

H. Resolutions

90. [Res.08-0752](#) Permission for retired police officers to carry concealed weapons

Resolved, that permission be granted to the Chief of Police, pursuant to the Law Enforcement Officers Safety Act of 2004 HR218, Public Law 108-277, 18 U.S.C. 926C, to allow retired police officers to carry concealed weapons after passing firearm qualifications and the Police Chief's approval.

Further resolved, that the Finance Department create a separate account for the \$100 fee required from the retired officers.

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

Sponsors: Thomas Friedel and Q.A. Shakoor, II

91. [Res.08-0768](#) Permission for Police Chief to apply for 2008 Bulletproof Vest Partnership

Grant

Resolved, that the Chief of Police be granted permission to apply for the 2008 Bulletproof Vest Partnership Grant (Grant Control No. 2008-013) with the State of Wisconsin in the amount of \$9,652.50, to be utilized for 50% reimbursement costs for vests purchased in 2008.

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

Sponsors: Q.A. Shakoor, II and Thomas Friedel

92. [Res.08-0769](#) Permission to enter into Intergovernmental Agreement between Kenosha County and City of Racine

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an Intergovernmental Agreement between Kenosha County and City of Racine for Level "B" Hazardous Material Response Services to Kenosha County, commencing January 1, 2008 through December 31, 2008.

Fiscal Note: The City shall provide 20% of in-kind contributions as allowed under the terms of the EPCRA grant.

Sponsors: Q.A. Shakoor, II and Thomas Friedel

93. [Res.08-0770](#) Change Order on contract for Remodeling Racine Zoological Gardens, Phase III

Resolved, that Change Order #2, Contract 52-07 (K7-061), Remodel Racine Zoological Gardens, Phase III, by Seater Construction Co., Inc. be approved.

Fiscal Note: Funds are available in Account 987.740.5030, Entrance Complex/Parking, \$293,266.00 for the City's portion of the project. The remaining funds will be provided by the Racine Zoological Society.

Sponsors: Q.A. Shakoor, II

94. [Res.08-0771](#) Permission for Public Health Administrator to apply for Grant from Sustainable Racine Fund

Resolved, that the Public Health Administrator be granted permission to apply for a Sustainable Racine Fund Grant in the amount of \$2,000.00, (Grant Control No. 2008-011), to be utilized for the purchase of 143 1-gallon containers of Blue Dune Lyme Grass to be utilized at the south end of North Beach. The contract period is April 26, 2008 to October 31, 2008.

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

Sponsors: Thomas Friedel

95. [Res.08-0772](#) Permission for Public Health Administrator to accept funding from Root-Pike Watershed Initiative Network

Resolved, that the Public Health Administrator be granted permission to accept funding from Root-Pike Watershed Initiative Network, and that the Mayor and City Clerk be authorized and directed to enter into a \$9,431.41 agreement with the Root-Pike Watershed Initiative Network (Grant Control No. 2008-008). Funds to be utilized for the 2007 biological and chemical indicator assessment on the Root River from the Horlick Dam to the mouth of the river.

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

Sponsors: Thomas Friedel

96. [Res.08-0773](#) Permission for Director of Parks to apply for a Grant from Sustainable Racine Fund for Reforest Racine Project

Resolved, that permission be granted for the Director of the Parks, Recreation and Cultural Services to apply for a \$2,000 grant with the Sustainable Racine Fund (Sustainable Neighborhood Partnership) within the Racine Community Foundation (Grant Control No. 2008-012) to be utilized for the Reforest Racine project.

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

Sponsors: Thomas Friedel

97. [Res.08-0774](#) Permission for Director of Parks to apply for a grant from Sustainable Racine Fund for Gardening Project

Resolved, that permission be granted for the Director of Parks, Recreation and Cultural Services to apply for a \$2,000 grant with the Sustainable Racine Fund (Sustainable Neighborhood Partnership) within the Racine Community Foundation (Grant Control No. 2008-010) to be utilized for the community gardening project.

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

Sponsors: Thomas Friedel

98. [Res.08-0775](#) Settlement of Claim

Resolved, that the claim of Mary Ann Glassen v. City of Racine, Case No. 07-CV-1119, requesting reimbursement for a fall in the crosswalk at the intersection of 15th Street and Grove Avenue be settled in the amount of \$27,500.

Fiscal Note: There are sufficient funds available in account 101-160-5910, Judgment & Claims.

Sponsors: Thomas Friedel

99. [Res.08-0776](#) Transfer of funds from General Fund to Various Special Revenue Funds

Resolved, that permission be granted for the Assistant Finance Director to transfer \$28,285.96 from the General Fund to the Bulky Waste Site Special Revenue Fund to cover the 2007 deficit in the fund, and to transfer \$19,105.77 from the General Fund to the Municipal Court Special Revenue Fund to cover an accumulated deficit in the fund.

Fiscal Note: Total transfer out of the general fund will be \$47,391.73 and will be appropriated from the contingency fund. Funds are available in the contingency fund.

Sponsors: Thomas Friedel

100. [Res.08-0777](#) Approval of Collective Bargaining Agreement between City and Local 430, AFL-CIO, International Brotherhood of Electrical Workers

Resolved, that permission be granted for the city members of the Local 430, AFL-CIO, International Brotherhood of Electrical Workers to receive a 3.5% raise and be paid \$29.82 per hour from June 1, 2008-December 31, 2008.

Fiscal Note: Funds are available in the Department of Public Works-electricians budget.

Sponsors: Thomas Friedel

101. [Res.08-0778](#) Permission to install mosaic on exterior wall of North Beach Oasis

Resolved, that permission be granted to the Racine Arts Council for the Main Gallery youth to install a mosaic with a Hispanic flair on an exterior wall at North Beach Oasis. The Hispanic Business Association would raise

\$3,000 for the project.

Fiscal Note: The \$3,000 will be raised by the Hispanic Round Table and Hispanic Business Association.

Sponsors: Jim Kaplan

102. [Res.08-0779](#) Permission to use Parking Lots at North Park Beach on June 7, 2008

Resolved, that permission be granted to the Madison-Chicago 200 Relay to use the parking lots at North Beach Park from 2:00 a.m. through 8:00 a.m. on June 7, 2008, for an exchange site for the runners.

Fiscal Note: Minimum cost for staff to open the parking lot gate.

Sponsors: Jim Kaplan

103. [Res.08-0780](#) Apostolic Ministries Church Event

Resolved, that the Apostolic Ministries Church be granted permission to close LaSalle Street, between State Street and Prospect Street, on Sunday, June 22, 2008, from 10:00 a.m. to 3:00 p.m., for a church event.

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

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

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

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

Sponsors: Gregory Holding

104. [Res.08-0781](#) Iglesia Evangelica Pentecostal Alarma Int. Event

Resolved, that Iglesia Evangelica Pentecostal Alarma Int. be granted permission to close 17th Street, between Grand Avenue and Villa Street, on Sunday, June 7, 2008, from 10:00 a.m. to 8:00 p.m., for a church event.

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

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

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

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

Sponsors: Gregory Holding

105. [Res.08-0782](#) Bid accepted for razing and removal of 1130 Washington Avenue

Resolved, that Official Notice #9, Razing and Removal of the Schaeffer Pontiac Auto Sales building at 1130 Washington Avenue, Racine, WI, be awarded to Macemon, Inc., Racine, WI, at their bid price of \$27,500.00, they being the lowest responsible bidder.

Funds to defray the cost of this project are available in Account 719.000.5950, Miscellaneous Expenses.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

106. [Res.08-0783](#) Contract for 2008 Asphalt Resurfacing C.D.B.G.

Resolved, that Contract 19-08 (K8-021), 2008 Asphalt Resurfacing C.D.B.G., be awarded to A.W. Oakes & Son, Inc., Racine, WI, at their bid price of \$214,652.00, they being the lowest responsible bidder.

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

\$182,701.90 - Account 898.030.5520, CDBG Asphalt
\$ 29,500.10 - Account 104.900.5420, Storm Sewers, Misc. Loc.
\$ 2,450.00 - Account 988.600.5010, Traffic Signal Replacements
\$214,652.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

107. [Res.08-0784](#) Contract for 2008 City Resurfacing

Resolved, that Contract 22-08 (K8-026), 2008 City Resurfacing (R1), be awarded to A.W. Oakes & Son, Inc., Racine, WI, at their bid price of \$928,982.02, they being the lowest responsible bidder.

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

\$500,000.00 - Account 988.908.5130, Asphalt Resurfacing
\$ 12,133.16 - Account 987.908.5130, Asphalt Resurfacing
\$237,531.56 - Account 104.987.5420, Storm Water
\$ 53,542.40 - Account 987.907.5310, Sanitary Sewer
\$ 4,871.53 - Account 287.988.5310, Sanitary Sewer - Var. Loc.
\$ 39,457.60 - Account 986.907.5320, Sanitary Manhole Reconstruction
\$ 75,000.00 - Account 988.590.5010, Replace City Circuits
\$ 3,977.33 - Account 986.908.5210, New Curb & Gutter
\$ 2,468.44 - Account 986.600.5030, LED Traffic Signals
\$928,982.02 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

108. [Res.08-0785](#) Waive Formal Bidding Procedures

Resolved, that the request to waive formal bidding procedures be approved in accordance with State Statutes that allow for the waiving of public bids for the purpose of maintaining uniformity of equipment and services.

Further resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Johnson Controls, Inc. for the replacement of boiler control and temperature control equipment at Wustum Museum, Graceland Cemetery, Washington Park Golf Course and the Racine Zoological Gardens for the not-to-exceed price of \$114,241.00.

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

\$ 17,657.00 - Account 107.000.5780, Building Automation Upgrade
Washington Park
\$ 20,870.00 - Account 207.000.5770, Building Automation Upgrade
Graceland Cemetery
\$ 28,945.00 - Account 988.740.5040, Zoo Building Automation Upgrade
\$ 46,769.00 - Account 655.000.5970, Building Automation Upgrade
Wustum Museum
\$114,241.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

109. [Res.08-0786](#) Final payment on Contract for Stormwater Permit Compliance

Resolved, that the professional services provided by Earth Tech, Inc., under Contract 34-07 (K7-040), PS - 2007 NR 216 Stormwater Permit Compliance, be accepted and final payment authorized for a total contract amount of \$49,500.00, from funds heretofore appropriated.

Fiscal Note: Contract was authorized under Res. 07-0119, dated March 20, 2007.

Sponsors: Gregory Holding

110. [Res.08-0787](#) Amendment to contract for Database for Sanitary Sewer Maintenance Program

Resolved, that Amendment No. 1 to Contract 11-08 (K8-012), Develop Database for Sanitary Sewer Maintenance Program, Phase II, Earth Tech, Inc., consultant, be approved in the amount of \$34,850.00.

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

\$17,425.00 - Account 104.988.5420, Storm Sewers, Misc.

\$17,425.00 - Account 287.988.5310, Sanitary Sewer - Various Locations

\$34,850.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

111. [Res.08-0788](#) Change Order on contract for Racine Public Library Interior Remodeling

Resolved, that Change Order No. 1 on Contract 15-07 (K7-018), Racine Public Library - Interior Remodeling, Imagine That GC LLC, contractor, as submitted, be approved in the amount of \$3,461.75.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 771.000.5950, Misc. Expenses.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

112. [Res.08-0789](#) Change Order for Sixth Street Utility Construction

Resolved, that Change Order No. 1 on Contract 3-08 (K8-003), Sixth Street Utility Construction (R1), Globe Contractors, Inc., contractor, as submitted, be approved in the amount of \$11,916.50.

Further resolved, that funding to defray the cost of this change order be appropriated from the Racine Water Utility.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

113. [Res.08-0790](#) Contract for Inspection of City bridges

Resolved, that the Mayor and City Clerk be authorized and directed to execute a contract with Ayres Associates for professional services for 2008 Bridge Inspection Services, at a cost not-to-exceed \$18,170.51.

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

\$ 8,799.48 - Account 101.520.5770, Fixed Bridge Inspections

\$ 9,371.04 - Account 930.063.5810, Lift Bridge Underwater Inspection

\$18,170.51 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

114. [Res.08-0791](#) Three Party Contract with State for Reconstructing State Street

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a 3-party contract with the State of Wisconsin Department of Transportation and Bonestroo, Inc. for professional engineering services for reconstructing State Street (STH 38) from N. Memorial Drive to LaSalle Street, State Project ID: 2290-12-00, for the not-to-exceed cost of \$349,966.48, which is funded 75% by the State of Wisconsin, or \$262,474.86, and 25% by the City of Racine, or \$87,491.62.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 988.908.5040, State Street - Memorial to LaSalle.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

115. [Res.08-0792](#) Grant Agreement from Wisconsin Dept. of Natural Resources

Resolved, that the Commissioner of Public Works/City Engineer be

authorized and directed to sign a Colonial Park Root River Stabilization Grant agreement, on behalf of the City of Racine, in the amount of \$41,000.00, with the Wisconsin Department of Natural Resources for the installation of streambank restoration and stabilization practices on the Root River between Colonial Park and Lincoln Park at an estimated project cost of \$102,500.00.

Fiscal Note: The local share of this project is estimated at \$61,500.00 and funding is available in Account 104.900.5420, Replacement Storm Sewer Construction.

Sponsors: Gregory Holding

116. [Res.08-0793](#) Revised Project Agreement for Reconstruction of Ohio Street from Durand Avenue to 21st Street

Resolved, that the Mayor and City Clerk be authorized and directed to sign the revised project agreement for reconstructing Ohio Street (LOC STR) from Durand Avenue (STH 11) to 21st Street, State Project ID: 2704-05-00/70.

Fiscal Note: This amended agreement is to add the maximum federal participation for all phases to be limited to \$1,872,640.00. Project costs in excess of this federal cap will be the responsibility of the City of Racine.

Sponsors: Gregory Holding

117. [Res.08-0794](#) Rotary Post Prom Event

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

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

from 7:00 p.m., Saturday, May 17, 2008, to 4:30 a.m., Sunday, May 18, 2008, for the Rotary Post Prom, be approved.

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

- A. A hold harmless agreement be executed;
- B. Proof of liability insurance be filed prior to the event;
- C. The setup and dismantling of barricades will be the responsibility of the sponsor;
- D. Any overtime and/or equipment and material loss will be charged to the sponsor;
- E. Sponsor shall pay a \$350.00 special event fee.

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

Further Resolved, that the request to use Lakefront Parking Lot #4 on May 17 & 18, 2008 be approved at no cost, subject to execution of a hold harmless agreement with the City.

Further resolved, that the Civic Centre Ramp be rented for event goers from 9:00 p.m. on May 17, 2008 to 4:00 a.m. on May 18, 2008, in conjunction with the event.

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

Sponsors: Gregory Holding

118. [Res.08-0795](#) Permission to rent Lakefront Lot No. 5 for Monument Square Art Fair

Resolved, that Monument Square Art Fair be granted permission to lease Lakefront Parking Lot No. 5 on Saturday, June 7 & Sunday, June 8, 2008, subject to payment of the lease costs for the parking lot in accordance with existing policies, and subject to the execution of a hold harmless agreement with the City.

Fiscal Note: The agreement will generate \$360 in revenue for the Parking System.

Sponsors: Raymond DeHahn

119. [Res.08-0796](#) Permission to rent Uptown Lot #5 for Uptown Artist Festival

Resolved, that the Uptown Improvement Organization be granted permission to lease Uptown Parking Lot No. 5 on Saturday, June 14, 2008, subject to payment of the lease costs for the parking lot in accordance with existing policies, and subject to the execution of a hold harmless agreement with the City.

Fiscal Note: The agreement will generate \$46.50 in revenue for the Parking System.

Sponsors: Raymond DeHahn

120. [Res.08-0797](#) Agreement with State for 2008 Belle Urban System funding

Resolved, that the Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City of Racine with the State of Wisconsin for 2008 funding for the Belle Urban System.

Fiscal Note: The City of Racine will receive up to \$1,932,434 to assist with the operating costs of the Belle Urban System for 2008.

Sponsors: Raymond DeHahn

121. [Res.08-0798](#) Agreement with State for 2008 funding for Wisconsin Coach Lines

Resolved, that the Mayor and City Clerk be authorized and directed to execute an agreement on behalf of the City of Racine with the State of Wisconsin for 2008 funding for the Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service.

Fiscal Note: The City of Racine will receive up to \$642,925 to assist with the operating costs of the Wisconsin Coach Lines Kenosha-Racine-Milwaukee intercity bus service for 2008. No city funding is involved.

Sponsors: Raymond DeHahn

122. [Res.08-0799](#) Contract with State for Operating Assistance in 2008 for the Wisconsin Coach Lines

Resolved, that the Mayor and City Clerk be authorized and directed to execute a contract on behalf of the City of Racine with the State of Wisconsin to allow for the pass through of State operating assistance for 2008.

Fiscal Note: The contract will allow the City of Racine to pass through \$642,925 in State aid to Wisconsin Coach Lines for Kenosha-Racine-Milwaukee intercity bus service. No City funds will be expended for the provision of this service.

Sponsors: Raymond DeHahn

123. [Res.08-0800](#) Contract Amendment to the City's 2003 Federal Capital Grant

Resolved, that the Mayor and City Clerk be authorized and directed to execute the amendment to the 2003 State capital assistance contract for the Belle Urban System.

Fiscal Note: The amendment will provide an additional \$92,000 previously promised to the Belle Urban System from older Federal grants, for the use in constructing the expansion of the Belle Urban System administrative offices.

Sponsors: Raymond DeHahn

124. [Res.08-0801](#) Amendment to the Professional Services Agreement between City and Architectural Associates

Resolved, that the amendment to the Professional Services Agreement between the City of Racine and Architectural Associates, LTD., be approved

and that the Mayor and City Clerk be authorized and directed to execute the amendment on behalf of the City of Racine.

Fiscal Note: The amendment will increase the agreement by \$19,800, to \$79,200, providing funds for additional work previously authorized, and to provide construction administration services beyond those previously contemplated in the original agreement. Federal grant funds are available to offset 80% of the cost, and the Belle Urban System CIP will provide the remaining funding.

Sponsors: Raymond DeHahn

125. [Res.08-0802](#) Amendment to 2007 State Operating Assistance Agreement between WISDOT and City

Resolved, that the Mayor and City Clerk be authorized and directed to execute the amendment to the 2007 State assistance contract for pass through funds to Wisconsin Coach Lines for the Kenosha-Racine-Milwaukee intercity bus service.

Fiscal Note: The amendment will correct a mistake in the original agreement that was technical in nature and would not change the amount of 2007 funding.

Sponsors: Raymond DeHahn

126. [Res.08-0803](#) Amendment to the 2007 State Operating Assistance Agreement between WISDOT and City for Belle Urban System

Resolved, that the Mayor and City Clerk be authorized and directed to execute the amendment to the 2007 State assistance contract for the Belle Urban System.

Fiscal Note: The amendment will correct a mistake in the original agreement that was technical in nature and would not change the amount of 2007 funding.

Sponsors: Raymond DeHahn

127. [Res.08-0804](#) Final - Ten (10) Year Benefits & Damages

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 25th day of March, 2008, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

PORTLAND CEMENT CONCRETE PAVING

Jonathon Drive from cul-de-sac to North Main Street.

North Bay Drive from Sheffield Drive to Cul-de-sac.
Westminster Square from Steeplechase Drive (W) to Steeplechase Drive (E).
Ruby Avenue from Melvin Avenue to Lombard Avenue.
Riverside Drive from Cedar Bend Avenue to Clayton Avenue
Hickory Way from Ravine Drive to Crabapple Drive.

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

1. That the report of the Commissioner of Public Works pertaining to the construction of the above described public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved.
2. That the Commissioner of Public Works is directed to advertise for bids and to carry out the work of such improvement in accordance with the report of the Commissioner of Public Works.
3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.
4. That benefits and damages shown on the report, as modified, are true and correct, have been determined on a reasonable basis; do not exceed the value accruing to the property therefrom; and are hereby confirmed.
5. That the assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.
6. That the assessments may be paid in cash or if any assessments are over \$200.00 it may be paid in ten (10) annual installments to the City Treasurer, deferred payments to bear interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 9.6% per annum.
7. The City Clerk is directed to publish this resolution in the official newspaper of the City of Racine as a Class I notice in the assessment district.
8. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll, whose post office address is known or can with

reasonable diligence be ascertained.

Dated _____

Signed _____
Mayor

Published _____

Attest _____
City Clerk

Sponsors: Gregory Holding

128. [Res.08-0805](#)

Final - Ten (10) Year
Benefits & Damages

By Alderman Holding:

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on the 29th day of April, 2008, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

PORTLAND CEMENT CONCRETE PAVING

Alley - Kearney Avenue to Hickory Grove; Twenty-first Street to Twentieth Street

Alley - Jay Eye See to Phillips Avenue; Twenty-first Street to Twentieth Street

Alley - DeKoven Avenue to Twentieth Street; East of Phillips Avenue

Alley - DeKoven Avenue to Twentieth Street; Case Avenue to Jay Eye See

Alley - DeKoven Avenue to Eighteenth Street; Clark Street to Racine Street

Alley - Jay Eye See to Case Avenue; Twentieth Street to Twenty-first Street

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

1. That the report of the Commissioner of Public Works pertaining to the construction of the above described public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved.

2. That the Commissioner of Public Works is directed to advertise for bids and to carry out the work of such improvement in accordance with the report of the Commissioner

of Public Works.

3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.

4. That benefits and damages shown on the report, as modified, are true and correct, have been determined on a reasonable basis; do not exceed the value accruing to the property therefrom; and are hereby confirmed.

5. That the assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.

6. That the assessments may be paid in cash or if any assessments are over \$200.00 it may be paid in ten (10) annual installments to the City Treasurer, deferred payments to bear interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 9.6% per annum.

7. The City Clerk is directed to publish this resolution in the official newspaper of the City of Racine as a Class I notice in the assessment district.

8. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll, whose post office address is known or can with reasonable diligence be ascertained.

Dated _____

Signed _____

Mayor

Published _____

Attest _____

City Clerk

Sponsors: Gregory Holding

129. [Res.08-0806](#) A RESOLUTION AMENDING, DESCRIBING AND MAKING CERTAIN FINDINGS AND APPROVING PROJECT PLAN AMENDMENT FOR TAX INCREMENTAL DISTRICTS NO. 2, 5 & 7 IN ORDER TO SHARE REVENUE WITH TAX INCREMENTAL DISTRICTS NO. 3, 6 & 8 CITY OF RACINE, WISCONSIN

WHEREAS, Tax Incremental District No. 2 (the "Donor District") was created by the City of Racine on June 24, 1983 as a rehabilitation district; and

WHEREAS, Tax Incremental District No. 2 (the "Donor District") was amended by the City of Racine on October 16, 2001 to share increment with Tax Incremental Districts No. 3, 5, 6 and 8 for 5 years; and

WHEREAS, Tax Incremental District No. 5 (the "Donor District") was created by the City of Racine on September 17, 1985 as an industrial district; and

WHEREAS, Tax Incremental District No. 7 (the "Donor District") was created by the City of Racine on March 21, 1989 as a rehabilitation district; and

WHEREAS, Tax Incremental District No. 3 (the "Recipient District") was created by the City of Racine on June 24, 1983 as a rehabilitation district; and

WHEREAS, Tax Incremental District No. 6 (the "Recipient District") was created by the City of Racine on March 3, 1987 as a rehabilitation district; and

WHEREAS, Tax Incremental District No. 6 (the "Recipient District") was amended by the City of Racine on December 7, 1993 to add a contribution to the Redevelopment Authority as an eligible expense; and

WHEREAS, Tax Incremental District No. 8 (the "Recipient District") was created by the City of Racine on July 17, 1990 as a rehabilitation district; and

WHEREAS, the City desires to amend the Donor Districts, in accordance with the provisions of Section 66.1105 of Wisconsin Statutes (the "Tax Increment Law") to extend the period of time in which the Districts can share surplus increment revenues with the Recipient Districts as authorized by Wisconsin State Statutes; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on April 30, 2008, held a public hearing concerning the proposed amendment of the District and proposed Project Plan Amendment thereof in the City, wherein interested parties were afforded a reasonable opportunity to express their views; and

WHEREAS, prior to its publication, a copy of the notice of said hearing was sent to the chief executive officer of Racine County, the Racine School District Board, and the Gateway Technical College District, and the other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, after said public hearing, the Plan Commission recommended to the City Council that it amend such District as specified in the Project Plan Amendment attached to this resolution as Exhibit A hereof, and entitled "Project Plan Amendment of Tax Incremental District No. 2, 5 and 7, City of Racine"; and

WHEREAS, the Plan Commission has prepared a Project Plan Amendment to

the District attached as Exhibit A (the "Amendment"), which includes the following changes to the District's Project Plan relating to the proposed allocation of positive increments from the Donor Districts to the Recipient Districts:

- a. Purpose and findings;
- b. An updated economic feasibility study;
- c. A summary of the proposed donor and recipient district's performance; and

WHEREAS, the Plan Commission has submitted such Project Plan Amendment to the City Council and recommended approval thereof;

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

1. Pursuant to the Tax Increment Law, there are hereby amended in the City of Racine, as of January 1, 2008, Districts known as "Tax Incremental Districts No. 2, 5 and 7, City of Racine", the boundaries of which shall remain the same as in the original Project Plans.

2. The City Council hereby finds and declares that:

- (a) Based upon the findings, as stated in (a) above, Tax Incremental Districts No. 2 and 7 remains declared as a rehabilitation District or conservation District within the meaning of Section 66.1337(2m)(b) of the Wisconsin Statutes and Tax incremental District No. 5 remains declared as an industrial District within the meaning of Section 66.1101 of the Wisconsin Statutes based on the identification and classification of the property included within the Districts; and
- (b) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District; and
- (c) The projects, costs, and boundaries will not change as a result to this amendment; and
- (d) The allocation of positive tax increments with the Recipient District for as long as the Districts are in existence and as needed. Donor Districts; Tax Incremental District No. 2 must close by the year 2009, Tax Incremental District No. 5 must close by the year 2012, Tax Incremental District No. 7 must close by the year 2016. Recipient Districts; Tax Incremental District No. 3 must close by the year 2010, Tax Incremental District No. 6 must close by the year 2014, and Tax Incremental District No. 8 must close by the year 2017,

BE IT FURTHER RESOLVED THAT the City Council of the City of Racine approves the Project Plan Amendment adopted by the Plan Commission, attached as Exhibit A, and finds that:

1. Such Amendment for the District in the City is feasible, and
2. Such Amendment is in conformity with the master plan of the City.

The City Clerk is hereby authorized and directed to notify the Wisconsin Department of Revenue, within 60 days of that this amendment has taken place, pursuant to the provisions of Section 66.1105(5)(b) of the Wisconsin Statutes.

The City Assessor is hereby authorized and directed to make notations to the assessment roll under Section 70.45 of the Wisconsin Statutes, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Fiscal Note: The amendment will result in the sharing of an estimated \$7.4 million in incremental revenue between the districts over the five years period. Without the sharing, the shortfalls in TIDs Nos. 3, 6 and 8 would be made up from general revenue.

Sponsors: Gregory Holding

130. [Res.08-0807](#)

A RESOLUTION AMENDING, DESCRIBING AND MAKING CERTAIN FINDINGS FOR APPROVING A PROJECT PLAN AMENDMENT AND AMENDED BOUNDARIES FOR TAX INCREMENTAL DISTRICT NO. 10, CITY OF RACINE, WISCONSIN

WHEREAS, Tax Incremental District No. 10 (the "District") was created by the City of Racine (the "City") on April 13, 2003 as an industrial district; and

WHEREAS, in order to further the goals contained in the original Project Plan for the District, the City now finds it desirable to amend the District's boundaries to add additional property for the benefit of the taxpayers of the overlapping jurisdictions, and to amend the Project Plan to update and provide for the undertaking of additional expenditures; and

WHEREAS, the City desires to amend the District, in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes (the "Tax Increment Law"), in order to provide a viable method of financing the costs of needed public improvements and other project costs within said District and thereby provide incentives and opportunities for appropriate private development, which will contribute to the overall development of the City; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on April 30, 2008 held a public hearing concerning the proposed amendment to the Project Plan and boundaries of the District, wherein interested parties were afforded a reasonable opportunity to express their views; and

WHEREAS, prior to its publication, a copy of the notice of said hearing was sent to the chief executive officer of Racine County, the Racine School District, and the Gateway Technical College District, and the other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, after said public hearing, the Plan Commission approved the amendment to the boundaries of the District and recommended to the City Council that it approve the amendment to the boundaries, as specified in the boundary description attached to this resolution as Exhibit A hereof, and entitled "Boundary Description of Tax Incremental District No. 10 Amendment, City of Racine", and

WHEREAS, the Plan Commission has prepared and adopted a Boundary and Project Plan Amendment to Tax Incremental District No. 10 (the "Amendment") which includes:

- a. A Statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Section 66.1105(2)(f)1., Wisconsin Statutes outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when such costs or monetary obligations related thereto are to be incurred;
- e. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- f. A list of estimated non-project costs;
- g. A statement of the proposed plan for relocating any displaced persons or businesses;
- h. A statement of how the district promotes orderly development;
- i. A map showing existing uses and conditions of real property in such District;
- j. A map showing proposed improvements and uses therein;
- k. An opinion of the City Attorney or of an Attorney retained by the City advising the plan is complete and complies with Wisconsin Statutes, Section 66.1105(4)(f); and

WHEREAS, the Plan Commission has submitted such Amendment to the City Council and recommended approval thereof;

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

1. Pursuant to the Tax Increment Law, there is hereby amended the boundaries of, in the City of Racine, as of January 1, 2008, a District known as "Tax Incremental District No. 10, City of Racine", the boundaries of which shall be those recommended to the City Council by the Plan Commission, as specified in the

attached Exhibit A, and;

2. The City Council hereby finds and declares that:

- (a) Not less than 50% by area of the real property within the District, as amended, is suitable for industrial sites and zoned for industrial use within the meaning of Section 66.1101 of the Wisconsin Statutes' and at least 50% by area of the real property within the territory incorporated by this amendment is found suitable for industrial sites and is zoned for industrial use at the time of the amendment of the District will remain zoned for industrial use for the life of the District; and
- (b) Based upon the findings, as stated in (a) above, the District remains declared as an industrial area District based on the identification and classification of the property included within the District; and
- (c) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District; and
- (d) The equalized value of taxable property of the as District, as amended, plus the value increment of all other existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City; and
- (e) The City estimates that none of the territory within the District, as amended, will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Sections 66.1105(5)(b) and 66.1105(6)(am)1 of the Wisconsin Statutes; and
- (f) The project costs relate directly to promoting industrial development in the District consistent with the purpose for which the District was created; and
- (g) Any real property within the District that is found suitable for industrial sites and is zoned for industrial use will remain zoned for industrial use for the life of the District.

BE IT FURTHER RESOLVED THAT the City Council of the City of Racine approves the Amendment to the Project Plan adopted by the Plan Commission, attached as Exhibit B, and finds that:

- 1. Such Amendment for the District in the City is feasible, and;
- 2. Such Amendment is in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2008, pursuant to the provisions of Section 66.1105(5)(b) of the Wisconsin Statutes.

The City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Section 70.45 of the Wisconsin Statutes, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Fiscal Note: This amendment enlarges the district to include parcels on the west side of newly opened and reconstructed Phillips Avenue. The amendment also updates the project budget to reflect brownfield remediation and economic development grants received by the project and includes a revised forecast of future tax rates. The amendment does not provide any additional funding for the project.

Sponsors: Gregory Holding

131. [Res.08-0808](#)

A RESOLUTION AMENDING, DESCRIBING AND MAKING CERTAIN FINDINGS AND APPROVING PROJECT PLAN AMENDMENT FOR TAX INCREMENTAL DISTRICT NO. 15, CITY OF RACINE, WISCONSIN

WHEREAS, Tax Incremental District No.15 (the "District") was created by the City of Racine on August 15, 2006 as a rehabilitation District; and

WHEREAS, in order to promote additional development, the City is amending the District to include additional and/or updated costs estimates and projects that were above the amounts estimated and not included in the original plan; and

WHEREAS, the City desires to amend the District, in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes (the "Tax Increment Law"), in order to provide a viable method of financing the costs of needed public improvements and other project costs within said District and thereby provide incentives and opportunities for appropriate private development, which will contribute to the overall development of the City; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on April 30, 2008, held a public hearing concerning the proposed amendment of the District and proposed Project Plan Amendment thereof in the City, wherein interested parties were afforded a reasonable opportunity to express their views; and

WHEREAS, prior to its publication, a copy of the notice of said hearing was sent to the chief executive officer of Racine County, the Racine School District, and the Gateway Technical College District, and the other entities having the power to levy taxes on property located within the District, in accordance with

the procedures specified in the Tax Increment Law; and

WHEREAS, after said public hearing, the Plan Commission recommended to the City Council that it amend such District as specified in the Project Plan Amendment attached to this resolution as Exhibit A hereof, and entitled "Project Plan Amendment of Tax Incremental District No. 15, City of Racine, Wisconsin", and

WHEREAS, the Plan Commission has prepared and adopted a Project Plan Amendment to the District, (the "Amendment") which includes:

- a. A Statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Section 66.1105(2)(f)1., Wisconsin Statutes outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when such costs or monetary obligations related thereto are to be incurred;
- e. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- f. A list of estimated non-project costs;
- g. A statement of the proposed plan for relocating any displaced persons or businesses;
- h. A statement of how the district promotes orderly development;
- i. A map showing existing uses and conditions of real property in such District;
- j. A map showing proposed improvements and uses therein;
- k. An opinion of the City Attorney or of an Attorney retained by the City advising the plan is complete and complies with Wisconsin Statutes, Section 66.1105(4)(f); and

WHEREAS, the Plan Commission has submitted such Project Plan Amendment to the City Council and recommended approval thereof;

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

1. Pursuant to the Tax Increment Law, there is hereby amended in the City of Racine, as of January 1, 2008, a District known as "Tax Incremental District No. 15, City of Racine", the boundaries of which shall remain the same as in the original Project Plan.
2. The City Council hereby finds and declares that:
 - a. Based upon the findings, as stated in (a) above, the District remains declared as a rehabilitation District or conservation District within the meaning of Section 66.1337(2m)(b) of the Wisconsin Statutes based on the identification and classification of the property included within the District,

furthermore any property standing vacant for seven years immediately preceding adoption of the resolution for this district will not comprise more than 25% of the area in the District in compliance with Section 66.11054gm(1) of the Statutes; and; and

- b. The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District; and
- c. The project costs of the District, as amended, relate directly to eliminating blight and directly serve to rehabilitate or conserve the District consistent with the purpose for which the District is created.

BE IT FURTHER RESOLVED THAT the City Council of the City of Racine approves the Project Plan Amendment adopted by the Plan Commission, attached as Exhibit A, and finds that:

1. Such Amendment for the District in the City is feasible, and
2. Such Amendment is in conformity with the master plan of the City.

The City Clerk is hereby authorized and directed to notify the Wisconsin Department of Revenue, within 60 days of adoption of the amendment that this amendment has taken place, pursuant to the provisions of Section 66.1105(5) (cm) of the Wisconsin Statutes.

The City Assessor is hereby authorized and directed to make notations to the assessment roll under Section 70.45 of the Wisconsin Statutes, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Fiscal Note: The amendment revises the TID plan and budget to describe the role of the Redevelopment Authority in the project, particularly the purchase of the former Homeward Bound property by the Authority with funds advanced to the Authority by the Council pursuant to Resolution 07-0385, adopted on August 21, 2007. That resolution produced a project budget of \$399,000. This amendment only reflects that change and does not further increase the budget.

Sponsors: Gregory Holding

132. [Res.08-0809](#) Conditional Use Permit for 2323 S. Green Bay Road

Resolved, that the request from Kevin Libby seeking a conditional use permit to operate a fitness center at 2323 S. Green Bay Road be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on April 25, 2008 be

approved subject to the conditions contained herein.

- b. That the hours the establishment is open to the general public be Monday through Thursday, 5 a.m. to 10 p.m.; Friday 5 a.m. to 9 p.m.; and Saturday and Sunday, 7 a.m. to 5 p.m.
- c. That all signs be professionally made, comply with the zoning ordinance requirements, High Ridge Centre sign standards, and be submitted to the Director of City Development for review and approval.
- d. That no occupancy permit be issued for this business until such time as a three party agreement between the owners of the High Ridge Centre, Toys-R-Us and Regency Mall be submitted to the Director of City Development for review and approval. Said agreement shall address the construction design, scheduling, and maintenance of a cross access drive, and contain a construction completion date of no later than November 1, 2008.
- e. That all trash and recyclables be stored in closed containers and screened from view.
- f. That all codes and ordinances be complied with and required permits acquired.
- g. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.
- h. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

133. [Res.08-0810](#) Conditional Use Permit for 500 Sixth Street

Resolved, that the request by James McCann, representing Tinita LLC., seeking a conditional use permit at 500 Sixth Street for a night club be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on April 30, 2008 be approved, subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That facilities for instruction, special events, and seminars be permitted

as listed in the business plan.

d. That all activities permitted by this conditional use permit be confined to the indoor spaces as indicated on the floor plans submitted with the application.

e. That the security plan provided in the business plan be implemented and maintained in accordance with said plan unless otherwise authorized by the Plan Commission.

f. That the window and door glass surfaces not be obstructed in excess of 15% of their surface area.

g. That all signs be professionally made, comply with zoning ordinance requirements, and be presented to the Downtown Area Design Review Commission for review and approval.

h. That the interior and exterior of property be policed at the close of each business day or after each event so that all trash, debris and refuse are properly clean up and disposed of in a timely fashion.

i. That all music and associated vibration be contained within the building.

j. That all codes and ordinances be complied with and required permits acquired.

k. 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.

l. That this permit is subject to Plan Commission review for compliance with the listed conditions.

m. That the Good Neighbor Policy Agreement for the night club is included by reference in these conditions. In interpreting similar conditions in the Agreement and this conditional use permit, the more restrictive condition shall apply.

Fiscal Note: N/A

Sponsors: Gregory Holding

134. [Res.08-0811](#)

Final - Ten (10) Year
Benefits & Damages

WHEREAS, the Public Works & Services Committee of the Common Council of the City of Racine, Wisconsin, held a public hearing at the Council Chambers in the City Hall at 5:30 P.M. on

the 8th day of April, 2008, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the Commissioner of Public Works on the proposed improvement of:

PORTLAND CEMENT CONCRETE PAVING

Alley - Victory Avenue to Sixteenth Street; Monroe Avenue to West Lawn Avenue

Alley - Monroe Avenue to West Lawn Avenue; Thirteenth Street to Wright Avenue

Alley - Shoreland Drive to North Street; Eighth Avenue to Ninth Avenue

Alley - Northwestern Avenue to Goold Street; Golf Avenue to Georgia Avenue

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

1. That the report of the Commissioner of Public Works pertaining to the construction of the above described public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved.

2. That the Commissioner of Public Works is directed to advertise for bids and to carry out the work of such improvement in accordance with the report of the Commissioner of Public Works.

3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.

4. That benefits and damages shown on the report, as modified, are true and correct, have been determined on a reasonable basis; do not exceed the value accruing to the property therefrom; and are hereby confirmed.

5. That the assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.

6. That the assessments may be paid in cash or if any assessments are over \$200.00 it may be paid in ten (10) annual installments to the City Treasurer, deferred payments to bear interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due shall bear additional interest on the amount due at the rate of 9.6% per

annum.

7. The City Clerk is directed to publish this resolution in the official newspaper of the City of Racine as a Class I notice in the assessment district.

8. The Clerk is further directed to mail a copy of this resolution and a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll, whose post office address is known or can with reasonable diligence be ascertained.

Dated _____
Signed _____
Mayor
Published _____
Attest _____
City Clerk

Sponsors: Gregory Holding

I. Ordinances

135. [COrd.0001-0](#) CHARTER ORDINANCE NO. 0001-08
[8](#)

To amend Charter Ordinance Secs. 2-1, 2-2, 2-52, and 2-76 of the Municipal Code of the City of Racine, Wisconsin, being sections of the Municipal Code of the City of Racine prescribing the method of appointment of various city officers and employees and relating to the human resources department.

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

Part 1:

Sec. 2-1 of the Municipal Code of the City of Racine is hereby repealed and recreated as follows:

“The offices of city clerk, city attorney, city engineer, commissioner of public works, director of information systems and traffic engineer, shall be filled by appointment by the mayor, subject to confirmation by the common council.”

Part 2:

Sec. 2-2 of the Municipal Code of the City of Racine is hereby amended by deleting the phrase “human resources director” and inserting the phrase “director of information systems” in the third line of the paragraph.

Part 3:

Sec. 2-52 of the Municipal Code of the City of Racine is hereby amended by deleting the word "director" and inserting the word "department" in the second and fourth lines of the paragraph.

Part 4:

Sec. 2-76 of the Municipal Code of the City of Racine is hereby amended by inserting the sentence "In addition to other duties, the city attorney shall have the responsibility for the conduct of all labor contract negotiations, with the assistance of the human resources department, and for the conduct of all labor grievance mediations and arbitrations." after the first sentence of the paragraph and by inserting the sentence "The city attorney shall hire and manage all outside legal counsel engaged to represent and/or advise the city regarding all matters of any character." after the last sentence of the paragraph.

Part 5:

This is a Charter Ordinance and shall take effect 60 days after passage and publication, excepting as provided in Wis. Stat. Sec. 66.0101.

Passed by the Common Council:

Approved _____

Mayor

Attest:

City Clerk

FISCAL NOTE: N/A

Sponsors: Thomas Friedel

136. [Ord.08-08](#)

Ordinance 8-08

To amend Secs. 2-208(a)(7); 2-437(a); 26-23(a); 62-29; 62-36; 62-46; 62-48; 70-53; 74-36; 74-37; 74-67; 98-32; 98-33(d); to create Chapter II, Article IV, Division 7; and to repeal Chapter II, Article V, Division 7 of the Municipal Code of the City of Racine, Wisconsin.

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

Part 1:

Sec. 2-208(a)(7) of the Municipal Code of the City of Racine is hereby amended by deleting the phrase "director of" and by inserting the word "department" after the word "resources."

Part 2:

Chapter II, Article IV, Division 7 of the Municipal Code of the City of Racine is hereby created to read as follows:

"DIVISION 7. HUMAN RESOURCES DEPARTMENT

Sec. 2-431. Created.

There is hereby created the human resources department. The city attorney shall serve as the administrative manager of the human resources department. The city attorney may appoint one member of the human resources professional staff to manage the daily operations of the human resources department.

Sec. 2-432. Duties.

It shall be the duty of the human resources department to:

(1) Approve or disapprove the selection, employment, termination, promotion, demotion, layoff and suspension of all personnel, other than those whose appointment has been otherwise specifically provided either by state statute or city ordinance. The city attorney may delegate this duty to the appointed manager of the human resources department.

If the human resources department disapproves of any of the aforementioned activities, the human resources department and the appropriate administrative manager shall exhaust all reasonable means at their disposal in an attempt to resolve or compromise the dispute. If settlement of the dispute is still not forthcoming, such dispute shall be referred to the Finance and Personnel Committee for final resolution.

(2) Recruit applicants for the police and fire departments.

(3) Maintain the classification plan so that it reflects the current duties, responsibilities and nature of work of positions of the city service.

(4) Administer the compensation plan, in accordance with the provisions of the common council and this division.

(5) Develop and administer such recruiting and examination programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the city services.

(6) Encourage and exercise leadership in the development of effective personnel administration within the several departments of the city government and make available the facilities of the department to this end.

- (7) Foster and develop, in cooperation with department heads and others, programs for the improvement of employee effectiveness, including training, safety, health, counseling and welfare.
- (8) Provide for the establishment and maintenance of a roster of all employees in the municipal service.
- (9) Provide a system of checking payrolls to determine that all persons in the municipal service have been appointed and are being paid in accordance with the human resources regulations.
- (10) Prepare and adopt such forms and procedures as it may consider necessary or desirable to carry out the city's human resources program.
- (11) Assist the city attorney's office in conducting all negotiations of city labor contracts or conduct such negotiations at the direction of the city attorney.
- (12) Administer the city health insurance program in accordance with the provisions of the common council.
- (13) Investigate, from time to time, the operations and effects of the human resources rules and practices and report its findings and recommendations to the Finance and Personnel Committee.
- (14) Perform any other lawful acts that the human resources superintendent may consider necessary and desirable to carry out the purposes and provisions of this section or as may be assigned by the city attorney."

Part 3:

Sec. 2-437(a) of the Municipal Code of the City of Racine is hereby amended by deleting the phrase "human resources director" and by inserting the sentence "The city attorney shall function as the administrative manager for the human resources department." at the end of the paragraph.

Part 4:

Chapter II, Article V, Division 7 of the Municipal Code of the City of Racine, Wisconsin, is hereby repealed.

Part 5:

Sec. 26-23(a) of the Municipal Code of the City of Racine is amended by deleting the phrase "director of" and by inserting the word "department" after the word "resources" in the last sentence.

Part 6:

Sec. 62-29 of the Municipal Code of the City of Racine is amended by inserting

the phrase "manager of the" before the word "human," deleting the word "director," and by inserting the word "department" after the word "resources," all in the third sentence.

Part 7:

Sec. 62-36 of the Municipal Code of the City of Racine is amended by deleting the word "director" and inserting the word "department" in the second and third sentences.

Part 8:

Sec. 62-46(1) of the Municipal Code of the City of Racine is amended by inserting the phrase "manager of the" before the word "human," deleting the word "director," and by inserting the word "department" after the word "resources," all in the second sentence.

Sec. 62-46(2)(a) of the Municipal Code of the City of Racine is amended by inserting the phrase "manager of the" before the word "human," deleting the word "director," and by inserting the word "department" after the word "resources."

Sec. 62-46(2)(b) of the Municipal Code of the City of Racine is amended by inserting the phrase "manager of the" before the word "human," deleting the word "director," and by inserting the word "department" after the word "resources."

Part 9:

Sec. 62-48 of the Municipal Code of the City of Racine is amended by deleting the word "director" and inserting the word "department."

Part 10:

Sec. 70-53 of the Municipal Code of the City of Racine is amended by deleting the word "director" and inserting the word "department."

Part 11:

Sec. 74-36 of the Municipal Code of the City of Racine is amended by deleting the phrase "human resources" and inserting the word "personnel" in the first line.

Part 12:

Sec. 74-37 of the Municipal Code of the City of Racine is amended by deleting the phrase "human resources" and inserting the word "personnel" in the first line.

Part 13:

Sec. 74-67(a)(3) of the Municipal Code of the City of Racine is amended by deleting the word "director" and inserting the word "department" in the first sentence and in two places in the second sentence.

Sec. 74-67(b)(4) of the Municipal Code of the City of Racine is amended by deleting the word "director" and inserting the word "department" in the first sentence.

Sec. 74-67(c) of the Municipal Code of the City of Racine is amended by deleting the word "director" and inserting the word "department" in the last sentence.

Part 14:

Sec. 98-32(13) of the Municipal Code of the City of Racine is amended by deleting the phrase "director of" and by inserting the word "department" after the word "resources."

Sec. 98-32(14) of the Municipal Code of the City of Racine is amended by deleting the phrase "director of" and by inserting the word "department" after the word "resources."

Part 15:

Sec. 98-33(d) of the Municipal Code of the City of Racine is amended by deleting the phrase "director of" and by inserting the word "department" after the word "resources."

Part 16:

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: Thomas Friedel

J. Miscellaneous Business

K. Adjourn

Office of The City Clerk

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