



# City of Racine

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

## Meeting Minutes - Final Common Council

*Mayor John T. Dickert, Alderman Q.A. Shakoor, II, Alderman Michael Shields, Alderman Ronald D. Hart, Alderman Jim Kaplan, Alderman Dennis Wisner, Alderman Sandy Weidner, Alderman Terry McCarthy, Alderman Raymond DeHahn, Alderman Gregory Holding, Alderman Robert Mozol, Alderman O. Keith Fair, Alderman Melissa Kaprelian-Becker, Alderman James Morgenroth, Alderman Krystyna Sarrazin, Alderman Molly Hall*

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Tuesday, March 5, 2013

7:00 PM

Room 205, City Hall

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### A. Call To Order

**PRESENT:** 12 - Shields, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart, Sarrazin and Hall

**EXCUSED:** 3 - Fair, Kaprelian-Becker and Weidner

### B. Pledge of Allegiance To The Flag

*Mayor Dickert led the Council in the Pledge of Allegiance to the Flag.*

### C. Approval of Journal of Council Proceedings (Minutes)

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

### D. Public Comments

*Elaine Kinch  
Karl Fuller*

### E. Communications

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

[13-8691](#)

**Subject:** communication from the City Attorney submitting the claim of Jeanette Jones for consideration.

**Referred to Finance and Personnel Committee**

[13-8700](#)

**Subject:** communication from the City Attorney submitting the claim of Catherine Tice for consideration.

**Referred to Finance and Personnel Committee**

13-8719

**Subject:** Communication from the 1st District Alderman and the Racine Coalition for Peace and Justice wishing to discuss strategies in which potential saving of 1.1 million dollars annually to the citizens of the city of Racine.

*Motion made by Alderman Shakoor seconded by Alderman DeHahn to suspend the rules and take the item up. There were no objections to suspending the rules.*

*Motion made by Alderman Shakoor seconded by Alderman Hart to receive and file the item. Motion passed by the following vote:*

**A motion was made by Alderman Q.A. Shakoor, II, seconded by Alderman Ronald D. Hart, Received and FiledThe motion was Approvedby the following vote:**

**AYES:** 9 - Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Sarrazin and Hall

**NOES:** 3 - Shields, DeHahn and McCarthy

**EXCUSED:** 3 - Fair, Kaprelian-Becker and Weidner

13-8724

**Subject:** Communication from the Purchasing Agent for window treatments and installation at Festival Hall, recommending to award the bid to the lowest responsible bidder, Unique Draperies at their bid price of \$25,321.00.

**Referred to Finance and Personnel Committee**

13-8722

**Subject:** Communication from the Assistant Commissioner of Public Works/City Engineer requesting authorization to accept a State of Wisconsin Urban Nonpoint Source & Storm Water (UNPS&SW) Construction Grant for the Washington Park Streambank Stabilization Project. (Grant Control No. 2012-009)

**Referred to Finance and Personnel Committee**

13-8723

**Subject:** Communication from the Assistant Commissioner of Public Works/City Engineer, on behalf of the Harbor Commission, requesting to use \$20,000 of Harbor Commission reserves, available in Account 215.000.4460 to fund \$20,000 of Capital Projects in Account 215.000.5750.

**Referred to the Finance and Personnel Committee**

13-8726

**Subject:** The Racine Civic Centre is requesting that formal bidding be waived and the Purchasing Agent be authorized to negotiate with Stage Right for the purchase of stadium seating for Memorial Hall.

**Referred to the Finance and Personnel Committee**

**Refer to Public Safety and Licensing Committee, by Ald. Holding**

13-8712

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services, requesting to enter into a Professional Services Agreement with Lohmann Golf Designs, Inc. to provide engineering and project management for Johnson Park Tee & Green Renovation Project.

*Motion made by Alderman Holding seconded by Alderman Hart to suspend the rules and take the item up. There were no objections to suspending the rules.*

*Bob Rafael spoke on the item.*

*Motion made by Alderman Holding seconded by Alderman DeHahn to approve the item. Motion passed by the following vote:*

**A motion was made by Alderman Gregory Holding, seconded by Alderman Raymond DeHahn, AdoptedThe motion was Approvedby the following vote:**

**AYES:** 12 - Shields, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Sarrazin and Hall

**EXCUSED:** 3 - Fair, Kaprelian-Becker and Weidner

13-8713

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Island Park, North Softball Diamond Lighting upgrades.

**Referred to Public Safety and Licensing Committee**

13-8714

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to enter into a Professional Services Agreement with David L. Hanson & Associates, Inc. to provide engineering and construction documents for Dr. M.L. King Community Center Gym Lighting upgrades.

**Referred to Public Safety and Licensing Committee**

13-8715

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to enter into a Professional Services Agreement with Mattes Architects & Designers, LLC., to provide architectural design and details for Mound Cemetery ADA Restroom Project.

**Referred to Public Safety and Licensing Committee**

13-8716

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to enter into a Professional Services Agreement with Mattes Architects & Designers, LLC., to provide architectural design and details for Graceland Cemetery Section 23 Cremation Area Project.

Referred to Public Safety and Licensing Committee

[13-8702](#)

**Subject: (New)** Application of Marina's, Marina Vela, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 309 Main Street. (1st District)

Referred to Public Safety and Licensing Committee

**Refer to Committee of the Whole, by Ald. Kaplan**

[13-8695](#)

**Subject:** Communication from Bryan D. Albrecht, President and CEO of Gateway Technical College wishing to discuss the referendum that will be on the April 2, 2013 ballot.

Referred to Committee of the Whole

## F. Committee Reports

**Finance and Personnel Committee Report, by Ald. Shakoor**

[09-3340](#)

**Subject:** Communication from the Alderman of the Third District requesting a 4-year audit of the then Mayor Becker's expenses.

**Recommendation of the Finance & Personnel Committee on 03-23-09:** Defer the item.

**Recommendation of the Finance & Personnel Committee on 2-27-13:** Receive and File.

**Fiscal Note:** N/A

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

[11-5988](#)

**Subject:** Communication from the President of Friends of Seniors requesting to appear before the Finance & Personnel Committee to discuss reduction of rental fee at 201 Goold Street from \$20,000 to \$10,000 per year.

**Recommendation of the Finance & Personnel Committee on 1-24-11:** The item be deferred so it can be looked at during the 2012 budgeting process.

**Recommendation of the Finance & Personnel Committee on 2-27-13:** Receive and File.

**Fiscal Note:** N/A

*Alderman DeHahn requested that item 11-5988 be considered separately.*

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

**AYES:** 11 - DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wiser, Kaplan, Shakoor, II, Hart, Sarrazin and Hall

**NOES:** 1 - Shields

**EXCUSED:** 3 - Fair, Kaprelian-Becker and Weidner

**11-6384**

**Subject:** Communication from the Alderman of the Second District to the Finance & Personnel Committee asking that the interest rate on special assessments for street improvements be lowered from the current eight percent (8%) to the then current rate at which the City of Racine is borrowing money for obligations of not less than 10 years.

**Recommendation of the Finance & Personnel Committee on 5-9-11:** That this item be deferred for one month until more information is available.

**Recommendation of the Finance & Personnel Committee on 2-27-13:** Receive and File.

**Fiscal note:** N/A

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

**12-7753**

**Subject:** Communication from the Fire Chief requesting permission to accept, if awarded, the 2011 FEMA SAFER Fire Act Grant.

**Recommendation of the Finance & Personnel Committee on 6-11-12:** Defer the item.

**Recommendation of the Finance & Personnel Committee on 2-27-13:** Receive & File.

**Fiscal Note:** N/A

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

**13-8580**

**Subject:** Communication from the City Attorney submitting the claim of Sears Holding Corporation for 2012 real estate taxes for consideration.

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

**2-11-13:** Defer the item until the next scheduled Finance & Personnel Meeting.

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

**2-27-13:** The claim for Excessive Assessment filed by Sears Holding Corporation for 2012 Real Estate Taxes be denied.

**Fiscal Note:** N/A

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

[13-8609](#)

**Subject:** Communication from the City Attorney submitting the claim of Giraffe Properties, LLC for 2012 real estate taxes for consideration.

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

**2-27-13:** The claim for Excessive Assessment filed by Giraffe Properties, LLC for 2012 Real Estate Taxes be denied.

**Fiscal Note:** N/A

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

[13-8631](#)

**Subject:** Communication from the Chief of Police requesting to appear before the appropriate committee to discuss Truancy Donations. (Res. No. 13-0099)

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

**2-27-13:** Permission be granted for the Chief of Police to accept donations made to the Truancy Program.

**Fiscal Note:** Donations will be used by the Police Department to address truancy in a holistic manner and reward positive outcomes.

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

[13-8653](#)

**Subject:** Communication from the Assistant Director of City Development requesting authorization to accept a donation of \$535.00 from the Racine County Economic Development Corporation to be applied towards economic development initiatives in the Uptown Business District. (Res. No. 13-0098)

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

**2-27-13:** Permission be granted to the Assistant Director of City Development to accept a donation of \$535.00 from the Racine County Economic Development Corporation to be applied towards economic development initiatives in the Uptown Business District. The remaining funds are being provided to the City of Racine for the

Uptown Exterior Lighting Project.

**Fiscal Note:** The donation is in the amount of \$535.00 with no City match required.

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

[13-8698](#)

**Subject:** (Direct Referral) Communication from the Human Resources Manager and Deputy City Attorney submitting the Racine Professional Employees Association 2013 collective bargaining agreement for consideration. (Res. No. 13-0100)

**Recommendation of the Finance & Personnel Committee on 2-27-13:** To approve the negotiated collective bargaining agreement for the Professional Employees Association for 2013.

**Fiscal Note:** \$0 change over 2012

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

Council Action

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

**AYES:** 12 - Shields, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart, Sarrazin and Hall

**EXCUSED:** 3 - Fair, Kaprelian-Becker and Weidner

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

[12-8379](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 31-12 (K2-033), Door Replacement at City Hall, Festival Hall and Memorial Hall, Drax, Inc., contractor. (Res. No. 13-0112)

**Recommendation of the Public Works and Services Committee on 2-26-13:** That Change Order No. 1 on Contract 31-12 (K2-033), Door Replacement at City Hall, Festival Hall and Memorial Hall, Drax, Inc., contractor, be approved in the deduct amount of (\$87,733.75).

**Fiscal Note:** Change Order No. 1 will result in a decrease in contract price. Funding accounts to be adjusted by (\$87,733.75) is 108.992.5510, MH-East Balcony Doors.

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

Reported. The motion was **APPROVED**.

13-8630

**Subject:** Communication from Downtown Racine Corporation requesting to use city right-of-way for the St. Patrick's Day Parade on Saturday, March 16, 2013. (Res. No. 13-0101)

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

**on 2-26-13:** That permission be granted to the Downtown Racine Corporation to close Ontario Street from the CNH parking lot to State Street, State Street from Erie Street to Main Street, Main Street from State Street to 6th Street, and 6th Street from Main Street to Center Street, on Saturday, March 16, 2013, from 12:00 noon to 2:00 p.m., for a St. Patrick's Day Parade, with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid;
- B. A liability insurance certificate be filed prior to this event;
- C. Any overtime costs incurred by any City department be charged to the sponsor;
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall be responsible for all detour signage during the event.
- F. The sponsor shall pay an \$850.00 special event fee.

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

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

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

13-8636

**Subject:** Communication from Toys for Tots requesting permission to decorate the trophy cabinets at the City Hall Annex. (Res. No. 13-0104)

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

**on 2-26-13:** That Toys for Tots be granted permission to decorate the trophy cabinets at the top of the stairs at the City Hall Annex with Department of Public Works approved items.

**Fiscal Note:** There will be no cost to the City for granting this permission.

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



[13-8637](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations wishing to review the City Hall Renovations-Phase V project.

**Recommendation of the Public Works and Services Committee on 2-26-13:** The communication be received and filed.

**Fiscal Note:** N/A

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

[13-8648](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting Amendment No. 1 to State Contract ID: 2704-00-03, Ohio Street - 16th Street to Washington Avenue (STH 20), Clark Dietz, Inc., consultant. (Res. No. 13-0116)

**Recommendation of the Public Works and Services Committee on 2-26-13:** That Amendment No. 1 on the three-party contract between the State of Wisconsin, City of Racine and Clark Dietz, Inc., State Contract ID: 2704-00-03, Ohio Street, 16th Street to Washington Avenue (STH 20), be approved in the amount of \$18,587.48, with the City's share being \$3,717.50.

**Fiscal Note:** Funding to defray the cost of the City's share of these professional services be appropriated from Account 993.908.5100, Ohio St.-16th Street to Washington Avenue (STH 20).

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

[13-8649](#)

**Subject:** Communication from Adam, Bonnie, and Dale Nelson, owner's of American Grill and Steamworks, requesting permission to extend their business hours for a hot dog cart at designated bump outs in the downtown area. (Res. No. 13-0102)

**Recommendation of the Public Works and Services Committee on 2-26-13:** That Nelson & Son, LLC, dba American Grill & Steamworks, be granted permission to operate a hot dog vending cart on City sidewalk areas, from 10:00 a.m. to 2:00 a.m., with the following stipulations:

A. The applicant shall meet all requirements of the City Health Department and the City Clerk's office;

B. The cart can only be located in front of city owned property, on the widened bump outs, or fronting other publicly owned property;

C. Sidewalks must be a least 10' wide and vendor shall maintain at least a 5' clear zone at all times for pedestrians;

D. The cart shall be removed from the downtown area when not in service;

E. It is permitted to stop temporarily to make a sale as requested by a customer. However, once the sale is completed, the vendor shall move the cart to its approved location.

**Fiscal Note:** The Peddler's License through the City Clerk's office will generate certain funds for the City of Racine.

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

13-8650

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting final payment on Contract 05-11 (K1-005) PS - 2011 Pavement Management, AECOM, consultant. (Res. No. 13-0108)

**Recommendation of the Public Works and Services Committee on 2-26-13:** That the professional services provided by AECOM Technical Services, Inc., under Contract 5-11 (K1-005), Professional Services-2011 Pavement Management, be accepted and final payment authorized for a total contract amount of \$89,052.39.

**Fiscal Note:** Contract was authorized under Resolution No. 10-2314, dated December 7, 2010.

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

13-8651

**Subject:** Communication from the Assistant Commissioner of Public Works/City Engineer submitting Change Order No. 1 on Contract 50-12 (K2-060), 2012 Sidewalk Replacement Phase II, RAZA L.L.C., contractor. (Res. No. 13-0109)

**Recommendation of the Public Works and Services Committee on 2-26-13:** That Change Order No. 1 on Contract 50-12 (K2-060), 2012 Sidewalk Replacement, Phase II, RAZA LLC, contractor, as submitted, be approved in the deduct amount of (\$142,468.02).

**Fiscal Note:** Change Order No. 1 will result in a decrease in contract price. Account 906.000.5520, Sidewalk Replacement, to be adjusted by (\$142,468.02).

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

[13-8652](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting final payment on Contract 50-12 (K2-060) 2012 Sidewalk Replacement, Phase II, RAZA L.L.C, contractor. (Res. No. 13-0110)

**Recommendation of the Public Works and Services Committee on 2-26-13:** That the work done by RAZA LLC under Contract 50-12 (K2-060), 2012 Sidewalk Replacement, Phase II, be accepted and final payment authorized for a total contract amount of \$190,535.70.

**Fiscal Note:** Contract was authorized under Resolution No. 12-3246, dated August 6, 2012.

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

[13-8683](#)

**Subject:** Communication from Peter R. Mauer, Mauer's Marina, requesting to terminate their lease of the property located at the terminus of Superior Street. (Res. No. 13-0103)

**Recommendation of the Public Works and Services Committee on 2-26-13:** That the lease agreement with Peter R. Mauer, for the use of 60 lineal feet of river frontage at the terminus of Superior Street, be terminated.

**Fiscal Note:** Lease was granted under Resolution No. 10-2301, dated December 7, 2010.

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

[13-8684](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting a request to close out Contract 51-11 (K1-056), City Hall Lighting Control System. (Res. No. 13-0111)

**Recommendation of the Public Works and Services Committee on 2-26-13:** That the work done by Johnson Controls, Inc., under Contract 51-11 (K1-056), City Hall Lighting Control System, be accepted and final payment authorized for a total contract amount of \$7,643.00.

**Fiscal Note:** Contract was authorized under Resolution No. 11-2644, dated July 5, 2011.

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

[13-8685](#)

**Subject:** (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 5-10

(K0-005), Recycling Cart Public Education, Corporate Images, Inc., consultant. (Res. No. 13-0107)

**Recommendation of the Public Works and Services Committee on 2-26-13:** That the professional services provided by Corporate Images, Inc., under Contract 5-10 (K0-005), Recycling Cart Public Education, be accepted and final payment authorized for a total contract amount of \$29,875.00.

**Fiscal Note:** Contract was authorized under Resolution No. 09-1760, dated December 15, 2009.

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

[13-8686](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 47-12 (K2-058), ML King Center-Boiler Replacement, Butters-Fetting, LLC, contractor. (Res. No. 13-0113)

**Recommendation of the Public Works and Services Committee on 2-26-13:** That Change Order No. 1 on Contract 47-12 (K2-058), ML King Center-Boiler Replacement, Butters-Fetting, LLC, contractor, be approved in the amount of \$2,000.00.

**Fiscal Note:** Funding to defray the cost of this change order be appropriated from Account 992.660.5010, MLK Boiler Replacement.

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

[13-8687](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 48-12 (K2-059), Central Heating Plant-Boiler Upgrade, Butters-Fetting, LLC, contractor. (Res. No. 13-0114)

**Recommendation of the Public Works and Services Committee on 2-26-13:** That Change Order No. 1 on Contract 48-12 (K2-059), Central Heating Plant-Boiler Upgrade, Butters-Fetting, LLC, contractor, be approved in the amount of \$1,650.00.

**Fiscal Note:** Funding to defray the cost of this change order be appropriated from Account 992.220.5010, Central Heating Plant Boiler Upgrade.

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

[13-8688](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order

No. 1 to Contract 49-12 (K2-060), Equipment Maintenance Garage-Air Handler Replacement, Butters-Fetting, LLC, contractor. (Res. No. 13-0115)

**Recommendation of the Public Works and Services Committee on 2-26-13:** That Change Order No. 1 on Contract 49-12 (K2-060), Equipment Maintenance Garage-air Handler Replacement, Butters-Fetting, LLC, contractor, be approved in the amount of \$4,550.00.

**Fiscal Note:** Funding to defray the cost of this change order be appropriated from Account 401.992.5760, Equipment Garage Air Handlers.

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

[13-8690](#)

**Subject:** (Direct Referral) Communication from the Purchasing Agent submitting bid results on Official Notice No. 3 for janitorial services. (Res. No. 13-0106)

**Recommendation of the Public Works and Services Committee on 3-11-08:** The Mayor and City Clerk be authorized and directed to enter into a contract for the provision of janitorial services for the Building Complex with MJI, Inc., Franksville, WI, they being the lowest responsible bidder, with a two-year bid price of \$223,800.00.

Further recommends that this contract may be renewed for three one (1) year extensions provided the contractor and the City are in mutual agreement.

**Fiscal Note:** Funds to defray the cost of these professional services are available in the following accounts:

\$ 22,800.00 - Account 401.000.5600, Equipment Garage-Contracted Services

\$ 201,000.00 - Account 404.000.5610, Building Complex-Professional Services

\$ 223,800.00 - Total

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

[13-8694](#)

**Subject:** (Direct Referral) Communication from the Purchasing Agent submitting bid results on Official Notice #2 for Two (2) 35,000 GVW 5 Cubic Yard Diesel Dump Trucks with Snowplow, Tailgate Material Spreader and Liquid Dispensing System. (Res. No. 13-0105)

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

**on 2-26-13:** That the contract for Two (2) 35,000 GVW 5 cubic yard diesel dump trucks with snowplow, tailgate material spreader and liquid dispensing system be awarded to Lakeside International Trucks of Milwaukee with Monroe Truck's Equipment, at their bid price of \$242,590.00 with trade-in, they being the lowest responsible bidder.

**Fiscal Note:** Funding to defray the cost of this purchase be appropriated from Account 943.630.5020, Licensed Vehicles.

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

#### Council Action

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

**AYES:** 12 - Shields, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart, Sarrazin and Hall

**EXCUSED:** 3 - Fair, Kaprelian-Becker and Weidner

#### **Public Safety and Licensing Committee Report, by Ald. Holding**

##### 13-8542

**Subject:** Communication from the Mayor requesting that the City Attorney repeal and recreate Sec. 6-106 prohibiting the issuance of a liquor license to premises that have delinquent accounts with the City.

**Recommendation of the Public Safety & Licensing Committee on 2-13-13:** That the item be deferred until we can get further information on some of the questions that were raised.

**Recommendation of the Public Safety & Licensing Committee on 2-25-13:** That the item be deferred.

##### 13-8569

**Subject:** Communication from Alders Kaprelian-Becker and Holding to revise and amend sections of Ordinance 12-12 Secondhand Dealers and Pawnbrokers licenses.

**Recommendation of the Public Safety & Licensing Committee on 2-13-13:** That the item be deferred until the next meeting.

**Recommendation of the Public Safety & Licensing Committee on 2-25-13:** That the ordinance be adopted.

**Fiscal Note:** N/A

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

Reported. The motion was **APPROVED**.

[13-8626](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting that formal bidding be waived and the Purchasing Agent be authorized to negotiate with Carrico Aquatic Resources for a 3 year chemical service contract, beginning May 2013 and ending November 2016 for the Laurel Clark Fountain. (Res. No. 13-0117)

**Recommendation of the Public Safety & Licensing Committee on 2-25-13:** That formal bidding be waived and the Purchasing Agent be authorized to negotiate with Carrico Aquatic Resources for a 3 year chemical service contract, beginning May 2013 and ending November 2016 for the Laurel Clark Fountain be approved.

**Fiscal Note:** Funds are available from 101.700.5630.

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

[13-8627](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting formal bidding be waived and the Purchasing Agent be authorized to negotiate with H & K Sport Fields for a 3 year softball field rehabilitation contract, beginning May 2013 and ending November 2013 for various softball diamonds. (Res. No. 13-0118)

**Recommendation of the Public Safety & Licensing Committee on 2-25-13:** That the formal bidding be waived and the Purchasing Agent be authorized to negotiate with H & K Sport Fields for a 3 year softball field rehabilitation contract, beginning May 2013 and ending November 2013 for various softball diamonds.

**Fiscal Note:** Funds are available from 993.710.5060.

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

[13-8646](#)

**Subject: (Direct Referral)** Request of the Committee for the appearance of Jack Fojtik at the February 25th, 2013 meeting regarding his application for an Operator's (Bartender) License.

**Recommendation of the Public Safety & Licensing Committee on 2-25-13:** That Jack Fojtik's application for an Operator's (Bartender) License be denied based on pending drug charges.

**Fiscal Note:** N/A

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

[13-8632](#)

**Subject:** (New) Application for American Coin and Stamp Supply Inc., for a Secondhand Jewelry Dealer's License for 4625 Washington Avenue. (12th District)

**Recommendation of the Public Safety & Licensing Committee on 2-25-13:** That the Application for American Coin and Stamp Supply Inc., for a Secondhand Jewelry Dealer's License for 4625 Washington Avenue be approved.

**Fiscal Note:** N/A

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

[13-8640](#)

**Subject:** (New) Application of Rapids Food & Liquor Inc., Devendar Singh, Agent for a "Class A" Fermented Malt Beverage and Intoxicating Liquor License for 3015 Rapids Drive. (6th District)

**Recommendation of the Public Safety & Licensing Committee on 2-25-13:** That the application of Rapids Food & Liquor Inc., Devendar Singh, Agent for a "Class A" Fermented Malt Beverage and Intoxicating Liquor License for 3015 Rapids Drive be approved

**Fiscal Note:** N/A

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

[13-8642](#)

**Subject:** (New) Sidewalk Application **w/alcohol** for Dewey's Restaurant and Sports Bar LLC , 600 Main Street, Dan Dumont, Agent. (1st District)

**Recommendation of the Public Safety & Licensing Committee on 2-25-13:** That the request for a Sidewalk Application **w/alcohol** for Dewey's Restaurant and Sports Bar LLC , 600 Main Street, Dan Dumont, Agent be approved pending final inspections.

**Fiscal Note:** N/A

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

[13-8655](#)

**Subject:** (New) Application of Perri's on Main, Melissa Abromaitis, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 240-B Main Street. (1st District)

**Recommendation of the Public Safety & Licensing Committee on 2-25-13:** That Application of Perri's on Main, Melissa Abromaitis, Agent for a "Class B" Fermented Malt Beverage and Intoxicating



Liquor License for 240-B Main Street be approved pending final inspections.

**Fiscal Note:** N/A

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

[13-8656](#)

**Subject: (New)** Application of Blazin Wings, Daniel Collicott, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 5580 Durand Avenue (14th District)

**Recommendation of the Public Safety & Licensing Committee on 2-25-13:** That Application of Blazin Wings, Daniel Collicott, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 5580 Durand Avenue be approved pending final inspections.

**Fiscal Note:** N/A

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

#### Council Action

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

**AYES:** 12 - Shields, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoore, II, Hart, Sarrazin and Hall

**EXCUSED:** 3 - Fair, Kaprelian-Becker and Weidner

#### Traffic Commission Report, by Ald. Hart

[13-8633](#)

**Subject:** Communication from the RWU Field Operations Supervisor requesting "No Parking" signs be posted at 45 Steeplechase Drive.

**Recommendation of the Traffic Commission on 02-18-13:** The request from Racine Wastewater Utility, for No Parking on Steeplechase Drive, south side, from 455 feet west of Lighthouse Drive, west 75 feet, be approved.

**Fiscal Note:** The estimated cost of this signage will result in an installation cost of \$100.00 and an annual maintenance cost of \$40.00.

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

[13-8692](#)

**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. Steeplechase Drive, south side, from 455 feet west of Lighthouse Drive, west 75 feet.**

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

Council Action

**A motion was made by Alderman Ronald D. Hart, seconded by Alderman James Morgenroth, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 12 - Shields, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart, Sarrazin and Hall

**EXCUSED:** 3 - Fair, Kaprelian-Becker and Weidner

**Transit and Parking Commission Report, by Ald. DeHahn**

**12-8391**

**Subject:** (Direct Referral) Communication from the Alderman of the 1st District requesting to speak on a parking problem in his district.

**Recommendation of the Transit and Parking Commission on 12-19-12:** Deferred

**Recommendation of the Transit and Parking Commission on 01-16-13:** Deferred

**Recommendation of the Transit and Parking Commission on 02-20-13:** Receive and File.

**Fiscal Note:** N/A

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

**13-8507**

**Subject:** (Direct Referral) Communication from the Transit and Parking System Manager authorizing distributing of a Request for Proposals (RFP) for BUS exterior bus advertising. (Res. No. 13-0121)

**Recommendation of the Transit and Parking Commission on**

**01-16-13:** Defer

**Fiscal Note:** Exterior BUS advertising generated \$47,000 in revenue in 2012.

**Recommendation of the Transit and Parking Commission on**

**02-20-13:** Approval of the issuance of a Request for Proposal (RFP) for BUS advertising services generating revenue for the Transit Utility.

**Fiscal Note:** Exterior BUS advertising generated roughly \$47,000 in 2012.

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

[13-8515](#)

**Subject:** Communication from Real Racine on behalf of The Color Run requesting permission to use city right-of-way, Pershing Park, parking ramps and the Gateway parking lot for their event from Thursday, May 23, 2013, to Saturday, May 25, 2013. (Res. Nos. 13-0035 and 13-0120) **Dave Blank invited to the meeting.**

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

**on 1-29-13:** That permission be granted to Real Racine to close the following streets and to utilize certain other City streets, as indicated, on their race map, for The Color Run on Saturday, May 25, 2013:

Pershing Park Drive from 6th St to 11th Street  
11th Street from Main Street to Pershing Park Drive  
Main Street from 10th Street to 11th Street  
10th Street from Main Street to Lake Avenue  
Lake Avenue from 10th Street to State Street  
6th Street from Pershing Park Drive to Center Street  
7th Street from Lake Avenue to Center Street  
Main Street from 7th Street to Main Street Bridge  
Gaslight Drive from Lake Avenue to cul-de-sac  
2nd Street from Main Street to Wisconsin Avenue  
Wisconsin Avenue from 2nd Street to 3rd Street  
3rd Street from Wisconsin Avenue to Main Street

with the following stipulations:

- A. A hold harmless agreement be executed and a \$62.50 processing fee paid.
- 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 \$1,700.00 special event fee.
- F. Sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval; and providing and removing all temporary traffic control devices and detour signs.
- G. Sponsor shall provide a detour plan for the closure of all State Connecting Highways, arterial and collector streets to the City Engineer for approval.
- H. Sponsor shall pay \$750.00 for street sweeping.
- I. Sponsor shall pay \$6.25 per impacted parking meter.

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.

**Recommendation of the Board of Parks, Recreation & Cultural Services on 2/13/13:** To approve the communication from Real Racine on behalf of the Color Run requesting permission to use City right-of-ways, Pershing Park, boat launch parking lot, parking ramps, the Gateway parking lot and overnight security for their event from Thursday, May 23 to Saturday, May 25, 2013.

**Fiscal Note:** Park Rental Fee & Deposit

**Recommendation of the Transit and Parking Commission on 02-20-13:** Approval granted for free public utilization of downtown parking ramps and Lakefront Lot #5 along with bagging of 500 street meters for the Color Run on Saturday morning May 25, 2013 subject to a payment to the Parking Utility of \$4,776.84 to cover Parking Utility overtime costs, the loss of ramp, gate and meter revenue in addition to a hold harmless agreement to be executed and a \$62.50 processing fee be paid.

**Fiscal Note:** Parking Utility revenue credit in the amount of \$4,776.84.

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

[13-8534](#)

**Subject:** Communication from Rita Lewis, Racine Montessori School, wishing to rent Lakefront Lot No. 5 from 5:30 A.M. to 5:30 P.M. on Saturday, May 4, 2013 for the Lakefront Artist Fair. (Res. No. 13-0119)

**Recommendation of the Transit and Parking Commission on 02-20-13:** Approval of the rental of Lakefront Lot #5 on Saturday, May

4, 2013, for the Lakefront Artist Fair, subject to payment of lease costs of \$230.00 and a hold harmless agreement be executed and a \$62.50 processing fee be paid.

**Fiscal Note:** Parking Utility revenue credited with \$230.00.

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

[13-8638](#)

**Subject:** Communication from the Transit and Parking System Manager submitting a request to consider BUS operational issues and reports including: 2012 Annual Report, 2013 Goals, SE WI Regional Plan Commission 2013-2017 Transit Development Plan Public Outreach on March 6, 2013, and January 2013 monthly BUS General Manager's Report.

**Recommendation of the Transit and Parking Commission on 02-20-13:** Receive and file.

**Fiscal Note:** N/A

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

[13-8639](#)

**Subject:** Communication from the Transit and Parking System Manager submitting a request to consider adjusting the rate charged for BUS tokens to \$1.50 to equal the rate per ride of the 10-ride pass. (Res. No. 13-0122)

**Recommendation of the Transit and Parking Commission on 02-20-13:** Approval to raise the price of BUS tokens from \$1.00 to \$1.50.

**Fiscal Note:** Estimated to increase Transit Utility annual revenue by roughly \$40,000.

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

[13-8641](#)

**Subject:** Communication from the Transit and Parking System Manager requesting the Common Council to authorize the Mayor and City Clerk to enter into a contract with Racine County regarding distribution of State transit operating funds for 2013. (Res. No. 13-0123)

**Recommendation of the Transit and Parking Commission on 02-20-13:** The Mayor and City Clerk be authorized and directed to enter into a contract with Racine County regarding distribution of Wisconsin transit operating funds for 2013.

**Fiscal Note:** Estimated Transit Utility revenue of \$20,000.

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

#### Council Action

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

**AYES:** 12 - Shields, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart, Sarrazin and Hall

**EXCUSED:** 3 - Fair, Kaprelian-Becker and Weidner

#### **Committee of the Whole Report, by Ald. Kaplan.**

##### 12-8301

**Subject:** (Direct Referral) communication from the City Attorney submitting an ordinance effectuating the Mayor's October 31, 2011 Executive Order prohibiting weapons in City of Racine municipal buildings. (Ord.06-13)

**Recommendation of the Committee of the Whole on 02-20-2013:** to repudiate any prior orders regarding concealed carry and to approve the Ordinance language submitted by the City Attorney's Office.

**Fiscal Note:** N/A

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

#### **Office of the Mayor Report, by Ald. Kaplan.**

##### 13-8701

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

Appoint Don Schumacher 304 16th St Racine, 53403 to the Landmark Preservation Commission for a 3 year term, expiring May 1, 2016

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

## **G. Consent Agenda - Resolutions**

##### Res.13-0097

Cable Access Racine (Car 25) Operation and Management

Resolved, that the Mayor and Clerk are authorized to enter into a

contract with Skies Fall Media Group for the operation and management of Cable Access Racine (CAR 25) for a one year period.

Fiscal Note: Funds are available in Fund 203 Car 25.

Sponsors: Q.A. Shakoor, II

*Alderman Shakoor requested Resolution #13-0097 be considered separately.*

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

**AYES:** 10 - DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart and Hall

**NOES:** 2 - Shields and Sarrazin

**EXCUSED:** 3 - Fair, Kaprelian-Becker and Weidner

**Res.13-0098** Donation for Economic Development Initiatives in the Uptown Business District

Resolved, that permission is granted to the Assistant Director of City Development to accept a donation of \$535.00 from the Racine County Economic Development Corporation to be applied towards economic development initiatives in the Uptown Business District. The remaining funds are being provided to the City of Racine for the Uptown Exterior Lighting Project.

Fiscal Note: The donation is in the amount of \$535.00 with no City match required.

Sponsors: Q.A. Shakoor, II

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

**Res.13-0099** Truancy Donations

Resolved, that permission is granted for the Chief of Police to accept donations made to the Truancy Program.

Fiscal Note: Donations will be used by the Police Department to address truancy in a holistic manner and reward positive outcomes.

Sponsors: Q.A. Shakoor, II

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

**Res.13-0100** Racine Professional Employees Association 2013 Collective Bargaining Agreement

Resolved, that the negotiated collective bargaining agreement for the Professional Employees Association for 2013 is approved.

Fiscal Note: \$0 change over 2012.

Sponsors: Q.A. Shakoor, II

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

**Res.13-0101**

2013 St. Patrick's Day Parade

Resolved, that permission is granted to the Downtown Racine Corporation to close Ontario Street from the CNH parking lot to State Street, State Street from Erie Street to Main Street, Main Street from State Street to 6th Street, and 6th Street from Main Street to Center Street, on Saturday, March 16, 2013, from 12:00 noon to 2:00 p.m., for a St. Patrick's Day Parade, with the following stipulations:

A. A hold harmless agreement be executed and a \$75.00 processing fee paid;

B. A liability insurance certificate be filed prior to this event;

C. Any overtime costs incurred by any City department be charged to the sponsor;

D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event;

E. The sponsor shall be responsible for all detour signage during the event; and

F. The sponsor shall pay an \$850.00 special event fee.

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

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

Sponsors: Sandy Weidner

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

**Res.13-0102**

American Grill and Steamworks Extended Business Hours for Hot Dog Cart



Resolved, that Nelson & Son, LLC, dba American Grill & Steamworks, is granted permission to operate a hot dog vending cart on City sidewalk areas, from 10:00 a.m. to 2:00 a.m., with the following stipulations:

- A. The applicant shall meet all requirements of the City Health Department and the City Clerk's office;
- B. The cart can only be located in front of city owned property, on the widened bump outs, or fronting other publicly owned property;
- C. Sidewalks must be a least 10' wide and vendor shall maintain at least a 5' clear zone at all times for pedestrians;
- D. The cart shall be removed from the downtown area when not in service;
- E. It is permitted to stop temporarily to make a sale as requested by a customer. However, once the sale is completed, the vendor shall move the cart to its approved location.

Fiscal Note: The Peddler's License through the City Clerk's office will generate certain funds for the City of Racine.

Sponsors: Sandy Weidner

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

**Res.13-0103**

Mauer's Marina Lease Agreement Termination

Resolved, that the lease agreement with Peter R. Mauer, Mauer's Marina, for the use of 60 lineal feet of river frontage at the terminus of Superior Street, is terminated.

Fiscal Note: Lease was granted under Resolution No. 10-2301, dated December 7, 2010.

Sponsors: Sandy Weidner

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

**Res.13-0104**

Decorate Trophy Cabinets at City Hall Annex

Resolved, that Toys for Tots is granted permission to decorate the trophy cabinets at the top of the stairs at the City Hall Annex with Department of Public Works approved items.

Fiscal Note: There will be no cost to the City for granting this permission.

Sponsors: Sandy Weidner

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

**Res.13-0105**

GVW 5 Cubic Yard Diesel Dump Trucks

Resolved, that the contract for two (2) 35,000 GVW 5 cubic yard diesel dump trucks with snowplow, tailgate material spreader and liquid dispensing system is awarded to Lakeside International Trucks of Milwaukee with Monroe Truck's Equipment, at their bid price of \$242,590.00 with trade-in, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this purchase be appropriated from Account 943.630.5020, Licensed Vehicles.

Sponsors: Sandy Weidner

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

**Res.13-0106**

Janitorial Services

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a contract for the provision of janitorial services for the Building Complex with MJI, Inc., Franksville, WI, they being the lowest responsible bidder, with a two-year bid price of \$223,800.00.

Further resolved, that this contract may be renewed for three one (1) year extensions provided the contractor and the City are in mutual agreement.

Fiscal Note: Funds to defray the cost of these professional services are available in the following accounts:

\$22,800.00 - Account 401.000.5600, Equipment Garage-Contracted Services

\$201,000.00 - Account 404.000.5610, Building Complex-Professional Services

\$223,800.00 - Total

Sponsors: Sandy Weidner

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

**Res.13-0107**

Final Payment on Contract 5-10 (K0-005), Recycling Cart Public Education

Resolved, that the professional services provided by Corporate Images, Inc., under Contract 5-10 (K0-005), Recycling Cart Public Education, is accepted and final payment authorized for a total contract amount of \$29,875.00.

Fiscal Note: Contract was authorized under Resolution No. 09-1760, dated December 15, 2009.

Sponsors: Sandy Weidner

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

**Res.13-0108**

Final Payment on Contract 05-11 (K1-005) PS - 2011 Pavement Management

Resolved, that the professional services provided by AECOM Technical Services, Inc., under Contract 5-11 (K1-005), Professional Services-2011 Pavement Management, is accepted and final payment authorized for a total contract amount of \$89,052.39.

Fiscal Note: Contract was authorized under Resolution No. 10-2314, dated December 7, 2010.

Sponsors: Sandy Weidner

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

**Res.13-0109**

Change Order No. 1 on Contract 50-12 (K2-060), 2012 Sidewalk Replacement Phase II

Resolved, that Change Order No. 1 on Contract 50-12 (K2-060), 2012 Sidewalk Replacement, Phase II, RAZA LLC, contractor, as submitted, is approved in the deduct amount of (\$142,468.02).

Fiscal Note: Change Order No. 1 will result in a decrease in contract price. Account 906.000.5520, Sidewalk Replacement, to be adjusted by (\$142,468.02).

Sponsors: Sandy Weidner

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

**Res.13-0110**

Final payment on Contract 50-12 (K2-060) 2012 Sidewalk Replacement, Phase II

Resolved, that the work done by RAZA LLC under Contract 50-12 (K2-060), 2012 Sidewalk Replacement, Phase II, is accepted and final

payment authorized for a total contract amount of \$190,535.70.

Fiscal Note: Contract was authorized under Resolution No. 12-3246, dated August 6, 2012.

Sponsors: Sandy Weidner

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

**Res.13-0111**

Final Payment on Contract 51-11 (K1-056), City Hall Lighting Control System

Resolved, that the work done by Johnson Controls, Inc., under Contract 51-11 (K1-056), City Hall Lighting Control System, is accepted and final payment authorized for a total contract amount of \$7,643.00.

Fiscal Note: Contract was authorized under Resolution No. 11-2644, dated July 5, 2011.

Sponsors: Sandy Weidner

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

**Res.13-0112**

Change Order No. 1 to Contract 31-12 (K2-033), Door Replacement at City Hall, Festival Hall and Memorial Hall

Resolved, that Change Order No. 1 on Contract 31-12 (K2-033), Door Replacement at City Hall, Festival Hall and Memorial Hall, Drax, Inc., contractor, is approved in the deduct amount of (\$87,733.75).

Fiscal Note: Change Order No. 1 will result in a decrease in contract price. Funding accounts to be adjusted by (\$87,733.75) is 108.992.5510, MH-East Balcony Doors.

Sponsors: Sandy Weidner

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

**Res.13-0113**

Change Order No. 1 to Contract 47-12 (K2-058), ML King Center-Boiler Replacement

Resolved, that Change Order No. 1 on Contract 47-12 (K2-058), ML King Center-Boiler Replacement, Butters-Fetting, LLC, contractor, is approved in the amount of \$2,000.00.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 992.660.5010, MLK Boiler Replacement.

**Sponsors:** Sandy Weidner

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

**Res.13-0114**

Change Order No. 1 to Contract 48-12 (K2-059), Central Heating Plant-Boiler Upgrade

Resolved, that Change Order No. 1 on Contract 48-12 (K2-059), Central Heating Plant-Boiler Upgrade, Butters-Fetting, LLC, contractor, is approved in the amount of \$1,650.00.

**Fiscal Note:** Funding to defray the cost of this change order be appropriated from Account 992.220.5010, Central Heating Plant Boiler Upgrade.

**Sponsors:** Sandy Weidner

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

**Res.13-0115**

Change Order No. 1 to Contract 49-12 (K2-060), Equipment Maintenance Garage-Air Handler Replacement

Resolved, that Change Order No. 1 on Contract 49-12 (K2-060), Equipment Maintenance Garage-air Handler Replacement, Butters-Fetting, LLC, contractor, is approved in the amount of \$4,550.00.

**Fiscal Note:** Funding to defray the cost of this change order be appropriated from Account 401.992.5760, Equipment Garage Air Handlers.

**Sponsors:** Sandy Weidner

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

**Res.13-0116**

Amendment No. 1 to State Contract ID: 2704-00-03, Ohio Street - 16th Street to Washington Avenue (STH 20)

Resolved, that Amendment No. 1 on the three-party contract between the State of Wisconsin, City of Racine and Clark Dietz, Inc., State Contract ID: 2704-00-03, Ohio Street, 16th Street to Washington Avenue (STH 20), is approved in the amount of \$18,587.48, with the City's share being \$3,717.50.

**Fiscal Note:** Funding to defray the cost of the City's share of these professional services be appropriated from Account 993.908.5100, Ohio St.-16th Street to Washington Avenue (STH 20).

**Sponsors:** Sandy Weidner

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

**Res.13-0117**

Laurel Clark Fountain

Resolved, that formal bidding is waived and the Purchasing Agent is authorized to negotiate with Carrico Aquatic Resources for a 3 year chemical service contract, beginning May 2013 and ending November 2016 for the Laurel Clark Fountain.

**Fiscal Note:** Funds are available from 101.700.5630.

**Sponsors:** Gregory Holding

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

**Res.13-0118**

Softball Field Rehabilitation Contract

Resolved, that the formal bidding is waived and the Purchasing Agent is authorized to negotiate with H & K Sport Fields for a 3 year softball field rehabilitation contract, beginning May 2013 and ending November 2013 for softball diamonds at the following locations: Lockwood, Humble, Washington Park Bowl and/or Hantschel.

**Fiscal Note:** Cost will be \$25,000.00 per year for three years. Funds are available from 993.710.5060.

**Sponsors:** Gregory Holding

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

**Res.13-0119**

2013 Lakefront Artist Fair

Resolved, that permission is granted for the rental of Lakefront Lot #5 on Saturday, May 4, 2013, for the Lakefront Artist Fair, subject to payment of lease costs of \$230.00 and a hold harmless agreement be executed and a \$75.00 processing fee be paid.

**Fiscal Note:** Parking Utility revenue credited with \$230.00.

**Sponsors:** Raymond DeHahn

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

**Res.13-0120**

2013 Color Run

Resolved, that permission is granted to Real Racine to close the

following streets and to utilize certain other City streets, as indicated, on their race map, for The Color Run on Saturday, May 25, 2013:

Pershing Park Drive from 6th St to 11th Street  
11th Street from Main Street to Pershing Park Drive  
Main Street from 10th Street to 11th Street  
10th Street from Main Street to Lake Avenue  
Lake Avenue from 10th Street to State Street  
6th Street from Pershing Park Drive to Center Street  
7th Street from Lake Avenue to Center Street  
Main Street from 7th Street to Main Street Bridge  
Gaslight Drive from Lake Avenue to cul-de-sac  
2nd Street from Main Street to Wisconsin Avenue  
Wisconsin Avenue from 2nd Street to 3rd Street  
3rd Street from Wisconsin Avenue to Main Street

with the following stipulations:

- A. A hold harmless agreement be executed and a \$62.50 processing fee paid.
- 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 \$1,700.00 special event fee.
- F. Sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval; and providing and removing all temporary traffic control devices and detour signs.
- G. Sponsor shall provide a detour plan for the closure of all State Connecting Highways, arterial and collector streets to the City Engineer for approval.
- H. Sponsor shall pay \$750.00 for street sweeping.
- I. Sponsor shall pay \$6.25 per impacted parking meter.

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 permission is granted to use City right-of-ways, Pershing Park, boat launch parking lot, parking ramps, the Gateway parking lot and overnight security for their event from Thursday, May 23 to Saturday, May 25, 2013.

Further resolved, that permission is granted for free public utilization of

downtown parking ramps and Lakefront Lot #5 along with bagging of 500 street meters for the Color Run on Saturday morning May 25, 2013 subject to a payment to the Parking Utility of \$4,776.84 to cover Parking Utility overtime costs, the loss of ramp, gate and meter revenue in addition to a hold harmless agreement to be executed and a \$62.50 processing fee be paid.

Fiscal Note: Parking Utility revenue credit in the amount of \$4,776.84. There will be nominal costs to various City departments, on a regular shift basis, to assist in implementing this event. Park Rental Fee & Deposit.

Sponsors: Raymond DeHahn

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

**Res.13-0121** BUS Exterior Bus Advertising

Resolved, that permission is granted for the the issuance of a Request for Proposal (RFP) for BUS advertising services generating revenue for the Transit Utility.

Fiscal Note: Exterior BUS advertising generated roughly \$47,000.00 in 2012.

Sponsors: Raymond DeHahn

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

**Res.13-0122** Adjustment to Rate for BUS Tokens

Resolved, that permission is granted to raise the price of BUS tokens from \$1.00 to \$1.50 to equal the rate per ride fo the 10-ride pass.

Fiscal Note: Estimated to increase Transit Utility annual revenue by roughly \$40,000.00.

Sponsors: Raymond DeHahn

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

**Res.13-0123** Distribution of State Transit Operating Funds for 2013

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a contract with Racine County regarding distribution of Wisconsin transit operating funds for 2013.

Fiscal Note: Estimated Transit Utility revenue of \$20,000.00.



**Sponsors:** Raymond DeHahn

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

Council Action

**A motion was made by Alderman Jim Kaplan , seconded by Alderman Terry McCarthy, that this be Considered as Reported to Adopt the Report. Adopted by the following vote:**

**AYES:** 12 - Shields, DeHahn, McCarthy, Holding, Morgenroth, Mozol, Wisner, Kaplan, Shakoor, II, Hart, Sarrazin and Hall

**EXCUSED:** 3 - Fair, Kaprelian-Becker and Weidner

## H. Ordinances

### Ord.06-13 Ordinance 06-13

To revise, repeal, or create ordinances in Chapter 30, Cemeteries, Article I. - In General; Chapter 66, Offenses, Article III. - Possession or Discharge of Weaponry, Article VI. - Trespass; and Chapter 70, Parks, Recreation, and Cultural Services, Article III. - Parks and Recreation Areas, of the general ordinances of the City of Racine, Racine County, Wisconsin relating to prohibiting weapons in the City of Racine and City of Racine municipal buildings.

Part 1: Section (a) Firearms in Section 30-6 - Rules of conduct; of the Municipal Code of the City of Racine is hereby repealed.

Part 2: Portions of the table in Sec. 66-3(b). - Payment of forfeiture in lieu of court appearance, of the Municipal Code of the City of Racine is hereby amended, recreated or repealed as follows:

Section 66-57 is hereby recreated as follows: "66-57(a) Illegal carrying concealed weapon"

Section 66-57(b) is hereby created as follows: "Licensee carrying concealed weapon without proper identification" Forfeiture amount is "25.00."

Section 66-60 Display of firearms is hereby repealed in its entirety.

Section 66-138 is hereby created as follows: "Trespass with firearm or dangerous weapon" Forfeiture amount is "325.00."

Part 3: The definition of *Bona fide peace officer* in Section 66-56. - Definitions, of the Municipal Code of the City of Racine is hereby

repealed and recreated to read as follows:

*“Bona fide peace officer* means any person specifically employed as a law enforcement officer as defined by sec. 165.85(2)(c), Wisconsin Statutes.”

Part 4: *Dangerous weapon* in Section 66-56. - Definitions, of the Municipal Code of the City of Racine, is hereby recreated to be *“Dangerous weapon and weapon”* with the rest of the definition remaining the same.

Part 5: Section 66-56. - Definitions, of the Municipal Code of the City of Racine is hereby amended to add the following definitions:

*“Carry* means to go armed with.

*Conceal and concealed* means to hide or be hidden from ordinary observation.

*Firearm* shall mean all weapons that act by force of gunpowder within the scope of sec.167.31(1)(c), Wisconsin Statutes.

*Licensed, licensed person, or licensee* means a person who holds a valid license to carry a concealed weapon under sec. 175.60, Wisconsin Statutes.

*Nonresidential building* means buildings not containing residences, and also includes a nursing home, a community-based residential facility, a residential care apartment complex, an adult family home, and a hospice.

*Residence*, with respect to a single-family residence, includes the residence building and the parcel of land upon which the residence building is located. If a residence is not a single-family residence, *residence* does not include any common area of the building in which the residence is located or any common areas on the rest of the parcel of land upon which the residence building is located.

*Sign, signs, and signed* shall refer to written information that provides notice as set forth in sec. 943.13(2), Wisconsin Statutes.

*Special event* shall mean an event that is open to the public, is for a duration of not more than three weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission, and as set forth in sec. 943.13(1e) (h), Wisconsin Statutes.

*Structure* shall have the meaning as set forth in sec. 18-26 for the Racine Code of Ordinances, to-wit: anything which is constructed, erected, and framed of component parts and which is fastened, anchored, or rests on a permanent foundation or on the ground for any occupancy or use whatsoever, excluding fencing, and any structure contemplated by, but not limited to, those enumerated and described in sec. 943.13(1m)(c)4, Wisconsin Statutes.”

Part 6: Section 66.57. - Concealed weapon of the Municipal Code of the City of Racine is hereby repealed and recreated as follows:

“(a) No person shall within the city wear or in any manner carry under his or her clothes or carry and conceal upon or about his or her person, any weapon or dangerous weapon.

(1) Exceptions. This does not apply to any of the following:

a. Bona fide peace officers. Notwithstanding sec. 939.22 (22), Wisconsin Statutes, for purposes of this subsection, bona fide peace officer does not include a commission warden who is not a state-certified commission warden.

b. A qualified out-of-state law enforcement officer, as defined in sec. 941.23(1)(g), Wisconsin Statutes, to whom sec. 941.23(2)(b)1. to 3., Wisconsin Statutes, applies.

c. A former officer, as defined in sec. 941.23(1)(c), Wisconsin Statutes, to whom sec. 941.23(2)(c)1. to 7., Wisconsin Statutes, applies.

d. A licensee, as defined in sec. 175.60(1)(d), Wisconsin Statutes, or an out-of-state licensee, as defined in sec. 175.60(1)(g), Wisconsin Statutes.

e. An individual who carries a concealed and dangerous weapon, as defined in s. 175.60(1)(j), Wisconsin Statutes, in his or her own dwelling or place of business, on land that he or she owns, leases, or legally occupies.

f. Persons who are acting in accordance with the provisions of a plan approved by the chief of police under conditions which the chief has determined require the possession and discharge of specified weapons for a particular purpose in the interest of public safety.

(b) It shall be unlawful for a licensee or out-of-state licensee to carry a

concealed weapon within the city without having his or her license document and photographic identification card in his or her possession.

(1) Exceptions. This section does not apply if the licensee or out-of-state licensee was carrying a concealed weapon in his or her own dwelling, in a place of business he or she owns, or on land he or she owns, leases, or legally occupies.

(2) Penalty. Any person who violates this subsection (b) shall be subject to a forfeiture of not more than twenty-five dollars (\$25.00).

(3) Exemption. Any person is exempted from forfeiture under this subsection, if the person presents, within 48 hours of receiving a citation, his or her license document or out-of-state license and photographic identification to the City of Racine Police Department.”

Part 7: Section 66-58. - Possessing dangerous weapon of the Municipal Code of the City of Racine is hereby repealed and recreated as follows:

**“Sec. 66-58. Possessing firearm or dangerous weapon.**

(a) Weapons in city buildings.

(1) No person may possess or bring any concealed or unconcealed firearm or weapon into or upon any City owned, occupied, or controlled building or structure at any time.

(2) No person may cause any concealed or unconcealed firearm or weapon to be brought into or be present upon any City owned, occupied, or controlled building or structure at any time.

(3) No person may enter or remain at any special event at any City owned, occupied, or controlled building, structure, facility, grounds, or land while carrying or possessing any concealed or unconcealed firearm or weapon.

(4) Exceptions.

a. The prohibitions set forth in subsection (a) do not apply to bona fide police officers.

b. The prohibitions set forth in subsection (a) do not apply to City owned, occupied, or controlled buildings, structures, facilities, grounds, or land not containing a “sign” that provides notice as set

forth in sec. 943.13(2), Wisconsin Statutes.

c. The prohibitions set forth in subsection (a) do not apply to a firearm in a vehicle driven or parked in a parking facility, to any part of a building, grounds, or land used as a parking facility or to any part of a special event grounds or building that is used as a parking facility.

(b) No person other than a bona fide peace officer may knowingly carry a concealed weapon, a weapon that is not concealed, or a firearm that is not a weapon in any of the following places:

(1) Any portion of a building that is a police station, sheriff's office, state patrol station, or the office of a division of criminal investigation special agent of the Wisconsin Department of Justice.

(2) Any portion of a building that is a prison, jail, house of correction, or secured correctional facility.

(3) Any secured unit or secured portion of a mental health institute under sec. 51.05, Wisconsin Statutes.

(4) Any portion of a building that is a county, state, or federal courthouse.

(5) Any portion of a building that is a municipal courtroom if court is in session.

(6) A place beyond a security checkpoint in an airport.

(7) Exceptions: These prohibitions do not apply to any of the following:

a. A weapon in a vehicle driven or parked in a parking facility located in a building described in (b)(1)-(6).

b. A weapon in a courthouse or courtroom if a judge who is a licensee is carrying the weapon or if another licensee or out-of-state licensee, whom a judge has permitted in writing to carry a weapon, is carrying the weapon.

c. A weapon in a courthouse or courtroom if a district attorney, or an assistant district attorney, who is a licensee is carrying the weapon.

(c) No person other than a bona fide peace officer may enter or remain in any part of a building that is owned, occupied, or controlled by the state or local governmental unit if the state or local governmental unit has notified the person, by a sign or signs as set

forth in sec. 943.13(2), Wisconsin Statutes, not to enter or remain in the building while carrying a firearm or weapon or that type of firearm or weapon.

(1) This provision does not apply to a person who leases residential or business premises in the building.

(2) This provision does not apply to a firearm or weapon in a vehicle driven or parked in a parking facility or to any part of a building used as a parking facility.

(d) No person other than a bona fide peace officer may enter or remain in any privately or publicly owned buildings on the grounds of a university or college, if the university or college has notified the person, by a sign or signs as set forth in sec. 943.13(2), Wisconsin Statutes, not to enter or remain in the building while carrying a firearm or weapon or with that type of firearm or weapon.

(1) This provision does not apply to a person who leases residential or business premises in the building.

(2) This provision does not apply to a firearm or weapon in a vehicle driven or parked in a parking facility or to any part of a building used as a parking facility.

(e) No person other than a bona fide peace officer may enter or remain at a residence that the person does not own or occupy after the owner of the residence, if he or she has not leased it to another person, or the occupant of the residence, has notified the person as set forth in sec. 943.13(2), Wisconsin Statutes, not to enter or remain at the residence while carrying a firearm or weapon or with that type of firearm or weapon.

(f) No person other than a bona fide peace officer may enter or remain in the common area in a building, or on the grounds of a building, that is a residence that is not a single-family residence if the actor does not own the residence or does not occupy any part of the residence and if the owner of the residence has notified the person as set forth in sec. 943.13(2), Wisconsin Statutes, not to remain in the common area or on the grounds while carrying a firearm or weapon or with that type of firearm or weapon. This provision does not apply to a part of the grounds that is used for parking if the firearm or weapon is in a vehicle driven or parked in that part.

(g) No person other than a bona fide peace officer may enter or remain in any part of a nonresidential building, grounds of a

nonresidential building, or land that the person does not own or occupy after the owner of the building, grounds, or land, if that part of the building, grounds, or land has not been leased to another person, or the occupant of that part of the building, grounds, or land has notified the person as set forth in sec. 943.13(2), Wisconsin Statutes, not to enter or remain in that part of the building, grounds, or land while carrying a firearm or weapon or with that type of firearm or weapon.

(1) This provision does not apply to a part of a building, grounds, or land occupied by the state or by a local unit of government, to a privately or publicly owned building on the grounds of a university or college, or to the grounds of or land owned or occupied by a university or college.

(2) This provision does not apply to a firearm or weapon in a vehicle driven or parked in a parking facility or to any part of a building, grounds, or land used as a parking facility.

(h) No person other than a bona fide peace officer may enter or remain in any part of land that the person does not own or occupy after the owner of the land, if that part of the land has not been leased to another person, or the occupant of that part of the land has notified the person as set forth in sec. 943.13(2), Wisconsin Statutes, not to enter or remain in that part of the land while carrying a firearm or weapon or with that type of firearm or weapon.

(1) This provision does not apply to a part of land occupied by the state or by a local unit of government, to a privately or publicly owned building on the grounds of a university or college, or to the grounds of or land owned or occupied by a university or college.

(2) This provision does not apply to a firearm or weapon in a vehicle driven or parked in a parking facility or to any part of a building, grounds, or land used as a parking facility.

(i) No person other than a bona fide peace officer may enter or remain at a special event if the organizers of the special event have notified the person as set forth in sec. 943.13(2), Wisconsin Statutes, not to enter or remain at the special event while carrying a firearm or weapon or with that type of firearm or weapon. The provision does not apply if the firearm or weapon is in a vehicle driven or parked in the parking facility or to any part of the special event grounds or building that is used as a parking facility.”

Part 8: Section 66-59. - Discharge of weapon of the Municipal Code

of the City of Racine is hereby amended by adding the following:

“This section may not be enforced if the actor’s conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in sec. 939.45., Wisconsin Statutes.

This section shall not apply to persons who are acting in accordance with the provisions of a plan approved by the chief of police under conditions which the chief has determined require the discharge of specified weapons for a particular purpose in the interest of public safety.”

Part 9: In Section 66-60. - Display of firearms of the Municipal Code of the City of Racine, repeal the words “in or upon any public place” in the first sentence.

Part 10: Section 66.61 of the Municipal Code of the City of Racine is hereby created as follows:

**“Sec. 66-61. - Penalty for violation.**

Except as specifically provided for section 66-57(b), upon conviction, any person found to be in violation of this article shall forfeit an amount as provided in section 1-15.”

Part 11: Sections 66-62 - 66-80 of the Municipal Code of the City of Racine are hereby reserved.

Part 12: In Article VI. Trespass of the Municipal Code of the City of Racine, the following section is created as follows:

**“Sec. 66-138. - Trespass with firearm or dangerous weapon.**

No person may enter or remain in or on any public or private property, building, land, grounds, residence, nonresidential building, facility, special event, or other place of any character in violation of section 66-58.”

Part 13: Sections 66-139 - 66-141 of the Municipal Code of the City of Racine are hereby reserved.

Part 14: In the table in Sec. 70-1. - Violations; payment of forfeiture in lieu of court appearance, of the Municipal Code of the City of Racine, Section number 70-79 is repealed in its entirety.

Part 15: In Article III. Parks and Recreation Areas, Section 70-79. -



Carrying weapons is hereby repealed.

Part 16: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Passed by the Common Council:

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

\_\_\_\_\_  
Mayor

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

Fiscal Note: N/A

Sponsors: Jim Kaplan

**Referred to Committee of the Whole**

**I. Adjourn**

The meeting was adjourned at 8:20p.m. by Alderman Shakoor. The next scheduled meeting of the Council is March 19, 2013.

ATTEST: JANICE M. JOHNSON-MARTIN  
CITY CLERK