



City of Racine

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

Meeting Agenda - Final Common Council

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

Tuesday, December 15, 2009

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. Communications

[09-4507](#) **Subject:** Monthly Building Report for November, 2009.

Refer to Finance and Personnel Committee, by Ald. Spangenberg

[07-0857](#) **Subject:** communication from the City Attorney submitting the claim of Juan Oreta for consideration.

[09-4478](#) **Subject:** Communication from Terry Parker, Human Resources Manager, asking to allow our consultant to appear before the Finance and Personnel Committee to discuss the Stop Loss Insurance plan for 2010.

[09-4494](#) **Subject:** Communication from the Interim Public Health Administrator requesting permission to enter into agreements to provide Level I Health Services to the Villages of Elmwood Park and Wind Point.

(Also refer to the Board of Health)

[09-4504](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to accept a donation from Wisconsin

Coastal Management for Increasing Public Access to the Root River.

[09-4525](#)

Subject: Communication from the Chief of Police, requesting authorization to purchase a new radio service monitor for Radio Communications Resources.

(Also refer to Public Safety & Licensing Committee.)

[09-4545](#)

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting to accept a donation of pencil boxes for the "Stay In School - Back To School" program from Iris USA.

[09-4549](#)

Subject: Communication from Scott Nelson, Cable Communication Coordinator, requesting to transfer \$30,000 from account 203.000.5020, Salaries, to account 203.000.5430, Computer Equipment, to be utilized for the office move and network infrastructure relocation. Further request that any unused portion be carried forward in 2010.

[09-4553](#)

Subject: Communication from the Interim Public Health Administrator requesting permission to accept funds from Wisconsin Department of Health Services for the 2010 Consolidated Contract Agreement. (Grant Control #2009-076)

[09-4554](#)

Subject: Communication from the Interim Public Health Administrator requesting permission to accept funds from the Wisconsin Department of Health Services for the 2010 Public Health Preparedness - CDC Contract Agreement. (Grant Control #2009-077)

[09-4556](#)

Subject: Communication from the Interim Public Health Administrator requesting permission to accept funds from the State of Wisconsin, Department of Natural Resources for the purpose of collecting and sharing water quality monitoring data.

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

[09-4521](#)

Subject: Communication from the Alderman of the 15th District wishing to discuss permits for special events held on streets and/or sidewalks.

[09-4523](#)

Subject: Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 2 on Contract 41-09 (K9-042), PS - WisDOT Economic Recovery Stage 2 Applications, Nielsen, Madsen & Barber, consultant.

[09-4524](#)

Subject: Communication from the Commissioner of Public Works/City Engineer submitting final payment on Contract 41-09 (K9-042), PS - WisDOT Economic Recovery Stage 2 Applications, Nielsen, Madsen &

Barber, consultant.

[09-4536](#) **Subject:** Communication from the property owner of 3063 Michigan Boulevard requesting that the City amend the current 60' wide easement for the existing storm sewer. (Res.09-1746)

[09-4546](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 to Contract 63-09 (K9-064) 2009 LED Street Lights, Ltd., EECGB, Spectrum Lighting, contractor.

[09-4568](#) **Subject:** Communication from Commissioner of Public Works/Engineer wishing to discuss with the Public Works and Services Committee the need to pay invoices on Contract 52-07 (K7-061) Remodel Racine Zoological Gardens-Phase III.

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

[09-4540](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting change order # 2 for Garden Crypts and Niche Addition at Mound Cemetery.

[09-4541](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting final payment for the Garden Crypts and Niches at Mound Cemetery.

[09-4542](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting change order #1 for Washington Park Golf Course Lift Station by Wanasek Corp.

[09-4543](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting final payment for Washington Park Golf Course Lift Station by the Wanasek Corp.

[09-4544](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting change order # 1 for Parks & Parking System Improvements by O & M Excavating & Grading Inc.

[09-4550](#) **Subject:** Communication from Racine Urban Garden Network Steering Committee requesting to update City ordinances regarding residential gardening so that they reflect changes in understanding of our natural environment and to support efforts among citizens to help make our City "green".

[09-4552](#) **Subject:** Communication from City of Racine Complete Count Committee requesting to use Monument Square from 6:00 p.m. on

January 22, 2010 and remain over night until 8:00 a.m. on January 23, 2010.

Refer to Traffic Commission, by Ald. Holding

[09-4486](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering wishing to remove the "No Parking 6:00 A.M. to 8:00 A.M." parking restrictions on the west side of Park Avenue between 6th Street and Water Street.

[09-4537](#) **Subject:** Communication from Beverly Eppler requesting street parking changes in the 1900 block of Taylor Avenue.

Refer to Community Development Committee, by Ald. Q. A. Shakoor, II

[09-4539](#) **Subject:** Request from City Development to adopt an Anti-Displacement Plan for HUD Assisted Projects per HUD requirements.

Refer to Board of Parks, Recreation, and Cultural Services, by Ald. McCarthy

[07-0852](#) **Subject:** communication from Downtown Racine Corporation requesting permission to bring in a snow making machine on December 13 and 14, 2009, and to hold a Snow Sculpting Festival event as part of Winterfest on Monument Square from December 18 through December 20, 2009. (Res.09-1745)

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Spangenberg

[08-1670](#) **Subject:** Communication from the City Attorney submitting the claim of Zoe Outreach Ministries for consideration.

Staff Recommendation to the Finance & Personnel Committee on 12-07-09: The claim of Zoe Outreach Ministries, Inc., 2130 Racine St., requesting reimbursement in the amount of \$4,800.00 for cleanup and damages arising from an alleged sewer backup at their property at 2118 Racine Street be denied.

[09-4460](#) **Subject:** Communication from Scott Schuit of Public Golf Associates requesting to change the eligibility of the full season golf pass from City of Racine residents to Racine County residents. (Res.09-1768)

Recommendation of the Finance & Personnel Committee on 12-07-09: That County residents be able to purchase a full season golf

pass at the same rate as City of Racine residents with a one year review clause.

Fiscal Note: It is anticipated that overall revenues will increase.

Recommendation of the Parks, Recreation and Cultural Services

Department 12-09-09: That county residents be able to purchase a full season golf pass at the same rate as the City of Racine residents with a one year review clause.

Fiscal Note: It is anticipated that all overall revenues will increase.

[09-4467](#)

Subject: Amend the Wastewater Commission Capital Improvement Plan for 2010-2014

Recommendation of the Finance & Personnel Committee on

12-07-09: To approve the amendments of the Wastewater Commission Capital Improvement Plan for 2010-2014.

Fiscal Note: The detailed plan is on file in the office of the Wastewater Utility General Manager.

[09-4468](#)

Subject: Approval of the 2010 Wastewater Utility Sewer Rates

Recommendation of the Finance & Personnel Committee on

12-07-09: To adopt the 2010 Wastewater Utility Sewer Rates as presented by the Commission.

Fiscal Note: The detailed rate structures are on file in the office of the Wastewater Utility General Manager.

[09-4480](#)

Subject: Communication from the Purchasing Agent requesting permission to negotiate a new three year contract with Melrose Pyrotechnics for the 4th of July fireworks for the years 2010, 2011, and 2012. (Res.09-1769)

Recommendation of the Finance & Personnel Committee on

12-07-09: That the Purchasing Agent be instructed to negotiate a new three year contract with Melrose Pyrotechnics for the years of 2010, 2011, and 2012.

Fiscal Note: Fireworks for the Fourth of July are annually budgeted at \$40,000 with \$17,500 funded with City funds and \$22,500 funded through donations.

09-4481

Subject: Communication from the Purchasing Agent and award recommendation regarding Official Notice #10, EMS Supplies for the Racine Fire Department for the calendar year 2010. The recommendation for award beginning January 1, 2010 through December 31, 2010, is by individual line item, based on specific criteria.

Funding is available for this expense of \$96,200 in account 101.300.5690, for fiscal year 2010. (Res.09-1744)

Recommendation of the Finance & Personnel Committee on

12-07-09: That Official Notice #10, Emergency Medical Supplies for the Racine Fire Department, be awarded by individual line item based on the following criteria:

1. Low bid per line item.
2. Lowest bid for a specific product if specified as no substitution allowed. No substitution items were specified because of the quality needed for certain items.
3. Some products are sole source; i.e., CPAP (continuous positive airway pressure) supplies are distributed only through Bound Tree Medical.

Recommendation of the Public Safety & Licensing Committee on

12-7-09: That Official Notice #10, Emergency Medical Supplies for the Racine Fire Department, be awarded by individual line item based on the following criteria:

1. Low bid per line item.
2. Lowest bid for a specific product if specified as no substitution allowed. No substitution items were specified because of the quality needed for certain items.
3. Some products are sole source; i.e., CPAP (continuous positive airway pressure) supplies are distributed only through Bound Tree Medical.

Fiscal Note: Funding for this expense in FY2010 is \$96,200 in account 101.300.5690. The Fire Department has consistently stayed within budget regarding this account.

09-4505

Subject: (Direct Referral) Ordinance 25-09 to create Sec. 46-38 of the Municipal Code of the City of Racine, Wisconsin relating to Purchasing Procedure - Purchasing Coalition.

Recommendation of the Finance & Personnel Committee on

12-07-09: That Ordinance 25-09 to create Sec. 46-38 of the Municipal Code of the City of Racine, Wisconsin relating to Purchasing Procedure - Purchasing Coalition be adopted.

Fiscal Note: N/A

Public Works and Services Committee Report, by Ald. Holding[09-4259](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 53-08 (K8-061), City Hall Renovations-Phase II (R1), Absolute Construction Enterprises, Inc., contractor. (Res.09-1753)

Recommendation of the Public Works and Services Committee on 11-10-09: Defer

Recommendation of the Public Works and Services Committee on 12-8-09: The work done by Absolute Construction Enterprises, Inc. under Contract 53-08 (K8-061), City Hall Renovations-Phase II, be accepted and final payment authorized for a total contract amount of \$1,171,235.10.

Fiscal Note: Contract was authorized under Resolution No. 08-1066, dated October 21, 2008.

[09-4263](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 on Contract 52-09 (K9-053), Window Replacement-City Hall Annex, Softer Lite Window Company, contractor. (Res.09-1758)

Recommendation of the Public Works and Services Committee on 10-13-09, 10-27-09, 11-10-09 and 11-24-09: Defer

Recommendation of the Public Works and Services Committee on 12-8-09: That Change Order No. 1 on Contract 52-09 (K9-053), Window Replacement-City Hall Annex, Softer Lite Window Company, contractor, be approved in the amount of \$12,330.00.

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

\$ 1,655.00 - Account 989.200.5020, Annex-Stairwell Windows
\$10,675.00 - Account 987.210.5010, Safety Bldg Precast Panel Repl
\$12,330.00 - Total

Fiscal Note: Funds are available as herein delineated.

[09-4458](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 2 on Contract 22-09 (K9-023), 2009 Alley Paving, A.W. Oakes & Son, Inc., contractor. (Res.09-1754)

Recommendation of the Public Works and Services Committee on 11-24-09: Defer

Recommendation of the Public Works and Services Committee on 12-8-09: That Change Order No. 2 on Contract 22-09 (K9-023), 2009 Alley Paving, A. W. Oakes & Son, Inc., contractor, be approved in the amount of \$14,003.29.

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

\$10,000.00 - Account 989.908.5030, Concrete Alley Paving
\$ 4,003.29 - Account 104.900.5420, Storm Sewers, Misc.
\$14,003.29 - Total

Fiscal Note: Funds are available as herein delineated.

[09-4465](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 51-08(09) (K8-059), City Hall Exterior Restoration, RAM Construction Services, contractor. (Res.09-1751)

Recommendation of the Public Works and Services Committee on 12-8-09: The work done by RAM Construction Services of MI, Inc. under Contract 51-08(09) (K8-059), City Hall Exterior Restoration, be accepted and final payment authorized for a total contract amount of \$139,348.08.

Fiscal Note: Contract was authorized under Resolution No. 09-1563, dated August 18, 2009.

[09-4479](#)

Subject: Communication from Mrs. Lance McClure, 2716 Northwestern Avenue, requesting that the sidewalk along the side of her home be closed.

Recommendation of the Public Works and Services Committee on 12-8-09: That the item be referred to the Parks, Recreation and Cultural Services Commission with the request that the Parks Department maintain the sidewalk during winter months so that school children can use the sidewalk for access to Wadewitz and Gilmore Schools in an easier and safer fashion.

Fiscal Note: Not applicable at this time.

[09-4483](#)

Subject: Communication from the Director of City Development requesting authorization to enter into a revised agreement with E.G. Developments, LLC, for the acquisition of 1425 N. Memorial Drive. (Res.09-1749)

Recommendation of the Public Works and Services Committee on

12-8-09: That the Mayor and City Clerk be authorized and directed to enter into an agreement with E.G. Developments, LLC for the acquisition of 1425 N. Memorial Drive with the following terms and conditions:

1. Lease terminates December 31, 2010, rather than December 31, 2013;
2. Sale is conditional upon County granting waiver of tax arrearage;
3. City would pay \$316,000 at time of closing (before April 2010 to allow the County time to consider tax waiver) rather than at the end of the lease period;
4. Lease would not be renewable for a 3 year term upon its expiration;
5. There would no longer be an option to purchase granted to E.G. Developments at the time of its lease;
6. We would remove the right of E.G. Developments to assign its lease interest.

Fiscal Note: The City would pay \$316,000 at the time of closing in order to acquire this property. Funds are available in the Intergovernmental Sewer Revenue Share fund for the purchase of this property.

[09-4488](#)

Subject: Communication from the Assistant Commissioner of Public Works/Operations submitting the 2010 lease agreements for office space. (Res.09-1755)

Recommendation of the Public Works and Services Committee on

12-8-09: The Mayor and City Clerk be authorized and directed to enter into lease agreements for 2010 for rental of office space in the City Hall, City Hall Annex and Safety Building at the rental rates as submitted.

Fiscal Note: Rental rates will increase in 2010 due to the 2009 Consumer Price Index increasing by 1.2%. These leases will generate a total annual revenue of approximately \$86,559.77.

[09-4499](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting to extend the existing Building Complex Janitorial Contract with MJJ, Inc. (Res.09-1756)

Recommendation of the Public Works and Services Committee on

12-8-09: That the agreement with MJJ, Inc., Franksville, WI, for janitorial service for the building complex, which ends March 31, 2010, be approved for a one (1) year extension at the current rate of \$106,800.00.

Further recommend that funding to defray the cost of these professional services are available in Account 404.000.560, Building Complex, Professional Services.

Fiscal Note: This contract was authorized by Resolution 08-1748, dated March 20, 2008, and will result in no increase in cost for the 2010 calendar year.

09-4495

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 2 on Contract 53-09 (K9-054), Professional Services - Generator Replacement at Radio Tower and City Hall Annex, David L. Hanson & Associates, Inc., consultant. (Res.09-1757)

Recommendation of the Public Works and Services Committee on 12-8-09: That Amendment No. 2 on Contract 53-09 (K9-054), Professional Services - Generator Replacement at Radio Tower and City Hall Annex, David L. Hanson & Associates, Inc., consultant, be approved in the amount of \$4,089.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 989.310.5040, Annex-Generator Replacement.

Fiscal Note: Funds are available as herein delineated.

09-4496

Subject: Communication from the Downtown Racine Corporation requesting to use city right-of-way in conjunction with the Racine Carves Its Niche Event to be held on January 9, 2010. (Res.09-1747)

Recommendation of the Public Works and Services Committee on 12-08-09: The Mayor and City Clerk be authorized and directed to enter into an agreement with the Downtown Racine Corporation granting permission to place snow and ice sculptures on city sidewalks along Sixth Street and Main Street from State Street to 7th Street, from January 9, 2010 until they melt, with the following stipulations:

A. That a clear area be established along the building line of a minimum of five feet in order to meet ADA requirements.

B. That any ice sculptures be set back a minimum of two feet from the back of the curb in order to meet Wisconsin Department of Transportation requirements.

C. That a hold harmless agreement be filed with the City Attorney's office.

D. That a Certificate of Liability Insurance be filed with the City Attorney's office.

Fiscal Note: Not applicable.

09-4498

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Amendment No. 1 on Contract 34-08 (K8-038), 2008 Illicit Discharge Detection and Elimination Program, AECOM, consultant. (Res.09-1759)

Recommendation of the Public Works and Services Committee on 12-8-09: That Amendment No. 1 on Contract 34-08 (K8-038), 2008 Illicit Discharge Detection and Elimination Program, AECOM Technical Services, consultant, be approved in the amount of \$20,000.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 104.000.5330, Monitoring Detection, Stormwater Utility.

Fiscal Note: Funds are available as herein delineated.

09-4500

Subject: (Direct Referral) Communication from Susan Liapis, 3456 Erie Street, wishing to donate to the City a 12-lot parcel of land in the 1700 block of Eleventh Street. (Res.09-1748)

Recommendation of the Public Works and Services Committee on 12-8-09: That the donation of 12 lots, described as follows:

1707 Eleventh Street, Block 8 Herricks Partition Plat Lot 2
1711 Eleventh Street, Block 8 Herricks Partition Plat Lot 3
1715 Eleventh Street, Block 8 Herricks Partition Plat Lot 4
1719 Eleventh Street, Block 8 Herricks Partition Plat Lot 5
1723 Eleventh Street, Block 8 Herricks Partition Plat Lot 6
1727 Eleventh Street, Block 8 Herricks Partition Plat Lot 7
1731 Eleventh Street, Block 8 Herricks Partition Plat Lot 8
1735 Eleventh Street, Block 8 Herricks Partition Plat Lot 9
1741 Eleventh Street, Block 8 Herricks Partition Plat Lot 10
1745 Eleventh Street, Block 8 Herricks Partition Plat Lot 11
1747 Eleventh Street, Block 8 Herricks Partition Plat Lots 12 & 13
1757 Eleventh Street, Block 8 Herricks Partition Plat Lot 14

be accepted with the stipulation that the City of Racine covers all current charges and back taxes.

Fiscal Note: The City will be waiving an invoice in the amount of \$289.04 which was for the removal of tree debris and \$1,964.98 in back taxes owed on these lots.

09-4506

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 7 on Contract 53-08 (K8-061), City Hall Renovations, Phase II (R1), Absolute Construction Enterprises, Inc. (Res.09-1752)

Recommendation of the Public Works and Services Committee on 12-8-09: That Change Order No. 7 on Contract 53-08 (K8-061), City Hall Renovations, Phase II (R1), Absolute Construction Enterprises, Inc., contractor, be approved in the deduct amount of \$1,566.90.

Fiscal Note: Change Order No. 7 will result in a decrease in contract price.

09-4522

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 2 on Contract 51-08(09) (K8-059), City Hall Exterior Renovations, RAM Construction Services of MI, Inc., contractor. (Res.09-1750)

Recommendation of the Public Works and Services Committee on 12-8-09: That Change Order No. 2 on Contract 51-08(09) (K8-059), City Hall Exterior Renovations, RAM Construction Services of MI, Inc., contractor, be approved in the amount of \$7,285.08.

Further recommends that funding to defray the cost of this change order be appropriated from Account 989.100.5020, City Hall Tuckpointing.

Fiscal Note: Funds are available as herein delineated.

09-4528

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a proposal for a public education campaign for the Racine recycling program. (Res.09-1760)

Recommendation of the Public Works and Services Committee on 12-8-09: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Corporate Images, Inc., Racine, WI, to develop a public education campaign for the new recycling cart system, at a price not-to-exceed \$29,920.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 289.000.5770, Machinery and Equipment.

Fiscal Note: Funds are available as herein delineated.

Public Safety and Licensing Committee Report, by Ald. Wisneski

[09-4398](#)

Subject: Communication from Alderman Coe wishing to discuss changing the current procedure used for City Watch for new alcohol establishments.

Recommendation of the Public Safety & Licensing Committee on

11-23-09: That the Communication from Alderman Coe wishing to discuss changing the current procedure used for City Watch for new alcohol establishments be deferred and further information obtained.

Recommendation of the Public Safety & Licensing Committee on

12-7-09: That the City Watch be used for all new alcohol establishments within a .02 mile radius of the business.

Fiscal Note: N/A

[09-4464](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the report of bids received on the sale of abandoned vehicles(November 23, 2009)

Recommendation of the Public Safety and Licensing Committee on

12-7-09: That the bid of \$5,601.01 be accepted on the sale of abandoned vehicles(November 23, 2009).

Fiscal Note: This will generate \$5,601.01 in revenues.

[09-4489](#)

Subject:(Direct Referral) Request of the Committee for the appearance of James S. Ragland for review of Public Passenger Vehicle Provider's License.

Recommendation of the Public Safety & Licensing Committee on

12-7-09: That the application for a Public Passenger Vehicle Provider's Business License be granted.

Fiscal Note: N/A

[09-4526](#)

Subject: Ord. 23-09 , Sec. 2-511 of the Municipal Code of the City of Racine, WI relating to Administration/Municipal Judge; Baliff.

Recommendation of the Public Safety & Licensing Committee

12-7-09: That Ord. 23-09 be adopted as presented.

Fiscal Note: N/A

[09-4535](#)

Subject: Ord. 24-09 , To amend Sec. 66-3(b) and 66-299 of the Municipal Code of the City of Racine, WI relating to Payment of

forfeiture in lieu of court appearance; Penalty for Violation.

Recommendation of the Public Safety & Licensing Committee

12-7-09: That Ord. 24-09 be adopted as presented.

Fiscal Note: N/A

Transit and Parking Commission Report, by Ald. DeHahn

[09-4406](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting the Commission accept the 2008 Section 5309 Capital Assistance Contract between the State of Wisconsin and the City of Racine. (Res.09-1762)

Recommendation: Approve accepting the 2008 Section 5309 Capital Assistance Contract between the State of Wisconsin and the City of Racine, and 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 will receive \$960,000 from the State.

[09-4409](#)

Subject: Communication from the Alderman of the 5th District, on behalf of Gary Czechowicz (1064 Geneva St) requesting the bus stop be moved from the southwest corner of Goold and Geneva to the southeast corner.

Recommendation: Approve moving the bus stop to the southeast corner of Goold and Geneva.

Fiscal Note: N/A

[09-4477](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations wishing to discuss the 2010 extension of the Juror Parking Agreement with Racine County Clerk of Courts. (Res.09-1761)

Recommendation: The 2010 extension of the Juror Parking Agreement with the Racine County Clerk of Courts be amended to allow juror parking at 2-hour parking meters on Wisconsin Avenue and College Avenue south of 7th Street during Racine County Courthouse construction, and be approved as amended. Further recommends that the Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City of Racine.

Fiscal Note: The agreement will generate \$6,840 for the Parking System.

[09-4509](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting an amendment to the current professional transit management services contract as submitted by PTM. (Res.09-1763)

Recommendation: Approve the amendment.

Fiscal Note: This amendment will result in an annual contract increase of \$3,134.00 with funding available for this service.

[09-4510](#)

Subject: (Direct Referral) Communication from the Executive Director of PTMR requesting the Commission authorize the Belle Urban System to adopt a new color scheme for 2009 Gillig buses and 2009 Ford Paratransit vehicles.

Recommendation: Approve the new color scheme.

Fiscal Note: There is no additional cost for the new color scheme.

[09-4511](#)

Subject: (Direct Referral) Communication from the Executive Director of PTMR requesting the Commission to authorize the City of Racine to piggyback on the Kenosha contract with Gillig for the purchase of five new low-floor, 35' transit buses. (Res.09-1764)

Recommendation: The Commissioner of Public Works be authorized and directed to enter into the agreement with Kenosha for the purchase of five transit buses.

Fiscal Note: Funding is available using ARRA funds for three of the buses and the 2009 Federal 5309 Grant for the other two buses.

[09-4512](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting the Mayor and City Clerk be authorized and directed to execute the contract between the City of Racine and the Village of Mount Pleasant for transit service in 2009. (Res.09-1765)

Recommendation: The Mayor and City Clerk be authorized and directed to execute the contract between the City of Racine and the Village of Mount Pleasant for transit service in 2009.

Fiscal Note: The Village of Mount Pleasant will pay up to \$171,550 for transit service provided in the Village.

[09-4513](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting the Mayor and City Clerk be authorized and directed to execute the contract between

the City of Racine and the Village of Caledonia for transit service in 2009. (Res.09-1766)

Recommendation: The Mayor and City Clerk be authorized and directed to execute the contract between the City of Racine and the Village of Caledonia for transit service in 2009.

Fiscal Note: Caledonia will pay up to \$32,000 for transit service provided in the Village.

09-4514

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting the Mayor and City Clerk be authorized and directed to execute the contract between the City of Racine and the Village of Sturtevant for transit service in 2009. (Res.09-1767)

Recommendation: The Mayor and City Clerk be authorized and directed to execute the contract between the City of Racine and the Village of Sturtevant for transit service in 2009.

Fiscal Note: The Village of Sturtevant will pay up to \$54,000 for transit service provided in the Village.

City Plan Commission Report, by Ald. Holding

09-4269

Subject: (Direct Referral) A request by Jeffery Urquhart for a conditional use permit for a group home primarily serving teen fathers and teen boys, eight or fewer, at 1900 Grand Avenue.

Recommendation of the City Plan Commission on 11-25-09: To deny the request.

Fiscal Note: N/A

09-4315

Subject: (Direct Referral) Request from Francisca Pastoressa representing Ministerio de Restauracion (Ministry of Restoring) seeking a conditional use permit for a church at 3308 Washington Avenue. (Res.09-1673)

Recommendation of the City Plan Commission on 10-28-09: That the item be approved subject to conditions.

Recommendation of the City Plan Commission on 11-25-09: That the item be approved subject to conditions

Fiscal Note: N/A

Redevelopment Authority of the City of Racine Report, by Ald. Spangenberg[09-4482](#)

Subject: Communication from the Director of City Development requesting authorization to enter into a development agreement with American Tire and Recycling Corporation. (Res.09-1770)

Recommendation of the Finance & Personnel Committee on

12-07-09: That the Mayor and City Clerk be authorized to enter into a development agreement with American Tire and Recycling Corporation with the understanding that Committee concerns regarding wage structure, benefit information, schedule on job creation, and an understanding that this will not be a salvage yard be addressed.

Recommendation of Redevelopment Authority on 12-2-09: That the proposed use of \$39,600 from the Intergovernmental Revenue Sharing Fund meets the standards set forth in section 46-268 of the Municipal Code, and

Further recommends that the Mayor and City Clerk be authorized to enter into an agreement with American Tire and Recycling Corporation.

Fiscal Note: Funds would come from the Intergovernmental Sewer Revenue Sharing fund.

Office of the Mayor Report, by Ald. Q. A. Shakoor, II[09-4551](#)

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

Reappoint Alderman Q. A. Shakoor II, 730 Washington Ave Racine, 53403 to the Racine Economic Development Committee for a term of 1 year expiring June the 1st, 2010.

Appoint Robert Anderson, 730 Washington Ave Racine, 53403 to the Racine Economic Development Committee for a one year term expiring June the 1st, 2010

Appoint Jeff Van Konigsveld 3727 Regency Dr Racine 53402, to the Racine Economic Development Committee for a one year term expiring June the 1st, 2010

Appoint Timothy Majcen 1 Main Street Racine 53403 to the Racine Economic Development Committee for a one year term expiring June the 1st, 2010

Reappoint John Dexter 3333 Douglas Ave Racine 53402 to the Douglas

Ave Business Improvement District Board to a 3 year term expiring December the 31, 2012

Reappoint DeWayne Perry 1300 Douglas Ave Racine, 53402 to the Douglas Ave Business Improvement District Board to a 1 year term expiring December the 31, 2010

Reappoint Alderman David Maack 730 Washington Ave Racine, 53403 to the Douglas Ave Business Improvement District Board to a 1 year term expiring December the 31, 2010

Appoint Mitch Wemmert 2101 Douglas Ave Racine, 53402 to the Douglas Ave Business Improvement District Board to a 1 year term expiring December the 31, 2010

Reappoint Dr. Richard Kemper, D.D.S. 1509 Washington Avenue Racine, 53403 to the Uptown Business Improvement District Board for a 3 year term expiring December the 1st, 2012

Reappoint Linea Anthony 1341 Washington Avenue Racine, WI 53403 to the Uptown Business Improvement District Board for a 3 year term expiring December the 1st, 2012

Appoint Lauren Klein 1328 Washington Avenue Racine, 53403 to the Uptown Business Improvement District Board to fill the current vacancy to a 3 year term expiring December the 1st, 2010

Board of Health Report, by Ald. Mozol

[09-4345](#)

Subject: Communication from Alderman Robert Mozol requesting the number of voting Board of Health members be increased from the current number of 8 voting members to 9 voting members. (Ord.21-09)

Recommendation of the Board of Health on 11-10-09: That the number of voting Board of Health members be increased from the current number of 8 voting members to 9 voting members.

Recommendation of the Board of Health on 12-08-09: That Ordinance No. 21-09 be adopted as presented.

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

[09-4331](#)

Subject: Communication from Shawn R. Olley seeking an exchange of land between the Olle Brothers and the City of Racine. The City now

uses Olle Brothers property to access the Dog Park.

Recommendation of the Public Safety and Licensing Committee on 11-09-09: That the item be referred to the Parks, Recreation & Cultural Services Board for a recommendation and then returned to this committee.

Recommendation of the Board of Parks, Recreation and Cultural Services 12-09-09: That the request be approved.

Fiscal Note: No Cost to the City.

[09-4466](#)

Subject: Communication from Jeff Schultz requesting to present a plan for resurfacing one of the tennis courts at Lockwood Park.

Recommendation of the Parks, Recreation and Cultural Services Department 12-09-09: That monies for the resurfacing of the tennis courts be put into the 2011 capital improvement budget.

Fiscal Note: Approximate cost would be \$40,000.00

City Landmark's Preservation Commission Report, by Ald. Anderson

[09-4501](#)

Subject: (Direct Referral) Amendment to Chapter 58, Historic Preservation, of the Municipal Code regarding the Preservation of Historical Artifacts. (Ord.27-09)

Recommendation of the Landmarks Preservation Commission on 12-7-09: That an ordinance be prepared and a public hearing scheduled.

Fiscal Note: N/A

G. Consent Agenda - Resolutions

[Res.09-1673](#)

Conditional Use Permit be granted for a church at 3308 Washington Avenue

Resolved, that the request from Francisca Pastoressa representing Ministerio de Restauracion (Ministry of Restoring), seeking a Conditional Use Permit for a church at 3308 Washington Avenue be approved, subject to the following conditions:

- a. That the plans presented to the Access Corridor Development Review Committee on October 22, 2009 and the Plan Commission on October 28, 2009 be approved subject to the conditions contained herein.

- b. That all codes and ordinances be complied with and required permits acquired.
- c. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- d. That the applicant work with staff from the Department of City Development to select an appropriate exterior paint scheme and window treatments.
- e. That all trash and recyclables be stored in closed containers and screened from view.
- f. That all signs be professionally made, comply with the zoning ordinance requirements, and be submitted to the Director of City Development for review and approval.
- g. That all codes and ordinances be complied with and required permits acquired.
- h. That no minor changes be made from the conditions of this permit without the approval of the Access Corridor Development Review Committee, and no major change be made from the conditions of this permit without the review of the Plan Commission and approval of the Common Council.
- i. That this permit is subject to review by the Access Corridor Development Review Committee and /or Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

Res.09-1744 Official Notice #10, Emergency Medical Supplies for the Fire Department, be awarded by individual line item

Resolved, that Official Notice #10, Emergency Medical Supplies for the Racine Fire Department, be awarded by individual line item based on the following criteria:

1. Low bid per line item.
2. Lowest bid for a specific product if specified as no substitution allowed. No substitution items were specified because of the quality needed for certain items.
3. Some products are sole source; i.e., CPAP (continuous positive airway pressure) supplies are distributed only through Bound Tree Medical.

Fiscal Note: Funding for this expense in FY2010 is \$96,200 in Account 101.300.5690. The Fire Department has consistently stayed within budget regarding this account.

Sponsors: Aron Wisneski and James T. Spangenberg

Res.09-1747 Mayor and City Clerk be authorized to enter into an agreement with DRC

granting permission to place snow and ice sculptures on City sidewalks with stipulations

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with the Downtown Racine Corporation granting permission to place snow and ice sculptures on City sidewalks along Sixth Street and Main Street from State Street to 7th Street, from January 9, 2010 until they melt, with the following stipulations:

- A. That a clear area be established along the building line of a minimum of five feet in order to meet ADA requirements.
- B. That any ice sculptures be set back a minimum of two feet from the back of the curb in order to meet Wisconsin Department of Transportation requirements.
- C. That a hold harmless agreement be filed with the City Attorney's office.
- D. That a Certificate of Liability Insurance be filed with the City Attorney's office.

Fiscal Note: Not applicable.

Sponsors: Gregory Holding

Res.09-1748 Donation of a 12-lot parcel of land in the 1700 block of Eleventh Street be accepted

Resolved, that the donation of 12 lots, described as follows:

1707 Eleventh Street, Block 8 Herricks Partition Plat Lot 2
1711 Eleventh Street, Block 8 Herricks Partition Plat Lot 3
1715 Eleventh Street, Block 8 Herricks Partition Plat Lot 4
1719 Eleventh Street, Block 8 Herricks Partition Plat Lot 5
1723 Eleventh Street, Block 8 Herricks Partition Plat Lot 6
1727 Eleventh Street, Block 8 Herricks Partition Plat Lot 7
1731 Eleventh Street, Block 8 Herricks Partition Plat Lot 8
1735 Eleventh Street, Block 8 Herricks Partition Plat Lot 9
1741 Eleventh Street, Block 8 Herricks Partition Plat Lot 10
1745 Eleventh Street, Block 8 Herricks Partition Plat Lot 11
1747 Eleventh Street, Block 8 Herricks Partition Plat Lots 12 & 13
1757 Eleventh Street, Block 8 Herricks Partition Plat Lot 14

be accepted with the stipulation that the City of Racine covers all current charges and back taxes.

Fiscal Note: The City will be waiving an invoice in the amount of \$289.04 which was for the removal of tree debris and \$1,964.98 in back taxes owed on these lots.

Sponsors: Gregory Holding

Res.09-1749 Mayor and City Clerk be authorized to enter into a revised agreement with E.G. Developments, LLC, for the acquisition of 1425 N. Memorial Drive

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with E.G. Developments, LLC for the acquisition of 1425 N. Memorial Drive with the following terms and conditions:

1. Lease terminates December 31, 2010, rather than December 31, 2013;
2. Sale is conditional upon County granting waiver of tax arrearage;
3. City would pay \$316,000 at time of closing (before April 2010 to allow the County time to consider tax waiver) rather than at the end of the lease period;
4. Lease would not be renewable for a 3 year term upon its expiration;
5. There would no longer be an option to purchase granted to E.G. Developments at the time of its lease;
6. We would remove the right of E.G. Developments to assign its lease interest.

Fiscal Note: The City would pay \$316,000 at the time of closing in order to acquire this property. Funds are available in the Intergovernmental Sewer Revenue Share fund for the purchase of this property.

Sponsors: Gregory Holding

Res.09-1750 Change Order No. 2 on Contract 51-08(09) (K8-059), City Hall Exterior Renovations, RAM Construction Services, be approved

Resolved, that Change Order No. 2 on Contract 51-08(09) (K8-059), City Hall Exterior Renovations, RAM Construction Services of MI, Inc., contractor, be approved in the amount of \$7,285.08.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 989.100.5020, City Hall Tuckpointing.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.09-1751 Work done by RAM Construction Services under Contract 51-08(09) (K8-059), City Hall Exterior Restoration, be accepted and final payment authorized

Resolved, that the work done by RAM Construction Services of MI, Inc. under Contract 51-08(09) (K8-059), City Hall Exterior Restoration, be accepted and final payment authorized for a total contract amount of \$139,348.08.

Fiscal Note: Contract was authorized under Resolution No. 09-1563, dated August 18, 2009.

Sponsors: Gregory Holding

Res.09-1752 Change Order No. 7 on Contract 53-08 (K8-061), City Hall Renovations, Phase II (R1), Absolute Construction, be approved

Resolved, that Change Order No. 7 on Contract 53-08 (K8-061), City Hall Renovations, Phase II (R1), Absolute Construction Enterprises, Inc., contractor, be approved in the deduct amount of \$1,566.90.

Fiscal Note: Change Order No. 7 will result in a decrease in contract price.

Sponsors: Gregory Holding

Res.09-1753 Work done under Contract 53-08 (K8-061), City Hall Renovations-Phase II, Absolute Construction, be approved and final payment authorized

Resolved, that the work done by Absolute Construction Enterprises, Inc. under Contract 53-08 (K8-061), City Hall Renovations-Phase II, be accepted and final payment authorized for a total contract amount of \$1,171,235.10.

Fiscal Note: Contract was authorized under Resolution No. 08-1066, dated October 21, 2008.

Sponsors: Gregory Holding

Res.09-1754 Change Order No. 2 on Contract 22-09 (K9-023), 2009 Alley Paving, A.W. Oakes & Son, be approved

Resolved, that Change Order No. 2 on Contract 22-09 (K9-023), 2009 Alley Paving, A. W. Oakes & Son, Inc., contractor, be approved in the amount of \$14,003.29.

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

\$10,000.00 - Account 989.908.5030, Concrete Alley Paving

\$ 4,003.29 - Account 104.900.5420, Storm Sewers, Misc.

\$14,003.29 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.09-1755 Mayor and City Clerk be authorized to enter into lease agreements for 2010 for rental of office space in City Hall, City Hall Annex and Safety Building

Resolved, that the Mayor and City Clerk be authorized and directed to enter into lease agreements for 2010 for rental of office space in City Hall, City Hall Annex and Safety Building at the rental rates as submitted.

Fiscal Note: Rental rates will increase in 2010 due to the 2009 Consumer Price Index increasing by 1.2%. These leases will generate a total annual

revenue of approximately \$86,559.77.

Sponsors: Gregory Holding

Res.09-1756 Agreement with MJI, Inc., for janitorial service for the Building Complex be extended for one year

Resolved, that the agreement with MJI, Inc., Franksville, WI, for janitorial service for the building complex, which ends March 31, 2010, be approved for a one (1) year extension at the current rate of \$106,800.00.

Further resolved, that funding to defray the cost of these professional services are available in Account 404.000.560, Building Complex, Professional Services.

Fiscal Note: This contract was authorized by Resolution 08-1748, dated March 20, 2008, and will result in no increase in cost for the 2010 calendar year.

Sponsors: Gregory Holding

Res.09-1757 Amendment No. 2 on Contract 53-09 (K9-054), Professional Services - Generator Replacement at Radio Tower and City Hall Annex, David L. Hanson & Associates, be approved

Resolved, that Amendment No. 2 on Contract 53-09 (K9-054), Professional Services - Generator Replacement at Radio Tower and City Hall Annex, David L. Hanson & Associates, Inc., consultant, be approved in the amount of \$4,089.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 989.310.5040, Annex-Generator Replacement.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.09-1758 Change Order No. 1 on Contract 52-09 (K9-053), Window Replacement-City Hall Annex, Softer Lite Window Company, be approved

Resolved, that Change Order No. 1 on Contract 52-09 (K9-053), Window Replacement-City Hall Annex, Softer Lite Window Company, contractor, be approved in the amount of \$12,330.00.

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

\$ 1,655.00 - Account 989.200.5020, Annex-Stairwell Windows
\$10,675.00 - Account 987.210.5010, Safety Bldg Precast Panel Repl
\$12,330.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.09-1759 Amendment No. 1 on Contract 34-08 (K8-038), 2008 Illicit Discharge Detection and Elimination Program, AECOM, be approved

Resolved, that Amendment No. 1 on Contract 34-08 (K8-038), 2008 Illicit Discharge Detection and Elimination Program, AECOM Technical Services, consultant, be approved in the amount of \$20,000.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 104.000.5330, Monitoring Detection, Stormwater Utility.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.09-1760 Mayor and City Clerk be authorized to enter into a professional services agreement with Corporate Images, Inc., to develop a public education campaign for new recycling cart system

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with Corporate Images, Inc., Racine, WI, to develop a public education campaign for the new recycling cart system, at a price not-to-exceed \$29,920.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 289.000.5770, Machinery and Equipment.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

Res.09-1761 Agreement with Racine County for Juror Parking for 2010 be amended and Mayor and City Clerk be authorized to enter into an extension of the agreement with Racine County for the Juror Parking

Resolved, that the 2010 extension of the Juror Parking Agreement with the Racine County Clerk of Courts be amended to allow juror parking at 2-hour parking meters on Wisconsin Avenue and College Avenue south of 7th Street during Racine County Courthouse construction, and be approved as amended.

Further resolved, that the Mayor and City Clerk be authorized and directed to execute the agreement on behalf of the City of Racine.

Fiscal Note: The agreement will generate \$6,840 for the Parking System.

Sponsors: Raymond DeHahn

Res.09-1762 Approve the 2008 Section 5309 Capital Assistance Contract between State of Wisconsin and City of Racine and Mayor and City Clerk be authorized to execute the agreement

Resolved, that 2008 Section 5309 Capital Assistance Contract between the State of Wisconsin and the City of Racine be approved, and 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 will receive \$960,000 from the State.

Sponsors: Raymond DeHahn

Res.09-1763 Current professional transit management services agreement with PTM be amended

Resolved, that the amendment to the current professional transit management services agreement with PTM be approved as submitted.

Fiscal Note: This amendment will result in an annual contract increase of \$3,134.00 with funding available for this service.

Sponsors: Raymond DeHahn

Res.09-1764 Mayor and City Clerk be authorized to enter into agreement with Kenosha for purchase of five transit buses from Gillig

Resolved, that Mayor and City Clerk be authorized and directed to enter into an agreement with Kenosha to purchase five new low-floor, 35' transit buses from Gillig.

Fiscal Note: Funding is available using ARRA funds for three of the buses and the 2009 Federal 5309 Grant for the other two buses.

Sponsors: Raymond DeHahn

Res.09-1765 Mayor and City Clerk be authorized to enter into an agreement with Village of Mt. Pleasant for transit service in 2009

Resolved, that the Mayor and City Clerk be authorized and directed to execute the contract between the City of Racine and the Village of Mount Pleasant for transit service in 2009.

Fiscal Note: The Village of Mount Pleasant will pay up to \$171,550 for transit service provided in the Village.

Sponsors: Raymond DeHahn

Res.09-1766 Mayor and City Clerk be authorized to enter into an agreement between the City of Racine and the Village of Caledonia for transit service in 2009

Resolved, that the Mayor and City Clerk be authorized and directed to execute the contract between the City of Racine and the Village of

Caledonia for transit service in 2009.

Fiscal Note: Caledonia will pay up to \$32,000 for transit service provided in the Village.

Sponsors: Raymond DeHahn

[Res.09-1767](#) Mayor and City Clerk be authorized to enter into an agreement between the City of Racine and the Village of Sturtevant for transit service in 2009

Resolved, that the Mayor and City Clerk be authorized and directed to execute the contract between the City of Racine and the Village of Sturtevant for transit service in 2009.

Fiscal Note: The Village of Sturtevant will pay up to \$54,000 for transit service provided in the Village.

Sponsors: Raymond DeHahn

[Res.09-1768](#) Permission for Racine County residents to purchase a full season golf pass at rate of City of Racine residents

Resolved, that Racine County residents be granted permission to purchase a full season golf pass at the same rate as the City of Racine residents with a one year review clause.

Fiscal Note: It is anticipated that all overall revenues will increase.

Sponsors: James T. Spangenberg and Terry McCarthy

[Res.09-1769](#) Purchasing Agent be granted permission to negotiate a three year contract with Melrose Pyrotechnics for 4th of July fireworks

Resolved, that the Purchasing Agent be granted permission to negotiate a new three year contract with Melrose Pyrotechnics for the years of 2010, 2011, and 2012.

Fiscal Note: Fireworks for the Fourth of July are annually budgeted at \$40,000 with \$17,500 funded with City funds and \$22,500 funded through donations.

Sponsors: James T. Spangenberg

[Res.09-1770](#) Mayor and City Clerk be authorized to enter into a development agreement with American Tire and Recycling Corporation

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a development agreement with American Tire and Recycling Corporation with the understanding that Committee concerns regarding wage structure, benefit information, schedule on job creation, and an understanding that this will not be a salvage yard be addressed.

Fiscal Note: Funds would come from the Intergovernmental Sewer Revenue

Sharing Fund.

Sponsors: James T. Spangenberg

H. Resolutions

Res.09-1745 DRC granted permission to hold Snow Sculpting Festival Event on Monument Square from December 18 through December 20 and to place snow making machine on Monument Square from December 13-14, 2009 contingent upon signing a Release, Indemnification and Hold Harmless Agreement

Resolved, that Downtown Racine Corporation be granted permission to place a snow making machine on Monument Square from December 13-14, 2009, and to hold a Snow Sculpting Festival Event as part of Winterfest on Monument Square from December 18 - 20, 2009, contingent upon signing a Release, Indemnification and Hold Harmless Agreement and a deposit of \$1300 towards the water utility charges.

Fiscal Note: N/A

Sponsors: Terry McCarthy

Res.09-1746 Permission to amend the City's easement for 3063 Michigan Boulevard for the vacated extension of Lombard Avenue with stipulation of owner signing a Hold Harmless Agreement with the City

Resolved, that the City Attorney's Office be authorized and directed to take the necessary steps to amend the City's easement for the vacated extension of Lombard Avenue to a 20' wide easement centered upon the storm sewer pipes with the stipulation that the property owner enter into a Hold Harmless Agreement with the City of Racine for any damage to the property owner's buildings and grounds caused for any reason due to the existence of the storm sewer or future repairs or replacement.

Fiscal Note: There will be no cost to the City of Racine as a result of amending this easement.

Sponsors: Gregory Holding

I. Ordinances

Ord.26-09 Ordinance No. 26-09

To amend Secs. 2-38 (1), (2), and (3) of the Municipal Code of the City of Racine, Wisconsin relating to Aldermanic district boundaries.

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

Part 1:

Section 2-38 (1), (2), and (3) of the Municipal Code of the City of Racine is

hereby amended by deleting in the last sentence in each section "Stephen Bull Fine Arts School, 815 DeKoven Avenue" and inserting in its place in each section "Dr. John Bryant Community Center, 601 - 21st Street."

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: Q.A. Shakoor, II

Ord.27-09

Ord.27-09

To create Sec. 58-80 of the Municipal Code of the City of Racine, Wisconsin relating to Historic Preservation - Enforcement.

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

Part 1:

Section 58-80 of the Municipal Code of the City of Racine is hereby created to read as follows:

"Section 58-80. Preservation of Historical Artifacts

(a) The purpose of this ordinance is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation and use of artifacts that reflect special aspects of the City of Racine's historical, architectural, cultural or aesthetic heritage for the following reasons:

- 1) To encourage public knowledge, understanding, appreciation and use of the City of Racine's past;
- 2) To foster civic pride in the beauty and character of the City and the accomplishments of its past;
- 3) To preserve the visual character of the City by preserving artifacts that reflect its history.

(b) Definitions.

1) "Artifacts" for the purposes of this ordinance are objects located or have been displayed within the City of Racine.

2) "Historical Artifact" means an Artifact that is:

- a. At least fifty (50) years old; or
- b. Associated with a property that meets the criteria for listing on the National Register of Historic Places, State Register of Historic Places or as a City of Racine Landmark; or,
- c. Designated a Local Historical Artifact as described below.

3) "Inventory of Historical Artifacts" is the official list of Historical Artifacts subject to the terms of this ordinance. An artifact shall not be included in the Inventory of Historical Artifacts if the owner opposes its listing.

4) "Local Historical Artifact" shall be an object that:

- a. Exemplifies or reflects the cultural, archaeological, political, economic, social or religious history; or,
- b. Is identified with personages, events or periods of history; or,
- c. Embodies distinguishing characteristics of architecture, an architect or architectural materials, craftsmanship or works of nature; or,
- d. In its inherent historical nature provides the citizenry with educational or aesthetic enrichment; or,
- e. Contributes to the character or understanding of an historic district, property, or structure.

5) "Object" (as applied in the context of this chapter) means a construction, such as a statue, monument or milepost that may be by nature of design moveable, yet related to a specific setting or environment.

(c) Procedures for Designation. Official listing on the Inventory of Historical Artifacts, or removal from listing, shall be made by resolution of the Landmarks Preservation Commission and shall be communicated to the Chief Building Inspector, the Director of the Department of City Development, the Commissioner of Public Works, Preservation Racine, Inc. and the Racine Heritage Museum.

(d) Owner Consent. A Historical Artifact shall not be listed in the Inventory of Historical Artifacts without the approval of its owner at the time of first listing. All Historical Artifacts owned or controlled by the City of Racine or the Redevelopment Agency of the City of Racine ("Public Historical Artifacts") shall be deemed approved unless not later than sixty (60) days from first listing, the City of Racine Common Council by majority vote requires the Landmarks Preservation Commission to remove a particular Public Historical Artifact from the Inventory of Historical Artifacts.

(e) Preservation. No person or entity including but not limited to any

department or agency of the City of Racine or the Redevelopment Authority of the City of Racine shall permit the transfer, relocation, demolishing, or the alteration of a Historical Artifact listed on the Inventory of Historical Artifacts without first obtaining the concurrence of the Landmarks Preservation Commission. Such consent shall be deemed given unless the Landmarks Preservation Commission objects to such action within forty-five (45) days of receiving written request for approval. At the time consent is first requested, if any activity associated with the Historical Artifact has the potential to adversely impact such Historical Artifact the applicant shall present the Landmarks Preservation Commission an artifact protection plan that shall include barriers to prevent accidental damage to artifacts, protection against dirt and debris, and if necessary, temporary removal and storage of the Historical Artifact. The project shall not commence or continue until and unless the artifact protection plan is approved by the Landmarks Preservation Commission, and the person responsible for the activity shall assure that the artifacts protection plan, as approved, is properly executed.

(f) Documentation. If the Landmarks Preservation Commission finds that the preservation of a Historical Artifact is not practicable, then the Historical Artifact shall be documented by photographs, mapping, written description or such other means or matter deemed most appropriate by the Landmarks Preservation Commission.

(g) Violation - Enforcement - Remedy.

1) Upon conviction, any person found to be in violation of section (e) shall forfeit an amount as provided in section 1-15.

2) A civil action may be commenced by the City of Racine to abate, enjoin, or otherwise compel the cessation of violation of any provision of this ordinance and may seek damages taking into account damages suffered, both economic and non-economic by the City of Racine and its citizens and the cost of restoring or replacing the Historical Artifact or its equivalent, if possible. In a civil action brought pursuant to this ordinance in which the plaintiff prevails, the court may award to the plaintiff all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action and reasonable attorneys' fees.

(h) Cooperation with Other Public Entities. The Landmarks Preservation Commission shall work with other public entities including but not limited to the Racine Unified School District, Gateway Technical College, County of Racine and State of Wisconsin to extend the protection of this ordinance to Historical Objects that they own."

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: Robert Anderson

J. Miscellaneous Business

[09-4548](#)

Subject: Pursuant to Sections 6.875(4) and 7.30(4) of the State Statutes, I (Clerk of the City of Racine) am submitting for your confirmation the list of Election Officials to be appointed for a two-year term.

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.