



City of Racine

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

Meeting Minutes - Final Common Council

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

Monday, August 4, 2008

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 13 - Coe, Anderson, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Hart
EXCUSED: 2 - Shields and Mozol

B. Pledge of Allegiance To The Flag

Mayor Becker 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 Ald. Maack.

D. Public Comments

*Annette Harpole
Alfonso Garaner
Joanna Clarke
Keith Fair
Craig Stuhr
Michele Richmond*

E. Communications

[08-2488](#)

Subject: Monthly Building report for June 2008.

Received and Filed as Reported

Refer to Finance and Personnel Committee, by Ald. Friedel

[08-2471](#)

Subject: Communication from the Public Health Administrator requesting permission to apply for grant funds in the amount of \$475,000 from the Wisconsin Partnership Program, University of Wisconsin School of Medicine and Public Health.

Referred to the Finance and Personnel Committee

Refer to Public Works and Services Committee, by Ald. Holding[08-2493](#)

Subject: Communication from the Alderman of the 8th District requesting brighter lighting in the alley at 1516, 1520 and 1526 Carlisle Avenue.

Referred to Public Works and Services Committee

[08-2499](#)

Subject: Communication from WE Energies notifying the City of residual groundwater contamination within the street right-of-way of 601 and 621 Water Street and 513 Grand Avenue.

Referred to Public Works and Services Committee

[08-2494](#)

Subject: Communication from the 1st District Alderman wishing to discuss the tennis courts in Franklin Park.

Referred to Public Works and Services Committee

Referred to Finance and Personnel Committee

Refer to Public Safety and Licensing Committee, by Ald. Shakoor[08-2473](#)

Subject: Communication from the Alderman of the Fourth District, asking to address parking issues at Racine's Blue Wave Beach (North Beach) during special events.

Referred to Public Safety and Licensing Committee

[08-2490](#)

Subject: (New) Application of TTDH, Inc. (Better Day BP), Constantin Tousis, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2100 Douglas Avenue. (5th District)

Referred to Public Safety and Licensing Committee

Refer to Traffic Commission, by Ald. Holding[08-2472](#)

Subject: Communication from the Alderman of the 4th District, submitting a petition on behalf of his constituents, requesting a 4-way stop sign be placed at the intersection of Hagerer St. and Green St.

Referred to Traffic Commission

[08-2501](#)

Subject: Communication from Barb Tylenda, Executive Director of Health Care Network, Inc., requesting to discuss parking restrictions in the 900 block of State Street.

Referred to Traffic Commission

Refer to Community Development Committee, by Ald. Spangenberg[08-2444](#)

Subject: Communication from Ann M Pratt, OP Executive Director

HOPES Center, requesting funding for counseling services at HOPES Center.

Referred to Community Development Committee

[08-2470](#)

Subject: Communication from Carla Ward of YWCA of Racine's Empowering Women Center requesting a waiver of grant conditions and time extension.

Referred to Community Development Committee

[08-2489](#)

Subject: Request of Elliott K. Cohen of Project New Life for Local Option funding for Nehemiah Place matching funds.

Referred to Community Development Committee

[08-2496](#)

Subject: (Direct Referral) Allocation of 2009 Community Development Block Grant (CDBG) Funds

Public hearing to receive comments on past expenditures of funds and on community development needs to be met by future expenditures.

Orientation to the CDBG program and funds allocation process.

Referred to Community Development Committee

[08-2497](#)

Subject: Request by Kristin Niemiiec of Racine County Economic Development Corporation to extend the Facade Design Incentive Grant program to the downtown Racine design area.

Referred to Community Development Committee

Refer to Redevelopment Authority of the City of Racine, by Ald Spangenberg

[08-2492](#)

Subject: An offer to Quit-claim 1350 & 1354 State Street Properties to the City of Racine

Referred to Redevelopment Authority of the City of Racine

[08-2502](#)

Subject: (Direct Referral) Request of the Commercial Corridor Project Manager to discuss retail strategy and marketing in West Racine.

Referred to Redevelopment Authority of the City of Racine

[08-2503](#)

Subject: (Direct Referral) Request to amend the project budget for 1526 Washington Avenue.

Referred to Redevelopment Authority of the City of Racine

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Friedel**08-2407**

Subject: Communication from the City Attorney requesting authorization to represent Racine police officer Joseph Spaulding in the matter of Clara Bridgeman v. City of Racine, et al, Case No. 08-CV-1599. (Res. 08-0950)

Recommendation of the Finance & Personnel Committee on

07-21-08: Permission be given to the City Attorney's office to hire outside counsel to represent Racine police officer Joseph Spaulding and all other officers involved in the matter of Clara Bridgeman v. City of Racine, et al, Case No. 08-CV-1599.

Fiscal Note: N/A.

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

08-2437

Subject: Communication from the City Attorney submitting the claim of Rebeccah Jones for consideration.

Recommendation of the Finance & Personnel Committee on

07-21-08: The claim of Rebeccah Jones, 3 Riverside Drive requesting reimbursement of \$15,260.85 for injuries sustained when she allegedly slipped and fell on ice be denied.

Fiscal Note: N/A

Ald. Shakoor requested that Item 08-2437 be considered separately.

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

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

NOES: 1 - Shakoor, II

EXCUSED: 2 - Shields and Mozol

08-2438

Subject: Communication from the City Attorney submitting the claim of Nicholas Chaussee for consideration.

Recommendation of the Finance & Personnel Committee on

07-21-08: The claim of Nicholas Chaussee, 114 East Parkfield Court, requesting reimbursement of \$640.57 for car repairs after driving through a road construction area, be denied. The City denies liability.

Fiscal Note: N/A

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

motion was APPROVED.

[08-2439](#)

Subject: Communication from the City Attorney submitting the claim of Ida Hunter for consideration.

Recommendation of the Finance & Personnel Committee on

07-21-08: The claim of Ida Hunter, 815 - 8th Street, Apt. M10, requesting reimbursement in an amount in excess of \$5,000 for car repairs when a tree fell on her car while it was parked in the parking lot for Mitchell Wagon Factory Lofts, be denied. The City denies liability.

Fiscal Note: N/A

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

Council Action

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

AYES: 13 - Coe, Anderson, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Hart

EXCUSED: 2 - Shields and Mozol

Public Works and Services Committee Report, by Ald. Holding

[07-0517](#)

Subject: Communication from the Alderman of the 11th District requesting the creation of an ordinance requiring occupancy permits for rental properties.

Recommendation of the Public Works and Services Committee on

7-29-08: That the communication be received and filed.

Fiscal Note: Not applicable.

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

[08-2335](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 21-08 (K8-023), Professional Services-Boiler Replacement at Various Facilities, Arnold & O'Sheridan, Inc., consultant. (Res.08-0958)

Recommendation of the Public Works and Services Committee on

7-29-08: That the report as submitted by Arnold & O'Sheridan, Inc. be approved and that Alternative No. 3 be the recommended alternative for replacement of the boiler plant in the City Hall Annex, Central Heating Plant and Solid Waste Garage.

Further recommends that the professional services provided by Arnold & O'Sheridan, Inc, under Contract 21-08 (K8-023), Professional Services-Boiler Replacement at Various Facilities, be accepted and final payment authorized for a total contract amount of \$18,500.00, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 08-0680, dated March 4, 2008.

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

[08-2374](#)

Subject: (Direct Referral) Communication from the Alderman of the 14th District on behalf of the residents in the 2400 Block of Illinois Street requesting a street light be installed in the middle of the block.

Recommendation of the Public Works and Services Committee on 7-29-08: That the communication be received and filed.

Fiscal Note: Not applicable.

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

[08-2392](#)

Subject: Communication from Project New Life requesting to use city right-of-way on August 23, 2008 for it's 9th annual Back-2-School community event. (Res.08-0952)

Recommendation of the Public Works and Services Committee on 7-29-08: That permission be granted to Project New Life to close Short Street between Douglas Avenue and Tenth Avenue on Saturday, August 23, 2008, from 10:00 a.m. to 5:00 p.m., for their Back to School community event.

Further recommends that permission be granted with the following stipulations:

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

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

FISCAL NOTE: There will be nominal costs incurred on a regular shift basis to provide limited assistance to implement this event.

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

08-2400

Subject: Res. 08-0913, dated July 1, 2008, regarding street improvements at:

PORTLAND CEMENT CONCRETE PAVING

Fifteenth Street from Wisconsin Avenue to Main Street

Alden Court from Lathrop Avenue to the cul-de-sac

Kentucky Street from Taylor Avenue to the cul-de-sac

Kings Circle from Oakwood Drive to cul-de-sac

Emstan Hills Road from Victorian Drive to Southwood Drive

Emstan Hills Road from Southwood Drive to Duchess Drive

Seventeenth Street from Virginia Street to Illinois Street

SEWER AND WATER LATERALS

Fifteenth Street from Wisconsin Avenue to Main Street

SANITARY SEWER

Fifteenth Street from Wisconsin Avenue to Main Street

CURB AND GUTTER

Alden Court from Lathrop Avenue to the cul-de-sac

Kings Circle from Oakwood Drive to the cul-de-sac

Emstan Hills Road from Victorian Drive to Southwood Drive

Emstan Hills Road from Southwood Drive to Duchess Drive

Recommendation of the Public Works and Services Committee on 7-29-08: That Resolution No. 08-0913 of July 1, 2008, be amended to delete:

PORTLAND CEMENT CONCRETE PAVING AND CURB AND GUTTER

Alden Court from Lathrop Avenue to the cul-de-sac

PORTLAND CEMENT CONCRETE PAVING

Kentucky Street from Taylor Avenue to the cul-de-sac

and, as amended, that Resolution No. 08-0913 of July 1, 2008, be adopted.

Further recommends that that the cost to install the sewer main and sewer lateral be deferred until such time as the property owner at 211 Fifteenth Street connects to the sanitary sewer system.

Fiscal Note: Funds will be appropriated in the 2009 C.I.P. for these street improvements and special assessments will be paid by the abutting property owners for the street improvements.

Ald. Holding requested that Item 08-2400 be considered separately.

Ald. Holding made a motion to amend the item to delete Kings Circle from Oakwood Drive to cul-de-sac from the list of streets for Portland Cement Concrete Paving.

The amendment was APPROVED by the following vote:

Ayes: Kaplan, Shakoor, Spangenberg, Weidner, Wisneski, Anderson, DeHahn, Friedel and Holding

Noes: Maack, McCarthy, Coe and Hart

Excused: Mozol and Shields

A motion was made that this Communication be Adopted As Amended: . The motion was APPROVED by the following vote:

AYES: 10 - Anderson, Kaplan, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski and Spangenberg

NOES: 3 - Coe, Maack and Hart

EXCUSED: 2 - Shields and Mozol

08-2422

Subject: Communication from the Assistant Commissioner of Public Works/Engineering submitting a request from the property owners for a preliminary resolution for paving Kings Circle from Oakwood Drive to the cul-de-sac with Bituminous Concrete Paving.

Recommendation of the Public Works and Services Committee on 7-29-08: That the communication be received and filed.

Fiscal Note: Not applicable.

Ald. Holding requested that Item 08-2422 be considered separately.

This Communication was Referred to the Public Works and Services Committee

08-2443

Subject: (Direct Referral) Communication from St. Patrick Parish requesting to close Erie Street from Prospect Street to Colbert Street on August 24, 2008 for a parish event. (Res.08-0953)

Recommendation of the Public Works and Services Committee on 7-29-08: That St. Patrick Parish be granted permission to close Erie Street, between Prospect Street and Colbert Street, on Sunday, August 24, 2008, from 10:00 a.m. to 5:00 p.m., for a parish picnic.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.

- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. The sponsor shall pay a \$250.00 special event fee.

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

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

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

08-2445

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 3-08 (K8-003), Sixth Street Utility Construction, Globe Contractors, Inc., contractor. (Res.08-0957)

Recommendation of the Public Works and Services Committee on 7-29-08: That the work performed by Globe Contractors, Inc, under Contract 3-08 (K8-003), Sixth Street Utility Construction, be accepted and final payment authorized for a total contract amount of \$1,206,856.49, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 08-0612, dated February 5, 2008.

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

08-2474

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 35-07 (K7-041), Professional Services - Tuckpoint Renovations at City Hall, Fischer-Fischer-Theis, Inc., consultant. (Res. 08-0956)

Recommendation of the Public Works and Services Committee on 7-29-08: That the professional services provided by Fischer-Fischer-Theis, Inc, under Contract 35-07 (K7-041), Professional Services - Tuckpoint Renovations at City Hall, be accepted and final payment authorized for a total contract amount of \$3,800.00, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 07-0199, dated May 1, 2007.

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

[08-2475](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 12-06 (K6-013), Professional Services - City Hall Renovations, Phase I, ARC Architectural Group, LLC, consultant. (Res.08-0954)

Recommendation of the Public Works and Services Committee on 7-29-08: That the professional services provided by ARC Architectural Group, LLC, under Contract 12-06 (K6-013), Professional Services - City Hall Renovations, Phase I, be accepted and final payment authorized for a total contract amount of \$78,150.00, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 6907, dated February 22, 2006.

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

[08-2478](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works submitting a request for final payment on Contract 37-06 (K6-039), Professional Services - Investigate Structural Problems at Main Street Bridge, HNTB, consultant. (Res.08-0955)

Recommendation of the Public Works and Services Committee on 7-29-08: That the professional services provided by HNTB, under Contract 37-06 (K6-039), Professional Services - Investigate Structural Problems at Main Street Bridge, be accepted and final payment authorized for a total contract amount of \$71,832.07, from funds heretofore appropriated.

Fiscal Note: The City of Racine will be reimbursed 100% of the cost from the State of Wisconsin Lift Bridge Program. This contract was approved by Resolution 06-7094, dated June 20, 2006

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

[08-2479](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 9-07 (K7-009), Professional Services - 2007 Sewer Asset Management Services, Earth Tech, consultant. (Res.08-0959)

Recommendation of the Public Works and Services Committee on 7-29-08: That the professional services provided by Earth Tech, Inc, under Contract 9-07 (K7-009), Professional Services - 2007 Sewer Asset Management Services, be accepted and final payment

authorized for a total contract amount of \$99,125.00, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 06-7364, dated December 19, 2006.

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

[08-2480](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 47-07 (K7-055), Professional Services - Construction Management 2007 Sewer Lining, Earth Tech, consultant. (Res.08-0960)

Recommendation of the Public Works and Services Committee on 7-29-08: That the professional services provided by Earth Tech, Inc., under Contract 47-07 (K7-055), Professional Services - Construction Management 2007 Sewer Lining, be accepted and final payment authorized for a total contract amount of \$64,054.04, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 07-0244, dated June 5, 2007.

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

[08-2481](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 14-08 (K8-015), 2008 Street Paving, John's Concrete, contractor. (Res.08-0964)

Recommendation of the Public Works and Services Committee on 7-29-08: That Change Order No. 1 to Contract 14-08 (K8-015), 2008 Street Paving, John's Concrete, Inc., contractor, be approved in the amount of \$49,967.80.

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

\$43,967.80 - Account 988.908.5010, Concrete Street Paving
Miscellaneous Locations

\$ 6,000.00 - Account 287.988.5310, Sanitary Sewer Various Locations
\$49,967.80 - Total

Further recommends that a time extension until July 29, 2008 to complete this work be approved.

Fiscal Note: Funds are available as herein delineated.

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

[08-2482](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 1 on Contract 13-08 (K8-014), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor. (Res. 08-0963)

Recommendation of the Public Works and Services Committee on 7-29-08: That Change Order No. 1 to Contract 13-08 (K8-014), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor, be approved in the amount of \$86,199.73.

Further recommends that funding to defray the cost of this change order be appropriated from Account 986.908.5010, Concrete Paving, Misc. Locations.

Fiscal Note: Funds are available as herein delineated.

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

[08-2483](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 4 on Contract 10-07 (K7-0010), Gaslight Drive Renovations, Cornerstone Pavers, contractor. (Res.08-0961)

Recommendation of the Public Works and Services Committee on 7-29-08: That Change Order No. 4 to Contract 10-07 (K7-010), Gaslight Drive Renovations, Cornerstone Contractors, contractor, be approved in the amount of \$1,500.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 988.908.5020, Miscellaneous Concrete Paving.

Fiscal Note: Funds are available as herein delineated.

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

[08-2484](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting Change Order No. 5 on Contract 20-07 (K7-023), Local Road Improvement Program, Cornerstone Pavers, contractor. (Res.08-0962)

Recommendation of the Public Works and Services Committee on 7-29-08: That Change Order No. 5 to Contract 20-07 (K7-023), Local

Road Improvement Program, Cornerstone Contractors, contractor, be approved in the amount of \$4,800.00

Further recommends that funding to defray the cost of this change order be appropriated from Account 988.908.5020, Miscellaneous Concrete Paving.

Fiscal Note: Funds are available as herein delineated.

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

Council Action

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

AYES: 13 - Coe, Anderson, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Hart

EXCUSED: 2 - Shields and Mozol

Public Safety and Licensing Committee Report, by Ald. Shakoor

[08-2366](#)

Subject: The following renewal application for "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor Licenses for 2008-2009.

Alejandro & Gloria Horbatenko 509 Sixth Street
(Tango Bar)
Alejandro D. Horbatenko, Agent

Recommendation of the Public Safety & Licensing Committee on 07-07-08: That the agent, Alejandro Horbatenko, be requested to appear and the renewal application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor license for 2008-2009 be deferred.

Recommendation of the Public Safety & Licensing Committee on 07-21-08: That the following renewal application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor Licenses for 2008-2009 be approved.

Fiscal Note: N/A

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

[08-2269](#)

Subject: (Direct Referral) from Alderman of the 9th District wishing to discuss changing the time of the Public Safety and Licensing Committee meeting from 5:00 p.m. to 4:30 p.m.

Recommendation of the Public Safety & Licensing Committee on 06-23-08: That the item be deferred until 07-07-08.

Recommendation of the Public Safety & Licensing Committee on 07-07-08: That the item be deferred until 07-21-08.

Recommendation of the Public Safety & Licensing Committee on 07-21-08: That the item be referred to the Committee of the Whole.

Fiscal Note: N/A

Ald. Shakoor requested that this Item 08-2269 be considered separately.

This Communication was Referred to the Committee of the Whole

[08-2379](#)

Subject: (New) Application of Olde Madrid LLC., Natalie R. Salinas, Agent for a "Class B" Fermented Malt Beverage and intoxicating Liquor License for 418 Sixth Street. (1st District)

Recommendation of the Public Safety & Licensing Committee on 07-21-08: That the new application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2008-2009 be approved.

Fiscal Note: N/A

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

[08-2391](#)

Subject: (New) Application of Fireside BBQ & Fish, LLC, Crystal Morris, Agent for "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 515 Sixth Street. (1st District)

Recommendation of the Public Safety & Licensing Committee on 07-21-08: That the new application for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 2008-2009 be approved.

Fiscal Note: N/A

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

[08-2421](#)

Subject: (New) Application of Restaurant of Racine, Inc., (Chancery), Joseph M. De Rosa, President for a Sidewalk Cafe Permit **w/alcohol** for 207 Gaslight Drive. (1st District)

Recommendation of the Public Safety & Licensing Committee on

07-21-08: That the application for a sidewalk cafe permit with alcohol, 207 Gaslight Drive, be approved pending City Plan Commission approval.

Fiscal Note: N/A

Ald. Shakoor requested that Item 08-2421 be considered separately.

This Communication was Referred to the Public Safety and Licensing Committee

This Communication was Referred to the Public Works and Services Committee

[08-2435](#)

Subject:The following renewal application for "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor Licenses for 2008-2009.

Scott Bohlman 2416 Lathrop Avenue
(English Room)
Scott Bohlman, Agent

Liquid Productions, LLC 961 M.L. King Drive
(The Drink)
Michael Mlsna, Agent

Recommendation of the Public Safety & Licensing Committee on 07-21-08: That the following renewal applications for "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor Licenses for 2008-2009 be approved.

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 Ald. Shakoor that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 13 - Coe, Anderson, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Hart

EXCUSED: 2 - Shields and Mozol

City Plan Commission Report, by Ald. Holding

[08-1978](#)

Subject: Communication from Jeffrey L. Oakes requesting to vacate the north-south alley behind 3457 Douglas Avenue in exchange for the demolition of the dwelling at 3449 Douglas Avenue. (Res. 08-0923)

Recommendation of the Public Works and Services Committee on

7-8-08: That since public interest requires it, the following parcel of land, more particularly described as follows, be and hereby is vacated and discontinued:

The north-south alley which abuts 1551 North Street and which lies north of the east-west alley, all of which is bounded by Douglas Avenue, North Street, 10th Avenue and Short Street.

Further recommends that a preliminary resolution be introduced to the Common Council and referred to the City Plan Commission.

Recommendation of the City Plan Commission on 7-30-08: That the vacation of the alley abutting 1551 North Street and 3449-3457 Douglas Avenue is consistent with the city plans and programs and that the vacation of the alley be approved and Resolution 08-0923 be adopted.

Fiscal Note: N/A

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

[08-2309](#)

Subject: Communication from Jan Roland, Board President for Habitat for Humanity, requesting the City of Racine to donate two properties located at 1112 Villa Street and 1501 West Street.

Recommendation of City Development on 6-25-08: That the item be deferred.

Recommendation of City Development on 7-09-08: That the item be deferred for a (6) six month timeframe.

Recommendation by the City Plan Commission on the 7-30-08: That the item be received and filed.

Fiscal Note: N/A

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

[08-2357](#)

Subject: (Direct Referral) Request by the Douglas Avenue Redevelopment Association for the incorporation of a required color palate and color selection guidance into the Douglas Avenue Corridor District Design Guidelines. (Res. 08-0965)

Recommendation: That the Douglas Avenue Corridor District Design Guidelines be amended to include the same language regarding color

palate and color selection as the guidelines for Uptown and West Racine. Further recommends that the recommendation be referred to the City Plan Commission.

Recommendation by the City Plan Commission on 7-30-08: That the item be adopted.

Fiscal Note: N/A

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

Council Action

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

AYES: 13 - Coe, Anderson, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Hart

EXCUSED: 2 - Shields and Mozol

08-2449

Subject: (Direct Referral) Request by Emilio S. Clarke for a conditional use permit for the EL Rodeo dance hall at 1006-1010 State Street.

Recommendation of Access Corridor Development Review Committee on 7-24-08: That this item be approved, subject to the following conditions:

Recommendation by the City Plan Commission on 7-30-08: That the item be denied.

Fiscal: N/A

Ald. Holding requested that Item 08-2449 be considered separately.

Referred to the City Plan Commission

City Development Report, by Ald. Maack

08-2406

Subject: (Direct Referral) Application of Pinnacle Precision Technologies, Inc., 2607 Eaton Lane, Racine, Wisconsin for participation in the State of Wisconsin Community Development Zone Program. (Res. 08-0945)

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

Recommendation of the Department of City Development on July 3, 2008: That Pinnacle Precision Technologies, Inc. be recommended for certification as eligible to participate in the Wisconsin Community Development Zone Program and that Pinnacle Precision Technologies, Inc. be recommended for certification for State of Wisconsin tax credits under the Wisconsin Community Development Zone Program

Fiscal Note: Participation in the program is tied to increase in employment. The company is anticipating adding 22 jobs over the next 3 years. The assistance is in the form of Wisconsin corporate tax credits. There is no cost to the City of Racine.

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

AYES: 13 - Coe, Anderson, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Hart

EXCUSED: 2 - Shields and Mozol

Committee of the Whole Report, by Ald. Maack

[08-2221](#)

Subject: Presentation and update on the Root River Revitalization Plan by the Root River Council.

Recommendation: to adopt the plan in concept, continue to partner with city staff and to pursue funding opportunities for the revitalization project and that the Item be received and filed.

Fiscal Note: N/A

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

AYES: 13 - Coe, Anderson, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Hart

EXCUSED: 2 - Shields and Mozol

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

[08-2408](#)

Subject: (Direct Referral) Consideration of the re-designation of a Racine Landmark at 716 College Avenue; First Presbyterian Church.

Recommendation of the Landmarks Preservation Commission on 7-7-08: That the property at 716 College Avenue be re-designated a landmark under criteria 58-61 (a) (1) (3) and (4) of the Historic Properties.

Further, that the re-designation be referred to the Plan Commission for a rezoning public hearing, and further review and recommendation.

Fiscal Note: N/A

This Communication was Referred to the City Plan Commission

[08-2409](#)

Subject: (Direct Referral) Consideration of the re-designation of a Racine Landmark at 1001 Main Street; East Park and the Mary Todd/Abraham Lincoln Statue.

Recommendation for the Landmark Preservation Committee on 7-7-08: That the property at 1001 Main Street be re-designated a landmark under criteria 58-61 (a) (2) and (4) of the Historic Properties Ordinance.

Further, that the re-designation be referred to the Plan Commission for a rezoning public hearing , and further review and recommendation.

Fiscal Note: N/A

This Communication was Referred to the City Plan Commission

[08-2410](#)

Subject: (Direct Referral) Consideration of the re-designation of a Racine Landmark at 1135 Main Street; Eli Cooley/Wm. F. Kuehneman House.

Recommendation for Landmark Preservation Committee on 7-7-08: That the property at 1135 Main Street be re-designated a landmark under criteria 58-61 (a) (3) and (4) of the Historic Preservation Ordinance.

Further, that the re-designation be referred to Plan Commission for a rezoning public hearing, and further review and recommendation.

Fiscal Note: N/A

This Communication was Referred to the City Plan Commission

[08-2411](#)

Subject: (Direct Referral) Consideration of the re-designation of a Racine Landmark at 1611 College Ave.; Robert M. Boyd/Ellis Gaskell House.

Recommendation of the Landmark Preservation Committee on 7-7-08: That the property at 1611 College Avenue be re-designated a landmark under criteria 58-61 (a) (3) and (4) of the Historic Preservation.

Further, that the re-designation be referred to the Plan Commission for a rezoning public hearing, and further review and recommendation.

Fiscal Note: N/A

This Communication was Referred to the City Plan Commission

Waterworks Commission Report, by Ald. Hart

[08-2461](#)

Subject: Inter-municipal Agreement Between the Village of Mt. Pleasant and Racine Water Utility Regarding Water Main Construction on Old Spring Street

Recommendation: (Direct Referral) Recommendation of the Waterworks Commission on July 29, 2008: Refer to the Finance and Personnel Committee for approval

Fiscal Note: Estimated cost of project is \$140,000.00

Referred to the Finance and Personnel Committee

G. Consent Agenda - Resolutions

[Res.08-0945](#)

Application of Pinnacle Precision Technologies, Inc., for participation in the State of Wisconsin Community Development Zone Program

Resolved, that Pinnacle Precision Technologies, Inc. 2607 Eaton Lane, Racine, Wisconsin is recommended for certification as eligible to participate in the Wisconsin Community Development Zone Program.

Further resolved, that Pinnacle Precision Technologies, Inc. is recommended for certification for State of Wisconsin tax credits under the Wisconsin Community Development Zone Program.

Fiscal Note: N/A

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

[Res.08-0950](#)

Permission to hire outside counsel

Resolved, that permission be granted to the City Attorney's Office to hire outside counsel to represent Racine Police Officer Joseph Spaulding and all other officers involved in the matter of Clara Bridgeman v. City of Racine, et al., Case No. 08-CV-1599.

Fiscal Note: N/A

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

Res.08-0952

Project New Life Annual Back 2 School Event

Resolved, that permission be granted to Project New Life to close Short Street between Douglas Avenue and Tenth Avenue on Saturday, August 23, 2008, from 10:00 a.m. to 5:00 p.m., for their Back to School community event.

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

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

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

Fiscal Note: There will be nominal costs incurred on a regular shift basis to provide limited assistance to implement this event.

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

Res.08-0953

St. Patrick Parish Event

Resolved, that St. Patrick Parish be granted permission to close Erie Street, between Prospect Street and Colbert Street, on Sunday, August 24, 2008, from 10:00 a.m. to 5:00 p.m., for a parish picnic.

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

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

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

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

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

Res.08-0954

Professional Services-City Hall Renovations Phase I be accepted and final payment authorized

Resolved, that the professional services provided by ARC Architectural Group, LLC, under Contract 12-06 (K6-013), Professional Services - City Hall Renovations, Phase I, be accepted and final payment authorized for a total contract amount of \$78,150.00, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 6907, dated February 22, 2006.

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

Res.08-0955

Professional Services-Investigate Structural Problems at Main Street Bridge be accepted and final payment authorized

Resolved, that the professional services provided by HNTB, under Contract 37-06 (K6-039), Professional Services - Investigate Structural Problems at Main Street Bridge, be accepted and final payment authorized for a total contract amount of \$71,832.07, from funds heretofore appropriated.

Fiscal Note: The City of Racine will be reimbursed 100% of the cost from the State of Wisconsin Lift Bridge Program. This contract was approved by Resolution 06-7094, dated June 20, 2006.

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

Res.08-0956

Professional Services - Tuckpoint Renovations at City Hall be accepted and final payment authorized

Resolved, that the professional services provided by Fischer-Fischer-Theis, Inc, under Contract 35-07 (K7-041), Professional Services - Tuckpoint Renovations at City Hall, be accepted and final payment authorized for a total contract amount of \$3,800.00, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 07-0199, dated May 1, 2007.

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

Res.08-0957

Sixth Street Utility Construction work be accepted and final payment authorized

Resolved, that the work performed by Globe Contractors, Inc, under Contract 3-08 (K8-003), Sixth Street Utility Construction, be accepted and final payment authorized for a total contract amount of \$1,206,856.49, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 08-0612, dated February 5, 2008.

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

Res.08-0958

Report, Alternative No. 3 and professional services for Boiler Replacement at Various Facilities be approved and final payment authorized

Resolved, that the report as submitted by Arnold & O'Sheridan, Inc. be approved and that Alternative No. 3 be the recommended alternative for replacement of the boiler plant in the City Hall Annex, Central Heating Plant and Solid Waste Garage.

Further resolved, that the professional services provided by Arnold & O'Sheridan, Inc, under Contract 21-08 (K8-023), Professional Services-Boiler Replacement at Various Facilities, be accepted and final payment authorized for a total contract amount of \$18,500.00, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 08-0680, dated March 4, 2008.

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

Res.08-0959

Professional Services - 2007 Sewer Asset Management Services be approved and final payment authorized

Resolved, that the professional services provided by Earth Tech, Inc, under Contract 9-07 (K7-009), Professional Services - 2007 Sewer Asset Management Services, be accepted and final payment authorized for a total contract amount of \$99,125.00, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 06-7364, dated December 19, 2006.

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

Res.08-0960

Professional Services - Construction Management 2007 Sewer Lining be accepted and final payment authorized

Resolved, that the professional services provided by Earth Tech, Inc., under Contract 47-07 (K7-055), Professional Services - Construction Management 2007 Sewer Lining, be accepted and final payment

authorized for a total contract amount of \$64,054.04, from funds heretofore appropriated.

Fiscal Note: This contract was approved by Resolution 07-0244, dated June 5, 2007.

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

Res.08-0961

Change Order on Gaslight Drive Renovations contract

Resolved, that Change Order No. 4 to Contract 10-07 (K7-010), Gaslight Drive Renovations, Cornerstone Contractors, contractor, be approved in the amount of \$1,500.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 988.908.5020, Miscellaneous Concrete Paving.

Fiscal Note: Funds are available as herein delineated.

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

Res.08-0962

Change Order on contract for Local Road Improvement Program

Resolved, that Change Order No. 5 to Contract 20-07 (K7-023), Local Road Improvement Program, Cornerstone Contractors, contractor, be approved in the amount of \$4,800.00

Further resolved, that funding to defray the cost of this change order be appropriated from Account 988.908.5020, Miscellaneous Concrete Paving.

Fiscal Note: Funds are available as herein delineated.

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

Res.08-0963

Change Order on Concrete Street Reconstruction contract

Resolved, that Change Order No. 1 to Contract 13-08 (K8-014), Concrete Street Reconstruction, LaLonde Contractors, Inc., contractor, be approved in the amount of \$86,199.73.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 986.908.5010, Concrete Paving, Misc. Locations.

Fiscal Note: Funds are available as herein delineated.

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

Res.08-0964

Change Order on 2008 Street Paving contract

Resolved, that Change Order No. 1 to Contract 14-08 (K8-015), 2008 Street Paving, John's Concrete, Inc., contractor, be approved in the amount of \$49,967.80.

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

\$43,967.80 - Account 988.908.5010, Concrete Street Paving
Miscellaneous Locations
\$ 6,000.00 - Account 287.988.5310, Sanitary Sewer Various Locations
\$49,967.80 - Total

Further resolved, that a time extension until July 29, 2008 to complete this work be approved.

Fiscal Note: Funds are available as herein delineated.

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

[Res.08-0965](#)

Amend Douglas Avenue Corridor District Design Guidelines

Resolved, that the Douglas Avenue Corridor District Design Guidelines as adopted by Common Council Resolution No. 6566 of July 5, 2005, be amended by adding the following language after the section entitled "Site Design (Miscellaneous):

NORTH DISTRICT AND SOUTH DISTRICT COLOR GUIDELINES
COLOR PALATE

a) Exterior color schemes shall be selected by the project applicant from the 1,082 tones found in the approved Sherwin Williams "COLOR" palate, or its industry equivalent. The approved palate may be reviewed at the office of the Department of City Development (the "Department"). Approved paint treatments from the Sherwin Williams "COLOR" palate are as follows:

1. Body, trim, window, door and accent colors shall be selected from the 280 tones described as "Fundamentally Neutral" and the 560 tones described as "Color Options", or their industry equivalent.

2. Trim and accent colors only may also be selected from the 94 tones described as "Essentials" and 148 tones described as "Energetic Brights", or their industry equivalent.

COLOR SELECTION GUIDANCE

a) In all cases, paint shall be applied in a professional, complete and workmanlike manner.

b) Paint colors shall be viewed as a reversible finish. Building owners are

encouraged to select colors appropriate to the style and period of the building construction. Monotonous color schemes, lacking in contrast, are discouraged and transitions of color are encouraged.

c) Related color schemes such as monochromatic (different values of a single color), neutral (gray, taupe, tan or gray-beige), or analogous (colors close to one another on the color wheel such as blue and blue-violet) are appropriate.

d) Contrasting color schemes such as opposites (colors opposite each other on the color wheel), split complement palettes (colors adjacent to true colors such a yellow and yellow-orange), or triad palettes (three colors spaced in fairly equal increments on the color wheel) are appropriate.

Fiscal Note: N/A

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

Council Action

A motion was made by Alderman Maack that the Consent Resolutions be Adopted. Adopted by the following vote:

AYES: 13 - Coe, Anderson, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoor, II, Friedel, Holding, Wisneski, Spangenberg and Hart

EXCUSED: 2 - Shields and Mozol

H. Resolutions

[Res.08-0951](#)

City accept funding from United Way for purchase and installation of water heaters

Resolved, that the City accept funding from United Way of Racine County for the purchase and installation of new water heaters in homes affected by the recent flood.

Fiscal Note: No match required by the City.

A motion was made to Refer the Resolution to the Common Council

J. Adjourn

The meeting was adjourned at 8:05 pm by Alderman Shakoor. The next scheduled meeting of the Council is August 19, 2008.

ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK